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Agenda items 2 and 4

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

Human rights situations that require the Council's attention

**Situation of human rights in the Bolivarian Republic of  
Venezuela****Report of the United Nations High Commissioner for Human  
Rights\*, \*\*, \*\*\****Summary*

Pursuant to Human Rights Council resolution 51/29, in the present report, the United Nations High Commissioner for Human Rights focuses on the latest developments related to economic, social, cultural and environmental rights, rule of law and civic space, and the level of implementation of the corresponding recommendations previously issued by his Office to the Bolivarian Republic of Venezuela.

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\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and Spanish only.

\*\* The present report was submitted after the deadline in order to reflect recent developments.

\*\*\* The Appendix to the present document is reproduced as received, in the language of submission only.

## Annex

### I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 51/29, in which the Council requested the United Nations High Commissioner for Human Rights to submit a comprehensive report on the situation of human rights in Venezuela (Bolivarian Republic of) containing a detailed assessment of the implementation of the recommendations made in previous reports and to present it to the Council at its fifty-third session.
2. The present report covers the period from 1 May 2022 to 30 April 2023 and focuses on the latest developments related to economic, social, cultural, and environmental rights, rule of law and civic space, and the level of implementation of the corresponding recommendations made in previous reports. The report is based on information gathered and analysed by the Office of the High Commissioner for Human Rights (OHCHR), including through interviews with victims and witnesses and meetings with government officials and civil society organizations. It also takes into account official information provided by the Government. The High Commissioner visited Venezuela from 26 to 28 January 2023, during which the Letter of Understanding between Venezuela and OHCHR was renewed for two years in a welcome development.
3. The findings in the present report have been documented and corroborated in strict compliance with OHCHR methodology. OHCHR exercised due diligence to assess the credibility and reliability of sources and cross-checked the information gathered to verify its validity. It sought informed consent from the interviewees and took appropriate measures to protect their identities and to ensure confidentiality, as appropriate. OHCHR assessed information collected, and domestic legislation, in light of international human rights norms and standards.

### II. Economic, Social, Cultural and Environmental rights, and Indigenous Peoples' rights

4. Positive signs of economic recovery were noted during this reporting period, including a 17.73 per cent gross domestic product growth in 2022.<sup>1</sup> While such growth would bring hope for improved economic prospects, persistent challenges and other factors continued to negatively affect essential public services, transport, education, and health. While the roots of Venezuela's economic crisis predate the imposition of economic sanctions, they are one of the factors that continue impeding the country's economy recovery and adversely impacting the enjoyment of economic and social rights, as reiterated by the United Nations system.<sup>2</sup> Inflation and devaluation of the bolívar hampered levels of income,<sup>3</sup> including salaries and pensions, hindering necessary conditions to enjoy the right to an adequate standard of living. OHCHR is concerned of reported growing inequalities whereby wealth remained concentrated in Caracas and some urban areas, leaving behind large portions of the rural population.
5. OHCHR welcomes the ongoing government efforts and programmes to improve the living conditions of Venezuelan people such as the Local Committees for Supply and Production (CLAP),<sup>4</sup> which supported access to basic foods to over 6 million people.<sup>5</sup> Yet

<sup>1</sup> [http://www.sudeban.gob.ve/wp-content/uploads/Historico\\_Notas\\_Prensa/NP\\_\(2023-01-13\).pdf](http://www.sudeban.gob.ve/wp-content/uploads/Historico_Notas_Prensa/NP_(2023-01-13).pdf).

<sup>2</sup> Marco de Cooperación de las Naciones Unidas para el Desarrollo Sostenible con la República Bolivariana de Venezuela (2023-2026) p. 55.

<sup>3</sup> Following nominal increase of the official minimum monthly salary in March to Bs 130,00 amounting to USD 30.17 according to exchange rates of 15.03.2022, devaluated to USD 5.33 at the time of this report. See *Gaceta Oficial de la República Bolivariana de Venezuela*, 15 March 2022 N/6.691 Extraordinario.

<sup>4</sup> Created in 2016 for the local distribution of food assistance, A/HRC/48/19.

<sup>5</sup> CEDAW/C/VENRQ/9 Para 2(b).

difficulties remain for Venezuelan people to acquire the necessary foods for a balanced nutrition. Reportedly, CLAP average cost would be valued at 33 bolívars, representing at approximately 30 per cent of the minimum wage.<sup>6</sup> OHCHR encourages authorities to take all the necessary measures, including through programmes for improved access to food, and ensure availability and accessibility of food in sufficient quantity and quality.<sup>7</sup>

6. The coronavirus disease pandemic (Covid-19) significantly affected the education sector, with fewer students and pupils registered in schools<sup>8</sup>. Difficulties persisted in meeting minimum conditions for quality education, particularly outside urban areas, including regarding to infrastructure (water, electricity, transport), nutrition, working conditions and availability of personnel.<sup>9</sup> Universities faced challenges with underfunding, some receiving only 1 to 2 per cent of their allocated annual budget.<sup>10</sup> OHCHR received reports that teachers and staff are unable to survive on their salaries, forcing them towards alternative sources of income and abandoning their profession.<sup>11</sup> OHCHR calls on authorities to take measures that enable and assist individuals and communities to enjoy the right to education, inter alia by ensuring adequate provision of financial, human, and infrastructural resources.<sup>12</sup>

7. The reopening of borders with Colombia, Curaçao, and Aruba is a significant development that could yield positive outcomes for the region. All relevant States should address protection risks for Venezuelan migrants, often traveling in perilous conditions, as they continue to be exposed to human rights abuses and violations in border zones and migration routes, including human trafficking.<sup>13</sup> OHCHR encourages Venezuelan authorities to continue its support to returnees, including to facilitate access to jobs, social services, and housing.<sup>14</sup>

## A. Right to Health

8. The government maintained its policies and programmes facilitating healthcare access to impoverished neighbourhoods, through the Barrio Adentro programme<sup>15</sup> and the Sistema Unificado de Atención Farmacéutica,<sup>16</sup> despite challenges, including those exacerbated by sectoral sanctions. However, health centres report structural underfunding and understaffing resulting in for example, regular blackouts and water shortages.<sup>17</sup> One civil society organisation estimated that hospitals nationwide are only able to cover the costs for 35-40 per cent of emergency materials and 60 per cent of emergency medicines. The cost of these items would be mostly borne by patients and their families,<sup>18</sup> limiting access to health facilities, goods and services,<sup>19</sup> while disproportionately impacting those in need of life-saving treatments, including transplants.

<sup>6</sup> <https://www.ovsalud.org/publicaciones/informes/informe-cualitativo-ovs-2022/>.

<sup>7</sup> Committee on Economic, Social and Cultural Rights (CESCR), E/C.12/1999/5, para. 8.

<sup>8</sup> <https://humvenezuela.com/wp-content/uploads/2022/09/HumVenezuela-Informe-Marzo-2022.pdf>.

<sup>9</sup> <https://www.fundaredes.org/2022/08/11/informe-de-educacion-2022-2/>.

<sup>10</sup> <https://www.uladdhh.org.ve/wp-content/uploads/2022/08/7.-Reporte-julio-2022-Situacion-de-las-Universidades-Venezolanas.pdf>.

<sup>11</sup> UNICEF Humanitarian Action for Children 2023. Venezuela 2023 <https://www.unicef.org/media/131841/file/2023-HAC-Venezuela.pdf>.

<sup>12</sup> CESCR, E/C.12/1999/10, paras. 6 and 27.

<sup>13</sup> <https://www.unhcr.org/emergencias/venezuela-situation>.

<sup>14</sup> UNHCR Venezuela Situation 2023 Operational Update #1.

<sup>15</sup> <http://www.mppef.gob.ve/mision-barrio-adentro-dos-decadas-atendiendo-la-salud-del-pueblo-venezolano/>.

<sup>16</sup> <http://www.sencamer.gob.ve/?q=content/farmacias-m%C3%B3viles-han-dispensado-m%C3%A1s-de-67-millones-de-tratamientos-en-tres-a%C3%B1os>.

<sup>17</sup> Estado de la atención ginecología durante la gestación, parto, nacimiento y puerperio inmediato en el sistema de salud venezolano.

<sup>18</sup> <https://cronica.uno/los-pacientes-en-los-hospitales-tienen-solo-dos-opciones-o-compran-los-medicamentos-o-se-mueren/>.

<sup>19</sup> CESCR, E/CN.4/2000/4, para. 43 (a).

9. Women and children are disproportionately affected by the deterioration of the healthcare system, for instance, it is estimated that 560,660 children aged 12-23 months are in need of the measles, mumps and rubella (MMR) vaccine.<sup>20</sup> Sexual and reproductive health services, such as obstetric care and cervical and breast cancer treatment are often unavailable or inaccessible.<sup>21</sup> Civil society reported, for example, costly access to Human Papillomavirus (HPV) vaccine, which exceeds USD 100, as contributing to a reported rate of 66.9 per cent increase in deaths caused by cervical cancer since 2019.<sup>22</sup>

10. Venezuela's legal framework allows abortion only in cases where the life of pregnant women is at risk. Resulting from such a restrictive legislative framework, women are left with no choice but to resort to unsafe abortion, a leading cause of maternal mortality. During the reporting period, no progress has been made to end criminalisation of women who undergo abortions nor to align legislation, including article 432 of the Criminal Code, with international human rights standards.<sup>23</sup>

11. OHCHR welcomes efforts to provide free medical consultation for people living with HIV/AIDS through the Ministerio del Poder Popular para Salud, and strengthened holistic response with United Nations agencies in-country, including on access to medication. However, sources have indicated a concerning HIV/AIDS prevalence in indigenous communities,<sup>24</sup> and severe challenges for indigenous persons to access testing and treatment. OHCHR calls for measures to ensure available and accessible HIV/AIDS care for all.

