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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

## Situation of human rights and technical assistance in the Bolivarian Republic of Venezuela

### Report of the United Nations High Commissioner for Human Rights\*, \*\*

#### *Summary*

Pursuant to Human Rights Council resolution 45/2, in the present report, the United Nations High Commissioner for Human Rights details recent developments in the human rights situation, with a particular focus on economic, social, cultural, and environmental rights, and on technical assistance in the Bolivarian Republic of Venezuela.

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\* The present report was submitted after the deadline in order to reflect the most recent developments.

\*\* The annex to the present report is circulated as received, in the language of submission only.

## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 45/2, in which the Council requested the United Nations High Commissioner for Human Rights to prepare a comprehensive written report on the situation of human rights in the Bolivarian Republic of Venezuela and to present it to the Council at its forty-eighth session.
2. The present report covers the period from 1 June 2020 to 30 June 2021<sup>1</sup> and provides an overview of the cooperation between the Government of Venezuela and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The report is also focused on the latest developments during the reporting period related to economic, social, cultural, and environmental rights and the level of implementation of the corresponding recommendations made in previous reports, identifying areas of further cooperation.
3. The report is based on information gathered and analysed by OHCHR, including on the basis of interviews with victims and witnesses, as well as meetings with government officials and civil society organizations. It takes into account official information and data provided by the Government, including through a series of questions transmitted by OHCHR to the Government for the purpose of this report.
4. The findings set out in the present report have been documented and corroborated in compliance with standard OHCHR methodology. OHCHR exercised due diligence to assess the credibility and reliability of all sources and cross-checked the information gathered to verify its validity. It sought informed consent from the sources whom it interviewed and took all appropriate measures to protect their identities and to ensure confidentiality. OHCHR assessed the information it collected in the light of international human rights standards and relevant domestic legislation.

## II. Economic, social, cultural, and environmental rights

5. People in the Bolivarian Republic of Venezuela continue to face significant challenges related to the enjoyment of their economic and social rights, due to pre-existing multifactorial social and economic crises. The Government has promoted social policies through economic and social programmes aimed at fighting poverty and decreasing the gender equality gap; yet challenges persist in these areas reportedly due, in part, to misallocation of resources, lack of maintenance of public infrastructure and severe underinvestment in essential services. Sectoral sanctions and the impact of the COVID-19 pandemic have further increased the scarcity of available resources.
6. While identifying possible areas of further technical assistance, this report examines steps taken by the Bolivarian Republic of Venezuela towards meeting its human rights obligations, including concerning the progressive realisation of economic and social rights, the core obligation to ensure their enjoyment at minimum essential levels, the obligations of non-discrimination, non-retrogression and use of the maximum available resources, which also encompasses international assistance and cooperation. The report also assesses overarching challenges regarding the lack of public information on economic, social, cultural, and environmental rights, key for their effective realization.
7. Sectoral unilateral coercive measures exacerbated pre-existing adverse economic and complex humanitarian conditions, also affecting available resources to guarantee and protect human rights, particularly of the most vulnerable.<sup>2</sup> Despite humanitarian exceptions in place, over-compliance with sectoral unilateral coercive measures have reportedly worsened shortages of medicine and limited food imports while additionally burdening civil society organizations, whose donors and financial institutions require detailed additional financial information, thus diverting capacities to effectively work, particularly in rural and remote

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<sup>1</sup> Unless otherwise specified, the reporting period is 2020-2021. Reference is made to data beyond this period when no more recent information was available to OHCHR.

<sup>2</sup> OHCHR, UN human rights expert urges to lift unilateral sanctions against Venezuela, 12 February 2021. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26749&LangID=E>.

areas. Fuel shortages negatively affected food production and distribution, public transport, public services, education, and the health sector. OHCHR reiterates its previous calls to lift sectoral unilateral coercive measures in view of their disproportionate impact on the wider population, also echoed by the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights.

8. OHCHR is concerned by the low levels of income, savings and pensions of public officials and workers in sectors dependent on public funding, particularly the education and health sectors. For example, in August 2020, the Venezuelan Medical Federation estimated that around 50 per cent of medical doctors had left the country, mainly due to rapidly declining real income. Reportedly, in 2020, the monthly salary of nurses averaged between two and five USD.<sup>3</sup> The loss of medical professionals had direct impact in the country's capacity to effectively respond to the COVID-19 pandemic.

9. In 2019, 80 per cent of households' income depended on governmental cash transfers, according to official figures.<sup>4</sup> Of those transfers, 22 per cent corresponded to electricity, 21 per cent to education, 16 per cent to the Local Committees for Supply and Production,<sup>5</sup> 15 per cent to water, 12 per cent to other "Patria" cash transfers,<sup>6</sup> 11 per cent to the school food programme.<sup>7</sup> Cash transfers are indexed to the official minimum wage, thus similarly affected by high rates of inflation. Reliance on cash transfers by the Government has reportedly increased during the COVID-19 pandemic, although detailed verifiable public information on the programmes' finances and impact is unavailable.

10. According to official figures, in 2020, 56.1 per cent of persons working held formal employment. Of those, expert analysis<sup>8</sup> indicated that two thirds worked in the public sector, where the average monthly income oscillated between two and five USD.<sup>9</sup> To address these challenges, in recent years, the Government has increased social spending, particularly through direct cash transfers. Reports indicated that wage policy was not inclusive, particularly at times excluding members of trade unions perceived as critical to the Government. Additionally, on 1 May 2021, the Government announced a 289 per cent increase of the minimum wage from 1.8 to 7 million Bs, equivalent to 2,4 USD at the time, without indexing official monthly minimum wage to inflation,<sup>10</sup> nor to the basic consumer basket.<sup>11</sup> In 2021, the Government informed that it continued to fully offer pensions to over 4.5 million recipients. However, monthly pensions also fluctuated between two and five USD and were not indexed to inflation.<sup>12</sup>

11. OHCHR acknowledges steps taken to expand access to social assistance programmes through the digitalization of services. The number of active users of the "carnet de la patria"<sup>13</sup> had reportedly grown to 21 million by June 2021. However, reduced Internet coverage and

<sup>3</sup> Information provided by other United Nations entities.

<sup>4</sup> Ministerio del Poder Popular de Planificación, Venezuela en Cifras (2021), p. 108.

<sup>5</sup> The Local Committees for Supply and Food Production, known as CLAP in Spanish, were created in 2016 for the distribution of food assistance at the local level.

<sup>6</sup> The "Patria" system is a digital platform with an ID card ("carnet de la patria") through which Venezuelans receive social assistance programmes, including food assistance and cash subsidies.

<sup>7</sup> Op. cit. 4, p. 107.

<sup>8</sup> Information provided by other United Nations entities.

