



BARRIERS TO ELECTORAL REGISTRATION ABROAD

INTRODUCTION

On March 5, the National Electoral Council of Venezuela (CNE in Spanish) called the electoral process corresponding to the 2024 presidential elections. After its call, it set the five most important milestones of the process in electoral gazette number 1048, among which a special period for national and international registration and updating of data before the Electoral Registry stands out, to be carried out from March 18 to April 16. However, the electoral and consular authorities imposed a variety of obstacles that, added to already unconstitutional and restrictive regulations, resulted in an insignificant percentage of Venezuelans abroad who were able to register or update their electoral registration.

Below are the restrictions that Venezuelans abroad faced to access the RE, either to update data or to register for the first time, in order to be able to exercise the right to vote in the presidential election.

REGULATORY BARRIERS AND THEIR PRACTICAL EFFECTS

REGULATIONS IN FORCE

The Constitution of the Bolivarian Republic of Venezuela states in its article 64 who are voters, establishing that “all Venezuelans who have reached eighteen years of age and who are not subject to civil interdiction or political disqualification are voters.”

The norm that regulates electoral processes in Venezuela is the Organic Law of Electoral Processes (hereinafter LOPRE). In its article 29, the LOPRE establishes that “For the purposes of registration in the Electoral Registry, the only required and valid document is the identity card.”

However, article 124 of the LOPRE regulates voting abroad in the following terms:

“Only voters who have residence or any other regime that denotes legality of permanence outside Venezuela may vote abroad” (underlined added). In this way, a discriminatory condition is established to the extent that the exercise of a fundamental political right is subordinated to the immigration status of the person; Such conditioning, furthermore, deposits in a third State the power to determine who are the Venezuelans qualified to exercise one of the political rights with respect to their country of origin.

Likewise, it is necessary to highlight the continuous nature that the LOPRE grants in its article 28 to the electoral registry, which implies that at any time of the year, whether or not there is an electoral process in progress, Venezuelans must have the possibility of registering for the first time or update their data. This mandate has been violated since 2018 because the Electoral Registry has been closed to Venezuelans outside the country.

ELECTORAL REGISTRY ABROAD

For the election on July 28, 2024, instructions had to be agreed upon and published that would establish the bases for the RE abroad, based on what the law says. However, that instruction was not published.

The consulates received late, as presented below, the equipment, materials and instructions necessary to carry out the RE. These instructions included requirements that are not in the law and others were omitted.

MORE DISCRIMINATORY REQUIREMENTS

The requested requirements were based on the first part of article 124: “Only voters who have residency may vote abroad,” which is why the presentation of a valid passport and a resident visa is arbitrarily required. Additionally, the universe of Venezuelan voters is further filtered by omitting the second part of the article, which refers to “another regime that denotes the legality of permanence outside Venezuela.” That is to say, **Venezuela violated its own norm (article 124 of the LOPRE) - in itself unconstitutional and contrary to human rights - by applying an instruction that only recognizes and implements the first part of the aforementioned electoral norm.** The effect achieved was the exclusion of all people who did not have a “resident visa”, despite living for years, even regularly, in any foreign country.

Due to the extraordinary dimensions of the phenomenon of human mobility of the

Venezuelan population, which is already close to 8 million people, according to the R4V platform, and for which the receiving countries were not prepared, many governments adopted special measures to regularization that include temporary protection permits, humanitarian visas, other types of visas and regularization mechanisms, in such a way that the residence visa is the last step of regularization that a person from Venezuela can aspire to. Although all these figures denote legality of permanence outside Venezuela, **they were not accepted in the process of updating the 2024 RE.**

Likewise, although the only document required to vote within the country is the identity card (basic identity document in Venezuela), even if it has expired, Venezuelans abroad were required to have a valid passport or proof of processing, which constitutes another form of discrimination against those who are outside the country. Depending on the case, another list of arbitrary requirements was requested from Venezuelans abroad (See Appendix I).

