



European Union  
**Election Observation Mission**  
**VENEZUELA 2021**  
**Final Report**



**Regional and municipal elections**  
**21 November 2021**



**VENEZUELA**  
**REGIONAL AND MUNICIPAL ELECTIONS**  
**21 November 2021**

**FINAL REPORT**  
**EUROPEAN UNION ELECTION OBSERVATION MISSION**

**The Election Observation Missions are independent from the institutions of the European Union.**

**The views and opinions expressed in this report are those of the authors and do not necessarily reflect the official policy and position of the European Union.**

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## ACRONYMS

<b>AD</b>	<i>Acción Democrática</i>
<b>ANTV</b>	National Assembly Television
<b>APEX</b>	Foreign journalists' association
<b>APR</b>	<i>Alternativa Popular Revolucionaria</i>
<b>C-169</b>	Indigenous and Tribal Peoples Convention
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CEELA</b>	Council of Election Specialists of Latin America
<b>CEOFANB</b>	Strategic Operational Command of the National Armed Forces
<b>CG</b>	Comptroller General
<b>CNE</b>	National Election Council
<b>COMPA</b>	<i>Compromiso País</i>
<b>CONAPDIS</b>	National Council of Persons with Disabilities
<b>CONATEL</b>	<i>Comisión Nacional de Telecomunicaciones</i>
<b>CONIVE</b>	<i>Consejo Nacional Indio de Venezuela</i>
<b>COPAFI</b>	Political Participation and Financing Commission
<b>COPEI</b>	<i>Comité de Organización Política Electoral Independiente</i>
<b>CORPOELEC</b>	National Electric Corporation
<b>CPE</b>	<i>Comité de Postulaciones Electorales</i>
<b>CRCE</b>	Civil and Electoral Register Commission
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>EU EOM</b>	European Union Election Observation Mission
<b>FIEB</b>	<i>Federación Indígena del Estado Bolívar</i>
<b>GPPSB</b>	<i>Gran Polo Patriótico Simón Bolívar</i>
<b>IACHR</b>	Inter-American Court of Human Rights
<b>IADC</b>	Inter-American Democratic Charter
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights

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<b>JNE</b>	National Election Board
<b>LOPE</b>	Electoral Power Law
<b>LOPRE</b>	Electoral Processes Law
<b>LSTO</b>	Locally-recruited short-term observer
<b>LTO</b>	Long-term observer
<b>MAS</b>	<i>Movimiento al Socialismo</i>
<b>MEP</b>	Member of the European Parliament
<b>MinCi</b>	Ministry of Communication and Information
<b>Movev</b>	<i>Movimiento Ecológico de Venezuela</i>
<b>MPV</b>	<i>Movimiento Progresista de Venezuela</i>
<b>MUD</b>	<i>Mesa de la Unidad Democrática</i>
<b>OEV</b>	<i>Observatorio Electoral Venezolano</i>
<b>OSIBU</b>	<i>Organización Socialista Indígena Bolivariana Unida</i>
<b>PC</b>	Polling Centre
<b>PCV</b>	<i>Partido Comunista de Venezuela</i>
<b>PDVSA</b>	<i>Petróleos de Venezuela Sociedad Anónima</i>
<b>PJ</b>	<i>Primero Justicia</i>
<b>PS</b>	Polling Station
<b>PSUV</b>	<i>Partido Socialista Unido de Venezuela</i>
<b>PUAMA</b>	<i>Pueblos Unidos Multiétnicos del Amazonas</i>
<b>Puente</b>	<i>Partido Unión y Entendimiento</i>
<b>PwD</b>	Person with Disabilities
<b>RGLOPRE</b>	General Regulation on the Electoral Processes Law
<b>RNV</b>	<i>Radio Nacional de Venezuela</i> (Venezuelan state-owned radio)
<b>ROAE</b>	<i>Red de Observación Electoral de la Asociación Civil Asamblea de Educación</i>
<b>SAIME</b>	Administrative Service of Identification, Migration and Foreigners
<b>SiBCI</b>	Bolivarian System of Information and Communication
<b>STO</b>	Short-term observer
<b>TSJ</b>	Supreme Court of Justice
<b>TVFANB</b>	Armed Forces Television

<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNCAC</b>	United Nations Convention against Corruption
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNT</b>	<i>Un Nuevo Tiempo</i>
<b>UPP89</b>	<i>Unidad Política Popular 89</i>
<b>VP</b>	<i>Voluntad Popular</i>
<b>VTV</b>	<i>Venezolana de Televisión</i> (Venezuelan state-owned TV)

## I. EXECUTIVE SUMMARY AND PRIORITY RECOMMENDATIONS

- The European Union deployed an election observation mission (EU EOM) from 14 October to 5 December to observe the regional and municipal elections on 21 November 2021 and assess the extent to which they were administered in compliance with national laws and Venezuela's international commitments for elections. The mission, headed by Chief Observer and Member of the European Parliament Isabel Santos, from Portugal, comprised 134 observers on Election day and was the first ever international mission to cover all 23 states and the capital district of Venezuela. The 21 November elections were the first national elections contested by the majority of the opposition parties since 2015. They were widely seen as a possible first step towards a broad political agreement on the necessary conditions to conduct democratic elections accepted by all parties and to advance the country's re-institutionalisation.
- The EU EOM noted structural shortcomings that should be addressed in future elections, such as the lack of legal certainty, which caused the arbitrary disqualification of candidates and the rerun elections in the State of Barinas; the handing over of party symbols and electoral ticket to internal minority party factions; the extensive use of state resources in the campaign; and the unequal access to the mass media by candidates. The EU EOM also concluded that there were improved electoral conditions compared to past elections, such as a more balanced election administration, the conduct of several audits at different stages of the election process, which had been recommended by the 2006 EU EOM, and a broader update of the voter register.
- The legal framework for elections complies with most basic international election principles. Venezuela has signed and ratified all relevant international and regional treaties on civil and political rights. However, some media laws and especially the lack of judicial independence and non-adherence to the rule of law compromised the level playing field and the fairness and transparency of elections. The Supreme Court of Justice, in highly controversial rulings, handed the control of the party identity and the use of the logos to minority dissenting factions who had claimed them. Furthermore, the arbitrary suspension of opposition candidates' right to stand for elections through an administrative procedure and without notification, put in danger the country's process towards improved electoral conditions initiated with the 21 November regional and municipal elections.
- The current board of the National Election Council (CNE), appointed in May 2021, has been frequently described by EU EOM interlocutors and political commentators as the most balanced in the past 20 years. EU EOM interlocutors considered it as the most important measure to regain confidence in the CNE after the opposition parties did not participate in the three previous national elections since 2015. While the three councillors close to the government were in control of the CNE executive bodies, the board achieved improved conditions in technical components of the elections through internal dialogue, and the two councillors linked to the opposition and civil society did not hide their dissenting votes on issues on which no consensus could be found, such as the disqualification or withdrawal of candidates.
- The CNE implemented most of its activities in an efficient manner and according to the calendar published on 28 June. One of the most important transparency measures implemented by the CNE was the conduct of 16 audits of different stages of the electoral process. A comprehensive audit of the electronic voting system by academic experts

concluded that the system guarantees the integrity of the vote, in spite of the widespread popular belief that the secrecy of the vote is not protected. A mock voting exercise conducted in October 2021 was assessed as successful by domestic observers, who however criticised the concurrent partisan activities, as well as the use of state resources, mostly by the ruling *Partido Socialista Unido de Venezuela* (PSUV). Virtual and in-person polling staff training sessions were superficial and too short. In addition, civic and voter education efforts were insufficient, especially regarding the option to vote for different candidatures across all four elections on 21 November.

- The CNE conducted a voter register update campaign from 1 June to 15 July, over a longer period and with more officials than in past elections. However, the information provided to voters was insufficient and in many cases registration officials displayed a partisan behaviour. Furthermore, according to national observation organisations, 12 per cent of the observed stands were in areas controlled by the ruling party, while 14 per cent were not installed in the officially announced location. The CNE estimates under-registration at around 745,000 persons, but civil society put this figure at two to three million. In addition, almost six million Venezuelans have migrated, according to UNHCR figures based on official data, but there are only 108,000 voters registered abroad.
- The CNE registered 42 national and 64 regional parties to participate in the 21 November elections, along with six national and 24 regional indigenous organisations to participate in the 26 November indigenous elections. Candidate registration comprised three phases, from 9 August to 11 November. Changes made in the last phase, which started on 27 September, were not reflected in the ballot. The possibility of exchanging candidates up to 10 days before Election day benefited political parties but negatively affected the right of voters to cast an informed vote, since changes were not reflected in the ballot.
- The rejection of candidacies through an administrative process, without notification or explicit reasoning, based on decisions seen as politically motivated by the Comptroller General (CG), affected 15 candidates of the *Partido Comunista de Venezuela* and the *Mesa de la Unidad Democrática* candidate Freddy Superlano, who shortly before the CG's decision had been determined by the CNE winner of the governorship of Barinas. These decisions contradicted article 42 of the Constitution, guaranteeing that only a final judgement can suspend the exercise of political rights, as well as international principles for democratic elections.
- The election campaign started well before the official 28 October date, despite the fact that it is prohibited by the General Regulation on the Electoral Processes Law. The campaign was generally calm and peaceful. The ruling party's candidates benefited from a wide network of activists and the extensive use of state resources, including public transportation, and distribution of goods and services. EU EOM observers reported indications of people being pressured or paid to attend party events, while the opposition's freedom of movement was limited by a lack of financial and material resources, including fuel rationing. Access to traditional and social media was also more challenging for opposition parties. The CNE failed to sanction violations of the campaign regulations and the use of state resources, despite the deployment of 2,000 inspectors. The monitoring of the funds of political parties remains a significant lacuna of the Venezuelan electoral system.

- Mass media in Venezuela suffer harsh technical and financial constraints. In addition, some media outlets choose not to provide information to avoid political problems. EU EOM interlocutors reported self-censorship in 21 states, and the change of some media outlets' editorial line as a result of political pressures in 13 states. The state media regulatory agency, CONATEL, can directly sanction media, even withdraw broadcast licenses, without requiring judicial verification of the infraction. EU EOM media monitoring showed that national media had a strong bias in favour of the ruling party, which received the largest share of TV and radio coverage, particularly on the state-owned *Venezolana de Televisión* and *Radio Nacional de Venezuela*. Political advertising complied with the daily limits set by law. No compulsory broadcasts of government messages (*cadena*s) were identified by the EU EOM.
- The importance of Internet as a media channel has increased in Venezuela after the loss of trust in traditional media. Government attempts to influence the online media include the blockage of website, smear campaigns against reporters and propaganda operations. Although the CNE established the obligation to respect the electoral law also online, there were no sanctions for violations or limits on spending on online media. The 2017 Law Against Hatred pushed journalists and candidates to self-censorship online. The government use of public funds to promote its narratives through Twitter has been widely documented. The EU EOM social media monitoring also found that Facebook pages of government officials, including President Maduro, the President of the National Assembly, ministers and several incumbent governors, and to a much lesser extent some officials from the opposition, were used to promote the campaign of party candidates and messages.
- Venezuela's legal framework for elections guarantees equal rights and full political participation for women, indigenous groups and persons with disabilities. Despite that, women face economic and social challenges when running for elections. A CNE directive yielded a 49.44 per cent share of female candidates in the 21 November elections, but women are only 19 and nine per cent of the mayors and governors elected, respectively. As there is no specific register of indigenous voters, the CNE implemented a two-stage election to choose indigenous representatives: one in July and August to choose 4,334 delegates, who then chose indigenous representatives to municipal councils and state legislative councils on 26 November. The indigenous election was criticised as opaque in its procedures and as a second-rate election which did not respect the constitutional rights to a direct, secret suffrage. As for the vote of Persons with Disabilities, the CNE created a dedicated commission to elaborate guidelines and voter education materials, but this did not produce satisfactory results due to a weak communication effort.
- The 2020 CNE regulation for election observation restricts observers' activities by requiring them to have their deployment plans and reports approved in advance by the CNE. The CNE accredited six domestic observer organisations and more than 300 international observers. Domestic observers did not report any limitations regarding freedom of movement or expression as the CNE requirements were not enforced, but on Election day some observers could not access some polling stations in three of the 24 state entities. The CNE and the EU signed an Administrative Arrangement and the CNE passed a resolution to fit the EU observation activities into the existing legal framework. This was criticised by civil society as a double standard for national and international observation.

- Election day was characterised by delays in the opening and closing of polling stations, the absence of the original polling staff selected and trained by the CNE, widespread voter coercion and abuse of assisted voting. Political parties, mostly PSUV, but also opposition parties on a minor scale, set up points to control voter attendance. Election day was generally calm, but overshadowed by violent incidents, especially in Zulia, where one voter was shot down while waiting in line for voting.

The EU EOM 2021 offers 23 recommendations to improve future electoral processes. The seven priority recommendations listed below relate to the main structural deficiencies highlighted by the mission's findings:

- 1. To enhance the separation of powers and the confidence in the independence of the TSJ with the passing of a new Judicial Career Law and a reform of the Organic Law of the Supreme Court of Justice, to align them with the Constitutional safeguards that ensure transparent, non-political and merit-based selection of judges, avoiding the encroachment on the competences of the electoral power.**
- 2. To abolish the Comptroller General prerogative to strip citizens of their fundamental right to stand for election through an administrative procedure and without a timely notification, which negatively impacts on the right to defence.**
- 3. To conduct a voter education campaign that increases confidence in the integrity and secrecy of the electronic voting, and teaches voters how to vote for different political options in simultaneous elections.**
- 4. To strengthen the CNE's sanctioning powers by introducing a system of monitoring and sanctions, ranging from reprimands to the imposition of progressive penalties, especially regarding the use of state resources for campaign purposes.**
- 5. To balance the state-owned media coverage during electoral campaigns, in line with the Organic Law on Electoral Processes and international good practice.**
- 6. To repeal the Law against Hatred, for Peaceful Coexistence and Tolerance in order to promote freedom of expression and avoid self-censorship.**
- 7. To make more efforts to inform citizens about their selection as polling staff in order to increase the presence of trained and accredited polling staff, considering a mix of incentive and sanction measures.**

## II. INTRODUCTION

Upon the invitation of the National Election Council (CNE), the European Union deployed its first election observation mission (EU EOM) to the Bolivarian Republic of Venezuela since 2006 to observe the regional and municipal elections on 21 November 2021. The EU EOM's mandate was to observe all aspects of the electoral process and assess the extent to which the elections complied with national legislation, as well as with Venezuela's regional and international commitments for democratic elections.

The mission, headed by Chief Observer and Member of the European Parliament (MEP) Isabel Santos, from Portugal, was deployed to Venezuela on 14 October and remained until 5 December. The EU EOM comprised a core team of 11 experts who were joined by 44 long-term observers (LTO) on 25 October and 34 short-term observers (STO) on 15 November. For Election day, the mission was reinforced by 35 locally recruited short-term observers (LSTO) from the diplomatic community of EU member states in Caracas, as well as a nine-member delegation of the European Parliament led by MEP Jordi Cañas, from Spain. This brought the total number of observers to 134, representing 22 EU Member States, Norway, and Switzerland, and made the EU EOM the first international mission ever to cover all 23 states and the capital district of Venezuela.

The mission observed the Election day on 21 November as well as the election of indigenous representatives to municipal and state legislative councils on 26 November. The mission left the country on 5 December. The EU EOM was independent in its findings and conclusions and adhered to the Declaration of Principles for International Election Observation endorsed at the United Nations in October 2015.

## III. POLITICAL BACKGROUND

On 13 May 2021, the CNE announced that regional and municipal elections would be held on 21 November 2021. The official call for elections was published on 28 June. On 29 June, the CNE stated that 42 national and 64 regional parties were registered to participate in the elections.<sup>1</sup>

The 21 November elections were viewed as a return of the opposition parties to the electoral route since the 2015 National Assembly elections, when they achieved a qualified majority of seats in the legislative chamber. Since then, the opposition had refused to participate in three consecutive national elections due to a lack of democratic conditions.<sup>2</sup> It was the first time since 2006 that the EU sent an election observation mission to Venezuela.

The political landscape was highly polarised around two fragmented blocks. On the one hand, *Gran Polo Patriótico Simón Bolívar* (GPPSB) was the only coalition on the government side, with nine parties led by the ruling party *Partido Socialista Unido de Venezuela* (PSUV). On the other, there were four nationwide coalitions, including the *Mesa de la Unidad Democrática* (MUD), *Alianza Democrática*, *Coalición Nacional Independiente*, and *Alternativa Popular Revolucionaria* (APR).

The MUD was the only one of the four coalitions with a single ticket and common candidates on the ballot. It comprised the four most renowned opposition parties, known as G4: *Acción Democrática* (AD), *Primero Justicia* (PJ), *Voluntad Popular* (VP), and *Un Nuevo Tiempo* (UNT).

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<sup>1</sup> The CNE published these figures on its website, but never disclosed a complete list of all political parties eligible to participate in the elections. Some of the parties were declared eligible to participate through different CNE resolutions. See Annex II.

<sup>2</sup> The 2017 Constituent Assembly, the 2018 Presidential and the 2020 National Assembly elections.

The latter was the only of them represented on the ballot with its own logo. *Convergencia*, *Comité de Organización Política Electoral Independiente* (COPEI), and *Movimiento Progresista de Venezuela* (MPV) were also part of the MUD. Three of the MUD parties (AD, VP and COPEI) had their official symbols and names withdrawn by the Supreme Court of Justice (TSJ) in 2019 (COPEI) and 2020 (AD and VP). In highly controversial rulings, the TSJ handed the control of the party identity and the use of the logos to minority dissenting factions who had claimed them.

The coalition *Alianza Democrática*, comprising 12 parties, included the intervened AD, COPEI and VP original names and symbols, after being stripped from their legitimate leaders. This may have led to confusion among traditional supporters of these parties. The *Coalición Nacional Independiente* was made up of social and political movements located at the centre and centre-left of the ideological spectrum, such as *Alianza del Lápiz* and *Partido Unión y Entendimiento* (Puente). Former members of the ruling party and the MUD were part of this coalition.

In August 2020, with a view to the parliamentary elections in December 2020, the *Partido Comunista de Venezuela* (PCV) together with factions of other left-wing parties, left the GPPSB. They later formed the coalition *Alternativa Popular Revolucionaria* (APR), identified on the 21 November ballot with the symbol of the PCV. Other parties, such as *Compromiso País* (COMPA), *Unidad Política Popular 89* (UPP89), *Centrados*, *Unión y Progreso*, *Movimiento al Socialismo* (MAS), *Movimiento Ecológico de Venezuela* (Movev), *MIN Unidad* and *Fuerza Vecinal*, among others, ran independently.

The *Mesa de la Unidad Democrática* (MUD), considered the main opposition political alignment, participated in these elections after having opted out of the three previous national elections. On 26 January 2018, a contentious ruling of the TSJ had cancelled the MUD ticket. The readmission of the political entity with its symbol was announced by the CNE on 29 June 2021. The MUD confirmed its participation in the elections on 31 August 2021.

#### IV. IMPLEMENTATION OF PREVIOUS EU EOM RECOMMENDATIONS

The EU EOMs to Venezuela 2005 and 2006 offered, respectively, 21 and 14 recommendations to the Venezuelan authorities aiming at improving future election processes. Only two of these 35 recommendations were fully implemented for the 2021 regional and municipal elections. The first one was the approval of a new Electoral Processes Law (LOPRE 2009) and a General Regulation on the Electoral Processes Law (RGLOPRE 2013). Despite the approval of the RGLOPRE, the CNE still needs to pass a number of specific regulations for each electoral process. The second one recommended to conduct audits at different stages of the election process, from the voter register and the electronic voting system to the configuration of the voting machines. The audits in the context of the 2021 elections assessed the electronic voting system as providing enough guarantees of the integrity and secrecy of the vote and were one of the most important transparency measures of these elections.

The deployment of six domestic observer groups (in spite of formal limitations to their freedom of movement and expression set by a 2020 CNE regulation,<sup>3</sup> which, however, did not have a relevant impact on their activities) as well as the dialogue process with political forces and civil society to increase the trust in the election administration, resulting in the appointment of a new board of

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<sup>3</sup> CNE resolution 201014-044.

CNE councillors in 2021, can be considered at least a partial implementation of recommendations by the 2006 EU EOM.

Many other important recommendations by the 2005 and 2006 EU EOMs were not considered and remain relevant to date, such as the implementation of sanctioning instruments for electoral crimes and infractions, the clarification of the role of CNE coordinators and members of the *Plan República*,<sup>4</sup> the closing of polling stations at 6 p.m. provided that there are no voters queuing, better training for polling staff, the prohibition of the use of state resources, or the limitation of public activities of all public servants and elected officials during election campaigns.

## V. LEGAL FRAMEWORK

### A. International principles and commitments, constitutional human rights and electoral legislation

Venezuela has signed and ratified all relevant international and regional treaties on civil and political rights,<sup>5</sup> which according to article 23 of the Constitution of the Bolivarian Republic of Venezuela are directly applicable as national legislation. However, on 10 November 2012 Venezuela became the first state to denounce the American Convention on Human Rights and left the jurisdiction of the Inter-American Court of Human Rights (IACHR) in 2013.<sup>6</sup>

The Venezuelan legal electoral framework, including the 1999 Constitution of the Bolivarian Republic of Venezuela, the 2002 Electoral Power Law (LOPE), the 2009 Electoral Processes Law (LOPRE), and the 2013 General Regulation on the Electoral Processes Law (RGLOPRE), complies with most basic international election principles. However, some laws (including the 2010 Organic Law of the Comptroller General, the 2010 Law on Social Responsibility in Radio, Television and Electronic Media, and the 2017 Law against Hatred) and especially the lack of judicial independence and non-adherence to the rule of law, unfavourably affected the level playing field and the fairness and transparency of the elections. Furthermore, according to the NGO *Foro Penal*, as of October 2021, there were 243 political prisoners in Venezuela.<sup>7</sup>

Professional legal reviews<sup>8</sup> and most EU EOM interlocutors criticised the lack of independence of the Supreme Court of Justice (TSJ) and its politically motivated decisions. According to the report of the UN-mandated Independent International Fact-Finding Mission, the main problems of the judicial power are the “political interference in the selection of Supreme Court justices” and that legal and administrative reforms have contributed to the “deterioration of judicial system independence”. Widely criticised TSJ decisions include the arbitrary intervention on major opposition parties by replacing their executive committees and handing over their electoral tickets to internal rival factions. In the context of the 21 November elections, the TSJ took decisions that

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<sup>4</sup> Deployment mechanism of the National Bolivarian Armed Forces (FANB) to provide security during the elections.

<sup>5</sup> Including the International Covenant on Civil and Political Rights (ICCPR) and its optional protocols, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its optional protocol, and the Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries (ILO Convention 169).

<sup>6</sup> In 2019, the National Assembly elected in 2015 re-ratified the convention with retroactive effects from 2013, which created a legal loophole as to Venezuela’s IACHR status. The Inter-American Commission on Human Rights continues to monitor the country under the auspices of the American Declaration of the Rights and Duties of Man, as this is not subject to states’ ratification.

<sup>7</sup> Foro Penal, *Reporte Sobre La Represión En Venezuela*. October 2021. See at <https://foropenal.com/reportesobre-la-represion-en-venezuela-octubre-2021/>.

<sup>8</sup> Including the UN-mandated Independent International Fact-Finding Mission, the United Nations Human Rights Office of the High Commissioner, the Inter-American Commission on Human Rights, and the International Criminal Court.

do not belong to the judiciary but to the electoral power, such as setting the date for the re-run of the gubernatorial elections in Barinas on 9 January 2022.

**Recommendation:** *To enhance the separation of powers and the confidence in the independence of the TSJ with the passing of a new Judicial Career Law and a reform of the Organic Law of the Supreme Court of Justice, to align them with the Constitutional safeguards that ensure transparent, non-political and merit-based selection of judges, avoiding the encroachment on the competences of the electoral power.*<sup>9</sup>

Article 105 of the Organic Law of the Comptroller General (CG) authorises the CG to strip citizens of their right to stand for elections through an administrative procedure. The suspension of political rights by such means, and the fact that appeals have no suspensive effect, contradict international principles and article 42 of the Constitution, which guarantees that only a final judgement can suspend the exercise of political rights, as was pointed out in several resolutions of the Inter-American Court of Human Rights. In addition, article 113 of the Regulation of the Organic Law of the Comptroller General establishes the obligation to duly notify CG decisions to the interested person and to publish them in the Official Gazette.

