



The Bolivarian Republic of Venezuela  
Joint Submission to the UN Universal Periodic Review  
40<sup>th</sup> Session of the UPR Working Group

Submitted on 15 July 2021

**Submission by CIVICUS: World Alliance for Citizen Participation  
NGO in General Consultative Status with ECOSOC**

and

**Latin American and Caribbean Network for Democracy (REDLAD)**

and

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## **1. Introduction**

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2** The Latin American and Caribbean Network for Democracy (REDLAD) is a civil society platform with more than 200 members and allies in Latin America and the Caribbean. REDLAD promotes democracy, human rights, sustainable development and citizen integration in the Americas.
- 1.3** Espacio Público is a Venezuelan civil association, founded in 2002, whose purpose is to investigate, promote and defend the freedom of expression, the right to information and social responsibility in the media.
- 1.4** In this submission, the authors examine the Government of Venezuela's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Venezuela's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in November 2016. To this end, we assess Venezuela's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of follow-up recommendations.
- 1.5** During the 2<sup>nd</sup> UPR cycle, the Government of Venezuela received 40 recommendations relating to the space for civil society (civic space). Of these recommendations, 23 were accepted and 17 were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Venezuela has not implemented 33 recommendations related to civic space and has only partially implemented seven . The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, and particularly acute implementation gaps were found with regard to the freedoms of peaceful assembly and expression, along with concerns relating to the freedom of association.
- 1.6** We are deeply concerned by the worsening of working conditions for organisations involved in humanitarian work and the defence of human rights. Judicial persecution and financial restrictions have intensified, combined with a stigmatising discourse that seeks to justify attacks against the legitimate exercise

of the freedoms of association and expression, as well as social and political participation. We are also alarmed by systematic suppression of peaceful protests.

**1.7** As a result of these issues, civic space in Venezuela is currently classified as 'repressed' by the CIVICUS Monitor, indicating the existence of severe civic space restrictions.<sup>1</sup>

- Section 2 of this submission examines Venezuela's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Venezuela's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Venezuela's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, media freedom and access to information.
- Section 5 examines Venezuela's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 2<sup>nd</sup> cycle.
- An annex on the implementation of 2<sup>nd</sup> cycle UPR recommendations related to civic space is in Section 7.

## **2. Freedom of association**

**2.1** During Venezuela's examination under the 2<sup>nd</sup> UPR cycle, the government received six recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Of these, the government accepted one and noted five. However, as evidenced below, Venezuela has failed to take adequate measures to realise these recommendations. Five recommendations were partially implemented and one was not implemented.

**2.2** Article 67 of the 1999 Constitution of the Bolivarian Republic of Venezuela guarantees the right to the freedom of association.<sup>2</sup> Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Venezuela is a state party, also guarantees this right. Despite these commitments, the operation of CSOs is restricted through a repressive regulatory framework and a hostile environment.

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<sup>1</sup> CIVICUS Monitor: 2021, <https://monitor.civicus.org/country/Venezuela>.

<sup>2</sup> 'Constitution of the Bolivarian Republic of Venezuela', 1999, [http://www.cne.gob.ve/web/normativa\\_electoral/constitucion/indice.php](http://www.cne.gob.ve/web/normativa_electoral/constitucion/indice.php).

- 2.3** In the reporting period, Venezuela failed to reform existing legislation that unduly restricts the freedom of association. The 2010 Law for the Defence of Political Sovereignty and National Self-Determination remains in force, banning organisations working on the promotion and protection of political rights from receiving foreign funding.<sup>3</sup> This undermines CSOs' ability to engage in legitimate advocacy. The legislation includes steep fines equivalent to double the amount received. It also sanctions organisation leaders by disqualifying them from public affairs for five to eight years.
- 2.4** The 2012 Organic Law on Organised Crime and Financing of Terrorism stipulates that CSOs must report all 'suspicious' activities to the government.<sup>4</sup> In May 2021, a new ordinance (No. 002-2021) under this legislation imposed strict controls for CSOs, obliging them to register with the National Office Against Organised Crime and Terrorism Financing and disclose detailed information on their activities and funding sources.<sup>5</sup> The ruling also allows the authorised control body to conduct visits to organisations' offices at their discretion. These provisions treat CSOs as suspects, requiring them to undertake onerous procedures to prove the integrity of their operations.<sup>6</sup>
- 2.5** Further restricting civic space, broad provisions in article 11 of the 2017 Anti-Hate Law for Peaceful Coexistence and Tolerance allow for the dissolution of CSOs found to promote 'fascism, intolerance and hatred'.<sup>7</sup> The law uses vague wording about 'hate' offences and establishes penalties of up to 20 years in prison for 'promoting or inciting hate'. These provisions have been used against civil society and to criminalise expressions of dissent. Created by the National Constituent Assembly without ratification by the National Assembly,<sup>8</sup> the legislation is considered unconstitutional by local experts.<sup>9</sup>

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<sup>3</sup> 'Law for the Defence of Political Sovereignty and National Self-Determination', International Center for Not-for-Profit Law (ICNL), 2010, [https://www.icnl.org/wp-content/uploads/Venezuela\\_Leysober.pdf](https://www.icnl.org/wp-content/uploads/Venezuela_Leysober.pdf).

<sup>4</sup> 'Organic Law on Organised Crime and Financing of Terrorism', 2012, [http://www.asambleanacional.gob.ve/leyes/sancionadas/ley\\_org%C3%A1nica\\_contra\\_la\\_delincuencia\\_organizada\\_y\\_financiamiento\\_al\\_terrorismo](http://www.asambleanacional.gob.ve/leyes/sancionadas/ley_org%C3%A1nica_contra_la_delincuencia_organizada_y_financiamiento_al_terrorismo).

<sup>5</sup> 'Ordinance No. 002-2021', Official Gazette 42.118, 29 April 2021, [http://spgoin.imprentanacional.gob.ve/cgi-win/be\\_alex.cgi?Acceso=T028700035845/0&Nombrebd=spgoin&Sesion=2124869545](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Acceso=T028700035845/0&Nombrebd=spgoin&Sesion=2124869545).

<sup>6</sup> 'Venezuela: Restrictions on the freedom of association persist', International Federation for Human Rights, 20 May 2021, <https://www.fidh.org/en/issues/human-rights-defenders/venezuela-restrictions-on-the-freedom-of-association-persist>.