<sup>9</sup> The monthly price of the basic consumer basket was estimated at 299.46 USD in June 2021. Centro de Documentación y Análisis para los Trabajadores, Canasta Básica de los Trabajadores (Junio 2021), Resumen Ejecutivo, available at: [http://cenda.org.ve/fotos\\_not/pdf/CENDA.%20RESUMEN%20EJECUTIVO.%20CAT%20JUNIO%202021%20WEB.pdf](http://cenda.org.ve/fotos_not/pdf/CENDA.%20RESUMEN%20EJECUTIVO.%20CAT%20JUNIO%202021%20WEB.pdf).

<sup>10</sup> At an annual accumulated 2 719 per cent at the end of May 2021. Venezuelan Central Bank, information available at:

<http://www.bcv.org.ve/estadisticas/consumidor>.

<sup>11</sup> Article 91 of the Constitution of the Bolivarian Republic of Venezuela stipulates that the minimum salary must be adjusted annually, using the price of the basic consumer basket as one of the references.

<sup>12</sup> Information provided by other United Nations entities.

<sup>13</sup> Op. cit. 6.

power outages posed challenges to efforts to guarantee equal access to digital tools particularly in rural areas and for low-income persons. OHCHR continued to receive reports of some persons whose food assistance was allegedly denied on political grounds, for criticism of the Government. Access to social benefits must not be conditioned to actual or perceived political affiliation and transparency on criteria used to determine eligibility for social protection programmes is essential to avoid any discrimination in practice.

12. Protests related to economic, social, cultural, and environmental rights continued, demanding, in particular, access to adequate basic services, labour rights, housing, fuel, adequate health services, and food.<sup>14</sup> During the reporting period, OHCHR documented eight cases of protests during which human rights violations were committed by security forces or pro-government armed civilian groups called “colectivos”, including at least one extrajudicial killing, three cases of ill-treatment and three cases of excessive use of force. Of these, OHCHR takes note of investigations opened in at least two cases of ill-treatment and reiterates the obligation to independently investigate all these incidents and prevent them from re-occurring. OHCHR also documented illegal or arbitrary arrests and detention of at least 45 persons in relation to those protests.

13. OHCHR acknowledges the establishment of dialogue forums with trade unions in May 2021 and recalls unions’ right to function freely without burdensome limitation and members’ rights to join the association of their own choice. However, OHCHR documented disregard for collective agreements of public servants, particularly since the promulgation of Memorandum 2792 of the Ministry of Labour in 2018, which effectively allows for their unilateral revision by a special organ of the Ministry, including on salaries, benefits and working conditions. OHCHR is concerned by the reported lack of inclusive consultations of all affected parties on labour issues, which raises concerns related to trade unions’ independence and full enjoyment of their members’ rights.

## **A. Right to health**

14. Since the first COVID-19 cases were detected in March 2020, the Bolivarian Republic of Venezuela declared a national “state of alarm”, enforced preventive sanitary measures, and redirected the national health system toward treatment of COVID-19 patients. In January 2021, the number of hospital beds had reportedly increased by 58 per cent,<sup>15</sup> and beds in intensive care units increased by 44 per cent. According to the Government, all treatments for COVID-19 were free of charge. However, the COVID-19 pandemic compounded pre-existing structural challenges exacerbated by sectoral unilateral coercive measures, such as the lack of equipment, material, medicines, insufficient maintenance of infrastructure, loss abroad of qualified health personnel, and a reduction in the State’s financial capabilities to invest in health services.

15. The Government publicly and regularly reported on official figures and preventive sanitary measures regarding COVID-19. However, no information was publicly available on the methodology and data sources of the epidemiological situation in the country. As in other countries around the world, some reports estimate the real figures are likely higher, with healthcare workers reportedly amongst the most affected. Health professionals publicly denounced lack of equipment, unpaid salaries, and unsanitary conditions. On 6 April 2021, “colectivos” intervened violently and intimidated students at the Caracas University Hospital of the Central University of Venezuela, while they were protesting the lack of personal protective equipment for health workers in Venezuelan hospitals. The National Bolivarian Guard was reportedly present and did not intervene to protect the students. OHCHR documented criminal process against six persons and threats against journalists and scientists, for investigating or publishing information inconsistent with the official governmental data.

16. In early June 2021, the Government announced that 2.7 million Sputnik V and Sinopharm vaccine doses had been received since February 2021. The Government also

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<sup>14</sup> Venezuelan Observatory of Social Conflict reported 10224 protests related to economic, social, cultural, and environmental rights between 1 June 2020 and 30 June 2021.

<sup>15</sup> Op. cit. 4, p. 238.

resorted to the COVAX mechanism, yet the purchase process was lengthy, funds to purchase the vaccine would have been frozen for several weeks by banking institutions, reportedly due to complications linked to unilateral coercive measures. At the time of this report, the official number of available doses and vaccination materials remained dramatically below the numbers needed to effectively fight against COVID-19 and inoculate about 22.8 million people, as per the national vaccination plan. OHCHR recalls that vaccines should be considered a global public good. As such, the international community has the obligation to take concrete measures to ensure an equitable and timely distribution of vaccines globally.

17. Some civil society and health actors, political opposition entities, and the international organizations provided technical cooperation in the development of the vaccination plan. Although the plan was not publicly released, it was shared with those stakeholders when adopted. The Government publicly informs on the advancement of the vaccination programme, but did not report detailed information on beneficiaries, the use of public funds, nor post-vaccination monitoring, despite allegations of the existence of parallel markets and corruption and requests from civil society organizations.

18. The Government designated the “carnet de la patria” as the main tool to access the vaccination system and determine eligibility, but also opened an additional vaccine registration platform with the Ministry of Health in May 2021. Nevertheless, registration in both platforms is made through the internet and vaccine appointments through SMS, which would largely exclude those without access to the internet or mobile phones, mainly those most marginalized and living in rural and remote areas. OHCHR encourages the Venezuelan Government to take all necessary measures to ensure equal access to the vaccine, particularly for marginalized groups, with specific attention to this digital divide.