In these elections, the suspension of candidates' right to stand mainly affected the *Partido Comunista de Venezuela* (PCV) and other dissident parties of the ruling coalition.<sup>10</sup> However, the most notorious disqualification case affected the MUD candidate for the governorship of Barinas, Freddy Superlano, whose proclamation as winner of the election by the CNE was suspended on 29 November by the TSJ, based on an alleged resolution of the CG to disqualify him. Mr Superlano had not been notified of his disqualification before Election day, and the CG resolution had never been published in the Official Gazette nor notified to the CNE (see section VIII. *Registration of Political Parties and Candidates*).

After the 2017 regional elections, President Maduro's government used the position of "protector", which has no legal basis, to strip elected opposition governors from their powers and transfer them to representatives of the national government.<sup>11</sup> In a similar development, in the aftermath of the 2021 regional and municipal elections, the Official Gazette published a government resolution transferring to the Ministry of the Popular Power the administration of several infrastructures of the state of Zulia, where the opposition had won the governorship, such as the management of the regional airports, bridges and road tolls.

## **B. Election System and Constituency Delimitation**

The electoral system used in Venezuela is a mixed member proportional system. The rationale for using this kind of system, as set forth in the Constitution, is to allow for both the personalisation of the vote and proportional representation.

In the 2021 elections, voters elected governors and mayors by simple majority in uninominal constituencies. As for the state legislative and municipal councils, 40 per cent of the seats were elected by simple majority in nominal lists, and 60 per cent by proportional representation (D'Hondt method) in party lists. This system generally favours large parties, especially in the smallest state and municipal constituencies.

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<sup>9</sup> Articles 263 and 264 of the Constitution provide that TSJ judges must be elected through a public and merit-based procedure and serve for a single 12-year term.

<sup>10</sup> Out of the 27 candidates disqualified by the CG, 15 belonged to the PCV.

<sup>11</sup> In 2017, Maduro appointed protectors in the five states where the opposition had won the governorship: Anzoátegui, Mérida, Nueva Esparta, Táchira and Zulia.

## VI. ELECTION ADMINISTRATION

### A. Structure and Composition of the Election Administration

The 1999 Constitution establishes five independent state branches: legislative, executive, judicial, civil and electoral. The electoral branch belongs to the National Election Council (CNE), a permanent institution with budgetary autonomy. The CNE's wide-ranging competences include the organisation and conduct of all kinds of elections,<sup>12</sup> the regulation of election laws, the administration of the voter register and the register of political parties. The Constitution establishes that the electoral branch shall be governed by the principles of impartiality, citizen participation, decentralisation, and transparency.<sup>13</sup>

A board of five councillors and ten deputies, appointed for a seven-year term, governs the CNE. The current board was appointed in May 2021. Initially, an Electoral Nominations Committee<sup>14</sup> was established to select the candidates for CNE councillors. Of the more than 100 original candidatures, 75 candidates passed the first eligibility screening. After negotiations between the political forces and civil society, a consensus was reached and a list of 15 eligible candidates was submitted to the National Assembly, which appointed the new councillors on 5 May.

According to the law, councillors cannot have links to any political party.<sup>15</sup> Three members of the current board are considered close to the ruling party PSUV. Of the two remaining ones, one is linked to the opposition, and the other was nominated by civil society organisations. The councillors not linked to the government often joined the majority to take unanimous decisions, but also voiced their dissenting views on crucial issues such as the disqualification or withdrawal of candidates. EU EOM interlocutors described this board as the most balanced in the last 20 years. Many saw its appointment as the most important measure to re-establish confidence in the CNE after opposition parties did not participate in the three previous national elections.

The CNE has three subordinate bodies: the National Election Board (JNE), in charge of most voting operations, the Civil and Electoral Register Commission (CRCE), responsible for the administration of the civil and electoral registers, and the Political Participation and Financing Commission (COPAFI), responsible for the registration of parties and monitoring of their finances. According to some interlocutors, certain areas of responsibility and funds were de facto shifted between these three bodies in this electoral process. This left the JNE, dominated by councillors close to the government, with increased control over COPAFI.

In addition to the permanent bodies, the CNE creates temporary boards subordinate to the JNE during electoral processes. On 7 July, the CNE selected the members of regional, municipal, and parish boards<sup>16</sup> as well as polling stations through a public draw. The CNE selected 16 members for each board and 30 members for each polling station, including substitute and reserve members. Over 900,000 citizens were thus selected to participate in these elections.<sup>17</sup> The CNE published the

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<sup>12</sup> For example, elections within political parties, unions, universities or civil society organisations (the latter at their request or by order of the Electoral Chamber of the Supreme Court of Justice).

<sup>13</sup> Constitution, articles 292-294.

<sup>14</sup> This committee (CPE - *Comité de Postulaciones Electorales*) comprised 21 members, 11 deputies of the National Assembly and 10 representatives nominated by universities and civil society organisations.

<sup>15</sup> Constitution, article 296; LOPE, article 9.

<sup>16</sup> Parish boards are provided for in the law, but their actual installation depends on the decision of the respective regional or municipal board. For these elections, only five parish boards were set up, all of them in the state of La Guaira (which has only one municipality, but a geographical spread that required the establishment of parish boards).

<sup>17</sup> In this initial draw, the CNE selected 384 members of the 24 regional boards, 5,360 members of the 335 municipal boards, 1,136 members of 71 parish boards and 895,500 members of 29,850 polling stations. After the final number of 30,106 polling stations was established, the CNE selected additional polling staff on 27 October.

list of selected citizens on 13 July<sup>18</sup> and sent a text message to all Venezuelan mobile phone numbers inviting citizens to check whether they had been selected. The law establishes fines for selected citizens who do not fulfil their duty, but such fines have never been implemented.

In practice, the CNE had to replace many members of regional and municipal boards who did not show up. In the past, these positions were filled by affiliates or sympathisers of the PSUV. This time around, CNE councillors agreed to replace missing board members in a more balanced way, allowing both the ruling party and the opposition to nominate substitutes. The CNE reported the replacement of 45 per cent of members of regional boards and 46 per cent of members of municipal boards. In the assessment of EU EOM observers, regional and municipal boards lacked autonomy and depended on CNE staff in their daily operations, which undermines the Constitutional principle of citizen participation in lower-level election boards. Due to the digitalisation and centralisation of many aspects of the electoral process, the responsibilities of boards were reduced. For example, regional and municipal boards had no information on the number of trained polling staff in their respective area.

***Recommendation:*** *To clearly define the responsibilities of regional and municipal boards and strengthen their autonomy.*

While the CNE complied with all the EU EOM analysts' meeting requests, the established protocol of channelling all information requests through one focal point made access to information cumbersome. The CNE's board of councillors' meetings were not open to observers, and neither the agenda nor the decisions taken were published, limiting the transparency of the CNE's activities. The CNE website was not clearly structured and often unavailable, making it difficult to access information. In addition, relevant information like CNE resolutions were often not published on the website until several days after their adoption. EU observers established satisfactory working relations with local CNE offices and had no limitations regarding access to information during the first weeks of their deployment. However, this situation deteriorated in the days leading up to Election day.

***Recommendation:*** *To publish all relevant information in a clear and timely manner to comply with the CNE's legal provision of transparency.*

## **B. Administration of the Elections**

The CNE published the electoral calendar on 28 June, together with the call for elections,<sup>19</sup> and implemented most of its activities accordingly and in an efficient manner. While many actors welcomed this timely publication, critical voices pointed out that the calendar included several activities that had started or even ended before the calendar was published (e.g. the update of the voter register or the deadline for political parties to designate authorised persons to hire campaign advertising). On 2 September, the CNE published an updated calendar, including extensions for candidate registration (see section VIII. *Registration of Candidates*). The CNE election calendar included 16 audits of different stages of the electoral process, from the voter register and the electronic voting system to the configuration of the voting machines. Representatives of political parties as well as domestic observers were present in most of these audits, which constituted an important transparency measure.

A mock exercise took place on 10 October in 446 voting centres with 1,386 polling stations across the country. In addition to a simulation of the voting procedures, the biometric voter authentication

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<sup>18</sup> CNE resolution 210709-0040.

<sup>19</sup> CNE resolution 210623-0030. The resolution was adopted on 23 June but published only on 28 June.

system was tested in polling stations in five state entities.<sup>20</sup> The CNE qualified the mock exercise as successful and emphasised the good logistical coordination among the various actors that made up the National Logistical Committee.<sup>21</sup> While highlighting the high voter participation, domestic observers criticised the massive presence of campaign activities from both the ruling party and the opposition, and the use of state resources by PSUV activists, such as public buses to transport voters and the distribution of government food packages (*bolsas CLAP*).

Many electoral operations in Venezuela are digitalised, from the registration of voters and candidates to polling and results transmission. The CNE explained that, due to the pandemic, they reinforced digital solutions for polling staff training and the registration of party agents. The high level of digitalisation of most aspects of the electoral process simplifies some procedures and prevents possible partisan obstructions at regional and municipal level. At the same time, the centralised control of these processes and the fact that local CNE offices and regional and municipal boards do not have access to the digital systems, made the whole process less transparent and disconnected the local level from the election preparations.

The electronic voting machines used in these elections were purchased in 2020 and used for the first time in the 2020 National Assembly elections. The voting machines are activated when a connected biometric device identifies a voter. The machines have a touch screen and produce a paper receipt that the voter deposits in a ballot box. Once voting is finished, a certain number of polling stations are randomly selected for a recount of receipts to verify that the result matches the one produced by the voting machine.<sup>22</sup> Results are transmitted directly from the voting machines to national tabulation centres. If the electronic transmission fails, the voting machine's flash memory can be inserted into another machine to transmit data from the same polling centre or the nearest contingency centre.

Academic experts from Venezuelan universities conducted a comprehensive audit of the electronic voting system in June and July 2021. These experts were chosen by consensus by the different currents of opinion in the CNE, due to their recognised professionalism and proven expertise in their fields. The audit included the configuration of the voting machines, the tabulation system, the hardware and the biometric voter identification device, and the fingerprint database. The experts' overall assessment was positive, and their final public report stated that the system presented sufficient guarantees to protect the integrity of the vote. While most political party and civil society interlocutors expressed confidence in the voting system, they also reported a widespread popular belief that the system does not protect the secrecy of the vote and that the authorities can verify voters' choices.

***Recommendation:*** *To conduct a voter education campaign that increases confidence in the integrity and secrecy of electronic voting, and teaches voters how to vote for different political options in simultaneous elections.*

Polling staff training took place primarily through online training sessions. In areas with poor internet coverage, the CNE organised in-person training sessions. By 18 November, the CNE had trained over 90,318 polling station members, the required number to staff the 30,106 polling stations. Up to 50,756 polling station members who had been selected by public draw received

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<sup>20</sup> Capital District, La Guaira, Miranda, Nueva Esparta and Yaracuy.

<sup>21</sup> For these elections, the committee (*Comité Logístico Nacional*) was set up on 24 May, and included the Strategic Operational Command of the National Armed Forces (CEOFANB), fire brigades and civil protection, the National Electric Corporation (CORPOELEC), the Administrative Service of Identification, Migration and Foreigners (SAIME), the state-owned oil company PDVSA, the telecommunication providers Movilnet and Cantv, among others.

<sup>22</sup> See note 94, section XVIII. *Polling, Counting and Tabulation of Results*.

training and 43,516 members participated voluntarily in training sessions. The virtual and in-person training sessions remained generally superficial and were too short to adequately prepare polling staff to take informed decisions on Election day.

The deployment of voting machines and election material to the states began on 27 October and was implemented according to schedule. In addition to the 30,106 voting machines (one for each polling station), the CNE deployed 3,080 contingency voting machines and established 901 contingency transmission centres across the country. Under the safeguard of *Plan República*, the voting machines and other material were first deployed to the 23 states, stored in military bases, and then distributed to polling stations on 16 and 17 November.

On 19 November, the voting machines were set up in the polling stations. The EU EOM observed this process in 38 polling stations in 22 state entities. The CNE coordinators together with party agents, who stood in as polling staff, led the process. EU observers witnessed technical issues with just one voting machine. These were solved after a call to the CNE support centre. EU observers qualified the process as good or very good in 31 out of 38 stations. According to the CNE, 99 per cent of voting machines were set up at the end of the day.

## VII. VOTER REGISTRATION

### A. The Right to Vote

The Constitution grants the right to vote to all citizens who are eighteen years old on Election day and who are not subject to political disqualification. Citizens may be stripped from their political rights based on a final court sentence.<sup>23</sup> In regional and municipal elections, foreigners who have resided in the country for more than ten years also have the right to vote.<sup>24</sup>

For these elections, the voter register contained 21,267,813 voters, a 0.5 per cent increase since the 2020 elections. Of these, 21,159,846 were eligible to vote, including 229,859 foreigners residing in Venezuela, but not the Venezuelans abroad.<sup>25</sup>

According to the Venezuelan Observatory of Prisons, 58,190 persons in detention had the right to vote in these elections. The CNE installed 30 polling stations in 21 penitentiary centres, where a total of 18,786 voters were registered. There were, however, significantly more enfranchised persons in detention facilities, most of them with pending court cases. Gaps in data transmission from the detention centres to the CNE and the lack of identity documents impacted negatively on the right to vote for prisoners. Civil society representatives expressed concern about the free exercise of prisoners' right to vote due to the control exercised over them by some inmates.

***Recommendation:*** *To facilitate the access to the right to vote for persons in detention entitled to exercise their franchise.*

### B. Voter Registration Procedures

The CNE's Civil and Electoral Register Commission (CRCE) administers the permanent voter register. The register contains personal data including name and surname, ID number, date of birth, nationality, sex, address, assigned polling station, disability status, literacy status, and fingerprints.

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<sup>23</sup> Constitution, article 42.

<sup>24</sup> Constitution, article 64; LOPRE, article 41.

<sup>25</sup> See tables 1 and 2 in Annex II.

According to the CNE, the voter register contains the fingerprints of 96 per cent of registered voters. The last comprehensive audit of the register dates back to 2005.

According to the LOPRE, the voter register is continuous, and voters may register or update their data at any time.<sup>26</sup> In practice, however, this option is limited outside election periods, as updates can only be made in the CNE offices in state capitals. From 1 June to 15 July, the CNE conducted a voter register update campaign. The CNE deployed one thousand biometric devices throughout the country to allow voters to register or update their data. Domestic observers stated that, while the CNE deployed more officials over a longer period than in past elections, the information provided to voters was insufficient, and in many cases, these officials displayed partisan behaviour. Also, according to domestic observers, 12 per cent of the observed stands were set up in government buildings or areas controlled by the ruling party,<sup>27</sup> while 14 per cent of the stands were not installed in the officially announced location.<sup>28</sup>

***Recommendation:*** *To provide more options for voters, including Venezuelans living abroad, to update their information outside of election periods, in order to improve the accuracy of the voter register and better gauge voter turnout rates.*

At the end of the voter register update campaign, the CNE counted 1,612,446 update requests, including 394,242 registrations of new voters, 186,845 removals of deceased voters, and 1,024,367 relocations. This led to a preliminary voter register of 21,160,912 voters, which was published by the CNE on 25 July,<sup>29</sup> followed by two weeks for amendments. On 3 and 4 August, the CNE conducted an audit of the voter register update with the participation of 29 political parties. The relocation movements were audited based on an origin-destination matrix for all municipalities in the country. As a result, six per cent of the requested relocations were cancelled due to irregularities such as non-matching of fingerprints or atypical voter increases in certain municipalities. The audit also showed that duplicate entries in the voter register were extremely rare (less than 0.002 per cent) and mostly linked to cases of foreign citizens who acquired Venezuelan citizenship. The final voter register was published on 26 August.<sup>30</sup>

While the CNE estimated under-registration at less than 3.4 per cent of all eligible citizens (about 745,000 persons), civil society organisations considered this figure to be much higher (two to three million). Almost six million Venezuelans have migrated,<sup>31</sup> but the voter register contains only 107,967 voters registered abroad. While there is no out-of-country voting in regional and municipal elections, such a number of migrants distorts turnout percentages.

An overseas voter registration effort would entail overcoming several challenges, such as the need to negotiate with other countries the register operation, the eventual reluctance of some Venezuelans to register, and perhaps the necessity to make the requirements for registration more flexible, admitting not only legal residence permits, Venezuelan identity cards and passports, but also work, study or business visas.

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<sup>26</sup> LOPRE, article 28.

<sup>27</sup> Súmate: *Informe Preliminar Observación de la Jornada de Inscripción y Actualización del Registro Electoral*.

<sup>28</sup> Red Electoral Ciudadana: *Registro Electoral. Oportunidad ciudadana de decidir*.

<sup>29</sup> CNE resolution 210725-042.

<sup>30</sup> CNE resolution 210826-0063.

<sup>31</sup> UN Refugee Agency: <https://www.unhcr.org/venezuela-emergency.html>. Out of the almost 6 million Venezuelan migrants, 2.6 million have legal resident status. According to article 26 of the RGLOPRE, legal residents can update their data through diplomatic representations in the country of residence to exercise the right to vote in national elections.

The legal framework establishes that candidates must reside in the municipality or state in which they run.<sup>32</sup> To comply with this provision, the CNE decided to assign registered candidates to polling centres in the area where they were running, if this was not the case. Consequently, about 12,000 candidates were reassigned. As several political parties had arbitrarily pre-registered people for the different races to book the electoral ticket and buy time to decide on the final candidates, many of these involuntary pre-candidates found out only days before or even on Election day that they had been moved to a different and sometimes distant polling centre. The EU EOM received such reports in 13 states.

## VIII. REGISTRATION OF CANDIDATES

### A. Registration of Political Parties

The CNE's Political Participation and Financing Commission (COPAFI) is responsible for the registration of political parties. On 29 June, the CNE stated that 42 national and 64 regional parties were registered to participate in the elections.<sup>33</sup> In addition, six national and 24 regional indigenous organisations were eligible to participate in the indigenous elections on 26 November.

### B. Registration of Candidates

The election calendar established three phases for candidate registration, which was managed via an online platform managed by the CNE. In phase I (9 to 29 August), political parties' delegates could register candidates for the different offices. In phase II (8 to 22 September), delegates could correct registration data and replace candidates. Phase III began on 27 September. It lasted until 22 October for changes to party lists and until 11 November for nominal lists. The ballot did not reflect changes made in this last phase for technical and logistical reasons, as the configuration of the voting machines began in October, before their deployment to the states starting 27 October.

After the CNE granted three extensions at the parties' request, phase I ended on 4 September. The extension allowed to increase the number of registered candidates from 19,428 to 70,244.<sup>34</sup> In phase III of the registration process, the CNE received 3,151 modification requests for nominal lists. On 13 November, the CNE declared to have processed 612 modifications, 530 new registrations and 58 withdrawals.

Voters could look up the list of approved candidates at a dedicated CNE website and at local CNE offices. However, the CNE did not disclose the initial registration requests. While most interlocutors welcomed the extension of the registration phase which increased political participation, others criticised the lack of transparency regarding rejected candidates.

In the last phase of the registration process, candidates could withdraw their candidature. Some candidates from the opposition used this to achieve a unified opposition candidature. On 11 November, the MUD candidate for governor for the state of Miranda withdrew his candidature and called for support for the *Fuerza Vecinal* candidate. In a controversial decision, the CNE rejected the request to replace the MUD candidate based on the expiration of the deadline,<sup>35</sup> leading to the nullification of votes cast for him. The possibility of exchanging candidates up to 10 days before Election day benefits political parties, but negatively affects the right of voters to make an informed decision.

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<sup>32</sup> RGLOPRE, article 113; Organic Law on Public Municipal Power, articles 85 and 93.

<sup>33</sup> See note 1.

<sup>34</sup> 329 candidates for governor, 4,462 candidates for mayor, and 65,453 candidates for municipal and state legislative councils.

<sup>35</sup> The decision was controversial due to different interpretations of the relevant legislation (LOPRE, articles 62-63; RGLOPRE, articles 162-163).

**Recommendation:** *To change the deadlines for political parties to replace candidates so that they end earlier before Election day and the name of the final candidates effectively appears on the ballot, with a view to guaranteeing voters' right to an informed choice.*

In the run-up to the elections, the CNE rejected 27 candidacies based on political disqualification by the Comptroller General (CG) through an administrative procedure. This suspension of candidates' right to stand affected mainly dissident parties of the ruling coalition, including 15 candidates of the *Partido Comunista de Venezuela* (PCV). The PCV claimed that the disqualifications were not preceded by any investigation or legal decision. This procedure contradicts article 42 of the Constitution, which guarantees that only a final judgement can suspend the exercise of political rights (see section V. *Legal Framework*).

After Election day, four more candidates were disqualified. On 29 November, the Supreme Court of Justice (TSJ) ordered the CNE to stop tabulating the results of the Barinas governor election because the winner, MUD candidate Freddy Superlano, was allegedly disqualified from holding any public office under a CG decision from 17 August 2021.<sup>36</sup> CNE councillor Roberto Picón later declared that the CNE had not been informed by the CG about this disqualification prior to Election day. After the TSJ ordered to repeat the Barinas governor election,<sup>37</sup> the MUD publicly announced the nomination of Aurora Silva de Superlano, wife of Freddy Superlano, as candidate for governor. However, when they tried to register her on the corresponding platform, they found out that she was also disqualified. The MUD's chosen replacement for her, Julio César Reyes, was also disqualified. In addition, the PCV candidate for governor of Barinas was disqualified by the CNE on 7 December, even though he had previously been registered successfully as candidate for the 21 November elections.

**Recommendation:** *To abolish the Comptroller General prerogative to strip citizens of their fundamental right to stand for election through an administrative procedure and without a timely notification, which negatively impacts on the right to defence.*

Some of the disqualified candidates did not receive an official notification from the CNE but found out about their rejection informally, sometimes through the mass media.<sup>38</sup> Also, there were reports about candidates who were not aware that their substitution or withdrawal requests had not been accepted by the CNE.<sup>39</sup>

**Recommendation:** *To notify candidates about the outcome of their requests and disclose information regarding candidate registration, substitution, withdrawal or dismissal, to increase transparency.*

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<sup>36</sup> TSJ ruling 78-2021.

<sup>37</sup> TSJ ruling 79-2021.

<sup>38</sup> Such cases, affecting mostly mayoral candidates, were reported in the following states: Anzoátegui (two PCV candidates), Lara (several *Alianza Lápiz* candidates), Miranda (one PCV candidate), Monagas (two COMPA candidates), Nueva Esparta (one PSUV candidate), Portuguesa (four UPP89 candidates), Sucre (two PSUV and one MUD candidate), and in the Capital District (one PCV candidate). In some cases, the lack of notification resulted in the party missing the deadline to replace the disqualified candidate.

<sup>39</sup> Such cases were reported in the state of Guárico (*Movimiento Republicano* candidates) and Sucre (one *MAS*, one *Movimiento Republicano*, and one *Alianza Lápiz* candidate). In Mérida (Tovar municipality), the replacement of the *Alianza Democrática* mayoral candidate by the MUD candidate was not processed. In Miranda, all the votes cast for the disqualified PCV candidate, who still appeared on the ballot despite having presented a substitute, were considered null. A similar case occurred in Sucre, also affecting a PCV candidate. In Lara (Palavecino municipality), the last-minute alliance between *Fuerza Vecinal* and *Alianza Democrática* candidates was not considered, resulting in a split vote between the two parties. A similar situation occurred in Táchira (Jáuregui municipality), where the withdrawal of one candidate of the MUD in favour of another was not processed in time by the CNE.

## IX. CAMPAIGN ENVIRONMENT

### A. The Election Campaign

The legal framework regulating the election campaign in Venezuela is three-tiered: besides the Constitution, there are three election related laws and an extensive regulation of the Electoral Processes Law.<sup>40</sup> In addition, the CNE approved on 18 October a set of specific provisions on election campaign and advertising for the 2021 regional and municipal elections.<sup>41</sup>

The electoral campaign started at full speed and kept gaining momentum in the following weeks. In fact, campaign activities began well before the official 28 October campaign start. According to domestic observers and several political party leaders, the voter registration drive in June and July and the 10 October mock exercise were used for partisan activities by the government as well as by major opposition parties. There were also reports of government propaganda at non-election related public events such as the vaccination effort. Election propaganda and campaigning are prohibited outside the official campaign period established by the CNE.<sup>42</sup> However, the pre-campaign period is unregulated. The campaign period ended on 18 November.

