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**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 in the Bolivarian Republic of Venezuela

Report of the United Nations High Commissioner for Human Rights*

Summary

Submitted pursuant to Human Rights Council resolution 39/1, the present report provides an overview of the human rights situation in the Bolivarian Republic of Venezuela from January 2018 to May 2019.

* The present report was submitted after the deadline so as to include the most recent information.



I. Introduction

1. In its resolution 39/1, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on the human rights situation in the Bolivarian Republic of Venezuela to be presented at its forty-first session.¹

2. The present report focuses on the situation of human rights in the Bolivarian Republic of Venezuela since 2018, while also offering an analysis of pertinent previous developments. It highlights patterns of violations that directly and indirectly affect all human rights: civil, political, economic, social and cultural. The report includes a gender-based approach, highlighting the specific experiences of women and girls.

3. The present report is based on information collected and analysed by the Office of the United Nations High Commissioner for Human Rights (OHCHR), including through field missions. From 11 to 22 March 2019, representatives of OHCHR visited the Bolivarian Republic of Venezuela where they met with a wide range of State and other stakeholders in the cities of Caracas, Barquisimeto, Valencia and Ciudad Guayana. In addition, between September 2018 and April 2019, OHCHR conducted nine visits to interview Venezuelan refugees and migrants in Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru and Spain. OHCHR is grateful to the respective Governments for facilitating these visits.

4. The High Commissioner visited the Bolivarian Republic of Venezuela from 19 to 21 June 2019. She met with many stakeholders, including President Nicolás Maduro, the Vice-President, the Minister for Foreign Affairs, high-level officials from 17 ministries,² the President of the National Assembly and opposition parliamentarians. She also met with the President of the National Constituent Assembly, the Attorney General, the President of the Supreme Court of Justice and the Ombudsperson. She held meetings with representatives of the Catholic Church, the business sector, universities, students, trade unions, human rights organizations, approximately 200 victims of human rights violations, the diplomatic community and the United Nations country team.

5. In addition to accepting an OHCHR presence, the Government made several commitments and identified areas of cooperation. OHCHR will support the Government with the assessment of the main obstacles concerning access to justice and with the assessment of the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment. The Government has also agreed that OHCHR will be granted full access to detention centres in order to monitor the conditions of detention and speak to detainees. The Government will adopt a calendar of 10 visits by special procedure mandate holders in the next two years. In six months, OHCHR and the Government will evaluate the possibility of enhancing the presence of OHCHR and establishing a country office.

6. OHCHR conducted 558 interviews with victims and witnesses of human rights violations and other sources, including lawyers, health and media professionals, human rights defenders and ex-military and security officers.³ It also held 159 meetings with a broad range of State and other stakeholders.⁴ In line with its methodology, OHCHR sought informed consent from the sources it interviewed before using any information they provided, ensuring confidentiality when appropriate. It took all the appropriate measures to protect the identity of its sources and notes that many sources expressed fear of reprisals.

7. The present report also reflects the analysis of numerous documents which OHCHR gathered and examined, including official government documents, open source reports,

¹ See A/HRC/RES/39/1.

² Including the ministries of the Interior, Defence, Health, Economy and Education.

³ A total of 460 interviews were conducted in Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru and Spain, and another 98 were conducted remotely.

⁴ In Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru, Spain, Switzerland and the Bolivarian Republic of Venezuela.

legislation and legal documents, medical and forensic reports, media reports (including from social media), videos and photographs. Wherever possible, OHCHR refers to official information and data, but notes that access to such material is limited, as official publications, including statistics, have been scarce, and completely lacking in some areas, since at least 2015.

8. In line with its methodology on human rights monitoring, OHCHR exercised due diligence to assess the credibility and reliability of all sources and cross-checked the information gathered to confirm its validity. OHCHR was able to gather, analyse and verify a substantial body of information that provides reasonable grounds to believe that the patterns described in the present report constitute human rights violations.

9. OHCHR assessed the information it collected in the light of international human rights law as applicable to the Bolivarian Republic of Venezuela and of pertinent domestic legislation. In addition, OHCHR took into account relevant standard-setting instruments recognized as complementary to international norms.

II. Economic and social rights

10. Between January 2018 and May 2019, the economic and social crisis deteriorated further as the economy continued to contract, inflation skyrocketed and public revenues dropped with the drastic reduction of oil exports. Venezuelans are facing a range of interrelated violations of their economic and social rights.

11. Despite several increases in the minimum wage by the Government, its purchasing power has decreased to the extent that it can no longer be considered a living wage. In April 2019, the minimum wage was estimated at US\$ 7 per month and only covered 4.7 per cent of the basic food basket.⁵ Notwithstanding some general government subsidies, people interviewed by OHCHR consistently stressed that their monthly family income was insufficient to meet their basic needs, covering approximately four days of food per month.

12. Misallocation of resources, corruption, a lack of maintenance of public infrastructure and severe underinvestment have resulted in violations of the right to an adequate standard of living, many of which are related to the collapse of public services, such as public transportation, access to electricity, water and natural gas. Since September 2018, members of the Government have begun to speak about the consequences of the economic crisis and to acknowledge certain aspects of the humanitarian situation, particularly food and medicine shortages. The Government affirmed that 75 per cent of the national annual budget is allocated to social expenditure.⁶

A. Right to food

13. Information verified by OHCHR confirms violations of the right to food, including the State's obligation to ensure that the population is free from hunger. The main food assistance programme, managed by the Local Committees for Supply and Food Distribution (CLAP), does not meet basic nutritional needs. The Government has not demonstrated that it has used all the resources at its disposal to ensure the progressive realization of the right to food, nor that it has unsuccessfully sought international assistance to address gaps. In the last few months, the Government has requested and accepted aid, though it has been insufficient to meet the needs of the population.

14. Interviewees consistently reported a lack of access to food due to scarcity, as well as unaffordability. The availability of sufficient quality food is deficient, with interviewees reporting eating once, or at most twice, per day, and consuming few proteins or vitamins. Lack of access to food has a particularly adverse impact on women who are the main caregivers and/or heads of households, and who dedicate an average of 10 hours per day

⁵ See <http://cenda.org.ve/default.asp>.

