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Resolution adopted by the Human Rights Council on 27 September 2019

42/25. Situation of human rights in the Bolivarian Republic of Venezuela

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Reaffirming the primary responsibility of States to promote and protect the human rights and fundamental freedoms of their citizens and to fulfil their obligations under the human rights treaties and agreements to which they are parties,

Recalling its resolution 39/1 of 27 September 2018 on the promotion and protection of human rights in the Bolivarian Republic of Venezuela,

Recalling also that regional arrangements can play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

Underlining that the Bolivarian Republic of Venezuela, as a party to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol thereto, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and to several other multilateral and regional human rights instruments, is under international obligations to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction,

Expressing grave concern at the alarming situation of human rights in the Bolivarian Republic of Venezuela, which includes patterns of violations directly and indirectly affecting all human rights – civil, political, economic, social and cultural – in the context of the ongoing political, economic, social and humanitarian crisis, as stated in the reports of the United Nations High Commissioner for Human Rights and of other international organizations,

Expressing alarm at the erosion of the rule of law in the Bolivarian Republic of Venezuela,

Expressing deep concern at the range of interrelated violations of economic and social rights in the Bolivarian Republic of Venezuela, particularly the rights to adequate food and to the highest attainable standard of physical and mental health, including severe food, medicines and vaccines shortages,

Expressing particular concern at the disproportionate impact of the crisis on the rights of women and children, and in particular on girls, indigenous peoples and other vulnerable groups,

Expressing deep concern for the more than 4 million people compelled to leave the Bolivarian Republic of Venezuela and also that the 2019 Venezuela Humanitarian Response Plan identifies a population of 7 million in need because of, inter alia, violations of the rights to food and health, violence and insecurity, the collapse of basic services, the deterioration of the education system, lack of access to pre- and post-natal care, and insufficient mechanisms for protection from violence and persecution on political grounds,

Welcoming the efforts of neighbouring and other countries of the region to host Venezuelan migrants, refugees and asylum seekers, and acknowledging the socioeconomic consequences of the large-scale flow of Venezuelans into those countries,

Welcoming also the humanitarian assistance provided by the United Nations and other humanitarian agencies, and the publishing of the first Venezuela Humanitarian Response Plan,

Acknowledging the ongoing efforts of human rights defenders, journalists, health professionals, politicians, civil servants and other civil society stakeholders in the Bolivarian Republic of Venezuela to call attention to and document violations and abuses of international human rights law,

Welcoming the mission of the Office of the United Nations High Commissioner for Human Rights from 11 to 22 March 2019 to prepare the visit of the High Commissioner to the Bolivarian Republic of Venezuela from 19 to 21 June 2019, and the resulting commitments, including with regard to the establishment of a permanent presence of the Office of the High Commissioner in the country, and welcoming also the presence of officers from the Office in the Bolivarian Republic of Venezuela between June and July 2019, and since 1 September 2019,

Welcoming also the ongoing dialogue between the High Commissioner and the Venezuelan authorities, and urging the Venezuelan authorities to fulfil the commitments made with the High Commissioner, including the continued presence of the Office of the High Commissioner in the country, allowing monitoring and cooperation throughout the country, and granting it access to places of detention,

Noting with appreciation the work of the Organization of American States, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights for the promotion and protection of human rights in the Bolivarian Republic of Venezuela,

Mindful that the Prosecutor of the International Criminal Court has decided to open a preliminary examination of the situation in the Bolivarian Republic of Venezuela to analyse crimes allegedly committed in this State Party since at least April 2017, in the context of demonstrations and related political unrest, and recalling that the Bolivarian Republic of Venezuela is a State party to the Rome Statute of the International Criminal Court,

Aware of the recommendation made by the High Commissioner to the Human Rights Council in the report on the situation of human rights in the Bolivarian Republic of Venezuela that the Council focus on ensuring prevention, investigation, the fight against impunity, accountability, reparations and guarantees of non-repetition of human rights violations and abuses in the Bolivarian Republic of Venezuela,

Affirming its strong conviction that there can only be a peaceful and democratic solution to the current crisis in the Bolivarian Republic of Venezuela, which lies with the Venezuelans, without any sort of foreign military, security or intelligence interference, and

that such a solution requires free, fair, transparent and credible presidential elections, in accordance with international standards, and expressing support for relevant diplomatic efforts in this regard,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela,[1] and requests the High Commissioner to present it at the General Assembly at its seventy-fourth session;

2. *Strongly condemns* all violations and abuses of international human rights law in the Bolivarian Republic of Venezuela, and urges the Venezuelan authorities to implement fully and immediately the recommendations contained in the report of the High Commissioner and the commitments reached during the High Commissioner's visit;

