



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues in relation to the fifth periodic report of the Bolivarian Republic of Venezuela\*

#### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In the light of the Committee's previous concluding observations<sup>1</sup> and the information provided by the State party in its fifth periodic report,<sup>2</sup> please report on the main features of the National Human Rights Plan 2016–2019 and the assessment of its implementation, describing: (a) the content of training and capacity-building activities for public officials, including judges and prosecutors, the elements of international protection under the Covenant and its Optional Protocols that have been incorporated into the Plan and any follow-up measures designed to evaluate the impact of the Plan and the effectiveness of its implementation; and (b) the extent to which the provisions of the Covenant have been used as a basis for legislation and have been invoked or applied by national courts, including examples of relevant legislation and judicial decisions. Please also report on actions taken, on the basis of broad and inclusive consultations, to develop and implement a second national plan to ensure the promotion of human rights in the country and to raise awareness of the Covenant and its applicability in domestic law.

2. With reference to the Committee's previous concluding observations (para. 6), please indicate the measures taken to ensure that the Ombudsman's Office is able to obtain accreditation in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular as regards its effective independence. Please respond to the allegations that the Ombudsman's Office lacks independence, as it is said to act in the interests of the executive branch, and that it has played a role in the closure of civic space and the criminalization of fundamental freedoms, especially by permitting and promoting the criminalization of peaceful protesters and human rights defenders. Please also provide specific information on complaints of human rights violations received by the Ombudsman's Office, including the number of investigations conducted, the status of the complaints, the grievances and petitions submitted, and the specific measures taken by the Ombudsman's Office in relation to them.

#### Fight against corruption (arts. 14, 25 and 26)

3. Please provide information on the specific measures that have been taken to effectively prevent and combat corruption at various levels of government, including data on the number of investigations carried out, prosecutions brought, convictions obtained and sentences handed down in corruption cases during the period under review, particularly cases involving officials at any level of government, especially those working in the areas of tax administration or public procurement and members of the judiciary, the public prosecution

\* Adopted by the Committee at its 136th session (10 October–4 November 2022).

<sup>1</sup> [CCPR/C/VEN/CO/4](#), para. 5.

<sup>2</sup> [CCPR/C/VEN/5](#), paras. 16–21.



service and the security and armed forces. Please describe the mandates of the State party's anti-corruption bodies and any steps taken to ensure their independence and impartiality.

#### **States of emergency (art. 4)**

4. In view of the information provided by the State party in its fifth periodic report (paras. 52–54), please provide additional information on the measures taken by the State party: (a) to address the coronavirus disease (COVID-19) pandemic, including the prolonged state of alert that was in place from March 2020 to March 2021; and (b) in response to the economic situation, including the prolonged state of economic emergency that was in place for more than five years between January 2016 and April 2021. Please also report on the legal basis for those measures and indicate whether any of them derogate from the State party's obligations under the Covenant. If so, please specify whether the measures were strictly required by and proportional to the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic.<sup>3</sup> Please also provide information on steps taken to guarantee the independence of powers during the declaration of the states of emergency and their respective extensions in accordance with the Organic Act on States of Emergency and article 339 of the Constitution, which provides that the decree declaring a state of emergency must be submitted to the National Assembly and that that body must approve any extensions to the state of emergency.

#### **Non-discrimination (arts. 2, 19, 20 and 26)**

5. In accordance with the Committee's previous concluding observations (para. 8) and the information provided by the State party in its fifth periodic report (paras. 26–35), please indicate the measures taken to guarantee the equal access of lesbian, gay, bisexual, transgender and intersex persons to rights and services, including access to same-sex marriage or civil partnership, as well as legal recognition of the identity of transgender and intersex persons. Please also provide information on action taken to adopt wide-ranging and comprehensive legislation to combat discrimination based on sexual orientation, gender identity and expression and sexual characteristics and to amend article 565 of the Organic Code of Military Justice. Please also report on the measures taken to prevent, investigate and punish all acts of discrimination and violence against persons because of their sexual orientation or gender identity, including cases of discrimination and violence by law enforcement officials, as well as measures taken to ensure holistic support for victims. Please provide disaggregated statistics for the period under review on the number of criminal complaints received, the investigations conducted, the sentences handed down against perpetrators and the reparation measures provided to victims.