⁶ Information provided by the Government.

queuing for food. Local sources reported some women being compelled to exchange sex for food.

15. In addition to hyperinflation and economic contraction, the economic and social policies adopted over the past decade have undermined food production and distribution systems, increasing the number of people who rely on food assistance programmes. The Food and Agriculture Organization of the United Nations reported that 3.7 million people in the Bolivarian Republic of Venezuela were malnourished, and the non-governmental organization Caritas confirmed particularly high levels of malnutrition among children and pregnant women.⁷

B. Right to health

16. The situation regarding the right to health in the Bolivarian Republic of Venezuela is dire. Interviewees consistently described health-care infrastructure that has been declining for years, hallmarked by an exodus of doctors and nurses, unsanitary conditions and severe shortages in basic medical equipment, supplies and medicines. Families of patients have to provide all necessities, including water, gloves and syringes. Reports point to shortages of between 60 and 100 per cent of essential drugs in four major cities, including Caracas.⁸

17. Moreover, previously controlled and eliminated diseases, including vaccine-preventable diseases such as measles and diphtheria, have re-emerged. In the past year, with the support of the Pan American Health Organization, the authorities have implemented a series of vaccination strategies aimed at interrupting the circulation of measles.⁹ The authorities indicated that during June 2019, no new cases of measles had been reported.

18. There is a lack of access to all types of contraceptives, with several cities facing a 100 per cent shortage.¹⁰ This increases the risk of contracting HIV and other sexually transmitted diseases, and of unwanted and adolescent pregnancies. The rate of adolescent pregnancies has increased by 65 per cent since 2015.¹¹ This impacts girls' right to education, with pregnancy being the primary reason girls drop out of school. Owing to restrictive legislation on abortion, some women and girls must resort to unsafe abortions. This has contributed to an increase in preventable maternal mortality, with an estimated 20 per cent of maternal deaths reportedly linked to unsafe abortions.¹² A lack of skilled birth attendants and medical supplies, as well as inadequate hospital conditions, have driven many women to give birth abroad.

19. The National Hospital Survey (2019) found that between November 2018 and February 2019, 1,557 people died owing to the lack of supplies in hospitals.¹³ Blackouts have caused irreparable harm, as evidenced by reports that indicate that 40 patients died as

⁷ Food and Agriculture Organization of the United Nations, *Panorama de la seguridad alimentaria y nutricional en América Latina y el Caribe 2018* (FAO, OPS, WFP y UNICEF, 2018); Caritas Venezuela, "Monitoreo de la situación nutricional en niños menores de 5 años", bulletins of April–July 2018, July–September 2018 and October–December 2018.

⁸ Red Venezolana de Gente Positiva; www.mavidcarabobo.org.ve; Federación Farmacéutica Venezolana, <http://fefarven.org.ve/portal/>; CONVITE X La Salud, "Monitoring of access to health in Venezuela", newsletter of 20 March 2019.

⁹ Pan American Health Organization, "Venezuela intensifica su campaña de vacunación contra el sarampión y la difteria", 10 March 2019.

¹⁰ Magdymar León Torrealba, "Índice de escasez de métodos anticonceptivos en farmacias de cinco ciudades de Venezuela", December 2018; CONVITE X La Salud, "Monitoring of access to health in Venezuela", newsletter of 20 March 2019.

¹¹ Information provided by the United Nations Population Fund; see also www.unfpa.org/maternal-health.

¹² Ibid and AVESA et al., "Salud sexual y reproductiva de mujeres, adolescentes y niñas en Venezuela", 2018, p. 34.

¹³ Médicos por la Salud, "Encuesta Nacional de Hospitales 2019", available from www.encuestanacionaldehospitales.com.

a result of the power outages in March 2019.¹⁴ During the High Commissioner's visit, health professionals and parents of sick children mentioned the effects of the economic sanctions on the health sector, in particular not having the possibility of receiving urgent medical treatment, including transplants, inside the country.

20. Violations of the right to health are the result of the Government's failure to fulfil its core obligations, which are non-derogable even for economic reasons. Violations of core obligations were linked to the widespread lack of availability of, and access to, essential medicines and treatment, the deterioration of conditions in hospitals, clinics and maternity clinics, insufficient provision of underlying determinants of health, including water and adequate nutrition, deterioration in immunization and preventative health programmes, and restrictions on access to sexual and reproductive health. Moreover, the failure of the Government to publish comprehensive data on public health, which are essential for the development and implementation of an adequate response to the health crisis, is a violation of the right to health.

C. Social programmes and policies

21. For two decades, the Government has promoted social policies through economic and social programmes aimed at fighting poverty and social exclusion and decreasing the gender equality gap (Misiones Bolivarianas). Today, Venezuelans are increasingly relying on social programmes to access minimum levels of income and food.

22. On 13 May 2016, the Government declared a "state of exception and economic emergency",¹⁵ and created the Local Committees for Supply and Food Distribution as part of the local community councils structure.¹⁶ The Local Committees, along with military and security forces, were mandated to distribute food assistance, the CLAP boxes which, according to the Government, reaches 6 million households. OHCHR received accounts of people who, despite not having adequate access to food, were not included in the distribution lists for the boxes because they were not government supporters.

23. In addition, at the end of 2016, the President announced the creation of a card system (the carnet de la patria) through which all social programmes would be delivered, including a new system of direct financial transfers to families. The list of beneficiaries of those programmes is managed by the local structures of the governing party, as opposed to government institutions. Interviewees reported that members of these local structures monitor the political activities of beneficiaries.