3. *Also strongly condemns* the widespread targeted repression and persecution on political grounds in the Bolivarian Republic of Venezuela, including the excessive use of force against peaceful protests, the excessive use of force during security operations, arbitrary detention, torture, ill-treatment, extrajudicial executions and enforced disappearances by security forces, such as the Fuerzas de Acciones Especiales and pro-government civilian armed groups;

4. *Expresses grave concern* at the fact that there have been at least 6,000 killings resulting from security operations in the Bolivarian Republic of Venezuela since January 2018 and that, according to information analysed by the High Commissioner, many of these killings may constitute extrajudicial executions;

5. *Deplores* the systematic abuse of State institutions in the Bolivarian Republic of Venezuela, accelerating the erosion of the rule of law and of democratic institutions, such as the National Assembly, including through violations of its independence and by stripping members of the National Assembly of their parliamentary immunity and arbitrarily arresting them, as well as through arbitrary arrests, torture, ill-treatment, death threats, surveillance, intimidation and harassment against their relatives;

6. *Urges* the Venezuelan authorities to immediately release all political prisoners and all other persons arbitrarily deprived of their liberty, and with urgency the 27 persons detained and identified as priority cases by the High Commissioner in her oral update to the Human Rights Council at its present session; to conduct prompt, effective, thorough, independent, impartial and transparent investigations into all human rights violations; to halt, publicly condemn, punish and prevent all acts of persecution and targeted repression based on political grounds; to cease and prevent the excessive use of force during demonstrations; and to adopt effective measures to protect human rights defenders and media workers;

7. *Condemns* the closing of dozens of print media, the shutdown of radio stations, the banning of television channels and the regular blocking of social media platforms, as well as the detention of journalists and the arbitrary detention of people expressing opinions on social media;

8. *Deplores* the systematic denial of the rights of victims of human rights violations in the Bolivarian Republic of Venezuela to truth, justice and reparation, and that impunity has allowed the recurrence of violations, emboldened perpetrators and sidelined victims, and in this regard calls upon the Venezuelan authorities to take effective measures to restore the independence of the justice system and to ensure the impartiality of the Office of the Attorney-General and the Ombudsman;

9. *Expresses great concern* at the severe economic and social crisis in the Bolivarian Republic of Venezuela, which has a profound effect on the right to the enjoyment of the highest attainable standard of physical and mental health and the right to an adequate standard of living, including right to adequate food, related to the collapse of public services;

10. *Expresses deep concern* at the fact that the main food assistance programme does not meet basic nutritional needs of the population, and that at least 3.7 million people are malnourished in the Bolivarian Republic of Venezuela;

[1] A/HRC/41/18.

11. *Expresses further concern* at the widespread lack of availability of and access to vaccines, medicines and treatment, and at the deterioration of conditions in hospitals, clinics and maternity clinics, which results in, inter alia, the re-emergence of previously controlled and eliminated diseases, including vaccine-preventable diseases, and increased risks of contracting HIV and other sexually transmitted infections;

12. *Urges* the Venezuelan authorities to take all measures necessary to ensure the availability and accessibility of food, water, essential medicines and health-care services to all those in need, including comprehensive preventive health-care programmes, with particular attention to children's and maternal services, and urges the Venezuelan authorities to accept all necessary humanitarian assistance, delivered in accordance with international humanitarian principles;

13. *Strongly condemns* discrimination based on political grounds in access to food assistance and other social programmes against Venezuelans increasingly relying on them to have access to minimum levels of income and food, and urges that all social programmes be provided to all those in need in a transparent, non-politicized and non-discriminatory manner;

14. *Expresses grave concern* at the disproportionate and differentiated impact of the crisis in the Bolivarian Republic of Venezuela on the human rights of women and girls, the lack of comprehensive health-care services and the insufficient provision of underlying determinants of health, including water and adequate nutrition, the deterioration of immunization and preventative health programmes, and accounts of increased rates in maternal mortality, adolescent pregnancy, malnutrition and preventable diseases;

15. *Urges* the Venezuelan authorities to adopt appropriate measures to address reported acts of violence and harassment, sexual violence against women and girls in detention in the Bolivarian Republic of Venezuela, which includes accounts of physical, sexual and verbal abuse, threats and intimidation, the sexual exploitation of women and girls for food, protection and privileges, and the ill-treatment, torture and denial of rights of women human rights defenders, nurses, teachers and civil servants, women political prisoners and detainees in detention centres;

16. *Underlines with grave concern* that the crisis in the Bolivarian Republic of Venezuela also has a disproportionate and differentiated impact on the human rights of indigenous peoples, particularly on their rights to an adequate standard of living, including their rights to food and to health and on their collective rights as indigenous peoples, particularly their rights to their traditional lands, territories and resources;