QUANTITATIVE IMPACT OF RESTRICTIVE MEASURES

Take as an example the case of Colombia, a country that hosts the largest number of Venezuelan migrants and refugees. According to data from Migración Colombia, as of January 31, 2024, there were 2,857,528 migrants from Venezuela in Colombia, of which 2,293,006 were regularized or in the process of regularization through the Temporary Protection Statute granted by the Document Permission to Temporary Protection (PPT). In addition, 15,293 people were registered with a valid immigration card; within these immigration cards there are people with different types of visas, such as migrant visas, visitor visas (which is different from tourist, as it allows holders to work or study), all of which denote legality of permanence, with residence visas being the category with the smallest number of people.

The regulatory instruments that restrict registration and voting abroad represent a measure of discrimination that disproportionately impacts Venezuelans in Colombia. Many Venezuelans there have PPT that grants 10 years of permanence, and even when this regime exceeds the time of the resident visa that grants 5 years of permanence, Venezuela does not consider it “permanent residence”, and therefore, **the vast majority of Venezuelans did not qualify to vote.** Aside from this arbitrariness, when the CNE’s instructions eliminated the second part of article 124 of the LOPRE that opens the option to “any other regime that denotes legality of permanence”, Venezuelans with PPT in Colombia, or regimes of similar regularization in Peru (Temporary Residence Permit), Ecuador (Exceptional Temporary Residence Visa for Venezuelan Citizens), Chile (temporary residence), Spain (residencies for

humanitarian reasons or due to roots), Germany (temporary residence for up to two years, renewable), among many others, were particularly harmed.

Migration Colombia has not published the number of residence visas granted to people of Venezuelan nationality, but a generous estimate could place them at around 7 thousand people. In other words, of a universe of 2,872,821 with documents that denote legality of permanence, only about 7 thousand people could register to vote, which corresponds to 0.24% of the Venezuelan population in Colombia eligible to vote.

In addition, the Venezuelan consulate general in Colombia exhibited another requirement for those who have a resident visa. The validity of the visa must be at least 3 years from the current date, and it must have been issued a minimum of one year in advance. This implies that not all residents were able to register in the RE, even if they had that immigration category.

At a global level the situation is not very different. The Súmate Civil Association estimates that there are some 5.5 million Venezuelans abroad qualified to vote. For its part, the Interagency Coordination Platform for Refugees and Migrants (R4V) registers 4,485,470 residence permits and other regular stays granted to Venezuelans. Finally, the Venezuelan Electoral Observatory states that “Migrants could make up, without a doubt, the largest electoral constituency in Venezuela spread across more than 90 countries and 400 cities.” However, according to an electoral expert, the RE cutoff as of July 31, 2023, had 20,948,155 voters, of which only 107,000 (equivalent to 0.5%) were registered abroad. **With the arbitrary restrictions imposed by the CNE, it is possible that, of a universe that corresponds to 25% of the population eligible to vote, only 1% have been able to access the RE.**

SHORT REGISTRATION PERIOD AND LATE START

From March 18 to April 16 was the period announced by the CNE for the registration and updating in the Electoral Registry of Venezuelans inside and outside the national territory. Less than two weeks after its closure, delays persisted and in several cases the registration was not opened in countries such as Argentina, Chile, Ecuador, and Spain. In Spain they reported that as of April 2, only the Madrid consulate was operating and with limited capacity, while the consulates in Barcelona, Tenerife, Bilbao and Vigo remained closed. In Chile, registration at the Santiago consulate had not opened until April 4. On that date, the RE opened for the first time in the consulate of Buenos Aires, Argentina.

Although the proportion of people who could meet the requirements to register was very small, other types of obstacles were observed such as limited hours, assignment of shifts, application of what is known in Venezuela as “operation morrocoy” (morrocoy is a type of turtle), which consists of unjustified delays on the part of officials in carrying out a procedure.

Regarding unjustified delays, in the case of the consulate in Buenos Aires, the registration process only had one machine for registration, to which they have added the capture of fingerprints. On April 8, only 35 people were able to register, as registration took around 14 minutes per person. There were several people who had been waiting in line since 9:00 am local time and who at closing time at 4:30 pm in the afternoon were rejected because the embassy “had to close.” On that date, as on others, registration was marked by long delays and people in line unable to register.