<sup>7</sup> 'Anti-Hate Law for Peaceful Coexistence and Tolerance', Official Gazette 41.274, 8 November 2017, <https://drive.google.com/file/d/10kH6NdqLVbTAQtCBE-l4-bY3dGxkMSvT/view>.

<sup>8</sup> 'Office Of The Special Rapporteur For Freedom Of Expression Expresses Serious Concern Over The Enactment Of The "Anti-Hate Law" In Venezuela And Its Effects On Freedom Of Expression And Freedom Of The Press', Inter-American Commission on Human Rights (IACHR), 10 November 2017, <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1082&IID=1>.

<sup>9</sup> '48 national human rights organisations sign a communiqué against the "Hate Law"', 21 November 2017, <https://www.examenonvenezuela.com/sin-categoria/48-organizaciones-de-ddhh-a-nivel-nacional-suscribieron-el-comunicado-contrala-ley-del-odio>.

- 2.6** The 2012 Decree-Organic Law on Labour, Workers and Women Workers gives the authorities extensive powers to intervene in unions,<sup>10</sup> including in the elections of governance boards.<sup>11</sup> Onerous registration requirements also impede the creation of autonomous labour groups.<sup>12</sup>
- 2.7** Although CSOs are already required to register with the Subsidiary Registry Office, in 2021 a Special Automated Register for Non-Domiciled Non-Governmental Organisations was launched after a 2020 resolution stipulated further requirements for international organisations. This created an additional bureaucratic hurdle for human rights, humanitarian and international cooperation efforts.<sup>13</sup>
- 2.8** In addition, under the guise of detecting suspicious criminal activity, in 2020 the Superintendency of Venezuelan Banking Institutions issued new requirements for all financial institutions to monitor all business and financial operations carried out by non-profit organisations.<sup>14</sup> The banking authority also restricted the use of prepaid cards in US dollars, claiming they had been misused for illicit purposes.<sup>15</sup> These were often used by CSOs and companies to pay salaries due to the devaluation of the bolivar.
- 2.9** While providing vital support to excluded populations during an enduring socio-economic crisis, human rights and humanitarian organisations have faced increasing bureaucratic restrictions, harassment and criminal persecution. In 2019, Fundación MAVID's<sup>16</sup> headquarters in Carabobo were arbitrarily raided and three of its members were interrogated about alleged financial irregularities.<sup>17</sup> In 2020, an arrest warrant was issued for six workers of Alimenta la Solidaridad, which runs hundreds of soup kitchens. The six were accused of money laundering and belonging to an illicit association. The organisation's offices in Caracas were

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<sup>10</sup> 'Decree-Organic Law on Labour, Workers and Women Workers', 7 May 2012, <https://inces.gob.ve/wp-content/uploads/2017/10/lot.pdf>.

<sup>11</sup> 'Venezuelan Trade Union Map', ILDIS - FES Venezuela, August 2019, <https://library.fes.de/pdf-files/bueros/caracas/16669.pdf>.

<sup>12</sup> 'State policy against trade union freedom in Venezuela: criminalisation and imprisonment of trade unionists 2021', Venezuela Program Education-Action on Human Rights (PROVEA), 1 May 2021, <https://provea.org/wp-content/uploads/securepdfs/2021/05/Poli%CC%81tica-de-Estado-contra-la-libertad-sindical-en-Venezuela.pdf>.

<sup>13</sup> 'Joint Resolution No. 082 and No. 320', Official Gazette, 19 October 2020. <https://www.ghm.com.ve/wp-content/uploads/2020/12/41994.pdf>.

<sup>14</sup> 'Sudeban instructs monitoring of financial operations carried out through non-profit organisations', Sudeban, 20 November 2020, [http://www.sudeban.gob.ve/wp-content/uploads/Historico\\_Notas\\_Prensa/NP\\_\(2020-11-20\).pdf](http://www.sudeban.gob.ve/wp-content/uploads/Historico_Notas_Prensa/NP_(2020-11-20).pdf).

<sup>15</sup> '#EsNoticia || Sudeban instruye monitoreo de las operaciones financieras realizadas a través de organizaciones sin fines de lucro', Sudebaninforma, 21 November 2020, <https://twitter.com/SudebanInforma/status/1330176806461304832?s=20>.

<sup>16</sup> The foundation works to defend the rights of people living with HIV/AIDS. During the raid, equipment, documents, antiretroviral drugs and milk formulas were confiscated.

<sup>17</sup> 'Escalation of attacks against organisations doing humanitarian work', Front Line Defenders, 18 February 2019, <https://www.frontlinedefenders.org/en/case/escalation-attacks-against-fundacion-mavid>.

subsequently raided without a warrant.<sup>18</sup>

**2.10** In 2020, raids and confiscation of humanitarian materials were also conducted at Acción Solidaria, Azul Positivo and Convite's offices.<sup>19</sup> Staff members were also arrested. The crackdown on humanitarian organisations led the United Nations Humanitarian Country Team temporarily to suspend all 38 cash transfer programmes aimed at alleviating livelihoods; only six of these had been reinstated by May 2021.

**2.11** These repressive laws and policies are compounded by extra-legal factors that entrench the hostile environment for civil society. They include systematic stigmatisation<sup>20</sup> by the authorities and the use of Government-Operated Non-Governmental Organisations (GONGOs) to harass civil society leaders, staff and organisations.<sup>21</sup>

### **3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists**

**3.1** Under Venezuela's previous UPR examination, the government received seven recommendations on the protection of HRDs, journalists and civil society representatives. All seven recommendations were noted. As examined in this section, the government has not implemented any of the recommendations.

**3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. In spite of these protections, HRDs, journalists and civil society activists in Venezuela have been systematically stigmatised, targeted for reprisals and criminalised for undertaking legitimate work.

**3.3** The Organic Law of the Ombudsperson's Office, which underpins Venezuela's accredited national human rights institution, does not address the protection of

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<sup>18</sup> 'Venezuela: Humanitarian Groups Under Attack', Human Rights Watch, 21 December 2020, <https://www.hrw.org/news/2020/12/21/venezuela-humanitarian-groups-under-attack>.