#### **Gender equality (arts. 3 and 26)**

6. In the light of the Committee's previous concluding observations (para. 7) and the information provided by the State party in its fifth periodic report (paras. 36–42), please report on the implementation of measures to eliminate gender stereotypes regarding the role and responsibilities of men and women in the family and in society. Please also indicate the measures taken to: (a) increase the representation of women in decision-making bodies, both in the public sector at all levels of government, including in the legislature and judiciary, and in the private sector and, in particular, in top elected posts; and (b) guarantee that the special measures taken to ensure gender parity in elections are implemented throughout the country and by all political parties.

#### **Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)**

7. In the light of the Committee's previous concluding observations (para. 9) and the information provided by the State party in its fifth periodic report (paras. 43–51), please report on measures taken, including in the framework of the Organic Act on Women's Right to a Violence-Free Life, to ensure the prevention, investigation, prosecution and punishment of acts of violence against women, including trans women, specifying: (a) the human,

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<sup>3</sup> CCPR/C/128/2, para. 2 (b).

material and financial resources allocated to the institutions responsible for implementing the Act; and (b) the number of complaints received regarding incidents of violence against women, including trans women, and their outcome (investigations, prosecutions, convictions and penalties handed down). Please also provide information on the action taken to guarantee comprehensive reparation and appropriate protection measures for all victims and their families, including the number of victims who have received psychosocial support, as well as reparation measures, and the number of shelters throughout the country, their capacity and the budget allocated to them.

#### **Voluntary termination of pregnancy and reproductive rights (arts. 6, 7 and 8)**

8. In the light of the Committee's previous concluding observations (para. 10) and taking into account general comment No. 36 (2018), please indicate whether steps have been taken to amend the State party's legislation to establish exceptions to the general prohibition on non-therapeutic abortions and specify how many times the provisions criminalizing voluntary termination of pregnancy were applied during the period under review. Please also provide information on the educational and awareness-raising measures taken with regard to sexual and reproductive health, including in educational establishments, and measures to ensure that women have prompt and effective access to legal pregnancy termination procedures and that sexual and reproductive health services, including those relating to family planning, are available to men, women and adolescents throughout the country. Please provide statistical data on the estimated number of women who have had clandestine abortions and on the rates of maternal and infant mortality and adolescent pregnancy. Please also provide information on the measures taken to ensure that pregnant patients and newborns receive basic health-care services and medicines.

9. Please provide information on the sterilization days held in the framework of the National Surgical Plan, which is being implemented in the context of the humanitarian emergency. Please also: (a) provide statistical data on the women who have undergone surgical sterilization during those days, disaggregated by age, ethnic group or nationality, and economic status; and (b) report on measures and actions taken to ensure the free, prior and informed consent of all women who undergo such surgeries, especially in cases involving adolescent girls, women with disabilities, Indigenous women, women living in poverty and other particularly vulnerable groups of women.

#### **Right to life (art. 6)**

10. Please provide information on the measures implemented, including the relevant legal framework, to prevent enforced disappearances and punish those responsible. Please also report on measures taken to conduct prompt, thorough and impartial investigations into all cases of alleged enforced disappearances, including those committed in the context of detention and those in which serving or former police officers and State officials are implicated, and to bring criminal proceedings against the perpetrators. Please also report on complaints of enforced disappearances filed during the period under review, including those alleging violations committed by the State party as a means of control and intimidation of persons associated with the political opposition, including journalists.

11. In view of the Committee's previous concluding observations (para. 11) and taking account of general comment No. 36 (2018) and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, please: (a) provide data on complaints filed regarding any unnecessary and disproportionate use of force by State agents that has resulted in extrajudicial executions and other arbitrary deprivations of life during the exercise of public security duties, especially in the State of Apure, as well as in the context of the exercise of the right to peaceful assembly in situations of social protest, indicating also the measures taken to promote strict compliance with international norms and standards on the use of force by State agents in the exercise of public security duties; and (b) provide statistical data on the death of persons in State custody, disaggregated by sex, detention centre and authority responsible, as well as the status of the investigations and prosecutions in these cases and the rank and affiliation of the persons investigated, prosecuted or convicted, as appropriate, and the penalties imposed. Please provide information on the measures and actions taken to conduct independent, exhaustive and timely investigations into cases of arbitrary deprivation

of life occurring in connection with the exercise of public security duties during the period under review and to punish those responsible.