The EU EOM attended a total of 134 campaign events in 22 states and the Capital District, including 49 of PSUV/GPPSB and 85 of opposition parties. In general, the electoral environment was calm and peaceful, with no violent incidents or highly tense situations reported. The most common campaign activities of the opposition were marches, door-to-door meetings and small neighbourhood sit-ins, due to their lack of funds. Meanwhile, a well-resourced PSUV was able to organise large-scale rallies. PSUV candidates could count on a wide network of activists to mobilise voters within the communities, as well as the machinery of state infrastructure, in violation of the law. This trend was clearly observed nationwide: while the average estimated participation at PSUV events observed by the EU EOM was 1,600, that of opposition parties' campaign events was only 335.

EU EOM observers reported the misuse of state resources in 38.8 per cent of PSUV campaign events. Such uses, including buses to transport supporters and public servants, in some cases under pressure, were widespread throughout the country. The government applied mechanisms of social control through the distribution of goods and services such as vaccines, government food packages (*bolsas CLAP*), gas cylinders, power generators, water pumps and school kits, to oblige voters to participate in their activities and later to vote in favour of the ruling party. EU observers reported indications of people being pressured or paid to attend the ruling party's campaign events in some 20 per cent of the observed campaign events.

Meanwhile, the opposition parties were limited in their campaign by a lack of resources, both financial and material. In several states, fuel rationing was used by state authorities to physically limit opposition parties' mobility, thus curtailing their freedom of movement and keeping their campaign activities to a minimum. The use of state resources was reported in two of the 85 opposition campaign events observed. Although the RGLOPRE prohibits public officials from using their position and the resources of the public patrimony under their administration for campaign purposes, the CNE did not launch any proceedings for misuse of public funds.

<sup>40</sup> LOPE, LOPRE, Political Parties and Public Meetings Law (*Ley de Partidos Políticos, Reuniones Públicas y Manifestaciones*), and RGLOPRE.

<sup>41</sup> CNE resolution 211018-0083 (*Normativa Específica sobre Campaña y Propaganda Electoral para las Elecciones Regionales y Municipales*).

<sup>42</sup> RGLOPRE, article 204.

The election campaign events were centred around candidates running for governor and mayor. Candidates to state legislative and municipal councils were very rarely involved and remained largely unknown to voters. Most of the minor parties had no visible campaign activities. The campaign messages focused on local development, public services and utilities supply, and in the case of the ruling party, “the continuation of the revolution”. Opposition parties focused on similar issues, the main message being simply “change”, and in several cases promoting voting as opposed to abstentionism.

The participation of women in the campaign seems to have been more incidental than politically relevant. While women were reported to participate actively in 42.8 per cent of campaign events, only 12.7 per cent of those events included messages specifically targeting women. This trend was even more evident regarding persons with disabilities (PwD), who represent more than two per cent of the electorate: while most events (73.1 per cent) were deemed accessible to PwD, no messaging specific to this group was observed at any event.

Freedom of assembly was generally respected. The freedom of movement, though not formally obstructed, was limited in several cases by the unequal access to fuel and other resources. This imbalance was also manifested in access to traditional and social media; some independent and opposition-leaning news outlets had severely limited accessibility in many states (see section X. *Media*), and the generally poor internet access curbed the outreach capabilities of candidates on social media, especially outside urban areas.

## **B. Campaign Oversight**

The Constitution and the LOPE establish the CNE’s power to adopt campaign regulations and to impose sanctions for non-compliance with these regulations.<sup>43</sup> Electoral infractions and the corresponding administrative sanctions are set out in some more detail in the LOPRE and the RGLOPRE.<sup>44</sup> Accordingly, electoral infractions include obstruction of electoral processes, destruction of campaign material or violations of campaign regulations by the media. The LOPRE also establishes 17 categories of prohibited campaigning, such as the use of images of children or national symbols, or the promotion of discriminatory gender stereotypes.<sup>45</sup> In addition, the RGLOPRE prohibits the use of public infrastructure for campaign purposes and the participation of public officials in campaigning.<sup>46</sup> Administrative sanctions provided for in the LOPRE are insignificant. The fines start from 15 to 50 tax units<sup>47</sup> for destroying campaign material or posting campaign materials where it is prohibited, from 20 to 60 tax units for obstructing the electoral process or campaign, and from 5,000 to 7,000 tax units for violating the campaign silence or disseminating results before the official publication by the CNE.

In practice, the CNE failed to sanction violations of the campaign regulations and the use of state resources. Based on the media monitoring conducted by the CNE Directorate General Information and Communication, the CNE issued 16 notifications to candidates, parties, and media outlets for violations of the campaign regulations. In nine cases, the CNE initiated administrative proceedings and took precautionary measures by suspending the broadcast of the advertisements in question.<sup>48</sup> To date, no information is available on the outcome of the proceedings.

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<sup>43</sup> Constitution, article 293; LOPE, article 33.

<sup>44</sup> LOPRE, articles 200-233; RGLOPRE, articles 235-249, 280-288.

<sup>45</sup> LOPRE, article 75.

<sup>46</sup> RGLOPRE, articles 221-223.

<sup>47</sup> In December 2021, one tax unit corresponded to 0.02 Venezuelan *bolívares*, about 0.004 €.

<sup>48</sup> Three proceedings were opened against two political parties (Unidad Popular Venezolana and two times MUD) and against six candidates. The violations were related to LOPRE, article 75, RGLOPRE, article 204 and 221, and the specific campaign regulation for the 2021 regional and municipal elections.

**Recommendation:** *To strengthen the CNE's sanctioning powers by introducing a system of monitoring and sanctions, ranging from reprimands to the imposition of progressive penalties, especially regarding the use of state resources for campaign purposes.*

The CNE hired and trained 2,000 inspectors to monitor and document violations against campaign regulations. The CNE explained that 1,952 of these inspectors were deployed to monitor the campaign in the field, while 48 national inspectors were responsible for reviewing all reports submitted by the field inspectors and declaring them admissible or inadmissible. If declared admissible, the report was to be submitted to the National Substantiation Commission, composed of CNE officials appointed by COPAFI. The final decision was to be taken by the CNE councillors. However, several problems were reported in the implementation of this monitoring programme. EU EOM LTOs reported that in some states, the inspectors were not active. In other states, inspectors had difficulties to access the online system to upload their reports. The CNE had not disclosed any information on the outcome of the campaign monitoring at the time of closing this report.

### **C. Campaign Finance**

Article 67 of the Constitution prohibits public financing of political parties. Campaign finance is regulated by the RGLOPRE, but not by the LOPRE itself or by any other specific law, as established by the Constitution. In 2008, the Constitutional Chamber of the TSJ established the need to adopt a specific organic law to regulate the public financing of electoral campaigns.<sup>49</sup> In addition, in 2011, the TSJ issued a ruling that endorsed the confidentiality of this campaign finance information.<sup>50</sup>

The legal framework does not provide for a limit on campaign spending. Parties may not receive contributions from anonymous or unknown sources, foreign institutions or governments, or national organisations that receive foreign funding. The law foresees a registry of election-related financial information with an automated system through which all financial information must be submitted. Political parties and candidates must upload information on an annual basis. Additionally, during electoral processes, they must submit data on all income and expenses. The CNE organised workshops on these procedures at national and regional level and issued a comprehensive manual.<sup>51</sup>

The body in charge of supervising party finances is the National Financing Office under the COPAFI. On 19 October 2021, this office initiated the process of opening accounting books to record the incomes and expenses related to the election campaign for the 2021 elections. This process ended on November 20. According to article 273 of the RGLOPRE, candidates and parties must hand over the final rendering of accounts of their election campaigns through the automated system of accountability within 60 days after Election day.

According to all political interlocutors, the political and campaign finance framework should go beyond a simple display of the expenses incurred by a political organisation or a candidate, or the certification of the origins of the funds used. The financing of political parties and election campaigns remains a significant lacuna in a system affected by a massive electoral use of State resources, affecting the level playing field.

<sup>49</sup> <http://historico.tsj.gob.ve/decisiones/scon/mayo/780-080508-06-0785.HTM>.

<sup>50</sup> <http://historico.tsj.gob.ve/decisiones/scon/Julio/1171-25711-2011-10-0438.html>.

<sup>51</sup> [http://www.cne.gob.ve/web/onafi/documentos/taller\\_ONAFI\\_48\\_paginas.pdf](http://www.cne.gob.ve/web/onafi/documentos/taller_ONAFI_48_paginas.pdf).

## D. Voter Education

The CNE's civic and voter education efforts can be deemed overall as insufficient. The EU EOM media monitoring identified three institutional voter education broadcasts by the CNE which were aired three times per day on average. In addition, one thousand voting machines were deployed throughout the country to familiarise voters with the voting procedures and the ballot design. The EU EOM observed that this campaign started one week late,<sup>52</sup> that the information provided to citizens was unsubstantial and that the option of voting for different candidatures across the four elections was not explained unless a person specifically asked for it. In addition, the EU EOM observed in 13 states that citizens had to hand over the printed paper receipt to the CNE staff after trying out the voting machine, thus compromising the secrecy of the vote. While individual CNE councillors shared election-related content on their personal social media accounts, there was no comprehensive institutional voter education campaign, especially regarding the secrecy of the vote.

## X. MEDIA

### A. Media Environment

According to a census carried out in April 2021 by the NGO *Espacio Público*, there are around one thousand media outlets in Venezuela, including 707 radio stations, 132 TV stations (49 open-air, 46 digital, and 37 cable), 97 exclusively digital outlets, 26 outlets with both analogue and digital versions, and just 22 print media. Of these, three quarters do not currently provide information, mostly due to technical and financial reasons, or to avoid political problems.<sup>53</sup> From 2003 to 2020, more than 280 media outlets in Venezuela have shut down. In October 2021, in the run-up to the regional and municipal elections, the government closed seven political radio programmes and one radio station.<sup>54</sup>

In Venezuela, 12 per cent of the media are state-owned. The Bolivarian System of Information and Communication (SiBCI), attached to the Ministry of Communication and Information (MinCi), is in charge of their management. The Minister of Communication is the president of the state-owned *Venezolana de Televisión* (VTV). The Minister appoints the directors of the other publicly owned radio and television stations which conform the SiBCI, among them the TV channels of the National Assembly (ANTV) and the Armed Forces (TVFANB).

In recent years, some private media changed ownership and their editorial line to avoid conflict with the government. Many media NGOs and academics agree that pressure on media and journalists has increased. Media interlocutors in 21 states reported to the EU EOM exercising self-censorship, and in 13 states they reported having changed their editorial line or programming as a result of pressure.

### B. Legal Framework for the Media

The Constitution guarantees freedom of expression, and the 2004 Law on Social Responsibility in Radio and Television sets forth the protections and obligations of the mass media. The LOPRE and campaign regulations by the CNE and CONATEL, the state media regulatory agency, make up the legal framework regarding media coverage of elections. The LOPRE establishes the right to equal access to the mass media, freedom of thought and expression, and the prohibition of prior restraints. It also prohibits the use of public funds for electoral advertising. The CNE campaign regulation established daily time limits for the broadcasting of political advertising in the media.

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<sup>52</sup> According to the election calendar, the voter education campaign (*feria electoral*) was planned to take place from 13 October to 13 November.

<sup>53</sup> <https://espaciopublico.org/21n-libertad-de-expresion-participacion-y-elecciones>.

<sup>54</sup> <https://cepaz.org/noticias/siete-programas-de-radio-fueron-suspendidos-por-motivos-politicos-durante-el-mes-de-octubre>.

However, some laws endanger freedom of the media. Media NGOs consider the Law on Social Responsibility in Radio and Television could hamper several fundamental freedoms by allowing the government to monitor media, close media outlets, and impose financial sanctions and prison sentences. CONATEL can directly sanction the media through executive warrants, usually communicated by phone or in person. Such warrants do not require a judicial verification of the infraction and may lead to the withdrawal of licenses or the suspension of broadcasts. In addition, the controversial Law on Transparency and Access to Information of Public Interest (2021) does not meet international best practices regarding media freedom, as it requires to justify requests for information. According to the foreign journalists' association (APEX), the Ministry of Communication restricts access to official information and state press conferences for correspondents. The same limitations are reported for independent national media outlets. Moreover, since 2019, CONATEL blocks international news channels on pay TV.

### C. Media Monitoring Findings

The EU EOM media monitoring concluded that media with national coverage – most of them state-owned – had a strong bias in favour of the government or the ruling party. The indiscriminate use of the PSUV slogan “Venezuela Tiene Con Qué” before and during the electoral campaign in the state-owned media, mainly VTV, contradicts the Law against Corruption, which forbids public officials to use state resources in favour of political parties.<sup>55</sup>

EU observers reported that candidates from different opposition parties had no access to state media in 15 states. This affected above all MUD (in 13 states) and *Alianza Democrática* (in nine). However, press officers of opposition parties informed the EU EOM that they had been invited by the state-owned TV to send footage or to participate in television programmes for the first time in years.

Article 81 of the LOPRE establishes that media, public or private, must provide “full and balanced informative coverage, not misrepresenting the reality of the electoral campaign”. On 1 November, CNE president Pedro Calzadilla publicly acknowledged “imbalances” in the exposure of candidates and party advertising on mass media.

The EU EOM media monitoring provides empirical evidence of this imbalance. The ruling coalition received the largest share of television and radio coverage (49 per cent), largely due to live broadcasts of government events on state media. *Alianza Democrática* received the second highest share of media coverage (20 per cent), followed by MUD (13 per cent) and independent parties (nine per cent). During the monitored hours, President Nicolás Maduro registered almost 17 hours of live television coverage, usually aired simultaneously by several TV and radio outlets.

This imbalanced coverage was particularly acute on the state-owned radio monitored, where the ruling coalition received over 90 per cent of the coverage devoted to the candidatures (98 per cent on *Radio Miraflores* and 90 per cent on *Radio Nacional de Venezuela*). Though not in such an extreme manner, the state-owned *Venezolana de Televisión* also granted 69 per cent of the monitored airtime to the PSUV. A paradigmatic case is the one of the PSUV vice president who hosts the show “Con el Mazo Dando” on VTV, broadcast on most state-owned radio and TVs. During the show, the conductor repeatedly threatened media representatives and candidates, sometimes triggering raids or arrests. CNE councillor Roberto Picón was also one of the aims of these attacks, which were never contested by the CNE.

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<sup>55</sup> Organic Law Against Corruption (2014), article 13: “Public officials and employees are at the service of the State and not of any political or economic group. Consequently, they may not use public property or resources that make up the public patrimony to favour politic parties or projects, or private economic interest.”

**Recommendation:** *To balance the state-owned media coverage during electoral campaigns, in line with the Organic Law on Electoral Processes and international good practice.*

In terms of advertising, the EU EOM monitoring showed that media complied with the daily limits set by law. Except on the private radios *Actualidad Unión Radio* and the private TV station *Globovisión*, the ruling coalition PSUV and its allies were the parties with most paid ads, followed by *Alianza Democrática*, MUD and *Fuerza Vecinal*. There was no MUD or *Fuerza Vecinal* ads on any state-owned TV or radio.

The EU EOM media monitoring did not identify any compulsory broadcasts of government messages (*cadena*s) as in past electoral processes. However, the state-owned media did jointly broadcast PSUV candidates' appearances.

## XI. DIGITAL COMMUNICATION AND SOCIAL MEDIA

### A. Digital Communication and Social Media Environment

Twenty million Venezuelans (72 per cent of the population) have access to the Internet. About 14 million of them are social media users.<sup>56</sup> However, the economic crisis has deeply affected the affordability of internet data for Venezuelans, as well as the quality of access and speed.<sup>57</sup> Despite these limitations, the Internet has increased its relevance after the decrease of trust in traditional media, most of them subject to government control. The lack of newsprint paper has forced many traditional newspapers to exist only in their digital versions. Digital news portals have become the refuge of independent, investigative journalism.

Government attempts to influence the digital ecosystem include repressive measures such as the selective blockage of websites and smear campaigns against reporters, together with propaganda operations promoting government policies and achievements.<sup>58</sup> Those strategies include the practice of remunerating citizens for retweeting government messages.

### B. Legal Framework for Digital Communications and Social Media

The election campaign on social media is unregulated in Venezuela. For the 2021 regional and municipal elections, the CNE established for the first time that electoral advertising on electronic media had to respect the electoral law.<sup>59</sup> However, no sanctions were envisaged in case of violations. Political ads were allowed and there were no limits to spending on online media.

The Law against Hatred, for Peaceful Coexistence and Tolerance (2017), known as Law Against Hatred, poses a serious threat to the freedom of expression online and has a chilling effect on online conversation. EU observers deployed all over Venezuela reported that many interlocutors, mostly journalists and candidates, did not feel free to express themselves online.

The Law Against Hatred imposes prison sentences of 10 to 20 years for those who incite hatred or violence through any electronic means. The law does not define the concepts of hate speech or incitement of hatred, allowing for a wide interpretative margin, and opening the door to

<sup>56</sup> Facebook is the dominant platform with 13 million users, followed by Instagram (5.3 million) and Twitter (1.35 million), according to the Digital 2021 Report by We Are Social and Hootsuite, <https://datareportal.com/reports/digital-2021-venezuela>.

<sup>57</sup> Venezuela is ranked among the bottom 20 countries with the slowest Internet in 2021, which has a significant impact on citizens' access to information on the Net, <https://www.speedtest.net/global-index/venezuela#mobile>.

<sup>58</sup> Cazadores de fake news, Defamed journalists, <https://www.cazadoresdefakenews.info/defamedjournalists-report-eng/>.

<sup>59</sup> CNE resolution 211018-0083, article 8.

criminalisation of any kind of dissent. The law places excessive responsibility on intermediaries, establishing that they can be fined if they do not remove the problematic content within six hours of its publication.<sup>60</sup> It also allows CONATEL to block websites that “promote hatred” by procedures that completely lack transparency.<sup>61</sup> Websites are not notified of the blockages or the reasons for them, and they cannot object to the blockage order.

The EU EOM observed that while government-aligned news websites such as the Venezuelan News Agency or *Últimas Noticias* were constantly accessible during the campaign in every state and through any Internet provider, websites of independent online media such as *El Pitazo* or *Armando.info* were very difficult or impossible to access in 16 of the 23 states. The civil society organisation *Ve Sin Filtro* reported that 35 news portals were blocked during the election campaign.

The Law Against Hatred was approved by the Constitutional Assembly, although according to the Constitution, article 202, only the National Assembly can enact laws. The law could also violate articles 49, 51 and 57 of the Constitution, which establish the right to a due process and prohibit censorship. Vague and disproportionate legal provisions restricting freedom of expression do not comply with article 19 (3) of the International Covenant on Civil and Political Rights or article 5 of the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR).

***Recommendation:*** *To repeal the Law against Hatred, for Peaceful Coexistence and Tolerance in order to promote freedom of expression and avoid self-censorship.*

The Venezuelan Constitution and laws recognise principles applicable to the protection of personal data, such as safeguards for honour, privacy, public image, confidentiality and reputation.<sup>62</sup> However, there are no laws specifically dedicated to data protection. Civil society organisations have expressed concern about the risk of misusing personal data collected for welfare services and public programs such as the governmental *Patria* system. Possible misuses include pressure on voters and arbitrary distribution of bonuses to reward those who support the ruling party.<sup>63</sup>

The platform *Patria*, which counts more than 21 million users in Venezuela, collects basic personal data such as address and date of birth, but also sensitive information such as political party membership, participation in PSUV initiatives and activity on social media. It is unclear which state institution is responsible for the management of its data, and how this massive amount of data is used, stored and for which purposes. Another matter of concern is that registrations to the platform are managed by militants of the *Somos Venezuela* movement, a political platform close to the PSUV. There is no transparency on how bonuses and benefits are allocated through the platform, to which beneficiaries and according to which criteria. The practice of scanning the *Patria* card (*Carnet de la Patria*) on Election day might lead some voters to believe that the secrecy of their vote is not fully guaranteed.

***Recommendation:*** *To disclose which institution is responsible for the management of the data of the Patria platform, where and how the data are stored, who has access to them, for which*

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<sup>60</sup> Human Rights Council: Detailed findings of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf).

<sup>61</sup> News portals such as *El Pitazo* have uncovered how CONATEL gives blocking orders to private operators, <https://talcualdigital.com/asi-ordena-conatel-el-bloqueo-a-medios-venezolanos/>.

<sup>62</sup> Constitution, articles 28 and 60; Law of the Supreme Tribunal of Justice, article 167.

<sup>63</sup> OEV: *El Sistema Patria y su huella en las elecciones venezolanas*, <https://oevenezolano.org/2021/11/el-sistema-patria-y-su-huella-en-las-elecciones-venezolanas/>; [https://www.derechosdigitales.org/wp-content/uploads/identity-systems\\_ENG.pdf](https://www.derechosdigitales.org/wp-content/uploads/identity-systems_ENG.pdf).

*purposes, and how to request the rectification of personal data and opt out from the database, in accordance with the Constitutional right to access to information.*

In January 2019, Twitter announced the removal of 1,196 accounts located in Venezuela which appeared “to be engaged in a state-backed influence campaign targeting domestic audiences”. On 2 December 2021, shortly after Election day, Twitter announced the removal of “a network of 277 Venezuelan accounts that amplified accounts, hashtags and topics in support of the government and its official narratives”. Many of the individuals behind this abuse were using the Twitter *Patria*, an app linked to the *Patria* System.

The Venezuelan Constitution, the anti-corruption law, and the LOPRE prohibit public officials to use state resources to favour political parties or political interests.<sup>64</sup> But Venezuelan and international civil society organisations have widely documented that the government is using public funds to remunerate citizens for sharing its narratives on Twitter since 2017.<sup>65</sup> Most of the hashtags positioned daily by the Ministry of Communication on Twitter are shared by bots and cyborg accounts.<sup>66</sup> This can have an impact on electoral processes, where campaigns should see a level playing field for all contenders.

***Recommendation:*** *To abandon policies aimed at manipulating the public conversation on social media, as well as the use of institutional accounts for proselytising purposes, practises which are not in line with international standards for freedom of expression and with the Venezuelan Constitution and laws, so that citizens have the right to form their opinion free from inducement or interference of any kind, including on social media.*

### **C. Social Media Monitoring Findings**

From 28 October 2021, day of the official start of the campaign, the EU EOM observed a sample of 163 Facebook accounts belonging to governor candidates, political parties, public officials and State institutions (see Annex IV. *Social Media Monitoring Results*).

The EU EOM monitoring found that Facebook pages of government officials, like President Nicolás Maduro, the President of the National Assembly, and the minister of domestic trade, posted several campaign messages. Most of the sitting governors, belonging both to PSUV and to the opposition, took part in the campaign on Facebook, using their accounts and the official accounts of the governorates.

As the CNE lacks a social media monitoring unit, it was unable to document the violations. The CNE does not have sanctioning power in case on violations on social media. However, it might raise public awareness on the violations and ask the judiciary to investigate potential cases of use of state resources emerging during the campaign.

***Recommendation:*** *To enhance the capacities and human resources needed by the CNE to conduct systematic social media monitoring, with a view to raising public awareness on violations of the campaign rules and to allowing an appropriate and timely judicial response.*

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<sup>64</sup> Constitution, article 145; Law against Corruption, article 12; LOPRE, article 75; RGLOPRE, articles 221 and 257.

<sup>65</sup> Those who retweet massively the “hashtag of the day”, published by the Ministry of Communication, receive a bonus through the *Patria* platform. As an example, the hashtag #VenezuelaTieneConQué was positioned three times by the Ministry as “hashtag of the day” before the campaign. It later became the official slogan of the PSUV.

<sup>66</sup> <https://www.atlanticcouncil.org/wp-content/uploads/2021/04/DigitalAutocracyVEN-FINAL.pdf>,  
<https://proboxve.org/publicacion/eleccionesregionales-maduro-volvio-a-pagar-para-posicionar-su-mensaje-en-twitter>.

Venezuelan civil society organisations outlined the lack of transparency on campaign spending on social media. Parties and candidates should submit financial campaign reports, but no sanction is envisaged for those who do not comply.<sup>67</sup> The amount spent on paid advertising, on the hiring of professional campaigners, communication agencies or influencers remains unknown. Facebook has included Venezuela in the Ad Library for political advertising, but it has not activated the report as it did for other countries in the region. The activation of the report could allow more transparency on campaign spending on the platform during election campaigns.