<sup>19</sup> Personnel of humanitarian CSO Azul Positivo were detained and their offices were raided in January 2021 based on accusations of money laundering, fraud and criminal association. Five workers were held in preventive detention for almost three weeks until they were released with conditional provisions. Charges against them have not been dropped.

<sup>20</sup> 'Crisis escalates in Venezuela as human rights violations increase', CIVICUS Monitor, 4 August 2017, <https://monitor.civicus.org/updates/2017/08/04/crisis-escalates-venezuela-human-rights-violations-increase>.

<sup>21</sup> In one example, in 2017 pro-government organisation Fundalatin issued a statement condemning the use of 'psychological violence' by the CSO PROVEA after it ran a social media campaign calling on public officials to refrain from participating in the Constituent Assembly process. The Secretary of the National Council of the Bolivarian Police then threatened to file a lawsuit against PROVEA.

HRDs among its stated principles or functions.<sup>22</sup>

- 3.4** The 2017 Anti-Hate Law for Peaceful Coexistence and Tolerance has been used to detain, judicially harass and criminalise HRDs, civil society activists and journalists. Since the law was enacted, at least 42 people have been prosecuted under its provisions, among them HRDs, journalists, protesters, healthcare workers and individuals who expressed dissatisfaction on social media.<sup>23</sup>
- 3.5** In one example of the use of the Anti-Hate Law to criminalise human rights advocacy, in April 2021 Orlando Moreno of CSO Foro Penal was detained for ‘inciting hate’.<sup>24</sup> He had interviewed relatives of Venezuelans who fled the country aboard a vessel that sank. Moreno was released on bail with conditional measures. Charges against him were not dropped.<sup>25</sup>
- 3.6** Journalists have been particularly targeted using the Anti-Hate Law. In 2019, journalist Wilmer Quintana was arrested after posting on his personal Facebook page about alleged corruption in public services provision.<sup>26</sup> In 2020, María Luisa Arriaga and Marco Aurelio Antoima were detained and charged<sup>27</sup> under the law with no indication of what prompted the charges.<sup>28</sup> Charges under the legislation were also filed in 2020 against journalists Darvinson Rojas, who had published information on the COVID-19 pandemic,<sup>29</sup> Otilio Rodríguez, who had reported on alleged corruption, and Nicmer Evans, who founded a news outlet that often expresses critical views of government.<sup>30</sup>
- 3.7** Provisions in the Penal Code criminalising defamation and calumny have also been used against journalists and civil society activists. In November 2020, the former Secretary-General of political party Primero Venezuela, Romel Despas, filed a criminal lawsuit against journalists Kisme Evaristo and Ana Muñoz for defamation

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<sup>22</sup> ‘Organic Law of the Ombudsperson’s Office’, 5 August 2004, [http://www.oas.org/juridico/PDFs/mesicic4\\_ven\\_ley\\_org\\_def\\_pueb.pdf](http://www.oas.org/juridico/PDFs/mesicic4_ven_ley_org_def_pueb.pdf).

<sup>23</sup> ‘Three years on from the “Anti-Hate Law”’, Espacio Público, 2 May 2021, <http://espaciopublico.org/a-tres-anos-de-la-ley-contra-el-odio>.

<sup>24</sup> ‘Venezuela: Authorities must free human rights defender Orlando Moreno’, Amnesty International, 27 April 2021, <https://www.amnesty.org/download/Documents/AMR5340422021ENGLISH.pdf>.

<sup>25</sup> ‘Report on Repression in Venezuela: April 2021’, Foro Penal, 27 June 2021, <https://foropenal.com/reporte-sobre-la-represion-en-venezuela-abril-2021>.

<sup>26</sup> ‘CPJ denounces arrest of journalist Wilmer Quintana’, Espacio Público, 13 August 2019, <http://espaciopublico.org/cpj-denuncia-detencion-del-periodista-wilmer-quintana>.

<sup>27</sup> ‘Venezuelan journalists charged under anti-hate law, held on house arrest’, Committee to Protect Journalists (CPJ), 25 June 2020, <https://cpj.org/2020/06/venezuelan-journalists-charged-under-anti-hate-law-held-on-house-arrest>.

<sup>28</sup> However, weeks earlier a state media executive had claimed they were behind an anonymous whistleblower Twitter account.

<sup>29</sup> ‘Journalist Darvinson Rojas charged with “Anti-hate law” offences’, Espacio Público, 24 March 2020, <http://espaciopublico.org/imputaron-al-periodista-darvinson-rojas-por-delitos-de-la-ley-del-odio>.

<sup>30</sup> ‘Venezuelan authorities charge 2 journalists, imprison 1, under ‘anti-hate’ law’, CPJ, 21 July 2020, <https://cpj.org/2020/07/venezuelan-authorities-charge-2-journalists-imprison-1-under-anti-hate-law>.



and insult after they reported on his dismissal.<sup>31</sup> While hosting radio programmes, they both mentioned Despas' alleged involvement in irregularities based on information provided by Primero Venezuela in a publicly released document.<sup>32</sup>

**3.8** HRDs are also exposed to arbitrary detention, false charges and judicial processes marred by irregularities and violations of due process. In some cases, these detentions amount to enforced disappearance. Alexis Bustamante, an activist with human rights group FundaREDES, went missing in May 2019, reportedly while travelling to the border with Colombia to buy basic goods.<sup>33</sup> His detention was only confirmed after several weeks and his preliminary hearing for the charge of 'instigating military rebellion' was held in July 2019 in a military court.<sup>34</sup> Bustamante remained under arrest as of June 2021.

**3.9** HRDs, civil society activists, independent journalists and others perceived as adversaries of government also face systematic stigmatisation and public vilification. They are often accused of carrying out destabilising, criminal or violent activities by authorities at local, regional and national levels. This is replicated in public media, official social network profiles and other news media. In one case, Lisa Henrito Percy, a leader of the Pemón Indigenous people, was accused of 'treason' and leading a secessionist movement by a high-ranking military official during a television programme in 2018.<sup>35</sup> The intimidation took place after she criticised the militarisation and exploitation of Indigenous territories during an assembly of Indigenous peoples.<sup>36</sup>

**3.10** Ruling party vice-president Diosdado Cabello often leads the attacks, voicing stigmatising narratives and singling out critical journalists, activists and others on his weekly television programme, 'Con el Mazo Dando', broadcast by state channel VTV. In March 2019, Cabello accused journalist Luis Carlos Díaz of 'sabotage' and claimed he had played a role in electricity outages that left some parts of Venezuela without power for more than five days.<sup>37</sup> One week later, Díaz was

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<sup>31</sup> 'Political leader denounced two broadcasters for "defamation and libel"', Espacio Público, 24 November 2020, <http://espaciopublico.org/dirigente-politico-denuncio-a-dos-locutores-por-difamacion-e-injuria>.