17. *Strongly condemns* the violation of various individual and collective rights of indigenous peoples, in particular in the Arco Minero del Orinoco region, including the excessive use of force, extrajudicial killings, ill-treatment, forced displacement and violations of their rights to maintain customs, traditional ways of life and a spiritual relationship with their land;

18. *Deplores* the obstacles that Venezuelans on the move face in the Bolivarian Republic of Venezuela to obtain or legalize documentation, and the fact that those leaving or re-entering the country are often victims of extortion and requisitions;

19. *Urges* the international community to continue to provide and to scale up support to enable host countries to respond to the growing needs of Venezuelans on the move, including the particular needs of women, children, older persons, persons with disabilities and indigenous peoples;

20. *Encourages* relevant thematic special procedure mandate holders to pay particular attention, within their respective mandates, to the situation of human rights in the Bolivarian Republic of Venezuela;

21. *Encourages* the Venezuelan authorities to cooperate with the above-mentioned mandate holders, particularly in the context of the commitments made with the High Commissioner to receive 10 special procedure mandate holders within the next two years, in particular the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention, the Special Rapporteur on the right to food, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special

Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the rights of indigenous peoples;

22. *Requests* the High Commissioner to continue to monitor and report on the situation of human rights in the Bolivarian Republic of Venezuela, including through the presentation of an oral update to the Human Rights Council at its forty-third and forty-fifth sessions, and to prepare a comprehensive written report on the situation of human rights in the Bolivarian Republic of Venezuela, with a special focus on the independence of the justice system and access to justice, including for violations of economic and social rights and the situation of human rights in the Arco Minero del Orinoco region, and to present the report to the Council at its forty-fourth session, to be followed by an interactive dialogue;

23. *Invites* the High Commissioner to present an oral update to States Members and observers of the Human Rights Council on the situation of human rights in the Bolivarian Republic of Venezuela through the modalities of the Council, in accordance with Council resolution 5/1 of 18 June 2007, before the end of 2019;

24. *Decides* to establish, for a period of one year, an independent international fact-finding mission, to be appointed by the President of the Human Rights Council, and to dispatch that mission urgently to the Bolivarian Republic of Venezuela to investigate extrajudicial executions, enforced disappearances, arbitrary detentions and torture and other cruel, inhumane or degrading treatment since 2014 with a view to ensuring full accountability for perpetrators and justice for victims, and requests the mission to present a report on its findings to the Council during an interactive dialogue at its forty-fifth session;

25. *Urges* the Venezuelan authorities to cooperate fully with the fact-finding mission, to grant it immediate, full and unfettered access to and throughout the country, including to victims and places of detention, and to provide it with all the information necessary to fulfil its mandate;

26. *Requests* the immediate operationalization of the fact-finding mission and also requests that the Office of the High Commissioner be provided with all the resources necessary to fulfil the mandate;

27. *Decides* to remain actively seized of the matter and to consider further measures, including the establishment of a commission of inquiry if the situation continues to deteriorate and/or the Venezuelan authorities do not meaningfully cooperate with the Office of the High Commissioner;

28. *Urges* the Venezuelan authorities to engage with the United Nations human rights system, in particular by submitting overdue reports to the treaty bodies and by cooperating with the Office of the High Commissioner and the mechanisms of the Human Rights Council, including by the full and timely implementation of all commitments made during the visit of the High Commissioner, in particular to allow the Office of the High Commissioner to maintain a presence in country, and to allow its staff, both in the field and headquarters-based, full, unrestricted and unmonitored access, and to ensure that all individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisal, intimidation or attack;

29. *Encourages* the strengthening of cooperation between the Inter-American Commission on Human Rights and the Human Rights Council and its mechanisms in order to monitor the situation of human rights in the Bolivarian Republic of Venezuela;

30. *Calls upon* the Bolivarian Republic of Venezuela to cooperate fully with all relevant regional mechanisms for the promotion and protection of human rights and to grant free, full and unfettered access to the Inter-American Commission on Human Rights.

40th meeting
27 September 2019

[Adopted by a recorded vote of 19 to 7, with 21 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Austria, Bahamas, Brazil, Bulgaria, Chile, Croatia, Czechia, Denmark, Hungary, Iceland, Italy, Japan, Peru, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Cameroon, China, Cuba, Egypt, Eritrea, Philippines, Saudi Arabia

Abstaining:

Afghanistan, Angola, Bahrain, Bangladesh, Burkina Faso, Democratic Republic of the Congo, Fiji, India, Iraq, Mexico, Nepal, Nigeria, Pakistan, Qatar, Rwanda, Senegal, Somalia, South Africa, Togo, Tunisia, Uruguay]