19. Redirecting existing resources to the fight against the COVID-19 pandemic hampered the already deteriorated capacity of the State to ensure access to health services for other diseases and conditions, such as malaria, dengue, chikungunya, zika and tuberculosis. Vaccination programmes for preventable diseases, and access to sexual and reproductive health, transplants, mental health and treatments for HIV/AIDS, diabetes, and cancer have also been affected. The national transplant search programme has been suspended since 2017, reportedly due to effect of unilateral coercive measures. According to the National Transplant Organization, since 2017, 960 persons with kidney diseases have allegedly died due to lack of transplants, including 150 children.<sup>16</sup>

20. OHCHR welcomes joint actions taken by the Ministry of Health and United Nations entities to enhance access to healthcare for victims of sexual violence, including the adoption of a National Protocol for Clinical Management of Sexual Violence in June 2021. However, the situation of gender-based violence has reportedly worsened in 2020, as well as access to sexual and reproductive health. There were reports of an increase in maternal mortality.<sup>17</sup> Civil society organizations reported limited access to contraception, allegedly contributing to higher rates of teenage pregnancies and insufficient pre-natal and neonatal care. Furthermore there was a reported severe shortage of medicines and treatments, including for sexually transmitted infections/HIV as well as medical equipment, and hygiene supplies.<sup>18</sup>

21. OHCHR is concerned by the situation of the right to health of indigenous peoples. Civil society monitoring indicated that, in 2019, diseases such as malaria, tuberculosis, pneumonia, measles and HIV were increasing among indigenous peoples and reported 457 cases of COVID-19 and 14 deaths among the indigenous population in the Amazonas,

<sup>16</sup> Communiqué by 92 civil society organizations, “Suspensión del programa de trasplantes perjudica a 150 niños en los últimos cuatro años”, 1 June 2021, available at: <https://cecodap.org/suspension-del-programa-de-trasplantes-perjudica-a-150-ninos-en-los-ultimos-cuatro-anos-estima-ontv-comunicado/>.

<sup>17</sup> UNFPA, Mientras la crisis que enfrentan las mujeres en Venezuela se profundiza, el UNFPA requiere urgentemente de fondos para salvar sus vidas y proteger sus derechos, 31 March 2021, available at: <https://venezuela.unfpa.org/es/news/mientras-la-crisis-que-enfrentan-las-mujeres-en-venezuela-se-profundiza-el-unfpa-requiere-0>.

<sup>18</sup> UNFPA, Humanitarian Response in Venezuela 2021, March 2021, available at: [https://venezuela.unfpa.org/sites/default/files/pub-pdf/2021\\_unfpa\\_humanitarian\\_plan\\_in\\_venezuela\\_2.pdf](https://venezuela.unfpa.org/sites/default/files/pub-pdf/2021_unfpa_humanitarian_plan_in_venezuela_2.pdf).

Bolívar and Delta Amacuro States in 2020.<sup>19</sup> However, there is no official disaggregated information on COVID-19 amongst indigenous peoples. The Ministry of Health issued a Contention Plan for COVID-19 among Indigenous Peoples and Communities, but reportedly without conducting prior consultation on the formulation and implementation of the plan or releasing public information on the epidemiological situation in indigenous communities and sanitary measures taken by the Government. The pandemic, combined with fuel shortages, reportedly also exacerbated malnutrition amongst indigenous peoples' and their capacity to seek medical attention from often distant medical stations for preventable diseases.

## B. Right to food

22. Some improvements in access to food were reported in the two years before the pandemic. Official figures<sup>20</sup> pointed towards reduced undernourishment between 2018 and 2019, as also observed by civil society organisations,<sup>21</sup> which documented significant improvements with regards to child malnutrition in the period before the pandemic. However, these reported improvements have yet to be consolidated, considering the volatile levels of national food production. The lack of investment, fuel shortages and reduced availability of seeds, fertilizers and agrochemicals imports have reportedly resulted in a reduction in the Venezuelan food production, diminishing agricultural profitability, particularly for small farmers and other vulnerable rural persons, and reducing rural households' income.<sup>22</sup>

23. OHCHR notes efforts made by the Government to maintain local food distribution chains and food assistance during the pandemic. In 2020, around 74 per cent of the country's households reportedly received food assistance through the Local Committees for Supply and Production.<sup>23</sup> Most notably, in 2019, 92 per cent of powdered milk consumed by households came from the Committees, as well as 72 per cent of grains. Specific food assistance programmes for children, pregnant women, elderly people, indigenous communities, and other vulnerable groups have been set up in recent years, adding up to 15 food assistance programmes. In 2019, the Government reportedly had invested 4.3 billion USD in all these programmes. In 2021, civil society organizations estimated that the monthly regular and pandemic-related food transfers amounted to around 21 USD, vastly insufficient to cover basic necessities at real price. The monthly price of the basic consumer basket was estimated at 299.46 USD in June 2021.<sup>24</sup> Additionally, there is no detailed information available on these programmes' budget, participation, and oversight.

24. While the mandatory closure of schools due to the COVID-19 pandemic prevented children from receiving food at school, the School Food Programme was adjusted to enable some delivery through distribution points, despite reported limitations in its coverage. Detailed verifiable public information on the impact of the Programme is limited. OHCHR welcomes the April 2021 agreement between the Venezuelan Government and the World Food Programme to provide food assistance to 185 000 children in schools in 2021 and reach 1.5 million children by 2023, in line with previous OHCHR recommendations. OHCHR encourages the Government to create conditions conducive for non-governmental organizations to take active part in providing humanitarian assistance, including through access to all relevant public information and protection of their legitimate work.

<sup>19</sup> Kapé-Kapé report: Impactos de la pandemia por COVID-19 en comunidades indígenas Amazonas, Bolívar y Delta Amacuro (2021), available at: <https://kape-kape.org/wp-content/uploads/pdf/Impactos.de.la.pandemia.por.Covid-19.en.comunidades.indigenas.pdf>.

<sup>20</sup> Op. cit. 4, p. 19.

<sup>21</sup> Communication between OHCHR and civil society organization.

<sup>22</sup> Information provided by other United Nations entities.

<sup>23</sup> Op. cit. 4, p. 10.

<sup>24</sup> Op. cit. 9.

### C. Right to education

25. The Government reported having taken action to increase availability of basic and higher education over recent years. However, pre-existing challenges related to the right to education were further exacerbated by sectorial sanctions and the pandemic.<sup>25</sup> Official figures indicated that 8.77 million primary and secondary school students and 3.1 million tertiary education students registered for the 2020-2021 school year, and 83 per cent of schools were public and free of charge, in 2021.<sup>26</sup> However, some civil society organisations indicated a high rate of drop out from basic education during the 2021 school year, some suggesting as high as 50 per cent, mainly because of an increased need to earn family income amid the pandemic.<sup>27</sup>

26. OHCHR welcomes efforts of the Government to transition to e-learning in basic and higher education during the pandemic, for reportedly some 8 million children.<sup>28</sup> The Ministry of Education developed in March 2020 the “Each Family a School” Plan, designed to guarantee schooling through television, radio, and digital and printed means. The Plan originally targeted general primary and secondary education general programmes, but later included dedicated programmes for adults, persons with disabilities, and indigenous peoples. Nevertheless, structural challenges, notably the severe lack of mobile and internet coverage, electricity shortages, as well as lack of adequate food and safe drinking water both at home and in schools, hindered the impact of such measures. Furthermore, teachers’ unions were reportedly not consulted on the alternative education measures and their implementation. Public information on the Plan is scarce.

