REPORT

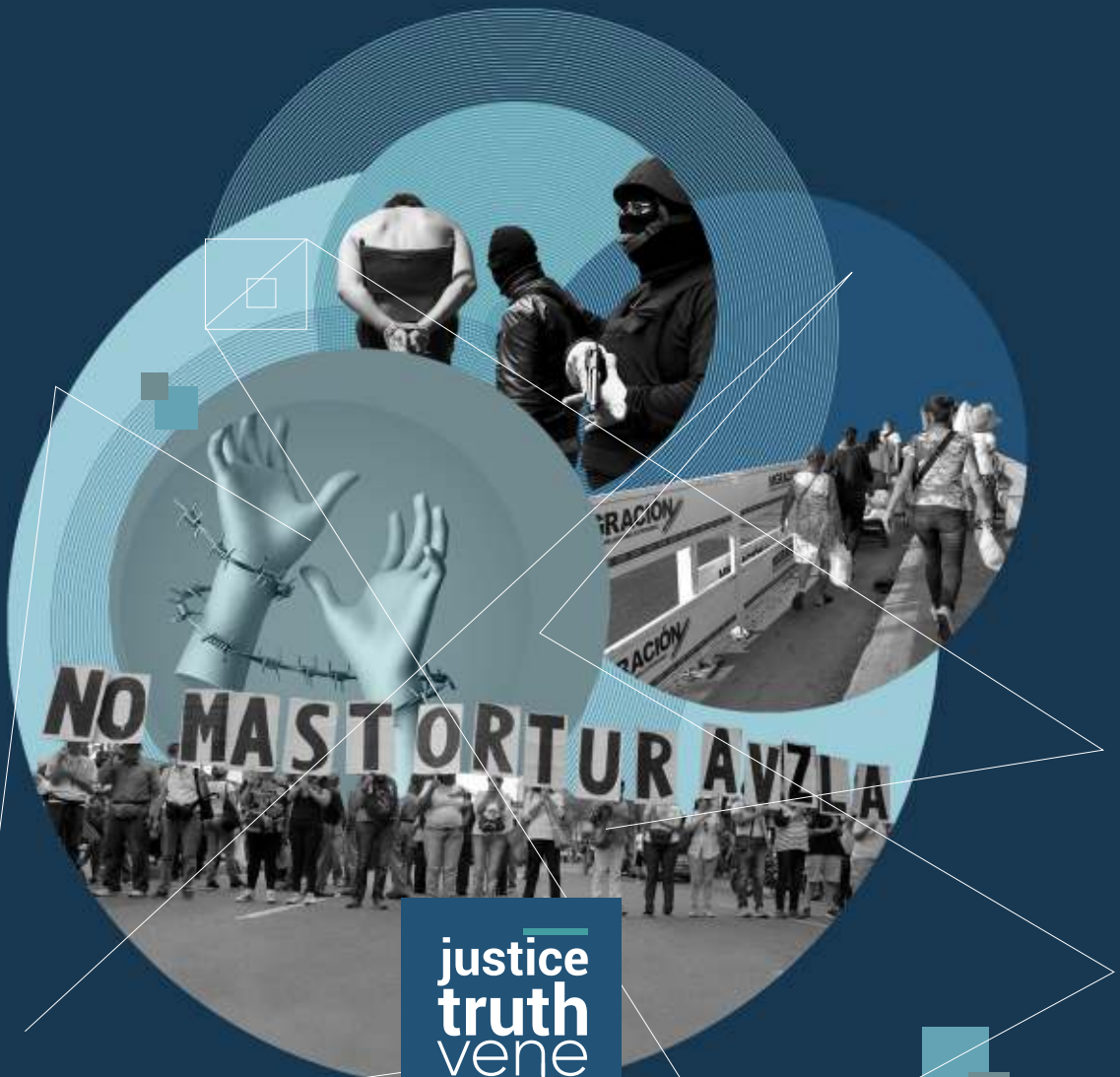
ON COMPLIANCE WITH THE RECOMMENDATIONS OF THE

OHCHR

VENEZUELA

2019 - 2021

MAY 2022



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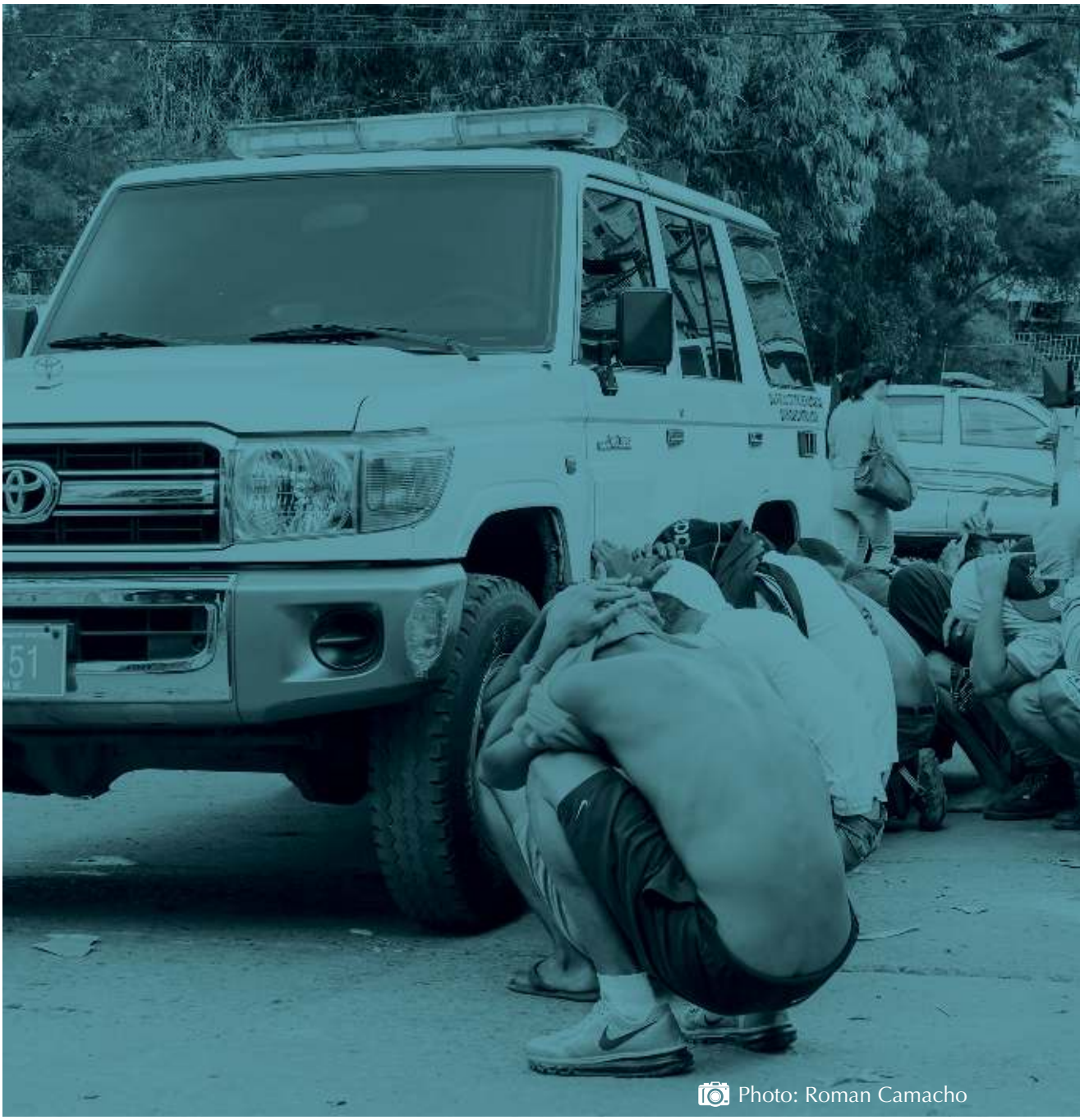
INTRODUCTION



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The year 2022 is marked by the activation of additional mechanisms in addition to those already activated in previous years for Venezuela. Among them, the opening of an investigation on the situation of Venezuela before the International Criminal Court (ICC), the evaluation on non-compliance with the recommendations of the Commission of Inquiry of the International Labor Organization (ILO), the Third Cycle of the Universal Periodic Review (UPR), as well as the country evaluation of the Financial Action Task Force (FATF), and the Follow-up Mechanism for Venezuela of the Inter-American System (MESEVE) dating from 2019.

However, the UN Universal Human Rights System and its mechanisms such as the Fact-Finding Mission (MDH) and the United Nations High Commissioner for Human Rights (OHCHR), continue to be of utmost relevance for the resolution of the crisis in Venezuela. In this regard, it is of vital importance to evaluate compliance with the recommendations requested by the OHCHR in its reports to the Venezuelan State to improve the human rights situation, based on the data and experiences that the OHCHR itself has ascertained and the documentation provided by other international agencies and civil society organizations, as well as the actions resulting from this. On October 3, 2018, the United Nations Human Rights Council adopted resolution A/HRC/RES/39/1 in which it requested the High Commissioner "to prepare a comprehensive written report on the situation of human rights in the Bolivarian Republic of Venezuela" and "to present orally to the Council, at its fortieth and forty-second sessions, updated information on the situation of human rights." On July 4, 2019, Michelle Bachelet, in her capacity as United Nations High Commissioner for Human Rights issued Report A/HRC/41/18 where she submitted to the Venezuelan State twenty-three recommendations referring to violations regarding: (a) Arbitrary Detentions, (b) Torture and Executions, (c) Economic, Social, Cultural and Environmental Rights (ESCR) (d) Women, (e) Persecution, (f) Indigenous, (g) Justice, (h) Deprived of Liberty, (i) Civil Society Organizations - Defenders, (j) Freedom of Expression.

Subsequently, on September 26 and 27, 2019, the United Nations Human Rights Council adopted resolutions A/HRC/RES/42/4 and A/HRC/RES/42/25 requesting the High Commissioner to submit further reports. On September 14 and 20, 2020, OHCHR presented two oral updates on the human rights situation in the country, and in September 2020 made public a second report on the independence of the justice system and access to justice, including violations of economic and social rights, and the human rights situation in the region of the Orinoco Mining Arc (A/HRC/44/54), and a report on allegations of possible violations of the rights to life, liberty and physical integrity (A/HRC/44/20).

Finally, on October 6, 2020, the UN Human Rights Council adopted resolutions A/HRC/RES/45/20 and A/HRC/RES/45/2 requesting OHCHR to submit reports on the human rights situation, also assessing the implementation of its recommendations (as per RES/45/20). In the first quarter of 2021, OHCHR conducted a third oral follow-up update, mentioning new elements on human rights violations and reaffirming violations that continue to occur. On June 16, 2021, during the 47th session of the Human Rights Council in June, it presented its report on the situation of human rights, with special attention to civic space and the rule of law (A/HRC/47/55) with a report on the situation of human rights, including also the assessment of the implementation of its recommendations, pending for the June-July 2022 session.

On October 21, 2021, during the 48th session, it presented its report on the "Situation of human rights with special attention to economic, social, cultural and environmental rights and technical assistance" (A/HRC/48/19), in accordance with RES/45/2.

The results of OHCHR's research work reaffirmed what Venezuelan civil society and various international organizations have been documenting and exposing: an unprecedented multidimensional crisis characterized as a complex humanitarian emergency, a consequence of a large-scale multi-comprehensive structure of human rights violations in Venezuela, as a result of the absence of the rule of law, the massive deprivation of economic and social rights and the dismantling of democratic institutions.

In this regard, the purpose of this report is to evaluate compliance with the recommendations requested by the OHCHR in its reports to the Venezuelan State to improve the human rights situation, based on the data and experiences that the OHCHR itself has verified in the field and the documentation provided by other international organizations and civil society organizations. The specific period is the term of office of the High Commissioner, Michelle Bachelet, between 2019 and 2021, laying the groundwork to continue documenting subsequent reports.

Photo: Roman Camacho

This work gathers updated contributions from Venezuelan human rights organizations and takes up in large part the information systematized in a joint effort that concluded with several reports addressed to the third cycle on Venezuela of the Universal Periodic Review (UPR). A detailed evaluation of the OHCHR's recommendations is a major undertaking and is not the purpose of this summary. The focus has been on the main elements that illustrate compliance or non-compliance with the recommendations.

Another key aspect is that the recommendations have been organized chronologically and the official reference in the UN nomenclature has been retained and leads to the official report where the recommendation is located (e.g., A/HRC/41/18). This serves as a valuable guide for organizations, researchers and those interested in technical information on the role of OHCHR in Venezuela and the causes and impact of its recommendations.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ESCR)

Recommendations contained in Reports:
A/HRC/41/18, A/HRC/44/20 and A/HRC/48/19.

RECOMMENDATIONS

- Take all necessary measures to ensure the availability and accessibility of food, water, essential medicines and health-care services, including comprehensive preventive health-care programs, with special attention to maternal and child services; **A/HRC/41/18.**

- Regularly publish comprehensive health and nutrition data, disaggregated by sex, age, ethnicity and place of residence, which can be used, inter alia, to design and implement a comprehensive humanitarian response to the crisis; **A/HRC/41/18.**

- Allocate the maximum possible number of available resources to the progressive realization of economic and social rights in a transparent and accountable manner that allows for the evaluation of expenditures; **A/HRC/41/18.**

- Increase vaccination coverage against preventable diseases and take appropriate measures to control outbreaks of communicable diseases; **A/HRC/41/18.**

- Ensure a large-scale, United Nations-led response to the humanitarian situation, including providing humanitarian actors with increased access, 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.**

- Adopt all necessary measures to guarantee sufficient income for civil servants and workers in sectors dependent on public funding, particularly in the health and education sectors, in a transparent and participatory manner, including through the adjustment of salaries and monetary transfers to the basic food basket, and adopt concrete measures to promote the enjoyment of labor rights, including compliance with international labor and collective bargaining agreements, and publicly report on their implementation; **A/HRC/48/19.**

- Adopt concrete measures to promote the autonomy of universities and free and independent electoral processes in accordance with their internal regulations, and guarantee the freedom of association of university workers; **A/HRC/48/19.**

- Amend Venezuelan legislation and decriminalize abortion and ensure the provision of adequate sexual and reproductive health services; **A/HRC/48/19.**

- Take all necessary measures to ensure equal access to vaccination, in particular for marginalized groups, with specific attention to this digital divide; **A/HRC/48/19.**

- Continue efforts to improve access to basic services, and to food, and report publicly and regularly on such efforts, with particular attention to equal access and non-discrimination, ensuring transparency, participation and public oversight; **A/HRC/48/19**.

EVALUATION OF COMPLIANCE ACCORDING TO OSC VENEZOLANA

According to the non-governmental organization PROVEA, the only recommendation that has been partially complied with is that of coordinating the humanitarian response with United Nations agencies and allowing access to some international organizations. However, for this same recommendation there is an unfulfilled dimension, and it has to do with the creation of a safe environment for humanitarian workers, as demonstrated by the precedent of the detention of the workers of the organization Azul Positivo, which together with the detention of the defender Javier Tarazona of Fundaredes, has generated withdrawal and self-censorship in organizations defending human rights and humanitarian activists on the border of the country.

Otherwise, the ESCR situation continues to be critical, and the severity of the indicators of the Complex Humanitarian Emergency is maintained. The dollarization of the economy has generated a deceleration of the economic crisis and although it has allowed Venezuela to get out of the hyperinflation situation, it still has the highest inflation rates in the world. This deceleration is taken as an argument by the authorities to try to position a supposed recovery of the economy, and that the social situation of Venezuelans is improving.

The reality is that the inequity, the inequality between those who receive income in foreign currency and the majority of the population that survives in bolivars has increased considerably. The increase in the minimum wage continues to be insufficient to guarantee an adequate quality of life, being well below the cost of the basic food. Although we are not experiencing the same scarcity indexes as in previous years, the high cost of food relative to the salary makes it inaccessible for an important sector of Venezuelans.

There is no information on public policies that is transparent and available. Institutional reports and accounts, the national budget itself and, in the specific case of the pandemic, its evolution in the country and reliable data on vaccination coverage are unknown. The women's rights agenda has not experienced any progress. In this regard, there have been no significant changes since the announcement of the recommendations.

According to the organization CIVILIS, in the recommendations related to the right to health and ensuring a large-scale humanitarian response, there has been no compliance with any of the recommendations.

The right to health continues to be widely violated and to date nearly 18 million people are deprived of this right, with a public health system that reached structural collapse 6 years ago, as a consequence of policies aimed at deteriorating its capacities, through defunding, diversion of resources and almost absolute dependence on state imports, the creation of parallel systems that dismantled the governing and executive functions of the competent bodies, at national and regional level, and repressive practices against health personnel. This situation has not been sufficiently reflected in the reports and recommendations of the OHCHR, leaving millions of people condemned to disability, ill health or avoidable death.

In reference to the humanitarian response, OHCHR has considered that the government has increased its recognition by accepting the designation of a humanitarian coordinator and the installation of a Humanitarian Country Team (HCT). However, the government maintains its ignorance of the Complex Humanitarian Emergency, not even admitting that there is a humanitarian crisis in the country or its consequences in a migration and refugee

crisis that continues to be described as one of the largest in the world, and the largest seen in the recent history of Latin America.

One example is that, in its report to the Third Cycle of the UPR, the government did not mention the EHP even once. Due to this non-recognition, the government continues to arbitrarily restrict access to humanitarian response, with support from the international community, as well as to veto the information that agencies can collect in order to develop a response plan that truly addresses humanitarian needs and is not limited to capacities that are already restricted. The current humanitarian plan continues to use the figure of 7 million people in humanitarian need, estimated in 2019, despite the impact of the COVID pandemic on the worsening emergency. The same situation occurs in the case of vaccination, about which there is so far no public knowledge plan, nor access to transmission and lethality figures, beyond those officially and partially published on the website of the Ministry of People's Power for Health. The Pan American Health Organization has publicly stated several times that Venezuela does not report complete statistics on the health situation of the population or the state of health care services.

Likewise, CIVILIS assures that, evaluating the effects of the announcement of the recommendations, no tangible change has been experienced as a result of the above, with the aggravating factor that the OHCHR reports do not show the seriousness of the massive levels of deprivation and the wide gaps in the fall of the internal capacities to guarantee the rights to health and the right to humanitarian assistance and protection of the population.

In the case of the right to health, the most serious situation in recent years has been the loss of health personnel in the services. This problem was extremely accentuated during the COVID pandemic. In reference to the humanitarian response, the government's refusal to recognize the crisis will lead to a decrease in funding and operations of agencies in a short time, which has been accentuated by the refugee crisis in Europe with the aggression in Ukraine.

The participation of independent and autonomous CSOs in the third Universal Periodic Review (UPR) Venezuela, concluded that while sectoral sanctions affect the Venezuelan population, the government uses them as a pretext to avoid assuming its responsibilities. Corruption and poor governance have been determining factors in Venezuela's complex humanitarian emergency. The right of civil society to participate in the design and implementation of public policies is systematically denied as spaces in the State have been closed, in addition to the fact that civil society organizations have been harassed and criminalized by the State. The fight against poverty has failed.

According to the Living Conditions Survey (ENCOVI), there is a dizzying growth of income poverty from 2014 to 2017. Already between 2015-2016, according to that survey, poverty reached over 70% and extreme poverty exceeded 50%. After that initial drastic expansion, the ENCOVI estimates that, with minor variations, poverty according to income affects more than 90% of the population and extreme poverty reaches two out of every three Venezuelans.

Widespread poverty keeps the majority of the Venezuelan population below minimum subsistence standards.

By 2021, income poverty affected more than 90% of the population, making it a state of general poverty. Measurements that combine income poverty with access to employment and basic services, show a multidimensional poverty of more than 70%. This situation indicates that in Venezuela the population is suffering a massive deprivation of economic and social rights, which contrasts with the extraordinary economic resources that the country had a decade ago, revealing the little or no willingness of the State to invest those resources in robust systems of provision of essential goods and services to ensure the right to an adequate standard of living for the entire population. Today, most of those goods and services present falls, deficits or gigantic losses that gave rise to a Complex Humanitarian Emergency as of 2016.

Millions of people in Venezuela resort to survival strategies to have livelihoods and cope with the lack of basic services.

A study by the World Food Program (WFP) at the end of 2019 showed that more than 30% of the population had come to completely lose their sources of income. Between 2020 and 2021, with the severe mobility restriction measures taken by the State in the face of the Covid pandemic, HumVenezuela estimates indicate that this proportion increased to more than 40%. Unemployment, before the pandemic, according to ECLAC data, was already at 42% of the economically active population; after the pandemic it increased to 53%. The large flow of migration out of the country, with a pronounced increase as of 2017, served as a survival strategy for millions of Venezuelans to send remittances from abroad to relatives given the economic collapse in which the entire country

finds itself. Economic studies estimate that remittances, before the pandemic, reached 30% of the population, and during the pandemic, up to June 2021, barely reached 11%.

The lack of sources of income is compounded by the lack of basic services, with recurrent failures for more than 80% of the population, in water, electricity, domestic gas, fuel, public transportation and roads. Between 30% and 40% of the population resorts to alternative strategies to have some proportion of services, which involves walking, going to public troughs or asking neighbors or other relatives for water, cooking with firewood, and walking. In a survey conducted by the NGO Compromiso compartido, in the area of Catia and Gran San Blas, densely populated and popular sectors of Caracas, 90.37% and 78.29% of those surveyed responded that communication roads are not in good condition.

Despite being an oil producing country, Venezuela has a structural fuel shortage that affects all basic services. Added to this is the lack of public transportation vehicles.

Poverty in Venezuela is mainly affecting women: demographic changes due in part to forced migration of the population, has led to 60% of heads of household being women. While 60% of men are formally employed, women account for 45%. For 2019-2020, the migrant population was composed of 54% men and 46% women. Remittances sent by migrants reach 66% of female-headed households and 34% of male-headed households.

Public policies on the right to housing have not been able to be evaluated in the absence of credible and verifiable data on the government's announcements of having reached some 3,634,103 delivered to the population by the Gran Misión Vivienda between 2014 and 2020. Estimates by NGOs indicate that the figure would only reach 123,552 houses delivered. This situation extends to other public policies of the State to combat poverty. The dismantling of the rule of law has led to the impossibility of exercising the right to request information from State agencies.

According to Resonalia's report, in Caracas, public transport vehicles went from 25,000 units in 2011 to 3,000 in 2021. The lack of adequate public transport vehicles, leads to the use of cargo transport vehicles to transport passengers ("perreras"). In 2015, 55 people died and 275 were injured in accidents while being transported in "perreras". Bicycle use has increased in different cities, but cyclists face poor road safety conditions and police abuses such as arbitrary arrests and fines. In 2020, 16 cyclists were killed due to lack of infrastructure and road awareness.

Situation of senior citizens: Guarantee that pensions and retirements cover the Basic Family Items (Food, Goods and Services), which in 2021 was Bs 984,806,244.02 equivalent to $405.28. Venezuelan pensioners abroad must receive their pensions in accordance with the international agreements signed by Venezuela with other countries. The situation of the elderly is serious because they depend on a monthly pension and/or retirement income, without any purchasing power in a country with hyperinflation, where pensions/retirements are equal to the amount of the minimum wage, which for April 2021 was 1,800,000 Bs equivalent to $0.74. The national government denies the payment of pensions in the legal tender of the country of residence, at least since January 2016, to approximately 11,700 Venezuelan pensioners residing abroad. In the case of those residing in Spain, the Bilateral Treaty on the matter, signed and ratified by Venezuela and Spain (G.O. No.34.120 of 12-22-1988) is violated.

Public policies do not guarantee universal social security for the elderly, they contemplate welfare practices that give way to discrimination. State institutions resort to discriminatory mechanisms such as the Carnet de la patria and do not publish disaggregated and reliable data that would allow us to see the real level of pension/ retirement coverage in the country.

The State has not established an institutional framework that guarantees universal social security for the elderly. By means of exceptional and temporary measures, it incorporated insured persons without the required minimum contributions and granted pensions to non-contributors. It also allowed open access to its health facilities and the purchase and delivery of high-cost medicines to people with chronic health conditions. In December 2011, the Executive created the Gran Misión en Amor Mayor Venezuela (GMAM), which consists of granting assistance to senior citizens living in households whose income is lower than the national minimum wage.

