

PROGRESS CONTINUES IN VENEZUELA TO IMPOSE A LAW AGAINST CIVIL SOCIETY AND DEFINITELY CLOSE CIVIC SPACE

January 22, 2024

The undersigned Venezuelan and international civil society organizations and individuals/human rights defenders express their strong concern and profound rejection of the "Law on the Supervision, Regularization, Operation and Financing of Non-Governmental and Related Organizations" ("NGO law"), which the Venezuelan National Assembly (VNA) has recently reactivated through a so-called "public consultation process" aimed at finalizing its approval and adoption. When first introducing its plans to adopt the NGO law in January 2023, [the UN High Commissioner for Human Rights](#), [Special Procedures](#), [the Inter-American Commission on Human Rights](#), as well as [the Independent International Fact-Finding Mission on Venezuela](#), in line with calls from civil society organizations, all expressed concerns surrounding the draft NGO bill. Among others, this included concerns regarding the inadmissibility of the proposed law due to its violation of the right to freedom of association and other human rights standards, as it would effectively cause the definitive closure and militarization of civic space and irreparable damage to the rights of the population and the fabric of Venezuelan society.

The latest round of the so-called "public consultation process" was initiated on January 12, 2024, at the Federal Legislative Palace of the VNA in Caracas, televised by the parliament channel. Civil society organizations and human rights defenders have consistently warned that the bill – for which no official text has been published by the VNA or another public entity - contains clear procedural defects. While the bill was approved in the first round of discussion a year ago on January 24, 2023, so far only an unofficial version has emerged, illustrating the lack of transparency on behalf of the Venezuelan government. Additionally, there was no prior, broad, and plural call by mass or official media. Ongoing efforts by the Venezuelan government to harass, criminalize, and repress Venezuelan civil society is well-known and documented. This is illustrated by the existence of a list of sixty-two organizations accused of crimes punishable by the NGO law exposed publicly by higher government officials during the parliament session. A majority of military and police intelligence bodies were present during this exposure.

Regarding the content of the draft NGO bill, we wish to reiterate the following structural flaws and concerns:

- **Not a necessary regulatory instrument.** Venezuela already has a legally established framework that supports the exercise of freedom of association, including registration, accountability, and supervision of civil society organizations. However, since 2010, the State has introduced discretionary and arbitrary mechanisms that hinder procedures in this regard. In 2019, the system of registry and updated was partially suspended to centralize and limit it further civic space. This caused serious difficulties for foundations and civil associations to comply with current legal requirements. Among other

registries, this law enforces the registration provided for in the Comprehensive Defense Registry, administered by the Ministry of Popular Power for Defense, as provided for in article 35 et seq. of [the Registration and Enlistment Law for the Comprehensive Defense of the Nation](#).

- **It is not conceived to improve the prevention and sanction of possible illicit or irregular situations by civil associations and foundations.** In its own declarations and exchange of information with international organizations, [such as the Caribbean Financial Action Task Force \(CFATF\) in the Mutual Evaluation of March 2023](#), the Venezuelan government has affirmed that alleged illicit activities by civil associations have a very minor occurrence in the country and that there are judicial procedures to investigate and clarify them, in accordance with the rule of law and due process. In its explanatory memorandum and articles, the draft NGO bill transforms the right of associations into a matter of "public order". This further strengthens the suspicion and presumption of crimes and the unjustified intervention of the military and security forces in the surveillance and control of non-profit associations, deepening the criminalization, penalization, illegalization and confiscation of the freedoms of peaceful assembly, expression, information, participation, participation, defense of the right to freedom of association and the right to freedom of peaceful assembly, expression, information, participation, defense of rights, as well as denunciation, criticism, questioning or peaceful dissidence, access to rights protection systems and international cooperation for humanitarian assistance and development, assimilating all these rights with "terrorism", "conspiracy", "destabilization", "foreign interference" or simply "political activities"; which in the Venezuelan context means the closure of civic space and political persecution, arbitrary detentions and the commission of other serious crimes.
- **The NGO law fails to promote or protect the right to freedom of association.** Instead, it applies to all civil associations and foundations in a manner that is overly broad, unclear, and disproportionate, without proper justification and in violation of the Constitution and international standards that safeguard the free, civil, and autonomous essence of the right to association. The law invalidates the records of private non-profit civil associations with legal personality to operate in the country. The NGO law creates a new associative regime of 'public relevance' that follows a military approach and falls outside of constitutional provisions. This regime imposes State authorization, control, and supervision over the entire life cycle of the associations, including their purposes, foundation, operation, and activity. The draft bill prohibits de facto associations and imposes unnecessary and permanent controls and requirements that are incompatible with the civil status of associations, making compliance impossible. This violates Article 5 of the International Covenants on Civil and Political Rights and Social, Economic and Cultural Rights, which prohibits the destruction or excessive restriction of rights.

We are strongly concerned that the law is unconstitutional and violates international human rights standards. It has been criticized by human rights protection bodies and Venezuelan civil society for not allowing consultation or improvement. In defense of their rights, civil society demand that the State **repeal or refrain from adopting any measure or law that may limit the exercise of the right to freedom of association or give rise to undue control of civil society organizations or interference in their activities. They also call for the establishment of a safe and conducive environment so that all civil society organizations can conduct their activities without fear of reprisals** in all areas of engagement, including civil, political, economic, social, cultural, and environmental affairs.

The proposed bill's suppression of civic space and the right of association, as well as the effective annulment of the activities of foundations and non-profit civil associations, will significantly impact the conditions for the upcoming electoral process in the country. **Ensuring fair and democratic elections not only requires allowing unrestricted participation of candidates but also maintaining a vigorous and robust civil society.** The international community – including a variety of stakeholders involved in resolving Venezuela's multidimensional crisis - must not overlook the threat the current draft legislation poses to efforts to promote a peaceful and democratic transition. If adopted, the draft NGO bill could undermine the fairness, safety, and freedom of the upcoming vote, as it would grant military entities control over their activities. Compliance with the Partial Agreement on the Promotion of Political Rights and Electoral Guarantees must also be measured by ensuring the right of association for non-governmental organizations, as an affective guarantee of the promotion of civil and political rights in Venezuela.

We are therefore: 1) Urge the National Assembly to refrain from pursuing the advancement and discussion of a text that violates multiple human rights standards and obligations, disrespects the National Constitution, and fails to contribute to improving the country's environment during a Complex Humanitarian Emergency and electoral period. 2) Call on the international community, including UN Member States, to reject the adoption of the Law on Supervision, Regularization, Performance and Financing of Non-Governmental and Related Organizations, as well as any other regulatory text that may unduly limit the exercise of the right to freedom of association or result in military control of civil society organizations or interference in their activities.

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71. Colegio de Enfermería
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