27. Primary, secondary, and superior education infrastructure reportedly suffers from a lack of maintenance and access to basic services such as electricity and water. Universities reported a reduction of over 20 per cent of their overall budget, and repeated attacks on their facilities and robbery of equipment by private actors, as denounced to the relevant authorities. For example, in 2021, the Central University of Venezuela reportedly only received 2.27 per cent of its programmed annual budgets, mainly used to pay salaries. The lack of financial means and security for education institutions has severely affected their capacity to provide accessible and quality education.

28. According to civil society,<sup>29</sup> in January 2021, over 50 per cent of teachers were absent or had abandoned their posts. At least 40 schoolteachers in four different schools were allegedly threatened with disciplinary procedures in 2020 for absenteeism, due to inability to afford transportation or food on their salaries.<sup>30</sup>

29. OHCHR encourages the Venezuelan authorities and autonomous universities to continue dialogue in order to hold free and fair elections for autonomous universities authorities, and to ensure broad participation of communities in these elections and in their budgetary matters. The request for review for participation in these elections to be limited to members of the faculty, students and alumni, jointly presented by autonomous universities on 3 March 2020 against the Supreme Court of Justice decision N° 0047-2020, filed on 27 February 2020, reportedly remains unanswered. The State must ensure freedom of

<sup>25</sup> Op. cit. 4, p. 78.

<sup>26</sup> Op. cit. 4, p. 10.

<sup>27</sup> El Nacional, Afirman que la deserción escolar en Venezuela superó el 50%, 11 January 2021. Available at: <https://www.elnacional.com/venezuela/afirman-que-la-desercion-escolar-en-venezuela-supero-el-50/>.

<sup>28</sup> VTV, Más de 8 millones de estudiantes reinician clases a distancia Cada Familia es una Escuela con la Fórmula 7+7 en 2021, 7 January 2021, available at: <https://www.vtv.gob.ve/7-enero-millones-estudiantes-reinician-clases-a-distancia-cada-familia-es-una-escuela-formula-77-2021/>.

<sup>29</sup> Interview of Griselda Sánchez, spokesperson of the Venezuelan Teachers Union of the Capital District, “Solo la vocación de los maestros sostiene a un sistema educativo en crisis”, 15 January 2021. Available at: <https://talcualdigital.com/vocacion-de-los-maestros-sostiene-sistema-educativo-en-crisis/>.

<sup>30</sup> Alliance for the Defence of Labour Rights of Venezuela, Informe 2020.

association of universities workers and promote homologation of freely negotiated collective agreements to improve labour conditions in autonomous universities.

#### D. Access to essential services

30. Some improvements have been reported in the last two years with regards to access to water and electricity in schools, universities, and health centres, which were affected by shortages in recent years which directly impacted rights to education and to health. According to studies of the Venezuelan Observatory of Public Services, the proportion of households with a connection to water remained at around 90 per cent and, although irregularities persisted, there were overall improvements in the supply.<sup>31</sup>

31. Reduced production of natural gas and challenges in the distribution of cooking gas cylinders in recent years<sup>32</sup> have led to a 10 per cent reduction in the use of cooking gas, to 83 per cent in between June 2019 and January 2021<sup>33</sup>. Wood fire is increasingly being used instead, with concomitant adverse health impacts. The supply of gas cylinders also remained irregular.<sup>34</sup> Reports indicate that, between 2017 and May 2021, there were at least 81 explosions of cooking gas cylinders.<sup>35</sup> OHCHR documented that, on 28 December 2020, 152 cylinders exploded in Los Caños de los Becerros (Monagas State) killing four adults and three children who were queuing to receive cylinders, and injuring 46 persons, including at least nine children and seven elderly persons. OHCHR documented two other explosions in Monagas State that killed a 4-year-old and three adults, on 13 and 19 January 2021.

32. The National Telecommunications Commission reported that, in March 2021, 47.1 per cent of the population had internet access, and 65.3 per cent had access to mobile phone services, albeit unevenly across the country. For example, 94.7 per cent of the population of the Capital District had internet access, 12.6 per cent in Amazonas States and 19.9 per cent in Apure State.

#### E. Environmental rights

33. OHCHR acknowledges the legal framework of the Bolivarian Republic of Venezuela, which recognizes environmental rights as constitutional rights, establishes specific State obligations regarding environmental protection, transparency, participation, oversight, and reparations, and includes specific forms of criminal liability for environmental damages. However, reports by civil society indicate a lack of implementation of environmental regulations, public accountability, and reparations for environmental damages, particularly in the oil and mining industries. OHCHR encourages the Government to sign and ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, which entered into force on 22 April 2021.

34. OHCHR remains concerned with the human rights situation in the Arco Minero del Orinoco region,<sup>36</sup> notably regarding the implementation of previous OHCHR recommendations, including regarding transparency of public companies in their operations,

<sup>31</sup> Information provided to OHCHR by the Venezuelan Observatory of Public Services.

<sup>32</sup> Government response to OHCHR questionnaire.

<sup>33</sup> Information provided to OHCHR by the Venezuelan Observatory of Public Services.

<sup>34</sup> TalCual, Falta de gas doméstico obliga a 27,2% de los venezolanos a cocinar con leña, 20 March 2021. Available at: <https://talcualdigital.com/falta-de-gas-domestico-obliga-a-272-de-los-venezolanos-a-cocinar-con-lena/>.

<sup>35</sup> Asociación Venezolana para la Prevención de Accidentes y Enfermedades (Avepae), quoted in “Mal estado de las bombonas de gas pone en riesgo a los venezolanos”, 11 May 2021. Available at: <https://www.elimpulso.com/2021/05/11/mal-estado-de-las-bombonas-de-gas-pone-en-riesgo-a-los-venezolanos/>.

<sup>36</sup> OHCHR, Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region (A/HRC/44/54), 29 September 2020.



participation and consultation processes, environmental and sociocultural impact studies, and public action to curb illegal mining and activities of the non-state armed groups, or “sindicatos”, operating in mining areas.

35. Furthermore, since 2014, the amount of oil spilled into the environment has allegedly increased and, during the reporting period, OHCHR received allegations of oil spills in rivers, lakes and coastal areas, many of them protected, like the Morrocoy National Park and the Cuare Wildlife Refuge. Public entities reportedly took some action to contain the impacts and repair damages, within resources available.<sup>37</sup> It is imperative that the Government effectively implement its environmental regulatory framework applicable to the oil industry and publicly report on its implementation.