## XII. POLITICAL PARTICIPATION OF WOMEN

Venezuela's legal framework guarantees equal rights and full political participation to women. Women make up 51.45 per cent of voters. Yet, Venezuela has one of the lowest rates of female political representation in the region.<sup>68</sup>

A CNE instruction for parity in candidacies for the municipal and state legislative council elections established a quota of 40 to 50 per cent for each gender and led to 49.44 per cent of female candidates. Outside of this quota regulation for councillors and state legislators, political parties did not promote female candidates out of their own initiative for positions of mayors and governors.<sup>69</sup> According to an analysis by the *Red Electoral Ciudadana*, only 62 women mayors and two women governors had been elected (19 and nine per cent, respectively).<sup>70</sup> At the time of closing this report, the CNE had not published detailed gender-disaggregated data on candidates and election results.

***Recommendation:*** *To ensure horizontal gender parity in candidacies for political offices.*

In the deteriorating economic situation of recent years, women have increasingly taken on a central role in the social sphere, partly due to the large-scale emigration of many men. Women face an increased burden of care work and high poverty rates, which imply reduced mobility and affect their ability to engage in politics. Social structures for women's protection are weak and lack resources. Apart from economic and logistical challenges, running for office entails risks women often prefer to avoid, such as attacks on reputation, personal integrity and family members.

Despite increasing numbers of well-trained female professionals, women face substantial challenges as they enter the political arena. Most political parties lack awareness of the need of substantial female representation as well as proactive structures and mechanisms to promote women's political participation and empowerment. Only a few specific capacity-building opportunities and support for campaigning are available for women, such as the one by the party *Un Nuevo Tiempo*. Women candidates reported to the EU EOM that the main problems included predominantly male party leaderships, the failure to make their campaigns visible, the lack of transport, the exclusion from important decisions, and not standing up for themselves in cases of discrimination or abuse for fear of being seen as a burden and lose chances in the future. Some said to have been nominated as candidate without their consent, sufficient information or resources. Social prejudices frequently held against women included seeing politics as a sphere of men,

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<sup>67</sup> RGLOPRE, articles 258-288.

<sup>68</sup> There were 22.2 per cent of congresswomen in the 2015 National Assembly and 37.2 per cent in the 2020 National Assembly (Source: IPU and websites of the 2015 and 2020 National Assemblies).

<sup>69</sup> According to information provided by political parties to the NGO CAUCE, 18.9 of the mayor candidates and 11 per cent of governor candidates were women.

<sup>70</sup> As of 6 December 2021, pending the rerun 9 January 2022 elections in Barinas (sources: CNE and NGO CAUCE).

declaring women as being too sensitive, and being labelled as bad mothers for not being home with their children.

### XIII. POLITICAL PARTICIPATION OF NATIONAL MINORITIES

According to the last census (2011), there are 52 indigenous peoples in Venezuela, amounting to 2.8 per cent of the population (724,592 persons). 37 per cent of this population lives in rural areas. The Venezuelan legislation provides for full protection of the rights of indigenous people, including their political participation. However, many of their habitats are remote and poor in infrastructure, and in recent years have been affected by illegal mining, smuggling and armed conflict. In this context, the political rights of the indigenous population have been only partially fulfilled.

There is no specific register of indigenous voters; recent efforts of the CNE to develop one were interrupted by the COVID-19 pandemic. Indigenous voters are entitled to take part in all elections. However, they are a minority in all states with indigenous population, except for Amazonas.<sup>71</sup> Without special provisions, indigenous votes have very little numeric weight. To ensure indigenous participation, the CNE implemented special elections of indigenous representatives, consisting of two phases: in July and August, 4,334 delegates were elected in community assemblies expected to be organised according to the respective indigenous peoples' traditional ways of deliberation. On 26 November, these delegates chose one indigenous representative for 69 municipal councils and another one for the legislative councils of eight states, in a manual election organised by the CNE.<sup>72</sup>

**Recommendation:** *To conduct direct elections for indigenous representatives, based on a register of indigenous voters, with a comprehensive campaign of civic and voter education, and the election taking place on the same day as the election for the general population.*

Initially, six national and 18 regional organisations<sup>73</sup> registered to participate in the indigenous election, but three of the national organisations withdrew because they disagreed with the procedure of the second-rate election. In the end, three indigenous organisations contested the election at the national level, namely *Consejo Nacional Indio de Venezuela* (CONIVE), *Cátedra Guaicaipuro*, and *Organización Socialista Indígena Bolivariana Unida* (OSIBU). PSUV supported the coalition of CONIVE and *Cátedra Guaicaipuro*, which was joined by regional organisations in some states.

The EU EOM observed the second phase of the indigenous election in seven out of eight states,<sup>74</sup> visiting 14 polling centres (18.9 per cent of the total).<sup>75</sup> The EU EOM observed that procedures were differently implemented. Polling stations opened between 6 a.m. and 8:30 a.m. and closed between 11:30 a.m. and 6 p.m., in some cases after all delegates had voted. The polling stations were composed of four members, either CNE staff or delegates of indigenous organisations. The

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<sup>71</sup> Indigenous population in per cent of the total population: Amazonas 53.7, Delta Amacuro 25.4, Zulia 12.7, Bolívar 4; Apure, Sucre, Anzoátegui, and Monagas between 2.6 and 2 per cent (census 2011).

<sup>72</sup> The legal bases for this election were the Constitution, the LOPRE, the Organic Law on Indigenous Peoples and Communities, CNE resolution 210526-00027, the CNE manual for the political participation of indigenous peoples and communities for the election of the state and municipal councils 2021, and the ruling 0068 by the TSJ Constitutional Chamber (5 June 2020).

<sup>73</sup> See tables 3 and 4 in Annex II.

<sup>74</sup> EU EOM observers were present in Anzoátegui, Apure, Bolívar, Delta Amacuro, Monagas, Sucre, and Zulia; there were no observers in Amazonas.

<sup>75</sup> 79 polling stations had been set up in 74 centres for this election. Zulia was the state with most delegates with 2,869 registered voters (66.2 per cent of the nationwide total), the other states ranging between 169 and 379 registered delegates. According to an analysis by the *Red Electoral Ciudadana*, 50 per cent of the delegates were women ([https://cepaz.org/documentos\\_informes/participacion-del-liderazgo-femenino-en-las-elecciones-regionales-y-municipales-2021/](https://cepaz.org/documentos_informes/participacion-del-liderazgo-femenino-en-las-elecciones-regionales-y-municipales-2021/)).

ballot was not user-friendly: the voting instructions were printed in very small characters and the check-box was not self-explanatory. In three states, the EU EOM observed a high frequency of assisted voting by polling staff or agents of indigenous organisations.

While the atmosphere in the voting centres was mostly calm and peaceful, in some polling stations arguments were observed between agents and candidates on the one hand, and *Plan República* or CNE staff on the other hand. In five states, the EU EOM saw organised transport, for instance large-scale transport (eight buses) for delegates and the provision of food and drinks in Maracaibo (Zulia). In five states, the EU EOM observed members of indigenous organisations joining PSUV supporters outside the voting centre. Only in two of the seven states there were agents of an organisation not belonging to the CONIVE-*Cátedra Guaicaipuro*-coalition. In Zulia, polling staff did not accept the credentials of OSIBU agents. In Bolívar, the *Federación Indígena Bolívar* (FIEB) complained to EU EOM observers that they had not received credentials for their agents.

Overall, the transparency of the procedures and professionalism of polling staff was assessed as good by the EU EOM observers, though the understanding of the election procedures was considered limited in three states. In five states, observers noted that voters lacked knowledge of the procedures, especially on how to mark the ballot.

According to the results delivered by the CNE on 2 December, the PSUV-supported candidates and coalitions won the vast majority of contested seats. In 33 of the 69 municipalities these seats were won with 100 per cent of the votes and in 12 municipalities with a percentage between 90 and 99.56.

The CNE manual for the special election was not sufficiently publicised. Many traditional leaders and indigenous organisations were not aware of it. In four of the seven states, civil society organisations and indigenous groups raised complaints to the EU EOM about opaque procedures and communication, declaring that the second-rate election did not respect constitutionally guaranteed rights of direct, secret suffrage. Other interlocutors added that there were no provisions to ensure that the first step of the election, the election of delegates, was representative. They also noted the absence of voter education campaigns.

#### **XIV. POLITICAL PARTICIPATION OF PERSONS WITH DISABILITIES**

Venezuelan legislation comprehensively addresses the rights of persons with disabilities (PwD), including the guarantee of full political participation. Despite this, there are significant limitations for PwD to participate in social and political life. Due to a lack of awareness and the challenging economic context, many infrastructures and services, such as public transport, toilet facilities or entrances to buildings, are not adapted to the needs of PwD voters. As candidates, PwD have reported to the EU EOM that they faced social prejudice and unequal conditions, in particular due to poor mobility and resources.

The last census (2011) counted 1,720,311 persons with some form of disability, about five per cent of the population. The voter register comprised 447,593 voters with disabilities (2.1 per cent of the register). As public benefits are limited and require long waiting times, there are PwD who do not register as such with National Council of Persons with Disabilities (CONAPDIS<sup>76</sup>) and thus are not included in the voter register as disabled voters.

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<sup>76</sup> Consejo Nacional de Personas con Discapacidad.

To facilitate the electoral participation of PwD, the CNE created a dedicated commission in cooperation with CONAPDIS. Under this mechanism, the CNE elaborated guidelines and posters for polling staff on how to communicate and serve persons with the main types of disabilities. Some targeted voter education was disseminated in social media. At the level of CNE regional offices, the EU EOM found that 1.6 per cent of the staff were PwD and that there were some local efforts for targeted voter education and coordination with local PwD groups.

According to civil society organisations, the CNE voter education activities failed to reach many PwD. Many of the support services are provided by civil society organisations or private service providers who are in regular contact with PwD groups. PwD organisations stated that they had not been approached by the CNE for a coordinated and combined effort of civic and voter education.

In a pilot project implemented for these elections, the CNE also assigned voters with disabilities to the first polling station of each centre, where preferential treatment and support was to be given to PwD. The EU EOM observed that polling station number one was installed in 80.5 per cent of the observed centres on Election day. However, as this measure had not been communicated, the change of polling station led to confusion among voters and polling staff, and to discrepancies between the voter list registered in the voting machine and the printed list available at each station. On Election day, the EU EOM observed such discrepancies in 31 polling stations across 15 states. The EU EOM assessed that 86.6 per cent of polling stations visited on Election day were accessible to voters with reduced mobility and that 86.1 per cent were adapted to their needs. The relatively high rate of assisted voting (see section XVIII. *Polling, Counting and Tabulation of Results*) points to the need for reinforced voter education and technical solutions to facilitate independent voting for PwD and persons with lower educational backgrounds.

PwD organisations pointed out that the voting machines are not adapted to the needs of PwD. They also noted the absence of sign language interpreters and braille voting. Persons with visual impairments have to rely on assisted voting. The CNE explained that braille had not been implemented for technical reasons and for not being widespread in Venezuela. The option of assisted voting remains an unsatisfactory compromise by international best practices, as it does not guarantee the secrecy of the vote.

***Recommendation:*** *To conduct a comprehensive programme to enhance measures of inclusion of persons with disabilities, including reinforced voter education and information, and technical solutions to avoid assisted voting.*

## **XV. POLITICAL PARTICIPATION OF THE LGBTIQ+ COMMUNITY**

Gender-identity based discrimination is prohibited in Venezuela and homosexuality is not criminalised.<sup>77</sup> According to the civil society organisation *Movimiento SOMOS*, 13 LGTBIQ+ persons ran in eight states in the regional and municipal elections. Among the problems reported by LGTBIQ+ organisations are the impossibility to obtain new identity documents after a change of sex or name, a lack of documentation of hate crimes and discrimination, and the scarcity of policies and support programmes for the protection of LGTBIQ+ persons.

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<sup>77</sup> Constitution, article 21; TSJ Constitutional Chamber resolution 190, 2008; Equaldex: LGTB Rights in Venezuela (<https://www.equaldex.com/region/venezuela>), TSJ Constitutional Chamber decision of 26.11.2021 (<http://historico.tsj.gob.ve/decisiones/scon/noviembre/314727-0651-261121-2021-16-1218.HTML>).

## XVI. CIVIL SOCIETY AND ELECTION OBSERVATION

A 2020 CNE regulation sets the framework for national and international election observation.<sup>78</sup> The regulation restricts observers' activities: they must have their deployment plan, as well as any meeting with a CNE directorate or local office, approved by the CNE. They cannot publish any report without prior CNE approval, and at the end of their activities they must submit a confidential report to the CNE. This is contrary to the right to participate in public affairs and to international good practice as expressed in the Declaration of Principles for International Election Observation.

***Recommendation:*** *To amend the legal framework to guarantee observers' freedom of movement and expression, ensuring that election observers can carry out their duties without unreasonable obstacles.*

In the weeks prior to the elections, domestic observers did not report any limitations regarding freedom of movement or expression to the EU EOM. On Election day, however, some observers were prevented from entering polling centres in at least three states, either by the CNE coordinator or by agents of *Plan República*, even though they were duly accredited (see section XVIII. *Polling, Counting and Tabulation*).

The CNE accredited six domestic observer organisations for these elections: *Observatorio Electoral Venezolano* (OEV), *Red de Observación Electoral de la Asociación Civil Asamblea de Educación* (ROAE), *Proyecto Social*, *Asociación Venezolana de Juristas*, *Centro Internacional de Estudios Superiores*, and *Fundación por un Pueblo Digno*. The first two are recognised organisations with years of election observation experience. The CNE initially granted 600 accreditations to both organisations, but they negotiated additional accreditations. OEV deployed 700 accredited observers, almost doubling the number of past elections, and observed a nationwide random sample of polling stations. ROAE managed to deploy 660 observers, despite recruitment difficulties due to emigration and the pandemic. ROAE criticised that, for most CNE audits, they were not allowed to be present on site, but had to follow the online transmission of the CNE, which did not allow them to properly observe the process. *Proyecto Social* deployed 600 observers and *Asociación Venezolana de Juristas* 138. The remaining two domestic observer organisations did not reply to EU EOM enquiries nor was there any information publicly available on their observation activities.

Other civil society organisations such as CEPAZ, *Voto Joven*, *Observatorio Global de Comunicación y Democracia* and *Súmate* monitored other aspects of the electoral process and published their findings without requesting accreditation or access to polling stations. *Movimiento Ciudadano Dale Letra* also engaged in voter education campaigns and organised online events to promote citizen participation.

Two days after the signature of the Administrative Arrangement between the CNE and the EU, the CNE adopted a resolution to fit this agreement into the existing legal framework.<sup>79</sup> The resolution allowed “exceptionally” the presence of international observers and resolved that ad hoc arrangements could be made for these elections to complement the existing legal provisions. This granted the EU EOM the ability to observe according to its established methodology and principles. Civil society organisations criticised this situation, as it implies double standards for national and international election observation.

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<sup>78</sup> CNE resolution 201014-044.

<sup>79</sup> CNE resolution 210930-0078.

The CNE issued accreditations to 300 international observers, including from the Council of Election Specialists of Latin America (CEELA), the Parliament of the MERCOSUR, and the Carter Center. The UN deployed a three-person election panel. Angola, Benin, Indonesia, Russia, Tunisia, and Turkey deployed accompaniment missions.

## XVII. ELECTORAL DISPUTES

The bodies that deal with administrative and criminal matters related to elections (electoral offences) are the CNE and its subordinate levels of administration, the ordinary criminal courts, and the Electoral and Constitutional Chambers of the Supreme Court of Justice (TSJ).

The Venezuelan legal framework provides sound mechanisms to address election-related complaints and appeals. However, the timeframe provided for handling administrative appeals may not guarantee a timely remedy, as appeals to the higher administrative authority can be resolved in up to two months, with the possibility of extending the period for submission of allegations and evidence by a further 30 days.<sup>80</sup> CNE decisions, including challenges of electoral results, may be appealed to the Electoral Chamber of the TSJ within 15 days following their publication. A ruling issued by the Electoral Chamber may also be appealed to the Constitutional Chamber of the TSJ.

However, the main problem regarding electoral disputes is the lack of public trust in both the CNE and the judiciary as they are perceived as politicised and biased (see section V. *Legal Framework*). EU EOM LTOs reported that the majority of interlocutors from political parties and civil society organisations did not file any complaints because they did not trust local CNE offices to act impartially.

## XVIII. POLLING, COUNTING AND TABULATION OF RESULTS

On Election day, EU observers visited 683 polling stations (PS) in all 23 states and the capital district.<sup>81</sup> The observation covered 137 (about 41 per cent) of the 335 country's municipalities. Overall, Election day was marked by significant delays in the opening and closing of polling stations, the absence of the original polling staff selected by the CNE, as well as reports on voter coercion. Despite a call from the CNE to avoid them, political parties set up points to control voter attendance. These were mainly by PSUV (*puntos rojos*) and, on a much smaller scale, by opposition parties. Abuse of assisted voting was observed by EU observers across the country, except in the state of Amazonas, where the EU EOM only deployed two short-term observers.

Although Election Day was calm in most parts of the country, this was overshadowed by violent incidents in the state of Zulia. In San Francisco municipality, armed gangs (*colectivos*) were intimidating voters already during the week leading up to Election day, as reported by domestic observers. On Election day, a MUD campaign manager was attacked and injured. Around 10:30 a.m., armed gangs shot at voters queueing outside a polling centre,<sup>82</sup> killing one person and injuring two others. A domestic observer was attacked and injured when requesting entrance to another polling centre in San Francisco.<sup>83</sup> In the municipality of Catatumbo, four polling centres remained

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<sup>80</sup> RGLOPRE, articles 203-212.

<sup>81</sup> The total number of polling stations belonging to the polling centres visited was 1,334. Observers attended the opening in 61 PS, voting in 532, closing and results transmission in 53, and the recount of paper receipts in 37 PS.

<sup>82</sup> *Escuela Bolivariana Eduardo Emiro Ferrer*.

<sup>83</sup> *Unidad Educativa Estadal Arquidiocesana Nuestra Señora del Carmen*.

closed due to violence and tension in the area, and 10,920 voters were thus unable to vote.<sup>84</sup> In the state of Lara, two human right defenders were also attacked while visiting a polling station.

### A. Opening

The EU EOM observed the opening in 61 polling stations in 24 state entities. Opening procedures were mostly or always followed in 45 out of 61 PS (74 per cent). However, only 10 per cent of the stations opened on time or up to 10 minutes late, while 30 per cent opened after more than 30 minutes and 26 per cent after more than one hour. Delays were mainly due to lack of polling staff, poor organisation, and inadequate training. There were long queues of voters outside 23 per cent of the observed polling stations, and in 10 per cent there were *puntos rojos* or campaign activities outside the centres.

Over half (56 per cent) of the polling staff in the observed stations during opening were substitutes. In 20 per cent of these cases, the substitutions were not made according to the established procedures. As for party agents, MUD was represented at the opening of 50 PS (82 per cent), *Gran Polo Patriótico* in 44 (72 per cent), and *Alianza Democrática* in 23 (38 per cent). Domestic observers were only present in three observed PS (5 per cent) during the opening.

**Recommendation:** *To make more efforts to inform citizens about their selection as polling staff in order to increase the presence of trained and accredited polling staff, considering a mix of incentive and sanction measures.*

### B. Voting

The EU EOM observed voting in 532 polling stations in 24 state entities. Throughout the day, large queues of voters were observed outside 18 per cent of PS. In 29 per cent, there were problems in the vicinity of the centre, mostly voter control points (21 per cent), organised transport of voters (four per cent), or tension (three per cent). Voter control points of opposition parties were observed in ten states<sup>85</sup> and PSUV *puntos rojos* in all 24 state entities.

Almost half of the staff (46 per cent) at the observed PS were substitute members. In at least 38 stations across 14 states the EU EOM noted party agents acting as polling staff. The CNE polling centre coordinators played a predominant role during the voting process and were observed overstepping their role and fulfilling tasks of polling staff in at least 14 states.<sup>86</sup>

**Recommendation:** *To define the role of polling centre coordinators and ensure that they are trained not to exceed their competences.*

In 11 states, the EU EOM observed a heavy militarisation and noted that *Plan República*<sup>87</sup> exceeded its mandate.<sup>88</sup> Representatives of *Plan República* were observed in 11 per cent of the observed polling stations without having been invited by polling staff.

**Recommendation:** *To provide clear instructions and training to Plan República forces to emphasize the civilian nature of elections and ensure that the military forces adhere to their duties without exceeding their competences.*

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<sup>84</sup> *Unidad Educativa Estatal Doctor Alberto Roncajolo, Unidad Educativa Estatal Panpanito, Escuela Bolivariana Valderrama, and Unidad Educativa Nacional Benito Puche*, all of them in the parish *Encontrados*. The last of the four centres opened for a short time, but closed after 23 voters (allegedly polling staff and party agents) had voted.

<sup>85</sup> Anzoátegui, Aragua, Carabobo, Cojedes, Falcón, La Guaira, Mérida, Monagas, Nueva Esparta, and Sucre.

<sup>86</sup> Apure, Anzoátegui, Barinas, Bolívar, Capital District, Delta Amacuro, Guárico, Lara, Mérida, Miranda, Portuguesa, Sucre, Táchira and Yaracuy.

<sup>87</sup> See note 4 (section V. *Legal framework*).

<sup>88</sup> Amazonas, Anzoátegui, Bolívar, Capital District, Carabobo, Guárico, Mérida, Miranda, Portuguesa, Táchira and Zulia.

Polling procedures were followed in the vast majority of cases, with the exception of the polling staff asking voters whether they know how to vote, which was only asked consistently in 44 per cent of observed stations. Sanitary measures were respected for the most part. The use of face masks and disinfectant were followed in 96 per cent of the observed stations and the prescribed distance of 1.5 metres in 80 per cent.

The EU EOM observed cases of assisted voting in 42.5 per cent of the observed stations. In nine per cent of the stations, observers noted the abuse of assisted voting. The set-up of the station did not protect the secrecy of vote in three per cent of stations, and in eight per cent of the observed stations, observers witnessed violations of the secrecy of the vote, mostly by polling officers.

During voting, party agents of *Gran Polo Patriótico* were present at 81 per cent of observed stations, MUD at 77 per cent, and *Alianza Democrática* at 44 per cent. Agents of other coalitions or independent candidates had a much lower presence at polling stations.<sup>89</sup> As for domestic observer organisations, there were ROAE observers at three per cent of observed stations and OEV at 1.7 per cent.

The EU EOM received reports about accredited domestic observers who were impeded from accessing polling stations or even attacked, in Bolívar, Nueva Esparta and Zulia.<sup>90</sup> Representatives from civil society organisations faced similar problems in Cojedes and Lara.<sup>91</sup> In six states, accredited media representatives faced difficulties to enter polling centres,<sup>92</sup> and in at least 10 states, agents from opposition parties were impeded from accessing polling stations.<sup>93</sup>

**Recommendation:** *To establish clear procedures and responsibilities for entry control and verification of accreditations, addressed to both polling centre coordinators and members of Plan República, in order to ensure that accredited party agents, observers and media representatives have access to polling centres.*

### C. Closing and Results Transmission

Closing of polling stations and transmission of results was observed in 53 PS across the 24 state entities. Only in three PS were voters queueing to vote at 6 p.m., the legally established time for closing. However, 51 of the 53 observed PS did not close on time. About one third of them closed at least 30 minutes late, while the remaining ones closed more than an hour after the established time.

At 6:20 p.m., President Maduro published on his Twitter account a call on his followers to mobilise to vote. This call went against the prohibition for elected officials to campaign. Moreover, though an audio file associated to the tweet was apparently recorded around 4:00 p.m., the tweet was released after the legal closing time.

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<sup>89</sup> *Coalición Nacional Independiente* at nine per cent of observed PS, *Alternativa Popular Revolucionaria* seven per cent, independent/other 30 per cent.

<sup>90</sup> In Sifontes, Bolívar, one ROAE observer was thrown out of a polling centre (*Misión Juan XXIII*). In Maneiro, Nueva Esparta (*Unidad Educativa Nacional Bolivariana Jose Joaquin de Olmedo*), one OEV observer was impeded from observing by a CNE coordinator and thrown out of the polling centre. In San Francisco, Zulia (*Unidad Educativa Estadal Arquidiocesana Nuestra Señora del Carmen*), one ROAE observer was attacked and injured when presenting his credential to request entrance to the polling centre.

