



# Bulletin No. 50

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[www.crisisenvenezuela.com](http://www.crisisenvenezuela.com)

## EDITORIAL

August 4 marked one year since the installation of the Constituent National Assembly (ANC) through an unconstitutional process. This entity promised to solve the economic and social situation in the country, and to write a new Constitution. However, the only outcomes after 12 months in force have been the dismantling of National Assembly (AN), the usurpation of functions of the Judicial and Electoral Powers, an unconstitutionally re-elected President, and a progressively poorer and oppressed population. Against this backdrop, the ANC begins its second year.

Also one year ago, the Bulletin Crisis in Venezuela was born as a product of the efforts of Civil Societies' Organizations, dedicated to the promotion, defense, and protection of Human Rights in Venezuela. We aim to make available updated, reliable and pertinent information about the situation of Human Rights in our country. Contributing Organizations include Civilis Derechos Humanos, Foro Penal Venezolano, Acceso a la Justicia, Provea, Transparencia Venezuela, Centro de Justicia y Paz (Cepaz), Espacio Público, Un Mundo Sin Mordaza y Codevida.

In this special Anniversary Issue, we offer an evaluation of ANC's actions since its installation, and how they have deepened the deterioration of the Human Rights in Venezuela. Together our analyses demonstrate deep institutional fractures, deep corruption, and a bankrupt state, all of which severely undermine fundamental rights and the standard of living of millions of Venezuelans.

**Acceso a la Justicia** - [www.accesoalajusticia.org](http://www.accesoalajusticia.org)

Constituent National Assembly: no legitimacy, no deadline



On May 1st 2017, President Nicolás Maduro emitted a decree, convoking a National Constituent Assembly (ANC) without consulting the Venezuelan people through a referendum, as is constitutionally mandated. The election of Constituent Assembly members was plagued by irregularities that violated popular sovereignty.

Maduro imposed his own election process that allowed the regime to group population according to arbitrary criteria, which, in effect, excluded some 5 million voters.

The Supreme Court of Justice (TSJ), mandated to guarantee the people's rights, backed the Executive Power instead, issuing four sentences in support of the flawed electoral scheme. The first, issued on June 23 2017, declared the regime's manipulation of voting districts constitutional and claimed that the President is not obliged to adhere to the voting system set forth by the Organic Act on Electoral Processes if he calls for the election of a

constituent assembly. The other three sentences (83, 84 and 85) were emitted on June 27 and reiterate the argument, declaring that three challenges to the first decision inadmissible.

In addition, according to Observatorio Electoral Venezolano (Observatorio), the National Electoral Council (CNE) failed to comply with voter validation regulations. Moreover, the Observatorio

documented widespread harassment and voter coercion on voting day.

Since its unconstitutional installation, the Maduro regime has used the Constituent Assembly as a tool for political persecution. For instance, the ANC dismissed attorney general Luisa Ortega Díaz after she denounced the regime for stripping the National Assembly of its constitutional mandate. In addition, the ANC passed the Act Against Hate on November 27, 2017 that sought to protect everybody from being an object of "any form of political violence, hate, and intolerance." However, the law has consistently been applied to muzzle dissent. For example, in January 2018, a court in Carabobo preventively imprisoned two people for inciting hate while they peacefully protested food shortages.

While the ANC was convened for two years to rewrite the constitution, so far, there has been little evidence of progress.

“ Since its unconstitutional installation, the Maduro regime has used the Constituent Assembly as a tool for political persecution against dissidence ”



**CEPAZ** - [www.cepaz.org.ve](http://www.cepaz.org.ve)

## ANC: 365 days on the sidelines of Human Rights



Center for Justice and Peace (CEPAZ) revises the most outstanding areas of performance of Constituent National Assembly (ANC), one year after its installation –especially those that concern Human Rights. We in Cepaz have been following up ANC’s actions along this 365 days.

Last year, we published a report named “A stab to democracy”, which compiled all alleged reasons for ANC’s installation, as well as summaries of its first decisions. Then, we warned about the constitutional threat ANC posed.