## F. Rights of indigenous peoples

36. Regarding indigenous peoples’ rights, OHCHR reiterates that the establishment of the Arco Minero del Orinoco region<sup>38</sup> and the expansion of mining had a negative impact on the right to self-determination of indigenous peoples, their rights to their land, territories and resources, their environmental rights, their right to live in peace and security, as well as their economic, social and cultural rights. OHCHR recalls the obligation to obtain free, prior, and informed consent of indigenous peoples, in good faith and through their own legitimate representative institutions and representatives, for the adoption or implementation of any decision, activity or measure that may affect them.

37. OHCHR continued to receive allegations of killings of indigenous peoples and threats against indigenous leaders in mining areas by “sindicatos” in particular in the mining areas and areas controlled by non-state armed groups. On 5 April, for example, in the “Mine 49” in Yapacana (Bolívar State), an indigenous Jivi man was allegedly killed by non-State groups operating the mine. There are allegations of involvement of State agents operating illegal mining activities with “sindicatos”. Killings and allegations of threats must be independently investigated, and the perpetrators brought to justice.

38. The 1999 Constitution of the Bolivarian Republic of Venezuela established a two-year deadline for the demarcation of all indigenous land and the national law establishes the possibility to recognize self-demarcation initiatives. By 2021, only around 15 per cent of indigenous land was demarcated and the Government had issued 102 land and habitats titles corresponding to 3.22 per cent of the national territory. OHCHR is concerned by approved demarcation processes yet pending action by the Office of the Procurator General to issue corresponding titles. In one case, a response request presented over fifteen years ago remains unaddressed by the Office of the Procurator General, while the applicable legal deadline for response is 30 days.<sup>39</sup> Fair and effective demarcation of indigenous territories is a right as well as a requisite for the full enjoyment of other human rights by indigenous peoples. It must be implemented without delay, in a transparent and participatory manner, with the legitimate indigenous authorities.

## G. Rights of migrants

39. The lack of access to economic, social, cultural, and environmental rights in recent years has been a root cause of migration out of the country. UNHCR currently reports 5.4 million Venezuelan migrants and refugees worldwide.<sup>40</sup> An increasing number of Venezuelans have been crossing into neighbouring countries through irregular routes since the easing of quarantine measures in the region,<sup>41</sup> being exposed to lack of access to food,

<sup>37</sup> Observatorio de Ecología Política de Venezuela, ¿Por qué ocurren cada vez más derrames en PDVSA? Entrevista al experto petrolero Einstein Millán, 17 August 2020, available at: <https://www.ecopoliticavenezuela.org/2020/08/17/por-que-ocurren-cada-vez-mas-derrames-en-pdvsa-entrevista-al-experto-petrolero-einstein-millan/>.

<sup>38</sup> Ibid.

<sup>39</sup> Article 47 of the Organic Law of Indigenous Peoples and Communities (2005).

<sup>40</sup> UNHCR, Venezuela situation. Available at: <https://www.unhcr.org/venezuela-emergency.html>.

<sup>41</sup> Venezuela | Global Humanitarian Overview. Available at [unocha.org](https://www.unocha.org).

water, violence, sexual and labour exploitation and abuse, and human trafficking, particularly for women and children.

40. OHCHR is concerned by the number of migrant ships sinking as well as numbers of missing persons between the Venezuelan coast and the neighbouring island countries, which sources indicate may be linked to human trafficking. Since April 2019, OHCHR has recorded eight ships sinking and 129 persons missing and has shared with the Office of the Attorney General information on embarkations, disappeared people and deaths, for appropriate judicial action. OHCHR calls on the Venezuelan authorities to duly investigate these cases and calls on all host countries to collaborate in the investigations and take the necessary measures to ensure all persons in Venezuela can fully enjoy their human rights.

41. With assistance of the United Nations system, the Government took significant short-term measures to assist approximately 151.000 returnees, who left their host countries because of the impact of the pandemic in particular. Some attention was given to the specific needs of women, children, and the elderly, but challenges remained, particularly regarding housing, transport, discrimination, trafficking and COVID-19 prevention measures. OHCHR encourages the Venezuelan authorities to continue working in partnership with the United Nations system to sustainably ensure the human rights of persons on the move within its territory, including Venezuelan migrants and returnees.

## **H. Access to information related to economic, social, cultural, and environmental rights**

42. The right to access public information is enshrined in the Venezuelan Constitution. However, detailed public information has become increasingly scarce on the regulatory framework of public entities and policies, on their organizational structure, assigned budget and spending, procurements and contracting, public participation and accountability mechanisms, audits, and legal and administrative proceedings initiated by State entities. The lack of access to public information has directly affected the capacity of the public to participate in formulation, implementation, and oversight of public policies. Public information is indispensable for the effective participation of rights-holders in public affairs and for effective public policies that meet standards of equality and non-discrimination, that is gender responsive and takes into account the needs and perspectives of the most marginalized groups. This would also contribute to better identifying means to address existing humanitarian challenges.

43. Information produced by public institutions related to economic, social, cultural, and environmental rights, including Sustainable Development Goals indicators, is disseminated on an ad hoc basis, and information on the methodologies and sources used to produce the information is rare. For example, key tools for the monitoring of health in the country, such as the epidemiological bulletin and the mortality yearbook, have not been published since 2016 and 2014, respectively. The national budget has not been published since 2018 and the reports and accounts of the different Ministries,<sup>42</sup> which include information on the implementation of the national budget, have not been made public since 2017. The national budget and information on its execution are essential to the monitoring, protection, and fulfilment of human rights, and should be publicly available.

44. OHCHR registered 60 requests for public information between 2020 and 2021 by civil society organisations related to economic, social, cultural and environmental rights. Most requests remained unanswered at the time of this report. Some were rejected because of omission of non-essential formalities which may unduly impact the right to access public information. Furthermore, civil society organisations indicated that the COVID-19 pandemic impacted on their capacity to make formal requests, since the public administration did not have online platforms for such proceedings. These challenges could be addressed by enacting and implementing specific legislation to regulate the access to public information, such as an

<sup>42</sup> The report and accounts are to be publicly presented to the National Assembly in the first two months of each year as per article 244 of the Venezuelan Constitution.

Organic Law of Transparency establishing mechanisms for an effective enjoyment of the right of access to public information recognized in the Constitution.

45. In the current complex economic and humanitarian context, the low number of qualified professionals and lack of resources has reportedly impacted the State's capacities in these areas. Nonetheless, OHCHR recalls the State's obligation to monitor the extent of their realization to the maximum of its capabilities, and publicly and regularly inform on its findings.

