

International organizations express concern over bill that seeks to criminalize and hinder the work of civil society organizations in Venezuela

[Geneva and Washington D.C. 26 January, 2023]. The undersigned organizations express our deep concern over the approval in the first round of a bill that seeks to criminalize and further hinder the work of civil society organizations in Venezuela: Law of Supervision, Regularization, Performance and Financing of Non-Governmental and Related Organizations (*Ley de Fiscalización, Regularización, Actuación y Financiamiento de las Organizaciones No Gubernamentales y Afines*). This bill was introduced by the ruling party at the Venezuelan National Assembly —elected in 2020 in a widely contested electoral process—and contravenes international norms and standards.

If passed, this piece of legislation would seriously obstruct and potentially criminalize the work of civil society organizations in the country, and further close civic space. This is yet another government strategy to limit the fundamental work of civil society organizations that legitimately defend rights, and work on behalf of the victims of human rights violations, and the humanitarian crisis in Venezuela.

The bill was discussed and approved in a legislative session on January 24, 2023. It proposes the creation of a “uniform system” for the constitution, registration, functioning and administration of non-governmental organizations (NGOs), forcing them, among others, to seek authorization for their creation, and accreditation for their ability to function in the country. The organizations would not be allowed to operate without said authorization, and those who do so, may be subject to sanctions. This implies an unacceptable restriction on freedom of association and other related rights.

Moreover, the bill integrates “obligations” established in the Organic Law against Organized Crime and Financing of Terrorism (*Ley Orgánica contra la Delincuencia Organizada y Financiamiento al Terrorismo*), in broad legal language, which is particularly worrisome, given the potential criminalization of the NGOs ability to receive foreign funding.

This legislation requires people or entities to register with the National Registry of Non-Governmental Organizations, indicating, and periodically disclosing the receipt of foreign funding. Those who fail to register or disclose their sources of funding, could face fines, the cancellation of their official registration, and could face criminal charges under the aforementioned law against organized crime. Moreover, the bill’s broad legal language would exacerbate the ongoing persecution of human rights defenders. For example, Article 15.2 of the bill prohibits NGOs from conducting “political activities,” without clearly defining what would be considered as such. Article 15.3 of the bill states that CSOs are forbidden from “promoting or allowing acts that threaten the national stability and national institutions” , and Article 15.4 adds the all-encompassing phrase “any other act forbidden by the national legislation.” The violation of this article could lead to the suspension of the organization's activities, or even its dissolution, both ex

officio by the competent authority or by a court, if criminal proceedings are opened and the existence of a crime is declared.

Furthermore, the antagonizing language used in the bill is very troublesome, particularly the emphasis made against foreign funding, and the categorization of NGOs that access such funding as “foreign agents” aimed at destabilizing the “national sovereignty”.

According to international norms and [standards](#), CSOs should have the ability to do their work without being subjected to limitations and undue suspensions based on burdensome administrative requirements aimed at ostracizing them, and impeding their existence. One of the essential elements of the right to freedom of association is the ability for local NGOs to receive foreign funding that, in many cases, is vital to their human rights work.

Already in 2021, a [rule](#) was passed requiring CSOs to fully disclose their beneficiaries and donors on a governmental digital platform, under the veil of “fighting terrorism and organized crimes”. This rule was rejected in an [open letter](#) by more than 600 Venezuelan NGOs. In July 2010, the Supreme Court had already attacked the financing of CSOs by determining that obtaining resources from foreign states with the intention of using them to the detriment of the Republic could amount to treason.

Given the complex context in Venezuela in relation to the rule of law, democracy, the functioning of the State powers, and particularly the lack of an independent judiciary, if passed, this bill will further undermine several fundamental rights, including but not limited to, the rights to privacy, freedom of association, and of expression as well as the right to defend rights. Even more so, it could become a tool to legitimize what is essentially the persecution and criminalization of human rights defenders.

Additionally, this legislation is concerning in the context of the ongoing investigation of the International Criminal Court (ICC) on Venezuela, given that by restricting the work of NGOs that document human rights violations and crimes against humanity, it would be restricting a vital source of information and evidence that should be able to reach the ICC. This in turn could be interpreted as obstruction of justice, which would undermine the international obligations of the Venezuelan State.

Finally, with presidential elections scheduled for 2024 and legislative and regional elections for 2025, Venezuela faces an electoral period that in the past has resulted in spikes in the government's policy of repression. Civil Society organizations are the ones that, in the past, have monitored and identified patterns of government repression and attacks against civic space.

The undersigned organizations highlight that the advancement of this bill is accompanied by a sustained strategy over time to limit the work of CSOs, as well as an official rhetoric that, for years, has stigmatized organizations that work on human rights. At the same time, this bill takes place in a context of impunity in relation to gross human rights violations and the persecution and repression of people, voices and organizations that are considered dissidents by the government.

We urge the international community of democratic countries, particularly those in Latin America, to reject this bill and call on Venezuela's government for an end to the criminalization and persecution of human rights defenders and CSOs. Finally, we call on the United Nations High Commissioner for Human Rights, who is visiting the country this week, to reject and demand that the authorities archive this proposed bill, and to highlight during the visit, the importance of guaranteeing an enabling environment for civil society organizations to operate free of pressures.

Organizations:

Center for Justice and International Law (CEJIL)

Robert F. Kennedy Human Rights

Due Process of Law Foundation (DPLF)

Global Centre for the Responsibility to Protect (GCR2P)

Washington Office on Latin America (WOLA)

World Organisation Against Torture (OMCT)

The International Institute on Race, Equality and Human Rights

Human Rights Watch (HRW)