However, these figures do not differentiate between total pensions (survivor, disability or retirement pensions) and old age pensions. Since 2020, there are two pension systems: contributory pensions remain in the traditional system of the Venezuelan Social Security Institute (IVSS), while non-contributory pensions, initiated through the Misión Amor Mayor, are managed by the "Carnet de la Patria" platform, a mechanism through which the "bonos de la patria" are distributed, which are direct monetary transfers that depend on the government's discretion.

Guarantee water security at the level of Venezuela's cities and towns, considering the supply of water to urban and/or rural centers, the treatment of sewage and the drainage of rainwater.

The lack of continuous water distribution in Venezuelan homes is a notorious fact. The large system for production, treatment and distribution of drinking water in the Central Region of the country produces 12,810 liters per second (lps) and has a deficit of 6,470 lps due to leaks in the system, inoperative wells, lack of materials, equipment and vehicles, and lack of electricity, which makes it impossible to provide a continuous supply of water.

The lack of access to water has made the quality of life of 82% of the population more precarious. Daily life is disrupted waiting for the uncertain arrival of water. Venezuela's Living Conditions Survey (ENCOVI) revealed that, for the years 2019 and 2020, 75% of the population did not receive water every day.

In Venezuela, 4.5 million people live in homes without connection to the sewage network, of which 2.8 million live in rural areas. Venezuelans pay for water transported in tanker trucks in US dollars, the value of which varies between $20 and $50 (as of April 15, 2020), with a minimum monthly salary calculated for April 2020 at the equivalent of $2.5 per month.

The situation of the Lake in Valencia in the central part of the country makes it difficult to guarantee the population's right to drinking water. Potabilization systems and tributary riverbeds must be attended to in the Lake Valencia basin to guarantee the population's right to water.

The State is responsible for maintaining old systems managed and operated by personnel without technical capacities for research, technological development and innovation, which would allow overcoming the technological backwardness. That was one of the reasons for a national blackout of several continuous days starting March 7, 2019.

In Venezuela there is a lack of reliable, sustainable and modern electric power because there are energy supply problems, poor management and underdevelopment of energy infrastructure. During 2019 and 2020, electricity rationing in some places lasted for more than 6 hours per day, and in some sectors, it lasted between 1 to 5 days at times (Open Classroom Report and others, numeral 8).

In 2019, power failures persisted for a prolonged period of time. According to the Committee of People Affected by Power Outages in Venezuela, 87,260 failures occurred. The number was quite high compared to 2018 (46,566) and 2017 (18,221).

Guarantee the collection and management of solid waste.

In Venezuela there is no real strategic planning to efficiently fulfill the stages of solid waste management. There is an absence of information on waste generation, and irregular collection. Poor management has caused open dumps and the frequency of collection does not meet international standards. The lack of garbage collection means that solid waste is dumped in the streets/avenues/ditches. The deficiency and inadequate final disposal of solid waste has generated open dumps and Venezuelans incinerate garbage in the streets.

Guarantee access to fuel at the national level, prioritizing strategic sectors such as the food production sector.

It is a public and notorious fact that Venezuelans must stand in line for hours to have access to gasoline for vehicles despite the fact that Venezuela is an oil producing country. This has impacted food production due to the lack of fuel for agricultural production.

Recover the purchasing power of Venezuelan household income, particularly the purchasing power of workers.

For the period 2014-2019, the National Survey of Living Conditions ENCOVI indicates that households in multidimensional poverty (i.e., those registering more than 25% of the deprivations considered in the MPI-ECLAC/ ENCOVI) increase from 39% of households in 2014 to 65% in 2019, 2020 and 2021. The ENCOVI concludes that "the increase in poverty was due to the deterioration of income and the worsening of employment".

Official information on housing constructed in the country should be systematic and independently verifiable. The relationship between poverty and the right to housing cannot be measured based on official information, given that official statistics on housing construction are not verifiable. Thus, between the years 2014 to 2020 the official figures assure that 2,906,257 houses were built, however, a PROVEA research estimated that in that

period only 123,552 new houses would have been erected in the country. The setback of the sector was ratified by the figures disclosed during 2019 by the Central Bank of Venezuela, in which according to the Gross Domestic Product by class of economic activity, the construction activity had four consecutive years of contraction. For January 2020, trade unionists estimated the paralysis of the sector at 93%19 and the loss of 1.7 million jobs in the industry.

Food security in the country is in a deep deterioration and continued to worsen in the Complex Humanitarian Emergency, which erupted in the lives of the Venezuelan population starting in 2016.

Hyperinflation undermined the purchasing power of Venezuelan households to buy food and the quality of the diet, as the gap between the minimum wage and the cost of the basic food basket is virtually impossible to overcome with wages. In 2019, the World Food Program (WFP) conducted a study in Venezuela, estimating that at least 9.3 million people were food insecure. Between 2020-2021, the Venezuelan Observatory of Food Security and Nutrition (OVSAN) reported that only 9% of the population reached full food security levels. The rest would have to resort to survival strategies that involve changing consumption, sacrificing livelihoods or migrating out of the country. Domestic production only covers 20% of the demand, placing the country far from having the capacity for self-sufficiency.

The country is supplied by public and private imports, but at inaccessible costs for the majority of the population. The impacts of the EHC on food have very severe manifestations in the nutritional status of the population, mainly in the most vulnerable groups. Due to food deficiencies, 33% of children under 5 years of age are chronically malnourished; 14% of pregnant women are at risk of malnutrition and 51% have suffered global acute malnutrition. Due to the loss of the State's capacity to provide public nutritional services, programs for the recovery of malnourished people are carried out by initiatives of civil society organizations and the private sector. As of June 2021, the Venezuelan government signed an agreement with the World Food Program (WFP), after 2 years without allowing its entry into the country. This agreement establishes the distribution of food to 185,000 pre-school children before the end of 2021 and 1,500,000 children before the end of 2023. This aid is far short of the goal of providing welfare to 18.5 million people in humanitarian need.

Impacts of the Complex Humanitarian Emergency on the right to food. Venezuela has been going through a Complex Humanitarian Emergency since 2016 that severely compromises the human right to food. It is currently among the most food insecure countries in the world.

In Venezuela, the right to food of the majority of the population is violated, especially groups and communities in extreme poverty due to the effects of hunger and malnutrition. The availability, access and utilization of food, in the quantity and quality necessary for adequate consumption, has become impossible for most Venezuelans, resulting in an accelerated nutritional deterioration of the population, with children, pregnant women, the elderly, people in chronic health conditions and people who are in confinement or in areas of difficult geographical access being the most affected. The lack of nutrients, calories and proteins between conception and the end of the 2 years of life, represents a threat to the physical, mental and social growth and development of new generations. Since 2012, protein consumption has decreased by 80%, according to researcher Susana Raffalli.

Severe drop in national food production capacities. The decrease of productive agricultural land and national agricultural production together with the reduction of imports and agricultural inputs have deteriorated the availability of food in the country, with severe repercussions for the food consumption of the Venezuelan population.

Agricultural GDP per capita has been declining since 2009 and experts estimate that between 2008 (peak year in the last two decades) and 2020 it will be reduced by 72%. Between 2012 and 2020, national food production fell steadily, including meat, eggs, milk and its derivatives, corn, rice and vegetables. Currently, it can only cover 20% of the national demand. A large part of the producers went bankrupt due to price and exchange rate control policies, harassment of the private sector, the state monopoly of inputs (seeds, fertilizers and others), expropriations of companies, farms and land, totaling 5.8 million productive hectares, and the obligation to sell part of the harvests to government companies, under the administration of the military.

As of 2018 there were changes in economic policy: prices were liberalized, the legality of transactions in dollars was allowed and a non-transparent program of privatizations of public companies has been announced. However, according to data from the country's agricultural producers' associations, due to expropriations or confiscations, productive land decreased by 26.4% and agricultural and livestock imports fell by more than 60%.

Economic inaccessibility of food. Food is extremely expensive for the majority of the impoverished population.

In Venezuela, 61.3% of the population has lost livelihoods, including assets, resources and economic activities to earn a living. According to FAO, between 2015-2017, the proportion of the population in hunger was five times higher than between 2010-2013, indicating insufficient food availability to cover the minimum food needs of the population.

The national food system is going through a structural crisis caused by low access to inputs, machinery, fuel and credit, which has resulted in a drastic reduction in production, which, in 2018, represented one third of what was produced in 2008. At the same time the income of the Venezuelan population has eroded. Figures reported by the National Survey of Living Conditions (ENCOVI, 2019-2020) indicate that 79.3% of Venezuelans do not have how to cover the food basket. The number of households that reported not having food insecurity went from 6.6% in 2020 to 5.8% in 2021 (ENCOVI, 2020-2021).

Clientelism and discrimination for political reasons through CLAP. In 2016, the Local Supply and Production Committees (CLAP) were created which, in the framework of the States of Exception due to Economic Emergency, became the only subsidized food distribution mechanism allowed by the State.

CLAP distributes bags or boxes of food at subsidized prices. CLAP members are members of the governing party. In most cases, in order to have access to CLAP people must have the Carnet de la Patria, a card that provides an electronic affiliation code administered by the government.

In addition, the costs and frequency of CLAP are very irregular, and do not meet nutritional or food standards. In 2019 it reached only 39% of households on a monthly basis, with inferior quantities of products that do not guarantee adequate food. Studies indicate that the CLAP box or bag lasts less than 2 weeks. 73% of households receive it every 2 or more months or do not have an established periodicity, and the food products mostly included are rice (97%), flour (96%) and pasta (90%).

Food insecurity and survival strategies that deteriorate food consumption. The levels of food insecurity reached by the Venezuelan population, due to lack of physical and/or economic access to sufficient food, place Venezuela as the fourth largest food crisis in the world. Both urban and non-urban households must resort to survival strategies that change the diet based on flours, fats, sugars and tubers, decreasing the consumption of animal proteins, vegetables, fruits and even legumes.

In 2019, the WFP reported that more than 30% of the population was food insecure. The Living Conditions Survey (ENCOVI) of 2021 and diagnostics conducted by HumVenezuela organizations in 16 states of the country indicate that, in the pandemic, food insecurity increased to more than 50%. The most affected population is the lower income strata, whose caloric intake is below the minimum level necessary for survival. Between 2020-2021, the OVSAN reported that only 9% of the population reached full food security levels. The rest had to resort to survival strategies.

The majority of Venezuelan households must resort to survival strategies to eat, including spending savings, selling goods, working in exchange for food, reducing food portions or quantities consumed per day, and migrating. The OVSAN reports that 74% of people must purchase their food on a day-to-day basis, 76% ate less preferred or cheaper foods, 58% reduced portion sizes, and 56% spend their savings to buy food. The food groups most consumed are: cereals (98.9%), fats (84.4%), sugars (83.9%), tubers and dairy products (75.5%). There are households that never consume vegetables and fruits (more than 20%), nor animal proteins such as meat (38.6%), eggs (37.9%), offal (92.8%) and fish (86.3%). Part of the population that has been forced to migrate sent remittances from abroad, which 32% of the population received until 2019. In 2020, with the pandemic, the population receiving remittances decreased to 11%.

Chronic malnutrition early in life. Prolonged nutrient deficits have led to a high number of children under 5 years of age with chronic malnutrition, manifested in stunted growth and development.

According to the Bengoa-UCAB Foundation, 33% of low-income children between 0 and 2 years of age (strata C, D, E and F) present stunting or chronic malnutrition. Chronic malnutrition is a sign of altered growth, occurring from the prenatal stage and even during pregnancy, due to parental exposure to food and nutritional deficiencies in the environment. Failure to take adequate nutritional assistance measures to mitigate physical and mental damage before the age of 2 years of life, carries the risk that this child population may present cognitive developmental

delays, psychomotor development disorders, future dangers of cardiovascular diseases, diabetes, obesity and some types of cancer.

Between 2019 and 2021, anthropometric measurements performed by MAPANI, in Lara State, showed an increase from 49% to 59% of children with some degree of malnutrition. Incremental variations in nutritional deficits observed in assessments, studies and projections from 2016 to 2019, show that global acute malnutrition (GAM) could have reached 23.9% in children under 5 years of age at the national level, affecting in greater proportion children between 0 and 2 years of age.

Maternal and child health services inoperative or irregularly functioning in major public hospitals. Most maternal and child health care services have closed due to lack of supplies and personnel.

In Venezuela, the loss of maternal and child health care services is accentuated. The ENCOVI 2017 reported that 25,000 pregnant women did not receive prenatal control and 7,500 were controlled late. There is very little monitoring of maternal and child nutritional health, pregnancy control and provision of both nutritional supplements and infant formulas that complement feeding, after six months, with and without breastfeeding. The CAMIA organization (Casa de Atención de las Mujeres Indígenas Amazónicas) reported that 1 out of every 4 pregnant women attended had iron deficiency and began to attend pregnancy control around the fourth month, when the prevention of neural tube defects is no longer possible.

Lack of data and public information on food and nutrition. The competent State institutions and entities do not report or publish statistics on the food and nutrition situation of the population.

The Ministry of People's Power for Food (MPPA), the National Institute of Statistics (INE), the National Institute of Nutrition (INN), among other agencies that produce information on food and nutrition security, have stopped publishing statistics and surveys. The food balance sheet has not been published since 2012, the survey to monitor food consumption and the cost of the normative food basket, stopped providing data since 2015 and information on child malnutrition has not been known since 2007.

Systems that should guarantee drinking water and sanitation are largely dismantled. The deterioration of water and sanitation begins with the neglect of water-producing "protected areas", especially in those located in the south of the country, in the states of Amazonas, Bolivar and Delta del Amacuro. There, 80% of the fresh water that is consumed is born and flows through their rivers, either for drinking water purification or for the production of hydroelectric energy.

During these last years, the Right to Health has presented alarming setbacks, placing in serious threat the life and physical and mental integrity of the Venezuelan population, allowing the spread of diseases to a greater number of people and that those who face serious problems do not have access to adequate minimum care, medicines and information, education and prevention programs to face health risks.

High inoperability of health services keeps the public health system in collapse. The fragmentation and sustained deterioration of the health system lasted for more than two decades, leading it to collapse between 2015-2016, which has continued to deepen until the present due to institutional destructuring, defunding and inoperability of services.

The public health system (SSP), on which the availability of health care for the majority of the Venezuelan population depended, was subjected to permanent destructuring, defunding and severe problems of inoperability between 2003-2013, even though the country received substantial resources in those years. The contribution of the public budget to households in health expenses fell 68.2% between 2012- 2018, as reported by PROVEA, Codevida and others. In 2016, the collapse of the SSP contributed to cause part of a Complex Humanitarian Emergency with massive and severe humanitarian needs due to the deprivation of the right to health. As a consequence, by 2021 more than 50% of the population, totaling some 16 million people, lost free public health services that became inoperative or closed, while the severe economic crisis of the country with 3 consecutive years of hyperinflation and an accumulated GDP contraction of more than 70%, caused 4.4 million people to lose their health insurance, public and private, increasing to 68.2% the population without financial protection to meet health expenses.

Severe deficiencies in public hospitals generate huge health care gaps. The demand for health care is concentrated in public hospitals, which are in an alarming situation of physical, financial and operational deterioration. During the last few years, a large percentage of people stopped visiting health centers and there was a high hospital

mortality rate. With the pandemic, hospital services had to be further restricted in the face of the need to deal with severe Covid cases.

Public hospitals concentrate most of the health demands because the rest of the ambulatory and specialized care centers are in worse conditions and have a low resolution capacity. Of 320 public hospitals reported to PAHO in 2019, 91% depend on the Ministry of Popular Power for Health (MPPS).

As reported by Médicos Unidos de Venezuela and HumVenezuela, in 2021 more than 80% of the hospitals reported inoperative or closed services, due to severe infrastructure deficiencies, withdrawal of health personnel, damaged equipment and lack of supplies, electricity, water and sanitation failures. Various rehabilitation plans were left unfinished, further weakening the rehabilitated areas. Beds, stretchers and wards are exposed to constant contamination due to lack of implements and disinfection products.

As a consequence, more than 70% of people stopped visiting health centers regularly and hospital mortality has risen in recent years. With the pandemic, the main hospitals in the country further restricted services to deal with severe cases of Covid, without adequate conditions for care or biosecurity.

Gaps in health care have increased the number of diseases, for which treatment is not guaranteed. Treatments and medical supplies are inaccessible to the majority of the population. People face severe limitations in accessing medicines due to shortages, high costs or indefinite suspension of programs for high-cost treatments.

The enormous gaps in care left by the collapse of the public health system have increased the prevalence of chronic and acute diseases in the population. According to reports from several organizations, currently about 4 million people do not have access to medicines (37% of people with serious health problems) due to inaccessible costs or shortages because the State suspended purchases in 2017. Among the most prevalent chronic and acute conditions are: Hypertension and Diabetes, Renal Insufficiency, Pulmonary and/or Respiratory Diseases, HIV, Transplantation, Cancers, Hemophilia, Parkinson's, Multiple Sclerosis, Pulmonary Hypertension, Alzheimer's, Hypo/Hyperthyroidism, among others, reducing their life expectancy and causing disabilities.

Women, girls and adolescents face very adverse conditions for their sexual and reproductive health and their lives. Women, girls and adolescents are not guaranteed access to timely and adequate sexual and reproductive health services. Pregnant women face conditions that are neither dignified nor adequate for childbirth care, causing high rates of maternal and newborn mortality, most of which are preventable.

In reference to sexual and reproductive health services, Avesa reports in its report that 90% of women, girls and adolescents between 15 and 59 years old in low-income communities in the central region of the country did not have access to services for planning their pregnancies, exposing them to unsafe and uninformed conditions regarding their sexuality and reproduction. According to Avesa, in 2020 in the Capital District and Miranda State, the contraceptive use rate among adolescents aged 15 to 19 was 37.9, well below the average of 74 for Latin America and the Caribbean, according to the United Nations Population Fund (UNFPA).

Official bulletins reporting notifiable deaths ceased to be published in 2016. The latter recorded an alarming increase in the maternal mortality rate by 69.2% and infant mortality by 36.9%. Among the deceased more than 60% were newborns. MPPS notifications to PAHO report a decrease in these mortalities, however, regional studies indicate that the maternal mortality rate has remained high, ranging from 110 to 120 between 2018-2020.

The Con Ellas report indicates that pregnant women face the closure of services, lack of personnel, supplies and medicines, damaged sterilization equipment, and difficulty in attending births, which generates that only expulsion deliveries are attended, after prolonged waits, and even deliveries occurring outside health care centers or in visiting rooms. Cases of congenital syphilis and vertical transmission of HIV in pregnant women have increased.

Poor working conditions and lack of safety have led to a massive withdrawal of health personnel. The working conditions of health personnel without decent salaries and minimum conditions to provide adequate care, in addition to the risks to their lives and health due to lack of supplies and biosafety equipment to treat Covid cases, have caused their massive withdrawal from public health centers.

With the Covid pandemic, the withdrawal from work increased to 70% in medical personnel and 80% in nursing personnel, due to the high risks to their lives and health because they do not have the necessary means to

provide adequate care, including biosafety equipment. As of November 15, 2021, Médicos Unidos de Venezuela registered 792 health personnel deaths due to Covid. These deaths represent 16% of the accumulated deaths since the beginning of the pandemic and most of them are not recorded.

Low capacity for surveillance, diagnosis, vaccination and lack of prevention programs intensified epidemics. Venezuela has low capacities for surveillance and control of epidemics. Malaria increased dramatically and Diphtheria and Measles, which had been eradicated from the country, spread.

In particular Malaria, with a significant number of cases in Venezuela, had a vertiginous increase of cases between 2018 and 2019, concentrating more than 30% of those reported for Latin American and Caribbean countries, mainly due to internal displacement encouraged by mining activity. In the pandemic, Malaria decreased due to mobility restrictions. Diphtheria and Measles expanded to 20 of the country's 24 states between 2017 and 2018, due to low vaccination coverage, lack of public health programs. As of 2019, these epidemics were controlled by increases in vaccination. However, during the pandemic, vaccination efforts also declined.

Implications of Covid-19

The response to the pandemic accentuated the severe difficulties of the public health system to guarantee health care to the population. When the first cases of Covid were reported, drastic measures were taken to restrict mobility, which kept the transmission of cases and lethality low, in a context of strong economic and social depression in the country due to the humanitarian emergency. However, various national and international analyses have indicated a significant underreporting, estimated to be 3 to 6 times higher, due to diminished surveillance and diagnostic capacity, including the practice of not registering suspected Covid deaths unless they were confirmed positive, many of which arrive with great delay, even after the deaths.

Many people with Covid stay at home so as not to go to health centers, at risk of getting worse, due to delayed care, lack of oxygen and/or medication. The curve of Covid cases continued to grow during 2021, with at least 39.6% of people without basic protective equipment or isolation spaces in case of transmission. Vaccination against Covid responds to an unpublished official plan. As of December 2021, more than half of the population had not been vaccinated.

The State has continued to implement a policy aimed at ending academic freedom and university autonomy. By means of sentence Nº 0324, the Constitutional Chamber of the TSJ distorted the Law of Universities and the internal regulations of the universities by proposing new rules for the electoral procedure. For the NGO Aula Abierta, this sentence not only affected all Venezuelan public universities "provisionally and as a precautionary measure a transitory regime for the election of the authorities of the Central University of Venezuela, in an expired academic period within a term of six (6) months" and at the same time ordered the National Council of Universities to establish "the schedule for the elections of the university authorities of the other National Universities, other than the Central University of Venezuela, whose terms have expired". Later, ex officio decision No. 0047 of February 27, 2020, the Constitutional Chamber pretended to have suspended Ruling 0324, but in truth it only eliminated the 6-month term for its implementation. Ruling 0324 has not been annulled or revoked by the Constitutional Chamber, therefore it is still legally binding for the universities and its non-compliance may lead to arrests of university authorities for contempt of court.

In October 2021, the Maduro government appointed a "protector" for the Central University of Venezuela, who exercises functions over the academic authorities, thus violating the principle of university autonomy.

Creation of a parallel, non-autonomous university system that restricts critical thinking and promotes corruption, violating university autonomy.

Since 2003, the creation of a non-autonomous university institutionality began, with the purpose of radically transforming the higher education system to adapt it to the ideology of the so-called Bolivarian socialism of the 21st century. By 2021, 86% of the universities are not autonomous and are directly controlled by the National Executive, which intervenes in the design of their curricular programs and appoints and removes, at its discretion, their authorities. Their curricula and study programs are proselytizing, aligned with the political objectives of the government contemplated in the Plan of the Homeland and oriented to the deepening of the Bolivarian revolution. Its training programs were designed behind the CNU's back and the degrees it grants are not academically endorsed. Parallel bodies of university representation have been created, composed of political cadres of the government and financed by it, with the objective of undermining university autonomy and governance in the

autonomous public universities. The implementation of the parallel system of universities meant the detour of important resources in proselytizing programs, resources that were no longer invested in the autonomous universities in the areas of research and teaching.

Decisions of the Judiciary that affect the autonomous university government, violate academic freedom and university autonomy.
Since 2010, at least 50 judicial decisions have violated academic freedom and university autonomy. Of these, at least 74% ordered the suspension of the electoral processes for university authorities, student government and co-government, as well as the reform of the internal norms that regulate university electoral processes.

Budgetary asphyxiation imposed by the State to the detriment of Venezuelan public universities violates university autonomy.

At least since 2008, there has been a state policy aimed at generating a budget deficit in the country's public universities. For 2021, the Ministry of Popular Power for University Education (MPPEU) has disproportionately disregarded the budget projects submitted by the universities, imposing items that present a deficit that, in some cases, reaches 99% of the real needs of the universities, affecting their teaching, research and extension activities. Since 2017, university research units provide funding ranging from €0.90 to €19.90. In addition, financial contributions for researchers range between €0.0059 and €0.20.

The allocation of 100% of university quotas by OPSU violates university autonomy.