24. Most of the beneficiaries of social programmes related to health, food and housing are women, who carry the burden of household tasks and child-rearing. They also constitute 72 per cent of the membership of local community councils.¹⁷ However, discrimination based on political grounds and social control through the Government's social programmes has had a direct impact on their ability to exercise their rights. Between January 2018 and May 2019, women have led many local and peaceful protests demanding access to basic goods and services and they have also participated in anti-government protests. OHCHR received accounts of women, including local leaders, who have been targeted because of their activism, threatened by community leaders and pro-government civilian armed groups (known as armed colectivos) and excluded from social programmes. Women reported not exercising their rights, including their rights to peaceful assembly, freedom of opinion and expression and political participation, for fear of reprisals.

¹⁴ Interview with source on 10 May 2019; CONVITE X La Salud, "Monitoring of access to health in Venezuela", newsletter of 20 March 2019.

¹⁵ Presidential decree No. 2323 of 13 May 2016.

¹⁶ The community councils were created in 2006 to manage public policies and social projects at a local level.

¹⁷ Information provided by the Government.

D. Unilateral coercive measures

25. The large majority of sanctions that have been imposed to date by a number of States and a regional organization are targeted in nature, consisting of travel bans and asset freezes with respect to some 150 people, including senior-level government officials, or arms embargoes.¹⁸ One country to date has imposed broader, sectoral sanctions, as of 24 August 2017.¹⁹ On 25 January 2019, sanctions were imposed on the State-owned oil company, *Petróleos de Venezuela*, also blocking property and property interests of subsidiaries within the jurisdiction of the United States of America.²⁰

26. The Government has assigned blame for the economic crisis on the sanctions imposed on the Bolivarian Republic of Venezuela, arguing that as a result of overcompliance, banking transactions have been delayed or rejected and assets have been frozen, which hinders the State's ability to import food and medicines.

27. The economy of the Bolivarian Republic of Venezuela, in particular its oil industry and food production systems, were already in crisis before any sectoral sanctions were imposed. Figures published by the Central Bank of Venezuela on 28 May 2019 show that key economic indicators began to decline dramatically well before August 2017.²¹ Nevertheless, the latest economic sanctions are further exacerbating the effects of the economic crisis, and thus the humanitarian situation, given that most of the foreign exchange earnings derive from oil exports, many of which are linked to the United States market. The Government has agreed to gradually authorize humanitarian assistance from the United Nations and other actors. However, the level of assistance is minimal vis-à-vis the scale of the crisis and there is an urgent need to adopt structural economic reforms.

III. Civil and political rights

A. Freedom of opinion and expression

28. Over the past years, the Government has attempted to impose a communicational hegemony by enforcing its own version of events and creating an environment that curtails independent media. This situation continued to worsen between January 2018 and May 2019. Dozens of print media closed and the Government shut down radio stations and blocked television channels. Detentions of journalists increased, including of foreign journalists who were expelled or left the country immediately after having been released. Hundreds of Venezuelan journalists now live in exile. The Internet and social media have become the main means of communication and information for the population, further limiting access to independent information for those who do not have Internet access. Internet speed is also steadily decreasing, because of, among other things, a lack of investment in infrastructure. In addition, in recent years, the Government has blocked independent news websites and regularly blocks the main social media platforms.

29. OHCHR documented a number of cases of arbitrary detention of people for expressing opinions on social media. In the past 10 years, the non-governmental organization *Espacio Público* has registered the arbitrary detention of and criminal charges against 55 persons for social media publications, 24 of them in 2018.²²

¹⁸ Canada, Colombia, Mexico, Panama, Switzerland, United States of America and the European Union.

¹⁹ Executive Order 13808. Further sectoral sanctions were imposed on 19 March 2018 (Executive Order 13827), 21 May 2018 (Executive Order 13835) and 1 November 2018 (Executive Order 13850).

²⁰ Executive Order 13857.

²¹ See www.bcv.org.ve.

²² *Espacio Público*, "Detenciones en línea. Presos por usar las redes sociales", 2 May 2019.

B. Targeted repression and persecution on political grounds

30. Over at least a decade, the Government and government-controlled institutions enforced laws and policies that have accelerated the erosion of the rule of law and the dismantlement of democratic institutions, including the National Assembly.²³ Those measures are aimed at neutralizing, repressing and criminalizing political opponents and people critical of the Government. This trend has accelerated since 2016, after the opposition won the majority of seats in the National Assembly, resulting in increased repression targeting the political opposition, and steadily reducing the already limited democratic space.

1. Security measures and institutions

31. On 13 May 2016, the President of the Bolivarian Republic of Venezuela declared a “state of exception”, which has since been renewed every 60 days.²⁴ The decree grants wide, vague and discretionary powers to the Executive with the declared purpose of, *inter alia*, preserving the internal order. In 2017, the President activated a civil-military strategic security plan for the joint operation of armed forces, militias and civilians, known as Plan Zamora. The Plan, along with other security policies, has resulted in the increased militarization of State institutions. The use of the population in intelligence gathering and defence tasks has also been extended through local structures such as community councils, Unidades de Batalla Hugo Chávez, Local Committees for Supply and Food Distribution and Networks for Sociopolitical Coordination and Action (Redes de Articulación y Acción Sociopolítica).

32. The security apparatus includes the Bolivarian National Guard,²⁵ the Bolivarian National Police and its Special Action Forces, the Bureau for Scientific, Criminal and Forensic Investigations, the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence. The Bolivarian National Guard and the Bolivarian National Police have been responsible for the excessive use of force in demonstrations since at least 2014. The Special Action Forces of the Bolivarian National Police, a rapid response unit created in 2017 to combat organized crime, has allegedly been responsible for numerous extrajudicial executions in security operations, as has the Bureau for Scientific, Criminal and Forensic Investigations. The intelligence services (the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence) have been responsible for arbitrary detentions and the ill-treatment and torture of political opponents and their relatives. The armed *colectivos* contribute to this system by exercising social control in local communities and supporting security forces in repressing demonstrations and dissent.

33. Institutions responsible for the protection of human rights, such as the Office of the Attorney General, the courts and the Ombudsperson, usually do not conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations and other crimes committed by State actors, nor do they bring perpetrators to justice and protect victims and witnesses. Such inaction contributes to impunity and the recurrence of violations.