12. During the reporting period, civil society and healthcare staff reported an intimidatory environment within the health sector, including allegations of arrest and detention of individuals denouncing the deficiencies in the public health system,<sup>25</sup> such as the underfunding and understaffing of public hospitals, and critically low wages of healthcare workers.

## B. Labour rights

13. The Government led the Social Dialogue Forum, under the auspices of the International Labour Organization (ILO), in April and September 2022 and in February 2023. The initiative provided a necessary space for union confederations, employers' organizations, and government to discuss ILO Conventions 144 (tripartite consultation), 26 (minimum wage fixing), and 87 (freedom of association), including criminalization of union leaders and union elections. It also allowed for establishing a technical instance to discuss a methodology for minimum wage setting. In its 347th session, the ILO Governing Body "requested the Government to accelerate the implementation of the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2023, in order to continue achieving concrete results without delay."<sup>26</sup> OHCHR calls upon the Government to use this framework as an opportunity to address, through inclusive and meaningful dialogue, some of the socio-economic challenges facing the country.

14. While OHCHR welcomes ongoing dialogues and progress made, concerns remain as to reported violations of the rights to peaceful assembly, freedom of association, including union freedom, and protection of rights of union and labour leaders, also noted by the

<sup>20</sup> Op cit. 11

<sup>21</sup> <https://humvenezuela.com/wp-content/uploads/2022/09/HumVenezuela-Informe-Marzo-2022.pdf>.

<sup>22</sup> <https://www.laprensalar.com.ve/nota/56571/2023/01/cancer-de-cuello-uterino--medicos-alertan-que-el-control-es-vital>.

<sup>23</sup> CEDAW, General Recommendation No. 24, para. 31(c); Human Rights Committee, CCPR/C/GC/36, para. 8; CESCR, E/C.12/GC/22, paras. 34, 40, 49(a) and 57.

<sup>24</sup> Monitoreo Global del Sida 2023 presentado por la República Bolivariana de Venezuela - marzo 2023.

<sup>25</sup> [FMV](#) reporta detención de más de 40 médicos venezolanos en los últimos 10 días.

<sup>26</sup> GB.347/INS/13 (Rev.1), para. 33.

Committee of Experts on the Application of Conventions and Recommendations.<sup>27</sup> In March 2023, the ILO Committee on Freedom of Association called for special attention to two cases including allegations of persecution, intimidation, harassment and other acts of violence against employers, unionists and workers, including the killing of a trade union leader in 2015.<sup>28</sup> OHCHR reiterates its call for prompt independent and impartial investigations into all alleged violations of the rights of peaceful assembly and freedom of association, accountability and full reparation to victims.

15. Despite a reduction of documented cases since previous years, OHCHR documented 12 cases of criminalisation of union and labour leaders, including one woman, nine of whom were detained, as well as harassment of seven union leaders, kidnapping of a union leader's relative, and threats against four (one against a relative), either by alleged State officials or colectivos.<sup>29</sup> For example, between 4 and 7 July 2022 six unionists and labour leaders, including a Confederación de Sindicatos Autónomos (CODESA) representative, were arrested on charges of conspiracy and criminal association under the Organic Law against Organized Crime and Financing of Terrorism. On 13 September 2022, Special Procedures mandate holders sent a communication to the Government expressing concern on this case and requesting the State's cooperation and observations.<sup>30</sup> At time of publication, no reply was received. Their trial started on 6 February 2023 and is still ongoing. OHCHR also documented one case of dismissal of a worker reportedly for his participation in peaceful protests in Bolívar.

16. Civil society reported that labour protests constituted 47 per cent of all protests nationwide in 2022.<sup>31</sup> This includes ongoing peaceful protests, since April 2022, in response to a salary scale adjustment reducing public servant's already low salaries by approximately 40 per cent<sup>32</sup> following an alleged instruction of the National Budget Office (ONAPRE). Law enforcement allegedly threatened the protests' leaders.

17. On 24 August, the Supreme Court of Justice (TSJ) declared inadmissible an appeal filed by a group of retirees against the ONAPRE instruction. The Court asserted that the action was a "disturbance and an abusive use of legal action", fined each retiree with approximately USD 50, stating that possible "criminal, disciplinary, administrative and/or civil" responsibilities should be determined.<sup>33</sup> Teachers' unions declared the TSJ decision a form of intimidation against labour rights actions.<sup>34</sup> Other administrative appeals were also dismissed in September 2022, and fines imposed.<sup>35</sup> On 16 November, the Court annulled the fine on humanitarian grounds<sup>36</sup> after a request by the retirees.<sup>37</sup>

### C. Situation of campesinos and other rural persons

18. Food production has been particularly affected by the sectoral unilateral coercive measures, which reportedly led to fuel shortages, a drop in seed production and import of

<sup>27</sup> ILO Application of International Labour Standards 2023, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference 111<sup>th</sup> Session, 2023 p. 319.

<sup>28</sup> Case 3277 (Venezuela); Case 2254 (Venezuela).

<sup>29</sup> A/HRC/48/19, para 12.

<sup>30</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27519>.

<sup>31</sup> <https://www.observatoriodeconflictos.org.ve/>.

<sup>32</sup> [http://www.tsj.gob.ve/displaynews/-/asset\\_publisher/K6rIV66atYrZ/content/tsj-declara-inadmisibile-demanda-ejercida-contra-un-supuesto-acto-de-la-onapre](http://www.tsj.gob.ve/displaynews/-/asset_publisher/K6rIV66atYrZ/content/tsj-declara-inadmisibile-demanda-ejercida-contra-un-supuesto-acto-de-la-onapre).

<sup>33</sup> Ibid.

<sup>34</sup> <https://efectococuyo.com/la-humanidad/docentes-contratacion-colectiva/>.

<sup>35</sup> Bolivarian Republic of Venezuela, Supreme Tribunal of Justice, Files No.2022-0174 and No.2022-0155.

<sup>36</sup> <https://accesoalajusticia.org/spa-revoca-multa-impuesta-a-grupo-de-jubilados-y-pensionados-del-mp-tras-declarar-inadmisibile-demanda-de-nulidad-contra-el-instructivo-onapre/>.

<sup>37</sup> <https://accesoalajusticia.org/instructivo-salarial-onapre-vuelve-ganarle-pulso-funcionarios-publicos-ante-tsj/>.

fertilizers and machinery.<sup>38</sup> The lack of funding and credit for small producers has further impeded small-scale farmers and rural workers. OHCHR received reports of land conflicts, with allegations of campesinos and farmers being forced off their land by larger owners, including through physical violence and threats.

19. During the reporting period, OHCHR documented the murder by unknown perpetrators of two farmer leaders, the alleged arbitrary detention of nine small-scale farmers, rural workers, and leaders (four women), and the forced displacement of four families due to violence and threats, including women and children, all for defending land rights or protesting their living conditions. Additionally, criminal groups reportedly extorted both small farmers and large land and cattle owners. Violence in rural areas is likely underreported. OHCHR urges authorities to adopt measures to protect the rights of persons living in rural areas, including human rights defenders.<sup>39</sup>

20. The autonomous National Land Institute (INTI) is responsible for the realization of secure and equitable access to, use of and control over land. Good governance of land tenure is pivotal as 'a means of guaranteeing livelihoods and avoiding and regulating disputes',<sup>40</sup> and overcoming the current food crisis. Official figures indicate 851,181 hectares of land regularised in 2022, with 6,968 women land-based workers receiving 173,519 hectares, reflecting positive efforts in this regard.<sup>41</sup> However, OHCHR received allegations that, in some instances, INTI did not respond to requests from small-scale producers for land regularization, arbitrarily revoked previously adjudicated land, and would have contributed to the stigmatization and criminalization of leaders defending their land rights. OHCHR documented the arrest in December 2022 of one leader, charged with instigation to hatred reportedly for publicly denouncing corruption in INTI in Barinas State. He was released in December 2022, yet charges remain against him.

#### **D. Right to a clean, healthy, and sustainable environment**

21. Venezuela would be responsible for under one per cent of current global emissions,<sup>42</sup> yet is significantly exposed to climate change consequences, including to prolonged droughts<sup>43</sup> and heavy rainfalls, that contributed to landslides, flash floods and human tragedies.<sup>44</sup>

22. Oil production and lack of effective wastewater treatment from national oil company Petroleos de Venezuela SA (PDVSA) exacerbated risks of water contamination.<sup>45</sup> According to civil society, at least 86 oil spills were registered in 2022, 77 more than in 2021,<sup>46</sup> destroying aquatic and terrestrial ecosystems essential to guarantee the right to a clean, healthy, and sustainable environment and other human rights.<sup>47</sup> OHCHR recalls that exploitation and use of natural resources must be consistent with international law and standards.<sup>48</sup>

<sup>38</sup> [https://provea.org/wp-content/uploads/2022/03/FIDH\\_Rapport\\_VENEZUELA\\_es.pdf](https://provea.org/wp-content/uploads/2022/03/FIDH_Rapport_VENEZUELA_es.pdf).

<sup>39</sup> Human Rights Committee, CCPR/C/21/Rev.1/Add. 13, para. 8; No. 36. paras. 7 and 21; CESCR, E/C.12/GC/26, paras. 54-55; E/C.12/2016/2, para. 6.

<sup>40</sup> E/C.12/GC/26, Para. 1.

<sup>41</sup> <http://www.inti.gob.ve/2023/01/07/gobierno-bolivariano-regularizo-851-181-hectareas-durante-el-ano-2022/>.

<sup>42</sup> [https://edgar.jrc.ec.europa.eu/report\\_2022](https://edgar.jrc.ec.europa.eu/report_2022).