<sup>91</sup> One representative of *Voto Joven* in Maturín, Monagas, was harassed, and two representatives from *Red de Defensa de Derechos Humanos* were attacked outside the polling centre *Unidad Educativa Estadal Antonio Pinto Salinas* in Iribarren, Lara.

<sup>92</sup> Aragua, Carabobo, Lara, Mérida, Miranda and Monagas.

<sup>93</sup> Bolívar, Capital District, Carabobo, Lara, Mérida, Miranda, Monagas, Nueva Esparta, Táchira and Zulia.

In 44 of the observed PS, the voting machine transmitted the results without problems. In the stations where the machine could not transmit the results, polling staff acted according to the established procedures in most of the cases, while in one fourth of the observed stations the procedures were not followed.

The EU EOM observed the recount of paper receipts in 37 polling centres in 24 state entities. The recount was considered as good or very good 81 per cent of the observed PS. However, in the remaining centres the recount was carried out for a smaller number of stations than determined by the CNE,<sup>94</sup> and in seven polling centres the recount was not carried out at all.

#### **D. Tabulation of Results**

The EU EOM observed that the tabulation of results generally took place without problems or complaints. Regional and municipal electoral boards awaited CNE instructions before publishing partial or final results. In most states, the winning candidates were proclaimed on 24 November. In at least six states, the allocation of elected positions took place in two separate ceremonies, one for the winning candidates of the PSUV, and another one for elected opposition candidates. The first was often a ceremonial event in front of a crowd and the second an informal handover of documents at local CNE offices.

### **XIX. RESULTS AND POST-ELECTION ENVIRONMENT**

Voter turnout at the national level was 42.26 per cent. The 57.74 per cent abstention rate is the highest since 1988, excluding the 2005 and 2020 National Assembly elections, when the MUD called on voters not to go to the polls. Six state entities registered turnout rates below 40 per cent (see table 6 in Annex V. *Election results*): the Capital District (36.32 per cent), Bolívar (36.54), Carabobo (36.88), Táchira (38.2), Miranda (39.79) and Aragua (39.98). However, considering the massive emigration of Venezuelans in recent years, estimated at six million people or around four million voters, turnout would be close to 50 per cent, a rate not so far off Venezuela's historical turnout in regional and municipal elections.

The national average of invalid votes was 1.29 per cent. The state of Miranda had the highest rate of invalid votes with 4.95 per cent, probably due to the CNE decision not to replace the MUD candidate for governor who had declined in favour of the *Fuerza Vecinal* candidate (see section VIII. *Registration of Candidates*).

The *Gran Polo Patriótico Simón Bolívar* (GPPSB), led by the ruling PSUV, won 19 of the 23 governorships, the MUD two, and the *Alianza Democrática* one (see table 7, Annex V). Out of the 19 governors who got elected with PSUV, six were incumbents. Contrarily, none of the incumbent opposition governors who participated in the gubernatorial election (in Anzoátegui, Mérida, Nueva Esparta and Táchira) got re-elected. However, the MUD won Zulia, the most populous state in Venezuela, Cojedes, and lost in Nueva Esparta to the candidate of the intervened *Acción Democrática*. The gubernatorial election in the state of Barinas was suspended on 29 November (see below).

In the municipal elections (see table 8, Annex V), the GPPSB won 212 out of 335 mayors (63 per cent), while the opposition got 123 mayors, compared to 29 in the previous 2017 municipal

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<sup>94</sup> The number of polling stations where paper receipts are counted after closing varies according to the number of polling stations in the centre. Centres with up to four polling stations must count the paper receipts of one PS; centres with 5 to 8 PS must count two; with 9 to 11, three; and with more than 11, four.

elections. The opposition outnumbered the ruling coalition in six states: Zulia (15 vs. six PSUV mayors), Mérida (14 vs. nine), Táchira (16 vs. 13), Cojedes (six vs. three), Barinas (seven vs. five) and Nueva Esparta (six vs. five).

### **The Suspension of Elections to the Governorship of Barinas**

On 28 November, one week after Election day, the CNE appointed a tabulation commission to count the tally sheets corresponding to the state of Barinas, three of which were under the control of *Plan República* after the voting day. CNE councillors Tania d'Amelio, Roberto Picón and deputy councillor Carlos Quintero integrated the commission.

The decision to appoint the tabulation commission came after one week of uncertainty over the election in the state of Barinas. Barinas is the late president Chávez' home state. Chávez' father as well as his eldest brother Adán Chávez had been state governors previously. For the 21 November elections, Argenis Chávez, another one of Chávez' brothers, ran as the PSUV incumbent governor against MUD candidate Freddy Superlano.

On 29 November, according to the provisional count, Superlano was leading the gubernatorial race by around 300 votes. Only the three tally sheets that were under the control of *Plan República* remained to be counted. For reasons never explained, these tally sheets corresponded to polling stations where results had been counted manually, a situation foreseen only in exceptional cases.<sup>95</sup>

As the CNE was about to proclaim Freddy Superlano as the new governor of Barinas, the TSJ issued a ruling accepting a constitutional injunction that suspended the totalisation, adjudication and proclamation of the winner of the Barinas governorship. The injunction had been submitted by the member of the National Assembly Adolfo Superlano (not related to Freddy Superlano), a MUD dissident, who alleged a violation of the constitutional rights to participation and to vote.

In a subsequent ruling issued on the same day, the TSJ ordered a rerun of elections in the state of Barinas on 9 January 2022, on the basis of the alleged disqualification of Freddy Superlano by the Comptroller General. The MUD candidate's appeal to the Constitutional Chamber for the revision of both rulings was rejected by the TSJ on 8 December 2021.<sup>96</sup>

In ordering the rerun election in Barinas for 9 January 2022, the TSJ interfered with the CNE's competences. In spite of that, the CNE accepted the TSJ decision and called elections for the date set by the TSJ. Two of the five CNE councillors cast a dissenting vote, based on the fact that Superlano's disqualification had not been notified to the candidate or the CNE.<sup>97</sup>

Since the call for the re-run elections, three more candidates were disqualified by the Comptroller General: MUD pre-candidates Aurora Silva de Superlano (Freddy Superlano's wife), Julio César Reyes, as well as PCV candidate Aldemaro Sanoja. None of them had been previously notified of their disqualification (see section VIII.B. *Registration of Candidates*).

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<sup>95</sup> LOPRE, article 141.

<sup>96</sup> <http://historico.tsj.gob.ve/decisiones/scon/diciembre/315050-0732-81221-2021-21-0798.HTML>.

<sup>97</sup> According to the Regulation of the Organic Law of the Comptroller General, candidates' disqualifications must be published in the Official Gazette and communicated to the person concerned and to the competent bodies.

## XX. RECOMMENDATIONS

(Priority recommendations in bold)

- 1. To enhance the separation of powers and the confidence in the independence of the TSJ with the passing of a new Judicial Career Law and a reform of the Organic Law of the Supreme Court of Justice, to align them with the Constitutional safeguards that ensure transparent, non-political and merit-based selection of judges, avoiding the encroachment on the competences of the electoral power.**
2. To clearly define the responsibilities of regional and municipal boards and strengthen their autonomy.
3. To publish all relevant information in a clear and timely manner to comply with the CNE's legal provision of transparency.
- 4. To conduct a voter education campaign that increases confidence in the integrity and secrecy of electronic voting, and teaches voters how to vote for different political options in simultaneous elections.**
5. To facilitate the access to the right to vote for persons in detention entitled to exercise their franchise.
6. To provide more options for voters, including Venezuelans living abroad, to update their information outside of election periods, in order to improve the accuracy of the voter register and better gauge voter turnout rates.
7. To change the deadlines for political parties to replace candidates so that they end earlier before Election day and the name of the final candidates effectively appears on the ballot, with a view to guaranteeing voters' right to an informed choice.
- 8. To abolish the Comptroller General prerogative to strip citizens of their fundamental right to stand for election through an administrative procedure and without a timely notification, which negatively impacts on the right to defence.**
9. To notify candidates about the outcome of their requests and disclose information regarding candidate registration, substitution, withdrawal or dismissal, to increase transparency.
- 10. To strengthen the CNE's sanctioning powers by introducing a system of monitoring and sanctions, ranging from reprimands to the imposition of progressive penalties, especially regarding the use of state resources for campaign purposes.**
- 11. To balance the state-owned media coverage during electoral campaigns, in line with the Organic Law on Electoral Processes and international good practice.**
- 12. To repeal the Law against Hatred, for Peaceful Coexistence and Tolerance in order to promote freedom of expression and avoid self-censorship.**
13. To disclose which institution is responsible for the management of the data of the *Patria* platform, where and how the data are stored, who has access to them, for which purposes,

and how to request the rectification of personal data and opt out from the database, in accordance with the Constitutional right to access to information.

14. To abandon policies aimed at manipulating the public conversation on social media, as well as the use of institutional accounts for proselytising purposes, practises which are not in line with international standards for freedom of expression and with the Venezuelan Constitution and laws, so that citizens have the right to form their opinion free from inducement or interference of any kind, including on social media.
15. To enhance the capacities and human resources needed by the CNE to conduct systematic social media monitoring, with a view to raising public awareness on violations of the campaign rules and to allowing an appropriate and timely judicial response.
16. To ensure horizontal gender parity in candidacies for political offices.
17. To conduct direct elections for indigenous representatives, based on a register of indigenous voters, with a comprehensive campaign of civic and voter education, and the election taking place on the same day as the election for the general population.
18. To conduct a comprehensive programme to enhance measures of inclusion of persons with disabilities, including reinforced voter education and information, and technical solutions to avoid assisted voting.
19. To amend the legal framework to guarantee observers' freedom of movement and expression, ensuring that election observers can carry out their duties without unreasonable obstacles.
- 20. To make more efforts to inform citizens about their selection as polling staff in order to increase the presence of trained and accredited polling staff, considering a mix of incentive and sanction measures.**
21. To define the role of polling centre coordinators and ensure that they are trained not to exceed their competences.
22. To provide clear instructions and training to *Plan República* forces to emphasize the civilian nature of elections and ensure that the military forces adhere to their duties without exceeding their competences.
23. To establish clear procedures and responsibilities for entry control and verification of accreditations, addressed to both polling centre coordinators and members of *Plan República*, in order to ensure that accredited party agents, observers and media representatives have access to polling centres.

## Annex I: Matrix of Recommendations

N°	CONTEXT (Including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL / REGIONAL OBLIGATIONS / GOOD PRACTICE
<b>LEGAL FRAMEWORK</b>					
1	<p>“Professional legal reviews and most EU EOM interlocutors criticised the lack of independence of the Supreme Court of Justice (TSJ) and its politically motivated decisions.” (page 14)</p> <p>“The TSJ took decisions that do not belong to the judiciary, but to the electoral power”. (page 14-15)</p>	<p><b>To enhance the separation of powers and the confidence in the independence of the TSJ with the passing of a new Judicial Career Law and a reform of the Organic Law of the Supreme Court of Justice, to align them with the Constitutional safeguards that ensure transparent, non-political and merit-based selection of judges, avoiding the encroachment on the competences of the electoral power.</b></p>	<p>Drafting a Judicial Career Law</p> <p>Reform of the Organic Law of the Supreme Court</p>	<p>National Assembly</p>	<p><b>Rule of law</b></p> <p><b>CCPR, General Comment 32, p. 19: “The requirement of competence, independence and impartiality of a tribunal in the sense of article 14, paragraph 1, is an absolute right that is not subject to any exception. The requirement of independence refers, in particular, to the procedure and qualifications for the appointment of judges”</b></p> <p><b>A/HRC/RES/19/36, 2012, p. 1: Stresses that democracy includes respect for all human rights and fundamental freedoms, inter alia [...] the separation of powers.</b></p>
<b>ELECTION ADMINISTRATION</b>					
2	<p>“In the assessment of EU EOM observers, regional and municipal boards lacked autonomy and depended on CNE staff in their daily operations, which undermines the Constitutional principle of citizen participation in lower-level election boards. Due to the digitalisation and centralisation of many aspects of the electoral process, the responsibilities of boards were reduced.” (page 17)</p>	<p>To clearly define the responsibilities of regional and municipal boards and strengthen their autonomy.</p>	<p>No legislative change required.</p>	<p>National Election Council</p>	<p><b>Good practice</b></p> <p><b>UNCAC, Art. 1:</b> The purposes of this Convention are: (c) <b>To promote integrity, accountability and proper management of public affairs and public property.</b></p> <p><b>CCPR, GC 25, p. 20:</b> An independent electoral authority should be established to supervise the electoral process and <b>to ensure that it is conducted fairly, impartially</b> and in accordance with established laws which are compatible with the Covenant.</p>

N°	CONTEXT (Including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL / REGIONAL OBLIGATIONS / GOOD PRACTICE
3	<p>“The CNE’s board of councillors’ meetings were not open to observers, and neither the agenda nor the decisions taken were published, limiting the transparency of the CNE’s activities. The CNE website was not clearly structured and often unavailable, making it difficult to access information. In addition, relevant information like CNE resolutions were often not published on the website until several days after their adoption.” (page 17)</p>	<p>To publish all relevant information in a clear and timely manner to comply with the CNE’s legal provision of transparency.</p>	<p>No legislative change required.</p>	<p>National Election Council</p>	<p><b>Transparency and access to information</b></p> <p><b>CCPR, GC 34, p. 18:</b> Article 19, paragraph 2 embraces <b>a right of access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production.</b></p> <p><b>UNCAC, Art. 10:</b> Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia: (a) <b>Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration</b> and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public.</p>
4	<p>“While most political party and civil society interlocutors expressed confidence in the voting system, they also reported a widespread popular belief that the system does not protect the secrecy of the vote and</p>	<p><b>To conduct a voter education campaign that increases confidence in the integrity and secrecy of electronic voting, and teaches voters how to vote for different political options in simultaneous elections.</b></p>	<p>No legislative change required.</p>	<p>National Election Council</p>	<p><b>Genuine elections that reflect the free expression of the will of voters</b></p> <p><b>Transparency and access to information</b></p>

N°	CONTEXT (Including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL / REGIONAL OBLIGATIONS / GOOD PRACTICE
	that the authorities can verify voters' choices." (page 18)				<p><b>ICCPR, Art. 25:</b> Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (b) <b>To vote and to be elected</b> at genuine periodic elections which shall be by universal and equal suffrage and shall be held <b>by secret ballot, guaranteeing the free expression of the will of the electors.</b></p> <p><b>CCPR, GC 25, p. 20:</b> States should take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists. <b>This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process.</b> Waiver of these rights is incompatible with article 25 of the Covenant.</p>
<b>VOTER REGISTRATION</b>					
5	“There were, however, significantly more enfranchised persons in detention facilities, most of them with pending court cases. Gaps in data transmission from the detention centres to the CNE and the lack of identity documents impacted negatively on the right to vote for prisoners. Civil society representatives expressed concern about the free exercise of prisoners’ right to vote due to the control exercised over them by some inmates.” (page 19)	To facilitate the access to the right to vote for persons in detention entitled to exercise their franchise.	No legislative change required.	National Election Council	<p><b>Universal suffrage</b></p> <p><b>State must take the necessary steps to give effect to the rights</b></p> <p><b>CCPR, GC 25, p. 12:</b> Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or <b>impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively.</b></p>

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					<p><b>p. 14: Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote.</b></p>
6	<p>“According to the LOPRE, the voter register is continuous, and voters may register or update their data at any time. In practice, however, this option is limited outside election periods, as updates can only be made in the CNE offices in state capitals.” (page 20)</p> <p>“While the CNE estimated under-registration at less than 3.4 per cent of all eligible citizens (about 745,000 persons), civil society organisations considered this figure to be much higher (two to three million). Almost six million Venezuelans have migrated, but the voter register contains only 107,967 voters registered abroad. While there is no out-of-country voting in regional and municipal elections, such a number of migrants distorts turnout percentages.” (page 20)</p>	<p>To provide more options for voters, including Venezuelans living abroad, to update their information outside of election periods, in order to improve the accuracy of the voter register and better gauge voter turnout rates.</p>	<p>No legislative change required.</p>	<p>National Election Council</p>	<p><b>Right and opportunity to vote</b></p> <p><b>CCPR, GC 25, p. 11: States must take effective measures to ensure that all persons entitled to vote are able to exercise that right.</b> Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote. Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced. Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.</p>
<b>REGISTRATION OF CANDIDATES</b>					
7	<p>“The possibility of exchanging candidates up to 10 days before Election day benefits political parties, but negatively affects the right of voters to make an informed decision.” (page 21)</p>	<p>To change the deadlines for political parties to replace candidates so that they end earlier before Election day and the name of the final candidates effectively appears on the ballot, with a view to guaranteeing voters’ right to an informed choice.</p>	<p>No legislative change required. Only changes at regulatory level.</p>	<p>National Election Council</p>	<p><b>Right and opportunity to participate in public affairs and hold office</b></p> <p><b>Transparency and access to information</b></p> <p><b>CCPR, GC 34, p. 20:</b> The Committee, in general comment No. 25 on participation in</p>

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					public affairs and the right to vote, elaborated on <b>the importance of freedom of expression for the conduct of public affairs and the effective exercise of the right to vote</b> . The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential.
8	“Article 105 of the Organic Law of the Comptroller General (CG) authorises the CG to strip citizens of their right to stand for elections through an administrative procedure. The suspension of political rights by such means, and the fact that appeals have no suspensive effect, contradict international principles and article 42 of the Constitution, which guarantees that only a final judgement can suspend the exercise of political rights, as was pointed out in several resolutions of the Inter-American Court of Human Rights.” (page 15)	<b>To abolish the Comptroller General prerogative to strip citizens of their fundamental right to stand for election through an administrative procedure and without a timely notification, which negatively impacts on the right to defence.</b>	Reform of the Organic Law of the Comptroller General	National Assembly	<p><b>Right and opportunity to participate in public affairs and hold office</b></p> <p><b>ICCPR, Art. 2(3): (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy.</b></p> <p><b>ICCPR, Art. 14(1): All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.</b></p> <p><b>CCPR, GC 25, p. 4: Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria. For example, it may be reasonable to require a</b></p>

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					higher age for election or appointment to particular offices than for exercising the right to vote, which should be available to every adult citizen. <b>The exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable.</b>
9	<p>“Article 113 of the Regulation of the Organic Law of the Comptroller General establishes the obligation to duly notify CG decisions to the interested person and to publish them in the Official Gazette” (page 15)</p> <p>“Some of the disqualified candidates did not receive an official notification from the CNE but found out about their rejection informally, sometimes through the mass media. Also, there were reports about candidates who were not aware that their substitution or withdrawal requests had not been accepted by the CNE.” (page 22)</p>	To notify candidates about the outcome of their requests and disclose information regarding candidate registration, substitution, withdrawal or dismissal, to increase transparency.	No legislative change required.	National Election Council	<p><b>Right and opportunity to participate in public affairs and hold office</b></p> <p><b>Right to effective remedy</b></p> <p><b>CCPR, GC 32, p. 31: The right to be informed of the charge “promptly” requires that information be given as soon as the person concerned is formally charged with a criminal offence under domestic law, or the individual is publicly named as such.</b></p>
<b>CAMPAIGN ENVIRONMENT</b>					
10	“In practice, the CNE failed to sanction violations of the campaign regulations and the use of state resources. Based on the media monitoring conducted by the CNE Directorate General Information and Communication, the CNE issued 16 notifications to candidates, parties, and media outlets for violations of the campaign regulations. In nine cases, the	<b>To strengthen the CNE’s sanctioning powers by introducing a system of monitoring and sanctions, ranging from reprimands to the imposition of progressive penalties, especially regarding the use of state resources for campaign purposes.</b>	No legislative change required. Only changes at regulatory level.	National Election Council	<p><b>Prevention of corruption / Fairness in the election campaign</b></p> <p><b>UNCAC, Art. 1: The purposes of this Convention are: [...] (c) To promote integrity, accountability and proper management of public affairs and public property.</b></p>

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	CNE initiated administrative proceedings and took precautionary measures by suspending the broadcast of the advertisements in question. To date, no information is available on the outcome of the proceedings.” (page 24)				<b>UNCAC, Art. 17:</b> Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.
<b>MEDIA</b>					
11	“Article 81 of the LOPRE establishes that media, public or private, must provide “full and balanced informative coverage, not misrepresenting the reality of the electoral campaign”.” (page 27)  “The ruling coalition received the largest share of television and radio coverage (49 per cent), largely due to live broadcasts of government events on state media.” (page 27)	<b>To balance the state-owned media coverage during electoral campaigns, in line with the Organic Law on Electoral Processes and international good practice.</b>	No legislative change required.	State-owned media (particularly, VTV and RNV)	<b>Freedom of opinion and expression</b>  <b>ICCPR, Art. 25:</b> Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: [...] (c) <b>To have access, on general terms of equality, to public service in his country.</b>
<b>SOCIAL MEDIA</b>					
12	“The Law Against Hatred was approved by the Constitutional Assembly, although according to the Constitution (article 202), only the National Assembly can enact laws. The law could also violate articles 49, 51 and 57 of the Constitution, which establish the right to a due process and prohibit censorship. Vague and disproportionate legal provisions	<b>To repeal the Law against Hatred, for Peaceful Coexistence and Tolerance in order to promote freedom of expression and avoid self-censorship.</b>	Repeal of the Law against Hatred	National Assembly	<b>Freedom of opinion and expression</b>  <b>ICCPR, Art. 19:</b> (1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in

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	restricting freedom of expression do not comply with article 19 (3) of the International Covenant on Civil and Political Rights or article 5 of the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR).” (page 29)				writing or in print, in the form of art, or through any other media of his choice [...].  <b>CCPR, GC 34, p. 42: The penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression.</b>
13	“The platform <i>Patria</i> , which counts more than 21 million users in Venezuela, collects basic personal data such as address and date of birth, but also sensitive information such as political party membership, participation in PSUV initiatives and activity on social media. It is unclear which state institution is responsible of the management of its data, and how this massive amount of data is used, stored and for which purposes. [...] There is no transparency on how bonuses and benefits are allocated through the platform, to which beneficiaries and according to which criteria. The practice of scanning the <i>Patria</i> card ( <i>Carnet de la Patria</i> ) on Election day might lead some voters to believe that the secrecy of their vote is not fully guaranteed.” (page 29)	To disclose which institution is responsible for the management of the data of the <i>Patria</i> platform, where and how the data are stored, who has access to them, for which purposes, and how to request the rectification of personal data and opt out from the database, in accordance with the Constitutional right to access to information.	No legislative change required.	Executive power	<b>Transparency and access to information</b>  <b>ICCPR, Art. 9(1): Everyone has the right to liberty and security of person [...].</b>  <b>CCPR, GC 25, p. 11: Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited</b> by penal laws, and those laws should be strictly enforced. p. 20: <b>States should take measures to guarantee the requirement of the secrecy of the vote during elections</b> , including absentee voting, where such a system exists. <b>This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process.</b>
14	“The Venezuelan Constitution, the anti-corruption law and the LOPRE prohibit public officials to use state resources to favour political parties or political interests. But Venezuelan and	To abandon policies aimed at manipulating the public conversation on social media, as well as the use of institutional accounts for proselytising purposes, practises	No legislative change required.	Executive power	<b>Freedom of opinion and expression</b>  <b>ICCPR, Art. 19: (1) Everyone shall have the right to hold opinions without interference. (2) Everyone shall have the right to freedom</b>

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	international civil society organisations have widely documented that the government is using public funds to remunerate citizens for sharing its narratives on Twitter since 2017. Most of the hashtags positioned daily by the Ministry of Communication on Twitter are shared by bots and cyborg accounts. This can have an impact on electoral processes, where campaigns should see a level playing fields for all contenders.” (page 30)	which are not in line with international standards for freedom of expression and with the Venezuelan Constitution and laws, so that citizens have the right to form their opinion free from inducement or interference of any kind, including on social media.			of expression; <b>this right shall include freedom to seek, receive and impart information and ideas of all kinds</b> , regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
15	“As the CNE lacks a social media monitoring unit, it was unable to document violations. The CNE does not have sanctioning power in case on violations on social media. However, it might raise public awareness on the violations and ask the judiciary to investigate potential cases of use of state resources emerging during the campaign.” (page 30)	To enhance the capacities and human resources needed by the CNE to conduct systematic social media monitoring, with a view to raising public awareness on violations of the campaign rules and to allowing an appropriate and timely judicial response.	No legislative change required.	National Election Council	<b>Prevention of corruption / Fairness in the election campaign</b>  <b>ICCPR, Art. 2(3):</b> Each State Party to the present Covenant undertakes: (a) <b>To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;</b> (b) <b>To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;</b> (c) <b>To ensure that the competent authorities shall enforce such remedies when granted.</b>