On August 17, 2020, the Venezuelan Minister of University Education, Cesar Trompiz, declared the allocation of 100% of the quotas for new admissions requested by high school graduates to access university education. This situation has as a background the unconstitutional sentence N° 831, dated July 07, 2015, issued by the Constitutional Chamber of the TSJ, which ordered the public universities of the country, to abide by the allocations made by the National Admissions System (SNI) of the OPSU. This fact entails the continuity of a State policy of violation of the university autonomy, as it biases the universities from the power they have to apply the methods they consider sufficient and necessary to adjust the admission of new students, according to their capacity.

RIGHT TO LIFE

Recommendations contained in Reports:
A/HRC/41/18 and A/HRC/44/20.

RECOMMENDATIONS

- Take immediate steps to cease, remedy and prevent human rights violations, in particular serious violations such as torture and extrajudicial executions; **A/HRC/41/18.**

- Disband the FAES and establish an impartial and independent national mechanism, with support from the international community, to investigate extrajudicial executions carried out in the course of security operations, ensure that those responsible are held accountable, as well as victims receive reparations; **A/HRC/41/18.**

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance; **A/HRC/41/18.**

- Review security policies to implement international norms and standards on the use of force and human rights, including by restoring the civilian character of police forces, conducting vetting, restricting the roles of "special forces," and strengthening internal and external oversight mechanisms; **A/HRC/44/20.**

- Ensure systematic, prompt, effective and thorough, as well as independent, impartial and transparent investigations into all killings committed by security forces and armed civilian groups (colectivos armados), and ensure the independence of all investigative bodies, accountability of perpetrators and reparations for victims; **A/HRC/44/20.**

COMPLIANCE ASSESSMENT ACCORDING TO OSC VENEZOLANA

The participation of independent and autonomous CSOs in the third Universal Periodic Review (UPR) Venezuela, concluded that from 2016 to the present, the so-called citizen security operations were characterized by their high lethality and the victims were mainly young people from poor areas. Under the official version of resistance to authority, thousands of young people were killed and in almost all cases those responsible were not investigated and therefore not held accountable.

In the context of peaceful demonstrations carried out by the population to demand rights, excessive use of force was resorted to, including lethal force against unarmed demonstrators, resulting in hundreds of young people being killed and hundreds more shot and wounded. Weapons that release toxic gases were also used, aimed at hitting people's bodies, causing injuries and even the death of protesters. In the prisons, firearms were used against prisoners, causing at least a hundred of them to die in two actions carried out by the security forces inside the prisons. Others were seriously wounded.

Senior State officials defended and, in some cases, encouraged the actions of State agents. Officials with high-ranking positions in the military and police structure, dismissed the warnings and calls made by civil society organizations to stop the violent actions against the population which became widespread and systematic. The OHCHR expressed in 2017 that it "found that the security forces have systematically used excessive force and made arbitrary arrests of people participating in demonstrations."

For its part, the Fact-Finding Mission on the Bolivarian Republic of Venezuela expressed in its September 2020 report, "With regard to the extrajudicial executions committed by the PNB/FAES and the CICPC, the Mission has reasonable grounds to believe that certain high-level authorities were aware of these crimes and contributed to their commission, while others, in their capacity as commanders and superiors, knew or should have known of their commission and, having effective command and control, failed to take measures to prevent or repress them. The responsibility of the regional and state authorities of these forces corresponds to the areas in which they exercised effective authority and control."

Increases in extrajudicial executions show a systematic pattern of serious violations of the right to life. Since 2015, extrajudicial executions increased significantly in Venezuela, showing a systematic pattern of grave violations of the right to life. The authorities have ignored national norms and those of international law, implemented three national citizen security plans, all with the common axis of an iron fist policy and an internal enemy to be annihilated.

Police executions have become part, by the facts, of the policies implemented in the fight against crime. The authorities deny it, the facts prove it During the last five years there were 6,532 alleged extrajudicial executions in Venezuela, of them, 46.2% occurred in 2020, showing an alarming increase. In 2016, 337 people were killed, in 2017 it increased to 397; in 2018 to 663, in 2019 to 2,102 and in 2020 to 3,034, according to research conducted by Centro Gumilla and PROVEA. These unlawful deaths took place in the People's Liberation Operations (OLP) in 2015; the Socialist Justice Mission in 2017, where national authorities set the goal of strengthening the so-called "Safe Homeland Plan", under the main responsibility of the Bolivarian National Guard (GNB); and the Gran Cuadrante de Paz Mission in 2019, which strengthens militarization and stimulates the participation of pro-government paramilitary organizations in citizen security work.

The Lupa por la Vida project recorded a very significant decrease in the number of extrajudicial executions from 3,034 in 2020 to 1,414 in 2021. This is especially due to the withdrawal of the FAES and illustrates how this State policy was mitigated in the short term, although not eliminated.

The actions of elite corps and the militarization of citizen security tasks have increased extrajudicial executions. Extrajudicial executions are frequently carried out with the use of elite bodies that use weapons of war and act with great lethality, such as the Special Action Forces of the Bolivarian National Police of Venezuela (FAES). Due to a growing process of militarization of citizen security tasks, the military is increasingly involved in the perpetration of extrajudicial executions.

The outrage to life in State security policies is a risk for the majority of citizens and the vulnerable prison population, as indicated by the report of the Citizen Movement Dale Letra. Since 2017, the population has been subjected to the designs of the Special Actions Force of the Bolivarian National Police of Venezuela (FAES) that serves as an elite unit and extermination group by carrying out extrajudicial executions in the country. Under the umbrella of the so-called Operation Liberation of the People (OLP), it has been estimated that 21 people per day were killed by the FAES.

In Zulia state, Codhez registered a significant increase in alleged cases of extrajudicial executions (279 in 2018, 657 in 2019 and 586 in 2020), where FAES and other national and regional police forces and military participated. In the executions, the participation of the Bolivarian National Armed Force (FANB) has increased, mostly officers of the Bolivarian National Guard (GNB). PROVEA was able to identify in 2019 the participation of the FANB in 100 alleged executions. By the first semester of 2020 the number rose by 403%. This result corresponds to the ever increasing process of militarization of citizen security tasks.

Deaths from violent causes present alarming features of epidemic, in a context of insecurity and impunity. The rate of violent deaths in Venezuela continues to be one of the highest in the world. Although these deaths have shown a downward trend in recent years, they continue to be high in a context of high insecurity and impunity, and present epidemic features, according to the thresholds of the World Health Organization (WHO), extended to the entire country.

The OVV report states that, between January 2015 and December 2020, a total of 134,414 violent deaths occurred nationwide. Despite the confinement measures due to the COVID pandemic, the rate of violent deaths in Venezuela continues to be one of the highest in the world. In 2017, 26,616 violent deaths were recorded, yielding a rate of 89 x 100,000 Inhabitants, higher than countries such as El Salvador (60), Honduras (43), and well above Colombia (24), Brazil (30) and Mexico (22). Although, these rates have shown a decreasing trend to 81.4 in 2018, 60.3 in 2019, 45.6 in 2020 and 40.9 in 2021, deaths are still alarming and their decrease is not due to better citizen security policies. A large part of the population perceives that the police do not fulfill their duty to take care of them and contain crime and that the criminal justice system also does not fulfill its duty to judge and punish. Violence in Venezuela has the characteristics of an epidemic. In 296 of a total of 335 municipalities in the country, the rate exceeds the WHO threshold of 10 violent deaths per 100,000 inhabitants.

Intensification of extrajudicial executions and other unlawful killings, disguised under supposed acts of resistance to authority. Police lethality produces thousands of murders in Venezuela that are registered by the authorities as deaths due to "resistance to authority" or "confrontations". The increase in the lethal force of the security forces is so high in Venezuela, that during the last few years more people have died from the action of these bodies than from acts of delinquency or criminality.

Between 2016 and 2019, police lethality in Venezuela produced 23,623 victims registered in the OVV report. This represents an average of 16 people killed every day and 113 per week. In 2016, for every 100 homicides there were 28 people killed in police actions that were qualified as deaths due to "resistance to authority". In 2017, there were 34; in 2018 it increased to 72; in 2019 to 88 and in 2020 it rose to 101. This last year, for the first time, the number of people killed by police officers was higher than by crime. Zulia state ranks among the regions with the highest number of deaths due to police violence. In a report presented by Codhez, from January 2018 to December 2020, 1,916 people were killed by police and military officers in Zulia state alone, which is equivalent to an average of 638 deaths per year. The CADEF report5 records similar trends in Carabobo state and notes that most of those killed are young people under 30 years of age. These deaths remain unpunished in the face of a judicial system that does not act with independence and autonomy.

From January 6 to 9, 2021, at least 14 men were killed in the La Vega sector of Caracas, during an operation carried out by the FAES and the Criminal Investigations Directorate (DIP) of the Bolivarian National Police. Most of the victims had died from shots to the chest near the heart, from shots to the head and from shots to the abdomen. The evidence and testimonies indicate that these were extrajudicial executions, especially because of the shots fired with a high level of lethality. On the contrary, official spokespersons informed that these people died in confrontations with the police forces, information that was also disclosed from the social network accounts of high officials of the National Assembly, representatives of the United Socialist Party of Venezuela (PSUV) and of different Ministries of the government of Nicolás Maduro. To date, there has been no public pronouncement from the Attorney General's Office or the Ombudsman's Office on the results of the investigations into this police operation, which is the one that has caused the highest number of lethal victims in recent years in Venezuela.

Murders in peaceful protests remain unpunished, promoting the commission of these crimes. In the context of

peaceful protests, law enforcement officials have perpetrated murders of demonstrators through the excessive use of force, in coordination with armed civilian groups, which have not been investigated and those responsible have not been brought to justice. The policies of repression against peaceful demonstrations and impunity for these crimes has served to continue to violate the right to life for exercising the right to freedom of peaceful assembly.

During peaceful demonstrations between 2017 and 2019, more than 140 people were killed by excessive use of force. The IACHR-UNIMET report reports that, among the 2017 victims are Juan Pablo Pernalete, Yorman Bervecia, Luis Guillermo Espinoza, Nelson Arévalo and Rubén Darío González. CODHEZ points out that 14 deaths of 2017 occurred in situations of violence during demonstrations in Zulia state, have not yet been investigated and the families of Miguel Mike Medina, Paúl Moreno, Adrián Duque, Luis Enrique Vera, Luis Alberto Montiel Herrera, Alexander Sanoja, José Bousamayor, Luiyin Paz, Manuel Villalobos, Jean Camarillo, Yulimet Vásquez, Víctor Márquez, Heiber Ocando and Miguel Urdaneta are waiting for justice. The REDAC and Cepaz report indicates that, only in Barinas state, during May 22 and 23, 2017, 7 young people were killed: Miguel Ángel Bravo Ramírez, Elvis Adonis Montilla Pérez, Yorman Alí Bervecia Cabeza, Alfredo Carrizales, Freiber Pérez Vielma, Juan Sánchez and Erick Molina; in addition to Carlos Acosta, who was wounded by firearm and was left in a wheelchair. The FUNDEHULLAN report records that other uninvestigated murder victims during demonstrations in 2019, in Barinas state, are Gustavo Gabriel Ramirez Lopez, Wilmer Antonio Zambrano and Ivan Antonio Hernandez.

Impunity is a State policy that leaves the families of the victims of arbitrary deprivation of life without justice. Neither the material perpetrators nor the chains of command that could be responsible for the murders in citizen security operations, the murders in the context of peaceful demonstrations and the murders resulting from interventions carried out by the security forces in prisons are investigated.

The Public Prosecutor's Office does not comply with the attributions of the national regulations that allow it to order investigations to the police bodies, accuse the accused and request the courts to arrest or apprehend them when there is evidence of their responsibilities in crimes where the right to life is violated. In none of the cases of murders committed by disproportionate use of force in peaceful demonstrations, registered by the organizations in their reports, have those responsible been identified nor have criminal proceedings been initiated against the chain of command, and the parents of the victims have been denied the right to a fair and impartial trial. The State maintains a policy of impunity for killings by security forces.

DEMOCRATIC AND CIVIC SPACE

Recommendations contained in Reports:
A/HRC/44/20 and A/HRC/47/55.

RECOMMENDATIONS

- Respect, protect and enforce the rights to freedom of opinion and expression, peaceful assembly and association, as well as the rights of access to information and participation in political affairs; A/HRC/44/20.

- Publish the annual national budget and expenditure reports, ensure access to key data to assess the effectiveness of rights, and restore the oversight role of the National Assembly over the use of public funds; A/HRC/44/20.

- Prioritize a legislative agenda aimed at strengthening the promotion and protection of human rights, and avoid the adoption of laws and regulations that are disproportionately restrictive of fundamental freedoms and civic space, and review adopted regulations and laws to ensure that they are compatible 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 proportionate to mitigate the impact of the pandemic (A/HRC/47/55).

- Ensure that all conditions are in place for the holding of free, fair, peaceful and independent elections; A/HRC/47/55.

- Prioritize a legislative agenda aimed at strengthening the promotion and protection of human rights, and avoid the adoption of laws and regulations disproportionately restrictive of fundamental freedoms and civic space, and review adopted regulations and laws to ensure that they are compatible 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 proportionate to mitigate the impact of the pandemic (A/HRC/47/55).

- Ensure that all conditions are in place for the holding of free, fair, peaceful and independent elections (A/HRC/47/55).

COMPLIANCE EVALUATION ACCORDING TO OSC VENEZOLANA

CIVILIS expresses, in reference to the respect, protection and enforcement of freedom of opinion and expression, peaceful assembly and association, as well as the rights of access to information and participation in political affairs, which together make up the rights of civil society, that none of the obligations have been fulfilled.

On the contrary, the Venezuelan government has underpinned the undemocratic exercise of State power by ignoring the legitimate work of civil society organizations, their exclusion and marginalization from all spheres of public decision making (judicial, legislative and administrative); and their being pointed out as an internal threat and target of attack, to justify systematic policies of stigmatization, criminalization and persecution, which have been increasing in recent years, from the highest civilian and military authorities.

Likewise, it states as evidence of the lack of progress and that, on the contrary, restrictions to civil society have worsened, the fact that even with the presence in the country of the OHCHR team and a Humanitarian Country Team, figures that have a mandate to work with the local autonomous civil society, civil society organizations are at high risk of disqualification and illegalization, through state measures that dictate:

(a) the imposition of impediments, hindrances and obstacles to registration activities; (b) the subjection to new registries, parallel to those legally required in democratic societies, which already exist in Venezuela, with the intention of establishing a regime of state authorization; (c) direct supervision or through third parties of activities and access to funds, under suspicion of committing illegal acts; (d) surveillance and censorship of communications and information; and (e) repression and use of state violence, as retaliation for denouncing. All these measures together represent a strategy of siege and dismantling of the capacities of the organizations that gradually close the civic space and discourage people and organizations to continue their work.

For CIVILIS, among the most serious measures are the Law against Hate, Ruling 002-2021, based on the Law against Terrorism, and a possible approval of the Law of International Cooperation in the legislative agenda. All these laws violate the freedoms of expression, association and peaceful assembly. In the case of the right to participation, between the years 2002 and 2010, the National Assembly (with a majority of deputies of the governing party) made unconstitutional reforms in which the figure of society organizations was eliminated, replacing them with organizations of "Popular Power" that are part of the State, according to its conception. These reforms are still in force.

In the same vein, the organization Sinergia considers that to no extent has the Venezuelan State complied with the recommendations, on the contrary, it has been implementing a series of measures of control and supervision of civil society organizations that constitute unconstitutional acts, legal overreach and serious breach of international standards for the protection of human rights and fundamental freedoms that are mandatory, these measures increasingly hinder and criminalize the civic space.

In this regard, they include 6 major aspects against the civic space, the first being a society under states of exception, economic emergency and state of alarm. The Executive established a regime of States of Exception and Economic Emergency to govern outside the Constitution and the controls of the Parliament.

The second is the imposition of processes of renewal and intervention of political parties, the process of renewal of parties served as an excuse for the National Electoral Council (CNE) to suspend indefinitely the regional elections that were to be held in December 2016.

The third is the repression against peaceful demonstrations for civil and political rights, the worsening of the political, economic and social situation of the country caused massive public demonstrations throughout the country.

The fourth is **the denial of university elections and the suffocation of the autonomous universities,** the government also disqualified the electoral processes of the autonomous universities.

The fifth, **the suppression of freedoms of civil society organizations,** the Venezuelan State has maintained a policy of censorship, harassment and criminalization of civil society organizations for their autonomous and independent work in defense of rights and vindication of social causes. This policy is expressed in a restrictive regulatory framework of civil and democratic liberties. Within this restrictive regulatory framework, the Law for the Defense of National Sovereignty and Self-Determination (2010), the Law against Organized Crime and Financing of Terrorism (2012) and the Law against Hate, for Peaceful Coexistence and Tolerance (2017) stand out.

Between 2019 and 2020, the Law against Organized Crime and Financing of Terrorism (LDOFT) has been especially used to create a rights-violating regime or authorization system that threatens the work of civil society organizations and civic space in Venezuela.

On the legislative agenda of the new NA is the possible approval of the International Cooperation Bill of 2005, which establishes a new registry with which the State has the power to recognize and authorize civil society organizations to have access to international cooperation funding, leaving open the possibility of denying this access and even sanctioning those it considers a threat to the State.

And the sixth is **the imposition of the Communal State.** In 2020, with a majority of deputies of the governing party in the NA, the Executive once again set the purpose of installing a "Communal State". This figure was conceived in 2005 and was developed in the constitutional reform proposal submitted by the Executive to a popular referendum in 2007, where it was rejected for using this figure to depose the constitutional bases of federalism, plurality, participation and popular sovereignty, decentralization, alternation and separation of powers that govern Venezuelan democracy, for a State that violates each of these principles, transferring all power to the Executive and suppressing in practice the right to civil and political participation of the population in public decisions.

Sinergia has not registered any significant change since the announcement of the recommendations; actions on the part of the State continue to aim at a closure of civic space, with a process of dismantling democratic institutions, absence of the rule of law and serious human rights violations. In particular, the Law against Organized Crime and Terrorist Financing (LDOFT) has been used to create a regime or authorization system that violates rights and threatens the work of civil society organizations and the civic space in Venezuela. The following are part of these systems:

■ Order to review the documentation submitted by non-profit associations, particularly NGOs, to obtain legal personality and formalize assembly minutes in the central offices of the Autonomous Service of Registries and Notaries (SAREN), in order to rule out crimes typified in the LDOFT.

a. Automated Registry of Non-Governmental Organizations Not Domiciled in the Country (RENGONG), by means of which the work of international humanitarian organizations is authorized in Venezuelan territory, under review of requirements and surveillance of activities, in accordance with the LDOFT.

b. Circular of the Superintendence of Banking Sector Institutions (SUDEBAN) which ordered national banks to supervise financial activities suspected of crimes such as money laundering, financing of terrorism and weapons of mass destruction, typified in the LDFOT.

c. Administrative Rulings 001-2021 and 002-2021, which created the Unified Registry of Regulated Entities (RUSO) under the responsibility of the National Office against Organized Crime and Financing of Terrorism (ONDOFT), in which the Non-Profit Organizations are obliged to obtain certifications of not being involved in offenses of the LDOFT granted by this office, without which they would be in a condition of presumption of crime, could not carry out other legal procedures in the country and could be subject to on-site inspections, without court order, scope or defined time.

In addition to the measures that the Venezuelan State has been implementing, the National Assembly is currently discussing the International Cooperation Law, which establishes a new registry, with which only organizations recognized by the State would have access to international cooperation financing, leaving open the possibility of denying this access and even sanctioning those considered a threat to the State. If approved, it would close the capacity of organizations to work.

For the Observatorio Global de Comunicación y Democracia, the government continues without guaranteeing the conditions for the celebration of free, fair, peaceful and independent elections. As witnessed by the European Union Election Observation Mission (EU-EOM), the last elections held in the country--the regional and municipal elections of November 21, 2021--were characterized by a series of serious shortcomings in terms of basic electoral guarantees. Among other violations, the government prevented the participation in the electoral process of 28 opposition or dissident candidates through the so-called “political disqualifications”, maintained the intervention of the directive commissions of some of the main opposition parties (which allowed the party cards and symbols of such groups to be used by minority fractions close to power) and continued to make unlimited use of state assets and resources to promote, support and finance pro-government candidacies.

dependence of powers (which caused the subjugation of the powers of the electoral power to the executive and judicial powers) and the disrespect for the Rule of Law, circumstances that compromised the equality of conditions and the impartiality and transparency of the electoral process.

Although the regional and municipal elections of November 21, 2021 were characterized by the presence of the aforementioned deficiencies, the inclusion of non-government rectors in the board of directors of the National Electoral Council (CNE), within the framework of the process of renewal of the authorities of the electoral power, opened a window of opportunities in the country. This circumstance generated a new political-electoral dynamic, which, in turn, made possible two important milestones: the return of the main opposition political groups to the electoral arena and the return of qualified international electoral observation to the country after 15 years of absence.
Additionally, the appointment of the new CNE made possible the improvement of some of the basic electoral guarantees, such as the extension of the voter registration period in the electoral registry, the performance of an integral academic audit of the automated voting system and the incorporation of security and transparency features in the voting records (such as QR codes).

All these advances, however, are incipient and reversible. The provision of electoral technical assistance by the UN, in the framework of the follow-up of the recommendations issued by the panel of experts, would open in the country the possibility of expanding and strengthening the advances achieved during the 21-N electoral process. The presence of the international community would be further strengthened if the UN technical assistance were joined by a follow-up mission from the EU.

The participation of independent and autonomous CSOs in the third Universal Periodic Review (UPR) Venezuela, concluded that the State has not guaranteed the right to democracy and political pluralism in the country. Political rights are restricted by the State through judicial rulings that disregard the freely elected representatives of the Venezuelan people and annul their acts without any legal basis.

In recent years, there have been systematic violations of the right of citizens to freely elect their representatives to public office, which prevent Venezuela from holding genuine elections, electoral integrity and alternation in power, by restricting the participation of candidates and political parties opposed to the ruling coalition; by violating the universal and secret nature of the vote, and the principles of equality, impartiality and transparency that should characterize these processes; by not publishing or updating the electoral registry; by ignoring the periodicity of the elections in the times established by the Constitution, all of which has caused the population to lose confidence in the vote. In these processes, in a biased manner, the governing body of electoral matters has approved a series of norms that have arbitrarily modified the Venezuelan electoral system, even ignoring the right to vote of sectors of the population, such as the indigenous peoples.

Added to this are the patterns of persecution of political dissidence where the disqualification, persecution and imprisonment of opposition leaders and deputies to the National Assembly (AN), have violated the principle of plurality contemplated in the Venezuelan Constitution and instituted in international democratic standards, as well as the serious and systematic acts of repression, arbitrary detention, forced disappearance, torture and murder of hundreds of protesters, by security forces and other non-state actors, in the context of massive peaceful protests in opposition to government policies, mainly during 2014 and 2017, and in popular sectors due to economic precariousness and the generalized lack of essential services, in the context of a complex humanitarian emergency during the last few years.

The concurrence of multiple political, economic, humanitarian and migratory crises in the country have generated a serious and widespread increase in human rights violations, causing the international system to activate several monitoring and protection mechanisms, including an OHCHR field team and a Humanitarian Country Team, with support from the United Nations Office for Humanitarian Affairs (OCHA) and UN agencies, including the World Food Program. The Human Rights Council approved an International Independent Fact-Finding Mission on Venezuela, with which the State has not cooperated. In a recent visit to the country, the Prosecutor of the International Criminal Court (ICC) notified that the cases of crimes against humanity denounced in Venezuela were under investigation; the International Labor Organization (ILO) established a Commission of Inquiry to examine serious violations of the right to work and, although Venezuela ceased to attend the hearings of the Inter-American Commission on Human Rights (IACHR), the latter created the Special Follow-up Mechanism for Venezuela (MESEVE).

Despite the activity of these mechanisms, the restrictive and threatening environment on civic space, and acts of criminalization and persecution against civil society have intensified.

Systematic violations to electoral guarantees established in Venezuelan laws and norms and in international agreements on political and civil rights.

