



Committee: Human Rights Council

Question of: Defending Fundamental Rights in Venezuela

Students Officer: Nadia Roeske

Introduction:

The Bolivarian Republic of Venezuela, under past leader Hugo Chávez and current President Nicolás Maduro, has fallen into a state of disarray, since the former's declaration of an 'economic war' on June 2nd, 2010. The Venezuelan government has done very little for the masses of Venezuelans who suffer from extensive shortages of food, medical supplies, and general medicines, which have dramatically worsened since 2014. Countless anti-governmental protestors are detained and tortured by national security forces without any legal justification; President Maduro's rule is one of censorship, poverty, discrimination, and abuse of power and the public. The Venezuelan crisis is spiralling, and due to the 2010 National Assembly ruling, strictly prohibiting organizations that "protect political rights" from receiving international funding, and Supreme Court declaration that people in receipt of such monetary aid can be prosecuted for treason, Venezuelans find themselves in dire need, yet completely isolated and incapable of accepting foreign aid. Human rights defenders inside and outside of Venezuela are limited by government-induced hostility and intolerance, whereby their legitimacy is questioned, and their own rights are put in jeopardy. Thus, it is unsurprising that a total of 2.3million Venezuelans have fled the country since the start of the crisis.

The breaches in human rights are near innumerable, ranging from the illegal and unfounded harassment of political opponents and attacks on protestors, to the incessant, discriminatory and allegedly abusive raids on lower-class areas, to things as basic as abhorrently poor prison conditions and an inaccessibility to food and clean water to most citizens. The humanitarian crisis in Venezuela was worsened by the collapse of the public health system, and that as of 2015, the government have refused to publish weekly updates on health indicators, making it difficult to define the extent of the catastrophe. The NGO Human Rights Watch worryingly concluded that of the 79,000 known cases of HIV in Venezuela, 87% of those people are not receiving prescribed medications due to shortages in anti-retroviral medications. Venezuelans are plagued by hyperinflation and are suffering unwarranted abuse and severe neglect under an authoritarian, tyrannical government - this crisis demands urgent resolution.

The Issue:

Organizations Involved & Relevant Documents:

OAS – The Organisation of American States is intrinsically involved in the Venezuelan crisis due to the existence of the Inter-American Democratic Charter (on which Venezuela are signatories) and its evaluation of the State in Secretary General Luis Almagro's reports published in March and July of this year.



The Lima Declaration – 17 Foreign Affairs Ministers from the Americas convened in Peru and produced The Lima Declaration which thoroughly condemns the Venezuelan “assault on democratic order and systematic violation of human rights.” The ministers also pledged to abandon any weapon trade deals with Venezuela and voiced their alarm at the 2010 rulings preventing the acceptance of international aid.

Inter-American Commission on Human Rights (IACHR) – The IACHR uses its Declaration of Rights and Duties of Man to monitor and assess Venezuela, although the document is not lay open to states’ ratification.

UN High Commissioner for Human Rights – The High Commissioner’s report, published in August of 2017, is deeply critical of Venezuelan authorities and the “generalized and systematic use of excessive force during demonstrations and the arbitrary detention of protestors and perceived political opponents indicate that these were not the illegal or rogue acts of isolated officials.” In September the UNHRC heard the High Commissioner’s findings and multiple states stressed their genuine worries about severe human rights violations and possible crimes against humanity.

US Government (under Presidents Obama and Trump) – Sanctions issues against 7 Venezuelan Government Officials in 2015, with Congress furthering its authority to freeze assets and deny visas to allegedly abusive officials who violated anti-governmental protestors’ rights during 2014 demonstrations through to 2019. Further targeted sanctions against officials were distributed in 2017, including upon President Maduro himself, with new sanctions prohibiting trade in new stocks/bonds issued by the State of Venezuela and its oil company.

European Union (EU) – The EU has and continues to stress its concern for the dismal situation in Venezuela and has condemned the recurring, unwarranted violence of security officials against protestors and innocent political opponents. An arms embargo was introduced in November of this year, and the EU issued its own targeted sanctions against specific Venezuelan government officials.

[Healthcare Crisis & Food Shortages](#)

The state of the public healthcare system in Venezuela is difficult to determine, but it has fallen into chaos, as elaborated in the following statistics. A chronic lacking in available vaccinations has resulted in at least 5,500 cases of measles and 54 deaths, coupled with over 200 deaths by diphtheria and a further 2,000 alleged cases, plus an additional minimum of 406,000 cases of malaria in 2017 alone, which could otherwise have easily been prevented. A national survey determined that 80% of households in Venezuela are food insecure, and an average of 17% of children under the age of 5 suffered from acute malnutrition, as did 48% of pregnant women in low-income communities. Maternal mortality shockingly rose by 65% in 2016 alone, and the infant mortality rate is equally distressing, having risen by 30% in just one year.