2. Targeting of opposition members and individuals critical of the Government

34. These policies are accompanied by a public rhetoric, including by high-level authorities, that constantly discredits and attacks those who criticize or oppose the Government. Members of the political opposition, human rights activists and journalists, among others, are frequently the targets of discourse labelling them as “traitors” and “destabilizing agents”. This rhetoric is widely disseminated through pro-government media,

²³ The “Tascón list” was an early marker of discrimination and persecution on political grounds. The list is a database of over 3 million Venezuelans who supported a referendum to revoke the mandate of then President Hugo Chávez in 2004, and was used for the mass dismissal of civil servants.

²⁴ Presidential decree No. 2323.

²⁵ Part of the armed forces.

such as the weekly television programme “Con el Mazo Dando”, presented by the President of the National Constituent Assembly.²⁶

35. Successive laws and reforms have facilitated the criminalization of the opposition and of anyone critical of the Government through vague provisions, increased sanctions for acts that are guaranteed by the right of freedom of peaceful assembly, the use of military jurisdiction for civilians and restrictions on non-governmental organizations representing victims of human rights violations.²⁷

36. Between January 2018 and May 2019, various trade union leaders and many workers were fired or detained after protesting for decent salaries and working conditions. Dozens of health professionals who denounced the state of health care were dismissed and/or threatened by superiors and some were arbitrarily detained. University staff critical of the Government were threatened with non-payment of salaries, prevented from accessing their workplace and from travelling abroad and were arbitrarily detained. Human rights defenders were victims of defamation campaigns in pro-government media and subjected to surveillance, intimidation, harassment, threats and arbitrary detention. Attacks have also targeted supporters of the former President, Hugo Chávez, and military dissidents, as well as civil servants and employees of State companies who are perceived as opponents. Many victims of such acts have reduced their public activities, gone into hiding or into exile. Furthermore, women in particular human rights defenders, nurses, teachers and civil servants, have faced gendered attacks such as sexist comments, online gender-based violence and public humiliation. The targeted repression of opposition members and social leaders instils fear by demonstrating the possible consequences of opposing or merely criticizing the Government or expressing dissent.

37. As at June 2019, 22 deputies of the National Assembly, including its President, have been stripped of their parliamentary immunity by the Supreme Court of Justice. Many of them have been charged with treason, conspiracy, incitement to insurrection, civil rebellion and association with others to commit an offence, among others, following incidents on 4 August 2018, after an alleged failed assassination attempt against the President, and on 30 April 2019, when the President of the National Assembly called for the armed forces to defect and defy the Government. Two deputies are being held in pretrial detention,²⁸ while 16 others have sought protection in foreign embassies, left the country or gone into hiding.

38. Attacks against relatives of political opponents are part of the targeted repression by the Government. OHCHR documented an increasing number of arbitrary detentions of relatives, particularly female relatives, of alleged political opponents. Without access to lawyers, they are interrogated about the whereabouts of their relatives and, in some cases, are ill-treated and tortured. These detentions are carried out as a means to exert pressure on the alleged fugitive, but also as a punishment. Relatives are also subjected to death threats, further harm to their families, surveillance, intimidation and harassment. In addition, women are subjected to sexual and gender-based violence and humiliation during visits to detention centres, security operations and house raids.

3. Excessive use of force and deaths in the context of anti-government demonstrations

39. As the political, social and economic crisis deepened, protests against the Government have increased in number and intensity since 2014. According to the Government, 12,913 demonstrations took place in 2017; 7,563 in 2018; and 3,251 between

²⁶ Established in August 2017 after an electoral process that lacked political inclusivity and was marred with irregularities. The National Constituent Assembly has assumed, de facto, the constitutional responsibilities of the National Assembly.

²⁷ For example, “Constitutional Law against Hatred, for Peaceful Coexistence and Tolerance”, adopted by the National Constituent Assembly on 8 November 2017, the “Law against Organized Crime and Funding of Terrorism” of 31 January 2012, and the reform of the Criminal Procedure Code, adopted by ministerial decree on 15 June 2012.

²⁸ The Vice President of the National Assembly, Edgar Zambrano, has been detained since 8 May 2019, and Deputy Juan Requesens has been detained since 7 August 2018.

1 January and 12 May 2019.²⁹ However, according to the non-governmental organization Observatorio Venezolano de la Conflictividad Social, 9,787 protests took place in 2017; 12,715 in 2018; and 9,715 between 1 January and 31 May 2019.³⁰ In 2019, security forces did not resort to excessive force during all demonstrations. Nonetheless, during certain political protests, the Bolivarian National Guard, the Bolivarian National Police and its Special Action Forces, and some State and municipal police forces allegedly used excessive force deliberately, to instil fear and discourage further demonstrations. The armed colectivos also resorted to violence against demonstrators, often in coordination with security forces. In many cases, these actions resulted in deaths and serious injuries.

40. According to the Government, there were no deaths during demonstrations in 2018. It reported that 29 persons were killed between January and May 2019.³¹ However, the Observatorio Venezolano de la Conflictividad Social reported 14 deaths in the context of demonstrations in 2018³² and OHCHR documented 66 deaths between January and May 2019. Many demonstrators were arbitrarily detained and ill-treated or tortured. Security forces also conducted illegal house-raids targeting demonstrators.

4. Arbitrary detentions, torture and ill-treatment

41. According to the non-governmental organization Foro Penal Venezolano, at least 15,045 persons were detained for political reasons between January 2014 and May 2019. Among them, 527 were detained in 2018 and 2,091 between January and May 2019. The majority of them were detained in the context of demonstrations against the Government. By 31 May 2019, 793 persons remained arbitrarily deprived of their liberty, 1,437 persons had been released unconditionally and 8,598 had been conditionally released and were still facing lengthy criminal proceedings.³³ The rest were released without having been brought before a judge. Some of them have left the Bolivarian Republic of Venezuela for fear of being arrested again. OHCHR considers that the Government has used arbitrary detentions as one of the principal means to intimidate and repress the political opposition and any real or perceived expression of dissent since at least 2014.