<sup>32</sup> 'Two broadcasters in Amazonas were denounced to the Public Prosecutor's Office', IPYS, 26 November 2020, <https://ipysvenezuela.org/alerta/alerta-ipysve-dos-locutores-en-amazonas-fueron-denunciados-ante-el-ministerio-publico>.

<sup>33</sup> 'Venezuelan Human Rights Defender Missing', Civil Rights Defenders, 29 May 2019, <https://crd.org/2019/05/24/venezuelan-human-rights-defender-missing>.

<sup>34</sup> 'On 30 July 2019, Alexis Bustamante had his preliminary hearing and was charged with the crimes of treason (he was later acquitted) and military rebellion, of which he pleaded not guilty', FundaREDES, 31 July 2020, <https://twitter.com/FundaREDES/status/1288979220484562947?s=20>.

<sup>35</sup> 'Dossier', VTV, 23 July 2018, <https://www.youtube.com/watch?v=LXrS-HRVgSk>.

<sup>36</sup> 'The deadly cost of defending the environment', Amnesty International, 9 November 2018, <https://www.amnesty.org/en/latest/news/2018/11/the-deadly-cost-of-defending-the-environment>.

<sup>37</sup> 'Precautionary Measures No. 250-19: Luis Carlos Díaz and his family with respect to Venezuela', IACHR, 29 March 2019, <https://www.oas.org/es/cidh/decisiones/pdf/2019/17-19MC250-19-VE.pdf>.



detained and charged with ‘inciting crimes’.<sup>38</sup>

**3.11** HRDs have also been harassed, threatened and attacked by state security agents and government supporters. Ruth Pérez, a community defender in Miranda state, has faced repeated attacks from security forces after denouncing rights violations against the Petare community. In 2018 and 2019, Pérez’s residence was raided five times and, in each case, officers threatened and attacked her family while searching for her. Three young men, Pérez’s brother Jesse Gabriel Pérez Chávez and her nephews Jondry Pérez and Javier Arai Pérez, were killed during these police interventions in alleged extrajudicial executions.<sup>39</sup> Ruth Pérez denounced further threats by special forces agents, who have told her, ‘We will kill every member of your family and afterwards we will kill you.’<sup>40</sup> While Pérez was granted protective measures by a local court in December 2019, by April 2021 these measures had not been implemented.<sup>41</sup>

**3.12** This is far from an isolated case. The harassment against Pérez reflects what Venezuelan civil society calls a pattern of violations that include threats to and attacks on HRDs’ lives, integrity and personal security.<sup>42</sup> These include arbitrary detention on fabricated charges, systematic harassment, threats of detention and extrajudicial killing, threats and attacks against loved ones, enforced disappearance and cruel and degrading treatment.

**3.13** During the review period the government has released groups of political prisoners using presidential pardons or other alternative measures. In 2020, the government announced pardons for 110 political prisoners, but less than half had been incarcerated for political reasons, and some faced no charges.<sup>43</sup> In some cases, those released had not been sentenced and their release came with conditional measures. These measures are used to intimidate former political prisoners through sanctions, limits on their movement and communication and

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<sup>38</sup> ‘Journalist Luis Carlos Díaz released from detention, banned from leaving Venezuela’, CPJ, 5 April 2019, <https://cpj.org/2019/04/journalist-luis-carlos-diaz-released-from-detentio/>.

<sup>39</sup> ‘Venezuela: Threats against Ms. Ruth Pérez and extrajudicial execution of her nephew’, FIDH, 07 November 2019, <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/venezuela-amenazas-en-contra-de-la-sra-ruth-perez-y-ejecucion>.

<sup>40</sup> ‘Attacks against journalists and confiscation of equipment increasing in Venezuela’, CIVICUS Monitor, 14 November 2019, <https://monitor.civicus.org/updates/2019/11/14/attacks-against-journalists-and-confiscation-equipment-increasing-venezuela>.

<sup>41</sup> ‘AL VEN2/2021’, Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 16 April 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26009>.

<sup>42</sup> ‘Joint Report on Patterns of Violations of the Right to Defence of Human Rights in Venezuela’, PROVEA, 30 June 2020, <https://provea.org/publicaciones/investigaciones/informe-conjunto-sobre-patrones-de-violacion-del-derecho-a-la-defensa-de-los-derechos-humanos-en-venezuela>.

<sup>43</sup> ‘The reality of the “pardon”, 333 political prisoners still behind bars’, Foro Penal, 8 September 2020, <https://foropenal.com/foro-penal-la-realidad-del-indulto-333-presos-politicos-siguen-tras-las-rejas>.

the threat of rearrest.<sup>44</sup>

#### 4. Freedom of expression, media freedom and access to information

- 4.1** Under the 2<sup>nd</sup> UPR cycle, the government received 19 recommendations relating to the freedom of expression, media freedom and access to information. For example, the government pledged to ‘fully guarantee freedom of expression and free access to information and protect journalists against threats and attacks’. Of the recommendations received, 16 were accepted and three were noted. However, as discussed below, the government did not take effective measures to implement these recommendations: 18 were not implemented and only one was partially implemented.
- 4.2** ICCPR article 19 guarantees the right to the freedoms of expression and opinion. Article 57 of the Constitution also guarantees the right to the freedom of expression and article 58 establishes the right to ‘timely, truthful and impartial information, without censorship’. However, a series of other legal instruments provide the government with ample power to control media, censor content and punish critics.
- 4.3** The 2004 Law on Social Responsibility of Radio and Television,<sup>45</sup> reformed in 2010, contains vague provisions that empower the authorities to control media content. Article 29 of the legislation creates fines and allows temporary suspension of any media disseminating messages that ‘incite alterations of the public order’, language often used to refer to social protests. Lack of independence in the judiciary and regulatory agencies<sup>46</sup> has led to politically motivated use of the law to control and punish any media outlet or journalist perceived as an adversary.<sup>47</sup>
- 4.4** The 2017 Anti-Hate Law for Peaceful Coexistence and Tolerance also gives the government ample power to censor dissent and curtail independent media. Under article 22 of the law, the government can order the removal of content, block websites and revoke the broadcasting licences of any outlet that publishes content viewed as promoting hate or intolerance. The law stipulates fines for social media

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<sup>44</sup> ‘Preliminary ruling: criminal justice against free speech’, Espacio Público, 31 January 2020, <http://espaciopublico.org/sentencia-previa-la-justicia-penal-contr-la-libre-expresion>.