<sup>43</sup> <https://efectococuyo.com/cambio-climatico/efectos-cambio-climatico-venezuela/>.

<sup>44</sup> <https://elucabista.com/2022/12/12/venezuela-esta-mas-vulnerable-menos-resiliente-y-mas-expuesta-a-los-impactos-del-cambio-climatico-advirtio-la-afiman/>.

<sup>45</sup> CLIMA21 and Observatorio Venezolano de Derechos Humanos Ambientales: Derrames Petroleros en Venezuela (2016-2021) March 2022.

<sup>46</sup> <https://ecopoliticavenezuela.org/2023/01/04/reporte-derrames-petroleros-2022/>.

<sup>47</sup> [https://ecopoliticavenezuela.org/wp-content/uploads/2023/06/Situacion-socioambiental-de-Venezuela-2022\\_OEP.pdf](https://ecopoliticavenezuela.org/wp-content/uploads/2023/06/Situacion-socioambiental-de-Venezuela-2022_OEP.pdf).

<sup>48</sup> E/C.12/GC/24, paras.16-17, 32. See also CCPR/C/GC/36, paras. 26 and 62.

23. Despite prohibition by presidential decree,<sup>49</sup> use of mercury and cyanide in gold and other metal extraction generated negative effects on environmental and human health, including with evidence pointing to severe water contamination. Gold mining has been linked to allegations of murders,<sup>50</sup> mutilations, sexual violence, contemporary forms of slavery, including sexual trafficking and child labour, enforced disappearances by suspected non-state armed and criminal groups,<sup>51</sup> threats and intimidation against indigenous persons, and forced displacement of entire indigenous communities in fear of violence and fleeing dire living conditions. OHCHR reminds the State of its responsibility to take appropriate steps to prevent, investigate, punish, and provide redress for human rights violations and abuses, by both State and non-State actors.<sup>52</sup>

24. During the reporting period, the Ministerio del Poder Popular para la Defensa announced the launch of reforestation project enacted by the Fuerza Armada Nacional Bolivariana Bolivariana,<sup>53</sup> targeting national parks such as the Canaima, Caura and Yapakana, among the most affected by illegal mining.<sup>54</sup> Deforestation, which contribute to desertification, soil erosion, flooding and increased greenhouse emissions is of increasing concern, as reports indicate that, by 2025, over 1.3 million hectares of vegetation cover will have been lost between the forests and savannahs of Venezuela,<sup>55</sup> with resource extraction, cultivation, forest fires and urbanisation as some of the main causes, including in national parks.<sup>56</sup>

25. The Government has made commitments to strengthen mining and environmental regulations. OHCHR recalls that such regulations must be compliant with international human rights law, particularly deployment of military, while being complemented by civilian efforts to improve living conditions of those affected. It further encourages authorities to investigate allegations of forced displacements, arbitrary detention and other forms of violence that have reportedly accompanied military operations targeting illegal mining,<sup>57</sup> such as Roraima and Autana.<sup>58</sup>

## E. Indigenous peoples' rights

26. During this reporting period, demarcation of indigenous peoples' land remained at standstill, despite the State's obligation to give legal recognition and protection to indigenous peoples' land, respecting their customs, traditions, and land tenure systems.<sup>59</sup> The Covid-19 pandemic reportedly exacerbated malnutrition amongst indigenous peoples and their capacity to seek medical attention from often distant medical centres, especially in Delta Amacuro, Bolívar, and Amazonas states.<sup>60</sup> Early pregnancy, complications during pregnancy and at childbirth, as well as infectious diseases threaten the survival of indigenous women and children.<sup>61</sup> General lack of access to food and adequate income has reportedly provoked significant migration of indigenous persons to urban and mining areas, and abroad,

<sup>49</sup> Presidential Decree 2.412 of 2013.

<sup>50</sup> <https://codehciu.org/hubo-48-muertes-potencialmente-ilicidas-en-bolivar-y-19-en-monagas-durante-2022/>.

<sup>51</sup> <https://codehciu.org/codehciu-registro-37-reportes-de-desaparecidos-en-zonas-mineras-de-bolivar/>.

<sup>52</sup> UN Guiding Principles on Business and Human Rights.

<sup>53</sup> <https://ceofanb.mil.ve/arranca-campana-de-reforestacion-en-la-region-de-guayana-a-traves-de-la-fanb/>.

<sup>54</sup> A/HRC/50/59 Para. 8.

<sup>55</sup> <https://sosorinoco.org/es/galeria/story-maps-es/perdida-de-bosque-en-la-amazonia-venezolana/>.

<sup>56</sup> Clima21 and OVDHA August 2022 report: Vanishing Forests: Deforestation in Venezuela 2016-2021.

<sup>57</sup> <http://www.correodelorinoco.gob.ve/fanb-inhabilita-43-campamentos-de-mineria-ilegal-en-parques-nacionales/>.

<sup>58</sup> <https://www.defensa.com/venezuela/venezuela-lanza-simultaneamente-operaciones-roraima-2022-autana>.

<sup>59</sup> CESCR, E/C.12/GC/26, paras. 16-17, 19, 25 and 27; 61/295 United Nations Declarations on the Rights of Indigenous Peoples, art 26(3).

<sup>60</sup> <https://es.mongabay.com/2023/02/la-tragedia-del-pueblo-yanomami-un-panorama-de-emergencia-en-venezuela-y-brasil/>.

<sup>61</sup> Op. cit. 11

contributing to progressive and long-term loss of their institutions and forms of self-organization, and severely interfering with their right to self-determination.

27. OHCHR received allegations of sexual violence against indigenous women and girls, particularly in mining areas Zulia, Bolívar and Amazonas states, where non-state armed and criminal organizations reportedly operate, including involvement in narcotrafficking and mining. OHCHR received reports of sexual violence against indigenous girls by presumed dissidents of the Fuerzas Armadas Revolucionarias de Colombia and garimpeiros, illegal miners from Brazil, in Amazonas State.<sup>62</sup> Further allegations indicated trafficking of indigenous women and girls for sexual exploitation in mining areas or by members of armed groups.

28. OHCHR continues to monitor the case of a Jivi indigenous woman, victim of rape in the Amazonas State in August 2020. Her situation sparked concerns as to specific challenges for access to remedy for indigenous survivors of sexual violence. Despite efforts to seek redress, those responsible have not been sanctioned.

29. During the reporting period, OHCHR documented threats and intimidation by non-state armed and criminal groups against five indigenous human rights defenders, leaders, and authorities, which led to the forced displacement of two defenders (including one woman) and their families, including women and children. Threats were also reported against entire communities defending their ancestral territory from narcotrafficking and mining. On 30 June 2022, Virgilio Trujillo, indigenous peoples' rights activist, and coordinator of Uwottüja indigenous territorial guardians was murdered in Puerto Ayacucho, Amazonas. OHCHR calls for an independent, impartial, prompt, thorough and effective investigation into this murder; and appropriate conclusion of the investigation into the killing of four Yanomami (three men, one woman), and injury of one Yanomami youth on 20 March 2022, in Parima B, Amazonas.<sup>63</sup>

### III. Gender, gender-based violence and non-discrimination

30. During the 2023 commemoration of International Women's Day, the President of Venezuela announced the creation of 'Gran Misión Mujer Venezuela', a governmental body responsible for articulating and coordinating policies and programmes to enhance women's rights, including education, health, work, and social security.<sup>64</sup> This represents an opportunity to implement pending policies and initiatives, such as the bill on gender equality, the development of a national action plan to address gender-based violence and reform of the Organic Law on Women's Rights to a Life Free of Violence of December 2021,<sup>65</sup> of which OHCHR continues to note the absence of information on budget allocation necessary to ensure its effective implementation.

31. According to official sources, 1899 individuals were accused of feminicides since 2014. Yet, Venezuela has no official observatory of gender-based violence. Throughout 2022, an independently created observatory reported 240 femicides,<sup>66</sup> reflecting similar levels as 2021.<sup>67</sup> Another independent observatory documented 282 cases of femicides in 2022.<sup>68</sup>

32. OHCHR documented two cases of gender-based violence, including sexual violence, experiencing delays in the investigation and prosecution of perpetrators. It is essential that such procedures are conducted in accordance with international human rights norms and

<sup>62</sup> <https://data.landportal.info/Content/Venezuela-indigenous-women-speak-out-against-miners-and-armed-insurgents>.

<sup>63</sup> A/HRC/50/59 Para 9.

<sup>64</sup> <http://www.minci.gob.ve/gobierno-nacional-crea-la-gran-mision-mujer-venezuela/>.

<sup>65</sup> A/HRC/50/59 Para. 39.

<sup>66</sup> UTOPIX. <https://utopix.cc/pix/diciembre-de-2022-son-25-casos-mas-para-un-total-de-236-femicidios-durante-el-ano-2022/>.

<sup>67</sup> A/HRC/50/59 Para. 39.

<sup>68</sup> <https://cepez.org/noticias/observatorio-digital-de-femicidios-de-cepez-en-el-2022-hubo-37-femicidios-de-ninas-en-venezuela/>.



standards. Further, the State should implement protection measures and integrated services for gender-based violence victims as well as those at risk, including shelters, medical and psychosocial support for victims.<sup>69</sup>

33. OHCHR welcomes the judgment of the TSJ of 16 March 2023, following the Ombudsperson's request, in which it declared void the last sentence of article 565 of the Organic Code of Military Justice<sup>70</sup> criminalising same sex-relations within the military. The decision represents an important step towards establishing conditions to guarantee a life with dignity and free from violence and discrimination for LGBTIQ+ persons. LGBTIQ+ organizations continue to request to take measures to enable the full enjoyment of human rights, including the development of a law to guarantee the right of transgender people to their self-perceived gender identity, the implementation of article 146 of the Organic Law of the Civil Registry, allowing name change per their gender identity, and recognition of same-sex marriage.<sup>71</sup>

34. Throughout 2022, one non-governmental organization recorded 97 cases of physical violence, hate speech and discrimination targeting LGBTIQ+ persons, of which close to 21 per cent would be attributed to State actors, and 13 per cent to other persons of influence.<sup>72</sup> OHCHR recommends the development of a robust protocol for thorough, and effective investigation and prosecution of cases of discrimination, hate crimes and other forms of violence based on gender identity, gender expression, sex characteristics and sexual orientation.

