

**Observations on the statement given by the United Nations High Commissioner for Human Rights, Michelle Bachelet, on December 9, 2020, on the occasion of the December 6 voting event in Venezuela**

Considering the mandate and responsibilities of the United Nations High Commissioner for Human Rights (OHCHR), Michelle Bachelet, regarding the protection of human rights throughout the world and, in the specific case of Venezuela, having received a special mandate to provide information and act to put an end to the serious violations suffered by the Venezuelan population and the impunity with which they are committed, the following are observations regarding the statements made by the OHCHR at a press conference held on the December 9, which have generated concern in human rights organizations in Venezuela.

*1. "Beyond personal opinions about the elections ...".*

The events of December 6 are not a matter of mere thoughts, as if they were only subject to personal opinions without supporting criteria, but rather of contrasting the voting event with the existing international standards on the matter. The Office of the High Commissioner received sufficient information sent by various human rights organizations,<sup>1</sup> in addition to publicly available information that was widely documented by the media before the process<sup>2</sup> and during the electoral event, on the numerous irregularities and illegalities that surrounded the December 6 event from the beginning and that prevent it from qualifying as a free, fair and verifiable "election".<sup>3</sup>

Moreover, this statement is surprising because it contradicts what was stated by the High Commissioner on September 25 in her oral update before the 45th Session of the Human Rights

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<sup>1</sup> The following reports were sent to the OHCHR by civil society organizations in a timely manner:

Acceso a la Justicia

<https://accesoalajusticia.org/el-nuevo-sistema-electoral-venezolano-para-las-parlamentarias-2020/>,  
<https://www.accesoalajusticia.org/razia-de-partidos-politicos-en-venezuela/>,  
<https://www.accesoalajusticia.org/elecciones-a-la-medida/>, <https://accesoalajusticia.org/parlamentarias-2020-a-la-medida-del-gobierno-de-maduro/>,  
<https://accesoalajusticia.org/el-tablero-partidista-para-las-parlamentarias-2020/> and  
<https://accesoalajusticia.org/designacion-del-cne-una-ruta-torpedeada-por-el-tsj/>.

Press conference by the Citizen Electoral Network (Red Electoral Ciudadana) on the 2020 parliamentary elections, a pre-electoral report: [https://www.youtube.com/watch?v=G3tVPLC\\_y4Q](https://www.youtube.com/watch?v=G3tVPLC_y4Q)

Pre-electoral report on the 2020 parliamentary elections which document the main irregularities in the December 6 process: <https://cepaz.org/noticias/informe-preelectoral-parlamentarias-2020-documenta-las-principales-irregularidades-en-el-proceso-parlamentario-2020/>

Map of events by Documenta Venezuela – December 6 parliamentary elections

<https://venezueladocumenta.org/index.php/2020/08/31/mapa/>

<sup>2</sup> For example, the announcement of military officials accompanying voters

[https://www.abc.es/internacional/abci-maduro-quiere-militares-vayan-buscar-votantes-viviendas-elecciones-202009160259\\_noticia.html](https://www.abc.es/internacional/abci-maduro-quiere-militares-vayan-buscar-votantes-viviendas-elecciones-202009160259_noticia.html), the coercion by the candidate and former Minister Iris Varela, threatening to fire those who did not vote: <https://soundcloud.com/user-20968064/iris-varela-a-funcionarios-del-min-penitenciario> and other coercive messages <https://soundcloud.com/user-20968064/2020-12-06audio-voz-femenina-se-identifica-como-jefa-de-comunidad-por-siempre-unidos> ; <https://soundcloud.com/user-20968064/2020-12-06audio-anonimovoz-masculina-amenaza-a-quien-no-vote-con-quitarse-bomo>

<sup>3</sup> In the Venezuela Documenta platform, 74% of reported irregularities were related to party organized control points [https://www.instagram.com/p/Ciflu\\_AHunO](https://www.instagram.com/p/Ciflu_AHunO)

Council, when she stated that concerned about “the decisions of the Supreme Court of Justice obstructing the freedom of seven political parties to select their representatives and the non-consensual appointment of the members of the National Electoral Council, CNE. I am also concerned by the CNE’s modification of the mechanism for the selection of indigenous representatives to the National Assembly and the changes to the electoral system and to the composition of the National Assembly itself, without a prior inclusive consultation process.”<sup>4</sup>

Neither the Office of the High Commissioner, nor any other organ of the United Nations system, the Inter-American system, or the European Union sent observers to this event. Additionally, the independent observation provided for in Venezuelan electoral legislation was replaced in 2010 by the action of "accompaniment", which is nothing more than a formula invented by the electoral body to avoid national and international scrutiny in electoral events. In this sense, the statements of the High Commissioner are not supported by the observation and monitoring methodology that her office must maintain, undermining the credibility of her assessments.

2. *“They were quite peaceful. There weren’t many security problems.”*

Blood is not the only sign of violence. There is structural violence in Venezuela that denies the population even the most basic rights. Threatening citizens with denying them access to food if they don't vote (Diosdado Cabello's “whoever doesn't vote doesn't eat”) is an unacceptable act of violence that should have been repudiated by the High Commissioner in strong terms.