As a logical consequence of this supra-constitutional character, the

present government enjoys an absolute absence of control mechanism by other institutions; and there is not left a hint of independence among the different Public Powers, which is necessary to guarantee an appropriate system of counterweights.

At CEPAZ we have sought to summarize the ANC’s adverse implications for Human Rights. They fall into three main categories: political rights, economical rights and women’s rights.

The ANC has harmed Venezuelans’ rights, while bolstering the regime and contributing to the absence of check and balances. Nevertheless, CEPAZ maintains that it is still possible to rebuild institutions that will protect and promote constitutionality and human rights.

CEPAZ continue to work toward promoting a peaceful road to the recuperation of democracy and human rights.



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“ As a logical consequence of this supra-constitutional character, the present government enjoys an absolute absence of control mechanism by other institutions ”

## CIVILIS Derechos Humanos - [www.civilisac.org](http://www.civilisac.org)

### One year: ANC as an expression of the democratic breakdown in Venezuela

Venezuela has faced a complex context of democratic breakdown, where institutions have dissolved. This situation has resulted in widespread violations of Human Rights. In January 2016, the government virtually suspended the National Constitution by declaring a permanent State of Emergency, allowing the regime to install a Constituent National Assembly (ANC), without previously consulting the Venezuelan people. Finally, deputies to ANC were elected in a process lacking guarantees of universal and equal participation that obviously could not produce an authentically democratic result.

By conferring unlimited powers to the Executive, ANC deprived Venezuelan society of the basic instruments of Democracy, and gave way to the devastating complex humanitarian emergency we endure today, when we face severe privations, nation-wide extreme poverty, alimentary insecurity, morbidity and mortality, monopolies in all economic areas, top levels of corruption, and international isolation.

The Maduro regime convoked the ANC to draft a new constitution, according to the concepts of "direct democracy" and "popular power", which suppress democratic sovereignty, and even were rejected by referendum in 2007. Furthermore: they imply violating systematically all republican, democratic principles: full liberties, in a State of Rights,



including the separation and independence of the Public Powers, sacred to the 1999 Constitution, and also to regulations of International Law.

One year after its installation, ANC has usurped powers of all other institutions, especially those that constitutionally correspond to the National Assembly (AN) and to the National Electoral Council (CNE). As for legislation, ANC has passed 10 bills, the most worrying one being the Act against Hate. This law threatens by unduly using certain international treaties with a restraining intention, namely censoring, criminalizing, and penalizing all and any form of self-expression through the mass media. Social networks and other electronic means are included here, as well as written materials of all sorts- founding acts, action programs, statutes, and even summaries of activities of civil society organizations (NGOs/ONGs).

As for electoral functions, ANC emitted 11 decrees, most of them related to the convocations to electoral processes for Regional Mandatories, Municipal Mayors, Legislative Councils, and President of the Republic. ANC entitled itself to

be the authority in charge of soliciting penal investigations against leaders of the opposition, just because they refused to participate in the Municipal Elections. ANC ordered political parties to renovate and update their numbers, in order to compete in any electoral process scheduled in 2018 -a way to neutralize the main political organizations of the opposition-. Above all, now it is ANC -instead of CNE- the entity to authorize the beginning of any elected public official's period.

Other illegitimate actings of ANC during the last 12 months -all of them granted by TSJ- have been: the dismissal and prosecution of Attorney General, and her substitution by a temporary prosecutor; the elimination of Metropolitan Mayorship, and Alto Apure Mayorship; and the illegitimate privation of parliamentarian's immunity against deputies Freddy Guevara, Juan Requesens, and Julio Borges, accompanied by the respective solicitations of judicial proceedings. In June 2018, the new president of ANC, Diosdado Cabello, announced that the active period of the entity might prolong indefinitely; and, for that reason, ANC might go on assuming legislative and electoral matters with no democratic counterweight, aiming at changes in our Constitution for permitting the present rulers to keep in Power.