## IV. Rule of law and accountability

### A. Independence of the justice system and justice reforms

35. Steps and measures were taken by judicial and legislative authorities during the reporting period to improve the celerity of its proceedings and strengthen the justice system. Several reforms were included in the legislative agenda during this reporting period, including on the training and selection of judiciary officials and on the inspectorate of Courts.

36. OHCHR provided authorities with five notes to further harmonise national legislation with international standards, including on the selection, ratification, appointment, and removal of judges, and for upholding principles and criteria for entry and promotion within the judiciary, such as through public, transparent, inclusive, and competitive examination. OHCHR encourages authorities to draw from these notes and address concerns expressed by the Special Rapporteur on the independence of judges and lawyers in a communication from 30 May 2022.<sup>73</sup>

37. On 1 November 2022, the Prosecutor of the International Criminal Court (ICC) requested the authorization of Pre-Trial Chamber to resume his investigation into the situation in Venezuela, suspended since the Government's request of April 2022 to defer the investigation. In his request, the Prosecutor argued that, in his view, the deferral requested by the Government was, at that stage, not warranted, and that the investigation should be authorised to resume. The Prosecutor also acknowledged that the Venezuelan authorities had undertaken legal reforms which aimed to address structural and systemic issues. Nevertheless, his Office's independent and objective assessment was that these efforts and reforms remained either insufficient in scope or had not yet had concrete impact on potentially relevant proceedings in the national system. The Prosecutor further noted that his assessment could be revisited at a later stage in the proceedings. The Government of Venezuela submitted its observations on the Prosecutor's request. The Pre-Trial Chamber

<sup>69</sup> CEDAW/C//VEN/CO/9, para. 25-26.

<sup>70</sup> [historico.tsj.gob.ve/decisiones/scon/marzo/323428-0128-16323-2023-23-0288 .HTML](https://historico.tsj.gob.ve/decisiones/scon/marzo/323428-0128-16323-2023-23-0288.HTML)

<sup>71</sup> <https://cronica.uno/poblacion-lgbtq-sigue-sin-respuestas-claras-sobre-cambio-de-nombre-luego-de-tres-meses-de-promesas-del-gobierno/>.

<sup>72</sup> *Rompiendo el Silencio: informe sobre violencias contra las personas LGBTIQ+ en Venezuela durante el 2022* Observatorio Venezolano de Violencias LGBTIQ+ .

<sup>73</sup> AL VEN 3/2022.

having been fully briefed, a decision on the matter is now pending. Further to the principle of complementarity, OHCHR encourages the Venezuelan authorities to fully cooperate with the Office of the Prosecutor of the ICC (OTP) in the framework of the Rome Statute and the implementation of the Memoranda of Understanding concluded between the Government and the OTP.

## B. Detention and the right to liberty and security of persons

38. OHCHR acknowledged amendments to the Organic Code of Criminal Procedure (COPP) to reduce pre-trial detention, and to accelerate trial openings.<sup>74</sup> However, concerns remain as to the lack of implementation of the adopted legislation. During this reporting period, OHCHR documented at least 135 cases of individuals (10 women) who remain in pre-trial detention beyond the legally established period in the recent amendment of article 230 of the COPP, thus amounting to arbitrary detention.<sup>75</sup> They may also violate other human rights.<sup>76</sup> Additional 39 individuals were sentenced despite having surpassed the legally established pre-trial detention period. In 44 documented cases, detainees requested their release to judiciary authorities (34 in ordinary and 10 in military jurisdictions) after spending two, three or more years in pre-trial detention. Yet, to date requests were either denied or unanswered. OHCHR urges judicial authorities to duly examine submitted applications for release from pre-trial detention in light of international human rights norms and standards and to release immediately all those unlawfully or arbitrarily detained.

39. During the reporting period, the Working Group on Arbitrary Detention (WGAD) issued opinions finding five detainees to be in arbitrary detention, one of whom was released almost four months following the opinion<sup>77</sup>, while another one was released before the opinion was adopted.<sup>78</sup> The remaining three continue in pre-trial detention.<sup>79</sup> 12 additional individuals with opinions issued by the WGAD before the reporting period continue in detention. Other 16 cases decided by the WGAD continue to be subjected to alternative measures to detention, including one dating back to March 2010.<sup>80</sup> Overall, there was continued judicial proceedings or sentences against at least 16 cases, despite WGAD opinion. OHCHR encourages authorities to swiftly implement recommendations issued by the WGAD.

40. OHCHR documented further delays in the execution of release orders in 16 cases, including for previously reported cases.<sup>81</sup> In seven cases, detainees were released after periods covering eight to 330 days of arbitrary detention. Eight other detainees had new arrest warrants issued against them after issuance of the release order, including four cases from previous reports. One woman saw her release order revoked 256 days after its issuance, reportedly because of delays in communication between institutions.

41. OHCHR acknowledges the State initiatives concerning sentence remission programmes<sup>82</sup> for persons in pre-trial detention. However, detainees raised concern regarding difficult access to and the accreditation of their remissions. OHCHR continues to encourage authorities to develop a comprehensive policy guidance on remission programmes for those in pre-trial detention and recalls that pre-trial detention is an exceptional measure that should only be imposed in strict compliance with international human rights law.<sup>83</sup>

<sup>74</sup> A/HRC/50/59 Para 22.

<sup>75</sup> See ICCPR art. 9.

<sup>76</sup> CCPR/C/GC/35, para. 37; CCPR/C/GC/32, para. 61.

<sup>77</sup> A/HRC/WGAD/2022/16.

<sup>78</sup> A/HRC/WGAD/2022/55.

<sup>79</sup> A/HRC/WGAD/2022/67; A/HRC/WGAD/2022/87; A/HRC/WGAD/2022/48.

<sup>80</sup> A/HRC/16/47/Add.1.

<sup>81</sup> A/HRC/50/59 Para 28.

<sup>82</sup> Voluntary programmes to reduce detention sentences, within *Ley de Redención Judicial de la Pena por el Trabajo y el Estudio* (1993).

<sup>83</sup> ICCPR Article 9(3). CCPR/C/GC/35, para. 38.

### C. Right to a fair trial

42. During the reporting period, OHCHR had confidential access to 13 case files from the Office of the Attorney General and three judicial hearings, and formulated recommendations to judicial authorities on the conduct of investigations and proceedings. OHCHR welcomes this access and encourages it to be standard practice, allowing for improved technical support.

43. OHCHR noted continued delays in judicial procedures, including investigations, hearings and prosecutions eroding guarantees of procedural fairness and due process; as well as challenges to comply with legally established deadlines for the publication of judgements.

44. Based on information received, undue delays were observed in the proceeding of three cases against individuals accused of insurrection against the State, whereby 93 hearings were deferred during the reporting period.<sup>84</sup> Concerns remain as to postponement of court hearings on these cases, allegedly due to challenges in the timely notification by judicial authorities for detainee transfers from detention centres to Courts, among other issues, thus reflecting the need for improved coordination between judicial authorities and detention centres. In one case, judicial hearings were consecutively postponed 14 times since 9 August 2022 for causes attributable to coordination issues among authorities.

45. Undue restrictions to the right to a fair trial were noted in six cases where accused persons were not granted the right to legal representation of their choice, and in three cases where persons in detention and legal representatives reported obstacles in accessing case files, videos, and transcripts from hearings.<sup>85</sup>

### D. Detention and the right to physical and mental integrity

46. During the reporting period, OHCHR provided technical assistance to national authorities, including three trainings as part of its human rights training plan,<sup>86</sup> including the provision of a module on the rights of persons in detention and National Mechanisms for the Prevention on Torture in March 2023.

47. OHCHR conducted 15 visits to detention centres, interviewed 206 persons in detention, 50 were women, six LGBTIQ+ persons as well as four boys. Since May 2022, 32 detainees were released (one woman) following OHCHR advocacy, including 19 without conditions, while others with alternative measures such as house arrests.

48. OHCHR raised concerns on the health conditions of many detainees, including 23 inmates awaiting responses to requests for humanitarian measures or other alternative measures to detention (three in military and 20 in ordinary jurisdictions), and 63 awaiting medical transfers. The provision of timely and appropriate physical and mental healthcare for detainees is part of the State's responsibility, free of charge, without discrimination on the grounds of their legal status.<sup>87</sup> OHCHR also notes the differential risks and consequences associated with limited access to health services for specific persons in detention, such as women, LGBTIQ+ persons, and persons with disabilities.

49. OHCHR acknowledges authorities' continued efforts protecting the rights of detained LGBTIQ+ persons, including to sensitise the wider community on LGBTIQ+ rights in detention centres.<sup>88</sup> OHCHR recommends the adoption of specific protocols to prevent discrimination and violence based on gender identity, gender expression, sex characteristics and sexual orientation of persons deprived of liberty.

50. During the reporting period, OHCHR documented cases of 22 individuals who were allegedly tortured or subjected to ill-treatment in detention centres between 2018 and 2022.

<sup>84</sup> ICCPR article 14(3)(c).

<sup>85</sup> ICCPR article 14(3)(b) and (d).