In the 2017 regional and municipal elections, the ANC decided, by means of a "constituent decree" that, the officials elected in these elections must be sworn in before the aforementioned body in order to assume their positions. In 2020, the parliamentary elections were held under the direction and supervision of a National Electoral Council (CNE), irregularly appointed by the Constitutional Chamber of the TSJ. In addition, for these elections, the TSJ intervened in the internal processes of the political parties, which became the hijacking of the directives of the main opposition and dissident political forces of the country.

Intervention of opposition parties and disqualification of deputies and political leaders from holding public office.

In order to block a new electoral victory of the opposition in the parliament, as occurred in 2015, the government deepened the maneuvers it had been using in previous years on an ad hoc basis, but which became massive as of 2016, to create a system of opposition political parties tailored to its needs and to politically disqualify the main opposition or dissident leaders. In 2016, the Constitutional Chamber of the TSJ established that the political formations that had obtained less than one percent of the votes in December 2015 had to renew the list of their registered members. For this purpose, the Chamber based itself on an alleged prohibition of "double militancy", not provided for in the Venezuelan Constitution.

The result was that, out of the 67 parties that participated in the 2015 elections, 59 had to carry out this procedure. The Constitutional Chamber also annulled the registration of the Mesa de la Unidad Democrática (MUD), the most successful card of the opposition, alleging that, since it grouped several political organizations, it would incur in the illicit of double political militancy when one of the parties that integrated it was recognized. However, double militancy is not prohibited in Venezuela, nor had it been verified at that time. The ANC joined this initiative and cancelled three of the main opposition parties, in retaliation for not having nominated candidates in the 2017 mayoral elections, despite not being foreseen in any regulation. As a result, three years after the 2015 parliamentary elections, only 17 political parties remained and, of them, only 5 were opposition parties.

In 2020, the CNE legalized several parties that had not been allowed to renew. However, the TSJ, intervened many of them and assigned them foreign directives with people even expelled for corruption from those parties, but related to the government. All this with the purpose of generating a system of opposition parties tailored to the needs of the executive power in view of the parliamentary elections of 2020. To these maneuvers was added the political disqualification of opposition leaders, through the use of simple administrative provisions, arbitrarily issued by the Office of the Comptroller General of the Republic. The vast majority of Venezuelan opposition political leaders have at some point been disqualified from participating in electoral processes as candidates.

The establishment of the Communal State violates the democratic principles and norms established in the Constitution.

Even though the proposal to install a "Communal State" was rejected in a popular referendum in 2007, its structures were partially imposed by the NA, between 2009 and 2012, with a majority of deputies of the governing party, through the so-called Laws of Popular Power and the reform of other existing laws under this concept. The "Communal State" is based on a concept of autocratic sovereignty, where public decisions are made by political organizations (called of the Popular Power, subject to the Executive) and not by the population itself, violating the constitutional principles and norms of sovereignty by popular vote. This concept also eliminates the principles of preeminence of the Rule of Law and the separation and independence of public powers, enshrined in the Constitution.

For this purpose, the Executive submitted to the new NA, which was installed in 2021, a set of laws of the Communal State, among which are the Law of Communal Cities and the Law of the Communal Parliament, the first of which has been approved by the legislative body, the second not yet. These laws: a) change the democratic structures of government, creating a Communal Aggregation System that comes from a geopolitical and social reconfiguration of control, constituted by Communal Councils and Communes, lacking autonomy and whose purpose is to strip the regional and municipal governments of their powers; and b) grant the Executive the role of controlling and carrying out the process of conformation of the so-called communal cities.

The Law of Communal Cities is unconstitutional because the "communes" and "communal cities" are not contemplated in the political-territorial division of the country established by the Constitution and because the lack of autonomy and democratic performance of these figures has increased the control of the country's decisions by the power elite, as well as the opacity in the public management and the anomalies in the management of resources. In fact, in its article 53, the law orders the Communal Cities to be governed by the principle of "obedential government" and a "co-responsibility" which frees the State from its obligations, transferring them in an unconstitutional manner to these political structures, and in reality, to the citizens who are part of the communities to which they belong.

The draft Organic Law of the Communal Parliament, to be approved by the NA, also creates the Communal Parliaments, as intermediate political structures, which would have the functions of deliberation, legislation, formulation, execution, control and evaluation of the policies, plans, programs, norms and projects aimed at the "communalization of the State". Although it does not give them general legislative power, the instance is exclusively and exclusively empowered to make legal proposals on the subject of the communal State in the country, both at the national, state and municipal levels, with the purpose of facilitating the transition towards the execution of such state organization, thus invading the competences of the states and municipalities.

Violation of political rights in the context of the regional and municipal elections of 2021.
Although the appointment of new electoral authorities in Venezuela allowed an advance in electoral conditions and guarantees for the 2021 electoral process, in the recent regional and municipal elections, recurrent violations were recorded; for example, the day of registration and updating of the RE took place in the midst of a profound absence of information by the Electoral Power. Political proselytism was also observed in the registration and

updating centers of the RE, as well as in the voting centers. Likewise, the presence of military and police officers was observed, as well as an increase in proselytizing activities outside the campaign period.

The persecution and criminalization of political leaders and other actors of the civic space continued during the development of the electoral chronogram and after the electoral results, exercising patterns such as arbitrary detentions, violence, threats, censorship, control of the population, among others. An example of this was the disqualification of the elected governor of the state of Barinas after the elections, as well as the closing of the radio station owned by the elected mayor Nelson Garcia. In these elections, political disqualifications from the past, interventions to political parties were maintained and new express disqualifications occurred, even after the nominations were accepted. In addition, second degree elections were established for indigenous representation in the Legislative Councils and municipal chambers, violating the right to vote of indigenous peoples and communities. There was little participation of female leadership in the positions for governors and mayors. Out of 23 governorships, only 2 were elected women, and out of 335 mayoralties, only 60 were elected women.

Although in this electoral process, the presence of international electoral observation missions was allowed after 15 years of absence in Venezuela, their work, especially that of the European Union, was threatened, through messages from the Executive and high ranking spokespersons of the government party that stigmatized their work and compromised their presence in the country, even bringing forward their departure. The European Union Observation Mission evidenced the persistence of structural deficiencies that were further aggravated by the post-electoral results.

Exclusion and marginalization of civil society in public affairs is a State policy. The government has closed any possibility of cooperation between the State and civil society, ignoring the legitimacy of their organizations and citizen actions to address and communicate with officials, make use of public information and visit facilities of State entities and participate in instances where public decisions are made.

In Venezuela, citizens and civil society organizations are not consulted nor can they participate in instances where decisions are made on public matters that concern them. Since 2001, but mainly since 2009 and up to the present, a State that only recognizes citizens, organizations or groups that adhere to or profess the ideology or doctrine of the government has been built by legal, political and institutional means. This policy is consistent with the idea that anyone outside this ideology, who questions its forms of control in society or may be an alternative to dependence on the State, is suspected of being an enemy or supports hostile forces, national or international, against the State. Under this rationale, all public powers, acting without independence from the Executive, have closed themselves to any form of dealings and cooperation with citizens and autonomous civil society, excluding and marginalizing it from support or participation in public policies, plans, programs, information mechanisms, facilities and media.

Civil society works under a restrictive regulatory framework that has been expanding to close civic space. In addition to the Constitution and international norms, the State has been building a restrictive regulatory framework for the autonomous and independent work of civil society. In recent years this framework has become more severe, accentuating the conditions of insecurity of the environment to close the civic space.

Several laws and resolutions provide for restrictive measures to civil society organizations, creating an insecure environment for the work they perform. These laws have sovereignty and state security as a common basis, and others are aimed at controlling organizations through their nationalization. As of 2019, announcements of new executive measures to undermine the work of organizations that may lead to the closure of civic space intensified. In November 2021, 4 UN Special Rapporteurs on human rights and fundamental freedoms in the fight against terrorism, freedom of opinion and expression, freedom of peaceful assembly and association and protection of human rights defenders extended to the State their concern and analysis on these restrictive rules regarding the registration, control and funding of civil society organizations that do not comply with human rights content and standards.

INDEPENDENCE OF THE JUDICIARY

Recommendations contained in Reports:
A/HRC/41/18, A/HRC/44/54 and A/HRC/47/55.

RECOMMENDATIONS

- Conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations, including indigenous deaths, and bring those responsible to justice; A/HRC/41/18.

- Take effective measures to restore the independence of the judicial system and ensure the impartiality of the Attorney General's Office and the Ombudsman; A/HRC/41/18.

- Ensure the right of victims to pursue remedies and obtain reparations in a gender-sensitive approach, as well as their protection against intimidation and reprisals; A/HRC/41/18.

- Disarm and dismantle pro-government civilian armed groups (so-called "colectivos armados") and ensure investigation of their crimes; A/HRC/41/18.

- Address the underlying causes of overcrowding and undue judicial delays through a comprehensive reform of the administration of justice; A/HRC/44/20.

- Undertake the reforms of the judiciary announced by the Government in January 2020 in order to ensure its independence, impartiality, transparency, accessibility and efficiency; 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.

- Publish the terms of reference of courts with jurisdiction over terrorism-related crimes and take all necessary measures to ensure their independence and impartiality and transparency, as well as strict compliance with international human rights standards; A/HRC/44/54.

- End the prosecution of civilians by military courts and ensure that their jurisdiction is limited to military crimes committed by active members of the armed forces; A/HRC/44/54.

- Conduct prompt, thorough, independent, impartial and transparent investigations into allegations of human rights violations, including deprivation of life, enforced disappearance, torture, sexual and gender-based violence involving elements of the security forces, bring perpetrators to justice, and ensure adequate reparations to victims; A/HRC/44/54.

- Immediately cease any acts of intimidation, threats and reprisals by members of security forces against relatives of victims seeking justice; A/HRC/44/54.

- Guarantee that bar associations regain their independence and full autonomy by allowing them free internal elections; A/HRC/44/54.

- Guarantee the independence of the Public Defender's Office through sufficient allocation of funds and adequate training; and respect the right of defendants to assign counsel of their choice; A/HRC/44/54.

- Review the protocols and methods of the Public Prosecutor's Office with the aim of providing victims of human rights violations and their families with gender-sensitive care and support; A/HRC/44/54.

- Restore the capacity of the Criminalistics Unit against the Violation of Fundamental Rights, under the Public Prosecutor's Office, to conduct independent forensic examinations of cases of human rights violations allegedly committed by members of the security forces; A/HRC/44/54.

- Publish a report on investigations and criminal prosecutions concerning deaths that occurred in the context of protests in 2014, 2017 and 2019; 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).

■ Effectively implement a victim and witness protection program, to safeguard their integrity and ensure accountability for human rights violations (A/HRC/47/55).

■ Implement a comprehensive reform of security institutions and policies, to effectively address human rights concerns and provide redress for victims of human rights violations (A/HRC/47/55).

■ Allocate sufficient resources to ensure adequate conditions of detention and access to justice (A/HRC/47/55)

■ Conduct independent and thorough investigations into allegations of human rights violations committed in the state of Apure in the context of clashes with non-state armed groups (A/HRC/47/55)..

COMPLIANCE ASSESSMENT ACCORDING TO OSC VENEZOLANA

The organization ACCESO A LA JUSTICIA (ACCESS TO JUSTICE) states that despite important legal changes, such as the reform of several articles of the Organic Code of Criminal Procedure, which, for example, recognized the right of victims to have access to the file, as well as the right of NGOs to represent them, the truth is that this legal recognition has not been accompanied by its compliance in reality, where the politically persecuted, as happened in the case of the defender Javier Tarazona, was prevented from appointing the lawyer he trusted and was arbitrarily detained.

In the same way, the core defect of the judiciary remains intact, that is, that judges are chosen arbitrarily and not through a public competition open to all those who meet the requirements as stated in the Constitution, and that they have no stability in the position. Nothing has been done to change this situation, where on the contrary, the messages to the judges are reinforced with the recent decision to deny a travel permit to Judge Afiuni to be treated for a case, despite having served her unjust sentence, product of a flawed process where she was convicted for a non-existent crime, among many other irregularities. This decision against Judge Afiuni is also directed to the rest of the judiciary to show what is happening to those who make impartial and independent decisions.

The judiciary remains unaccountable for its actions and limits itself to providing irrelevant information on judicial governance with which it is impossible to establish effective parameters for the fulfillment of goals or monitoring of public policies. A demonstration of the lack of commitment of the judiciary to the protection of vulnerable population groups is the fact that despite the obligation to create specialized courts on violence against women since 2007, 15 years later, there are still states in the country where they have not yet been established.

Therefore, it is worrying that one of the most recent reforms, that is, the Organic Law of the Supreme Court of Justice, has not essentially changed the way of appointing the magistrates of the highest court of the country, and that therefore, civil society spaces, such as the Nominating Committee, continue to be hijacked by public officials affiliated to the ruling party, in whose hands the appointment of the new magistrates will finally be, as has been happening in the last 20 years. To this must be added the constitutional fraud implied by the possibility given by the new law to reelect magistrates, contrary to the letter of the Constitution, which would allow magistrates to be in office for more than 20 years, much longer than the limit of 12 years established by the Constitution. This legal reform is proof that the legal changes have not only been to maintain the same existing state of affairs, but also tend to worsen it.

In cases of prosecution of those responsible for crimes against humanity or human rights violations, the situation has improved to the extent that some trials and convictions have indeed been carried out, but they do not reach the number of reported cases in quantitative terms, and in qualitative terms they are limited to the material perpetrators or subordinate personnel, thus not touching the chains of command as required by international standards. Therefore, in this sense, impunity continues, both because the number of convictions is not representative of the number of cases reported and because there are no trials or investigations of any kind against those most responsible.

Additionally, it has been observed that in the few cases where there have been convictions, the relatives of the victims are not taken into account, nor is an official account given of what happened according to what is demonstrated in the case files, which therefore cannot be contrasted with what witnesses and the victims themselves have said about what happened to them. In other words, the trials are so opaque that not even an official truth is communicated to the relatives.

Likewise, there is no known case where reparation measures have been ordered for the victims or their families, let alone mechanisms to guarantee the non-repetition of what happened.

It is significant that notwithstanding the above, ACCESS TO JUSTICE considers that there have been significant changes, on several levels, since the announcement of the OHCHR recommendations. In the first place, the

victims have had access to the High Commissioner's representatives and have felt heard in a context that not only ignores them, but also revictimizes them, in addition to the fact that national and international public opinion saw the allegations of the victims and civil society organizations confirmed by a United Nations body. On the other hand, the government, in view of the tenor of the denunciations and the recommendations, has been forced to say that it is doing something, regardless of the results, thus admitting that it is necessary to make these changes. However, he points out as urgent the need for the election of judges and magistrates with guarantees of stability and permanence so that they can act independently and impartially. Election of prosecutors by competition and with guarantees of stability and permanence. The cessation of the interference of the executive power over all other powers in respect to the principle of separation of powers. That judges enforce their decisions before the police and state security agencies. That protocols for urgent action be established in case of complaints of torture before judges or police officers.

For the Human Rights Observatory of the Universidad de Los Andes (ODHULA), there is no compliance with the recommendations for the following reasons:

a. The independence and impartiality of judges and prosecutors is seriously deteriorated. The non-existence of separation of the Public Powers and the commitment of political militancy among those who direct such powers are the main existing difficulty.

b. Despite the fact that the competitive examination is one of the most reliable means for the recognition of credentials and aptitudes and independence and impartiality, this has not been possible in a context of a high degree of politicization and impunity of those who must carry out the procedures instituted in the Constitution and the laws.

c. The elimination of the "Criminalistic Unit against the Violation of Fundamental Rights", which was an agency specialized in clarifying punishable acts involving State agents and had high-tech equipment and forensic experts, persists.

d. The provisional status of judges and prosecutors is detrimental to the sound administration of justice, however, most judges and prosecutors continue under this category.

e. The Organic Law of Partial Reform of the Organic Law of the Supreme Court of Justice was sanctioned, however, it intensifies the internal politicization of judicial bodies such as the Supreme Court of Justice, since the selection of magistrates will depend on the National Assembly controlled in its great majority by the Maduro regime and without participation of the civil society.

ODHULA also does not believe that since the announcement of the recommendations there has been a significant change, but rather some proposals that still have much to improve and have practical effects in order to be considered as a positive advance in the context of massive human rights violations.

Thus, on 19.01.2022 the Organic Law for the Reform of the Organic Law of the Supreme Court of Justice was published in the Official Gazette, which although it contains some changes such as the reduction of the number of magistrates and the provision that the Constitutional Chamber cannot make legislative amendments, it does not imply a significant change. Furthermore, the substantial change in the judiciary should not be presented exclusively in the highest judicial instance, but integrally for all the hierarchies of judges that make up the justice system.
This law arises in the scenario of great international pressure for human rights violations, as is the case with the Law of the Commission for the Guarantee of Justice and Reparation of Victims of Human Rights Crimes. However, these normative instruments are so far only a response to international pressure and do not constitute a genuine act of recognition of responsibility, truth and justice.

It is essential to establish, with technical assistance from the Caracas office of the United Nations High Commissioner for Human Rights (UNHCHR), processes of review of all convictions in which it is presumed there was an unjust conviction or not in accordance with the law.

ODHULA considers of urgent attention the establishment of an independent, impartial and transparent mechanism to increase the number of tenured judges and prosecutors, through a transparent public process and competition. Indeed, entry into the judicial and prosecutorial career should be through public competitions of merit and open to public scrutiny by civil society. The career system should be reestablished and include objective criteria, clearly defined and previously established by law, for the selection and appointment of prosecutors and judges. These

criteria should require that the persons selected be persons of integrity and suitability, with adequate training and legal qualifications and proven independence for the exercise of the position, without political militancy.

It is a priority to reestablish the Criminalistic Unit against the Violation of Fundamental Rights, since it is an agency specialized in clarifying punishable acts involving State agents and providing the necessary guarantees, so that agile, effective and transparent investigations are carried out, in order to determine responsibility for the acts. A structural reform of the institutions is urgently needed to address the problem of massive human rights violations and provide reparations to the victims. Reparation is a core aspect that, if achieved, can generate confidence in the independence of the judiciary.

The participation of independent and autonomous CSOs in the third Universal Periodic Review (UPR) Venezuela, reaffirm that according to the Human Rights Committee in its concluding observations, the United Nations High Commissioner for Human Rights (UNHCHR), the International Independent Fact-Finding Mission on Venezuela (IFFM) the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACHR Court), judges and prosecutors do not have judicial independence, as they do not have stability in their position as they have not been appointed as a result of a public competitive examination as required by the Constitution.

By 2019, 85.3% of judges were provisional (more recent official figures are not available), and at least 50% have been or are enrolled in the governing party. In 2020, 881 judges were provisionally appointed (i.e., almost one third of the total number of judges) and 91 were removed by the Judicial Commission of the Supreme Court of Justice without procedure. In fact, the Supreme Court of Justice (TSJ) in judgment No. 6 of 2016 reiterated its criterion that to provisional judges the Code of Ethics of the Judge does not apply, i.e., the disciplinary regime, so these are freely appointed and removed by the TSJ itself. The appointment of the TSJ magistrates is in charge of the National Assembly (AN), which has been doing so since the issuance of the Organic Law of the Supreme Court of Justice by simple majority, in an unconstitutional manner and without the participation of the civil society as required by the Constitution. No magistrate of the TSJ today meets the constitutional and legal requirements.

The OHCHR has expressed its concern because of their closeness to the Government and because judges, particularly criminal judges, receive instructions on their decisions from the TSJ and must comply with them under penalty of dismissal. There is widespread impunity in the country. From 2017 to December 2020, 1,019 military and civilians have been subjected to prosecutions. However, only 171 have been convicted by the courts, which represents less than 16% of the cases. Out of 165 cases of killings in the context of the 2014, 2017 and 2019 protests, only 5 have resulted in convictions. The constitutional protection has ceased to be a mechanism for the protection of rights. It is now a mechanism of persecution. The use of military justice against civilians is a practice that since the 2017 protests has become increasingly widespread.

Between 2000 and 2020, the TSJ has issued more than 30 decisions against the Bar Associations, through which it has intervened their directives and has placed people related to the Government, this has affected their independence. In 2017, the Attorney General of the Republic was unconstitutionally elected by the National Constituent Assembly (ANC), a body created against the Constitution in August 2017 mainly to replace the parliament with opposition majority (2/3 parts), elected in December 2015. The appointed Attorney General was a deputy and former Governor for the ruling party, so he is not independent, and according to the Constitution he could not be appointed. Additionally, during the past five years, the Executive ruled the country with all powers under its command, through a state of exception continuously renewed and endorsed by rulings of the Supreme Court of Justice (TSJ).

Between 2020 and 2021, two states of exception coexisted simultaneously. To the one already in force for reasons of economic emergency was added a state of alarm due to the Covid-19 pandemic in order to adopt “urgent, effective and necessary measures for the protection and preservation of the health of the Venezuelan population”. Both states of exception have granted broad powers to the Executive Branch that have generated arbitrary restrictions on multiple rights, including freedom of association, freedom of expression, freedom of peaceful assembly, freedom of transit and due process, among others.

A pattern of persistent persecution and criminalization of human rights defenders persists. Laws and administrative resolutions have been passed aimed at curtailing the space of civil society through its criminalization, impediments to registration and presumption of terrorist crimes, among others, in addition, a total of 8 human rights defenders have been imprisoned in 2021 (5 from the NGO Azul Positivo and 3 from the NGO Fundaredes), 7 are already free, although with substitutive measures and there is still one in prison (the president of Fundaredes). During the period 2015-2020, the rupture of democratic institutionality deepened with 145 judgments of the Supreme

Court of Justice (TSJ) against the new NA, aimed at usurping its functions or annulling all its actions, as well as the persecution of almost all opposition or dissident deputies was verified, and even the unconstitutional prosecution of about thirty and the imprisonment of several of them. Finally, the aforementioned National Constituent Assembly, which was installed in August 2017, and which was not convened by the people as mandated by the Constitution began to act as a legislature and to replace it in its functions.

Interferences against the independence of lawyers persist, especially headed by the Supreme Court of Justice (TSJ).
The Supreme Court of Justice has intervened the Bar Associations of Caracas, Aragua and Zulia states, as well as the Federation of Bar Associations and the Institute of Social Welfare of Lawyers in order to undermine their independence.

The provisional status of judges and prosecutors became the instrument to maintain pressure on them in Venezuela.

In Venezuela there have been no public competitive examinations for judges since the end of 2003. The IACHR indicates that at least 85.3% of the judges in the country are provisional judges and according to other sources 50% are registered or have been in the government party. Provisional judges are not subject to the disciplinary regime of the Code of Ethics of the Judge by decision of the TSJ, who thus removes them without procedure. Neither are the magistrates of the TSJ, by a decision of its Constitutional Chamber, subject to this Code. Prosecutors are subject to the same provisional regime, only 1% of senior prosecutors were tenured in 2017 and as of 2018, the prosecutorial career was eliminated, and thus all are free appointment and removal.

The denial of access to justice is structural. But its absence is not remedied by the international protection bodies, who continue to strictly apply the rules of non-exhaustion of domestic remedies.

Since the TSJ magistrates, judges and prosecutors are operators of the Government and have not been appointed according to legal and constitutional procedures, most of them do not meet the requirements to be so, so they do not impart justice. This has been stated by the IACHR, the Inter-American Court, the OHCHR and the MDH. In cases such as the Venezuelan case, the requirement of exhaustion of domestic remedies can be circumvented because there is a situation of denial of justice, precisely by virtue of the principle of complementarity, however, for Venezuela this has not yet been put into practice.

The lack of independence of the justice system has contributed to the direct participation of prosecutors and judges in the perpetration of serious human rights violations, particularly arbitrary detentions.

The institutions of flagrancy, preventive detention, contempt of court, among others, are arbitrarily applied in cases of political persecution against dissidents or the opposition, or whoever is considered as such. Prosecutors, for example, contribute to the arbitrary delay of the judicial process against these victims, because they do not participate in hearings, request unreasonable extensions, exercise resources without a legitimate objective, among others.

The Prosecutor's Office has directly contributed to the perpetuation of impunity for serious human rights violations perpetrated by the State.