## **I. Defence of economic, social, cultural, and environmental rights**

46. During the reporting period, OHCHR documented 17 cases of human rights violations related to the defence of economic, social, cultural, and environmental rights which include four cases of threats and intimidation (including of two women), and 12 cases of arbitrary detention. Many of the documented cases were accompanied by acts of violence, and involved the criminalization of legitimate activities. In accordance with its methodology, OHCHR conveyed concerns on nine of those cases with relevant authorities. Action had been taken in at least three cases at the time of drafting. OHCHR notes limited progress made in protecting human rights defenders, investigating human rights violations committed against them, and ensuring the right to participate in public affairs, as previously recommended.

47. OHCHR also documented eight cases of criminalization, threats, harassment, and detention of students due to their participation in student movements or their documentation of human rights violations. Three cases consisted of attacks and harassment against four members of the Venezuelan Student Confederation during the preparation of the Route across Venezuela.<sup>43</sup> Its president was detained by the National Armed Forces at an assembly outside the building of an opposition party in Maturín (Monagas State), on 16 April 2021, and two student leaders were attacked by members of security forces, at four different checkpoints, between Mérida and Portuguesa States, in May 2021.

48. OHCHR documented the prosecution of seven union leaders and six workers because of their defence of labour rights or for having denounced irregularities, on charges of terrorism, criminal association, disclosure of state secrets, or incitement to hatred, some of them after being reported by their supervisors to the authorities or after having issued social media posts critical of the Government. Eight remain in detention at the time of this report. Two union leaders were allegedly dismissed from their positions for their defence of workers' rights.

49. In 2019, a Commission of Inquiry of the International Labour Organisation<sup>44</sup> concluded that acts of persecution, detention, and defamation against trade union leaders, many by the State, constituted an obstacle to basic labour liberties, and contributed to creating a climate of stigmatization and intimidation highly dissuasive to the exercise of freedom of association. ILO continues to assess the implementation of measures to redress these concerns.<sup>45</sup> Although the Government rejected these findings, it sought technical assistance in 2021 to improve compliance with relevant labour Conventions.

50. OHCHR notes the dismissal on 22 July 2021 of the criminal case against a human rights defender working for the promotion of women's rights to health, including raising awareness and disseminating information about sexual and reproductive rights, arrested on 12 October 2020 by members of the Bureau for Scientific, Criminal and Forensic Investigations and criminally charged for assisting victims of rape seeking abortions. United

<sup>43</sup> Initiative of the Confederation to document violations of economic, social, cultural, and environmental rights in remote areas.

<sup>44</sup> ILO, *Por la reconciliación nacional y la justicia social en la República Bolivariana de Venezuela*, Geneva 2019, available at: [https://www.ilo.org/gb/GBSessions/GB337/WCMS\\_722037/lang-en/index.htm](https://www.ilo.org/gb/GBSessions/GB337/WCMS_722037/lang-en/index.htm).

<sup>45</sup> ILO Governing Body, Report of the Director General, 18 June 2021, available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_804314.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_804314.pdf).

Nations human rights bodies have recommended that the Government decriminalize abortion and ensure the provision of appropriate sexual and reproductive health services.<sup>46</sup> OHCHR encourages the Government to implement these recommendations and take all necessary measures to ensure no person is criminalized for defending women's rights, including to sexual and reproductive health.

51. OHCHR recorded 12 formal complaints by civil society organisations to administrative and justice authorities and to the Ombudsperson, related to access to public services. All complaints remained officially unanswered at the time of this report. Members of civil society informed OHCHR that few formal complaints are raised before the competent authorities due to lack of trust in the administrative and justice systems and fear of reprisals.

### III. Cooperation and technical assistance

52. Throughout the period under review, OHCHR strengthened its presence in Venezuela further to a Letter of Understanding with the Venezuelan Government, signed on 20 September 2019 and extended for a further year in September 2020, which set out overall parameters of cooperation and tripled the number of human rights officers in the country. An information exchange mechanism was also formalized. OHCHR welcomes increased cooperation with the authorities, including in context of discussion towards the establishment of a country office in 2021.

53. The joint work plan to develop nine areas of technical cooperation was also updated, including additional activities such as technical assistance for the up-coming Universal Periodic Review cycle. The Inter-Institutional Coordination Committee, established in 2019 and composed of representatives of 10 institutions, continued to meet regularly to follow-up on the implementation of the work plan, holding substantive discussions around key areas of cooperation and human rights concerns, and increasing constructive engagement with the authorities.

54. Formalization of a mechanism to raise concerns about individual cases and human rights situations has facilitated OHCHR's exchange of information on individual cases and transmittal of early warnings to authorities. These included specific cases of harassment and detention of journalists, human rights defenders, union leaders and other civil society actors. OHCHR also shared with the relevant authorities four technical notes on systemic human rights concerns with specific recommendations, including on the right to health, restrictions to civic space and conditions of detention.

55. OHCHR has referred documented individual cases of detention, including of women, which required urgent solution due to health reasons, judicial delays, non-execution of judicial release orders, and continued detention despite completion of sentences. Of those, 152 persons had been released at the time of this report. The Inter-Institutional Coordination Committee provided information on the judicial status of cases and on measures taken to address humanitarian, penitentiary, and judicial concerns on over 100 cases. OHCHR welcomes new channels of discussions with both ordinary and military judicial authorities on these cases, and the decision of the President of the Bolivarian Republic of Venezuela to pardon 110 persons (including six women), most of them Venezuelan politicians who were detained, in exile or under precautionary measures.

56. OHCHR continued its regular dialogue with the Office of the Attorney General and notes some progress in judicial action for cases of serious human rights violations, including in the investigation of 79 documented cases of alleged extrajudicial executions by security forces and in 18 cases of deaths in the context of protests. OHCHR welcomes actions taken to advance these cases, but notes that so far, the majority of these cases remain at prosecutorial stage, with no final judgement having been issued.

<sup>46</sup> CEDAW Concluding Observations on the seventh and eighth periodic reports of the Bolivarian Republic of Venezuela, 2014, para. 31.; Human Rights Committee Concluding Observations (2015), CCPR/CO/71/VEN, para. 19.

57. OHCHR continued activities with a view to strengthening the justice system. OHCHR carried out a diagnostic to identify factors impacting the situation in preventive detention centres. Preliminary findings were presented and discussed with the authorities at the end of 2020 and are guiding technical assistance activities for 2021, in particular targeting overcrowding and judicial delays.

58. OHCHR also assessed the compliance of the justice system with the standards of the Minnesota and Istanbul protocols, and drafted protocols for investigations of allegations of violations of the right to life and of the right to personal integrity to guide in a practical way actions to be taken by each institution holding responsibility in the process. This work was presented and discussed during a workshop in February 2021. OHCHR also presented to the authorities a draft protocol of observation of hearings for OHCHR to issue tailored and specific recommendations to improve compliance with applicable international standard.