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“One year after its installation, ANC has usurped powers of all other institutions, especially those that constitutionally correspond to the AN and to the CNE”

**Codevida** - [www.codevida.org](http://www.codevida.org)

### ANC has exacerbated Venezuela's complex humanitarian emergency



Constituent National Assembly (ANC) was legitimated by the Supreme Court of Justice (TSJ) with the argument that such an entity was within the framework of the State of Exception, after President Nicolás Maduro's convocation on May 1, 2017 –even though the mandatory was not entitled to do so–. As a consequence, our 1999 Constitution is now practically adjourned: ANC and TSJ take arbitrary decisions, with unlimited power and without any control nor counterweight.

When institutions crumble, one of the first areas affected is Health. The State has failed to provide people with a national system for protecting health. There seem not to be entities to create adequate Health policies and apply them efficiently, compounding the humanitarian emergency. Unavailable medicines and medical inputs prove the gravity of the situation: in 2018, the Ministry of Health eliminated its page on the web, by so doing losing contact with people and censoring information in this sector.

About 60% of public Medical Centers have closed down, and the majority of the population depend on those centers for their medical needs, since private clinics attend less than 10% of the demand –at “dollarized” costs. Less than 30% of the population has medical insurance. About 100 public hospitals have lost between 50% and 90% of their operational capacity due to severe problems in their premises, and/or to

out-of-order equipment, and/or to the lack of water and electricity, and/or to the contamination in their departments and services. Over 60% of medical personnel has quit working for the public sanitary system.

During 2017, Venezuela had the highest rate of adolescent pregnancy in South America and the Caribbean, reaching 95 pregnancies per 1.000 youngsters. Venezuela surpassed Bolivia, Colombia, Peru, Chile, even Haiti. Scarcity of contraceptives climbs over 90%. According to a report named “Women at the Edge”, 72% of females at reproductive age, who participated in a poll carried out online, could not find contraceptives in pharmacies.

300.000 persons suffering from chronic health conditions –transplant patients, hemophiliacs, cancer patients, HIV, Parkinsons, among others– have been unable to get their medicine from Venezuelan Institute of Social Security (IVSS), which stopped importing due to a governmental decision. There has not been implemented any contingency plan, nor international cooperation for humanitarian help has been accepted. In turn, 4.000.000 persons, who suffer from diabetes and hypertension –and many others, with acute health diseases– also found themselves deprived of their medicines, in all over the private pharmacies in the country.

As a consequence of insufficient vaccination, several illnesses –avoidable by vaccines– have become epidemic: 1.920 cases of diphtheria have been reported in 23 of the 24 states of the country. From those, 164 persons died, most of them children. As for measles, 2.154 cases have been reported in 17 of the 24 states, which means a raise, from 727 in 2017 to 1.427 by June 2018. In addition, Measles killed 100 children in the state of Delta Amacuro. Because of the illegal mining activities, malaria cases increased from 240.000 to 400.000 in 10 of the 24 states. This is the highest number registered in Latin America. By June 2018, 820 people had died from malnutrition.

“There seem not to be entities to create adequate Health policies and apply them efficiently, compounding the humanitarian emergency”



### Espacio Público - [www.espaciopublico.org](http://www.espaciopublico.org)

#### Imposition of the official speech as an “ethical” base

For one entire year, National Constituent Assembly (ANC) has solidified its unconstitutionality, and eliminated fundamental rights. At convoking that assembly, the president usurped people’s Power. Both, the Executive and National Electoral Council (CNE), violated the principle of Participating Democracy, by calling for a rapid election that made obvious the non-separation of Powers. Besides, constituents were granted “plenipotentiary” faculties.

As for freedom of speech, ANC attacked this fundamental right by approving –illegally– an “Act against Hate, for the Pacific Coexistence and Tolerance” (LCO) on November 8, 2017. Even when the only institution authorized to legislate is National Assembly (AN). All the same, the aforementioned Act has been used for 8 months to persecute people who express their uneasiness about the economical situation, or protest before the government’s inefficiency.