<sup>45</sup> ‘Law on Social Responsibility of Radio and Television’, 21 December 2010, <http://www.conatel.gob.ve/files/lehrs06022014.pdf>.

<sup>46</sup> ‘Venezuela: Freedom on the net 2020’, Freedom House, <https://freedomhouse.org/country/venezuela/freedom-net/2020>.

<sup>47</sup> ‘Venezuela: Freedom in the world 2018’, Freedom House, <https://freedomhouse.org/country/venezuela/freedom-world/2018>.

platforms that fail to remove content considered to ‘incite hate’ within six hours. As reported by the Venezuela Press and Society Institute (IPYS), the legislation has been used to prosecute or intimidate at least 17 members of the press and six news outlets since it was enacted.<sup>48</sup>

- 4.5** Since 2016, ‘State of Exception and Emergency’ decrees have been continuously adopted, granting the government extended powers to restrict rights.<sup>49</sup> In May 2017, amid mass anti-government protests, one decree extended the ability of the authorities to implement online surveillance and censor content.<sup>50</sup> At the time, free expression advocacy organisation Derechos Digitales reported that at least 41 websites were blocked in Venezuela.<sup>51</sup>
- 4.6** In addition, provisions against defamation in the Penal Code and tax norms have been used to curtail independent media. In April 2021, the Supreme Court ordered newspaper El Nacional to pay Diosdado Cabello over US\$13 million in civil damages for defamation. In May, the newspaper’s headquarters in Caracas were raided, staff were evacuated and the building was seized as part of the payment.<sup>52</sup> El Nacional has faced repeated reprisals for its reporting. In 2018, the outlet was investigated for ‘promoting hate’ in its election coverage.<sup>53</sup>
- 4.7** Since the assessment of Venezuela’s human rights record during the second UPR cycle, the government has escalated efforts to silence dissent. Financial strangulation through withdrawal of advertising, cancellation of broadcasting licences, equipment confiscation and censorship are widespread. Dozens of news outlets have been dismantled by regulatory agency CONATEL. In 2020 alone, 18 radio stations, four print media and two digital media were shut down by CONATEL.<sup>54</sup> Following mass protests in 2017, eight television channels and 54

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<sup>48</sup> ‘Anti-hate legislation: censorship made law’, IPYS, 19 November 2020,

<https://ipysvenezuela.org/2020/11/19/reporte-especial-ipysve-normativa-contra-el-odio-la-censura-hechale-y/>.

<sup>49</sup> ‘IACHR expresses concern over the declaration of a state of emergency and economic emergency in Venezuela’, IACHR, 1 June 2016, <https://www.oas.org/es/cidh/prensa/comunicados/2016/071.asp>.

<sup>50</sup> ‘New state of emergency envisages “strong regulations” on internet content’, IPYS, 17 May 2017, <https://ipysvenezuela.org/alerta/nuevo-estado-excepcion-contempla-regulaciones-contundentes-los-contenidos-internet>.

<sup>51</sup> ‘On the limitations to fundamental rights on the internet as a result of the state of emergency in Venezuela’, Derechos Digitales, 26 May 2017, <https://www.derechosdigitales.org/11164/sobre-los-limitantes-a-los-derechos-fundamentales-en-internet-producto-del-estado-de-excepcion-en-venezuela>.

<sup>52</sup> ‘Venezuelan authorities seize headquarters of El Nacional as damages in defamation suit’, CPJ, 17 May 2021, <https://cpj.org/2021/05/venezuelan-authorities-seize-headquarters-of-el-nacional-as-damages-in-defamation-suit>.

<sup>53</sup> ‘IAPA rejects new official reprisal against Venezuela’s El Nacional website’, Inter American Press Association, 23 May 2018, <https://www.sipiapa.org/notas/1212564-la-sip-rechaza-nueva-represalia-oficial-contra-portal-el-nacional-venezuela>.

<sup>54</sup> ‘2020 Report: General situation of the right to freedom of expression in Venezuela’, Espacio Público, 3 May 2021, <http://espaciopublico.org/informe-2020-situacion-general-del-derecho-a-la-libertad-de-expresion-en-venezuela>.

radio stations were dismantled through irregular processes, without right to defence.<sup>55</sup>

- 4.8** Other outlets have been forced to suspend printing or shut down entirely due to financial constraints or lack of materials. According to monitoring by Espacio Público, at least 57 print media suspended or terminated their publications in 2017<sup>56</sup> and 2018,<sup>57</sup> in part due to lack of access to necessary inputs. As a result of these media closures, the situation of independent media is critical, particularly in small and mid-size towns and rural areas. Analysis by IPYS found that in more than 200 municipalities coverage of events of public interest by media outlets is limited or non-existent.<sup>58</sup>
- 4.9** Journalists investigating corruption or voicing criticism of government are subjected to arbitrary arrests under trumped-up charges. In 2016, journalist Braulio Jatar was arrested after publishing a video of a protest against President Nicolás Maduro on his news website Reporte Confidencial and on social media. Authorities claimed he was in possession of US\$25,000 in cash to fund a terrorist attack. He was later charged with ‘money laundering’. Jatar spent over a year in prison while awaiting trial before being placed under house arrest and 24-hour surveillance in 2018 due to health problems.<sup>59</sup> He was finally conditionally released in 2019.<sup>60</sup>
- 4.10** Violent attacks and harassment form part of the hostile environment against independent media. In 2017, the parking lot of media outlet Versión Final in Zulia was attacked with an explosive device, damaging four vehicles.<sup>61</sup> In 2019, three VPI TV journalists were physically attacked by a private security guard while reporting on precarious conditions at a hospital.<sup>62</sup> In 2021, the regional headquarters of the national journalists’ union<sup>63</sup> in Sucre were destroyed in a fire which the fire brigade identified as arson.<sup>64</sup>

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<sup>55</sup> ‘Report 2017: Three daily blows against freedom of expression in Venezuela’, Espacio Público, 3 May 2018, <http://espaciopublico.org/informe-anual-2017>.