There are only 5 convictions for the 165 cases of killings that occurred during the 2014, 2017 and 2019 protests in Venezuela. The Prosecutor's Office has not conducted investigations to identify responsibilities for other types of human rights violations.

States of emergency have perpetuated human rights violations.

The states of emergency were created with a very ambiguous wording since 2016, without the endorsement of the parliament, although with that of the TSJ, despite the fact that the law expressly forbids it if the NA does not approve it. The states of emergency have been maintained until April 2021, which has allowed arbitrary restrictions to a significant number of rights and has led to the progressive implementation of a de facto state.

The pattern of restrictions to the spaces for the defense of human rights, includes a growing criminalization against human rights defenders, aimed at deterring the exercise of this work.

Judicial proceedings are being carried out against several human rights defenders. In 2021, 8 human rights

defenders have been deprived of liberty (5 from the NGO Azul Positivo and 3 from the NGO Fundaredes). In addition, regulations have been issued restricting the exercise of human rights defense. The Law for the Defense of Political Sovereignty and National Self-Determination, the Law against Organized Crime and Financing of Terrorism, the circular number SIB-DSB-CJ-OD-06524 of November 20, 2020 of the Superintendence of Banks, the Constitutional Law against Hate, the Norms for the Prevention, Control and Control of Money Laundering Operations and Financing of Terrorism, and finally, Ruling 002/2021 of the National Office against Organized Crime and Financing of Terrorism stand out.

The de-institutionalization of the State was deepened with the creation of the National Constituent Assembly and the continuous actions of the Supreme Court of Justice.

The ANC was elected in violation of the Constitution and set itself up as a super power with legislative powers, appointment of authorities, electoral and investigative powers, among others. For its part, the Supreme Court of Justice has exceeded its functions, particularly its Constitutional Chamber, which instead of guaranteeing the Constitution and protecting the citizens, has become a repressive body that acts as an arm of the Executive. In this sense, it has suspended university elections, has provisionally appointed the rectors of the National Electoral Council, has endorsed the validity of the state of exception without the approval of the Parliament, has intervened and annulled opposition parties and dissidents of the government, has interpreted the Constitution by changing it, has persecuted opposition or dissident mayors and deputies.

PERSECUTION OF DISSIDENTS

Recommendations contained in Reports:
A/HRC/41/18 and A/HRC/44/20.

- Stop, publicly condemn, punish and prevent all acts of targeted politically motivated persecution and repression, including stigmatizing rhetoric and smear campaigns; A/HRC/41/18.

- Revoke media closures and end other censorship measures against the media; ensure access to the Internet and social networks, including news websites, and the impartiality of official bodies in the allocation of radio spectrum frequencies; A/HRC/41/18.

- Take 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 through the adoption of a specialized protocol to investigate human rights violations and criminal offenses committed against them; A/HRC/44/20.

EVALUATION OF COMPLIANCE ACCORDING TO OSC VENEZOLANA

For the Human Rights Observatory of the Universidad de Los Andes (ODHULA) there are no measures to prevent acts of persecution and selective repression for political reasons. Much less public condemnations and sanctions for those responsible for political persecution, due to the fact that the State maintains a violent discourse against political opponents whose work has been constrained through arbitrary arrests, smear campaigns and obstruction in the performance of public positions of popular election, in the event that opponents occupy them.

Restrictions to freedom of communication have not been revoked. The arbitrary closure of ULA TV in 2017 persists and the operation of ULA FM and Prensa ULA has been limited. Likewise, the dismal functioning of the electric service -and of the internet as a consequence- constitutes one of the major reasons for the protests that have occurred in the Andean region, in which even the student Rafael Hernandez was extrajudicially executed in 2020. The electricity service crisis has also affected the work of media professionals.

The State has not adopted measures to protect human rights defenders and media professionals. On the contrary, it has taken it upon itself to violate the human rights of such vulnerable groups, as can be highlighted in the arbitrary detention of human rights defenders Javier Tarazona, José Rafael Tarazona and Omar de Dios García of Fundaredes, on 2.07.2021. Javier Tarazona continues to be arbitrarily detained while José Rafael Tarazona and Omar de Dios García have not been fully released.

Specialized protocols to investigate human rights violations and crimes committed against human rights defenders and media professionals do not exist. There are no effective measures, nor a public policy program containing a framework of action for their protection.

ODHULA also considers that there has not been a significant change in the State with the above recommendations, because there is no evident improvement in the human rights situation of political opponents, human rights defenders and media professionals. On the contrary, human rights violations against these groups continue to persist, which makes it difficult to believe that there could be a change in the State's actions. They establish as a priority to focus on the persecution of human rights defenders and political opponents. They highlight the cases of Javier Tarazona, from Táchira, and Steven García, Walter Mayorga, and Marller González who have been arbitrarily detained for more than 6 years.

The participation of independent and autonomous CSOs in the third Universal Periodic Review (UPR) Venezuela, concluded on this issue, also the subject of recommendations of the OHCHR, the following:

Persecution and reprisals against opposition members of parliament.

As of May 2020, at least 96 of the opposition and government dissident deputies, principal and alternate, of the parliament elected in 2015, had suffered some kind of political persecution. The TSJ played a leading role in the case of 30 opposition deputies, whose parliamentary immunity was openly violated. Five of them were imprisoned and, as of April 2022, at least one of them was still deprived of liberty: Juan Requesens (under house arrest). Deputies of parliaments prior to the period 206-2020 have also been persecuted and imprisoned, as in the case of Gilberto Sojo (who has been detained for more than four months).

Persecution of journalists and media

Regarding the media, there is a pattern of attacks against workers, who even without showing political affinity to the opposition of the government of Nicolás Maduro, are severely attacked just for recording, documenting or trying to make visible some news event. Press workers are harassed by State security forces and even by irregular groups under the watchful eye of the State. During their journalistic coverage, some have been detained, their equipment has been confiscated, they have been forced to erase documented material, and even radio programs and radio stations have been closed down when their editorial line is not in line with the political ideas of those in power today.

State violence and persecution against demonstrators in the context of peaceful protests.

The worsening of the political, economic and social situation of the country caused in 2014 and 2017, massive public demonstrations in almost the entire national territory. In order to counteract the demonstrations, in 2017 the government activated the so-called Zamora Special Civic-Military Strategic Plan or "Plan Zamora" in its "Green Phase". Through this instrument, the executive power unconstitutionally transferred the control of public order to the military forces, authorizing both the use of military justice for acts of "public disorder", as well as the use of weapons and toxic substances against protesting citizens.

According to the Venezuelan Observatory of Social Conflict (OVCS), 9,787 protests took place between April and July 2017. The repression ordered by the executive power caused a balance of 163 people dead (52% under 25 years of age), 1,958 people injured and hundreds of people prosecuted by the military justice system. According to the OVCS, in 2018, protests increased by 30% due to demands of a social nature, the collapse of basic services and poor labor conditions. That year, 12,715 protests were registered, and in them, 14 people were killed:13 by gunshot wounds and one with a blunt object. A large part of the protests were centered on claims of civil and political rights violations.

In 2019, the OVCS recorded 16,739 protests, which implied an increase of 24% compared to 2018. These demonstrations were focused on the entry of humanitarian aid organized by the opposition and support for the president of the NA. State repressive actions committed that year resulted in a balance of 26 people killed by firearms and more than 1,000 arrested.

Criminalization of civil society organizations is a common practice of the government, from the highest levels. From the highest levels of government authority, at national, regional and local levels, it has become common conduct and acts of stigmatization, discrediting and defamation, surveillance and raids, arbitrary detentions and the order to open judicial investigations against citizens and civil society organizations for exercising their rights.

Using the power of the State, civil society organizations are intimidated, criminalized and persecuted with the following patterns: denial of registration, creation of lists of persons and organizations considered dangerous, stigmatization of NGOs, threats in speeches replicated by the State's media and social networks; surveillance and raids on organizations' headquarters; arbitrary detentions and orders to open judicial proceedings. These patterns against civil society intensified during the COVID pandemic. In the first semester of 2021 alone, at least 10 arbitrary arrests, 4 raids on organizations' headquarters, 8 acts of threats, stigmatization or harassment, 7 acts of criminalization of international financial cooperation, 2 blockades of web portals linked to civil society organizations, and a mural with denunciations and demands for rights was erased.

Criminalization practices use security and police and social intelligence methods for territorial control. Criminalization and harassment practices against people and organizations that provide assistance, protection and information on people's rights involve both security forces and armed groups that have control over territories.

People who belong to human rights and humanitarian organizations, as well as journalists, social activists, trade unionists, legal professionals, health and teaching personnel, are subject to surveillance and harassment by security forces and armed civilian groups acting with State consent, to whom the State has ceded urban areas, remote or mining areas, in exchange for control of the territory. Officials and members of these groups monitor movements and residences, intimidate, prevent access to places and facilities, and limit protection, assistance, denunciation or documentation of situations or events of human rights violations. In 2018, the government created the Network of Articulation and Sociopolitical Action (RAAS), articulated to the government party and armed civilian groups to monitor and report peaceful demonstrations or actions of denunciation and demands in human rights.

Legitimate civil society activities are considered a threat to the State. Denouncing human rights violations, appealing to international protection systems and receiving funding from abroad to carry out humanitarian work and defend human rights are used to stigmatize, intimidate, harass and discourage the legitimate work of civil society organizations, leaving the population unprotected.

In a context of severe human rights crisis and complex humanitarian emergency, which has been recognized by the State to a limited extent, civil society organizations have been one of the pillars of assistance and protection of the rights of the population, including the right to humanitarian response. In this context, restrictions on access to vulnerable areas and populations, repression of peaceful protests, as well as raids, confiscations, arbitrary detentions and attempts to prosecute members of humanitarian and human rights organizations, many of them partners in the humanitarian response coordinated by the United Nations, did not stop but rather increased. These

acts even led to the indefinite suspension of the cash transfer program of the humanitarian plan in Venezuela, leaving the population without assistance to alleviate the lack of livelihoods. Javier Tarazona, member of the NGO Fundaredes, remains in prison for unfounded crimes of incitement to hatred, terrorism and treason, without having been able to have his first court hearing.

Persecution against civil society organizations has intensified with the issuance of Ruling 002-2021 for terrorism crimes. The criminalization of civil society has intensified during the last two years with the issuance of specific norms that identify them as high risk entities for committing crimes of terrorism, financing of terrorism, money laundering and incitement to hatred, used to justify search warrants, detentions and arbitrary investigations.

Within the restrictive regulatory framework and patterns of criminalization, in 2021 Ruling No. 002- 2021 was issued creating a Unified Registry of Obligated Subjects (RUSO) to be complied with by all non-profit organizations (NPOs) in order to obtain certificates with which they seek to combat crimes of terrorism or financing of terrorism. The regulation violates the right to freedom of association and is contrary to Recommendation N°8 of the Financial Action Task Force (FATF). It represents a double registration, because regulations already exist for NPOs to register in the country, in addition to requesting requirements that can be denied by the State itself; it is disproportionate because it presumes a risk of crime for the mere fact of carrying out a non-profit activity or receiving financing of external origin; and it can interrupt indefinitely the activities of the organizations or illegalize them if they do not have the certificates to continue working. Senior government spokespersons announced that, with this type of measures, reprisals would be taken against organizations that receive international funding.

Criminalization and persecution of academics for academic reports and critical opinions, and/or for their participation in the discussion of public affairs and in the defense of human rights, constitute violations of academic freedom, including the freedom of peaceful assembly and association of the university community.

In the framework of the 2017 protests, at least 17 university professors were arbitrarily detained, with 6 of them being brought before the military justice system. Similarly, at least 339 students were detained. Between 2018 and 2019, at least 15 university students were victims of reprisals by the Venezuelan State, due to their work as human rights defenders of the university community and citizens in general. During 2021, professor Javier Tarazona has been detained for more than 10 months and his trial has been illegally delayed. In 2019, the National Council of Universities (CNU, attached to the Ministry of Education) requested the Public Prosecutor's Office to open a criminal investigation against members of the Venezuelan Association of University Rectors (AVERU), for not recognizing the government of Nicolás Maduro. In May 2020, Diosdado Cabello threatened members of the Academy of Physical, Mathematical and Natural Sciences with being visited by the Venezuelan intelligence service, for publishing an academic report questioning the State policies to manage COVID-19.

There is a direct relationship between stigmatization and hate speech in the media with links to the government or the United Socialist Party of Venezuela (PSUV) and arbitrary detentions for political reasons. So they conclude in the report "Calculated Repression: politically motivated stigmatizations and arbitrary detentions in Venezuela" by the Center for Defenders and Justice, the Penal Forum and Amnesty International. It also concluded that as the number of stigmatizations increases, arbitrary detentions increase, and the same when they decrease, demonstrating that these are not isolated events, but rather that stigmatizations are a fundamental part of the State's policy of repression. In particular, the following pro-government media or programs were identified as having the greatest impact on the increase or decrease of arbitrary detentions: Misión Verdad, Con el Mazo Dando, Lechuguinos and Zurda Konducta. And the security agencies involved were the SEBIN and the DGCIM with the most stigmatizations of those media or programs in 2019, and then it was the DGCIM in 2020 and 2021 that acted most often in the three days following the occurrence of a stigmatization towards human rights defenders.

ACCESS TO INFORMATION

Recommendations contained in Reports:
A/HRC/47/55 and A/HRC/48/19.

ACCESS TO INFORMATION.

■ Ensure access to public information and data to adequately monitor and guide public policies, particularly in the context of the COVID-19 pandemic; A/HRC/47/55.

■ Report publicly and periodically on the information produced by public institutions in relation to economic, social, cultural and environmental rights, including Sustainable Development Goal indicators and internationally recognized human rights indicators, as well as the methodologies and sources for producing such information; A/HRC/48/19.

■ Adopt concrete measures, and publicly report on their implementation, to guarantee the right of access to public information, including drafting and enacting an Organic Law on Transparency in accordance with international standards, ensuring that requests for public information are not rejected for omission of non-essential formalities, developing digital mechanisms for receiving requests for public information, addressing concerns about reprisals for requests for public information, and improving accessibility and comprehensibility for all groups, particularly the most marginalized; A/HRC/48/19.

■ Ensure transparent and representative consultation and access to public information in relation to public policies, in particular with members of vulnerable groups, prior to the adoption or implementation of any decision, activity or measure that may affect them; A/HRC/48/19.

■ Publish the national budget and the reports and accounts of ministries, as well as the regulatory framework of each of the entities and public policies, on their organizational structure, allocated budget and execution, procurement and contracting, mechanisms for citizen participation and accountability, audits, and judicial and administrative proceedings initiated by State entities; A/HRC/48/19.

COMPLIANCE ASSESSMENT ACCORDING TO OSC VENEZOLANA

The participation of independent and autonomous CSOs in the third Universal Periodic Review (UPR) Venezuela, concluded on this issue, also subject of OHCHR recommendations, that in the midst of the pandemic and complex humanitarian emergency, the government did not publish or publish epidemiological data or data related to water and gasoline shortages, electricity system and criminality, among others. Public entities also do not respond to requests for information, nor do they update their websites. The courts have issued more than 70 rulings denying this right, in breach of Article 10 of the Anti-Corruption Law (LCC). Since 2017, Espacio Público and Transparencia Venezuela have made more than 40 requests for information linked to Covid-19, which have not been answered or in many cases not even received. Conflicts of interest are not sanctioned within the public administration.

The authorities incur in nepotism, public competitions are not announced for the entry of officials in any State body, in violation of Article 14 of the CCL. The journalists' organization OCCRP revealed that companies headed by 35 high-ranking military officers contracted with the State. The portal armando.info revealed that 559 companies linked to judges contracted with the State. There is no body that is effectively in charge of preventing corruption. In 2014 the government created the National Body against Corruption, but there is no information about its activity, neither headquarters, nor authorities, nor personnel, nor does it have a website. In the electoral processes there are constant denunciations of the use of public offices and social networks of public entities to favor a candidate, as well as the use of the carnet de la patria and the delivery of food and bonds to manipulate the vote (see report of the European Union's Electoral Observation Mission 2021).

The salaries earned by civil servants are not enough to cover basic needs, which has served as an excuse for undue charges. A substitute magistrate of the highest Court of the Republic, affirmed that in the judicial system they charge for everything, in violation of article 15 of the LCC. According to the Corruption Perception Index of Transparency International, Venezuela is the country with the highest perception of corruption in the American continent and is among the five countries with the lowest performance in the world. There are cases of alleged corruption, for which there is no known national investigation or criminal conviction, despite committing large amounts of resources and having caused serious damage, in breach of Articles 17 and 18 of the CCL.

The State also fails to comply with international cooperation obligations in the fight against corruption. Investigations in other countries are not progressing due to the lack of response from the Attorney General's Office to requests. Those who denounce corruption have suffered reprisals. The portal Armando.info was sued for defamation after revealing irregularities in the CLAP food subsidy program. Regarding recommendations not accepted, we recorded that Venezuela scored to approve Transparency and access to public information (133.20) and guarantee citizens' access to information (133.198).

Between 1999- 2014, the ProAccess Coalition recorded 60 laws that violate the right to access to information. In 2017, the "Law against hate, for peaceful coexistence and tolerance" was sanctioned by the National Constituent Assembly (ANC), which provides for up to 20 years of imprisonment for the dissemination of opinions or information and measures to block internet sites, revocation of media licenses and free official messages on radio stations, among others. This regulation punishes criticism and independent opinion in a discretionary manner. The vagueness of the instrument leads to arbitrary applications. The National Executive issued 32 decrees of State of Exception and Economic Emergency throughout the national territory, 13 decrees of State of Alarm to attend Covid-19 and other decrees of Energy Emergency of the Hydrocarbons Industry. These decrees increased discretionality and opacity, suppressed the controls that forced the government to have transparent processes in budgetary and financial matters and in contracts of national interest for more than five years.

In 2020, the ANC enacted the Anti-Blockade Law which allows the highest authorities of public bodies and entities, without any other basis than "reasons of national interest and convenience", to grant the character of reserved, confidential or limited disclosure to any document, information, fact or circumstance in order to counteract the effects of international sanctions.

Lack of independence of public powers and impunity has caused severe setbacks in the fight against corruption.

In Venezuela there is no independence of the public powers, causing that most of the cases of corruption and abuses of power are not investigated or sanctioned by the competent authorities.

There are no known investigations for cases of corruption, abuses of power, and irregularities of abras of social interest, for example the alleged construction of six hospitals for critical diseases for $1.5 billion; the allocation of US $86 million to start the construction of 10 of the 27 new universities promised by the Alma Mater Mission, of which only one was inaugurated, with unfinished infrastructure; the works of subways, bridges, hydroelectric works assigned to Odebrecht that remained unfinished since 2011 for $60,000 million

The Attorney General's Office has not published management report since 2017.

Dismissed corruption investigations are not known. The 108 investigations for alleged grand corruption investigated in the courts of 21 countries are not attended by the Venezuelan Public Prosecutor's Office. For example: i) the case known as Operation Money Flight, which involved the loss of US$ 1.2 billion, ii) investigations for alleged overpriced or poor quality imports in Mexico and Colombia. The National Assembly (NA) elected in December 2015 with an opposition majority, was de facto annulled by the Supreme Court of Justice (TSJ) and with no real possibility of any kind of control over the actions of the National Executive. Both the Attorney General and the Comptroller General were appointed without complying with the procedure and requirements established in the Constitution and the law. The Office of the Comptroller General of the Republic (CGR) is in charge of Elvis Amoroso, a former deputy of the governing party, who before his appointment described himself as an "active militant of the Revolution and chavista". The CGR stopped publishing its performance reports in 2017. The former deputy has only announced investigations against opponents of the national government.

Serious restriction of access to public information in highly sensitive areas for the population.

The population faces serious restrictions on access to information due to suspension of publications, weakening of data production systems, refusals to provide information by institutions based on grounds contrary to the National Constitution and restrictions on journalistic coverage.

On September 14, 2021, a draft of the so-called Law of Transparency and Access to Information of Public Interest was presented in the NA, which was sanctioned three days later, limiting and conditioning the right of access to public information, since it establishes that the information that can be accessed is that of "public interest", defined in the law as that which is considered necessary for the protagonist participation of the people in the design, formulation and monitoring of public management. This is contrary to the law, namely: all information is public and should not be left to the discretion of officials to determine the information that citizens can access, it can only be reserved for a higher issue, which is sufficient to limit the fundamental right of access to information. The law does not state that reserved information must be classified as such before a request for information has been made, nor does it refer to the maximum time during which the information must be considered reserved. The law leaves out active transparency. Nor does it contemplate the creation of a body to guarantee the right of access to public information, in charge of the promotion, verification, follow-up and evaluation of the law and the sanctioning processes for non-compliance. This is of great importance, since, to date, we are not aware of any sanction or process initiated by any administrative or judicial body for the serious violations of the right of access to information in Venezuela, such as the lack of publication of the budget, public debt, budget execution, public contracting, status of works of interest, epidemiological data.

Censorship of information through the Internet and social networks operates with methods of digital blocking and harassment of users.

Through measures of blocking pages and practices of harassment and intimidation against users and cyberactivists, censorship is exercised through the Internet and social networks. In 2019 there were 191 alerts of restrictions to the digital rights of Venezuelans, more than double the number of cases reported in 2018, when 69 incidents were reported. These included 101 restrictions on internet access due to failures of fixed and mobile connection services throughout the country, 40 attacks on the servers of news portals and intimidating actions against journalists, 38 blockages to news portals and social media platforms, 9 restrictions on online expression and at least 3 regulatory restrictions.

In its latest report, the United Nations High Commissioner for Human Rights (UNHCHR) found that the government "has regularly blocked news websites and major social networking sites." Recent reports by organizations such as Amnesty International and Human Rights Watch point to hundreds of reports of acts of intimidation, digital attacks, censorship, arbitrary detentions and physical attacks against people attempting to exercise whistleblowing

or accountability in the handling of matters of public interest, such as journalists and the press, as well as against human rights defenders. Many of these took place after a State of Alarm was declared in March in response to the Covid-19 pandemic.

Freedom House in its report Network Freedom 2021 notes that in Venezuela "tactical blockades" were employed on key communication platforms and websites to minimize coverage of politically sensitive news. During the period under study, a financial transaction website that opposition leader Juan Guaidó, who was appointed interim president in January 2019, used to distribute monetary aid to health care workers was blocked. A website for a popular consultation during the December 2020 elections was also blocked, as well as several virtual private networks (VPNs)

In March 2020, Venezuela's National Telecommunications Commission (CONATEL), the telecommunications regulator, began talks with private operators about the creation of an Internet Exchange Point (IXP). Academics and activists have opposed such a project, as the administration of the IXP would fall to the government, through CANTV. Control over the IXP would generate high risks of censorship and surveillance that would outweigh the technical benefits of its creation. In April 2021 CONATEL announced that it would continue with the project.

According to CONATEL's report for the fourth quarter of 2019, which is the most recent data available, 66.4 percent of the fixed-line broadband market is held by CANTV, Digitel has 16.3 percent and four other providers share the rest. The mobile data market is led by Movistar with 48.7 percent, followed by Movilnet, with 38.5 percent, and Digitel with 12.7 percent.

A May 2019 government decree created a new National Telecommunications and Postal Services Corporation of Venezuela (CNTSPV), headed by the president of CONATEL. According to Article 3, its purpose would be the management of the State's telecommunications companies, which would allow it to "acquire all or part of the shares of all those companies and services directly or indirectly related to its corporate purpose, whether owned by national or foreign entities, or merge with them, upon authorization by the President of the Bolivarian Republic of Venezuela in Council of Ministers ". After its creation, Maduro announced the signing of agreements with the Chinese companies Huawei and ZTE to promote the introduction of new technologies.

Monopoly of strategic sectors by State Enterprises are a source of great corruption.

The government monopolized key sectors such as electricity and increased the size and participation of the State in productive sectors, at the same time increasing opacity and decreasing controls. Of the 706 State Owned Enterprises (SOEs) identified, inside and outside the country, at least 441 were created by the Chávez and Maduro governments. Transparencia Venezuela was able to identify the highest authorities of only 260 SOEs, of which 96 are in the hands of the military (active and retired). The SOEs do not publish financial and management results.