12. In the light of the information provided by the State party in its fifth periodic report (paras. 59–63), please report on the measures taken in the framework of the National Plan for Comprehensive Prevention in Zones of Peace 2019–2025 and their impact in preventing and combating violent deaths, including homicides, deaths at the hands of the authorities and other deaths in suspicious circumstances. Please provide statistical data on violent deaths disaggregated by sex, age, ethnic group or nationality, and economic status, indicating the type or cause of violence. In addition, please report on measures taken to prevent deaths as a result of inter-prisoner violence.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 6, 7 and 10)**

13. In view of the information provided by the State party in its fifth periodic report (paras. 64–73), please report on measures taken to: (a) ensure the continued operation of the National Commission for the Prevention of Torture; and (b) protect persons who report allegations of torture and other cruel, inhuman or degrading treatment from possible reprisals, especially if they are persons deprived of their liberty. In addition, please provide information on the enforcement and impact of the Special Act to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment of 2013, including updated statistical data on the number of complaints submitted and the investigations and prosecutions of officials for torture and other cruel, inhuman or degrading treatment. Please specify the grade or rank and affiliation of the officials convicted and the offences of which they were convicted. Please also report on the handling of complaints made during court hearings and the penalties imposed on the perpetrators.

**Treatment of persons deprived of their liberty and conditions of detention (arts. 6, 7, 9, 10, 14 and 26)**

14. In view of the Committee’s previous concluding observations (para. 12) and the State party’s fifth periodic report (paras. 92–100), please provide – in relation to all detention centres, including places of pretrial detention and maximum security facilities – information on: (a) measures taken to establish a central register with regularly updated information on persons in detention and updated data on the rate of prison overcrowding, disaggregated by place of detention and sex; (b) the impact of the national legislation relating to the humane treatment of persons deprived of their liberty and respect for their dignity and the specific steps taken to ensure the proper implementation of the legislation and its compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and other applicable instruments, especially with respect to access to appropriate food, hygiene and medical assistance in detention centres; and (c) measures taken to ensure minimum conditions of protection and non-discrimination when accommodating vulnerable groups in detention centres, especially transgender persons, women, persons with disabilities and minors.

**Liberty and security of person (art. 9)**

15. In the light of the Committee’s previous concluding observations (para. 13) and paragraph 38 of general comment No. 35 (2014), please report on measures implemented to ensure that pretrial detention is used as a last resort, in particular on the implementation of articles 230 and 237 of the Code of Criminal Procedure and on reparations to victims for failure to comply with the maximum duration of pretrial detention, and to ensure that, in practice, alternatives to that form of detention are considered. Please provide disaggregated statistical data for the past five years on the number of persons in pretrial detention, indicating the charges against them and the duration of their detention, and the number of persons who are in prison serving sentences. Please describe all the alternatives to deprivation of liberty that are available and provide statistical data on their use in the past five years. Please also provide information on the steps that have been taken to have release orders immediately carried out.

16. Please provide information on the measures taken to ensure that fundamental legal safeguards for persons in detention are guaranteed in law and in practice, at all stages, from the outset of deprivation of liberty. Please also report on measures taken to keep the families of persons deprived of their liberty informed about their detention and whereabouts, any changes in their location and the charges against them, and on measures to address judicial delays and the frequent deferral of hearings. Please respond to the allegations of frequent mass arbitrary arrests and detention in the context of peaceful demonstrations and for political reasons.

**Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)**

17. Please provide information on the efforts made to prevent and eradicate trafficking in persons and all contemporary forms of slavery, including forced labour, for example in the mines in the states of Bolívar and Amazonas, specifying also whether the State party has taken measures to criminalize all forms of trafficking in persons, including the trafficking of men and boys when the perpetrators are not part of organized criminal groups. Please also include updated information on the scale of trafficking in persons in the State party, the training activities provided to law enforcement, judicial and immigration officials, and measures taken to identify and offer protection, rehabilitation, reparation and reintegration services to victims, and indicate the number of shelters available in the country. Please also provide statistical information on the number of complaints of trafficking in persons received, including in the context of disappearances at sea, and on investigations conducted and their outcomes, including sentences handed down to perpetrators, and specify the cases in which the perpetrators were State agents.

