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Venezuela: Political situation, including the presidential dispute (2020–January 2021)
Research Directorate, Immigration and Refugee Board of Canada

1. Overview

In a telephone interview with the Research Directorate, a professor of Latin American studies at the University at Albany, State University of New York, who studies Venezuelan politics, noted that "the political situation [in Venezuela] has been very unstable for the past two decades" (Professor 6 Jan. 2021). The same source indicated that since 2016, the Venezuelan government "took a clear authoritarian turn [and] has taken a harder turn in recent years" (Professor 6 Jan. 2021). In correspondence with the Research Directorate, an assistant professor of political science at the University of South Carolina Aiken, who studies Venezuelan
politics, described the political situation in Venezuela as "uncertain, changing, and multidimensional" (Assistant Professor 10 Jan. 2021). In a telephone interview with the Research Directorate, a senior analyst for the Andes region at International Crisis Group noted that "political freedoms are severely restricted" and that there is "no rule of law" and "no independent judiciary" (Senior Analyst 5 Jan. 2021).

2. December 2020 National Assembly Election

According to sources, Nicolás Maduro's party and its allies won the 6 December election for Venezuela's National Assembly (International Crisis Group 21 Dec. 2020, 2; Reuters 9 Dec. 2020; BBC 5 Jan. 2021). Sources report that Maduro's party and allied parties won 91 percent of the seats in the National Assembly (Reuters 9 Dec. 2020; Time 7 Dec. 2020). Sources indicate that the opposition (Reuters 9 Dec. 2020), the "mainstream" opposition (International Crisis Group 21 Dec. 2020, 2), or "most" opposition candidates (BBC 5 Jan. 2021) refused to participate in the election (International Crisis Group 21 Dec. 2020, 2; BBC 5 Jan. 2021; Reuters 9 Dec. 2020). The Senior Analyst noted that voter turnout for the election was 30 percent (Senior Analyst 5 Jan. 2021). According to other sources, the government of Venezuela reported 30 or 31 percent turnout in the December 2020 election, while representatives of the opposition estimated turnout at less than 20 percent, compared to the 70 or 71 percent voter turnout in the 2015 legislative election (The Washington Post 7 Dec. 2020; Time 7 Dec. 2020).

The Senior Analyst observed that "these were the worst election conditions we have seen in years" (Senior Analyst 5 Jan. 2021). Similarly, the Professor of Latin American studies noted that the election in December 2020 was "criticized for being illegitimate" (Professor 6 Jan. 2021). The Assistant Professor indicated that the 2020 parliamentary election "did not meet international standards" (Assistant Professor 10 Jan. 2021). A 5 January 2021 article by the Associated Press (AP) reports that the election was "denounced as a sham" by the US and EU as well as several other foreign governments (AP 5 Jan. 2021). A January 2021 declaration by the High Representative on behalf of the EU states that the "elections failed to comply with the international standards for a credible process" and that the EU does not consider the outcome to be "representative of the democratic will of the Venezuelan people" (EU 6 Jan. 2021).
According to sources, the National Assembly was the only "major" (BBC 5 Jan. 2021) institution the governing socialist party did not already control (BBC 5 Jan. 2021; Al Jazeera 5 Jan. 2021; AP 5 Jan. 2021). A December 2020 article by Time Magazine notes that, prior to the December 2020 election, the National Assembly "was considered the last democratically-elected institution in Venezuela" and that while Maduro had taken away the National Assembly's powers in 2017, it remained important for the opposition because, starting in February 2019, Juan Guaidó used his position as the head of the National Assembly to support his claim to be the "rightful" interim president of Venezuela (Time 7 Dec. 2020). Sources report that the opposition held a ["people's consultation" (AP 12 Dec. 2020)], a survey that could be completed virtually or in person that asked Venezuelans if they want a change of government (AP 12 Dec. 2020; Al Jazeera 12 Dec. 2020) and whether they accept the results of the December 2020 election (Al Jazeera 12 Dec. 2020). According to sources, the opposition reported that more than 3 million people participated in person [in Venezuela (AP 12 Dec. 2020)] and 2.4 million (Al Jazeera 12 Dec. 2020) or more than 2.5 million (AP 12 Dec. 2020) participated virtually (AP 12 Dec. 2020; Al Jazeera 12 Dec. 2020); these numbers "could not be verified independently" (Al Jazeera 12 Dec. 2020).