Nor do they publish procedures for the selection of contractors, contracts or the officials in charge of contracting and salary scales. In interviews with SOE officials during the pandemic, it was stated that, in the face of low salaries, irregular management and undue payments are the practices that help them to survive. In recent years, Transparencia Venezuela has registered at least 92 cases of alleged corruption in Petróleos de Venezuela (PDVSA) main SOE of the State, involving USD 42,321 million. The last published budget, in 2017, reflects that the State had to inject 6.24% of the national budget and, even so, the companies were critically indebted. In 2020, Venezuela had to import Iranian gasoline to be able to distribute in the country's service stations, despite having an oil industry that in other times was considered one of the most important in the world.

Confidential information on the country's extraordinary revenues and public budget increases the discretionality of spending.

The public budget and extraordinary revenues are handled with absolute secrecy and since 2005 have been used for discretionary expenses that have increased throughout these years. Since 2005, the National Executive created mechanisms, which to date are still in place, to execute expenditures outside the national budget and made it a daily practice. Among these mechanisms, the creation of funds parallel to the budget that are not submitted to parliamentary discussion, for which no accountability is published and whose accounts present inconsistencies, stands out.

Non-compliance with international cooperation to fight corruption.

The Venezuelan State allegedly fails to comply with international cooperation obligations in the fight against corruption. Investigations initiated in Argentina for alleged overpricing and money laundering in the sale of products to Venezuela, for more than USD 3 billion, are not progressing due to the lack of response from the Venezuelan government to the letters rogatory sent to obtain information on these contracts. Some cases have been closed for this reason

The State also failed to adopt measures to safeguard the integrity of press workers during the exercise of their work.

On the contrary, it criminalized journalistic work through repressive discourse and actions. No progress has been made in guarantees for the exercise of freedom of expression, in compliance with the provisions of domestic law, as well as international treaties and agreements signed by Venezuela. Opacity and disinformation continue to inhibit the exercise of journalism in the country and affect the right to information. On repeated occasions, journalists, graphic reporters and technical personnel of media outlets were physically assaulted by officials of security forces, as well as by armed civilians, affiliated with the government.

An October 2019 annual report by the NGO Medianálisis, based on interviews with 365 journalists from 141 media outlets, evidenced the vulnerability of journalists and their progressive loss of autonomy and independence, due to both censorship and self-censorship. According to the report, 38 percent of journalists said they had changed or omitted information to protect their sources. During the coverage period, security agents were reported forcing reporters to delete content from their electronic devices, further generating fear in the media.

Between 2017 and 2020, more than 400 attacks and assaults on journalists and media outlets were recorded.

Aggressions occur especially against digital and audiovisual media communicators, graphic reporters and television cameramen, and are carried out both by private individuals and by security forces that detain equipment, make arrests and destroy audiovisual material. The Venezuelan State systematically limited the right to freedom of expression, through measures such as the closure of media outlets, criminalization of denunciation and the impediment of journalistic work in the national territory. Between 2017 and 2020, 1,953 cases of violations to freedom of expression were recorded in Venezuela. In that period 809 people were detained or held for seeking or disseminating information or opinions.

Impediments to press coverage violate freedom of the press and the right to information.

Between 2017 and 2020, on at least 1,239 occasions, officials of state security forces prevented press workers from covering the press, thus violating their right to freedom of expression. In 2017 at least 61 press workers were robbed while performing reporting duties, mostly during the coverage of protests. The assaults were perpetrated by state security forces, specifically the Bolivarian National Police (PNB), the Bolivarian National Guard (GNB) and groups of armed civilians. 19 of these cases of robberies and associated aggressions were legally accompanied by Espacio Público before the Public Prosecutor's Office. None received a timely response. In 2020 alone, 215 cases of physical aggressions, arbitrary detentions, acts of intimidation, forced disappearances and threats against media and reporters were registered, according to IPYS Venezuela.

Monopoly on the distribution of newsprint is an instrument of censorship to annul the work of independent media.

The monopoly exercised by the State in the distribution of newsprint caused the closure of at least 40 print media during 2018, which left at least 10 states in the country without print media. In five years, between 2013 and 2018, the total number of circulating print media decreased by 68%. At least 40 print media went out of circulation indefinitely. Of these, 10 ceased due to the impossibility of sustaining salaries after the adoption of economic measures announced by the Executive in August 2018. The worsening of the shortage of newsprint and the existing economic crisis resulted in a total of 10 states in the country without printed newspapers: Amazonas, Apure, Barinas, Cojedes, Delta Amacuro, Falcón, Monagas, Portuguesa, Sucre and Trujillo.

The State's media control is supported by judicial harassment and reprisals against independent media.

The Venezuelan State has promoted legal actions and administrative proceedings against media outlets for disseminating information contrary to the official discourse.

Judicial proceedings against media outlets such as El Nacional, La Patilla and Tal Cual continue, as well as the blockades established by the country's main internet service provider, Compañía Anónima Nacional Teléfonos de Venezuela (CANTV), against a large number of digital media and other platforms. Social media platforms have frequently been temporarily blocked during political events, affecting platforms such as YouTube, Twitter, Periscope and Instagram, and especially on the main ISP, state-owned CANTV.

Limitations to digital rights is a policy of curtailing freedoms of expression and information.
In January 2019, the draft "Constitutional Law of Cyberspace" proposed to justify and expand the government's powers to control and monitor the use of the internet without institutional controls. This bill would create a national cyber defense system, with authority over a cyberspace of the Bolivarian Republic of Venezuela, limiting Venezuelans to a controlled, isolated and fragmented network. After being proposed, the law was not approved, but the draft proposal resurfaced in 2021. Between 2019-2020, the number of reports of journalists, activists and government opponents being arbitrarily forced to hand over cell phones has been increasing. In many cases they are forced or intimidated, usually by state security forces, to unlock the devices to review content or wipe data.

Arrests and criminal trials against journalists and info-activists form a pattern of persecution. On repeated occasions, journalists and info-citizens have been prosecuted for exercising their right to freedom of expression.

These actions, far from strengthening the guarantees of the right, have eroded the fundamental values of a democratic society.

The case of Pedro Jaimes Criollo, a citizen arrested in 2018 for publishing the route of the presidential plane on the internet, stands out. In January 2021 he was declared innocent. Jaimes was missing for a month, was tortured by intelligence officials, was beaten until he fractured a rib, and remained detained in El Helicoide in inhumane and unsanitary conditions until October 17, 2019. During that year and five months he did not receive timely medical attention or access to sunlight on a frequent basis, and the judicial system delayed his hearings on more than 15 occasions, subjecting him to imprisonment, without trial or sentencing.

It has also been documented that after the December 2020 elections, statements by officials such as Diosdado Cabello were associated with an increase in attacks against independent media. In an accusation directed against the independent media Efecto Cocuyo, Cabello labeled them as mercenaries of journalism and of receiving financing from the government of the United Kingdom to overthrow the government. During this period the media suffered continuous harassment and threats online, through the social network twitter, coming from accounts with pro-government identity, including accounts linked to the Venezuelan army.

Digital platforms such as lechuginos.com and tablablogspot.com have served as online sites to promote smear and defamation campaigns against journalists and editors of independent media, among which stand out: Roberto Deniz, of Armando.info; Erika Hernández, of El Nacional; Gregoria Díaz and Celina Carquez, of Crónica Uno; and Marianela Balbi, executive director of IPYS Venezuela.

Policies and instruments of surveillance and control of personal information violate the right to privacy. The government in Venezuela increases its efforts to monitor, identify and collect data on people they consider "opponents" through state-sponsored online attacks.

In 2018, the government purchased phone hacking technology from Cellebrite, an Israeli digital intelligence company. Specifically, the government approved the purchase of Cellebrite's UFED Touch2 units. These high-tech devices are used to hack and extract all data from cell phones, including conversations, photos, documents, and emails.

Although the constitution guarantees freedom of speech, the government has passed laws and regulations that restrict this right. Several laws, such as the 2017 anti-hate law and the Resorte-ME, amended in 2010, provide avenues to limit speech that authorities deem to incite hatred, violence, or "anxiety" among the population, including on the Internet. In addition, the prolonged state of emergency, in effect since 2016, includes provisions to counter cyber threats and authorizes regulations to prevent "destabilization campaigns."

In March 2021, the National Assembly approved a plan to amend or pass 35 laws, including Resorte-ME. A purported Cyberspace Law, a draft of which was leaked by a reputed journalist, suggests that the government will attempt to further restrict freedom of expression online.

Surveillance and counterintelligence activities have increased since 2013, when the government launched its

Homeland Plan 2013-19, which emphasized strengthening national defense among its priorities. Given the lack of independent oversight, there are concerns about the ease with which filtering and surveillance could be implemented. Digital activists have also expressed alarm regarding the government's growing appetite to invest in intelligence systems and operations.

A decree issued in October 2013 created the Strategic Center for the Security and Protection of the Homeland (CESPPA), a special agency in charge of monitoring and tracking social networks and online information. National Guard agents have also been trained by the MCI in the management of social networks for the "implementation of early alerts" in order to "truthfully" inform Venezuelans, and detect threats "to defend national sovereignty."

The Venezuelan government has taken other measures to take advantage of its surveillance capabilities. According to human rights organizations, arrests of trade unionists, health workers, journalists and others for messages on platforms such as WhatsApp and Twitter, including those related to the pandemic, indicate that the government is exercising surveillance in these spaces.

In November 2020, the U.S. Treasury Department sanctioned the Chinese company CEIEC for supporting digital surveillance efforts in Venezuela. An expert on the China-Venezuela relationship stated that technological support for surveillance and social control is a central component of the agreements between the two nations.

In September 2020, Haaretz reported that, despite US sanctions banning exports to Venezuela, the Israeli firm Cellebrite sold phone hacking technology to the Maduro government, according to statements by government officials.

INDIVIDUAL FREEDOM

Recommendations contained in Reports:
A/HRC/41/18 and A/HRC/44/20.

INDIVIDUAL LIBERTY

■ Release all persons arbitrarily deprived of their liberty; A/HRC/41/18.

■ Stop and prevent the excessive use of force during demonstrations; A/HRC/41/18.

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

■ End incommunicado detention, in particular by intelligence services, ensure that all persons held in pre-trial detention are held in official pre-trial detention facilities subject to judicial oversight, and transfer all persons detained in intelligence units to official detention facilities; A/HRC/44/20.

■ Guarantee the rights to food, water and sanitation, health, safety and dignity for all persons deprived of their liberty, including by addressing gender-specific needs; A/HRC/44/20.

■ Take specific measures in the context of the COVID-19 pandemic to ensure the rights to health and safety of detainees, including by providing alternative measures to deprivation of liberty to the widest possible range of prisoners, consistent with the protection of public safety; A/HRC/44/20.

■ Unconditionally release all persons unlawfully or arbitrarily deprived of their liberty, including through the implementation of the decisions of the Working Group on Arbitrary Detention; A/HRC/44/20.

EVALUATION OF COMPLIANCE ACCORDING TO OSC VENEZOLANA

For the Human Rights Observatory of the Universidad de Los Andes (ODHULA), none of the recommendations on this issue have been complied with. In the situation of persons arbitrarily deprived of their liberty, in general, the rule prevails of keeping them without liberty and without an answer about their situation. The procedures in which the victims of such human rights violations find themselves are characterized by procedural delays, undue delays, insufficient evidence to demonstrate the relevance of the facts for which they are accused, as well as the lack of action by the Prosecutor's Office in the clarification and search for the truth, and on the contrary, the Prosecutor's Office lends itself to the unjustified delay of the process. Emblematic cases of this situation are: Steven Garcia, Walter Mayorga, Marller Gonzalez and Erickvaldo Marquez.

The excessive use of force during demonstrations is a constant indicator of the way in which State security agencies act. Public policies of detention and prevention have not been established, nor have reforms been elaborated on the performance of State security agencies under international human rights standards. In fact, ODHULA has documented excessive use of force in the context of demonstrations: in the region, 22 people lost all or part of their sight in protests in 2017. Including, officers of the Bolivarian National Police who in 2019 went so far as to perpetrate an extrajudicial execution, that of Wuilderman Paredes and to have seriously injured Gerardo and Luis Paredes.

Regarding the measures subject to the "state of alarm" imposed on 12.03.2020 by the de facto Government of Venezuela, it is considered that they are not subject to the basic principles of restriction of human rights in the face of extraordinary scenarios. Although this extraordinary measure could meet the conditions of necessity, it does not meet the conditions of proportionality and time limit. It is also not subject to independent supervision and review since all the institutions are occupied by the governing party, which vitiates the state of alarm by not complying with the controls required by the National Constitution.

In the detention centers, the rights to food, water and sanitation, health and security of the persons deprived of liberty are affected because they do not have an adequately healthy infrastructure and, therefore, to prevent diseases, especially COVID-19. ODHULA has denounced that the Penitentiary Center of the Andean Region does not comply with the obligations to guarantee food and health of the prisoners, which directly affects their human dignity.

The freedom of persons deprived of liberty in an illegal or arbitrary manner is characterized by not being comprehensive, since it is accompanied by precautionary measures of presentation, prohibition of leaving the state, including the prohibition of the use of social networks, among other forms of restriction of freedom. Emblematic cases: Rafel Cuevas, Mérida firefighters Carlos Varón and Ricardo Prieto.

In general, the State has not tried to execute its actions based on the above mentioned recommendations. It is evident that there are still people arbitrarily detained, such as Steven Garcia, Maller Gonzalez and Walter Mayorga, whom this organization assists. In other cases, most of those who have been released, do not fully enjoy their freedom and are subject to precautionary measures that continue to restrict their freedom, such as the periodic presentation, as highlighted in the cases of the victims Carlos Varón and Ricardo Prieto. Nor has there been justice, as in the case of Wuilderman Paredes and Gerardo Paredes, whose perpetrators are currently at liberty.

The participation of independent and autonomous CSOs in the third Universal Periodic Review (UPR) Venezuela, concluded that the Venezuelan State has not implemented most of the recommendations and those that have been implemented have been partially implemented, regardless of whether they have been issued in the UPR, OHCHR or by any other international human rights protection body.

The State has not ratified the Optional Protocol to the Convention against Torture. Nor has it released all persons arbitrarily detained and ensured that all allegations of torture and ill-treatment of prisoners are promptly, thoroughly and independently investigated. Nor to date has it put an end to the practice of arbitrary detention and implemented without delay the recommendations made by the Working Group on Arbitrary Detention, nor

has it adopted a national anti-trafficking plan or undertaken real and responsible efforts through cooperation and coordination with the Office of the United Nations High Commissioner for Refugees. Manifest of this non-compliance is that 90% of the detentions or arrests in the framework of demonstrations occur without a judicial order, but are the consequence of the commission of crimes in flagrante delicto, according to the authorities.

Similarly, between June and December 2020 in the framework of the COVID-19 pandemic, 68 arbitrary detentions were documented, and in the area of the Mining Arc 74% of the victims of modern slavery are women and 25% are girls and adolescents. Male victims are predominantly used for forced labor and arms transfer and trafficking.

The Venezuelan State systematically subjects arbitrarily detained persons to torture and cruel, inhuman and degrading treatment as part of a State policy and a systematic attack on the civilian population.

The political detention centers of the State's intelligence agencies, including SEBIN and DGCIM, are notorious torture centers. The State pretends to take measures in this regard, in reality ineffective.

Defiende Venezuela and Un Mundo Sin Mordaza point out in their report that the Venezuelan context has changed dramatically since the last UPR cycle. The lack of judicial independence, deficient training of public officials and the breakdown of institutional checks and balances have been determining factors in the significant increase of torture. The severe increase in the number of torture cases is not an isolated event, but is accompanied by a proven pattern that makes torture systematic and endemic in Venezuela, configuring all the elements of crimes against humanity, including a direct attack against the civilian population. The frequent arbitrary detentions in the context of political demonstrations, especially, have encouraged the perpetration of other severe violations of the right to liberty and personal integrity, including cruel treatment, torture and forced disappearances.

The vast majority of those arbitrarily detained for political reasons in the context of citizen demonstrations since 2014 have been victims of some form of mistreatment, which in many cases constitutes torture.

Cruel treatment generally begins from the moment of arrest, when security forces frequently use excessive and unnecessary force, injuring detainees through blows, kicks and the use of pepper spray. Once detained, many victims were subjected to severe torture, especially in the detention centers of the Bolivarian National Intelligence Service (SEBIN), the General Directorate of Military Counterintelligence (DGCIM) and at military bases and other Bolivarian National Guard facilities throughout the country. Some persons detained by the DGCIM first passed through clandestine or unofficial detention sites, especially in the first hours or days following the arbitrary deprivation of liberty. During the transfers, the faces of most of the victims were covered so that they would not know their location.

Defiende Venezuela and Un Mundo sin Mordaza note that the WHRD documented similar patterns of behavior in the methods of torture used by different Venezuelan state security forces on both men and women for political reasons, including suffocation positions with plastic bags, chemicals or water jets. Torture, carried out for the purpose of obtaining information and punishing participation in demonstrations and the exercise of other rights, was frequently practiced during interrogations. Common torture practices included blows with blunt objects to the whole body, including the genitals; asphyxiation with tear gas, plastic bags or water bottles; electrocution; and subjection to stress positions called the "crucifixion" (arms stretched and handcuffed to tubes or bars) and the "octopus" (a metal belt with chains to immobilize wrists and ankles); burns to the skin with cigarettes and gun barrels; psychological torment with songs and slogans in favor of the national government; sensory and sleep denial; and sexual aggression and death threats against loved ones, family members and even pets.

In addition, prisoners with health conditions that require attention are frequently denied any type of medical attention, further violating their personal integrity. In its report, the Dale Letra Movement remarks that the State has taken actions that seek to give the impression that it is taking action against torture, announcing that the custody of detainees in SEBIN and DGCIM centers would be transferred to the Ministry of Penitentiary Affairs.

These measures have only been minimally implemented, reflecting their cosmetic motivation. Likewise, the mere transfer of a victim of arbitrary detention to another detention center does not change the fact that his or her right to personal liberty continues to be violated. Torture continues to be practiced in State detention centers against activists, opposition politicians, military personnel or any member of the civilian population perceived as dissident by the State in the context of its persecution of the civilian population.

The Venezuelan State has reinforced its policy of persecution of dissidents or anyone who opposes the ideas of the national government, as part of a systematic attack against civil society.

The CDH-Unimet emphasizes that the systematic violation of the right to personal liberty and integrity, as well as the criminalization of protest and any form of expression contrary to the State, together with the persecution of civil society, have contributed to the political crisis and the complex humanitarian emergency that Venezuela is going through.

In response to massive demonstrations organized by civil society, the Venezuelan State implemented the military plans "Guaicaipuro" and "Civic-Military Zamora", which categorize civilian demonstrators as enemy forces and are designed to inflict as much damage as possible on the victims.

The State has maintained a policy of impunity in the face of extrajudicial executions, and systematically practices arbitrary detentions, all within a framework of a breakdown of the rule of law.

In the implementation of these plans, the Venezuelan State undertook a systematic attack on the civilian population that resulted in more than a hundred killed, thousands wounded and thousands of arbitrary detentions. The Venezuelan State has maintained a policy of impunity in the face of extrajudicial executions, especially those that occurred in 2017 as part of a pattern of disproportionate use of force by the state during widespread repressions towards peaceful demonstrations organized by the civilian population. The state also maintains a systematic practice of selective arbitrary detentions executed without any kind of warrant, often accompanied by inhuman and degrading treatment, especially of journalists, activists and human rights defenders.

The CDH-Unimet highlights in its report that as of 2018, selective detentions without arrest warrants and without verification of the commission of a crime, including even forced disappearances, began to become widespread. FUNDEHULLAN highlights in its report that, as part of the state policy of criminalization of civil society, the judicial system of the Venezuelan State, which lacks independence from the Executive, abuses the figure of preventive deprivation of liberty, justifying under this figure the frequent arbitrary detentions of university students, local and regional human rights activists and defenders, community leaders and political leaders of opposition parties.

Citizens deprived of their liberty preventively - in reality, arbitrarily detained - often do not receive medical attention from prison authorities, and are constantly held in unsanitary conditions contrary to human dignity, without access to drinking water, frequent food or sanitary facilities. The eventual release of many victims of arbitrary detention is often conditioned on the imposition of alternative measures to imprisonment, including periodic court appearances, two bail bondsmen and prohibitions on discussing their cases. These restrictions are in effect a continuing violation of the right to personal liberty, so that arbitrary detentions have latent consequences well beyond the date of release.

The Strategic Development Zone of the Orinoco Mining Arc has become a focus of modern forms of slavery.

In its report, the CDH-UCAB warns that Venezuela is the country with the highest rate of people victims of some form of modern slavery, with a rate of 5.6 per 1000 inhabitants. Most of the cases of modern forms of slavery are concentrated in the Mining Arc, where the State tolerates its practice. The common means of recruiting victims are deceitful job offers, supposed success stories of family and friends, and deception in living conditions. The economic inequality and social precariousness resulting from the humanitarian emergency pushes potential victims to seek insecure alternatives for survival, which can turn into forms of modern slavery. Seventy-four percent of modern slavery victims are women, and 25% of these are girls and adolescents. Seventy-five percent of female victims suffer sexual and labor exploitation. Virgin women are sold for between 10 and 13 grams of gold in the Arco Minero area.

The State has abused restrictions to personal freedom due to the COVID-19 pandemic, violating the right to personal freedom and integrity.

The Dale Letra Movement highlights in its report that the Venezuelan State has excessively restricted the right to personal liberty by imposing isolation or forced confinement to people who according to arbitrary criteria could be carriers of COVID-19, without carrying out screening tests, in quarantine centers in degrading conditions, where communication with the outside world is prevented to those interned there in order to avoid complaints. Doctors and journalists who inform the public about the prevalence of COVID-19 in the country have been arbitrarily detained without warrants or verification of the commission of a crime. Once detained, the victims are brought before the courts weeks later. FUNDEHULLAN also warns that members of professional unions, especially in the health sector, are frequently physically assaulted and threatened when they demonstrate about their precarious working conditions and the deplorable state of the national health system.

The State does not guarantee minimum conditions of confinement and its conduct is omissive and inactive in the face of systematic and structural violations of the human rights of persons deprived of liberty, aggravating the conditions of confinement. The critical risk overcrowding was 171.83% on average until 2021.

As of March 2021, there were approximately 65,000 people imprisoned in pretrial detention centers or police lockups, with an overcrowding of 325%. Likewise, between 2017 and 2018, multiple cases of physical and psychological torture were documented in the headquarters of the General Directorate of Military Counterintelligence (DGCIM) and El Helicoide of the Bolivarian National Intelligence Service (SEBIN). Furthermore, the penitentiary system in Venezuela does not guarantee minimum conditions for housing vulnerable groups, both in prisons and in police cells. Transgender persons deprived of liberty and women are not treated with a differentiated approach, suffering discrimination and in some cases being subjected to pregnancies, which are not always consensual.

Torture and cruel and degrading treatment are regular methods in detention centers. Physical and psychological torture and cruel and degrading treatment are common methods used in detention centers.

Torture and cruel and degrading treatment regardless of the reasons for detention or deprivation of liberty, in addition to subjecting the inmate population to military exercises, such as closed order and forcing them to chants alluding to the government. Between 2017 and 2019, as indicated by Caleidoscopio Humano, torture methods have been documented, such as hanging detainees from the ceiling, spending 24 hours a day handcuffed in squatting positions, being beaten for hours, receiving electric shocks and pricking them with different objects, in addition to informing family members of the torture. There is also the practice of transferring detainees far from their areas of origin when a center is closed. The lack of transportation does not allow them to go to court or to be visited by their families, leaving them totally isolated from contact with the outside world.

Massacres in prisons represent violence and abuses by the State that are not properly investigated and punished.

The State does not implement adequate policies and measures to eradicate prison violence in the Venezuelan prison system. Between 2017 and 2020, at least three massacres occurred in the country's prisons and those responsible have yet to be identified.

The Venezuelan Prison Observatory (OVP) states in its report that, in 2017, 37 people were killed by a team of special forces in the Judicial Detention Center of Amazonas state (CEDJA). That same year, skeletons were found in mass graves in the General Penitentiary of Venezuela.