[Detention of Citizens, Facilities & Crumbling Democracy](#)

Protestors & Freedom of Speech

A multitude of protestors have been arrested imprisoned for no reason beside having spoken out publicly against their President and his government. Those dissidents that vocalise opinions against Maduro’s fall victim to discrimination in their workplaces; retaliation from peers/other citizens;

intimidation; are exposed to legal attacks and are denied their liberty; the authoritarian hand of President Maduro's extends so far as to deny them their right to safely protest, criticise, promote change and freely express their opinions in a supposedly democratic nation. There is a nationally unspoken intolerance for freedom of expression – instead of promoting an open conversation, Venezuelans are condemned to silence in fear of suffering at the hands of the *collectives* or other private, violent groups. Police and other security personnel have committed violent crimes against humanity, such as murdering peaceful demonstrators with point-blank shots, incited vehement break-ins, mauled and beat citizens *who did not resist arrest*, and even driven over and killed protestors with armoured vehicles. One of the most contentious methods enacted by Maduro's government is the systematic filing of administrative proceedings, unestablished clearly in legal rules, which leaves a gross margin of discretion when such proceedings are executed, coupled with severely harsh and unjustified sanctions, results in vaguely certifiable, overly-brutal government action against individuals.

Political Opponents and Prisons

It was concluded by the Inter-American Commission on Human Rights (IACHR) that Venezuelan elections, though held frequently, are not displays of true democracy, due to the existence of inhibitions facing President Maduro's opposition candidates and biased behaviour eliminating fair elections. Aside from the obvious fact that the paucity of government-issued statistics on State organ management and protection of human rights impedes the ability of the public to be well-informed voters, being a political opponent to the President is dangerous in and of itself; over 340 of Maduro's opponents are currently unjustly jailed and regularly tortured, across Venezuela. The conditions in penitentiaries in Venezuela are abysmal, with more than 50% of detainees being denied their liberty without being delivered their final sentences. There is a chronic insufficiency of resources across Venezuela and the current allocation of funds and materials for the improvement of prison infrastructure are extremely insufficient. The excessive overcrowding of Venezuelan detention facilities has paved way for much undue violence, with no deterrents or prevention methods in place, thousands have been murdered and critically injured with no compensation for the victims' families or apt medical treatment inside prisons for the wounded.

Judicial Independence & Wanton Injustice

The Supreme Court and Judges

The political dominion over the Supreme Court, following Chávez's 2004 takeover, has left Venezuela with a dysfunctional judiciary otherwise unseparated from Maduro's administration. The IACHR gathered information to demonstrate that existing practises used to evaluate judges of the Court's performances are exposed to dubiously high degrees of subjectivity, and as a result, hundreds of judges have been terminated without any legal basis or claim, by prejudiced and predisposed organs such as the Commission on the Operation and Reorganisation of the Judicial System. Corruption in the Supreme Court is rife, with current members having openly admitted to being in favour of advancing the government's political agenda and shutting down a majority of laws passed through the opposition-majority National Assembly. The controversial assumption of all legislative powers was only marginally reduced after international uproar, and it has become apparent that due to the definitively unwritten responsibilities of national armed forces, there is a widespread abuse of

power and injustice being delivered to the Venezuelan people by judges who turn a blind eye to their brutal behaviour.

Violence Executed by the State

The number of illegal forced disappearances; death threats; cases of abused authority; accusations of inhumanity delved out by Venezuelan agents of the State; and extrajudicial executions has grown tremendously, and has left Venezuelans denied their safety, exposed to violence ranging from kidnappings to hired gunmen and homicide. Gender-based violence is also common across Venezuela, with previous implemented legal frameworks to protect women coming to no avail. Women who have previously turned in their attackers, or sought out justice, have issued complaints of mistreatment and most perpetrators are never delivered a final sentence, which has proven to discourage other women from speaking out or attempting to convict their abusers. The apparent impunity displayed across Venezuela was attributed by the IACHR to “the overall lack of investigation, pursuit, capture, indictment, and sentencing of those responsible for violating rights protected by the American Convention.”