In general, the excuses to try to justify these delays have ranged from the impossibility of transferring the registration material due to the sanctions imposed on Venezuela, to an alleged lack of security guarantees from the receiving country for the process. As the days passed, the lack of basis for these explanations was demonstrated. **Venezuela applied deliberate delays to prevent the registration of Venezuelans abroad.**

In short, in addition to the arbitrary restrictions imposed on the registration process, there is a period that did not comply with what was established in the electoral schedule, reducing by half the already limited time to update the RE.

ANOTHER BARRIER AFTER REGISTRATION

For the few Venezuelan residents who managed to register, the odyssey did not end with the process before the consulate. A few hours later, many of them received an email from the CNE in Caracas indicating that their registration had “inconsistencies” and that they should return to the consulate to correct them.

Asking for leave at work, traveling again from another city to the consular headquarters and spending more money on transportation is not something that is within the reach of all migrants. Many gave up on this procedure. AlertaVenezuela learned of the case of a person who went to the consulate four times to review the “inconsistency” and was always received with different pretexts that prevented him from completing the registration.

HIDING THE BLOCKAGE

Through social networks, Venezuelans abroad registered the incidents that prevented registration in the RE. Furthermore, many national and international media outlets echoed these complaints.

Faced with such evidence, the Venezuelan Foreign Ministry made an attempt at damage control, eliminating all reference to the illegal and unconstitutional requirements for registration abroad and replacing it with the following message in the websites of all consulates around the world:

Registration or change of address in the National Electoral Council (CNE) is a procedure that is offered to all Venezuelans residing abroad, who wish to participate in the Venezuelan presidential elections, exercising their vote from the Embassies or Consulates of the Bolivarian Republic of Venezuela, either as a voter for the first time or due to a change of address at the electoral center.

We remind you that electoral suffrage is a right established in the Constitution of the Republic.

Note: *This procedure is free.*

In this way, **misinformation about the requirements worsened and an image was presented from the executive that attempted to disguise the restrictions imposed by the electoral body.**

VIOLATIONS OF HUMAN RIGHTS OF VENEZUELAN ABROAD

From what has been described, it is evident that:

1- The Venezuelan State arbitrarily restricted the human right to choose under conditions of equality and non-discrimination to the detriment of all Venezuelans abroad with the capacity to vote, which account for at least 4,485,470 Venezuelans with residence permits and other regular stays. , by contravening articles 23.2, 24 and 1.1 of the American Convention on Human Rights (ACHR), in relation to the general obligations of articles 1.1 and 2, articles 21.1, 21.3 and 2 of the Universal Declaration of Human Rights; 2.1, 2.2 and 25.b) of the International Covenant on Civil and Political Rights, and 41 of the International Convention on the Protection of the Rights of Migrant Workers and Their Families.

2- The Venezuelan State restricted the rights of an even larger population than that which registers some type of residence or visa, since the exercise of a fundamental

political right such as voting on matters of the country of origin cannot be subject to immigration status of people, nor to arbitrary requirements such as passports and other records as the case may be, which are not required of those who reside in Venezuela. To vote, a Venezuelan identity card (current or expired) must be sufficient, as is required of Venezuelans in the territory. The State discriminates through the invocation of article 124 of the LOPRE - which it takes as a reference even partially - and an instruction that, by omitting the second part of the aforementioned article, makes voting abroad even more restrictive.

3- Without prejudice to the massive scope of the discrimination it carried out, the Venezuelan State disproportionately affected the rights to vote and equality of the group of Venezuelans in the main country receiving migrants (Colombia), to the extent that at least 2,293,006 Venezuelans regularized or in the process of regularization through the Temporary Protection Statute were deprived of the right to vote, since they would not be “residents” in the opinion of Venezuela, despite having a document that denoted their status of migratory regularity in the country. This happens even though the PPT grants a regular stay of 10 years, much longer than the resident visa that grants 5 years of stay.