Reuters reports that Venezuela's National Constituent Assembly (Asamblea Nacional Constituyente, ANC), "a pro-government legislature created in 2017 that was widely criticized for undermining democracy, will cease operations" by the end of 2020 and that, according to Maduro, the ANC was no longer necessary following the December 2020 election (Reuters 19 Dec. 2020). A December 2020 report by International Crisis Group on the political situation in Venezuela following the December 2020 National Assembly election indicates that the ANC was assembled in 2017 through an election that was boycotted by the opposition and served "[a]s a substitute" to the opposition-controlled National Assembly (International Crisis Group 21 Dec. 2020, 1). Reuters notes that the ANC "was officially designated to reform the constitution, but in practice ended up supplanting the opposition-controlled legislature and sacking public officials who challenged the government" (Reuters 19 Dec. 2020).

The 5 January 2021 AP article reports that in December 2020 "anti-Maduro lawmakers" met online and voted to extend their mandate from their "landslide victory" in the 2015 election for an additional 12 months and that they would operate
"through an adjunct committee normally reserved for legislative recesses" (AP 5 Jan. 2021). The same source observes that "Supreme Court justices loyal to Maduro immediately struck down that measure as invalid" (AP 5 Jan. 2021). Similarly, according to a January 2021 BBC article, on 26 December 2020 Guaidó announced that the outgoing National Assembly would continue to meet and legislate; the source adds that "the opposition-controlled National Assembly voted to extend its legislative period 'until democracy is restored'" (BBC 5 Jan. 2021). The same source reports that on 5 January 2021 the outgoing National Assembly held its own swearing-in ceremony and Guaidó was re-elected speaker (BBC 5 Jan. 2021). The Senior Analyst indicated that what remains of the outgoing National Assembly voted to modify the transition statute, which the government does not recognize, to state that the incoming National Assembly is illegitimate (Senior Analyst 5 Jan. 2021). The same source stated that the outgoing National Assembly also extended the interim presidency indefinitely and voted to remain the National Assembly until there is a "free and fair election" (Senior Analyst 5 Jan. 2021).

The Assistant Professor noted that "[a]fter the 2020 election, Venezuela faces an even more intense and uncertain political crisis that will increase the level of persecution of opposition leaders, citizens, members of the media, and non-governmental groups" because Maduro now controls all branches of the government and the opposition has lost the National Assembly (Assistant Professor 10 Jan. 2021).

3. Presidential Dispute

The 5 January 2021 AP article notes that the victory of Maduro's allies in the December 2020 legislative elections "seemed to relegate into irrelevancy the U.S.-backed opposition led by lawmaker Juan Guaidó" (AP 5 Jan. 2021). Similarly, the Professor of Latin American studies indicated that the Maduro government has taken control of the legislature and "Guaidó is no longer particularly relevant" (Professor 6 Jan. 2021). In an interview with the Research Directorate, a senior lecturer at La Trobe University in Melbourne, Australia, whose research concerns democracy and rule of law and focuses on Venezuela, noted that "Guaidó's position is very precarious" (Senior Lecturer 7 Jan. 2021). The same source added that the Venezuelan government is "consolidating its rule" and that the opposition is at risk of becoming a "permanent government in exile" (Senior Lecturer 7 Jan. 2021).
The Professor of Latin American studies also stated that "Maduro is indeed the only leader—an authoritarian leader, but the only real leader" (Professor 6 Jan. 2021). The December 2020 *Time Magazine* article observes that "losing official control of the assembly has left [Guaidó’s] claim to be president on even shakier ground and sent Venezuela sliding closer to outright dictatorship" (*Time* 7 Dec. 2020). The Senior Analyst stated that "Maduro has consolidated power since the recent election" and that the opposition has been weakened (Senior Analyst 5 Jan. 2021). The same source noted that for the past two years, "there were two clear parties to the dispute, but now the opposition is fragmented" (Senior Analyst 5 Jan. 2021). The Assistant Professor stated that "[t]here is no constitutional basis for the presidential dispute between Juan Guaidó and Nicolás Maduro"; on 5 January 2021, the mandate of the 2015–2020 National Assembly ended, leaving Guaidó no longer the president of the National Assembly (Assistant Professor 10 Jan. 2021). The same source noted that "[t]he attempt of the opposition to renew their mandate by holding an online consultative referendum does not have a constitutional basis either" (Assistant Professor 10 Jan. 2021). However, the same source also noted that "given the irregularities of the presidential election of May 2018, the re-election of Nicolás Maduro is not legitimate" (Assistant Professor 10 Jan. 2021).