<sup>86</sup> *Plan de actualización en derechos humanos*.

<sup>87</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), rule 24.

<sup>88</sup> <https://www.mppsp.gob.ve/index.php/noticias/4403-mppsp-garantiza-los-derechos-humanos-de-la-comunidad-lgbtq-en-los-centros-penitenciarios>.

These last cases add to the 92 previously documented from the same period. Of all 114 cases, 62 were attributed to the Directorate General of Military Counterintelligence (DGCIM) and five to the Bolivarian National Intelligence Service (SEBIN). Fear of reprisals, distrust in institutions and authorities have contributed to underreporting of torture allegations to authorities. OHCHR reiterates its recommendation to close detention premises previously administered by intelligence services and ensure compliance of detention centres to international standards.<sup>89</sup>

51. During 2022, 362 public officials were indicted, 185 accused and 47 convicted in cases of torture and ill treatment.<sup>90</sup> However, OHCHR monitored at least 91 complaints of torture submitted to authorities by victims and their representatives, and to date there is no information that any of those are currently on trial. OHCHR recalls that absence or prolonged delay in investigating allegations of torture and other forms of ill-treatment may constitute a separate violation of the prohibition of torture and ill-treatment, and of the right to effective remedies of victims.<sup>91</sup>

## **E. Right to life**

52. Throughout this reporting period OHCHR continued to provide technical assistance to authorities, including through the development of two guides to address allegations of violations of the rights to life and personal integrity for public officials. OHCHR encourages authorities to approve and implement said guides, as they encompass main international standards of both Istanbul Protocol on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Minnesota Protocol on the Investigation of Potentially Unlawful Death.

53. OHCHR did not receive information on deaths in protests that occurred during this reporting period, as in its previous report.<sup>92</sup> Yet, OHCHR noted persisting delays in investigations of deaths in the protests that occurred between 2014 and 2019. Some cases have experienced delays of up to nine years, such as those of Robert Redman Orozco and José Alejandro Marquez.<sup>93</sup> Of 41 cases documented by OHCHR, 28 remain under investigation or trial, two dismissed or acquitted, and seven convictions. At least four sentences were appealed by the families as a result of the lack of investigation of all perpetrators, or inconsistencies of the judgement. Three of these appeals remain pending before the TSJ. OHCHR observed repeated changes of prosecutors and multiple postponements of hearings, causing further delays. According to information received, in 26 cases relevant diligences were pending, while 14 cases still lacked individualization of perpetrators. Lack of cooperation of state security and military forces was noted in at least 16 cases. OHCHR encourages further efforts to ensure accountability for these violations, both direct perpetrators and within the chain of responsibility.

54. Similar to previous reporting, available information indicated a reduction in deaths in the context of security operations.<sup>94</sup> However, cases of deaths in context of security operations are likely to be underreported, including due to fear of reprisals and limited access to areas where incidents have occurred. OHCHR documented cases of 17 deaths (all men) in such operations, of which seven occurred between May 2022 and April 2023. Of these seven, five were perpetrated by the Policía Nacional Bolivariana. Three were documented in the context of Trueno operations in Petare, on 28 September 2022. OHCHR recalls that all law enforcement operations shall comply with international human rights law.

55. With regard to the 101 persons (all male, including six minors) who died in the context of security operations documented by OHCHR, including those prior to this reporting period,

<sup>89</sup> A/HRC/44/20 Para 86(g).

<sup>90</sup> Reply of the Bolivarian Republic of Venezuela to the questionnaire relative to its fifth periodic report to the Human Rights Committee, para 75.

<sup>91</sup> ICCPR, art 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment arts.12-13; CAT/C/GC/2.

<sup>92</sup> A/50/59 Para 55.

<sup>93</sup> A/HRC/50/59 Para 38; A/HRC/47/55 Para 33.

<sup>94</sup> A/HRC/50/59 Para 17.

90 deaths remain under investigation by the Office of the General Attorney, only eight cases have been in trial and three sentenced, two resulted in convictions for homicide. Relatives of at least 38 victims reported persistent difficulties in accessing casefiles, and relatives of 59 victims reported absence of institutional response to their requests. Forensic protocols are pending for 41 cases. Fifteen families reported undue procedural delays caused by repeated changes of prosecutors, or absence of forensic analysis.

56. OHCHR documented one death in detention, reportedly due to metastasis and limited medical attention. OHCHR noted slow progress in the investigation of six previously reported deaths in detention. According to the Human Rights Committee, loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities.<sup>95</sup> OHCHR calls for prompt and effective investigation of the circumstances of these deaths and, if appropriate, to prosecution, and punishment, consistent with international law.

57. OHCHR received reports of demeaning treatment of relatives of victims of violations of the right to life by judicial officials in at least 19 cases, such as acts of intimidation and stigmatization, causing further distress and re-victimization. Victims and their relatives should be provided with a full reparation, taking into account the gravity of the harm suffered.

## **F. Investigations in cases of disappearances, including in high seas**

58. A fifth suspect was arrested in December 2022, by the Cuerpo de Investigaciones Científicas, Penales y Criminalísticas (CICPC) as part of the investigation into the alleged perpetrators of the disappearance of 33 persons (including 10 women and three children) onboard “la Vela” in June 2019. However, delays were observed in judicial investigations and proceedings of the other eight recorded cases of disappearances in high sea between 2015 and 2022, as well as challenges for families and legal representatives, to access information related to measures implemented by the Office of the Attorney General and other relevant authorities to search for the individuals disappeared.<sup>96</sup>

59. OHCHR remains concerned as to the slow progress on the investigations into the alleged enforced disappearances of Lieutenant Colonel Juan Antonio Hurtado Campos and Hugo Henrique Marino Salas, as over four years have passed without information of their whereabouts.<sup>97</sup> OHCHR calls for reinforced efforts to investigate these and all cases of disappearances, including of alleged enforced disappearances, and to adopt necessary measures to support the timely and effective search for disappeared persons, consistent with its obligation to ensure effective remedies, including the prevention of recurrence.

## **V. Civic and democratic space**

60. OHCHR welcomes the Government’s and other stakeholders’ readiness to join efforts towards peace and reconciliation in Venezuela, as noted with the initial resumption of the dialogue process in Mexico in November 2022, and the Second Partial Agreement for the Social Protection of Venezuelan People. This process represented an important opportunity for cooperation, and to identify long-term solutions to address persisting social and economic challenges towards the strengthening of the rule of law and enjoyment of human rights in the country. OHCHR encourages all parties to fully and swiftly implement the agreements reached so far, and resume this dialogue, in an inclusive and non-discriminatory manner, while ensuring due diligence in the use of funds.

61. During the reporting period, OHCHR continued to document restrictions to civic space, including restrictive legal frameworks remain in force, limiting the work of civil society organizations and reports that dissident voices were subjected to arbitrary judicial and administrative procedures as well as stigmatization. OHCHR documented 21 accounts of threats and harassment, 46 cases of stigmatization in social media, or public broadcasts by

<sup>95</sup> CCPR/C/GC/36, para. 29.

<sup>96</sup> VEN 8/2020.

<sup>97</sup> A/HRC/47/55 Para 15; A/HRC/50/59 Para 33.

State officials, and 17 instances of criminalization, including 10 cases of arbitrary detention against human rights defenders, journalists, and other civil society actors, including eight women. OHCHR encourages Venezuela to further its efforts to guarantee an open and pluralistic civic space.

#### A. Freedom of opinion and expression, transparency, and access to public information

62. During the reporting period, OHCHR documented the closure of 16 radio stations nationwide. According to civil society organizations 2022 marked an unprecedented peak of closures of radio stations.<sup>98</sup> Station owners and managers reportedly feared denouncing the situation publicly. In most closure cases documented by OHCHR, stations lacked the corresponding permits due to lack of renewal or extension. Different broadcasters reported difficulties in obtaining costly permits from relevant authorities, in undertaking administrative procedures in Caracas due to the lack of regional registration offices, the lack of response or refusal to complete procedures. Radio stations are therefore often unable to comply with legal obligations, despite their efforts. Several broadcasters reportedly replaced news, opinion, or citizen complaint programmes with other types of programming to avoid reprisals from authorities.

63. OHCHR documented 44 websites blockages, including national (29) and international media (four), civil society organizations (three), online digital services (five) and privacy services (three). These blockages were carried out by state and privately-owned internet service providers (ISP), without formal order or notifications. Seven websites' blockages were lifted and OHCHR encourages further lifts, in line with fundamental freedoms.

64. In June 2022, one telecommunications company released information on its 7.9 million service lines (accesses to telephone and data) from 2021, noting that over 1.5 million of these lines were subject to interception requests, and almost one million were subject to metadata requests.<sup>99</sup> This information raises significant concerns about undue interference with the right to privacy of affected individuals.<sup>100</sup>

65. OHCHR reiterates concerns as to the widespread application of Constitutional Law against Hatred, for Peaceful Coexistence and Tolerance to criminalise and delegitimise the work of human rights defenders, journalists and other persons.<sup>101</sup> During the reporting period, OHCHR documented nine cases, making a total of 32 victims including those previously documented by the Office, whereby individuals, including human rights defenders and journalists, had been charged or prosecuted under incitement to hatred or public instigation legislations. OHCHR recalls that any restriction to the freedom of expression resulting from the application of national laws prohibiting incitement to discrimination, hostility, or violence, must meet the requirements of Article 19(3) of the International Covenant on Civil and Political Rights.<sup>102</sup>

66. Lack of transparency and access to public information remained of concern. Although the Law on Transparency and Access to Information of Public Interest was adopted on 17 September 2021,<sup>103</sup> OHCHR continued to register civil society requests for access to public

<sup>98</sup> <https://twitter.com/sntpvenezuela/status/1586031478470856709/photo/1>; <https://espaciopublico.org/situacion-general-del-derecho-a-la-libertad-de-expresion-en-venezuela-enero-diciembre-2022-informe-preliminar/>; <https://ipysvenezuela.org/alerta/balance-ipysve-informacion-en-deterioro-seis-meses-de-arbitrariedades-y-censura/#:~:text=IPYS%20Venezuela%20pudo%20constatar%20que%20393%20personas%20quedaron%20sin%20empleo,y%20trabajadores%20de%20las%20emisoras.>

<sup>99</sup> <https://www.telefonica.com/es/wp-content/uploads/sites/4/2021/08/Informe-de-Transparencia-en-las-Comunicaciones-2021.pdf>

<sup>100</sup> On surveillance of metadata and right to privacy, see A/HRC/27/37 Para 19.