<sup>56</sup> Ibid.

<sup>57</sup> ‘No newspapers: less news in Venezuela’, Espacio Público, 2 May 2019, <http://espaciopublico.org/sin-periodicos-menos-noticias-en-venezuela>.

<sup>58</sup> ‘Atlas of Silence: news deserts in Venezuela’, IPYS, 2020, <https://ipysvenezuela.org/desierto-de-noticias/el-desierto-rojo-de-la-incomunicacion>.

<sup>59</sup> ‘Braulio Jatar’, CPJ, <https://cpj.org/data/people/braulio-jatar>.

<sup>60</sup> ‘Venezuelan journalist Braulio Jatar conditionally released, barred from leaving country’, CPJ, 8 July 2019, <https://cpj.org/2019/07/venezuelan-journalist-braulio-jatar-conditionally>.

<sup>61</sup> ‘Explosive device attack on the newspaper Versión Final’, Espacio Público, 30 August 2017, <http://espaciopublico.org/atacan-artefacto-explosivo-al-diario-version-final>.

<sup>62</sup> ‘VPI TV workers assaulted in Maracaibo’, Espacio Público, 20 September 2019, <http://espaciopublico.org/agreden-a-trabajadores-de-vpi-tv-en-maracaibo/#.XY0iw-dKjMK>.

<sup>63</sup> Colegio Nacional de Periodistas.

<sup>64</sup> ‘Venezuela cracks down on civil society operation and funding’, CIVICUS Monitor, 27 May 2021, <https://monitor.civicus.org/updates/2021/05/27/venezuela-cracks-down-civil-society-operation-and-funding>.

**4.11** Venezuela also resorts to strategic disruption of internet services to control the flow of information, particularly around mass protests and public events led by opposition groups.<sup>65</sup> In April 2019, access to services such as Google and YouTube were severely affected while opposition leader Juan Guaidó spoke to the public amid a wave of demonstrations, but were restored for a speech by President Maduro<sup>66</sup>. At least 25 similar incidents were reported by internet monitoring organisation Netblocks between 2018 and 2020.<sup>67</sup>

**4.12** While articles 51 and 143 of Venezuela's Constitution guarantee the right to access public interest information, the country lacks a specific law to safeguard and regulate this right. This became a pronounced problem in the context of COVID-19, with the absence of epidemiological bulletins and opportunities for dialogue with public officials. Journalists covering the pandemic faced obstruction of access to public institutions, hospitals and quarantine centres.<sup>68</sup> Between March 2020 and January 2021, Espacio Público recorded 90 arbitrary detentions, most of them linked to complaints about the health system or criticism of the pandemic's handling.<sup>69</sup>

## 5. Freedom of peaceful assembly

**5.1** During Venezuela's examination under the 2<sup>nd</sup> UPR cycle, the government received eight recommendations on the right to the freedom of peaceful assembly. Among these, the government committed to ensuring 'a proportional use of force by security forces and ensure that cases of torture are investigated and that the perpetrators are brought to justice'. Of the recommendations received, six were accepted and two noted. However, as evidenced below, has not implemented seven of these recommendations and has only partially implemented one.

**5.2** The 1999 Constitution of the Bolivarian Republic of Venezuela, under article 68, guarantees citizens the right to protest. ICCPR article 21 also guarantees this right. Nonetheless, the government systematically adopts legal and extra-legal measures

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<sup>65</sup> 'Venezuela: What is happening with internet blockades?', Derechos Digitales, 24 January 2019, <https://www.derechosdigitales.org/12791/venezuela-que-esta-pasando-con-los-bloqueos-en-internet>.

<sup>66</sup> 'Streaming services disrupted in Venezuela as Guaido speaks following public uprising', NetBlocks, 1 May 2019, <https://netblocks.org/reports/streaming-services-disrupted-in-venezuela-as-guaido-speaks-following-public-uprising-xyMGnbAZ>.

<sup>67</sup> 'Latin America', Netblocks, <https://netblocks.org/tag/latin-america>.

<sup>68</sup> 'Access to public information: a right in short supply', IPYS, 27 September 2020, <https://ipysvenezuela.org/2020/09/27/reporte-especial-ipysve-acceso-a-la-informacion-publica-un-derecho-en-escasez>.

<sup>69</sup> 'Freedom of expression in quarantine', Espacio Público, 28 February 2021, <http://espaciopublico.org/libertad-de-expresion-en-cuarentena>.

to curtail demonstrations. Both CSOs<sup>70</sup> and the Office of the UN High Commissioner for Human Rights<sup>71</sup> have found evidence of widespread and systematic use of excessive force and arbitrary detentions against protesters in Venezuela, as well as patterns of violations such as house raids and torture of those detained for protesting.

- 5.3** Under the 2010 Law on Political Parties, Public Gatherings and Manifestations, assemblies should only be notified in advance and approved by the government, although in practice a permit is required.<sup>72</sup> Governors and mayors are also given discretionary powers to establish restrictions on the locations of assemblies. The law creates sanctions, including imprisonment, which may apply to organisers and participants of assemblies violating the law. A court ruling in 2014 held that failure to obtain authorisation ‘absolutely limits the right to peaceful assembly’ and that holding an unauthorised demonstration may be grounds for criminal prosecution for ‘disobedience of authority’.
- 5.4** The 2002 Organic Law on National Security stipulates prison terms of up to 10 years for those who create disturbances in areas declared ‘security zones’ by military authorities.<sup>73</sup> These may include borders, pipelines, roads and areas adjacent to navigable rivers and lakes.<sup>74</sup> As reported by the Ombudsperson’s Office, there are 103 security zones, covering around 30 percent of Venezuela’s territory.<sup>75</sup> Moreover, Ministry of Defence Resolution 8610 of 2015 permits military intervention to secure public order and allows soldiers to open fire on protesters if they believe their lives are at risk.<sup>76</sup>
- 5.5** Additional provisions stipulating penalties for the ‘promotion or incitement of hate’ in the 2017 Anti-Hate Law for Peaceful Coexistence and Tolerance have been used to criminalise peaceful protesters. The first detentions took place in January 2018, when Érika Palacios and Ronald Sevilla were arrested while protesting in

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<sup>70</sup> ‘Hunger for Justice: crimes against humanity in Venezuela’, Amnesty International, May 2019, <https://www.amnesty.org/download/Documents/AMR5302222019ENGLISH.PDF>.