Key Events

Event/Date	Explanation
2004 – President Chávez takes over Supreme Court	Led to a lack of independence of the judiciary from the government and biased decisions being made in the interest of furthering the State authority’s political agenda
2010 – President Chávez declares an “economic war”	Leads to hyperinflation and a complete collapse of the Venezuelan currency
2010 – Supreme Court and National Assembly declare acceptance of international aid an act of treason	Prevents human rights defenders and foreign aid reaching Venezuela and prohibits improvement of conditions, whilst promoting further human rights violations
2013 – President Hugo Chávez dies	President Maduro comes to power
2014 – Student-led demonstrations end in 43 deaths and 5,285 injuries	The political climate in Venezuela is tense as public uproar is met by further shortages and a dramatic drop in quality of life
2014 – Dip in oil prices	Hyperinflation worsens, and shortages grow even more
2015 – Operation People’s Liberation launched in July	80,000-Armed security officials begin raids, extrajudicial killings, forced evictions, mass arbitrary detentions and much more
2015 – US Government issues targeted sanctions against Venezuelan officials	International action to try and prevent further corruption and human rights infringements

	which, ultimately, does very little
2015 – Venezuelan Government stops publishing health indicators weekly	Makes understanding of ‘how bad’ the situation in the public health sector truly is, and leaves the international community at a loss as to how severe conditions are inside Venezuela
2015 – National Assembly elections lead to an opposition-led body	The Supreme Court overrule a large majority of this organ’s decision due to predisposed bias against any sort of opposition, highlighting the authoritarian rule plaguing the ‘democratic’ Venezuela
2017 - US Government issues more targeted sanctions against Venezuelan officials	An act to show that the US is still displeased and appalled with corrupt officials in Venezuela, with sanctions and bans proof of condemnation of the State and Maduro’s government
2018 – Numerous reports published by IACHR, UN High Commissioner for Human Rights and OAS Secretary General on state of affairs in Venezuela, condemning corruption and violence by the State against innocents, and expressing concern over the serious breaches in human rights	The international community’s response to Venezuela thus far has been mild, as exhibited in these reports – serious action must be taken but no body, organ or State can breach the sovereignty of Venezuela who obviously do not condone international intervention

Previous Attempts to Solve the Issue

As explained above, the main attempts to solve the issue in Venezuela have been seriously unsuccessful, namely those of external bodies and States, such as sanctions and condemnation by the UN. US President Donald Trump stated he would “not rule out military intervention” in Venezuela but, was immediately shut down by Venezuelan Defence Minister Vladimir Padrino and his own military advisors who claimed military intervention by the United States had a history of being unpopular in Latin America. ‘Operation Enduring Promise’ is an eleven-week operation meant to aid the Bolivarian diaspora (namely Peru, Colombia and Ecuador) who receive a majority of Venezuelan refugees by relieving their health systems.

Otherwise, very little can be done from outside of Venezuela due to the 2010 rulings of the Supreme Court and National Assembly, although efforts to adjust and rectify the humanitarian and human rights crises in Venezuela have been undertaken by Maduro’s administration. These include his attempts to curb inflation (which has been teetering towards reaching 1,000,000%) by devaluing the virtually worthless Bolivar down by 90% and raising minimum wage by almost 3000%, whilst simultaneously linking the currency to the virtual currency of Petros, introduced in February, which experts believe may be a sham. Legal frameworks implemented to prevent gender violence have proven ineffective, and although the government has redirected some resources and funds towards the penitentiary system and its rectification, it is still a grossly insufficient amount, and the overpopulation of detention facilities is only exacerbating already sky-high crime rates. Operation People’s Liberation was meant to address rising concerns in security and safety of the people but,

resulted in over 500 murders between 2015-17 and left Venezuelans feeling more vulnerable than ever, and at risk in their own homes. Otherwise, very little has been done to solve the crisis in Venezuela and all that has been done has been of little to no avail.

Possible Solutions

- Hold UN-supervised elections where democracy is practised in full, and opposition are just as capable of being elected as President Maduro
- Allow foreign aid and promote negotiations between Maduro's administration and international bodies who are interested in aiding Venezuela
- Introduce bodies to evaluate civil servants' capabilities and motivations in their positions, taking care to do so objectively and without predisposition against any individuals
- Introduce bodies that promote 'speaking out' about gender-violence and actively protect women who do come forward
- Put an end to all government-incited violence of any nature, and trial all those who allegedly harmed, killed or otherwise infringed on the rights of other human beings on the false pretence of acting in the name of the law
- Build more detention centres and grant liberty to those still awaiting a final sentence, or extradite prisoners in the interest of reducing overcrowding
- Rehabilitation programmes for victims of abuse, trauma and other violent crime, as well as schools and education facilities for children to promote employment and curb poverty-related crime and children joining collectives/other gangs as they grow up

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