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16	<p>“A CNE instruction for parity in candidacies for the municipal and state legislative council elections established a quota of 40 to 50 per cent for each gender and led to 49.44 per cent of female candidates. Outside of this quota regulation for councillors and state legislators, political parties did not promote female candidates out of their own initiative for positions of mayors and governors. According to an analysis by the <i>Red Electoral Ciudadana</i>, up to 6 December, only 62 women mayors and two women governors had been elected (19 and nine per cent, respectively).” (page 31)</p>	<p>To ensure horizontal gender parity in candidacies for political offices.</p>	<p>Reform of the LOPRE.</p>	<p>National Assembly</p>	<p><b>Women’s participation in public affairs</b></p> <p><b>ICCPR, Art. 3:</b> The States Parties to the present Covenant undertake <b>to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.</b></p> <p><b>CEDAW, Art. 7:</b> States Parties shall take <b>all appropriate measures to eliminate discrimination against women in the political and public life of the country</b> [...]</p>
<b>POLITICAL PARTICIPATION OF NATIONAL MINORITIES</b>					
17	<p>“In four of the seven states, civil society organisations and indigenous groups raised complaints to the EU EOM about opaque procedures and communication, declaring that the second-rate election did not respect constitutionally guaranteed rights of direct, secret suffrage. Other interlocutors added that there were no provisions to ensure that the first step of the election, the election of delegates, was representative. They also noted the absence of voter education campaigns.” (page 33)</p>	<p>To conduct direct elections for indigenous representatives, based on a register of indigenous voters, with a comprehensive campaign of civic and voter education, and the election taking place on the same day as the election for the general population.</p>	<p>Reform of the LOPRE.</p>	<p>National Assembly</p>	<p><b>Equal suffrage</b> <b>Freedom from discrimination</b></p> <p><b>ICERD, Art. 1(4):</b> Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they</p>

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					<p>shall not be continued after the objectives for which they were taken have been achieved.</p> <p><b>ICERD, Art. 2(2):</b> States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, <b>special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.</b> These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.</p> <p><b>ILO Convention 169, article 6:</b> “1. In applying the provisions of this Convention, governments shall: (b) <b>establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions</b> and administrative and other bodies responsible for policies and programmes which concern them;”</p>
<b>POLITICAL PARTICIPATION OF PERSONS WITH DISABILITIES</b>					
18	“PwD organisations pointed out that the voting machines are not adapted to the	To conduct a comprehensive programme to enhance measures of	No legislative change required.	National Election Council	<b>Freedom from discrimination</b>

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	<p>needs of PwD. They also noted the absence of sign language interpreters and braille voting. Persons with visual impairments have to rely on assisted voting. The CNE explained that braille had not been implemented for technical reasons and for not being widespread in Venezuela. The option of assisted voting remains an unsatisfactory compromise by international best practices, as it does not guarantee the secrecy of the vote.” (page 34)</p>	<p>inclusion of persons with disabilities, including reinforced voter education and information, and technical solutions to avoid assisted voting.</p>			<p><b>ICCPR, Art. 25: Every citizen shall have the right and the opportunity</b>, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (b) <b>To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage</b> and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.</p> <p><b>ICCPR Art. 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.</b> In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p><b>CRPD, Art. 29: States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others</b>, and shall undertake: a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected.</p>
<b>CIVIL SOCIETY AND INTERNATIONAL OBSERVATION</b>					

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19	<p>“A 2020 CNE regulation sets the framework for national and international election observation. The regulation restricts observers’ activities: they must have their deployment plan, as well as any meeting with a CNE directorate or local office, approved by the CNE. They cannot publish any report without prior CNE approval, and at the end of their activities they must submit a confidential report to the CNE.” (page 35)</p>	<p>To amend the legal framework to guarantee observers’ freedom of movement and expression, ensuring that election observers can carry out their duties without unreasonable obstacles.</p>	<p>No legislative change required. Only changes at regulatory level.</p>	<p>National Election Council</p>	<p><b>Freedom of expression</b> <b>Freedom of movement</b></p> <p><b>ICCPR, Art. 25: Every citizen shall have the right and the opportunity</b>, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) <b>To take part in the conduct of public affairs, directly or through freely chosen representatives.</b></p> <p><b>ICCPR, Art. 22: (1) Everyone shall have the right to freedom of association</b> with others, including the right to form and join trade unions for the protection of his interests. (2) No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others [...].</p> <p><b>CCPR, GC 25, p. 4: The exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable.</b> p. 8: Citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. <b>This participation is supported by ensuring</b></p>

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					freedom of expression, assembly and association.
<b>POLLING, COUNTING AND TABULATION OF RESULTS</b>					
20	“Over half (56 per cent) of the polling staff in the observed stations during opening were substitutes. In 20 per cent of these cases, the substitutions were not made according to the established procedures.” (page 37)	<b>To make more efforts to inform citizens about their selection as polling staff in order to increase the presence of trained and accredited polling staff, considering a mix of incentive and sanction measures.</b>	No legislative change required. Only changes at regulatory level.	National Election Council	<b>Genuine elections that reflect the free expression of the will of the voters</b>  CCPR, GC 25, p. 20: An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.
21	“The CNE polling centre coordinators played a predominant role during the voting process and were observed overstepping their role and fulfilling tasks of polling staff in at least 14 states” (page 37)	To define the role of polling centre coordinators and ensure that they are trained not to exceed their competences.	No legislative change required. Only changes at regulatory level.	National Election Council	<b>Genuine elections that reflect the free expression of the will of the voters</b>  CCPR, GC 25, p. 20: An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.
22	“In 11 states, the EU EOM observed a heavy militarisation and noted that <i>Plan República</i> exceeded its mandate. Representatives of <i>Plan República</i> were observed in 11 per cent of the observed polling stations without having been invited by polling staff.” (page 37)	To provide clear instructions and training to <i>Plan República</i> forces to emphasize the civilian nature of elections and ensure that the military forces adhere to their duties without exceeding their competences.	No legislative change required. Only changes at regulatory level.	National Election Council	<b>Genuine elections that reflect the free expression of the will of the voters</b>  ICCPR, Art. 9(1): Everyone has the right to liberty and security of person [...].  CCPR, GC 25, p. 11: Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws, and those laws should be strictly enforced. p. 20:

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					States should take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists. This implies that <b>voters should be protected from any form of coercion</b> or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process. Waiver of these rights is incompatible with article 25 of the Covenant.
23	“The EU EOM received reports about accredited domestic observers who were impeded from accessing polling stations or even attacked, in Bolívar, Nueva Esparta and Zulia. Representatives from civil society organisations faced similar problems in Cojedes and Lara. In six states, accredited media representatives faced difficulties to enter polling centres, and in at least 10 states, agents from opposition parties were impeded from accessing polling stations.” (page 38)	To establish clear procedures and responsibilities for entry control and verification of accreditations, addressed to both polling centre coordinators and members of <i>Plan República</i> , in order to ensure that accredited party agents, observers and media representatives have access to polling centres.	No legislative change required. Only changes at regulatory level.	National Election Council	<p><b>Genuine elections that reflect the free expression of the will of the voters</b></p> <p><b>Transparency and access to information</b></p> <p><b>ICCPR, Art. 25: Every citizen shall have the right and the opportunity</b>, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) <b>To take part in the conduct of public affairs, directly or through freely chosen representatives.</b></p> <p><b>UNCAC, Art. 10:</b> Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary <b>to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate.</b> Such measures may include, inter alia: (a) <b>Adopting procedures or regulations allowing members of the general public to obtain, where</b></p>

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					<p><b>appropriate, information on the organization, functioning and decision-making processes of its public administration</b> and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public.</p>

- CEDAW: Convention on the Elimination of Discrimination Against Women.
- IACHR: Inter-American Court of Human Rights.
- ICCPR: International Covenant on Civil and Political Rights.
- ICCPR GC: General Comment to the ICCPR.
- ICERD: International Convention on the Elimination of All Forms of Racial Discrimination.
- ILO: International Labour Organisation.
- UDHR: Universal Declaration of Human Rights.
- UNCAC: United Nations Convention against Corruption.

## Annex II: Eligible voters. Registered political parties.

**Table 1: Eligible voters for the 2021 regional and municipal elections**

Venezuelan citizens included in the final voter register	21,037,954
- Venezuelans registered in Venezuela	20,929,987
- Venezuelans registered abroad	107,967
Foreign citizens eligible to vote	229,859
Eligible voters for the regional and municipal elections (total number of voters minus voters abroad)	21,159,846

**Table 2: Voters per state<sup>98</sup>**

State	Venezuelan voters	Foreign voters	Total
Capital District	1,675,636	30,645	1,706,281
Amazonas	114,151	1,269	115,420
Anzoátegui	1,143,830	4,817	1,148,647
Apure	372,974	2,878	375,852
Aragua	1,288,584	7,012	1,295,596
Barinas	602,932	4,714	607,646
Bolívar	1,045,164	7,448	1,052,612
Carabobo	1,653,385	14,099	1,667,484
Cojedes	271,227	1,437	272,664
Delta Amacuro	129,407	462	129,869
Falcón	713,595	2,478	716,073
Guárico	558,514	1,452	559,966
La Guaira	310,199	2,442	312,641
Lara	1,349,328	3,537	1,352,865
Mérida	634,273	6,535	640,808
Miranda	2,190,406	42,066	2,232,472
Monagas	676,082	2,515	678,597
Nueva Esparta	382,812	4,087	386,899
Portuguesa	665,968	3,769	669,737
Sucre	694,164	1,001	695,165
Táchira	861,767	31,173	892,940
Trujillo	554,427	2,536	556,963
Yaracuy	469,824	1,698	471,522
Zulia	2,571,338	49,789	2,621,127
Embassies	107,967	0	107,967
<b>TOTAL</b>	<b>21,037,954</b>	<b>229,859</b>	<b>21,267,813</b>

<sup>98</sup> CNE resolution 210826-0063.

**Table 3: National and regional political parties eligible to participate in the 2021 regional and municipal elections<sup>99</sup>**

<b>Political Parties – national level</b>	
1	Acción Democrática (AD)
2	Activistas Democráticos Electorales y Alternativos (ADELANTE)
3	Alianza del Lápiz Partido Popular (Alianza del Lápiz)
4	Alianza para el Cambio (APC)
5	Avanzada Progresista (AP)
6	Bandera Roja
7	Cambiemos Movimiento Ciudadano (CMC)
8	Comité de Organización Política Electoral Independiente (Copei)
9	Compromiso País (COMPA)
10	Convergencia
11	Encuentro Ciudadano (ENCUENTRO)
12	Esperanza por el Cambio (El Cambio)
13	Fuerza Vecinal (FV)
14	Generación Independiente (Gente)
15	La Fuerza del Cambio (FDC)
16	Liberal Pro Ciudadanos (LPC)
17	Mesa de la Unidad Democrática (MUD)
18	Movimiento al Socialismo (MAS)
19	Movimiento Centrados (CENTRADOS)
20	Movimiento de Integridad Nacional-Unidad (MIN Unidad)
21	Movimiento Ecológico de Venezuela (Movev)
22	Movimiento Electoral del Pueblo (MEP)
23	Movimiento Progresista de Venezuela (MPV)
24	Movimiento Republicano
25	Movimiento Venezuela (Somos Venezuela)
26	Nueva Visión para mí País (NUVIPA)
27	Organización Renovadora Auténtica (ORA)
28	Partido Comunista de Venezuela (PCV)
29	Partido Socialista Unido de Venezuela (PSUV)
30	Partido Unión y Entendimiento (PUENTE)
31	Patria Para Todos (PPT)
32	Por la Democracia Social (PODEMOS)
33	Primero Venezuela (PV)
34	Soluciones por Venezuela (SPV)
35	Suma País
36	Tendencias Unificadas para alcanzar el Movimiento de Acción Revolucionaria
37	Unidad Política Popular 89 (UPP89)
38	Unidad Popular Venezolana (UPV)
39	Unión para el Progreso (Unión Progreso)
40	Unión y Cambio (UNICA)
41	Venezuela Unida
42	Voluntad Popular Activista (VPA)

<sup>99</sup> CNE resolutions 210527-0060, 210629-0037, 210629-0039, 210730-0045, 210730-0048 and several CNE news articles.

<b>Political Parties – regional level</b>	
1	Movimiento Unión Democrática Organizada (UNDEO)
2	Fuerza Ciudadana (FC)
3	Movimiento Bolívar Joven (MBJ)
4	Unidad Independencia y Progreso (UNIPRO)
5	100% Caraqueños (100% CQÑ)
6	Nuevos Electores Guariqueños Roscianos (NEGRO)
7	Movimiento Unidos por Lara (MUL)
8	Partido Regional Barquisimeto Activo (Barquisimeto Activo)
9	Proyecto Guacharo (PG)
10	Alianza Movimiento Ciudadano Zulia (AMCZ)
11	Movimiento Irreverente Organizado (MIO)
12	Zulia Humana (ZH)
13	Plataforma Aragua Democrática (PLAD)
14	Red de Aragua (RDA)
15	Carabobeños por Carabobo (CPC)
16	Movimiento Político Caracas para todos (MPCPT)
17	Partido Político Movimiento Prosperidad Democrática (MPD)
18	Lara Independiente (LAIN)
19	Visión Futuro de Miranda (VFM)
20	Fuerza Vecinal (FV)
21	Nuevo Liderazgo Vecinal (NLV)
22	Partido de Acción Zuliana (PAZ)
23	Amemos al Táchira (AT)
...	...

**Table 4: National and regional indigenous organisations eligible to participate in the 2021 indigenous elections.**

<b>Indigenous organisations – national level</b>		
1	Consejo Nacional Indio de Venezuela (CONIVE)	
2	Agrupación Indígena Evolución (EVOLUCION)	
3	Asociación Civil Cátedra Guaicaipuro (CATEDRA GUAICAIPURO)	
4	Movimiento de los Pueblos Indígenas de Venezuela (MOPIVE)	
5	Parlamento Indígena de Venezuela (PARLINVE)	
6	Organización Socialista Indígena Bolivariana Unida (OSIBU)	
<b>Indigenous organisations – regional level</b>		
7	Organización Regional de Pueblos Indígenas de Amazonas (ORPIA)	Amazonas
8	Federación Indígena Bolivariana del Estado Anzoátegui, Cacique Cayaurima (FEDECAYAUURIMA)	Anzoátegui
9	Fundación para la Capacitación, Integración y Dignificación del Indígena (FUNDACIDI)	Apure
10	Federación Indígena del Estado Bolívar (FIEB)	Bolívar
11	Comunidad Indígena de San Francisco de Yuruani (KUMARAKAPAY)	Bolívar
12	Asociación Civil Indígena Santa Barbara de Tapirin (ASOCINSABAT)	Monagas
13	Comunidad Indígena Chaima Amanita (AMANITA)	Sucre
14	Asociación Civil Indígena Warao Maraisa Kojotuka (MARAISA K)	Sucre
15	Asociación Civil Indígena Chaima Libres Socialista (ACICHILSO)	Sucre

16	Federación Comunal Indígena Karina Nuestra Señora de la Concepción de la Meseta de Santa Fe (FCIKNSCMSES)	Sucre
17	Comunidad Indígena San Antonio (MARAISA KOJUTUKA)	Sucre
18	Cooperativa de Transporte Kalaiira Wayuu RS (KALAIIRA)	Zulia
19	Federación Indigenista de Venezuela (FEINVE)	Zulia
20	Fundación Guajira Venezolana (GUAJIRAVEN)	Zulia
21	Asociación Civil Única de Comerciantes Indígenas de la República Bolivariana de Venezuela (ASOCOINBO)	Zulia
22	Sociedad Indígena (SOCIEDAD INDÍGENA)	Zulia
23	Fundación para el Desarrollo de la Guajira (FUNDAPAEZ)	Zulia
24	Asociación de Productores Salineros Indígenas (APRISAL)	Zulia

### Annex III. EU EOM Media Monitoring Results

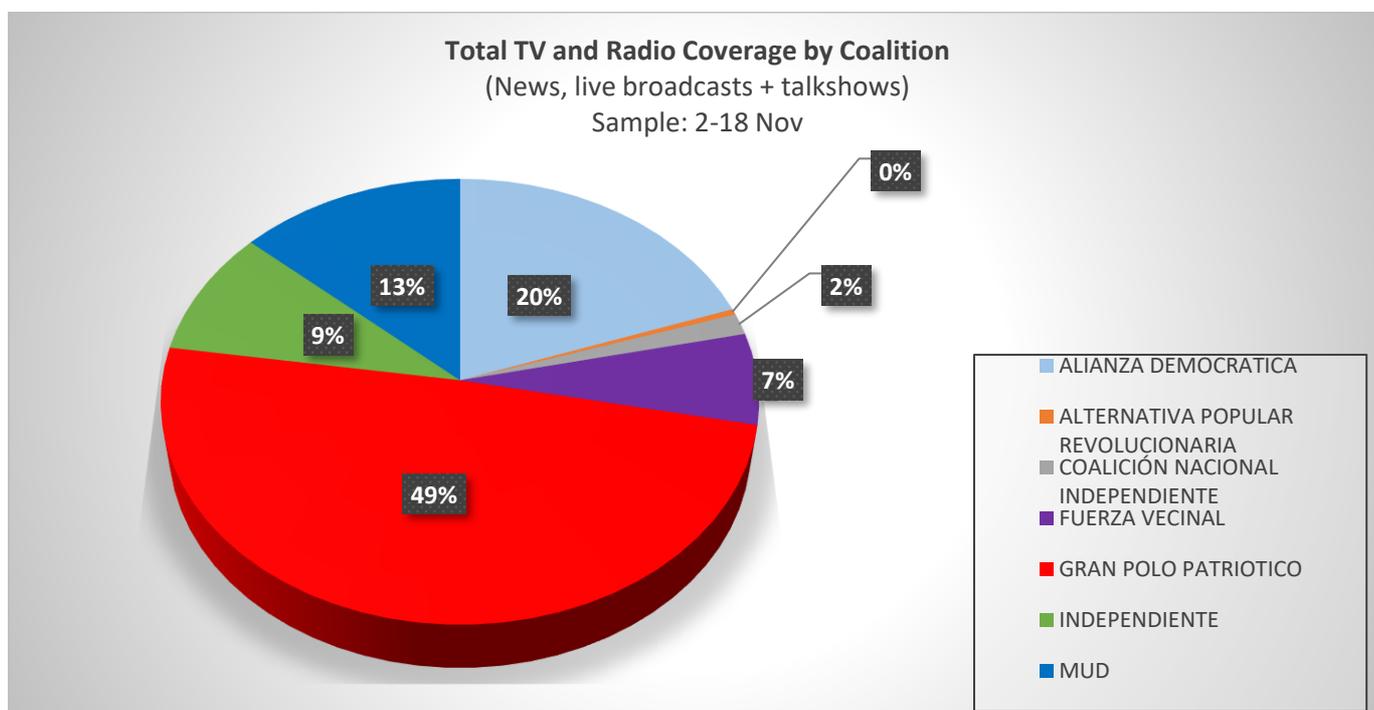
The monitored media sample comprised seven daily hours of programming<sup>100</sup> from four TV stations (*Globovisión*, *Televén*, *Venevisión*, and *Venezolana de Televisión*) and four radio stations (*Actualidad Unión Radio*, *Éxitos*, *Radio Miraflores*, and *Radio Nacional de Venezuela*) over 17 days of electoral campaign (2-18 November 2021).

The four TV stations carried national broadcasting. *Globovisión*, *Televén*, and *Venevisión* are privately owned; *Venezolana de Televisión* (VTV) is operated by the state. As for the four radio stations, they carried nationwide broadcasts, and otherwise reached the greater Caracas area. *Actualidad Unión Radio* and *Éxitos* are privately owned; *Radio Miraflores* and *Radio Nacional de Venezuela* (RNV) are publicly funded.

Of the 952 hours monitored, 189 hours featured election-related content, representing 17 per cent of all content. Monitored content mostly included news coverage, political talk-shows, and live broadcasts of government events. No debates were found during the monitored hours.

**Chart 1: Total Coverage by Coalition**

Total Coverage by Coalition (news, live broadcasts + talkshows)									
	Actualidad Unión Radio	Éxitos	Radio Miraflores	RNV	Globovisión	Televén	Venevisión	VTV	Grand Total
ALIANZA DEMOCRATICA	2:18:04	1:00:14	0:03:59	0:24:29	10:14:12	1:56:39	1:55:55	5:04:06	22:57:38
ALTERNATIVA POPULAR REVOLUCIONARIA	0:07:25	0:01:11	0:00:00	0:00:00	0:18:22	0:01:09	0:00:54	0:00:00	0:29:01
COALICIÓN NACIONAL INDEPENDIENTE	0:31:54	0:03:31	0:00:00	0:02:04	0:44:25	0:12:48	0:05:44	0:07:23	1:47:49
FUERZA VECINAL	1:13:32	1:13:40	0:00:00	0:02:05	2:44:14	0:53:30	1:09:33	0:29:54	7:46:28
GRAN POLO PATRIOTICO	3:22:43	0:22:30	7:12:56	8:34:30	11:54:00	2:27:19	3:41:25	20:00:36	57:35:59
INDEPENDIENTE	1:28:45	0:17:39	0:00:00	0:11:01	5:34:32	0:38:46	0:23:24	2:10:53	10:45:00
MUD	3:12:30	1:22:43	0:05:50	0:17:59	6:08:41	2:02:53	1:29:31	1:05:07	15:45:14

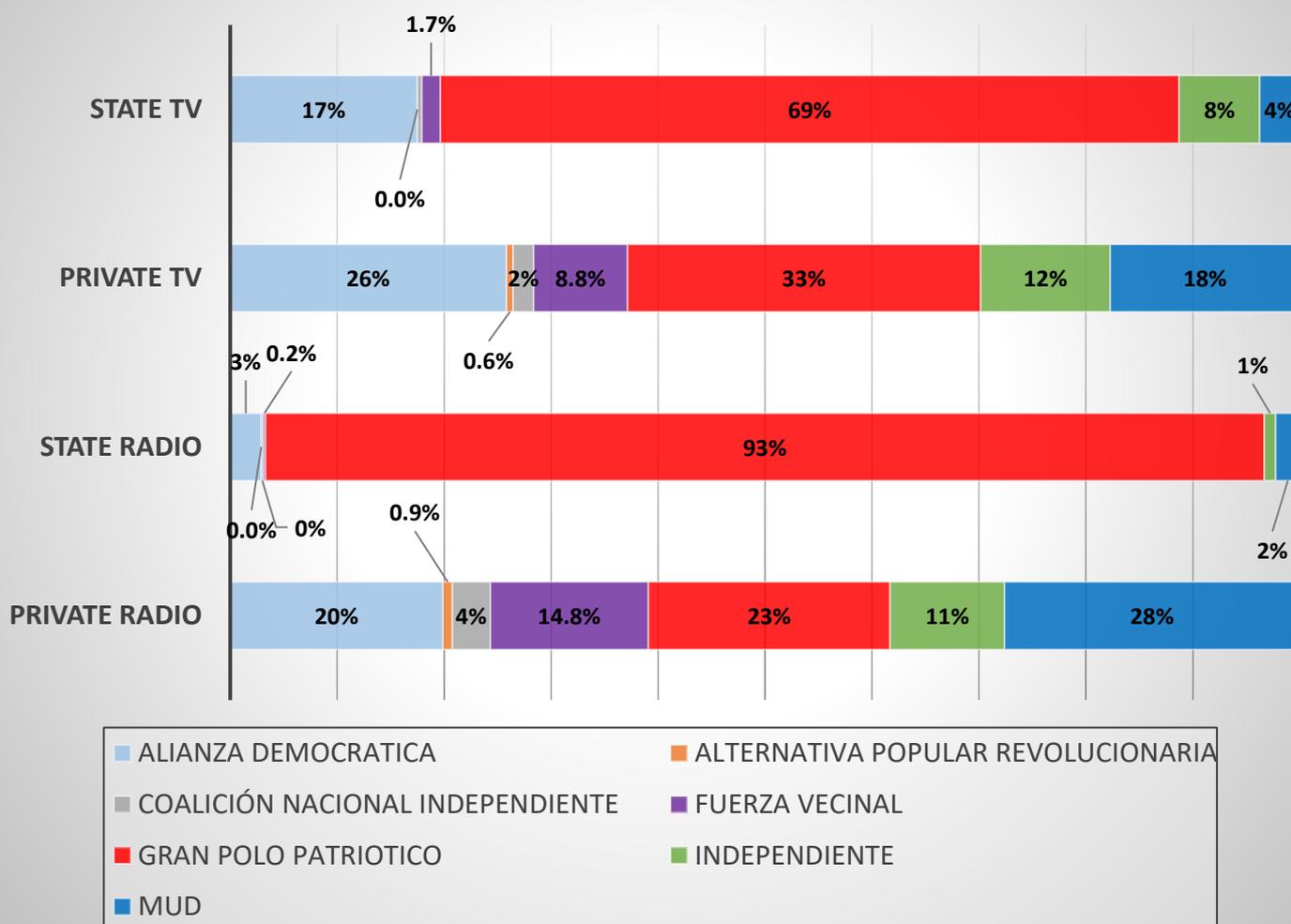


<sup>100</sup> 6 a.m. to 9 a.m., 12 noon to 2 p.m., and 5 p.m. to 7 p.m.