In 2018, 69 people were killed by bullet impacts and some burned inside the dungeons of the Carabobo state Police Command in the city of Valencia. Among the deceased were two visitors who were staying illegally in the facilities. In 2020, 49 of the inmates who were protesting for hunger and demanding a fair distribution of food were killed by the officers in charge of guarding them at the Penitentiary Center of Los Llanos Cepella, located in the city of Guanare, Portuguesa state. In spite of the fact that there are officials being prosecuted for these acts, some of them at liberty, there is still no progress in the preliminary or intermediate phase of the criminal process, making it impossible to identify those responsible.

Overcrowding in prisons and pretrial detention centers has reached extreme levels.

Overcrowding or overpopulation in prisons and pretrial detention centers is extreme. Among its causes are the excessive use of pretrial detention and the co-responsibility of the judiciary in the delay of proceedings.

The State does not publish prison statistics, but it is estimated as indicated by Una Ventana a la Libertad (UVL) in its report that, by 2021, there were about 110,000 inmates nationwide, of which approximately 65,000 people are held in 500 pretrial detention centers operating throughout the country, even though together these only have the capacity to hold 15,000 people. Between 2016 and 2021, OVP estimated an average of 171.83% overcrowding in penitentiary centers. An analysis conducted by UVL in 273 police and military jails with a capacity to hold 7,457 people, 24,218 people were detained, representing an overcrowding of 325%.

OVP points out that, in Venezuelan prisons, 63% of the inmate population is being judicially processed and only 37% is serving a sentence. The procedural delay is a constant. Showing the lack of independence of the judiciary, the Ministry of Penitentiary Affairs has granted a large number of liberties without the intervention of the courts.

Authorities do not guarantee the health and nutrition of prisoners, increasing the number of deaths.

Malnutrition and serious untreated diseases are killing prisoners, which worsened with the Covid pandemic. OVP points out in its report that 85% of the population deprived of liberty shows signs of malnutrition and 60% of severe malnutrition, causing an exponential increase in prison mortality due to malnutrition and serious health conditions due to Tuberculosis. In 2017 28 people died, in 2018 there were 40, in 2019 there were 66 and in 2020 there were 184 deaths, without any measure taken to prevent them, being the authorities the only ones responsible for their occurrence.

With luck, those deprived of liberty eat once a day for the food and water they receive in visits from their relatives, which were suspended in 2020 due to the Covid pandemic, prohibiting the entry of medicines and denying COVID screenings, as stated in the report of the Citizen Movement Dale Letra. The UVL report reports that, in 2020, 208 people deprived of liberty in pretrial detention centers died. Of these deaths, 143 occurred due to diseases, 42 due to escapes and captures, 15 due to internal fights, 5 due to riots in the center and 3 due to other causes.

Prolonged periods of starvation, high levels of overcrowding, unsanitary conditions in the facilities and the non-existence or marked deterioration of spaces for health care, in addition to the lack of health care personnel, are the main causes of prison mortality. Taken to this extreme of cruel and inhumane treatment, hunger strikes have increased in prisons. During the year 2020, 26 such strikes were documented, involving some 1,941 inmates.

Prison mafias involving inmates and officials are a major source of violence and corruption.

The prison system is dominated by prison mafias, proliferated by figures of self-government of the inmate population itself within the establishments, with the complicity of officials.

The UVL report states that in Venezuela there is a duality of penitentiary systems: the supposedly legal one administered by the Ministry for the Penitentiary Service, the entity in charge of closed and open regime establishments, and another parallel penitentiary system, made up of preventive detention centers or police cells. Corruption and the open operation of prison mafias run by leaders of the inmates, known as "Pranes", who act in complicity with the officials in charge of their custody, operate in these facilities. These operations are a major source of arms and drug trafficking and the entry of cell phones for extortion, kidnapping, car theft and other crimes.

The "prison mafias" are circles in which the inmates and the officials in charge of their custody, authorities of the Ministry for the Penitentiary Service or of the Preventive Detention Center where they are and also members of the Bolivarian National Guard (GNB) in prisons where they are in charge of their external control are involved. Weapons enter these prisons with the complicity of the officials. In most cases, Venezuelan inmates are better armed than officials.

Venezuelan prisons do not comply with differentiated treatment by age, gender, gender identity and gender expression.

Transgender persons are more susceptible to mistreatment and discrimination in prisons and detention centers. Women and persons with disabilities deprived of their liberty live in overcrowded conditions and suffer various forms of violence.

As pointed out in reports by OVP, Caleidoscopio Humanos and UVL, the penitentiary system does not have the minimum conditions to house people from vulnerable groups, both in prisons and in police or preventive jails. Transgender people are placed with the population of the same biological sex, suffering discrimination, cruel and inhumane treatment, both from the guards and the prison population. Sexual abuse is common and they are often used for cleaning and waste collection. Venezuela has only one women's prison, which has a maximum capacity of 350 inmates and houses 677. In the rest of the country there are annexes within the men's prisons, where women have their children, from pregnancy to postpartum, without appropriate conditions. There are cases where women exchange food and security in exchange for sexual favors, as well as relationships with guards. Within the prisons, people with disabilities are not treated differently, nor are they provided with the necessary resources to survive.

PERSONAL INTEGRITY (TORTURE)

Recommendations contained in Reports:
A/HRC/41/18 and A/HRC/44/20.

- Take immediate steps to cease, remedy and prevent human rights violations, in particular gross violations such as torture and extrajudicial executions; **A/HRC/41/18.**

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance; **A/HRC/41/18.**

- Ensure effective investigation and punishment 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 standards; **A/HRC/44/20.**

EVALUACIÓN DE CUMPLIMIENTO SEGÚN OSC VENEZOLANA

PROVEA recorded between 2016 and 2020 a total of 57 people killed as a result of torture, which confirms the existence of a serious pattern of violation of the right to life and personal integrity as a result of the application of torture to detained persons. In its report, PROVEA notably cites the case of 16-year-old Junior Meneses, who was arbitrarily detained by officers of the Bolivarian Army during the execution of the People's Liberation Operation (OLP) in the Acevedo municipality of Miranda state. Meneses died as a result of the torture he suffered at the hands of the military. He was taken lifeless by the military to a medical center.

PROVEA and Caleidoscopio Humano emphasize that the systematic and generalized practice of torture has not only affected opponents of the government of Nicolás Maduro, but also includes a significant number of activists identified with the left wing critical of the government.

Torture and cruel and degrading treatment, a recurrent pattern in Venezuela protected by structural impunity.

PROVEA maintains that impunity in Venezuela is structural, with a favorable environment for the occurrence of abuses against personal integrity. The mechanisms that foster impunity for human rights violations in Venezuela, particularly in the case of torture and cruel and degrading treatment, are exemplified by the routine failure of judges to investigate acts of torture ex officio. Likewise, PROVEA recorded a total of 3,692 complaints of cruel, inhuman and degrading treatment between 2016 and 2020. For Caleidoscopio Humano and PROVEA, the situation of abandonment to which the prison population in Venezuela is subjected constitutes a practice of cruel, inhuman and degrading treatment that causes deaths in prisons.

The Venezuelan State systematically subjects arbitrarily detained persons to torture and cruel, inhuman and degrading treatment, as part of a State policy and a systematic attack on the civilian population.

The political detention centers of the State's intelligence agencies, including SEBIN and DGCIM, are notorious torture centers. The State pretends to take measures in this regard, in reality ineffective.

Defiende Venezuela and Un Mundo Sin Mordaza point out that the lack of judicial independence, deficient training of public officials and the breakdown of institutional checks and balances have been determining factors in the significant increase of torture. The severe increase in the number of torture cases is not an isolated event, but is accompanied by a proven pattern that makes torture systematic and endemic in Venezuela, configuring all the elements of crimes against humanity, including a direct attack against the civilian population. The frequent arbitrary detentions in the context of political demonstrations, especially, have encouraged the perpetration of other severe violations of the right to liberty and personal integrity, including cruel treatment, torture and forced disappearances.

The vast majority of those arbitrarily detained for political reasons in the context of citizen demonstrations since 2014 have been victims of some form of mistreatment, which in many cases constitutes torture.

Cruel treatment generally begins from the moment of arrest, when security forces frequently use excessive and unnecessary force, injuring detainees through blows, kicks and the use of pepper spray. Once detained, many victims were subjected to severe torture, especially in the detention centers of the Bolivarian National Intelligence Service (SEBIN), the General Directorate of Military Counterintelligence (DGCIM) and at military bases and other Bolivarian National Guard facilities throughout the country. Some persons detained by the DGCIM first passed through clandestine or unofficial detention sites, especially in the first hours or days following the arbitrary deprivation of liberty. During the transfers, the faces of most of the victims were covered so that they would not know their location.

Defiende Venezuela and Un Mundo sin Mordaza note that MDH documented similar patterns of behavior in the torture methods used by different Venezuelan state security forces on both men and women for political reasons, including suffocation positions with plastic bags, chemicals or water jets. Torture, carried out for the purpose of obtaining information and punishing participation in demonstrations and the exercise of other rights, was

frequently practiced during interrogations. Common torture practices included blows with blunt objects to the whole body, including the genitals; asphyxiation with tear gas, plastic bags or water bottles; electrocution; and subjection to stress positions called the "crucifixion" (arms stretched and handcuffed to tubes or bars) and the "octopus" (a metal belt with chains to immobilize wrists and ankles); burns to the skin with cigarettes and gun barrels; psychological torment with songs and slogans in favor of the national government; sensory and sleep denial; and sexual aggression and death threats against loved ones, family members and even pets.

In addition, prisoners with health conditions that require attention are frequently denied any type of medical attention, further violating their personal integrity. In its report, the Dale Letra Movement notes that the State has taken actions that seek to give the impression that it is taking action against torture, announcing that the custody of detainees in SEBIN and DGCIM centers would be transferred to the Ministry of Penitentiary Affairs. These measures have only been minimally implemented, reflecting their cosmetic motivation. Likewise, the mere transfer of a victim of arbitrary detention to another detention center does not change the fact that his or her right to personal liberty continues to be violated.

The reality is that torture continues to be practiced in State detention centers against activists, opposition politicians, members of the military or any member of the civilian population perceived as dissident by the State in the framework of its persecution of the civilian population.

Cruel, inhuman and degrading treatment and punishment is a frequent practice in the country's prisons.

The extreme conditions of overcrowding, lack of food and lack of attention to illnesses in detention centers are part of the cruel, inhuman and degrading treatment to which persons deprived of their liberty are subjected.

Overcrowding in detention centers has reached a point where detainees are often forced to sleep standing up. The lack of access to food, hygiene and medical care in detention centers has been frequently denounced, but this was aggravated by the COVID-19 pandemic that prevented family members and lawyers from accessing detention centers, leaving persons deprived of their liberty in a vulnerable situation, at the mercy of officials.

A total of 97 deaths have been documented in Venezuelan prisons as a result of cruel, inhuman and degrading treatment during 2020. In prisons under the administration of the Ministry of People's Power for Penitentiary Affairs 90 people lost their lives because the authorities refused to provide them with medicine and food.

WOMEN

Recommendations contained in Reports:
A/HRC/41/18 and A/HRC/44/54.

- Dé prioridad a las medidas para disminuir los embarazos precoces y cuide que todos los planes relativos a los derechos sexuales y reproductivos contengan indicadores mensurables y un mecanismo de seguimiento; A/HRC/41/18.

- Adopte las reglamentaciones y protocolos necesarios para asegurar el cumplimiento de todos los derechos y obligaciones contemplados en la Ley Orgánica sobre el Derecho de las Mujeres a una Vida Libre de Violencia, y adoptar medidas efectivas para ayudar y proteger a las víctimas, incluidas las mujeres y los niños, frente a todas las formas de violencia; A/HRC/44/54.

- Establezca un sistema de recopilación sistemática de datos estadísticos sobre la violencia contra la mujer, desglosados por formas de violencia, número de denuncias, enjuiciamientos, condenas y sentencias impuestas a los perpetradores; A/HRC/44/54.

EVALUACIÓN DE CUMPLIMIENTO SEGÚN OSC VENEZOLANA

There has been no significant change in the implementation of public policies by the Venezuelan State aimed at guaranteeing the optimal exercise of the rights of women and girls and their full protection.

Despite regulatory advances, there are still multiple barriers for women to have access to justice, to have support and care centers, to stop being revictimized by the poorly trained personnel of public agencies, to have effective protection and security orders at their disposal, among others.

To date, 25% of the country still does not have this specialized jurisdiction special jurisdiction for violence against women.

The situations of violence faced by women are invisible due to the lack of official data, as well as the lack of data on access to health, food and education, and the disproportionate effects of the complex humanitarian emergency on women.

Finally, despite the notorious increase in cases of femicides, the Venezuelan State does not guarantee the protection, promotion and respect of women's rights, thus perpetuating a cycle of impunity.

The State has not complied with the recommendations of the last country review of the Committee on the Elimination of Discrimination against Women (CEDAW) regarding the reform of criminal legislation on abortion, so Venezuela continues to have one of the most restrictive frameworks in the region. On the contrary, the State has been implementing policies such as the implementation of massive sterilization days nationwide aimed at poor women, and there are doubts regarding the official data for 2021 indicating a decrease in maternal deaths, since they were not published in a timely manner. Nor has legislation been passed to guarantee the right to non-discrimination based on sexual orientation, gender identity and expression. No progress has been made with the reform of the Penal Code to make the norm that criminalizes abortion more flexible.

In reference to sexual and reproductive health services, AVESA reports that 90% of women, girls and adolescents between 15 and 59 years of age in low-income communities in the central region of the country did not have access to services for planning their pregnancies, exposing them to unsafe and uninformed conditions regarding their sexuality and reproduction. According to AVESA for 2020 in the Capital District and Miranda State, the rate of contraceptive use among adolescents aged 15 to 19 was 37.9, well below the average of 74 for Latin America and the Caribbean, according to the United Nations Population Fund (UNFPA). Official bulletins reporting notifiable deaths stopped being published in 2016. The last one recorded an alarming increase in the maternal mortality rate by 69.2% and infant mortality by 36.9%. Among the deceased, more than 60% were newborns.

The reform of the Organic Law on the Right of Women to a Life Free of Violence is insufficient to guarantee the full protection of women against all forms of violence.

In December 2021 a new reform to the Organic Law on the Right of Women to a Life Free of Violence was enacted. The positive points of the reform include: (i) the inclusion of seven mandatory approaches for State bodies and entities: gender, feminist, human rights, intercultural, comprehensive, generational and intersectionality approaches; (ii) the inclusion of four new typifications of forms of violence: multicausal violence, gynecological violence, gender-based violence and violence against women: multi-causal violence, gynecological violence, computer violence and political violence; (iii) the identification of the forms of violence, by virtue of which violent carnal access was renamed sexual violence in a couple relationship, and domestic violence was renamed family violence; and (iv) the inclusion and definition of vicarious violence, as that which affects ascendants, descendants and caregivers of women with the purpose of causing conditions of violence.

However, although it is recognized that this represents a significant advance, more than a decade after the enactment of the first law, there are still forms of violence that are not being criminalized in the legislation, such as street violence (verbal and sexual harassment in public spaces) and psychological violence in the courts (product of the re-victimization of women in public hearings).

Likewise, although the criminal type of femicide has been recognized since 2014, initiatives, debates and consensus have not yet been achieved to modify it and extend it to feminicide, a term that among other elements incorporates impunity, negligence or complicity of the authorities in charge of preventing and eradicating violence against women. This means that the new legal reform continues to ignore the responsibility of the State by action or omission.

CEPAZ has emphasized the need to address violence against women from a comprehensive perspective of the social phenomena associated with the crime, which should be fully developed in the law regulating the matter. However, according to the law, orphaned children do not receive economic reparation or comprehensive care for the loss of their mother.

On the other hand, with respect to protection and security measures for women victims of violence, and specifically in the case of foster homes, there is a normative contradiction. Article 106, ordinal 2, which develops the protection and security measures, grants a temporary character to the foster homes; while Article 37, which develops this particular measure, does not make reference to the temporality of the same. Once the period of stay has expired, a temporary nature would leave women victims who do not have a network of family or friends to shelter them and their children, or who, due to the real danger to their lives, must go to places where specialized protection is provided, helpless.

Likewise, contempt of protective measures in favor of the victims was not enshrined as an autonomous crime. Finally, we cannot leave aside the normative setback that means the disregard in the new regulations of the rights protected in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), and that may be produced by the denunciation of the American Convention by the Venezuelan State.

The Venezuelan State did not establish a system for the systematic collection of statistical data on violence against women, disaggregated by forms of violence, number of complaints, prosecutions, convictions and sentences imposed on perpetrators.

From 2006 to date, the Venezuelan State has not implemented an official information system that publicly presents statistical data on the different forms of violence suffered by women, the number of investigations, accusations and convictions carried out on the occasion of such acts, indicators on women's access to food, health (including that related to sexual and reproductive rights) and education, nor has it provided statistical data on the disproportionate effects of the complex humanitarian crisis on women. The State has also failed to provide data on the number of victims of trafficking and sexual exploitation in Venezuela.

The absence of information on official figures also affects women and girls from indigenous communities. In this regard, the absence of statistical data on the situation in the Arco Minero del Orinoco must be highlighted with particular concern.

According to CEPAZ, at least 564 women were murdered between 2020 and March 2022. Of the registered cases, 212 occurred in 2020, 290 in 2021 and 62 in the first quarter of 2022. It is worrying that only in the period from January-March 2022, there was a femicidal action in Venezuela every 26 hours. In addition, a total of 23 children were orphaned by the femicide of their mothers and 3 of them witnessed the violent acts. In the same period, 14 femicides of Venezuelan women abroad were registered. For the month of March, 33% of the aggressors were fugitives from justice, in addition to the lack of denunciation by the victims, which evidences their distrust of the justice system.

MIGRATION

Recommendations contained in Reports:
A/HRC/41/18, A/HRC/44/20 and A/HRC/48/19.

- Protect persons, including those who are migrating, from abuse, corruption and extortion by State agents; A/HRC/41/18.

- Guarantee the right to identity and documentation to all persons, including children; A/HRC/41/18.

- Take all necessary measures to ensure the safe, dignified and voluntary return and sustainable reintegration of Venezuelan returnees, ensure their access to health care and social protection, and also ensure their protection against discrimination and stigmatization; A/HRC/44/20.

- Continue to work in partnership and cooperate with the United Nations system to guarantee the human rights of persons in a situation of mobility within its territory, in particular Venezuelan migrants and returnees, and investigate cases of disappearances and allegations of human trafficking; A/HRC/48/19.

EVALUATION OF COMPLIANCE ACCORDING TO OSC VENEZOLANA

For CEPAZ, since the announcement of the recommendations by the OHCHR to date there has been no significant change in the implementation of public policies by the Venezuelan State aimed at protecting people in a situation of mobility.

Venezuelan migrants, especially those who leave the country by land, continue to be victims of abuse, corruption and extortion by State agents. In addition, the persecution committed by state agents as a mechanism to disintegrate political dissidence has been a factor that has contributed to Venezuelans' decision to leave the country.
In the same vein, despite the fact that in 2022 there has been an improvement in the frequency of passport issuance by the SAIME, there are still latent problems. On the one hand, the high cost of the passport makes it difficult for people with low resources to have access to it; on the other hand, the closing of Venezuelan embassies and consulates in different States has made it very difficult for Venezuelan migrants to have access to the passport. Taken together, these circumstances lead to affirm that the Venezuelan State continues to fail to fully guarantee the right to identity and documentation for all persons.

Furthermore, during the pandemic, the pertinent measures were not adopted to ensure the safe, dignified and voluntary return of Venezuelan migrants to the country. On the contrary, they were subjected to numerous situations of uncertainty and risk, ranging from the total denial or insufficiency of humanitarian and commercial flights, to discrimination and stigmatization by state authorities due to their status as returned migrants.

Finally, there has been no evidence of progress in cooperation between the State and the United Nations system aimed at investigating cases of human trafficking.

The participation of independent and autonomous CSOs in the third Universal Periodic Review (UPR) of Venezuela concluded that the Venezuelan State has not implemented most of the recommendations and those that have been implemented have been only partially implemented, regardless of whether they have been issued by the UPR, the OHCHR or any other international human rights protection body.

The complex humanitarian emergency affecting the country has generated a human mobility crisis, reflected in the forced departure of more than 6 million people between 2016 and 2021. The State's response has been to deny the crisis and minimize its magnitude. At the end of 2017, the Ombudsman imposed by the illegitimate constituent national assembly, stated that those who were leaving were middle class youth who had lost hope because they could not go to nightclubs due to insecurity problems. In addition to the denial of the crisis, attacks and questioning of the countries receiving the Venezuelan population have been added. The politically motivated persecution committed by state agents adds to the causes that have motivated hundreds of Venezuelans to emigrate from the country. This situation is especially worrisome in the case of women, since their political exile has been scarcely made visible and analyzed from a gender perspective.

The rupture of relations of several States with the government represented by Nicolás Maduro which, in some cases, extended to consular relations; generated that millions of Venezuelan citizens who are outside the country and who reside in States that do not have Venezuelan consular services, face a situation of legal defenselessness, which also affects nationals of these States residing in Venezuela.

Many people have seen their right to family unity affected, due to the impossibility of obtaining a passport or extending the existing one. There are young people who left Venezuela as minors and, therefore, their registration in the platform of the Autonomous Service of Identification, Migration and Foreigners (SAIME) is associated to that of their parents. Since they do not have a Venezuelan identity card, they cannot make an independent registration to obtain a passport, even though they are of legal age.

In the state of Amazonas, the headquarters of the SAIME, is destroyed by a fire occurred in January 2019; The inhabitants must move to other entities to obtain their identity documents, or wait for an operation that take months to be approved

In the context of the COVID-19 pandemic, some 150,000 Venezuelans in other countries decided to return to Venezuela, being the target of acts of discrimination.

The returnees faced expressions of rejection from the prosecutor imposed by the National Constituent Assembly, who called them "karma", followed by the Minister of Penitentiary Affairs who called them "fascists" and "camouflaged coup plotters". Several officials, including Maduro, affirmed that the returnees were biological weapons sent by the Colombian government to contaminate Venezuela. The criminalization of the returnees, under the label of "bioterrorists" culminated in campaigns in social networks by all the commands of the Bolivarian National Guard, arbitrary detentions and the opening of judicial proceedings.

Forced migration is one of the main causes of increased risk factors and overexposure of the Venezuelan population to human trafficking and many neo-slavery practices, both in Venezuela and in transit and destination countries.

There have been cases of women who have been trafficked to Trinidad and Tobago, Colombia and Brazil, either on their own or under false pretenses. In Trinidad and Tobago, most of the victims have been recruited through deceptive offers of employment or "consensual" prostitution, and once they arrive at their destination, they are forced into prostitution. Once the victims are in Trinidad and Tobago, they must pay up to $2,000 for their freedom to the leaders of the organized trafficking gangs.

There are also reports that, at irregular border crossings from Venezuela to Colombia, women who do not have money to pay the armed groups that control the area are forced to pay with sex, while in some cases, minors are recruited by these armed groups.

State acquiescence in the increase of human trafficking and other forms of modern slavery in Venezuela has been documented. Illegal boats leaving for Trinidad and Tobago do so with the acquiescence of members of the security forces, and in mining areas, agents of the Bolivarian National Guard force women to provide them with sexual services.

The Venezuelan State did not thoroughly and effectively investigate cases of human trafficking.

The dimension of sexual violence is strongly present in the migration process of Venezuelan women, linked to xenophobia and the hypersexualization of their bodies. In particular, the trafficking of Venezuelan women is one of the main concerns denounced by feminist organizations.

The generalized loss of income makes the Venezuelan population more prone to fall into traffickers' networks. In turn, traffickers become more intrepid in choosing and recruiting their victims. Venezuelan women and girls, migrants and refugees, domestic or cleaning workers, vendors, particularly those in irregular and precarious conditions, have become the most vulnerable to exploitation and human trafficking both inside and outside the country.
Unfortunately, to date the Venezuelan State has not initiated an exhaustive investigation aimed at eliminating human trafficking networks in Venezuela, so the perpetrators continue to add innocent victims.