The Professor of Latin American studies noted that "the EU referred to [Guaidó] as the former head of the legislature" (Professor 6 Jan. 2021). Reuters reports that on 6 January 2021 the EU announced that they "can no longer legally recognise Venezuelan opposition leader Juan Guaidó as the country’s legitimate head of state" since he has "lost his position as head of parliament" (Reuters 6 Jan. 2021). Similarly, a 6 January 2021 article by the *Financial Times* (*FT*), a news organization and newspaper focusing on business news (*FT* n.d.), states that the "EU has dropped its de facto recognition" of Guaidó as Venezuela's interim president (*FT* 6 Jan. 2021). A 6 January 2021 AP article reports that the EU issued a statement "vowing to continue 'engagement'" with Guaidó, but it did not refer to him as "'interim president'," as in previous statements (AP 6 Jan. 2021). The same source, however, notes that, according to an anonymous EU official, there was no change in the EU's stance on Guaidó and that the statement was intended to focus on "rejecting the 'non-democratic election'" of the new National Assembly and that "'[c]urrently, 25 EU member states acknowledge National Assembly President Juan Guaidó as interim President of Venezuela'" (AP 6 Jan. 2021). The January 2021 declaration by the EU High Representative states that
the EU will maintain its engagement with all political and civil society actors striving to bring back democracy to Venezuela, including in particular Juan Guaidó and other representatives of the outgoing National Assembly elected in 2015, which was the last free expression of Venezuelans in an electoral process. (EU 6 Jan. 2021)

Reuters notes that the US and UK still recognize Guaidó as "Venezuela's rightful leader" (Reuters 6 Jan. 2021). Reuters also reports that, on 4 January 2021, the US Treasury Department reaffirmed its support for Guaidó by issuing a new licence permitting certain transactions with Guaidó and Venezuela's opposition-controlled National Assembly, despite US sanctions on Venezuela (Reuters 4 Jan. 2021). The same source adds that the US Treasury Department has not authorized transactions by the Maduro-led ANC or the new National Assembly (Reuters 4 Jan. 2021). The 6 January 2021 AP article also indicates that, on 5 January 2021, the Lima Group, a coalition of countries including Colombia, Brazil, Chile, and Canada, issued a statement "rejecting the new assembly" and recognizing the "old" National Assembly led by Guaidó (AP 6 Jan. 2021).


Sources report that Maduro used the COVID-19 pandemic to strengthen his "grip on power" (FP 10 Aug. 2020; AP 28 July 2020). The December 2020 International Crisis Group report notes that the president introduced lockdown measures after the government reported the first case of COVID-19 in Venezuela on 13 March 2020 (International Crisis Group 21 Dec. 2020, 5). The same source observes that the government also restricted movement to contain the virus, "clamped down further on press freedom and centralised power to a greater extent" (International Crisis Group 21 Dec. 2020, 5). Human Rights Watch (HRW) reports that authorities in Venezuela "have used measures to curb the spread of Covid-19 as an excuse to crack down on dissenting voices and intensify their control over the population" and that since a state of emergency was declared in March 2020, authorities "have arbitrarily detained and prosecuted dozens of journalists, healthcare workers, human rights lawyers, and political opponents" (HRW 28 Aug. 2020). The Professor of Latin American studies observed that "the repressive nature of the government has helped to control the pandemic" and that "the government has also taken advantage of the pandemic" (Professor 6 Jan. 2021). The Assistant Professor observed that Venezuela's management of COVID-19 has become
"authoritarian" and the pandemic has been used as justification for exercising greater control over the lives of citizens (Assistant Professor 10 Jan. 2021). The same source indicated that the COVID-19 pandemic has provided the regime with an opportunity to implement measures to "prohibit demonstrations, attack dissidents, and jail citizens" and has weakened the opposition's ability to gain support (Assistant Professor 10 Jan. 2021). An August 2020 article by Foreign Policy (FP), a US-based magazine that reports on global politics and economics (FP 3 Jan. 2009), observes that the Venezuelan government has used the military to enforce a nationwide curfew and social distancing measures and that Maduro and his allies "have been using [the COVID-19 crisis] to strengthen their hand against the opposition" (FP 10 Aug. 2020). According to a July 2020 AP article, human rights advocates report that the government "is using the quarantine to further erode civil liberties" (AP 28 July 2020).