Persecution started in January 2018, when the Sixth Court in Control Functions of the state of Carabobo decided detain Erika Palacios and Ronald Sevilla, charged of “incitation”, according to arts. 20 and 21 of LCO. They were arrested when protesting in Naguanagua for



### RÉGIMEN TOTALITARIO

Publicar una caricatura, una crítica o un opinión contraria a lo que al gobierno le parece adecuado, podría derivar en 25 años de cárcel.



Generar miedo en la población y evitar que se hagan públicos pensamientos contrarios al discurso del Estado



El totalitarismo considera legítimo dominar el ámbito privado a través del miedo y la represión



El gobierno pretende censurarnos, frente a la amenaza de ir a la cárcel por opiniones críticas

the crisis in public services; and consequently processed afterwards.

A few days later, on January 16, Wuilis Florentino Rodríguez was dismissed by Metro de Caracas, after writing on his Facebook wall that the salary he earned was not enough to buy a pack of detergent for washing his uniform. President of Metro de Caracas, Major General César Ramón Vega González, said that Rodríguez’s complaint “attempted against the Handbook on Ethics and Good Manners that a public servant must comply with”. Based upon such an argument, and on art. 20 of LOC, he sent a letter to the worker to let him know the dismissal.

The Catholic Church also suffered some attacks under LCO’s premises. President Maduro himself threatened Barquisimeto’s Bishop, because during a homily he deemed political corruption as a “plague”, which took the country down to “moral, economical, and

social ruin”. Only one month later, Ministry of Internal Affairs and Justice summoned Assistant Bishop of Caracas, Tulio Luis Ramírez, and parish priest Miguel Acevedo, charged of “inciting to hate” via sermons critical of the government. In turn, friar Santiago Domínguez was also denounced for “incitation” in Maracaibo, state of Zulia, due to his Sunday homily.

On March 8, two students of University of Los Andes, Jhohann Adolfo Lobo Goyo and Michael Efren Labrador, were charged under arts. 20 and 21 of unconstitutional LCO, after they participated in a TV program of Televisora Andina de Mérida, for demanding from authorities a prompt solution to the transport problem in the city.

LCO, dictated by ANC, is a text characterized by imprecisions and disproportions. It strengthens the official guideline to censor any critical independent expression, under the pretext of seeding “peace”. It is a governmental tool for ruling “order” by means of self-censorship and dis-information. We in Espacio Público will go on rejecting the official words about stability and convivence, to the detriment of the Right to Freedom of Speech.

The aforementioned Act has been used for 8 months to persecute people who express their uneasiness about the economical situation, or protest before the government’s inefficiency

A Little more than one year after Venezuela's National Constituent Assembly (ANC) was installed, it is about time to make an analysis of its performance. Despite the fact that ANC's attributions are clearly determined in our Magna Carta, specifically in Art.347 and clearly determine that those attributions refer just to elaborating a new Constitution -which could be favorably voted or not by the people-; the government has distorted the constitutional text, by conferring ANC an absolute supreme power -"plenipotentiary", according to official speech- to which all the other branches of the Public Power must be subordinated. After recent events, it is evident that ANC is not at all subordinated to the Constitution or any other entity of the Public Power. Therefore, it is not crazy to affirm that, no matter the rhetorical statements framing each one of its acts, ANC is doing on the sidelines of the most elemental legality.

As a consequence, ANC usurps functions and violates basic Human Rights, apart from disrespecting constitutional principles that are still in force, since the 1999 Constitution has not been formally derogated.

The day next to its installation, August 5, 2017, ANC dismissed Attorney General, Luisa Ortega Díaz. That dismissal was a usurpation of functions assigned by the constitution. Later, ANC insisted

on usurping functions, that time by designating Tarek William Saab -former Ombudsman- to substitute her in heading Attorney General's Office.

Contrary to all international rules for creating and implementing Commissions of Truth, on August 8, 2017 ANC appointed a "Commission of Truth, Justice and Peace for Public Tranquility", which started working on August 16. Yet, such organism has had the sole function, of being a tool for consolidating the official speech, and for guaranteeing the impunity of those who imprisoned and harassed thousands of persons -their voices risen against the government- along the nation-wide protests held in 2014. The major gravity of violations against citizens' Human Rights did not mean much to ANC.