**Freedom of movement (art. 12)**

18. Please report on measures taken to ensure: (a) that all persons can obtain the identity and travel documents necessary to circulate freely in a timely manner and without excessive costs, especially persons who are outside the country with expired documents; and (b) the dignified and non-discriminatory treatment of all Venezuelans who return to the country, responding to the allegations that Venezuelan refugees returning to the country have been put into isolation in detention centres. Please also provide information on measures taken to ensure the protection of all persons, including members of Indigenous communities, against forms of forced internal displacement, particularly in border states and mining areas.

**Access to justice, independence of the judiciary and administration of justice (arts. 2 and 14)**

19. In view of the Committee's previous concluding observations (para. 15) and the information provided by the State party (paras. 118–137), please provide information on: (a) the measures implemented to guarantee the full independence of the judicial system, in particular to ensure and uphold the full autonomy, independence and impartiality of judges and prosecutors by no longer appointment them to only temporary positions and guaranteeing that they are free to operate without pressure or interference of any kind; (b) the impact of the Judicial Service Act and the Code of Ethics for Venezuelan Judges in terms of promoting independence and integrity in the system of administration of justice; (c) measures taken to guarantee access to justice and due process for all persons and ensure that they enjoy the rights to a fair and public hearing by a competent, independent and impartial tribunal, to be defended by a lawyer of their choosing, and to be presumed innocent, especially for members of the political opposition; and (d) the actions taken to ensure that investigations into threats and attacks against legal professionals are efficient, independent and impartial, that penalties are imposed on those responsible and that the protection of victims is guaranteed.

**Freedom of expression (arts. 19 and 20)**

20. In the light of the Committee's previous concluding observations (para. 19) and the State party's fifth periodic report (paras. 142–150), please indicate the measures taken to: (a) ensure that legislation relating to or restricting the exercise of the rights to freedom of expression and freedom of the press is fully compatible with the strict requirements set out in article 19 of the Covenant, which are elaborated upon in the Committee's general comment

No. 34 (2011), and that the authorities in charge of enforcing legislation on the exercise of freedom of expression discharge their mandate independently and impartially, especially within the framework of the 2010 Act on Social Responsibility in Radio, Television and Electronic Media, the Telecommunications Act and the Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance of 2017; and (b) ensure easy, prompt, effective and practical access to information of public interest, including the extent to which the Act on Transparency and Access to Information of Public Interest, adopted in September 2021, complies with the obligations set out in the Covenant, including proactively disseminating information of public interest, and also indicating the number of requests for information received and the responses given. In addition, please provide information on the procedures leading to the suspension of access to websites or online services, the reasons for such a suspension and the possibilities for administrative or judicial review, indicating the number of websites or online services that were subjected to any legal restriction on access in the country during the period under review, the reasons for any such restriction and the number of radio and television stations and programmes that were suspended during the period under review. Please indicate the measures that have been taken to regularize, on a broad and lasting basis, the status of radio stations or programmes for which the licences have expired, if an interest has been expressed in renewing them, in order to keep radio stations from shutting down and ensure media pluralism.

21. In view of the Committee's previous recommendations (para. 17), please provide information on measures taken to: (a) protect the safety and integrity of journalists, human rights defenders, social activists, lawyers and members of the political opposition who are subject to acts of intimidation, threats and/or attacks because of their work monitoring and reporting on human rights issues and other issues of public interest, ensuring that they are able to fully exercise their profession without limitations; and (b) ensure the prompt, thorough, independent and impartial investigation of all allegations of acts of intimidation, threats and attacks and that the perpetrators are brought to justice and duly punished. Please also provide information on the number of complaints received and their outcomes in relation to cases of harassment, threats and violence against human rights defenders, journalists and members of the political opposition in the last five years, as well as the number of human rights defenders, journalists, communicators and media workers who have been detained in the same period, the duration of and reasons for their detention, the number of cases in which accusations are pending, the charges involved and the procedural status of the cases.