The Venezuelan State did not guarantee the right to identity and documentation to all persons, including children.

During 2021 REDAC conducted 47 in-depth interviews with Venezuelan migrants and/or returnees in 10 countries (Colombia, Ecuador, Mexico, Spain, Peru, Curaçao, Aruba, Argentina, Italy and Venezuela). Most of the victims interviewed stated that they did not have a Venezuelan passport.

There is no legal framework that guarantees the protection and identity of trans women.

This exposes them to attacks and new forms of modern slavery. After arriving in their country of destination, transgender people are subjected to different forms of discrimination and violence, including exclusion and rejection, police aggression and beatings in the streets. Moreover, extreme violence can even lead to murder. "In August 2020, the case of Patricia Dumon, a 21-year-old Venezuelan trans woman who was murdered in Santa Marta, Colombia, was recorded. Patricia is one of the 110 victims of violence against Venezuelan LGBTI population registered by Caribe Afirmativo between May 2018 and August 2020.

INDIGENOUS PEOPLES, ENVIRONMENT AND MINING ARC

Recommendations contained in Reports:
A/HRC/41/18, A/HRC/44/54 and A/HRC/48/19.

RECOMMENDATIONS

- Cease all intimidation and attacks against indigenous peoples, including their leaders, and ensure their protection and adopt all necessary measures to protect their individual and collective rights, including their right to land; **A/HRC/41/18.**

- Ensure that all mining activities in the Bolivarian Republic of Venezuela are carried out in accordance with adequate environmental, socio-cultural and human rights impact studies, and in compliance with national and international environmental standards; **A/HRC/44/54.**

- Collect and publish key information related to the Orinoco Mining Arc region, such as environmental and social impact studies, violence and homicide rates, and socioeconomic data on the population living in the Orinoco Mining Arc and surrounding areas, including indicators related to economic and social rights; **A/HRC/44/54.**

- In compliance with international human rights standards, conduct effective and transparent investigations and law enforcement operations in order to dismantle criminal and armed groups controlling mining activities, address corruption, and prosecute and punish those responsible for crimes and human rights violations in the Orinoco Mining Arc and surrounding areas; **A/HRC/44/54.**

- Adopt urgent measures to put an end to labor and sexual exploitation, child labor, and human trafficking in the Orinoco Mining Arc, and ensure the regularization of mining activities with the objective of respecting the right to just and favorable working conditions; **A/HRC/44/54.**

- Ensure that adequate and representative consultations are held with all indigenous peoples prior to the adoption or implementation of any decision, activity or measure that may affect them, and that may impact in any way on their traditional lands, territories and resources; **A/HRC/44/54.**

- Ensure that indigenous peoples can enjoy their collective right to live in freedom, peace and security, and can own, use, develop and control their lands, territories and resources, including through the demarcation of traditional lands; **A/HRC/44/54.**

- Repeal resolution No. 0010 concerning mining activity on rivers; **A/HRC/44/54.**

- Provide redress to indigenous peoples affected by mining activities, particularly in the Orinoco Mining Arc region, in consultation with them; **A/HRC/44/54.**

- Adopt all necessary measures to implement the constitutional mandate to recognize all indigenous territories and collective land rights as soon as possible, with special emphasis on self-demarcation initiatives **A/HRC/48/19.**

- Ensure the application of the national environmental regulatory framework to oil and mining industries, particularly in the Orinoco Mining Arc region, and sign and ratify the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú agreement **A/HRC/48/19.**

EVALUATION OF COMPLIANCE ACCORDING TO OSC VENEZOLANA

The participation of independent and autonomous CSOs in the third Universal Periodic Review (UPR) Venezuela, concluded that the Venezuelan State has not implemented most of the recommendations and those that have been implemented have been partially implemented, regardless of whether they have been issued in the UPR, OHCHR or by any other international human rights protection body.

The Comprehensive Humanitarian Emergency (CHE) has dramatically affected the lives, customs and dignified existence of Indigenous Peoples and Communities (IPCs), forcing them to migrate for reasons of subsistence and violence. The increase in poverty and the lack of basic services such as water, gas, transportation and fuel has jeopardized their own economies and their access to health care and food. The implementation of mining megaprojects and the expansion of illegal mining in indigenous territories, without environmental and cultural impact studies, nor regulations and formulation of consultation and prior consent based on rights standards, has forced indigenous people to migrate forcibly from their territories to other regions or outside the country. The expansion of control of territories by irregular armed groups in mining extraction zones has subjected them to processes of extreme violence, deterritorialization and has seriously violated their right to self-determination and identity. This, together with the State's inaction against these groups.

Violation of the right to access to public information regarding the rights of indigenous peoples and communities.

The report and account of the Ministry of Popular Power for Indigenous Peoples and Communities (MINPI), an institutional and mandatory document of accountability, ceased to be published since 2016. Neither in the digital site, nor by request to MINPI or TSJ has it been possible to access it. For 5 consecutive years the information has been denied to the P and CI and to the country. There is no data on health, indigenous maternal mortality, education, access to services, among others. The State rarely and very extemporaneously publishes data, which do not coincide with independent research by academics and organizations, showing inconsistencies in reality.

Violations of the right to territories and collective property due to the paralysis of the demarcation of indigenous lands and habitat (DT and HI, in Spanish).

The process of DT and HI, according to the CRBV, should have been carried out in a period of 2 years, after its approval in 1999. But it was in 2005 that the LOPCI was decreed and the first Land Titles (TT) were delivered. The indigenous people presented their rejection before the Attorney General's Office of the Republic, for non-compliance of agreements, since they were not really collective property titles but a simile in agrarian letters of use and usufruct. The Demarcation Commission has been paralyzed for 9 years. The last delivery of titles was in 2016, to the indigenous communities Chaima, Pumé and Kariña, in Monagas. From 2017 to 2021, no title has been delivered to any indigenous community in the country. In its AHCR 48/19 report, OHCHR documented that, as of 2021, only 15% of indigenous lands had been demarcated, and 102 property and habitat titles had been issued, equivalent to 3.22% of the national territory. It also expressed concern about approved demarcation processes, which have been waiting to be executed for more than 15 years, when the applicable legal deadline is 30 days.

Violation of the right to Prior Consultation (PC), Free Prior and Informed Consent (FPIC).

The State fails to comply with the obligation to carry out PC and obtain FPIC from the PICI, in good faith, respecting indigenous institutions and legitimate representatives, in order to carry out any activity or measure that may affect them. In Venezuela, there is no law or regulation on PC and FPIC. The State insists that consultations are carried out, however, they are reduced to calls with specific groups, most of them related to the government, to which a pre-established plan is presented and they are asked to define how they want to be incorporated and what they request in order to be incorporated. The State has used the term "Consultation" stripped of the obligations and precepts of the law. The OMA Decree was approved without FPIC, a situation that is repeated in other projects. The OHCHR, in its report (A/HRC/44/54) recognized that it was especially concerned about the human rights situation in the OMA, including the lack of transparency of public companies regarding their operations, participation and consultation processes, environmental and socio-cultural impact studies.

Serious impacts on indigenous ways of life by the mega-mining project for the extraction of gold, diamonds, coltan and other metals in the Orinoco Mining Arc (OMA).

On 24.02.2016, the OMA decree was approved. The project incorporates the upper strip of Bolivar state, but the affectations and indiscriminate extension by illegal mining extends to indigenous territories of Amazonas and Delta Amacuro. In environmental terms, mining has caused water and soil contamination, forest deforestation, loss of fauna and flora, and loss of biological diversity. The state of Amazonas, an ancestral indigenous territory, is experiencing an exponential growth in deforestation and the indiscriminate occupation of ecologically vulnerable areas. Extraction techniques have shifted from artisanal means to mechanized mining that incorporates motorized pumps, dredges, explosives, hydraulic motors and chemical substances such as mercury and cyanide. Mining goes from an individual activity to hundreds of miners concentrated in one mine, negatively affecting the territories. In the cultural sphere, mining has generated profound changes in indigenous communities' ways of life. The progressive loss of their traditional means of physical and spiritual subsistence. Some have decided to join the mining activity, forced by the precarious economic situation. Most of the indigenous people involved are in very weak positions. Mining has provoked intra/inter-ethnic conflicts and violence. The indigenous people change their structure of thought and relationship with their land and community to become miners, many in conditions of modern slavery. With a sustained advance of transculturation, leaving a feeling of orphanhood of the indigenous society and making the possibility of thinking and acting with a vision of the future more precarious every day.

Loss of autonomy and self-determination due to militarization, presence and control of illegal armed groups in indigenous territories.

Those indigenous territories considered strategic for mining and/or border areas have been militarized. However, with mining and the OMA, there has been an increase in settlements - with the consent of the State - in the indigenous habitat of armed groups: unions (criminal groups), foreign guerrillas, armed groups that force them to join, move and/or confront and die. Some peoples, using their right to self-determination, have implemented "Indigenous Territorial Guards", which has led to confrontations with these armed and military groups. Their traditional forms of self-determination and participation are criminalized, in addition to suffering constant efforts to co-opt and weaken them.

Internal displacement and forced migration.

The Complex Humanitarian Emergency (CHE), state neglect, armed groups, mining exploitation, violence and the loss of their traditional ways of life have forced displacement both internally and to other countries. These indigenous migratory flows represent a loss of the entire historical cultural heritage and of our identity as a nation. Violence in indigenous territories is structural in nature. The food and health crisis, the setback in the guarantee of public services, the deterioration of their productive forms and state neglect has forced P and CI to forcibly leave their territories in order to survive.

To this, in 2019, was added the persecution for political reasons against Pemones who had to flee the country. The presence of 10 forced migrant Indigenous Peoples has been recognized in: Colombia; Brazil; Guyana. Warao; Ye'kwana; Jivi; Eñepá; Pemón; Yukpa; Barí; Wayúu; Añú; Kariña. UNHCR has recognized that there are 4 migrant indigenous peoples from Venezuela: Warao (66%), Pemón (30%), Eñepa (3%) and Kariña (1%). Present in 16 Brazilian states. 65% are asylum seekers. UNICEF reported that they are concentrated in Pacaraima and Boa Vista. There are 13 shelters housing 6,586 indigenous and 2,598 non-indigenous people. Almost 40% are children and adolescents. Some 2,510 migrants live on the streets of Boa Vista. In 2019, the Observatorio de DDHH de Los Pueblos Indígenas reported that young adults from 20 to 39 years old migrate, also young people from 15 to 19 years old, even under 15 years old in states such as Amazonas and Delta Amacuro. The main reasons for migration are the search for opportunities and employment, followed by hunger. A large number of these migrants do not have identification documents that recognize them as Venezuelans, nor in their indigenous condition. Another aspect that is usually not noticed is the impact on the health and mental wellbeing of the indigenous people.

EHC and setbacks in terms of the right to health and food.

There is a state abandonment of the hospital network and indigenous health care, as well as profound setbacks in food programs and public services, seriously affecting the life of P and CI. Their traditional forms of trade and commerce have been abandoned, profoundly affecting their capacities in the face of EHC and state neglect. The

network of hospitals and outpatient clinics is poorly equipped with medicines, supplies and personnel. There are no ambulances or land, air or river transportation to assist indigenous communities, especially in remote areas.

Mining is blamed for the emergence of sexually transmitted diseases such as HIV. Venezuela moved to "emergency" category according to WHO between 2017-2019 due to the sharp increase in Malaria cases. Between 2010-2019, they increased by 882%, spreading to 18 states in the country due to internal displacement related to mining activity. Cases dropped in 2020-2021 during the Covid-19 pandemic due to mobility restrictions.

In turn, the possibility of providing humanitarian assistance and protection in remote and difficult to access areas in the states of Bolivar and Amazonas, by air, with civil aviation support, is denied. Some 33 Rural Ambulatories Type I and II, serving 591 indigenous communities and benefiting a target population of 102,064 people, of the Pemón, Ye'kwana, Sanema, Hoti, E'ñepa Huottüja and Yanomami indigenous peoples, lack access to humanitarian response and Covid-19 response. From March 2019 until June 2021 all flights for civil aviation aircraft in Venezuela are restricted and lack authorization and access to fuel.

With mining and state neglect, during the last decade, indigenous girls, adolescents and women in the territory south of the Orinoco have been victims of physical abuse, psychological violence and sexual violence. There is a lack of research and official data on Venezuelan victims of trafficking and sexual exploitation, especially those of indigenous origin in the context of mining exploitation. Indigenous women are forced into prostitution and are victims of trafficking networks. The victims do not want to tell their experience for fear of being murdered. In the case of migrant women, they travel hundreds of kilometers, accompanied by their young children or are pregnant, thus increasing the risk of being victims of abuse, assault, violence, labor exploitation, prostitution, among others. These abuses come from armed groups, unions or other groups that frequently control the areas or routes through which they travel.

Setbacks in terms of the right to indigenous education.

The majority of P&C attend schools in remote places, where precariousness is evident and serious. Unequipped and remote schools that are not attractive for teachers with higher academic preparation; weak transportation services and fuel supply failures do not allow educational authorities to monitor and supervise, subjecting teachers and directors to institutional abandonment. The lack of student provisions such as food, uniforms, preventive medical services, teaching materials and resources, the lack of continuous electricity service and, in the most remote areas, the complete absence of internet services, drinking water, electricity, transportation, among others, leads to massive school dropouts to migrate to mining areas in search of better livelihood opportunities. The technological gap is very high.

Infringement of the right to the indigenous, universal and secret vote.

The CNE, without real prior consultation, approved the regulation that modifies the forms of indigenous political participation, attacking self-determination and autonomy. The election of representatives to the National Assembly, and municipal and regional legislative assemblies is changed to a 2nd degree vote. The election is not secret and diminished indigenous representation. At the same time, it establishes a show of hands as the only method of uses and customs and leaves indigenous people outside their communities excluded and discriminated against.

Violation of the right to life, extrajudicial executions and unpunished crimes by armed groups.

In 2018, at least 7 indigenous people were reported by their communities as disappeared by armed groups. In 2019, Javier García and Luis Gaitán, two indigenous Jivi, also disappeared. Between 2017-2021, at least 12 murders of indigenous people at the hands of mining unions and FARC 14 murders committed by State security forces against indigenous people were counted. In its report A/HRC/44/54, OHCHR stated that allegations of killings and threats against indigenous leaders in mining areas by "syndicates" were received, particularly in mining areas and in areas controlled by non-state armed groups. In 2019, the army in KumaraKapay, killed 4 indigenous people. To date, the case remains in total impunity. In January 2012, the indigenous Salvador Franco died in prison due to lack of medical attention and malnutrition.

COLLABORATION WITH OHCHR AND HUMAN RIGHTS MECHANISMS

Recommendations contained in Reports:
A/HRC/41/18, A/HRC/44/20, A/HRC/47/55 and A/HRC/48/19.

RECOMENDACIONES

- Accept and facilitate the establishment of a permanent OHCHR country office; A/HRC/41/18.

- Enhance cooperation with international human rights protection mechanisms, including the special procedures system, by hosting regular official visits by mandate holders; A/HRC/44/20.

- Facilitate the establishment of an OHCHR country office as an effective means of assisting the State in addressing the human rights challenges and issues of concern addressed in the present report; A/HRC/44/20.

- Enhance cooperation with international human rights protection mechanisms, including the special procedures system, by hosting regular official visits by mandate holders; A/HRC/44/20.

- Facilitate the establishment of an OHCHR country office as an effective means of assisting the State in addressing the human rights challenges and issues of concern addressed in the present report; A/HRC/44/20.

- Remain committed to the effective implementation of the joint work plan signed with OHCHR, and its engagement with international human rights mechanisms; A/HRC/47/55.

- Remain committed to the effective implementation of the joint work plan signed with OHCHR and deepen its engagement with international human rights mechanisms; A/HRC/48/19.

COMPLIANCE ASSESSMENT ACCORDING TO OSC VENEZOLANA VENEZOLANA

The government has tried to present the coercive measures adopted by some States as a justification for its failure to comply with its international obligations, however, sufficient evidence has been documented that the Venezuelan government's lack of effective responses is the main cause of the accelerated deterioration of the human rights situation and therefore the failure to comply with its international obligations. There is a negative impact of coercive measures on ESCR but it cannot be claimed that they are the cause of violations of civil, political and environmental rights.

UN special procedures have not had access to the country.

At least ten special procedures have requested to visit the country, but none have been authorized; some requests have been pending for nearly 10 years. Although it has been informally known that visits by special procedures are an integral part of the Letter of Understanding between OHCHR and the State, after two years of OHCHR presence in the country there has only been one visit.

There has been no cooperation with the WHRD.

The State has refused to cooperate with the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (IMF). Despite repeated communications from the Mission, the State has denied it access to visit the country and has not responded to any of its communications and requests for information.

Missions of the Inter-American human rights system are denied access to the country.

The Inter-American Commission on Human Rights (IACHR) was scheduled to make an on-site visit to Venezuela from February 4 to 7, 2020. The State prevented the delegation from entering the country.

Lack of cooperation with treaty bodies.

Venezuela presents delays in the presentation of reports before different treaty bodies. The recommendations made by the treaty bodies are not implemented by the State and there is no follow-up mechanism.

A continued state of emergency has not been communicated to the UN Secretary General, as established in Article 4.3 of the ICCPR.

Since January 14, 2016 and until April 23, 2021, the government issued consecutive decrees declaring a state of emergency in the country. For more than 4 years the state of emergency was maintained, without ever notifying the States Parties to the Covenant on Civil and Political Rights, through the UN Secretary General, thus continuously contravening the obligation set forth in Article 4.3 of the Covenant. In March 2020, a state of alarm was declared, making Venezuela the only country in the region in which two states of emergency are in force simultaneously.

Limited cooperation with OHCHR.

In 2019, the State extended an invitation to the High Commissioner to visit the country. The visit took place in June 2019 and announced the establishment of an OHCHR presence in Venezuela, based on a letter signed with the Venezuelan government in September 2019. The letter has been renewed twice and its contents remain confidential, so the agreements contained therein are unknown. The OHCHR has on several occasions left aside the review of the State's compliance with its own recommendations, and relevant issues have been omitted which, had they been included, would have provided a broader and more realistic picture. In 2019, 2020 and 2021 the High Commissioner has issued a total of 43 recommendations. However, the Venezuelan State has not fully complied with any of them and, on the contrary, a total of 33 recommendations show a clear regression, especially those referring to: arbitrary detentions, extrajudicial executions, separation of powers, the situation of the mining arc and economic, social and cultural rights.

CONCLUSIONES

Venezuelan civil society appreciates the efforts of OHCHR and its Office to give visibility to the human rights situation in Venezuela and, specifically, the determination to present reports and oral updates, despite the persistence of a hostile environment for the exercise of human rights in the country. Nevertheless, the Office has on several occasions neglected to examine the State's compliance with its own recommendations, and has omitted relevant issues that, had they been included, would have provided a broader and more realistic picture.

More than two years after the visit of the OHCHR and the formulation of its first report, a deepening of the complex humanitarian emergency has been evidenced, which also occurs in a context aggravated by the Covid-19 pandemic, which has increased the vulnerability of all Venezuelans. Despite this, the oral update is somewhat benevolent and ignores a series of aspects that deserved special reference in order to be consistent with the needs and suffering of the victims in Venezuela.

Taking the above into consideration, it is evident that between 2019, 2020 and 2021 the High Commissioner has issued a total of 43 recommendations; thus the Venezuelan State has not fully complied with any of them, showing, in a total of 33 recommendations, a clear setback, especially those referring to: arbitrary detentions, separation of powers, situation of the mining arc and economic, social and cultural rights DESC.

We consider that the OHCHR should have taken into account the passage of time as a determining factor in its work, since all the complaints exposed on July 4, 2019 were supposed to be addressed immediately by the Venezuelan State. An emblematic example was the recommendation that the FAES be disbanded and criminally investigated (A/HRC/41/18): this was not done immediately but, apparently, in the first months of 2022 after having murdered thousands of young Venezuelans with impunity.

The margin of tolerance for non-compliance by the State given by the OHCHR has weakened its recommendations and has led it to restate them in less forceful terms. The Venezuelan State has comfortably set the pace in the implementation of the recommendations. In addition, the government of Nicolás Maduro has not accepted the WHRD and wants to limit the relationship with the Human Rights Council to a mere cooperative relationship.

The government has played the trump card of institutional cooperation (request for technical assistance) and the simulation of compliance that has worked for it on other international advocacy boards. Although negotiation, dialogue and technical cooperation are key elements to advance in the construction of agreements to overcome the conflict and the crisis, it is not the first time that the government of Nicolás Maduro does it to gain time, to disarticulate the conflict in its favor without effective solutions and with the sole purpose of lowering the political cost.

The continuity of OHCHR's work in Venezuela continues to be of great importance. However, the failure of the government authorities to comply with its recommendations ratifies the need for other complementary mechanisms to establish responsibilities, such as the International Independent Fact-Finding Mission.

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PROVEA

SIGLAS

UNHCHR - United Nations High Commissioner for Human Rights
OMA Orinoco Mining Arc
AN National Assembly
ANC National Constituent Assembly
ICC International Criminal Court
CANTV Compañía Anónima Nacional Teléfonos de Venezuela (Venezuelan National Telephone Company)
ECLAC Economic Commission for Latin America and the Caribbean
CGR Comptroller General of the Republic
CICPC Cuerpo de Investigaciones Científicas, Penales y Criminalísticas (Scientific, Criminal and Criminalistic Investigations Corps) CIDH
IACHR Inter-American Commission on Human Rights
CNE National Electoral Council
CorteIDH Inter-American Court of Human Rights
DIGCIM Dirección General de Contrainteligencia Militar (General Directorate of Military Counterintelligence)
CHE Complex humanitarian emergency
HCT Humanitarian Country Team
ENCOVI Living Conditions Survey
SOE State-Owned Enterprises
UPR Universal Periodic Review
FAES Fuerzas de Acciones Especiales de la Policía Nacional Bolivariana de Venezuela (Special Actions Forces of the Bolivarian National Police of Venezuela) FANB
FANB Bolivarian National Armed Forces
FATF Financial Action Task Force
GMAM Gran Misión en Amor Mayor Venezuela
GNB Bolivarian National Guard
INE National Institute of Statistics
INN National Institute of Nutrition
IVSS Venezuelan Social Security Institute
LCC Law against Corruption
LDOFT Law against Organized Crime and Financing of Terrorism LDOFT Law against Organized Crime and Financing of Terrorism
MDH International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela MINPI Ministry of the People's Power for the People's Republic of Venezuela
MINPI Ministerio del Poder Popular para Pueblos y Comunidades Indígenas (Ministry of Popular Power for Indigenous Peoples and Communities)
MPPA Ministry of People's Power for Food
MPPEU Ministry of the People's Power for University Education
MPPS Ministry of People's Power for Health
MUD Mesa de la Unidad Democrática (Democratic Unity Table)
OHCHR Office of the United Nations High Commissioner for Human Rights OCHA Office of the United Nations High Commissioner for Human Rights
OCHA Office of the United Nations High Commissioner for Human Rights OCHA United Nations Office for Humanitarian Affairs
ILO International Labor Organization

World Health Organization ONDOFT
ONDOFT National Office against Organized Crime and Financing of Terrorism ONDOFT Operativos de Liberación del Libertador del Perú
OLP Operativos de Liberación del Pueblo (People's Liberation Operations)
OPSU Oficina de Planificación del Sector Universitario (University Sector Planning Office)
CSO Civil Society Organizations
NPOs Non-profit organizations
GDP Gross Domestic Product
WFP World Food Program
RAAS Red de Articulación y Acción Sociopolítica (Network of Articulation and Socio-Political Action)
RE Electoral Registry
RUSO Registro Unificado de Sujetos Obligados (Unified Registry of Obligated Subjects)
SAIME Autonomous Service of Identification, Migration and Foreigners' Affairs (Servicio Autónomo de Identificación, Migración y Extranjería)
SEBIN Servicio Bolivariano de Inteligencia Nacional (Bolivarian National Intelligence Service)
SUDEBAN Superintendence of the Banking Sector Institutions
TSJ Supreme Court of Justice
UNFPA United Nations Population Fund

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