42. OHCHR was able to collect detailed information on 135 people (23 women and 112 men) arbitrarily deprived of their liberty between 2014 and 2019. Among them, 23 were arrested in 2018 and 8 in 2019. Some of these cases constituted enforced disappearances until the authorities revealed the whereabouts of the individuals' days or weeks after their arrests. In most cases, people were detained for exercising their fundamental rights, particularly freedom of opinion, expression, association and peaceful assembly. The detentions often had no legal basis. OHCHR also identified serious and repeated violations of the right to a fair trial in each of these cases. None of the victims interviewed who had been released have received remedies for the violations suffered as a result of their arbitrary detention.

43. In most cases, detainees, both women and men, were subjected to one or more forms of torture or cruel, inhuman or degrading treatment or punishment, including electric shocks, suffocation with plastic bags, waterboarding, beatings, sexual violence, water and food deprivation, stress positions and exposure to extreme temperatures. Security forces and intelligence services, particularly the Bolivarian National Intelligence Service and the Directorate General of Military Counterintelligence, routinely resort to such practices to extract information and confessions, to intimidate and to punish the detainees. The authorities have failed to conduct prompt, effective, thorough, independent, impartial and transparent investigations into credible allegations of torture and ill-treatment, including sexual and gender-based violence, in order to bring the alleged perpetrators to justice and to provide reparation to the victims. In particular, judicial authorities have often reversed the burden of proof by refusing to open investigations if the victims did not identify

²⁹ Information provided by the Government.

³⁰ Observatorio Venezolano de la Conflictividad Social, see www.observatoriodeconflictos.org.ve.

³¹ OHCHR received conflicting information from the Government regarding the number of deaths.

³² Observatorio Venezolano de la Conflictividad Social.

³³ Information provided by the non-governmental organization Foro Penal Venezolano.

perpetrators. According to the Office of the Attorney General, 72 complaints of alleged torture and other ill-treatment concerning 174 persons detained in the context of demonstrations between 2017 and 2019 have been filed. No information was provided on the status of investigations.

44. OHCHR documented cases of sexual and gender-based violence against women and girls in detention, particularly by members of the Bolivarian National Intelligence Service and the Directorate General of Military Counterintelligence and officers of the Bolivarian National Guard. Women interviewed referred to physical assaults, such as being dragged by the hair and inappropriate touching, threats of rape, forced nudity and gendered and sexist insults, with the intention of humiliating and punishing them, as well as extracting confessions.

45. In addition, information analysed by OHCHR shows that the conditions of detention of a significant number of persons deprived of their liberty do not meet basic international standards for the humane treatment of detainees, and often constitute ill-treatment. Detention centres, especially preventive detention centres, are often overcrowded and insalubrious. Detainees have limited access to food, water, sanitation, sunlight and recreation facilities. Their access to essential health care is restricted or even denied.³⁴ These conditions were recognized by the authorities during the visit of the High Commissioner.

46. The detention centre in the headquarters of the Bolivarian National Intelligence Service, known as the Helicoide, is not tailored to meet gender-specific standards. OHCHR interviewed several women who had been detained there, who indicated there was only one cell designated for women. The cell was overcrowded and mainly guarded by men, even though there are women guards working in the facilities. Guards and other prisoners pressured women to exchange sex for privileges and/or protection. Several women also said they had no access to specialized medical care and that, unlike men, they were not always allowed to go outside and/or use recreational facilities. Women detained for political motives were often denied visits.

C. Excessive use of force and killings in the context of security operations

47. According to the Government, the implementation of its citizen security operations has led to a steady decrease in the level of crime in the country, especially in the number of homicides.³⁵ However, OHCHR documented cases of extrajudicial executions by security forces in the context of security operations conducted in low-income neighbourhoods. Since early 2018, security operations led by the Special Action Forces of the Bolivarian National Police, created to combat drug trafficking and criminal organizations, replaced the security operations known as Operations for the Liberation of the People implemented from 2015 to 2017.³⁶ Interviewees consistently referred to the Special Action Forces as a “death squad” or “extermination group”. Non-governmental organizations have reported that the Special Action Forces are responsible for hundreds of killings.³⁷

³⁴ According to the non-governmental organization Observatorio Venezolano de Prisiones, 37 inmates died of health-related reasons (tuberculosis, malnutrition, hepatitis, salmonella, pneumonia and HIV/AIDS) during the first trimester of 2019 (see www.oveprisiones.com/desnutricion-enfermedades-y-violencia-mataron-a-46-presos-en-el-1er-trimestre-2019/).

³⁵ The Government registered 17,407 homicides in 2016, 14,665 in 2017, and 10,598 in 2018.

³⁶ From July 2015 to March 2017, the Office of the Attorney General recorded the killing of 505 people in Operations for the Liberation of the People (“Actuaciones del Ministerio Público relacionadas con las OLP en Venezuela (julio 2015–marzo 2017)”). See <https://lortegadiaz.com/wp-content/uploads/2017/10/Folleto-OLP-2017.pdf>.

³⁷ The non-governmental organization Programa Venezolano de Educación-Acción en Derechos Humanos reported 275 killings in the first quarter of 2019. The non-governmental organization Monitor de Víctimas reported 256 killings in Caracas only in 2018. The non-governmental organization Comité de Familiares de Víctimas reported 3,684 killings in 2017–2018, 28 per cent of which could be attributable to the Special Action Forces/ Bolivarian National Police.

48. OHCHR interviewed the relatives of 20 young men killed by the Special Action Forces between June 2018 and April 2019. All interviewees described similar modus operandi. Members of the Special Action Forces would arrive in black pickup trucks without licence plates and block access points to the area. They were dressed in black, without any personal identification and with balaclavas covering their faces. They would also carry long guns. Families of the victims described members of the Special Action Forces breaking into their houses, taking their belongings and perpetrating gender-based violence against women and girls, including forced nudity. They would separate young men from other family members before shooting them. According to the interviewees, almost all of the victims had one or more shots to the chest.