59. In January 2021, OHCHR shared comments on draft methodology for the development of the second National Human Rights Plan prepared by the Government, promoting the adoption of an inclusive and participatory approach. In September 2020, OHCHR facilitated a training session for the establishment of National Mechanisms for Reporting and Follow-up, to complement prior trainings sessions, that would be relevant for the third Universal Periodic Review cycle scheduled for 2022. OHCHR also presented a training plan on key human rights concepts that is expected to be implemented at the end of 2021.

60. Despite the impact of the COVID-19 pandemic and the “state of alarm” declared on 13 March 2020, visits to detention centres and field missions resumed in September 2020, in accordance with applicable sanitary requirements. In total, OHCHR conducted field missions in eight states (Anzoátegui, Barinas, Bolívar, Cojedes, Lara, Mérida, Táchira, and Zulia), to assess needs in terms of technical assistance activities and collect first-hand information on the human rights situation.

61. OHCHR carried out 24 visits of detention centres, including during field missions, confidentially interviewing 308 detainees, out of which 54 women and 60 children, as per the protocol agreed with the Government. Two visits were carried out at military centres and 22 at centres managed by the Ministry of Penitentiary Services, including women’s and children’s facilities. OHCHR visited the main detention centres of the Bolivarian National Intelligence Service and the Directorate General of Military Counter-Intelligence, in Caracas, and conducted 49 confidential individual interviews. In March 2021, OHCHR visited, for the first time, a pre-trial detention centre managed by the Bolivarian National Police in Caracas and a visits calendar was agreed upon with the authorities.

62. Following each of these visits, OHCHR presented confidential reports to the authorities containing recommendations towards building stronger compliance with international detention standards and specific recommendations for urgent individual cases. OHCHR discussed findings and recommendations with authorities on several occasions. OHCHR advocated for the compliance with guidelines on COVID-19 and its human rights dimensions in particular in relation to conditions of detention, visits of relatives and lawyers, and release of detainees facing particular risks. In November 2020, OHCHR collaborated with the Ministry of Penitentiary Services in the organization of a virtual symposium on applicable human rights standards.

63. OHCHR continued to work closely with the Office of the Ombudsperson, providing training and initiating an assessment of the National Commission for the Prevention of Torture to enhance its capacities to take effective steps to prevent torture and ill-treatment. OHCHR also provided virtual trainings to the Office of the Ombudsperson on selected topics such as indigenous peoples’ rights and cooperation with human rights defenders, and accompanied the Office of the Ombudsperson in the implementation of a new data collection system.

64. OHCHR facilitated a workshop early August 2020 with the Ministry of Interior, Justice and Peace on police standards and the use of force in demonstrations and complex security operations, and shared comments on four police force protocols on the use of the force that were under review. A calendar of activities to bring technical support to the Victims’ Unit of the Ministry as well as to the police reform was set.

65. OHCHR welcomes efforts by the Government to increase engagement with international human rights mechanisms, in particular the special procedures system. The Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights carried out an official mission from 1 to 12 February 2021. The Government committed to inviting a second mandate-holder in the course of 2021. In September 2020, OHCHR organized a workshop with authorities, and with participation of representatives of the Committee on the Rights of the Child, to review reservations to international human rights treaties entered by the Government

#### IV. Conclusions and recommendations

66. OHCHR welcomes cooperation by the Government in implementing previous recommendations and remains committed to providing technical assistance. OHCHR welcomes measures taken by the Government of the Bolivarian Republic of Venezuela to address pre-existing shortcomings to the enjoyment of economic, social, cultural, and environmental rights, despite additional challenges posed by the COVID-19 pandemic and sectoral unilateral coercive measures, which have further reduced available resources. However, many urgent measures directly affecting these rights are yet to be implemented, including guaranteeing sufficient income levels, investigating allegations of discrimination in access to food and health, and ensuring inclusive participation of civil society representatives in policy making. The lack of publicly available information related to the enjoyment of those rights risks jeopardizing many of the efforts and achievements reported by the Government. OHCHR is concerned by the criminalization of defenders of economic, social, cultural, and environmental rights, particularly union and student leaders. The effective exercise of economic, social, cultural, and environmental rights remains of concern in the Bolivarian Republic of Venezuela, most notably for vulnerable groups and persons, and OHCHR remains ready to accompany the Government in implementing such urgent measures.

67. In addition to previously-issued recommendations relevant to economic, social, cultural, and environmental rights many of which remain valid (see annex), OHCHR calls upon the Government of the Bolivarian Republic of Venezuela to:

*Enjoyment of economic, social and cultural rights*

(a) Continue efforts to improve access to essential services, and food, and inform publicly and regularly on those efforts, with particular attention to equality of access and non-discrimination, ensuring transparency, participation and public oversight;

(b) Take all necessary measures to guarantee sufficient income to public servants and workers in sectors dependent of public funding, particularly in the health and education sectors, in a transparent and participatory manner, including by adjusting salaries and cash transfers to the basic consumer basket, and take concrete measures to promote the enjoyment of labour rights, including compliance with international labour conventions and collective agreements, and publicly inform on their implementation;

(c) Take concrete measures to promote the autonomy of universities and free and independent electoral processes in accordance with their internal regulations, and to ensure freedom of association of university workers;

*Access to information*

(d) Publicly and regularly report on information produced by public institutions related to economic, social, cultural, and environmental rights, including Sustainable Development Goals indicators and internationally recognised human rights indicators, and the methodologies and sources used to produce that information;

(e) Take concrete measures and publicly inform on their implementation, to guarantee the right to access public information, including drafting and enacting an Organic Law of Transparency in accordance with international standards, ensuring

public information requests are not unnecessarily cumbersome nor rejected because of omission of non-essential formalities, developing digital mechanisms to receive public information requests, addressing concerns over reprisals for requests for public information, and improving accessibility and understandability for all groups, particularly the most marginalized;

(f) Ensure transparent and representative consultations, and access to public information in relation to public policy, particularly with members of vulnerable groups, prior to the adoption or implementation of any decision, activity or measure that affects them;

(g) Publish the national budget and the ministries' reports and accounts, as well as the regulatory framework of individual public entities and policies, their organizational structure, assigned budget and execution, procurements and contracting, public participation and accountability mechanisms, audits, and legal and administrative proceedings initiated by State entities;

*Non discrimination*

(h) Investigate allegations of discriminatory access to social protection programmes, take all necessary measures to guarantee equal access to such programmes, prioritizing the most marginalized groups, and publicly informing on the findings and the implementation of the measures;

(i) Take all necessary measures to implement the Constitutional mandate to recognize all indigenous territories and collective land rights at the earliest, with particular emphasis on self-demarcation initiatives;

(j) Continue working in partnership and cooperating with the United Nations system to ensure the human rights of people on the move within its territory, particularly migrants and returnees, and investigate cases of disappearances and allegations of human trafficking;

(k) Ensure the implementation of the national environmental regulatory framework to the oil and mining industries, particularly in the Arco Minero del Orinoco region, and sign and ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú agreement;

(l) Amend legislation to decriminalize abortion and ensure the provision of appropriate sexual and reproductive health services;

(m) Take all necessary measures to ensure equal access to the vaccine, particularly for marginalized groups, with specific attention to this digital divide;

*Cooperation*

(n) Remain committed to the effective implementation of the joint workplan agreed with OHCHR and deepen its engagement with international human rights mechanisms.