<sup>71</sup> ‘UN human rights team’s findings indicate patterns of rights violations amid mass protests in Venezuela’, Office of the UN High Commissioner for Human Rights, 8 August 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21948&LangID=E>.

<sup>72</sup> ‘Law on Political Parties, Public Gatherings and Manifestations’, 2010, [http://www.cne.gob.ve/web/normativa\\_electoral/ley\\_partidos\\_politicos/titulo2.php](http://www.cne.gob.ve/web/normativa_electoral/ley_partidos_politicos/titulo2.php).

<sup>73</sup> ‘Organic Law on National Security’, 2002, <https://www.acnur.org/fileadmin/Documentos/BDL/2008/6667.pdf>.

<sup>74</sup> ‘Civic Freedom Monitor: Venezuela’, ICNL, 13 March 2020, <https://www.icnl.org/resources/civic-freedom-monitor/venezuela#snapshot>.

<sup>75</sup> ‘Situation of human rights in Venezuela’, IACHR, 31 December 2017, <https://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>.

<sup>76</sup> ‘Resolution 8610’, Official Gazette 40.589, 27 January 2015, <https://www.controlciudadano.org/web/wp-content/uploads/Resoluci%C3%B3n-08610.pdf>.



Carabobo State.<sup>77</sup> While Palacios was conditionally released in April 2018,<sup>78</sup> Sevilla remained under detention as of May 2021.<sup>79</sup>

- 5.6** Since 2014, Venezuela has experienced waves of mass demonstrations as well as frequent localised social protests demanding a range of rights. In 2017, after the government and the country's highest court disavowed the National Assembly, sparking a constitutional crisis, people took to the streets in anti-government protests. They were met with brutal repression, resulting in more than 120 deaths and at least 1,958 injuries between April and July 2017.<sup>80</sup> In this period, more than 5,000 protesters were detained. Ten people were killed on 30 July 2017 alone, following a blanket ban on protests to prevent demonstrations during the controversial election of the Constituent Assembly.<sup>81</sup>
- 5.7** Another wave of protests in January 2019 was similarly met with systematic use of excessive force. In just five days of protests, 47 people died from gunshot wounds. According to Amnesty International, at least 39 were killed by state forces or non-state actors acting with their acquiescence. More than 900 people were detained.<sup>82</sup> The crackdown on mass demonstrations was repeated in March and April 2019, as people protested for basic services and joined calls from opposition leaders to take to the streets.<sup>83</sup>
- 5.8** While these were landmark moments, they reflect a pattern of violations constraining peaceful assembly, executed as part of a government policy to quash expression of dissatisfaction and dissent. This pattern is characterised by widespread arbitrary detentions, enforced disappearances, extrajudicial executions, torture and other inhumane treatment, sexual abuse and stigmatisation of anti-government protesters.<sup>84</sup>

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<sup>77</sup> 'Organisations reject use of "hate law" to criminalise protesters', PROVEA, 16 January 2018, <https://provea.org/actualidad/organizaciones-rechazan-el-uso-de-la-ley-contra-el-odio-para-criminalizar-a-manifestantes>.

<sup>78</sup> 'From this list of 39 alleged releases released by the TSJ, Erika Palacios had already been released on 25/04/2018, María Angelina Salcedo had already been released on 3/10/2017 and Nazareth Vasquez had already been released on 12/07/2017. (2)', Foro Penal, 2 June 2018, <https://twitter.com/ForoPenal/status/1002775336449400832?s=20>.

<sup>79</sup> 'Political Prisoners in Venezuela – Civilians and Military', National Human Rights Observatory, May 2021, <https://pdctv.info/wp-content/uploads/2021/06/LISTA-PP-CIVIL-MILITAR-20MAYO2021.pdf>.

<sup>80</sup> Amnesty International, May 2019, op. cit.

<sup>81</sup> 'IACHR Condemns the Deaths and Acts of Violence on Election Day in Venezuela', IACHR, 1 August 2017, [https://www.oas.org/en/iachr/media\\_center/PReleases/2017/111.asp](https://www.oas.org/en/iachr/media_center/PReleases/2017/111.asp).

<sup>82</sup> Amnesty International, May 2019, op. cit.

<sup>83</sup> 'Venezuela 2019: Social Conflict', Venezuelan Observatory of Social Conflict, January 2020, <https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2020/01/INFORMEANUAL-OVCS2019-1.pdf>.

<sup>84</sup> Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, Human Rights Council, 15 September 2020, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf).



**5.9** Paramilitary and civilian groups known as ‘colectivos’ have participated<sup>85</sup> in the repression of protests,<sup>86</sup> attacking protesters with impunity and often with the express support of the authorities.<sup>87</sup>

**5.10** Large-scale arbitrary detention of protesters is aggravated by a lack of judicial independence, flouting of judicial guarantees and the widespread practice of trials of civilians by military courts.<sup>88</sup> According to the Inter-American Commission on Human Rights, following the mass mobilisations of 2017, over 750 protesters were tried in military courts.<sup>89</sup> Union leader Rubén González was sentenced to five years and nine months of imprisonment by military courts on the allegation of having attacked and insulted a military officer who tried to arrest him during a labour protest in 2018.<sup>90</sup> While human rights experts have called on Venezuela to end this practice, in December 2020, a Supreme Court ruling confirmed the jurisdiction of military courts over offences such as treason and rebellion committed by civilians.<sup>91</sup>

**5.11** During the COVID-19 pandemic, Venezuela’s government issued a decree prohibiting public gatherings and authorised competent authorities to take ‘all necessary measures’ to enforce orders related to quarantine and isolation.<sup>92</sup> This was used to justify the arbitrary detention of civilians and excessive force against protesters, which in this period were mainly small demonstrations in rural areas to demand basic goods and services.