<sup>101</sup> A/HRC/50/59 Para 49, 51, 57, 59.; A/HRC/47/55 Para. 61.

<sup>102</sup> See Rabat Plan of Action, para. 18.

<sup>103</sup> <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-de-transparencia-y-acceso-a-la-informacion-de-interes-publico..>

information, including 71 in this reporting period. Most of these requests were reportedly unanswered.

## **B. Right to freedom of peaceful assembly and association**

67. Social protests continued during this reporting period, as demonstrations were called nationwide, largely linked to demands pertaining to economic, social, and cultural rights. OHCHR noted that these protests have been largely peaceful and welcomes improvements in crowd management by authorities. Yet, OHCHR documented the case of three workers arrested alongside at least seven others, in January 2023, for their participation in a protest calling for improved salaries and work conditions in Puerto Ordaz, Bolívar. These individuals were charged with several offences, including conspiracy, instigation, and incitement to hatred. While they were released as part of an agreement that ended the protests, some criminal proceedings against them continue.

68. OHCHR noted concerns regarding the right to freedom of association during this reporting period, including due to proposed legislation likely to hinder civil society and humanitarian activities. Proposed legislation such as the ‘Law on international cooperation’ (May 2022) and on ‘Oversight regularisation, performance, and financing of non-governmental and related organisations’ (January 2023) sparked concerns as to implications of further undue restrictions and further regulations for civil society organisations. These would add to pre-existing registration procedures, including the Unified Registry of Obligated Subjects (RUSO), and Autonomous Service of Registries and Notaries (SAREN).<sup>104</sup> The multiplicity of mandatory registrations could constitute an obstacle to the free exercise of their activities and represent an undue restriction of right to freedom of association.<sup>105</sup> OHCHR recalls that any limitations on freedom of association shall comply with the requisites of legality, legitimate purpose, proportionality and necessity under international human rights law.<sup>106</sup>

69. In April 2023 the Caribbean Financial Action Task Force (CFATF) stated that Venezuela did not comply to international standards on combating money laundering and the financing of terrorism and proliferation,<sup>107</sup> as it did not apply proportionate and risk-based supervisory measures to non-profit organizations.

## **C. The right to take part in public affairs**

70. OHCHR observed that while public consultations took place regarding proposed legislation, these processes are yet to comply with standards of transparency, inclusion, and participation of all sectors of the society. OHCHR was alerted on the lack of information regarding participation processes in consultations, as well as of the absence of guarantees that participation would be acknowledged by the authorities.

71. OHCHR is concerned of 14 allegations received between February and April 2023, regarding restrictions to the right to take part in the conduct of public affairs, including harassment and other forms of intimidation against members of political parties and militants in the context of the electoral campaign for the Primaries launched by part of the opposition. During the reporting period, OHCHR received reports concerning the disqualification of persons from participating in electoral processes by the Office of the Contraloría General de la República. No notification regarding the opening of the procedures, nor warning were reportedly issued prior to these disqualifications, thereby restricting the exercise of the right of defence. OHCHR continues to monitor decisions of the Supreme Court of Justice that could unduly restrict the freedom of association and the right to take part in the conduct of

<sup>104</sup> A/50/59 Para 53, 54.

<sup>105</sup> A/74/349.

<sup>106</sup> ICCPR, Article 22.

<sup>107</sup> CFATF Anti-Money Laundering and Counter-Terrorist Financing Measures Mutual Evaluation Report of the Bolivarian Republic of Venezuela, March 2023.

public affairs through interference with the internal decision-making processes of political parties, including the appointment of ad hoc board of directors for such parties.

## VI. Conclusion and recommendations

72. OHCHR welcomes commitments made by the Government of Venezuela, including during High Commissioner's country visit in January 2023 and the renewal of the Letter of Understanding with the Office. OHCHR will continue providing its support to the authorities to advance of human rights in the country. While OHCHR calls to lift sectoral sanctions that exacerbate pre-existing challenges and limit people's enjoyment of human rights, Venezuela must take steps, to the maximum of its available resources, with a view to achieving progressively the full realization of economic and social rights; as well as ensuring an environment conducive to the full exercise of other human rights, including by addressing challenges that disproportionately affect indigenous peoples, LGBTIQ+ persons and women. The Office calls for the prompt, independent, impartial, and effective investigations, into all levels of responsibility, of alleged human rights violations, including the rights to life, integrity of persons, liberty, and prohibition of torture. Venezuela must adopt measures to prevent, mitigate and sanction all attacks, intimidation, and criminalisation of persons with voices deemed of dissent, and ensure meaningful, inclusive, and road participation of actors, to ensure full enjoyment of civic space.

73. **In addition to the previously issued recommendations (see annex), the High Commissioner calls upon the Bolivarian Republic of Venezuela to:**

- (a) **Reactivate the demarcation process of indigenous people's land, to be carried out in compliance with the full and meaningful participation and informed consent of indigenous peoples;**
- (b) **Develop and adopt a protocol on the protection of human rights defenders, journalists, campesinos, rural workers, and union and labour leaders at risk. Take appropriate measures to end acts of stigmatisation by public officials and take corresponding accountability measures;**
- (c) **Fully implement the commitments adopted in the action plan of the Social Dialogue Forum of February 2023; carry out prompt, independent, impartial and effective investigations into all alleged violations of the rights to freedom of association, including the right to unionise, and peaceful assembly and bring all perpetrators to justice; take concrete measures to address the root causes of protest by workers and retirees, including wages and working conditions;**
- (d) **Adopt measures to ensure the enjoyment of the right to health, including access to sexual and reproductive health services, the decriminalisation of abortion, while bearing specific attention to the differentiated needs of women;**
- (e) **Accelerate the adoption the draft bill on gender equality currently pending at the National Assembly, and develop a national action plan to address gender-based violence in line with CEDAW observations;**
- (f) **Adopt measures to guarantee the enjoyment of human rights, free from discrimination, including a law to guarantee the right of transgender people to their self-perceived gender identity, in addition to the implementation of article 146 of the Organic Law of the Civil Registry;**
- (g) **Develop a comprehensive policy and guidelines on the timely execution of release orders, sentence remission programmes and their computation, while ensuring full access and transparency on procedures in place;**
- (h) **Ensure prompt, independent, effective, impartial, transparent, thorough and credible investigations and judicial proceedings into cases of deaths in the context of security operations and protests, allegations of torture or other forms of ill-treatment and disappearances in high seas; hold, prosecute and punish those responsible, including superiors, in accordance with international human rights law; and provide victims with full reparation;**



(i) Ensure effective compliance with the amendments to the COPP aimed at reducing pre-trial detention, including timely examination of the applications submitted and that would qualify for the application of article 230 of the COPP;

(j) Promote transparent, broad, inclusive, and meaningful public consultation ahead of adoption of laws, policies, or public projects;

(k) Ensure that the application of the legislation of hate crimes and incitement to hatred complies with the International Covenant on Civil and Political Rights, and adheres to the Rabat Plan of Action;

(l) Review legislation on interception of communications and collection and use of personal data to ensure compliance with the right to privacy;

(m) Establish a regularisation plan to allow radio stations access to the use of the radio spectrum under conditions that guarantee plurality of information and legal certainty, including through effective participation of representatives of the sector, organisations dedicated to the promotion of freedom of expression and other interested actors;

(n) Establish mechanisms to ensure timely responses to civil society requests to public information;

(o) Ensure due process and transparency in administrative procedures conducted by the Contraloría General de la República with regards to disqualifications of candidates to public office;

(p) Expand cooperation with OHCHR with a view to implement human rights-based recommendations, including those stemming from international mechanisms, such as United Nations human rights mechanisms;

(q) Urge the Venezuelan authorities, further to the principle of complementarity, to continue to cooperate with the OTP, and to demonstrate its willingness and ability to undertake relevant national investigations and prosecutions of sufficient scope, with a view to ensuring due accountability consistent with international standards;

(r) Build on pre-existing cooperation with the United Nations system, including the ILO;

To the United Nations Member States and international community,

(s) Encourage support to national dialogue process and implementation of agreements reached, and to lift the sectoral sanctions that exacerbate pre-existing challenges and negatively impact people's enjoyment of their human rights.