On November 8, 2017, ANC issued the so-called "Act against Hate", vexing openly that only the Legislative Power -National Assembly- can legislate, according to our Constitution. This law does not promote "tolerance, recognition of diversity, and mutual respect"; much on the contrary, penalizations are high enough to assure that the opposition and dissidents will be quite hardly punished.

Usurping -once more!- functions that were originally appointed to the National Assembly (Art. 200 of the Magna Carta), ANC has used illegally the formula "disruption of parliamentarian's

immunity" at least in three occasions, against deputies elected by people and in exercise. The legislators affected were: in November 2017, Freddy Guevara, who solicited protection in the Embassy of Chile in Caracas, where he still is; and in August 2018, Juan Requesens -imprisoned- and Julio Borges, presently granted asylum in Colombia.



In addition, ANC usurped functions of the Judicial Power, too, when it disposed that a group of political prisoners had to compromise with the governing body of the organism, in order to be released. Not only such a condition does not appear in any legal rule in force; but also that ANC forced the beneficiaries to accept a periodical presentation regime. Besides all the aforementioned, ANC has dismissed duly elected regional authorities of the Executive Power; has convoked to regional, municipal, and even presidential elections; has justified all governmental abrupts... But it has not undertaken the main duty for which ANC was supposedly intended: the elaboration of a new constitutional text to be submitted to the approbation of the people.

ANC usurped functions of the Judicial Power when it disposed that political prisoners had to compromise with the organism in order to be released, and forced the beneficiaries to accept a periodical presentation

**PROVEA** - [www.derechos.org.ve](http://www.derechos.org.ve)

## The labor movement and the constituent threat



The criminalization of social protest in Venezuela corresponds to a State Policy, executed by the Executive Power, jointly with the Judicial Power and the Citizens Power, with the complicity of the Ombudsman's Office. One year ago, plenipotentiary and fraudulent Constituent National Assembly joined the aforementioned team. Just as the governmental spokesmen affirm: "ANC stopped the protest" that ran through 2017. But, how?

Nicolás Maduro's dictatorship has made efforts to consolidate a sort of "legality", different to our National Constitution; and this has destroyed the very scarce democratic institutionality there was left, the government's goal being extinguishing the State of Rights. ANC became the instrument needed by the rulers to make-up their unconstitutional actions. ANC comes to be a kind of battering ram, with which the government attempts to knock down democratic on Human Rights present in the 1999 Constitution.

In the presence of ANC, a threat of recessions and losses of rights is unrestrainedly foreseen. Norms that violate labor rights –both, individual and collective– could be integrated in a new magna carta, which would be a way to derogate workers' conquests, such as the right to strike, collective

contracts, guild and union freedom and autonomy– all explicitly present in arts. 95, 96 and 97 of the Constitution in force.

Times previous and after the illegitimate election of ANC were abundant in coercion and disrespect of rights of many workers, especially among public employees who refused to accept the electoral fraud. As a form of retaliation, they were objects of labor discrimination for political reasons, which shapes a violation of Convention #111 By OIT... and other international agreements.

The "Act against Hate, for the Pacific Coexistence and Tolerance", approved by fraudulent ANC is a norm that strengthens repression of dissidence, labor associations –guilds, unions, syndicates– included. It is a norm that, like a Damocles' sword, hangs over the heads of those who rise to confront the arbitrariness of Power, to protest violations of Human Rights. It is a norm that aims to submit guilds, unions, syndicates, as well as social and political actors, in fear, self-censorship, and hopelessness.

Nicolás Maduro, as a union leader, uses his experience and power for attacking the workers' movement that questions him, dis-honoring the flags he grasped in the past, in the nineties, when he attended organizations like Provea to denounce employers' harassments in Metro de Caracas. And he found both, protection and guidance! Nowadays, the victims of his constituent dictatorship are who attend NGOs (ONGs) on Human Rights to demand for Justice, to exact a ceasing to the continuous violation of their rights. Those who were pursued yesterday, are the pursuers today... Yes, magnified!