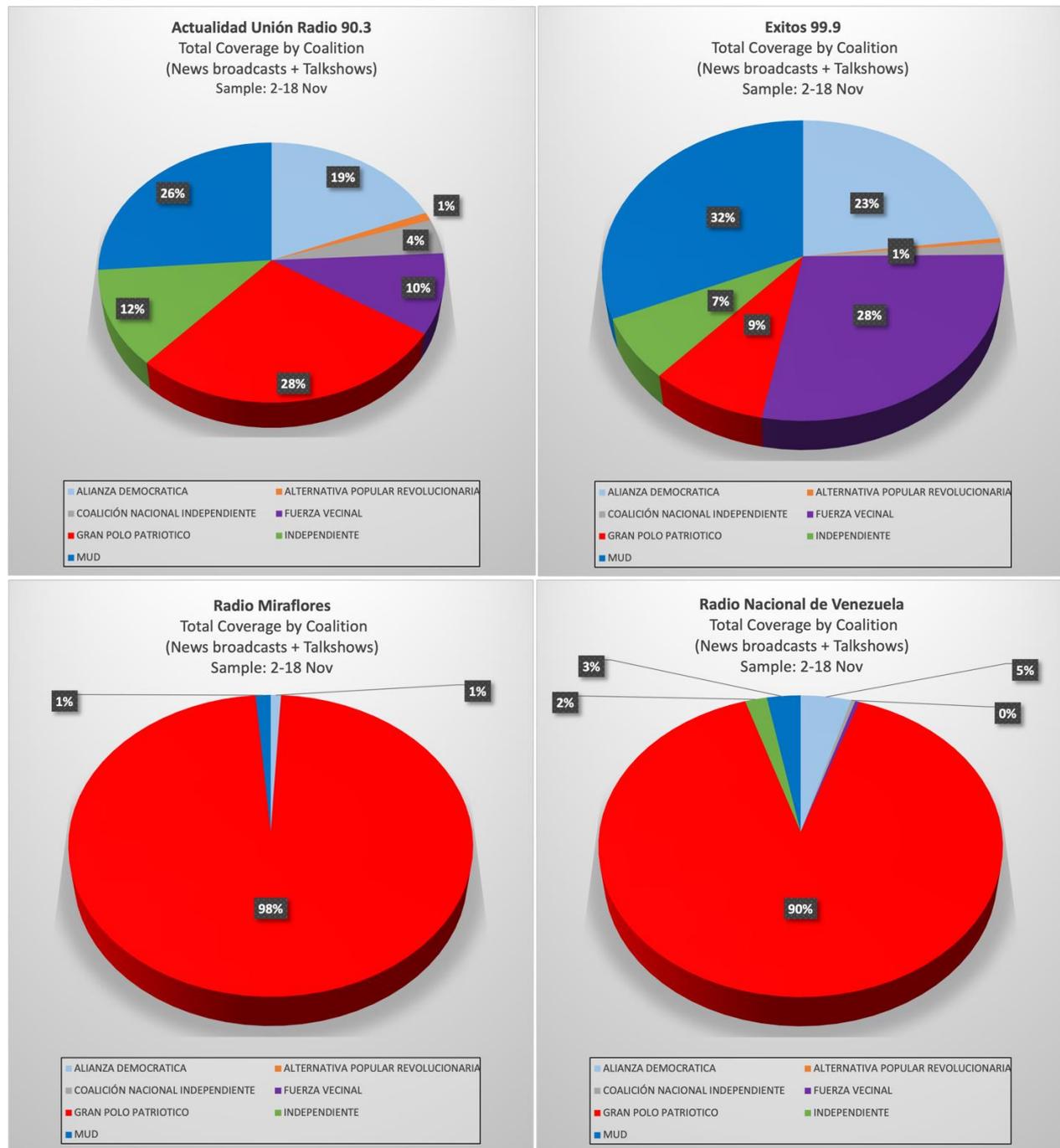
**Chart 2: Total Coverage by Coalition and Media Type (Radio and TV, private and state-owned)**

Relative Coverage by Coalition (news, live broadcasts + talkshows)												
	Actualidad Unión Radio	Exitos	Private Radio	Radio Miraflores	RNV	State Radio	Globovisión	Televen	Venevisión	Private TV	VTV	State TV
ALIANZA DEMOCRATICA	18.8%	23.0%	19.9%	0.9%	4.4%	2.9%	27.2%	23.7%	22.0%	25.8%	17.5%	17.5%
ALTERNATIVA POPULAR REVOLUCIONARIA	1.0%	0.5%	0.9%	0.0%	0.0%	0.0%	0.8%	0.2%	0.2%	0.6%	0.0%	0.0%
COALICIÓN NACIONAL INDEPENDIENTE	4.3%	1.3%	3.6%	0.0%	0.4%	0.2%	2.0%	2.6%	1.1%	1.9%	0.4%	0.4%
FUERZA VECINAL	10.0%	28.2%	14.8%	0.0%	0.4%	0.2%	7.3%	10.9%	13.2%	8.8%	1.7%	1.7%
GRAN POLO PATRIOTICO	27.6%	8.6%	22.6%	97.8%	90.0%	93.4%	31.6%	29.9%	42.1%	33.0%	69.1%	69.1%
INDEPENDIENTE	12.1%	6.8%	10.7%	0.0%	1.9%	1.1%	14.8%	7.9%	4.4%	12.1%	7.5%	7.5%
MUD	26.2%	31.6%	27.6%	1.3%	3.0%	2.2%	16.3%	24.9%	17.0%	17.7%	3.7%	3.7%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

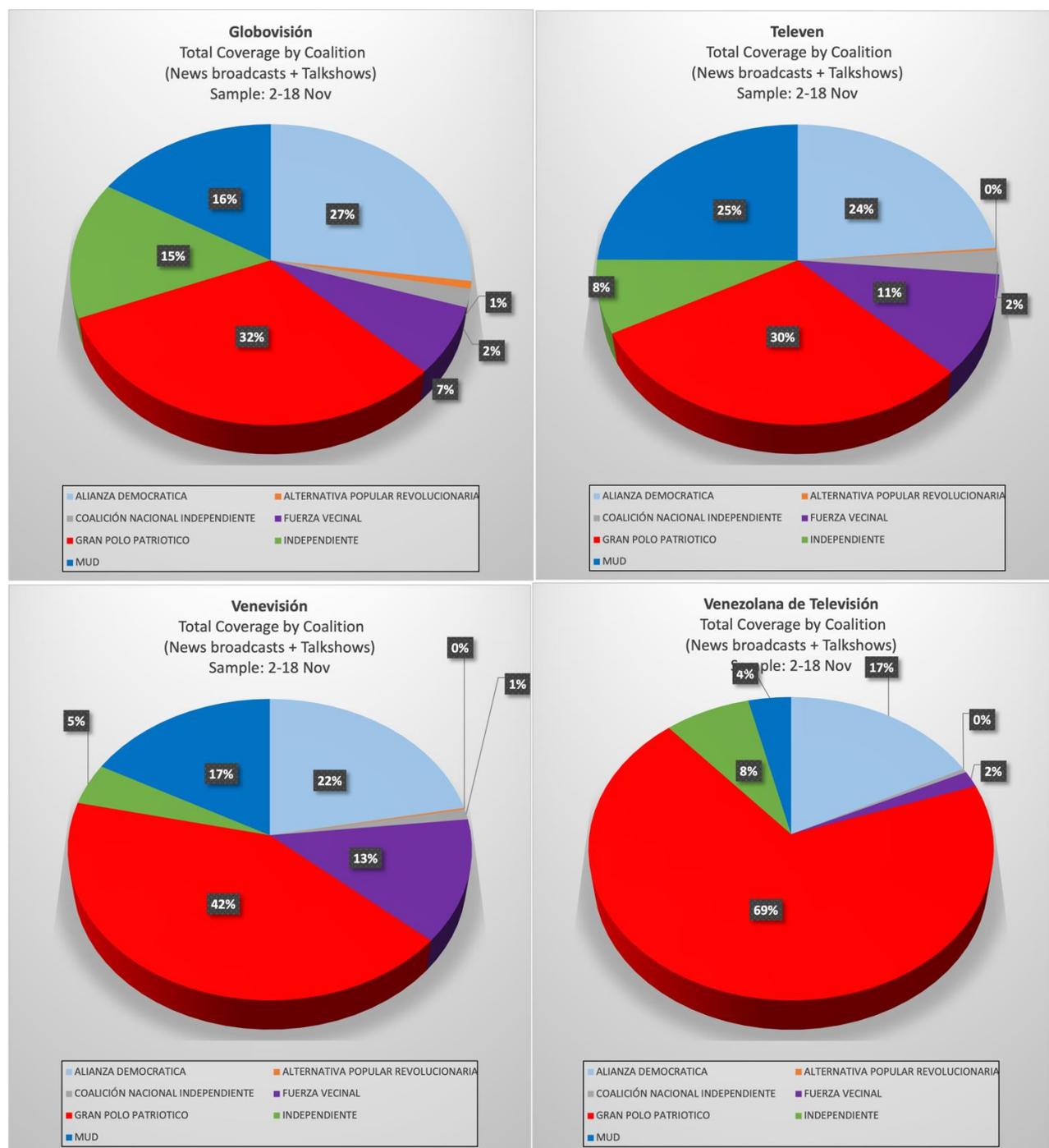
**Relative TV and Radio Coverage by Coalition, State and Private Media**  
(News, live broadcasts + talkshows)  
Sample: 2-18 Nov



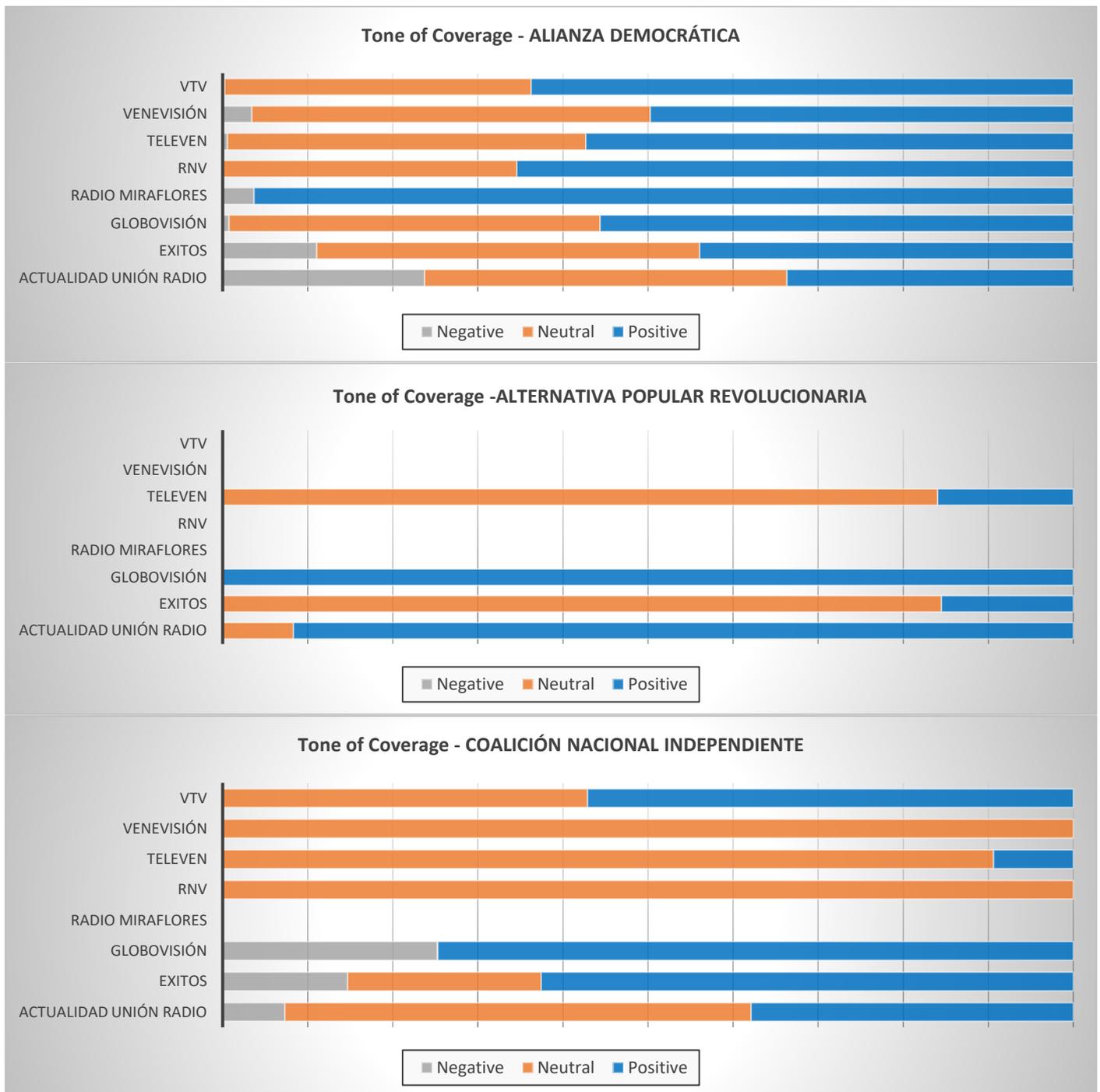
**Chart 3: Coverage by Coalition and Radio Station**



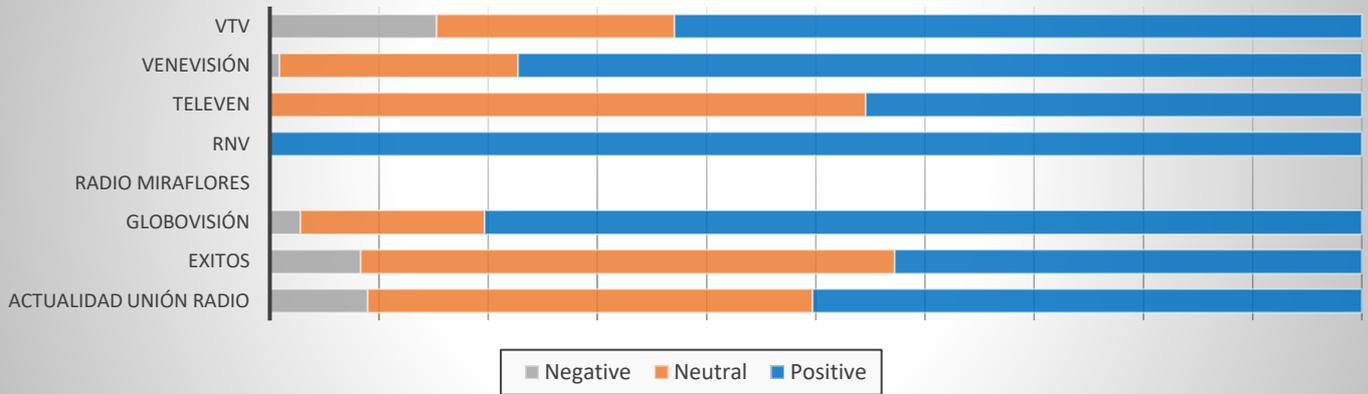
**Chart 4: Coverage by Coalition and TV Station**



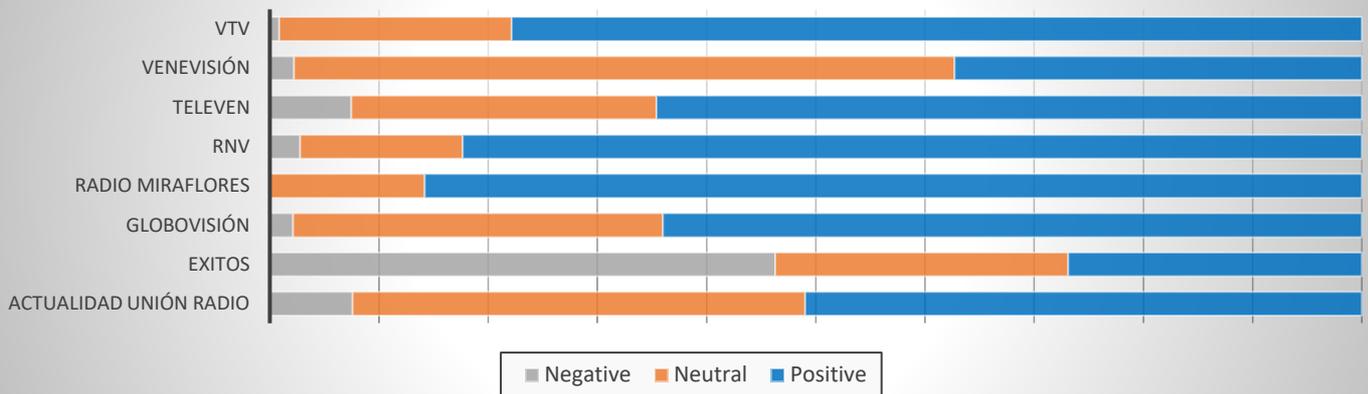
**Distribution of Tone of Coverage by Channel/Station:**