## Appendix

### Summary of recommendations

#### Democratic and civic space

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##### Right to take part in public affairs

- Halt, publicly condemn, punish and prevent all acts of persecution and targeted repression based on political grounds, including stigmatizing rhetoric and smear campaigns (A/HRC/41/18);
- Prioritize a legislative agenda aimed at strengthening the promotion and protection of human rights, avoid the adoption of laws and regulations that are disproportionately restrictive of fundamental freedoms and civic space and review adopted laws and regulations to ensure that they are consistent with human rights standards (A/HRC/47/55);
- Ensure that spaces for civil society participation are maintained and expanded and that any restrictions introduced in the context of the COVID-19 pandemic are strictly necessary and proportional to mitigating the impact of the pandemic (A/HRC/47/55);
- Ensure that all conditions are in place for free, fair, peaceful and independent electoral processes (A/HRC/47/55);
- Support spaces for an inclusive and wide-ranging political dialogue, with human rights at the centre of the discussions (A/HRC/50/59);
- Ensure the meaningful and effective participation of civil society in the adoption of policies and legislation on matters affecting them (A/HRC/50/59);

##### Protection of human rights defenders

- Adopt effective measures to protect human rights defenders and media professionals (A/HRC/41/18);
- Refrain from discrediting human rights defenders and media professionals, and take effective measures to protect them, including by adopting a specialized protocol to investigate human rights violations and criminal offences against them (A/HRC/44/20);

##### Freedom of opinion and expression, peaceful assembly and association

- Respect, protect and fulfil the rights to freedoms of opinion and expression, peaceful assembly and association, as well as the rights to access to information and to participate in political affairs (A/HRC/44/20);
- Reverse closures of media outlets and cease other measures of censorship against media; guarantee access to the Internet and social media, including to news websites, and guarantee the impartiality of governing bodies in the allocation of radio spectrum frequencies (A/HRC/41/18);

- Cease and prevent excessive use of force during demonstrations (A/HRC/41/18);
- Publish a comprehensive report on the investigations and criminal proceedings of deaths that occurred in the context of protests in 2014, 2017 and 2019 (A/HRC/44/54);
- Disarm and dismantle pro-government armed civilian groups (armed *colectivos*) and ensure investigations into their crimes (A/HRC/41/18);
- Ensure that all requests for broadcast licenses, including renewals, are processed in strict compliance with all applicable regulations and with due regard to international human rights law and standards, including due process and the right to freedom of expression; and that any restrictive measure, such as revocation or suspension of licenses, does not constitute an impermissible restriction under article 19 of the ICCPR (A/HRC/50/59);
- Take measures to ensure that democratic and civic space is not unduly restricted, including by i) repealing or abstaining from introducing, as appropriate, regulations that are inconsistent with the protection and promotion of democratic and civic space; ii) considering review the Constitutional Law against Hatred, for Peaceful Coexistence and Tolerance, the Law on Transparency and Access to Information of Public Interest, and the Organic Law Against Organized Crime and the Financing of Terrorism to bring them fully in line with international human rights law; iii) strengthening effective accountability mechanisms; and iv) immediately releasing those detained for acts of legitimate work or expression (A/HRC/50/59);

#### **Right of access to public information**

- Allow access to information of public interest (A/HRC/41/18);
- Ensure access to public information and data to monitor and adequately inform public policies, in particular in the context of the COVID-19 pandemic (A/HRC/47/55);
- Regularly publish comprehensive health and nutritional data, disaggregated by sex, age, ethnicity, and location that may be used *inter alia*, to develop and implement a full-scale humanitarian response to the crisis (A/HRC/41/18);
- Ensure provision of all social programmes in a transparent, non-politicized, and non-discriminatory manner, including effective oversight and accountability measures (A/HRC/41/18);
- Publish the national annual budget and expenditure reports, guarantee access to key data to assess the realization of rights and re-establish the oversight role of the National Assembly on use of public funds (A/HRC/44/20);
- Establish a system for the systematic collection of statistical data on violence against women, disaggregated by forms of violence, number of complaints, prosecutions and convictions imposed on perpetrators (A/HRC/44/54);
- Undertake and publish key information related to the Arco Minero del Orinoco region, such as environmental and social

impact studies, violence and homicide rates and socioeconomic data of the population living within Arco Minero del Orinoco and the surrounding area, including indicators related to economic and social rights (A/HRC/44/54);

- Publicly and regularly report on information produced by public institutions related to economic, social, cultural, and environmental rights, including Sustainable Development Goals indicators and internationally recognised human rights indicators, and the methodologies and sources used to produce that information (A/HRC/48/19);
- Take concrete measures and publicly inform on their implementation, to guarantee the right to access public information, including drafting and enacting an Organic Law of Transparency in accordance with international standards, ensuring public information requests are not unnecessarily cumbersome nor rejected because of omission of non-essential formalities, developing digital mechanisms to receive public information requests, addressing concerns over reprisals for requests for public information, and improving accessibility and understandability for all groups, particularly the most marginalized (A/HRC/48/19);
- Ensure transparent and representative consultations, and access to public information in relation to public policy, particularly with members of vulnerable groups, prior to the adoption or implementation of any decision, activity or measure that affects them (A/HRC/48/19);
- Publish the national budget and the ministries' reports and accounts, as well as the regulatory framework of individual public entities and policies, their organizational structure, assigned budget and execution, procurements and contracting, public participation and accountability mechanisms, audits, and legal and administrative proceedings initiated by State entities (A/HRC/48/19);
- Ensure citizens' right to stand for election is not unduly restricted, either in law or in practice, and ensure due process guarantees are strictly implemented should candidates be disqualified, respecting the independence and separation of powers (A/HRC/50/59);

#### **State of exception**

- Ensure that exceptional measures authorized under the "state of alarm" are strictly necessary and proportionate, limited in time, and subject to independent oversight and review (A/HRC/44/20);

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### **Accountability and rule of law**

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#### **Right to life**

- Take immediate measures to halt, remedy and prevent human rights violations, in particular gross violations such as torture and extrajudicial executions (A/HRC/41/18);

- Ensure systematic, prompt, effective and thorough, as well as independent, impartial and transparent, investigations into all killings by security forces and armed civilian groups (armed *colectivos*), and ensure independence of all investigative bodies, accountability of perpetrators and redress for victims (A/HRC/44/20);
- Dissolve the Special Action Forces of the Bolivarian National Police and establish an impartial and independent national mechanism, with the support of the international community, to investigate extrajudicial executions during security operations, ensure accountability of perpetrators and redress for victims (A/HRC/41/18);
- Revise security policies to implement international norms and standards on the use of force and human rights, in particular by restoring the civilian nature of police forces, conducting vetting, restricting the functions of “special forces” and strengthening internal and external oversight mechanisms (A/HRC/44/20);
- Implement a comprehensive reform of security institutions and policies, to effectively address human rights concerns and provide redress to victims of human rights violations (A/HRC/47/55);

#### **Right to physical and moral integrity**

- Ensure effective investigation and sanctioning of those responsible for cases of torture and ill-treatment, and strengthen the National Commission for the Prevention of Torture, in compliance with international human rights norms (A/HRC/44/20);
- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention for the Protection of All Persons from Enforced Disappearance (A/HRC/41/18);
- Ensure the rights to food, water and sanitation, health, security and dignity of all persons deprived of liberty, including by meeting gender-specific needs (A/HRC/44/20);
- Adopt specific measures in the context of the COVID-19 pandemic to ensure the rights to health and security of detainees, including by granting alternative measures to deprivation of liberty to the broadest set of prisoners possible, consistent with the protection of public safety (A/HRC/44/20);
- Put an end to incommunicado detention, including by intelligence services, guarantee that any individual subject to pretrial detention is held in official pretrial detention centres subject to judicial oversight, and transfer all persons detained in premises of intelligence services to official detention centres (A/HRC/44/20);
- Allocate sufficient resources to ensure adequate conditions of detention and access to justice (A/HRC/47/55);
- Protect persons, including those on the move, from abuses, corruption and extortion by State agents (A/HRC/41/18);
- Implement a comprehensive reform of security institutions and policies, to effectively address human rights concerns and provide redress to victims of human rights violations (A/HRC/47/55);

**Rights to liberty and to a fair trial**

- Ensure that reforms undertaken in the justice, police and detention sectors materialize into effective and sustainable changes based on international human rights law and standards and that legal reforms are strictly applied (A/HRC/50/59);
- Continue to take measures to ensure pre-trial detention and other coercive measures are used only when strictly necessary, in accordance with international standards, and remain within statutory terms. Address all causes of judicial delays such as ensuring timely transfer of detainees to tribunals' hearings (A/HRC/50/59);
- Release all persons arbitrarily deprived of their liberty (A/HRC/41/18);
- Release unconditionally all persons unlawfully or arbitrarily deprived of liberty, including through the implementation of the decisions of the Working Group on Arbitrary Detention (A/HRC/44/20);
- Address the underlying causes of overcrowding and undue judicial delays through comprehensive reform of the administration of justice (A/HRC/44/20);
- Put an end to the trial of civilians by military tribunals, and ensure that the jurisdiction of military' tribunals is limited to military offences committed by active members of the military (A/HRC/44/54);
- Publish the legal authority and mandate of the counter-terrorism courts and take all necessary measures to guarantee their independence, impartiality and transparency, as well as their strict compliance with international human rights standards (A/HRC/44/54);
- Take effective measures to restore the independence of the justice system and ensure the impartiality of the Office of the Attorney General and the Ombudsperson (A/HRC/41/18);
- Undertake and complete the reforms of the justice system announced by the Government in January 2020 to guarantee its independence, impartiality, transparency, accessibility and effectiveness (A/HRC/44/54);
- Establish an independent, impartial and transparent mechanism to increase the number of tenured judges and prosecutors through a transparent public process (A/HRC/44/54);
- Guarantee that lawyers' associations recover their independence and full autonomy by allowing free internal elections (A/HRC/44/54);
- Guarantee the independence of the Public Defender, through the provision of sufficient resources and training, and ensure the rights of defendants to appoint a lawyer of their own choice (A/HRC/44/54);
- Restore the capacity of the criminal unit against the violation of fundamental rights of the Office of the Attorney General to conduct independent forensic investigations into cases of alleged human rights violations by security forces (A/HRC/44/54);

- Ensure that judicial action is strictly guided by the principles of legality, due process, presumption of innocence and other national and international standards (A/HRC/47/55);