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“Times previous and after the illegitimate election of ANC were abundant in coercion and disrespect of rights of public employees who refused to accept the electoral fraud”



## Transparencia Venezuela - [www.transparencia.org.ve](http://www.transparencia.org.ve)

### 44 acts of Constituents obeyed direct orders by Nicolás Maduro



A year has passed by since the installation of the questioned National Constituent Assembly (ANC) and we, Venezuelans, know practically nothing about the new Constitution, which that power should be writing right now. All we know –public domain!– is the series of excesses the constituents have committed, especially concerning their approval of dispositions that clearly violate the principle of Separation of Powers, just for satisfying the Executive's desires.

Despite art. 347 of the Magna Carta in force, which points at redacting a new Constitution as the principal task of a Constituent Assembly, out from the 90 actions constituents have accomplished in 12 months only 6 relate to the creation of a new constitutional text. Other 26 have to do with administrative matters, and 58 are actions that could be considered as unconstitutional, because they shape a mere backing of the Executive, or usurp attributions and competences of other Powers –namely the National Assembly.

According to records of Transparencia Venezuela, from the aforementioned 58 acts of in its first year, 44 (76%) obeyed a direct instruction of President Nicolás Maduro. From the contents of the decrees –as well as from constituents' declarations to mass media– one can easily conclude that ANC is submitted to the Executive Power, and acts consequently for just pleasing.

Among the 44 acts responding to straight orders by

Nicolás Maduro, those concerning the dismissal of Attorney General, Luisa Ortega Díaz; and the subsequent changes in that institution, definitely stand out. On July 29, 2017 –one day before the election of ANC's members– the national mandatory said that the first objective of the constituents was transforming the district attorney's office, a premise that had assumed a position unfavorable to him. Only seven days later, ANC emitted two decrees, for dismissing the Attorney General, and for “re-structuring” the entity.

On September 7, 2017, the president said that the governors elected in the regional elections had to subordinate to ANC; otherwise, their victories would not be recognized. In October, ANC issued a decree for programming a new electoral process in the state of Zulia, after Juan Pablo Guanipa decided not to be sworn in by ANC, for deeming it as being illegitimate.

Besides all that, Maduro instructed ANC to convoke a presidential electoral process, even out of the lapses legally established. ANC obeyed: Maduro was put on oath for a new presidential period. More recently, on July 26, 2018, the mandatory asked the constituents to debate the Act on Exchange Offences, and he was obeyed, once more: on August 2, this legal instrument was derogated, although such a decision could be taken only by National Assembly.

Summarizing: despite the fact that ANC was proposed as the sole possible solution to the economical, social, and political crisis Venezuela endures, along a whole year that entity has not progressed, neither at writing a new Constitution nor at improving the situation in the country. On the contrary: since August 2017 inflation has accelerated, and it could climb up to 1.000.000% by the end of the year, according to estimations of the International Monetary Fund (FMI). Apart from that, there have been 5.315 social protests all over our country, most of them for the terrible crisis of public services (Data by Observatorio Venezolano de Conflictividad Social).

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“Despite the fact that ANC was proposed as the sole possible solution to the crisis Venezuela endures, the entity has not progressed neither at writing a new Constitution nor at improving the situation in the country”

## Un Mundo Sin Mordaza - [www.sinmordaza.org](http://www.sinmordaza.org)

### Applying an Act against Hate in Venezuela

The law called “Constitutional Act against Hate, for Peaceful Coexistence and Tolerance” must be null and void for being unconstitutional, because of four fundamental reasons: (1) The origin of the law, (2) the usurpation of the legislative functions by the National Constituent Assembly (3) vicious steps taken during the elaboration of the law, and (4) The law’s content.