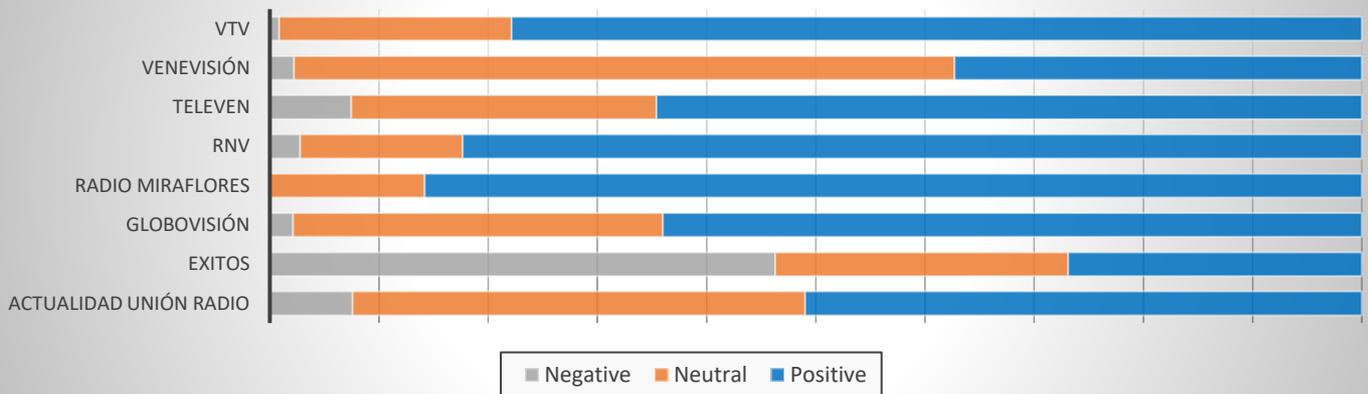
Tone of Coverage - FUERZA VECINAL

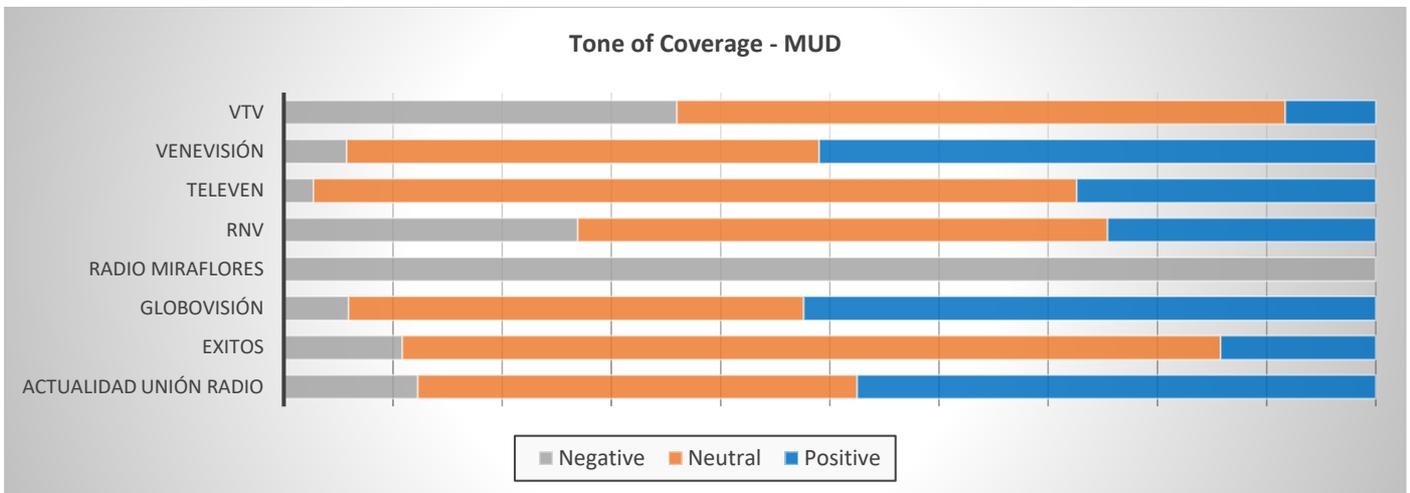


Tone of Coverage - GRAN POLO PATRIÓTICO

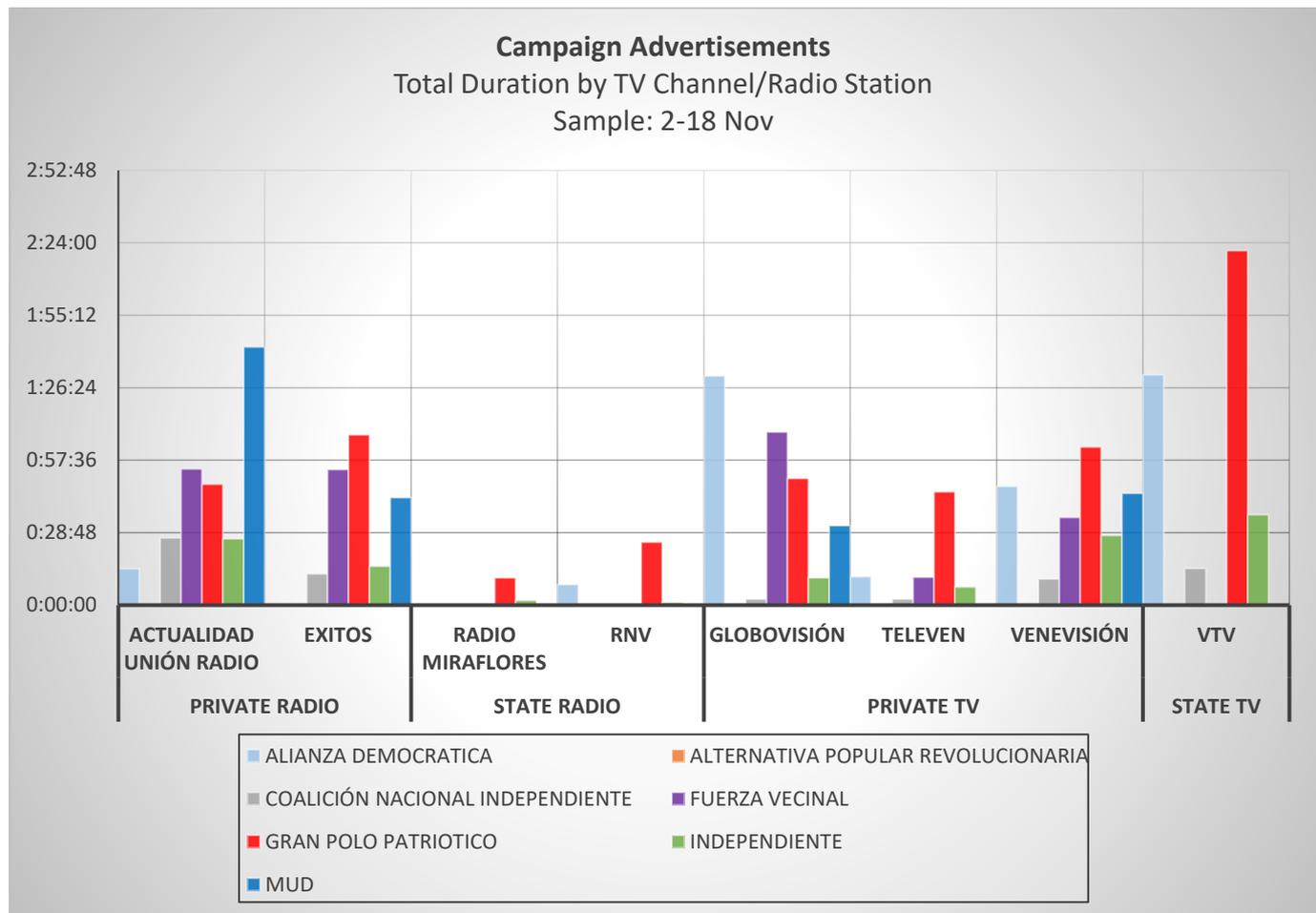


Tone of Coverage - INDEPENDENT PARTIES

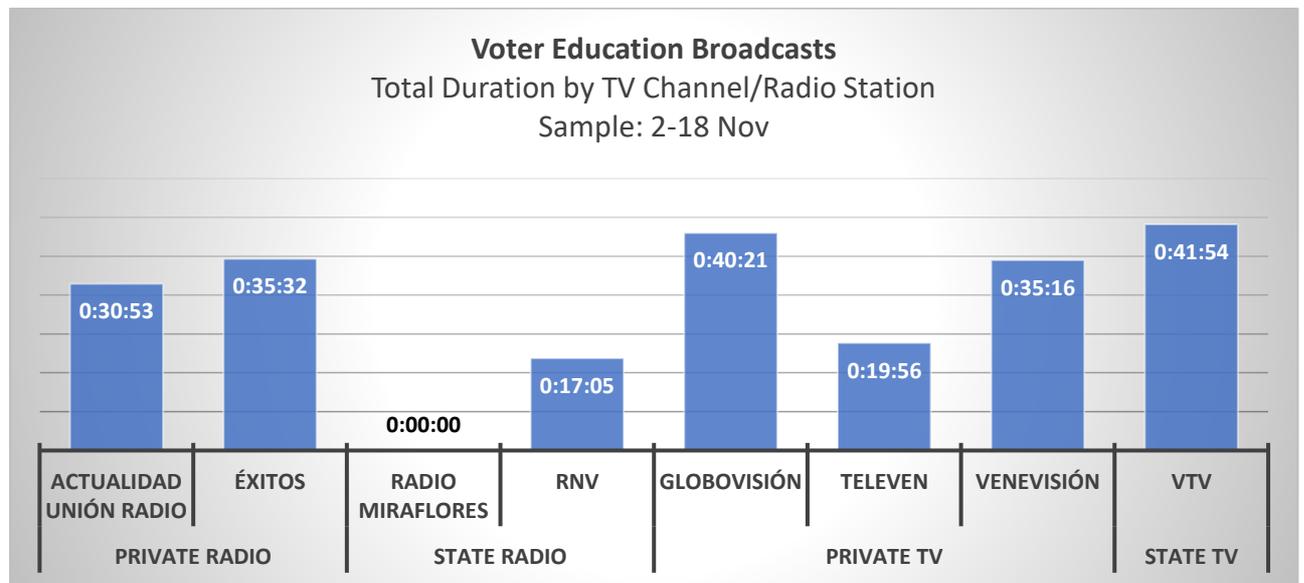




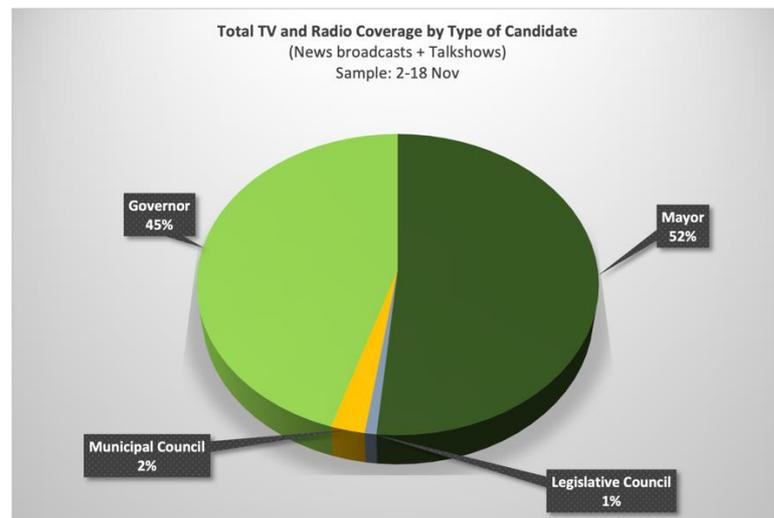
**Chart 5: Advertisements by Coalition**



### Chart 6: Voter Education



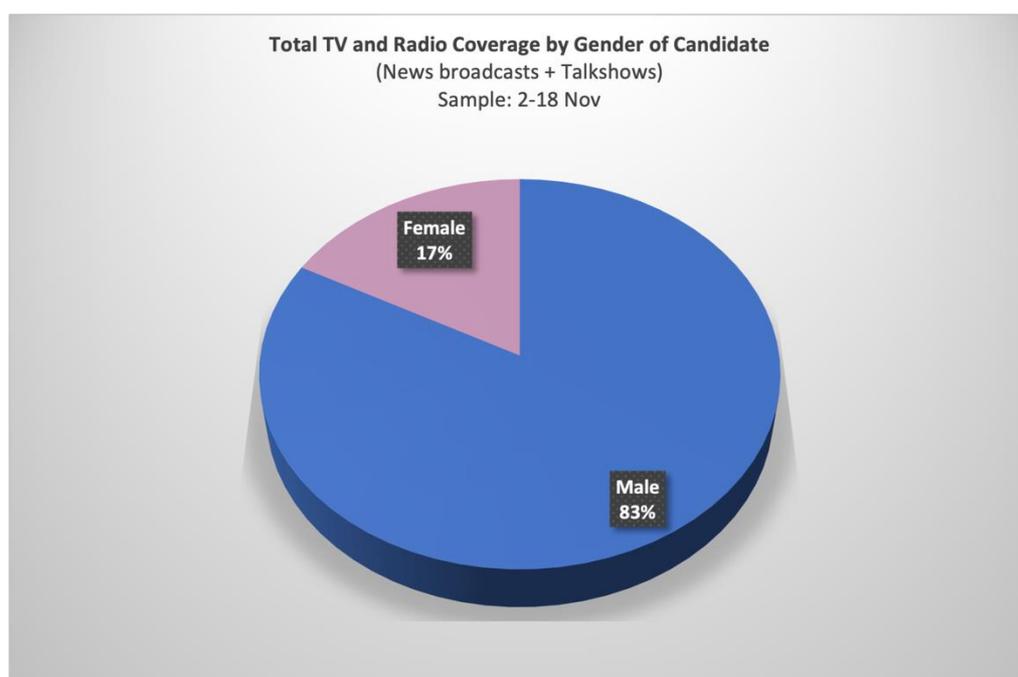
### Chart 7: Coverage by Candidature



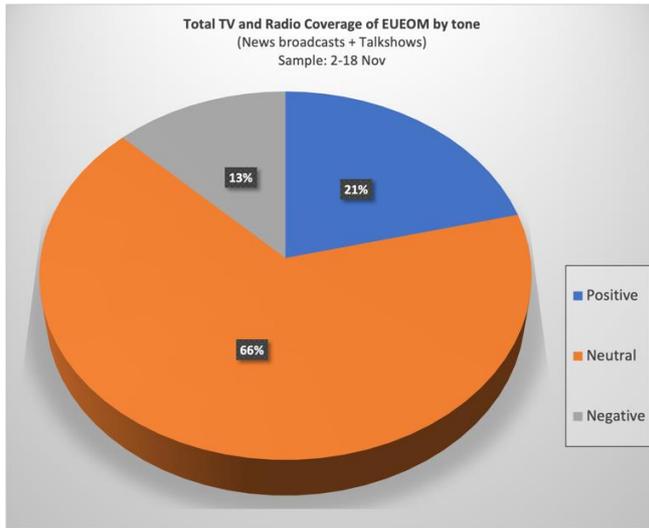
**Table 5: Coverage by State/Municipality**

Media Appearances by State/Municipality	
Miranda	743
Capital District	720
Baruta (Miranda)	305
Chacao (Miranda)	301
Lara	198
Carabobo	156
Aragua	154
Guárico	135
Zulia	103
Monagas	91
Anzoátegui	85
La Guaira	85
Sucre (Miranda)	65
Táchira	65
Bolívar	52
El Hatillo (Miranda)	44
Nueva Esparta	43
Portuguesa	40
Valencia (Carabobo)	32
Iribarren (Lara)	31
Maracaibo (Zulia)	26

**Chart 8: Coverage by Gender**



### Chart 9: EU EOM Coverage



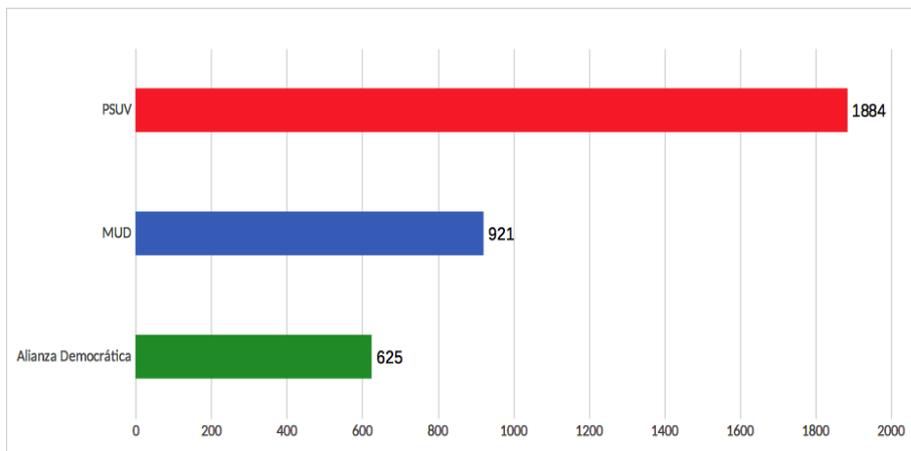
## Annex IV. EU EOM Social Media Monitoring Results

**Chart 10: Social Media Users by Platform, January 2021**

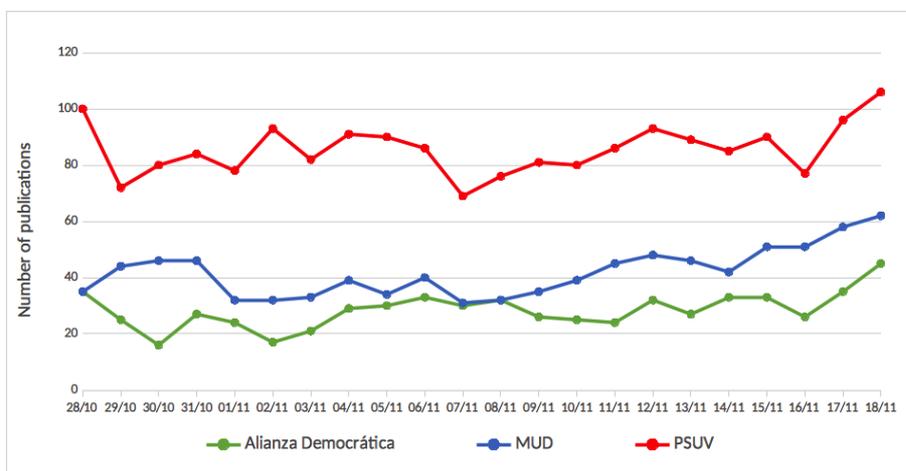
Source: Datareportal - Digital 2021: Venezuela



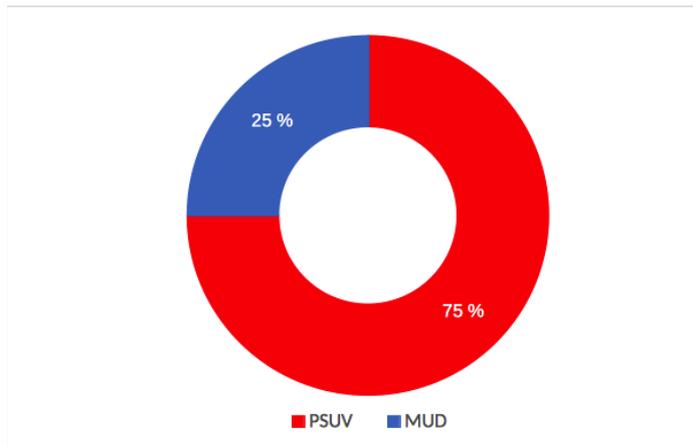
**Chart 11: Number of Publications on Facebook by Parties and Coalitions during the Election Campaign**



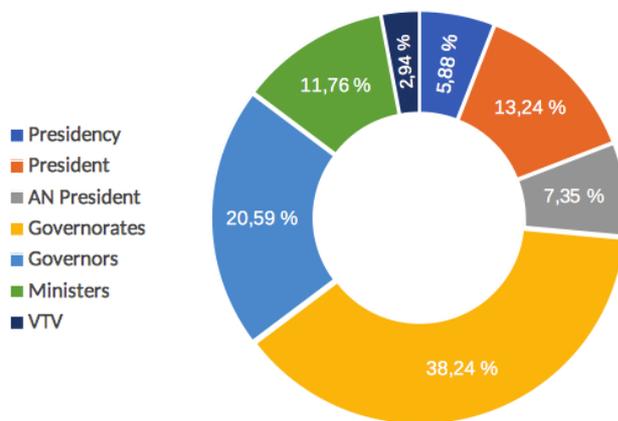
**Chart 12: Number of Publications on Facebook by Day**



**Chart 13: Campaign Posts in Favour of PSUV or MUD Published by Institutions or Public Officials on Facebook**



**Chart 14: Institutions and Public Officials in the Sample that Campaigned from their Facebook Accounts**



## Annex V. Election Results

**Table 6: Voter Turnout in the 2021 Regional and Municipal Elections<sup>101</sup>**

State	Voter turnout (%)
Amazonas	44.26
Anzoátegui	43.67
Apure*	46.43
Aragua	38.98
Barinas*	45.90
Bolívar*	36.54
Capital District	36.32
Carabobo	36.88
Cojedes*	54.32
Delta Amacuro	45.83
Falcón	47.16
Guárico	45.52
La Guaira	49.57
Lara	41.92
Mérida	45.03
Miranda	39.79
Monagas	48.25
Nueva Esparta	50.57
Portuguesa*	47.31
Sucre	48.65
Táchira	38.20
Trujillo*	46.27
Yaracuy	51.73
Zulia*	41.52
<b>National level</b>	<b>42.26</b>

**Table 7: Gubernatorial election results<sup>102</sup>**

	State	Turnout / Null votes	Candidates	Party / Coalition
0	Capital District (Caracas Mayor)	36.32% 1.24%	Tomas Guanipa (PJ) 11.43%	MUD
			Antonio Ecarri 15.54%	<i>Alianza del Lápiz</i>
			<b>Carmen Meléndez 58.94%</b>	<b>PSUV</b>
1	Amazonas	44.26% 2.19%	Nixon Maniglia (AD) 11.29%	<i>Alianza Democrática</i>
			José Álvarez 15.97%	PUAMA
			Mauligmer Baloa 26.22%	MUD
			<b>Miguel Rodríguez 39.71%</b>	<b>PSUV</b>
2	Anzoátegui	43.67% 1.02%	José Brito (PV) 28.04%	<i>Alianza Democrática</i>
			Antonio Barreto Sira (AD) 20.41%	MUD – incumbent

<sup>101</sup> Source: CNE results website (<http://www2.cne.gob.ve/rm2021>), last updated on 2 December 2021. Results for states marked \* had not been published at 100 per cent.

<sup>102</sup> Source: CNE, 29 November 2021.

			<b>Luis Marcano 46.72%</b>	<b>PSUV</b>
3	Aragua	38.98% 1.19%	Luis Eduardo Martínez (AD) 20.12%	<i>Alianza Democrática</i>
			Henry Rosales (PJ) 16.62%	MUD
			<b>Karina Carpio 51.60%</b>	<b>PSUV</b>
4	Apure	46.37% 0.64%	Ronald Torres (AD) 6.35%	<i>Alianza Democrática</i>
			Luis Lippa (PJ) 41.97%	MUD
			<b>Eduardo Piñate 44.17%</b>	<b>PSUV</b>
5	Barinas <i>cancelled</i>		Rafael Peña (AD)	<i>Alianza Democrática</i>
			Freddy Superlano (VP)	MUD
			Argenis Chávez	PSUV – incumbent
6	Bolívar	36.59% 0.97%	José Manuel Muqueza (AD) 7.92%	<i>Alianza Democrática</i>
			José Hernández 13.17%	<i>Unión y Progreso</i>
			Raúl Yusef (UNT) 20.74%	MUD
			<b>Ángel Marcano 42.88%</b>	<b>PSUV</b>
			Américo de Grazia 10.95%	<i>Movimiento Ecológico</i>
7	Carabobo	36.88% 1.01%	Javier Bertucci ( <i>El Cambio</i> ) 12.48%	<i>Alianza Democrática</i>
			Enzo Scarano ( <i>Cuentas Claras</i> ) 24.42%	MUD
			<b>Rafael Lacava 54.85%</b>	<b>PSUV – incumbent</b>
8	Cojedes	54.32% 0.74%	Denis Fernández (AD) 13.06%	<i>Alianza Democrática</i>
			<b>José Alberto Galíndez (PJ) 48.33%</b>	<b>MUD</b>
			Nosliw Rodríguez 37.39%	PSUV
9	Delta Amacuro	45.83% 0.74%	Bernarda Suárez (PJ) 8.32%	MUD
			Felipe Gómez 22.41% ( <i>El Cambio</i> )	<i>Alianza Democrática</i>
			<b>Lizeta Hernández 61.28%</b>	<b>PSUV – incumbent</b>
10	Falcón	47.16% 0.68%	Daniel Barrios ( <i>El Cambio</i> ) 15.27%	<i>Alianza Democrática</i>
			Eliezer Sirit (AD) 33.13%	MUD
			<b>Víctor Clark 42.98%</b>	<b>PSUV – incumbent</b>
11	Guárico	45.52% 1%	Octavio Orta (AD) 37.83%	<i>Alianza Democrática</i>
			Yovanny Salazar (AD) 12.17%	MUD
			<b>José Vásquez 46.95%</b>	<b>PSUV</b>
12	La Guaira	49.57% 1.91%	Luis Olivo (AD) 4.16%	<i>Alianza Democrática</i>
			José Manuel Olivares (PJ) 41.91%	MUD
			<b>José Alejandro Terán 50.21%</b>	<b>PSUV</b>
13	Lara	41.88% 1.05%	Henry Falcón (AP) 41%	<i>Alianza Democrática</i>
			Luis Florido (UNT) 7.47%	MUD
			<b>Adolfo Pereira 46.53%</b>	<b>PSUV – incumbent</b>
14	Mérida	45.03% 0.87%	Edgardo Márquez (COPEI) 22.78%	<i>Alianza Democrática</i>
			Ramón Guevara (AD) 34.21%	MUD – incumbent
			<b>Jehyson Guzmán 40.77%</b>	<b>PSUV</b>
15	Miranda	39.79% 4.94%	Juan Carlos Alvarado (COPEI) 5.45%	<i>Alianza Democrática</i>
			Carlos Ocariz (PJ) <i>withdrawn</i>	MUD

			David Uzcátegui 40.41%	<i>Fuerza Vecinal</i>
			<b>Héctor Rodríguez 48.44%</b>	<b>PSUV – incumbent</b>
16	Monagas	48.25% 0.66%	Johel Orta (independent) 4.31%	<i>Alianza Democrática</i>
			Belia Benítez 4.68%	<i>MIN Unidad</i>
			Piero Maroun (AD) 40.11%	MUD
			<b>Ernesto Luna 46.22%</b>	<b>PSUV</b>
17	Nueva Esparta	50.57% 0.91%	<b>Morel Rodríguez (AD ad hoc) 42.48%</b>	<b>Alianza Democrática</b>
			Alfredo Díaz (AD) 14.53%	MUD – incumbent
			Dante Rivas 39.21%	PSUV
18	Portuguesa	47.31% 0.78%	José Ruiz Parra (AD) 13.45%	<i>Alianza Democrática</i>
			Antonia Muñoz (PCV) 10.67%	APR
			María Beatriz Martínez (PJ) 20.53%	MUD
			<b>Antonio Cedeño 45.76%</b>	<b>PSUV</b>
19	Sucre	48.65% 0.8%	Francisco Pino (Movev) 7.31%	<i>Alianza Democrática</i>
			Robert Alcalá (AD) 8.68%	MUD
			Ramón Martínez 31.07%	MAS
			<b>Gilberto Pinto 47.13%</b>	<b>PSUV</b>
20	Táchira	38.2% 1.06%	Laidy Gómez (AD) 40.08%	<i>Alianza Democrática – incumbent</i>
			Fernando Andrade Roa (COPEI) 16.28%	MUD
			<b>Freddy Bernal 41.10%</b>	<b>PSUV</b>
21	Trujillo	46.27% 0.56%	Corado Pérez Linares (PV) 12.61%	<i>Alianza Democrática</i>
			José Hernández (FV) 13.6%	<i>Fuerza Vecinal</i>
			Carlos Andrés González (AD) 28.45%	MUD
			<b>Gerardo Márquez 41.67%</b>	<b>PSUV</b>
22	Yaracuy	51.73% 0.94%	Miguel Ponente (PV) 12.80%	<i>Alianza Democrática</i>
			Biagio Pilieri ( <i>Convergencia</i> ) 31.10%	MUD
			<b>Julio León Heredia 46.65%</b>	<b>PSUV – incumbent</b>
23	Zulia	41.5% 0.5%	Eliseo Fermín (AD) 2.15%	<i>Alianza Democrática</i>
			Alexander Cordero 3%	<i>MIN Unidad</i>
			<b>Manuel Rosales (UNT) 54.83%</b>	<b>MUD</b>
			Omar Prieto 37.81%	PSUV – incumbent

**Table 8: Number of municipalities won by candidatures in state entities**

State	<i>Gran Polo Patriótico (PSUV)</i>	<i>Plataforma Unitaria (MUD)</i>	<i>Alianza Democrática</i>	<i>Fuerza Vecinal</i>	<i>Alianza del Lápiz</i>	COMPA	Others	Subtotal
Capital District	1							1
Amazonas	5	1					1	7
Anzoátegui	17	1	3					21
Apure	5	2						7
Aragua	14	1	1		2			18
Barinas	5	6				1		12
Bolívar	9	1	1					11
Carabobo	12	1					1	14
Cojedes	3	6						9
Delta Amacuro	4							4
Falcon	15	7	3					25
Guárico	8		6				1	15
La Guaira	1							1
Lara	7	1		1				9
Merida	9	10	4					23
Miranda	15			6				21
Monagas	9	2					2	13
Nueva Esparta	5	1	3	2				11
Portuguesa	10	2	2					14
Sucre	13		2					15
Táchira	13	3	12				1	29
Trujillo	12	3	2				3	20
Yaracuy	14							14
Zulia	6	14					1	21
<b>Subtotal</b>	<b>212</b>	<b>62</b>	<b>39</b>	<b>9</b>	<b>2</b>	<b>1</b>	<b>10</b>	<b>335</b>
	<i>Gran Polo Patriótico (PSUV)</i>	<i>Plataforma Unitaria (MUD)</i>	<i>Alianza Democrática</i>	<i>Fuerza Vecinal</i>	<i>Alianza del Lápiz</i>	COMPA	Others	<b>TOTAL</b>