49. In every case, witnesses reported how the Special Action Forces manipulated the crime scene and evidence. They would plant arms and drugs and fire their weapons against the walls or in the air to suggest a confrontation and to show the victim had “resisted authority”. In many cases, the Special Action Forces brought the victims to a hospital even though they were already dead, apparently with the intention of manipulating the bodies and modifying the crime scene. In some cases, the authorities declared that the victims were criminals before the conclusion of a formal investigation.

50. The authorities classify the killings resulting from security operations as resistance to authority. The number of these deaths is unusually high. In 2018, the Government registered 5,287 such killings,³⁸ while the non-governmental organization Observatorio Venezolano de la Violencia reported at least 7,523 killings under this category.³⁹ Between 1 January and 19 May 2019, the Government reported 1,569 killings for resistance to authority.⁴⁰ The Observatorio Venezolano de la Violencia reported at least 2,124 such killings between January and May 2019.⁴¹ Information analysed by OHCHR suggests many of these killings may constitute extrajudicial executions.

51. Taking into account the profile of the victims, the modus operandi of the security operations, and the fact that the Special Action Forces often maintain a presence in the communities after the operation ends, OHCHR is concerned the authorities may be using the Special Action Forces and other security forces as an instrument to instil fear in the population and to maintain social control.

52. In addition, OHCHR documented the cases of six young men executed by the Special Action Forces in reprisal for their role in anti-government protests in 2019. These extrajudicial executions took place during illegal house raids after demonstrations had ended and followed the modus operandi described above.

IV. Access to effective justice and adequate reparation for victims

53. The Government has recognized that a problem exists regarding access to justice for all people and has asked OHCHR to help them resolve this issue. According to the Government, as at June 2019, 44 persons are detained and 33 arrest warrants have been issued against persons for their alleged responsibility for killings during demonstrations in 2017 and 2019. Five members of the Special Action Forces have been convicted of attempted murder, misuse of a weapon and simulation of a punishable act, for events that occurred in 2018. In addition, 388 members of the Special Action Forces are under investigation for murder, cruel treatment and illegal house raids committed between 2017 and 2019.

54. The majority of victims of human rights violations highlighted in the present report have had no effective access to justice and remedies. According to interviewees, few people

³⁸ Information provided by the Government.

³⁹ Observatorio Venezolano de la Violencia, “Informe anual de violencia 2018”, available from <https://observatoriodeviolencia.org.ve/ovv-lacso-informe-anual-de-violencia-2018/>.

⁴⁰ Information provided by the Government.

⁴¹ Information provided by Observatorio Venezolano de la Violencia.

file complaints, for fear of reprisals and lack of trust in the justice system. When they do, authorities do not investigate or do not conduct prompt, effective, thorough, independent, impartial and transparent investigations.

55. For example, families of those killed during the mass protests of 2017 continue to face persistent obstacles to their rights to truth, justice and reparations, with no progress in the majority of investigations. Moreover, families, especially women, have been threatened and harassed by intelligence services and police, and some have been forced to leave the country. The families of men killed during operations of the Special Action Forces have not received justice either. They have faced multiple obstacles, including the reluctance of prosecutors to receive their complaints, and denials of access to information and to protection measures and psychosocial support.

56. Impunity factors identified in 2018 remain, including the lack of cooperation of security and armed forces with investigations, the tampering with crime scenes and evidence by security forces, undue delays in judicial proceedings, the high turnover of prosecutors and judges, and de facto immunity of senior officials.⁴² The lack of independence of, and corruption within, the judiciary are also major obstacles faced by victims in their search for justice and reparations.

57. The Office of the Attorney General has regularly failed to comply with its obligation to investigate and prosecute perpetrators, and the Ombudsperson has remained silent vis-à-vis human rights violations. Neither of these institutions, nor the Government or the police provide protection to victims and witnesses of human rights violations. Furthermore, the Attorney General has contributed to public rhetoric by stigmatizing and discrediting members of the political opposition and those critical of the Government, in violation of the principle of presumption of innocence.

58. Women are often at the forefront of the struggle for truth, justice and reparations. They follow-up and participate in investigations and criminal proceedings, often in a hostile environment. Women reported being threatened, mistreated and insulted by public officials, such as members of law enforcement, prosecutors and court staff. These women face social exclusion due to public shaming and stigmatization. In addition to seeking justice, these women often assume additional roles, they become the main caregivers, take on additional dependants, and/or become breadwinners.

59. Almost two years after its creation, the Commission on Truth, Justice, Peace and Public Tranquillity has not published its report on the political violence that took place between 1999 and 2017.⁴³ The Commission has granted monetary compensation and has provided legal aid, psychological assistance, health care and social protection measures to 107 relatives of 50 victims who died during protests in 2017. Yet, families interviewed by OHCHR consider this financial support as an attempt to buy their silence in the absence of an impartial truth-seeking, justice and reparations process. According to the Government, as at 29 May 2019, 193 persons detained for their participation in protests have been conditionally released based on recommendations of the Commission.⁴⁴

⁴² Office of the United Nations High Commissioner for Human Rights, *Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight*, June 2018.

⁴³ The National Constitutional Assembly established the Commission on Truth, Justice, Peace and Public Tranquillity on 8 August 2017, to examine and report on political violence from 1999 to 2017, including related human rights violations. As observed by OHCHR, the Commission does not meet the international standards related to truth commissions.

⁴⁴ Information provided by the Government.

V. Groups at risk

A. Indigenous peoples

60. Indigenous peoples make up 2.5 per cent of the population of the Bolivarian Republic of Venezuela and there are more than 50 indigenous groups.⁴⁵ Individually, they face the same challenges to their human rights as the general population, often disproportionately, and/or in a differentiated manner. They also face challenges to their collective rights as indigenous peoples.

61. The economic and social rights of many indigenous peoples have been disproportionately affected by the humanitarian situation, particularly their rights to an adequate standard of living, including their right to food and their right to health. The closure of the borders of the Bolivarian Republic of Venezuela⁴⁶ in February 2019 had dire consequences for indigenous groups whose traditional territories span both sides of the border, such as the Wayuu.