4- The State, by arbitrarily depriving Venezuelans abroad of the right to vote, at the same time affected the rights to freedom of opinion and political participation, guaranteed in articles 19 and 23 of the ACHR, of around 25% of the Venezuelan electoral population. Consequently, Venezuela is also violating the obligation to guarantee “voting and being elected in authentic periodic elections, carried out by universal and equal suffrage and by secret ballot that guarantees the free expression of will of the voters,” as ordered in article 23.b.) of the American Convention, and article 25.b) of the International Covenant on Civil and Political Rights and other applicable norms. **There cannot be authentic or free elections without a quarter of the electoral population.**

5- The Venezuelan State in turn restricted the right to an authentic election, in the terms of article 23.2 of the American Convention on Human Rights and article 25.b) of the International Covenant on Civil and Political Rights, over a period determined for the electoral registry abroad when it must be permanent and open according to the legislation. Instead, it was a short-lived registration, which did not have promotional measures such as public campaigns, and which, in addition to arbitrary residency, passport and other registration requirements on a case-by-case basis, had a late start in many countries.

An electoral registry of these characteristics is incompatible with an authentic election and constitutes **massive pre-electoral fraud, to the extent that it deliberately deprives more than four million Venezuelans of the right to vote.**

APPENDIX I

REQUIREMENTS FOR THE ELECTORAL REGISTRATION OF THE VENEZUELAN POPULATION ABROAD

Requirements for the Electoral Registry in Colombia

- Laminated identity card (current or expired)
- Valid passport (if it has expired, proof of processing to the Autonomous Service for Identification, Migration and Immigration, (Saime) must be presented
- Resident Visa, Immigration Card or Citizenship Card

Requirements for the Electoral Registry in Ecuador

- Laminated identity card (current or expired)
- Valid passport (if it has expired, proof of processing to the Autonomous Service for Identification, Migration and Immigration, (Saime) must be presented
- Permanent visa
- Consular registration
- Letter of residence or Single Residence Registry (requested at the Civil Registry)

Requirements for the Electoral Registry in Peru

- Laminated identity card (current or expired)
- Valid passport (if expired, you must present proof of processing to Saime)
- Permanent immigration card and/or National Identity Document (for those with dual nationality)

Requirements for the Electoral Registry in Spain

- Laminated Identity Card (current or expired).
- Submit the Data Update Form, duly completed in legible writing and without erasures.
- Original and copy of the NIE or DNI (current).
- Original and copy of the passport (personal data sheet only).

- Copy of the consular registration certificate. If not registered, both procedures must be done in parallel.

For consular registration

Consular Registration certificate.

The interested person must reside in any Autonomous Community of the constituency of this Consular Mission and complete the procedure by completing the Consular Registration form online.

To do this, it is essential that the applicant attach the following information to the registration form, in PDF format and with a maximum resolution of 300 dpi:

- Legible copy of the Identity Card (if you have one).
- The pages where your personal data is found.
- The page where the current Spanish visa is located (if any). In the case of boys, girls or adolescents, a copy of the birth certificate and ID of both parents (when applicable) or the passport (when the parent is not Venezuelan, nor has he or she resided in Venezuela).
- In the case of Venezuelans born outside the country, a copy of their birth certificate.
- In the case of naturalized persons, copy of the Official Gazette (first page where the number and date appear, and the page where the interested party appears) or copy of the Certificate of Naturalization.
- Copy of DNI or Residence Card, on both sides (if you have one).
- Copy of the updated registration flyer (no older than three months of issue).
- This registration, as clarified on the consulate's website, is an essential requirement for any other procedure and does not replace the Electoral Registry.

Requirements for the Electoral Registry in Argentina

- Permanent ID
- Current or expired ID
- Valid or pending passport.

General comments

The consulate websites have not published updated information on the requirements. They maintain current information for previous processes, which were less restrictive.

Some consulates are requiring consular registration before carrying out electoral registration and some of those that require consular registration would be charging for the procedure.

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