68. Member States should:

(o) Suspend or lift the sectoral unilateral coercive measures imposed on Venezuela which impede the Government's efforts to address the combined impact on the population of the current humanitarian situation and the COVID-19 pandemic;

(p) Continue their support to the humanitarian response in the Bolivarian Republic of Venezuela, particularly with regards to the COVID-19 pandemic;

(q) Ensure a fair distribution of vaccines across countries, as a global public good and accessible to all without discrimination in accordance with international legal norms and in support of the achievement of the Sustainable Development Goals;

(r) Ensure the rights of migrants from Venezuela in their respective territories and investigate human rights violations or abuses committed against them.

## Annex

### Summary of previous recommendations

#### Economic, social, cultural, and environmental rights

- Take all necessary measures to ensure availability and accessibility of food, water, essential medicines and healthcare services, including comprehensive preventative healthcare programmes with particular attention to children's and maternal services, including sexual and reproductive healthcare; (A/HRC/41/18)
- Allocate the maximum available resources towards the progressive realization of economic and social rights in a transparent and accountable manner that allows the assessment of expenditures; (A/HRC/41/18)
- Prioritize measures to decrease early pregnancies, and ensure that all plans regarding sexual and reproductive rights include measurable indicators and monitoring mechanisms; (A/HRC/41/18)
- Increase vaccination coverage for preventable diseases and take adequate measures to control outbreaks of communicable diseases; (A/HRC/41/18)
- Guarantee a full-scale United Nations led response to the humanitarian situation, including increased access for humanitarian actors, facilitating the entry of the World Food Programme, regularizing the presence of international non-governmental organizations and ensuring the protection of all humanitarian workers; (A/HRC/44/20)
- Take urgent steps to end labour and sexual exploitation, child labour and human trafficking within Arco Minero del Orinoco, and ensure regularization of mining activities that respect the right to just and favourable working conditions; (A/HRC/44/54)

#### Rights of specific groups

- Adopt all necessary measures to ensure the safe, dignified and voluntary return and sustainable reintegration of Venezuelan returnees; ensure their access to healthcare and social protection, and their protection from discrimination and stigmatization; (A/HRC/44/20)
- Ensure adequate and representative consultations are conducted with all indigenous peoples prior to the adoption or implementation of any decision, activity or measure that may affect them, including any impact on their traditional lands, territories and resources; (A/HRC/44/54)
- Ensure that indigenous peoples are able to enjoy their collective right to live in freedom, peace and security, and that they are able to own, use, develop and control their lands, territories and resources, including through the demarcation of traditional lands; (A/HRC/44/54)
- Provide redress to indigenous peoples affected by mining activities, including in the Arco Minero del Orinoco region, in consultation with them. (A/HRC/44/54)

#### Environmental rights

- Ensure all mining in the Bolivarian Republic of Venezuela is carried out in accordance with adequate human rights, sociocultural and environmental impact studies, and meets national and international environmental standards; (A/HRC/44/54)
- In compliance with international human rights standards, conduct effective and transparent investigations and law enforcement operations to dismantle criminal and armed groups controlling mining activities, tackle corruption, and prosecute and sanction those responsible for crimes and human rights violations in Arco Minero del Orinoco and the surrounding area; (A/HRC/44/54)
- Rescind resolution No. 0010 related to mining in rivers; (A/HRC/44/54)



### **Right of access to public information**

- Allow access to information of public interest; (A/HRC/41/18)
- Regularly publish comprehensive health and nutritional data, disaggregated by sex, age, ethnicity, and location that may be used inter alia, to develop and implement a full-scale humanitarian response to the crisis; (A/HRC/41/18)
- Ensure provision of all social programmes in a transparent, non-politicized, and non-discriminatory manner, including effective oversight and accountability measures; (A/HRC/41/18)
- Publish the national annual budget and expenditure reports, guarantee access to key data to assess the realization of rights and re-establish the oversight role of the National Assembly on use of public funds; (A/HRC/44/20)
- Establish a system for the systematic collection of statistical data on violence against women, disaggregated by forms of violence, number of complaints, prosecutions and convictions imposed on perpetrators; (A/HRC/44/54)
- Undertake and publish key information related to the Arco Minero del Orinoco region, such as environmental and social impact studies, violence and homicide rates and socioeconomic data of the population living within Arco Minero del Orinoco and the surrounding area, including indicators related to economic and social rights; (A/HRC/44/54)

### **Human rights defenders**

- Cease immediately any acts of intimidation, threats and reprisals by members of security forces against relatives of victims of human rights violations who seek justice; (A/HRC/44/54)

### **Access to justice and adequate reparations**

- Conduct prompt, effective, thorough, independent, impartial and transparent investigations into allegations of human rights violations, including deprivation of life, enforced disappearance, torture, and sexual and gender-based violence involving members of the security forces, bring perpetrators to justice and provide victims with adequate reparation; (A/HRC/44/54)
- Conduct prompt, effective, thorough, independent, impartial and transparent investigations into human rights violations, including killings of indigenous peoples, and bring perpetrators to justice; (A/HRC/41/18)
- Ensure the right to remedy and reparations for victims, with a gender sensitive approach, as well as guarantee their protection from intimidation and retaliation; (A/HRC/41/18)
- Review the protocols and methods of the Office of the Attorney General to provide gender-sensitive attention and support for victims of human rights violations and their families; (A/HRC/44/54)
- Cease immediately any acts of intimidation, threats and reprisals by members of security forces against relatives of victims of human rights violations who seek justice; (A/HRC/44/54)
- Adopt the necessary regulations and protocols to fulfil all rights and obligations enshrined in the Organic Law on the right of women to a life free of violence, and also adopt effective measures to assist and protect victims of all forms of violence, including women and children; (A/HRC/44/54)

### **Engagement with OHCHR and human rights mechanisms**

- Increase engagement with international human rights protection mechanisms, including the special procedures system, by receiving regular official visits from mandate holders; (A/HRC/44/20)
  - Accept and facilitate the establishment of a permanent OHCHR country office; (A/HRC/41/18)
  - Facilitate the establishment of an OHCHR office in the country as an effective means of assisting the State in tackling the human rights challenges and concerns addressed in the present report; (A/HRC/44/20)
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