62. Indigenous peoples' collective rights to their traditional lands, territories and resources are being violated. They have lost control of their land, including from militarization by State actors. The presence of State actors has led to violence and insecurity in indigenous peoples' territories in recent years, in addition to the presence of organized criminal gangs and armed groups.

63. Mining, particularly in Amazonas and Bolívar states, including in the Orinoco Mining Arc, has resulted in violations of various collective rights, including the right to maintain customs, traditional ways of life and a spiritual relationship with the land. Mining also has serious environmental and health impacts, such as an increase in cases of malaria and the contamination of waterways. The presence of mining operations has had a differentiated impact on indigenous women and girls, who face an increased risk of human trafficking. The failure to consult indigenous peoples regarding mining activities amounts to a violation of their right to consultation.

64. OHCHR documented seven deaths of indigenous peoples in violent circumstances in 2019. Indigenous authorities and leaders, including women, are often subjected to threats and attacks by State actors, which has an impact on their right to self-determination. In Bolívar State, Pemon communities who oppose the Government, particularly indigenous authorities and leaders, face targeted repression by State actors.

65. In February 2019, violent incidents occurred in Pemon territory in the context of the possible entry of aid from nearby Brazil. They did not happen in isolation, however, but amid tensions between the Government and the Pemon community, who have reported increased insecurity, including killings during the past year.

66. On 22 February, soldiers opened fire on members of the Pemon community of Kumaracapay, killing 3 people and wounding 12 others. During these events, four soldiers were held by Pemons, and reported suffering ill-treatment. On 23 February, the Bolivarian National Guard used excessive force against individuals, both indigenous and non-indigenous, in and around the town of Santa Elena de Uairén, including against people heading to the border to receive aid. Witnesses described the attacks and chaos lasting throughout the day and evening, stating that the Bolivarian National Guard shot indiscriminately from armoured vehicles at close range, as well as describing attacks against the local hospital. Due to a lack of medicine and supplies, those injured were transferred to a Brazilian hospital 200 km away, where many received surgery and will face months of rehabilitation. OHCHR confirmed 7 people were killed (four indigenous, three non-indigenous) and 26 were injured by gunshot, as a result of the actions by military

⁴⁵ Instituto Nacional de Estadística, "Censo Nacional de Población y Vivienda 2011", available from www.ine.gov.ve/index.php?option=com_content&view=category&id=95&Itemid=9#.

⁴⁶ The borders of the Bolivarian Republic of Venezuela were closed on 22 February 2019. The borders with Aruba and Brazil were reopened on 10 May 2019 and the border with Colombia was partially reopened on 10 June 2019.

forces. At least 63 individuals (indigenous and non-indigenous) were detained. Detainees were ill-treated. OHCHR is concerned about witness statements suggesting many more people may have been killed. It is also concerned about reports of a possible mass grave, which warrants further investigation. The State has yet to undertake an independent and impartial investigation into the incidents.

67. During these events, military forces took control of the previously indigenous-controlled airport in the Maurak Pemon community. Maurak and two other communities remain militarized at the time of writing.

68. The events described above forced at least 966 Pemons to flee to Brazil,⁴⁷ and most interviewees said they would not return for fear of persecution. The events, and the subsequent displacement, have caused irreparable harm to the Pemon, who have suffered violations of their individual and collective rights, related to their customs, territory and self-determination.

B. Migrants and refugees

69. The number of people compelled to leave the Bolivarian Republic of Venezuela has increased dramatically since 2018 and reached over 4 million as at 6 June 2019.⁴⁸ Colombia is hosting the highest number of Venezuelan migrants, followed by Peru, Chile, Ecuador, Brazil and Argentina.

70. Violations of the rights to food and health are the primary drivers of migration. Many seek protection of their right to life with dignity. Other drivers are violence and insecurity, the collapse of basic services, and the deterioration of the education system. For women, additional drivers include the lack of access to prenatal and postnatal care and insufficient protection mechanisms as regards domestic violence. Persecution on political grounds is also forcing many Venezuelans to seek asylum.⁴⁹ Children and older persons are often those left behind, with grandmothers assuming caregiver roles.

71. The violations of the economic and social rights that drive migration also affect the conditions in which people leave the country, the way people move and the situations of vulnerability they face during migration. Migrants can already be in precarious health conditions, which worsen when they have difficult access to health care in receiving countries. Moreover, regardless of previous socioeconomic status, migrants usually leave with very little or no savings. Some lack the resources to take any kind of public transportation and have no choice but to walk long distances. These “caminantes” undertake physically gruelling journeys, during which they are exposed to hostile weather conditions and a lack of adequate shelter, food, safe water and sanitation. They also face the risk of armed theft and other abuses. Once abroad, many are under pressure to send food, medicines and money back home.

72. Vulnerable situations generated in the Bolivarian Republic of Venezuela are compounded by challenges that migrants face in transit and destination countries, such as the lack of regular migration status, inadequate living conditions, labour exploitation, discrimination and xenophobia. These factors of vulnerability, combined with hypersexualized stereotypes, increase migrants’ risk of exposure to trafficking, sexual exploitation and gender-based violence, particularly for women and girl migrants.

73. Venezuelans face obstacles in obtaining or legalizing documentation, which infringe their right to leave their country and the right to an identity. These obstacles also have a negative impact on the right to acquire a nationality and the right to family life and they impede family reunification, regular entry and residence, and the ability to gain access to education, health care and decent work. Migrants who are leaving or re-entering the Bolivarian Republic of Venezuela are often victims of extortion and illegal requisitions,

⁴⁷ Information provided by Foro Penal Venezolano.

⁴⁸ See <https://r4v.info/en/situations/platform>.