**5.12** In April 2020, Indigenous Wayúu residents of Guajira protesting to demand food, water and medicine were repressed by the Bolivarian National Guard using

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<sup>85</sup> In one example, in May 2020 an armed group in a van fired live ammunition at demonstrators protesting against electricity cuts in Libertador, Mérida. Rafael Hernández, a 21-year-old engineering student, was shot and killed.

<sup>86</sup> ‘Marino Alvarado: Paramilitary collectives gain a foothold with a legal framework that protects them’, PROVEA, 18 April 2019, <https://provea.org/actualidad/marino-alvarado-colectivos-paramilitares-se-afianzan-con-un-marco-juridico-que-les-ampara>.

<sup>87</sup> ‘Con el Mazo Dando’, Venezolana de Televisión, 3 April 2019, <https://www.youtube.com/watch?v=yTOInr6ViRU>.

<sup>88</sup> ‘The trial of civilians by military courts in Venezuela’, International Commission of Jurists, April 2018, <https://www.icj.org/wp-content/uploads/2018/04/Venezuela-Civiles-Tribunales-Militares-Publications-Reports-Thematic-Reports-2018-SPA.pdf>.

<sup>89</sup> ‘IACHR urges Venezuela to definitively abandon the trial of civilians by military criminal jurisdiction’, IACHR, 24 March 2021, <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/071.asp>.

<sup>90</sup> ‘Prisoner of Conscience’s Life at Grave Risk’, Amnesty International, 27 January 2020, <https://www.amnesty.org/download/Documents/AMR5317132020ENGLISH.pdf>.

<sup>91</sup> ‘Trial of civilians by military courts is again possible thanks to the Constitutional Chamber’, Acceso a La Justicia, 14 December 2020, <https://accesoalajusticia.org/el-juicio-a-civiles-por-parte-de-tribunales-militares-de-nuevo-es-posible-gracias-a-la-sala-constitucional>.

<sup>92</sup> ‘COVID-19 Civic Freedom Tracker’, ICNL, <https://www.icnl.org/covid19tracker/?location=136&issue=&date=&type=>.

teargas, rubber bullets and firearms.<sup>93</sup> In September 2020, at least 23 people were detained for protesting for basic services in Nueva Esparta<sup>94</sup> and another eight were detained in Yaracuy.<sup>95</sup> In October 2020, three people were charged with ‘inciting hate’ for protesting for improvements in public services in Guajira.<sup>96</sup>

## 6. Recommendations to the Government of Venezuela

CIVICUS, REDLAD and Espacio Público call on the Government of Venezuela to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect. In the light of this, the following specific recommendations are made:

### 16.1 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedom of association.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.

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<sup>93</sup> ‘Crackdown on dissent and independent journalism during COVID-19’, CIVICUS Monitor, 11 May 2020, <https://monitor.civicus.org/updates/2020/05/11/crackdown-dissent-and-independent-journalism-venezuela-during-covid-19>.

<sup>94</sup> ‘More than 20 people arrested in Nueva Esparta during protests’, Espacio Público, 29 September 2020, <http://espaciopublico.org/mas-de-20-personas-fueron-detenido-en-nueva-esparta-durante-las-protestas>.

<sup>95</sup> ‘Eight people arrested after protesting against public service failures in Yaracuy’, Espacio Público, 24 September 2020, <http://espaciopublico.org/detuvieron-a-ocho-personas-tras-protestar-por-las-fallas-en-los-servicios-publicos-en-yaracuy>.

<sup>96</sup> ‘Three citizens who were arrested for protesting released from prison’, Espacio Público, 25 October 2020, <http://espaciopublico.org/excarcelan-a-tres-ciudadanos-que-habian-sido-detenido-por-protestar>.

- Amend the Law for the Defence of Political Sovereignty and National Self-Determination to remove undue restrictions on work to promote and protect political rights by CSOs, bringing it into compliance with ICCPR articles 21 and 22.
- Revoke Ordinance No. 002-2021 to guarantee that undue restrictions on the freedom of association are removed.
- Consult meaningfully with civil society in any review of laws and regulations against organised crime to ensure they promote accountability and transparency.
- Guarantee the effective and independent functioning of autonomous trade unions by removing proscriptions on the formulation of independent labour unions and undue limitations on the right to strike.

## **16.2 Protection of human rights defenders**

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment. Repeal or amend laws and decrees that unwarrantedly restrict their legitimate work, in line with the UN Declaration on Human Rights Defenders.
- Repeal the Anti-Hate Law for Peaceful Coexistence and Tolerance and immediately and unconditionally release all those detained under the law for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression and drop all charges against them.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs in accordance with Human Rights Council resolution 27.31.

## **16.3 Freedom of expression, media freedom and access to information**

- Ensure the freedom of expression and media freedom by all bringing national legislation into line with Venezuela's Constitution and with international standards.
- Review and amend the Law on Social Responsibility of Radio and Television, and in particular article 29, bringing it into line with best practices and international standards in the area of the freedom of expression.
- Reform the Penal Code to remove criminal defamation provision in conformity with ICCPR article 19.
- Reinstate all media outlets that have unwarrantedly been closed and cease practices of confiscating equipment and materials and censoring media.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Guarantee unfettered access for all people in Venezuela to domestic and foreign media information, both offline and online, including domestic and international news websites, social media platforms and CSO websites. Refrain from censoring social and conventional media and from enacting any laws providing for censorship or undue control over these.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression, media freedom and access to information. Ensure free access to electronic media, ceasing censorship and surveillance and enabling internet users to play a full and active role in promoting and protecting human rights.
- Adopt a law on access to information in order to promote the full exercise of the rights to the freedoms of expression and opinion. Establish mechanisms to facilitate public access to information, in line with international best practices.

#### **6.4 Freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required.

- Review and amend the 2002 Organic Law on National Security and revoke the Ministry of Defence Resolution 8610 of 2015. Refrain from trialling civilians detained for exercising their right to the freedom of peaceful assembly in military courts.
- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.
- Review and update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

#### **6.5 Access to UN Special Procedures mandate holders**

- Extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; 4) Special Rapporteur on the independence of judges and lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; and 6) Working Group on Arbitrary Detention.

#### **6.6 State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.

- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.