**Rights to freedom of peaceful assembly and freedom of association (arts. 21 and 22)**

22. In the light of the Committee's previous concluding observations (para. 20) and the State party's fifth periodic report (paras. 151–172), please provide information on measures taken to: (a) ensure that all persons under the State party's jurisdiction can fully enjoy their right to freedom of peaceful assembly, including information on any restrictive rules applied and the extent to which they are compatible with the strict requirements of article 21 of the Covenant; and (b) remove all obstacles to the exercise of the right to freedom of peaceful assembly, including measures to prevent and punish the actions of armed civilian groups and of the so-called "collectives" during demonstrations. Please also respond to the allegations of situations, actions and/or omissions by State agents incompatible with the right of peaceful assembly that have resulted in serious human rights violations in the context of social and anti-government protests, such as arbitrary arrests and detentions, arbitrary deprivations of life and violations of personal integrity and security, arising from the unnecessary or disproportionate use of force. Please provide information on investigations into abuses committed during protests, the prosecutions of the perpetrators and the penalties imposed on them, and the reparations provided to the victims, specifying the number of cases involving State agents and providing statistical data on victims disaggregated by sex, age, and ethnic group or nationality.

23. Please provide information on the measures taken to ensure that the regulation of non-governmental organizations does not unduly hinder or interfere with the exercise of the right to freedom of association, based on international standards, and on the extent to which the bill on international cooperation is compatible with the Covenant. Please also provide information on measures taken to respect and protect freedom of association and the right to organize, including legitimate trade union activity and the promotion of labour rights carried

out by workers' organizations in the country through their representatives, indicating also the number of labour rights defenders, including trade unionists, currently detained or under alternative measures to detention, the charges against them and the procedural status of these cases. In addition, please provide information on measures taken to ensure that political parties, trade union organizations and universities can carry out their internal organizational processes without undue interference.

**Rights of the child (arts. 23, 24 and 26)**

24. Please provide information on the measures taken to address the situation of persons in situations of human mobility, including Indigenous persons, who lack the appropriate documents and therefore face significant administrative obstacles when attempting to settle in neighbouring countries, particularly female heads of household and widows, who have difficulty registering the births of their children. Please also provide information on the measures taken to ensure the prompt registration of births, the updating of the birth register and the issuance of necessary records and documents, including for children born to Venezuelan mothers abroad, who are without access to basic and specialized health-care services and face a greater risk of statelessness owing to their unregistered births.

**Right to participation in public affairs (arts. 25 and 26)**

25. Please provide information on measures taken to ensure that persons involved in political activities are protected against acts of harassment, threats and any arbitrary restrictions on their freedom to participate in public affairs. Please also provide information on the number of political parties that have been subjected to judicial intervention and the grounds for and outcomes of those proceedings, as well as the number of candidates or elected officials who have been subjected to administrative or criminal proceedings, and the status of those processes. Please also provide information on measures taken to ensure broad and inclusive processes of consultation and effective participation in matters of public interest, specifying the measures taken to ensure that Indigenous Peoples can participate in politics in accordance with international standards and in a culturally appropriate manner, and that the consultation of Indigenous Peoples on the reform of their system of representation in the State is respectful of their own institutions and in accordance with their own decision-making procedures.

**Rights of ethnic, religious and linguistic minorities (arts. 1 and 27)**

26. In the light of the Committee's previous concluding observations (para. 21), please provide information on the measures taken to guarantee: (a) the security and integrity of Indigenous Peoples and communities in the face of the actions of non-State armed groups, particularly in the Arco Minero del Orinoco zone, providing statistical data on investigations, penalties imposed on perpetrators, reparations granted to victims, and the adoption of protection measures for family members, witnesses and members of the Indigenous communities involved, as well as on guarantees for the effective participation of victims and their legal representatives in criminal investigations; and (b) that consultation processes are ensured in connection with all matters directly affecting Indigenous Peoples, including national and regional development plans and programmes, in order to obtain their free, prior, and informed consent. In addition, please provide information on plans to update the 2011 census of Indigenous Peoples and indicate the extent to which the corresponding plans provide for compliance with international standards on Indigenous Peoples' participation. Please explain the delays in the processes of demarcation and titling of Indigenous lands and territories, particularly those already approved by the National Demarcation Commission.