In regards the origin, it important to point out that this instrument was produced by the National Constituent Assembly (ANC), an unconstitutional political entity, that didn’t follow the ordinary procedure for the constitution of a constituent assembly –explicitly expressed in our Constitution, and previously implemented in 1999-. As a consequence, all acts are not viable null.

About the process of elaboration, this instrument was not produced according to the ordinary procedure for creating and passing bills, as established in our Constitution. This Act against Hate was not debated within ANC. Art. 207 and our constitution clearly establishes that: “Every project is to receive two discussions, in different days, following the rules established in this Constitution and the respective regulations”. Aspects such as motivation, objectives’ evaluation, scope, viability, mechanisms for revision, all of them mentioned by arts. 208 and 209 of our Constitution, were never taken into account. On top of this, the supposedly legal instrument was not consulted with nor considered by citizens and/or organized society, according to the requirement of constitutional art.211. Taking all of this into account, this Act against Hate represent a peril to democratic and republican development in our nation; its gives space to the pursuit of political parties and organizations that promote and defend Human Rights.

It is also possible that the right of Freedom of Association will be eventually harmed, if people are not allowed to gather, unite, and group to form legal organizations, with objectives that may be different or even contrary to those of Nicolás Maduro’s regime. Moreover, it is likely that: this illegal instrument will be arbitrarily setting up conditions to avoid the creation the of such associations (political parties or NGO’s) even if their main concern Human Rights or economy or culture: they would not be “legal”, unless they can serve as alternative expressions to the unilateral thinking of the present regime in Venezuela.

The approval and subsequent application of the Act against Hate may be considered as violations to the very basic principles of Law and of Venezuelan citizens’ most fundamental guarantees. It all figures into a chain of measures and policies the government executes, in order to illicitly control dissident conducts among the population. Also, the Act against Hate includes penalties

up to 20 years, more than the maximum penalty for homicide, according to the Penal Code in force. We ask: is the reputation of a governmental officer more important than the Right to Life? Yet, there is more: the faculty of legislating corresponds to the National Assembly; while establishing penalties and sanctions is considered as a question of juridical reservation –in other words, it

corresponds to the Judiciary-.

Last but not least: additional dispositions contained in this instrument include previous censorship, which frontally vexes art.13 of the American Convention on Human Rights (Pacto de San José), that states: “every person has the right to liberty of thinking and of expression”.



The approval and subsequent application of the Act against Hate may be considered as violations to the very basic principles of Law and of Venezuelan citizens’ most fundamental guarantees



**ASAMBLEA NACIONAL CONSTITUYENTE**

**CONSTITUYENTE DEL PUEBLO SOBERANO**

**ACT. AGAINST HATE**

**Null and unconstitutional for its origin, for the usurpation of Legislative Functions, for vices along the process, and for its contents**

**Is the one that represents major threats to liberties: it censors, criminalizes and penalizes all forms of expression**

**It gives way to persecution of political parties and organizations that defend Human Rights**

**90 ACTS ISSUED: 6 related with the creation of a new Constitution, 26 administrative tramits, and 58 unconstitutional acts to support Executive Power**

**44 ACTINGS OBEY direct instructions of Nicolas Maduro**

**10 passed bills**

**ELECTIONAL CALL** election day and constitution plagued of irregularities

**USURPATION** of functions of Legislative, Judicial and Electoral Powers

**POLITICAL** pressure raised

**A TOOL** of political pursuit against dissidence

**11 electoral decrees**

**ELIMINATION** of Metropolitan City Halls of Caracas and Alto Apure

**PROSECUTION** of Attorney General

**DISMISSAL OF DULY ELECTED** authorities of Regional Executive authorities

**ILLEGITIMATE PRIVATION** of parliamentarians' immunity and request for trial against

**UNKNOWN** advances in the development of a new Constitution

**COMPLEX HUMANITARIAN** Emergency exacerbated

**NATIONAL SANITARY** Authority without competence for developing Public Policies

**UNKNOWN** ANC's period in force

**2017-CP**

## ONE YEAR OF UNCONSTITUTIONALITY AND EXACERBATION OF THE CRISIS