3. *Journalists had “certain situations of intimidation, I would say, right?”*

There were vehicles owned by media companies that were prevented from refueling. There were journalists forced to erase the material they had recorded, while others were threatened or denied access to voting centers. The High Commissioner's affirmation seems light, in such a way that it could be taken as an opinion and, consequently, disqualified for not being presented with sufficient support or forcefulness.

4. *“We were concerned (sic) by certain comments, let's say ...”*

It seems light to qualify an act of coercion, seeking to force people into voting, as a "comment", especially when the statement came from the official who heads the National Constituent Assembly and who has a history of threats that later turn into retaliation through judicial means or by acts of violence against those affected.

5. *“Political prisoners have conversations with their relatives via Zoom twice a day, and they can go to mass once a week”*

Political prisoners are people arbitrarily deprived of their liberty. Celebrating the supposed improvements in the conditions of detention of a person who should not be arbitrarily deprived of

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<sup>4</sup> Oral update on the situation of human rights in the Bolivarian Republic of Venezuela. Michelle Bachelet, United Nations High Commissioner for Human Rights. 45th session of the Human Rights Council. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26295&LangID=E>

their liberty suggests an unacceptable relaxation of the standards that the Office of the High Commissioner must maintain in the evaluation of the human rights situation in this matter.<sup>5</sup>

6. *"I think that is the objective of the opposition, to organize themselves for the elections next year. We maintain contacts with people from the opposition and that is what they have informed us, wanting to become a real opposition and working so that the next elections go well for them".*

It is not the role of the Office of the High Commissioner to express opinions on the role of political actors. It is incomprehensible, coming from the perspective of the highest global authority on human rights, what a "real opposition" is supposed to mean. Regardless of the existence of weaknesses and differences among the opposition parties, it is not the responsibility of the High Commissioner to assess the opposition, since there is no standard to support what it seeks to assess.

Furthermore, the High Commissioner does not present a critical review of the electoral conditions in Venezuela as to present an opinion on the future possibility that a political actor may "do well." The High Commissioner's role is not to wait for a political actor to succeed or fail, since that depends on the will of the population. Instead, it is the OHCHR's mandate to ensure respect for the right to political participation, in the terms established in General Comment No. 25 of the Human Rights Committee on the participation in public affairs and the right to vote. In addition, the High Commissioner does not pay attention to the fact that the "real opposition" cannot participate in an electoral process in Venezuela, even if it wishes to, because its political parties are not registered under the leadership of its "real" directors before the electoral referee by decision of the National Electoral Council (CNE) itself or the Supreme Court (TSJ). Bachelet also omitted references to the election of the representatives of indigenous peoples, treated as second-class citizens with the right to an indirect vote.

In summary, the statements made by the High Commissioner in the press conference on December 9 are closer to a personal opinion than to an objective analysis based on evidence that can be contrasted with the relevant international standards for each case. Putting these opinions above the objective analysis of the facts is not only contrary to the methodology that the Office of the High Commissioner so zealously defends, but is a risky position, insofar as it can undermine the credibility of both the Office and its spokeswoman.

It is also worrying that, in these opinions, there is a calculation aimed at avoiding confrontations with those who hold power in Venezuela in order to maintain a presence in the country and, eventually, establish an office. The presence of the OHCHR in Venezuela cannot be negotiated at the expense of reducing the tone of the reality of the human rights situation in the country, substituting the objective parameters of monitoring and evaluation for personal opinions.

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<sup>5</sup> It omits that what corresponds is the immediate release of all political prisoners, including those who are beneficiaries of decisions of the Working Group on Arbitrary Detention, such as the case of Juan Pablo Saavedra <https://cepaz.org/noticias/grupo-de-trabajo-sobre-la-detencion-arbitraria-de-la-onu-declara-que-la-detencion-del-coronel-juan-pablo-saavedra-es-arbitraria-y-pidio-su-liberacion-inmediata/>

The concerns expressed above are shared by the following organizations:

AC Banco del Libro

Acceso a la Justicia

AlertaVenezuela

Centro de Justicia y Paz – Cepaz

Centro para los Defensores y la Justicia

Civilis Derechos Humanos

Clima21 - Ambiente y Derechos Humanos

Comisión Nacional de Derechos Humanos de la Federación de Colegios de Abogados de Venezuela-Mérida

Convite Asociación Civil

Epikēia Observatorio Universitario de Derechos Humanos

Federación Nacional de Sociedades de Padres y Representantes

FundaRedes

Observatorio de Derechos Humanos de la Universidad de Los Andes

Observatorio Venezolano de Conflictividad Social

Organización StopVIH

Programa Venezolano de Educación-Acción en Derechos Humanos – Provea

Promoción Educación y Defensa en Derechos Humanos – PROMEDEHUM

Red de Activistas Ciudadanos por los Derechos Humanos

Sinergia, Red Venezolana de Organizaciones de Sociedad Civil