⁴⁹ Office of the United Nations High Commissioner for Refugees (UNHCR), “Guidance note on international protection considerations for Venezuelans – update I”, May 2019.

especially at the hands of the Bolivarian National Guard. Moreover, border closures and additional requirements to travel to transit and destination countries force migrants to use unofficial crossing points and therefore increase their risk of suffering abuses. According to government information, between 2017 and 2019, the Office of the Attorney General has registered 85 complaints against officials of the administrative service of identification, migration and immigration; 196 officials are being investigated, 87 were charged and 34 convicted on corruption charges.

74. According to government information, since 2018, 14,070 Venezuelans have returned to the country in the context of its plan Return to the Homeland.⁵⁰ Human rights violations in the Bolivarian Republic of Venezuela, including of the rights to food and health, create protection needs based on international human rights law and standards, including obligations related to non-return. Furthermore, these violations create situations of vulnerability that mark the migratory process at every stage, which also requires human rights protection.

VI. Conclusions

75. OHCHR considers there are reasonable grounds to believe that grave violations of economic and social rights, including the rights to food and health, have been committed in the Bolivarian Republic of Venezuela. Until recently, the Government had refused to acknowledge the scale of the crisis and failed to adopt appropriate measures. As the economic crisis deepened, the authorities began using social programmes in a discriminatory manner, based on political grounds and as an instrument of social control, which disproportionately affects women. Recent economic sanctions are exacerbating the economic crisis, which will ultimately increase the negative impact on the population's enjoyment of economic and social rights.

76. For over a decade, the Bolivarian Republic of Venezuela has adopted and implemented a series of laws, policies and practices which have restricted the democratic space, weakened public institutions and affected the independence of the judiciary. Although those measures have been adopted with the declared purpose of preserving public order and national security against alleged internal and external threats, they have increased the militarization of State institutions and the use of the civilian population in intelligence gathering and defence tasks.

77. This context has enabled the Government to commit numerous human rights violations. The authorities have particularly targeted certain individuals and groups, including members of the political opposition and those perceived as threats to the Government because of their capacity to articulate critical positions and to mobilize others. This targeted repression manifests itself in a multitude of human rights violations, which may amount to persecution on political grounds. These violations require further investigation to determine relevant State and individual criminal responsibility.

78. Thousands of people, mainly young men, have been killed in alleged confrontations with State forces during the past years. There are reasonable grounds to believe that many of these killings constitute extrajudicial executions committed by the security forces, in particular by the Special Action Forces of the Bolivarian National Police. OHCHR is concerned that the authorities may be using the Special Action Forces, and possibly other security forces, as part of a policy of social control. These killings warrant immediate investigation to ensure accountability of perpetrators and guarantees of non-recurrence.

79. Venezuelan indigenous peoples face serious violations to their individual and collective rights. OHCHR is particularly concerned about reports of threats and violence against indigenous authorities and leaders, and targeted repression of Pemons who oppose the Government. Further investigation into the rights of indigenous peoples is needed, with particular attention to the repression of indigenous peoples, and violations of their collective rights to land, territories and resources.

⁵⁰ Information provided by the Government.

80. The State has systematically denied victims of human rights violations their rights to truth, justice and reparations. Impunity has enabled the recurrence of human rights violations, emboldened perpetrators and side-lined victims. OHCHR is concerned that if the situation does not improve, the unprecedented outflow of Venezuelan migrants and refugees will continue to grow and the living conditions of those remaining will worsen.

VII. Recommendations

81. OHCHR calls upon the Government of the Bolivarian Republic of Venezuela to immediately:

- (a) Take all measures necessary to ensure the availability and accessibility of food, water, essential medicines and health-care services, including comprehensive preventive health-care programmes, with particular attention to children and maternal services, including sexual and reproductive health care;
- (b) Take immediate measures to halt, remedy and prevent human rights violations, in particular gross violations such as torture and extrajudicial executions;
- (c) Conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations, including killings of indigenous peoples, and bring perpetrators to justice;
- (d) Release all persons arbitrarily deprived of their liberty;
- (e) Halt, publicly condemn, punish and prevent all acts of persecution and targeted repression based on political grounds, including stigmatizing rhetoric and smear campaigns;
- (f) Adopt effective measures to protect human rights defenders and media professionals;
- (g) Cease any intimidation and attacks against indigenous peoples, including leaders, and ensure their protection and take all necessary measures to protect their individual and collective rights, including their right to land;
- (h) Cease and prevent excessive use of force during demonstrations;
- (i) 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;
- (j) 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;
- (k) Ensure the right to remedy and reparations for victims, with a gender-sensitive approach, as well as guarantee their protection from intimidation and retaliation;
- (l) Ensure the right to identity and documentation for all persons, including children;
- (m) Accept and facilitate the establishment of a permanent OHCHR country office.

82. In addition, OHCHR calls upon the Government to:

- (a) Regularly publish comprehensive health and nutritional data, disaggregated by sex, age, ethnicity and location, that may be used, inter alia, to develop and implement a full-scale humanitarian response to the crisis;
- (b) Allocate the maximum available resources towards the progressive realization of economic and social rights in a transparent and accountable manner that allows the assessment of expenditures;

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- (c) **Allow access to information of public interest;**
 - (d) **Ensure the provision of all social programmes in a transparent, non-politicized, and non-discriminatory manner, including through the implementation of effective oversight and accountability measures;**
 - (e) **Increase vaccination coverage for preventable diseases and take adequate measures to control outbreaks of communicable diseases;**
 - (f) **Prioritize measures to decrease early pregnancies, and ensure that all plans regarding sexual and reproductive rights include measurable indicators and monitoring mechanisms;**
 - (g) **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;**
 - (h) **Disarm and dismantle pro-government armed civilian groups (armed colectivos) and ensure investigations into their crimes;**
 - (i) **Protect persons, including those on the move, from abuses, corruption and extortion by State agents;**
 - (j) **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention for the Protection of All Persons from Enforced Disappearance.**

83. **The Human Rights Council could request OHCHR to focus on ensuring accountability for human rights violations and abuses in the Bolivarian Republic of Venezuela, including by enhancing its monitoring, documentation, analysis and public reporting on the human rights situation.**