#### **Access to justice and adequate reparations**

- Ensure prompt, independent, effective, impartial, transparent, thorough and credible investigations and judicial proceedings into cases of alleged human rights violations, and hold, prosecute and punish those responsible, including superiors, in accordance with international human rights law (A/HRC/50/59);
- Conduct prompt, effective, thorough, independent, impartial and transparent investigations into allegations of human rights violations, including deprivation of life, enforced disappearance, torture, and sexual and gender-based violence involving members of the security forces, bring perpetrators to justice and provide victims with adequate reparation (A/HRC/44/54);
- Conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations, including killings of indigenous peoples, and bring perpetrators to justice (A/HRC/41/18);
- Ensure the right to remedy and reparations for victims, with a gender-sensitive approach, as well as guarantee their protection from intimidation and retaliation (A/HRC/41/18);
- Review the protocols and methods of the Office of the Attorney General to provide gender-sensitive attention and support for victims of human rights violations and their families (A/HRC/44/54);
- Cease immediately any acts of intimidation, threats and reprisals by members of security forces against relatives of victims of human rights violations who seek justice (A/HRC/44/54);
- Adopt the necessary regulations and protocols to fulfil all rights and obligations enshrined in the Organic Law on the right of women to a life free of violence, and also adopt effective measures to assist and protect victims of all forms of violence, including women and children (A/HRC/44/54);
- Establish a system for the systematic collection of statistical data on violence against women, disaggregated by forms of violence, number of complaints, prosecutions and convictions imposed on perpetrators (A/HRC/44/54);
- Effectively implement a victim and witness protection programme, to safeguard the integrity of victims and witnesses, and ensure accountability for human rights violations (A/HRC/47/55);
- Conduct independent and thorough investigations into allegations of human rights violations committed in Apure State in the context of clashes with non-State armed groups (A/HRC/44/54);

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#### **Economic, social, cultural, and environmental rights**

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- Take all necessary measures to ensure availability and accessibility of food, water, essential medicines and healthcare services, including comprehensive preventative

healthcare programmes with particular attention to children's and maternal services, including sexual and reproductive healthcare (A/HRC/41/18);

- Allocate the maximum available resources towards the progressive realization of economic and social rights in a transparent and accountable manner that allows the assessment of expenditures (A/HRC/41/18);
- Prioritize measures to decrease early pregnancies, and ensure that all plans regarding sexual and reproductive rights include measurable indicators and monitoring mechanisms (A/HRC/41/18);
- Increase vaccination coverage for preventable diseases and take adequate measures to control outbreaks of communicable diseases (A/HRC/41/18);
- Guarantee a full-scale United Nations led response to the humanitarian situation, including increased access for humanitarian actors, facilitating the entry of the World Food Programme, regularizing the presence of international non-governmental organizations and ensuring the protection of all humanitarian workers (A/HRC/44/20);
- Take urgent steps to end labour and sexual exploitation, child labour and human trafficking within Arco Minero del Orinoco, and ensure regularization of mining activities that respect the right to just and favourable working conditions (A/HRC/44/54);
- Continue efforts to improve access to essential services, and food, and inform publicly and regularly on those efforts, with particular attention to equality of access and non-discrimination, ensuring transparency, participation and public oversight (A/HRC/48/19);
- Take all necessary measures to guarantee sufficient income to public servants and workers in sectors dependent of public funding, particularly in the health and education sectors, in a transparent and participatory manner, including by adjusting salaries and cash transfers to the basic consumer basket, and take concrete measures to promote the enjoyment of labour rights, including compliance with international labour conventions and collective agreements, and publicly inform on their implementation (A/HRC/48/19);
- Take concrete measures to promote the autonomy of universities and free and independent electoral processes in accordance with their internal regulations, and to ensure freedom of association of university workers (A/HRC/48/19);
- Ensure that labour rights, including freedom of trade union association, are upheld and remain committed to the establishment of a genuine social dialogue with representatives of workers and employers (A/HRC/50/59);
- Take urgent measures to ensure the highest attainable standard of health, including those deprived of liberty, in particular by allocating adequate resources to hospitals and health centres (A/HRC/50/59);
- Ensure all mining in the Bolivarian Republic of Venezuela is carried out in accordance with adequate human rights, sociocultural and environmental impact studies, and meets national and international environmental standards (A/HRC/44/54);
- In compliance with international human rights standards, conduct effective and transparent investigations and law enforcement operations to dismantle criminal and armed groups controlling mining activities, tackle corruption, and prosecute and sanction those responsible for crimes and human rights violations in Arco Minero del Orinoco and the surrounding area (A/HRC/44/54);
- Rescind resolution No. 0010 related to mining in rivers (A/HRC/44/54);



### **Rights of specific groups**

- Adopt all necessary measures to ensure the safe, dignified and voluntary return and sustainable reintegration of Venezuelan returnees; ensure their access to healthcare and social protection, and their protection from discrimination and stigmatization (A/HRC/44/20);
- Ensure adequate and representative consultations are conducted with all indigenous peoples prior to the adoption or implementation of any decision, activity or measure that may affect them, including any impact on their traditional lands, territories and resources (A/HRC/44/54);
- Ensure that indigenous peoples are able to enjoy their collective right to live in freedom, peace and security, and that they are able to own, use, develop and control their lands, territories and resources, including through the demarcation of traditional lands (A/HRC/44/54);
- Provide redress to indigenous peoples affected by mining activities, including in the Arco Minero del Orinoco region, in consultation with them (A/HRC/44/54);
- Establish a special voter register for indigenous people to ensure their free and meaningful participation in the electoral processes (A/HRC/50/59);
- Cease any intimidation and attacks against indigenous peoples, including leaders, and ensure their protection and take all necessary measures to protect their individual and collective rights, including their right to land (A/HRC/41/18);

### **Non-discrimination**

- Investigate allegations of discriminatory access to social protection programmes, take all necessary measures to guarantee equal access to such programmes, prioritizing the most marginalized groups, and publicly informing on the findings and the implementation of the measures (A/HRC/48/19);
- Take all necessary measures to implement the Constitutional mandate to recognize all indigenous territories and collective land rights at the earliest, with particular emphasis on self-demarcation initiatives (A/HRC/48/19);
- Continue working in partnership and cooperating with the United Nations system to ensure the human rights of people on the move within its territory, particularly migrants and returnees, and investigate cases of disappearances and allegations of human trafficking (A/HRC/48/19);
- Ensure the implementation of the national environmental regulatory framework to the oil and mining industries, particularly in the Arco Minero del Orinoco region, and sign and ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú agreement (A/HRC/48/19);
- Amend legislation to decriminalize abortion and ensure the provision of appropriate sexual and reproductive health services (A/HRC/48/19);
- Take all necessary measures to ensure equal access to the vaccine, particularly for marginalized groups, with specific attention to this digital divide (A/HRC/48/19);
- Introduce a comprehensive law to prohibit all forms of discrimination, including based on sexual orientation, gender identity and expression, and sex characteristics, adequately penalize them (A/HRC/50/59);
- Ensure prompt, thorough and effective investigation and prosecution of cases of discrimination, hate crimes and femicides, while strengthening protection measures, in consultation with relevant civil society organizations (A/HRC/50/59);

- Ensure legal recognition and protection of same sex relationships, without discrimination based on sexual orientation or gender identity. Repeal norms that criminalize consensual sexual acts between adults of the same sex, in particular article 565 of the Organic Code of Military Justice (A/HRC/50/59);
- Ensure the right to identity and documentation for all persons, including children (A/HRC/41/18);
- Introduce legislation and policies promoting equitable participation of women in the structures of political parties and on quotas to ensure gender parity for nominations to elected positions, including governors and mayors (A/HRC/50/59);
- Ensure that official data and disaggregated information of public interest is available, accessible and proactively disseminated, including information related to gender-based violence and economic, social, cultural and environmental rights (A/HRC/50/59);
- Ensure measures are taken towards the progressive realization of the right to an adequate standard of living of all the population, without discrimination (A/HRC/50/59);

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#### **Engagement with OHCHR and human rights mechanisms**

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- Increase engagement with international human rights protection mechanisms, including the special procedures system, by receiving regular official visits from mandate holders (A/HRC/44/20);
- Accept and facilitate the establishment of a permanent OHCHR country office (A/HRC/41/18);
- Facilitate the establishment of an OHCHR office in the country as an effective means of assisting the State in tackling the human rights challenges and concerns addressed in the present report (A/HRC/44/20);
- Remain committed to the effective implementation of the joint workplan signed with OHCHR and its engagement with international human rights mechanisms (A/HRC/47/55);
- Continue to expand cooperation with OHCHR with a view at implementing human rights-based recommendations, including those stemming from international mechanisms, such as UN human rights treaties bodies, the Special Procedures and the third cycle of the Universal Periodic Review of the Human Rights Council (A/HRC/50/59);
- Accept and facilitate the establishment of a permanent OHCHR country office (A/HRC/41/18);

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#### **Member States should:**

- (a) Suspend or lift the sectoral unilateral coercive measures imposed on Venezuela which impede the Government's efforts to address the combined impact on the population of the current humanitarian situation and the COVID-19 pandemic (A/HRC/48/19);
- (b) Continue their support to the humanitarian response in the Bolivarian Republic of Venezuela, particularly with regards to the COVID-19 pandemic (A/HRC/48/19);

(c) Ensure a fair distribution of vaccines across countries, as a global public good and accessible to all without discrimination in accordance with international legal norms and in support of the achievement of the Sustainable Development Goals (A/HRC/48/19);

(d) Ensure the rights of migrants from Venezuela in their respective territories and investigate human rights violations or abuses committed against them (A/HRC/48/19).

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Advance unedited version