The July 2020 AP article notes that the government of Venezuela's COVID-19 case count is "likely a vast underestimate because of limited testing" (AP 28 July 2020). The Senior Analyst stated that "the government has not been transparent about the number of [COVID-19] cases" and that "most" epidemiologists believe that there are "far more" cases than the government has reported (Senior Analyst 5 Jan. 2021). The same source noted that the government "react[s] very strongly to anyone who gives alternative information," such as journalists, and that such individuals have been prosecuted under the Law against Hatred [Ley Contra el Odio] (Senior Analyst 5 Jan. 2021). The Assistant Professor wrote that Venezuela's government "does not provide periodic reports about tests" by day or by state (Assistant Professor 10 Jan. 2021). According to the FP article, journalists have reported facing harassment from authorities and Maduro supporters while reporting on the pandemic (FP 10 Aug. 2020). The July 2020 AP article cites the Caracas-based prisoner rights group Foro Penal as indicating that "281 people the group considers political prisoners" had been arrested at the time of publication, with the majority of these arrests being made during the quarantine (AP 28 July 2020). The same source notes that those arrested include journalists and doctors "who [spoke] out against the government's handling of the coronavirus" (AP 28 July 2020). Amnesty International reports that healthcare workers have been jailed for speaking out about their working conditions; as of 18 August 2020, the organization knew of "at least 12" healthcare workers detained during the pandemic, "including many whose due process was violated as they were not informed about the charges against them" (Amnesty
International 18 Aug. 2020). The Senior Lecturer indicated that civil society is "now increasingly being harassed and targeted" (Senior Lecturer 7 Jan. 2021). HRW reports that since November 2020, Venezuelan authorities "have carried out a systematic campaign against human rights and humanitarian groups operating in the country that includes freezing bank accounts, issuing arrest warrants, and raiding offices, as well as detaining some members for questioning" (HRW 21 Dec. 2020). The same source indicates that on 23 November 2020 an arrest warrant was issued for six aid workers from Alimenta la Solidaridad, a charity that operates soup kitchens and provides meals to children and healthcare workers (HRW 21 Dec. 2020). HRW also reports that on 15 December 2020 agents of the Special Action Forces (Fuerza de Acción Especial, FAES), a special unit of the Bolivarian National Police (Policía Nacional Bolivariana, PNB), "raided" the offices of Convite, "a human rights organization that monitors the rights of older people in Venezuela" and distributes humanitarian aid (HRW 21 Dec. 2020).

4.1 Treatment of People Returning to Venezuela During the COVID-19 Pandemic

The Senior Analyst indicated that tens of thousands of Venezuelans have returned to Venezuela because of the pandemic (Senior Analyst 5 Jan. 2021). The same source observed that "the government has treated returnees very harshly and quarantine conditions are very bad" (Senior Analyst 5 Jan. 2021). The Senior Analyst noted that individuals who return from abroad are "object[s] of suspicion for authorities" (Senior Analyst 5 Jan. 2021). A September 2020 report by the Organization of American States (OAS) on the situation of Venezuelans who have returned during the COVID-19 pandemic states that the government of Venezuela "has deployed multiple actions to stigmatize, discriminate and criminalize the people who return" (OAS Sept. 2020, 7). According to sources, Venezuelan migrants who returned were treated as "'biological weapon[s]'" by authorities (Senior Analyst 5 Jan. 2021; Assistant Professor 10 Jan. 2021; The Washington Post 19 July 2020). The Assistant Professor noted that the government has provided "poor" quarantine conditions for returning Venezuelan migrants and that government-run quarantine facilities have been overcrowded and contaminated (Assistant Professor 10 Jan. 2021). An October 2020 HRW article details research conducted in collaboration with the Johns Hopkins Centers for Public Health and Human Rights and for
Humanitarian Health, on the "abusive" treatment of returnees (HRW 13 Oct. 2020). The research, which included 76 interviews conducted from June to September 2020 with a range of individuals, including 23 returnees, found that quarantine centres were "severely" overcrowded and had unsanitary conditions, including lack of water and basic hygiene supplies, and limited access to medical care and food (HRW 13 Oct. 2020). The same source stated that "[t]he conditions described by returnees are likely to contribute to the spread of the virus" (HRW 13 Oct. 2020). Similarly, returnees interviewed by the Guardian reported unsanitary conditions in quarantine centres that could "easily" spread COVID-19 (The Guardian 16 Apr. 2020).

According to Reuters, lawmakers stated that the schools and unused government buildings where returnees "have been ordered" to stay are overcrowded and "lack" the sanitary conditions to prevent the spread of COVID-19 (Reuters 7 Apr. 2020).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References


Assistant Professor, University of South Carolina Aiken. 10 January 2021. Correspondence with the Research Directorate.


Professor of Latin American studies, University at Albany, State University of New York. 6 January 2021. Telephone interview with the Research Directorate.


Senior Lecturer, La Trobe University. 7 January 2021. Interview with the Research Directorate.


Additional Sources Consulted

**Oral sources:** Lecturer of political science at a Canadian university who studies Latin American politics; postdoctoral researcher at a university in the UK who studies authoritarianism in Latin America; professor at a university in Venezuela who studies the contemporary political history of Venezuela; professor of Latin America studies at a university in Florida who studies populism and authoritarianism; professor of sociology at a university in Louisiana who studies Venezuela; Washington Office on Latin America.

**Internet sites, including:** Bloomberg; Brookings Institution; CBC; CNN; Coordinadora Regional de Investigaciones Económicas y Sociales; Council on Foreign Relations; ecoi.net; EU – European Asylum Support Office; Factiva; Fédération international pour les droits humains; Inter-American Dialogue; The Netherlands – Ministry of Foreign Affairs; Médecins sans frontières; *The New York Times*; UN – Refworld; Washington Office on Latin America; Wilson Center.

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