

**"VOLUNTARY CONTRIBUTION TO THE THIRD UPR
OF THE BOLIVARIAN REPUBLIC OF VENEZUELA".**

Review Period 2016 - 2021.

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SURES: is a non-governmental, non-profit, independent, non-partisan and non-denominational organization, established in 2016. Our mandate extends to all environmental, civil, cultural, economic, social and political human rights recognized in the Constitution of the Bolivarian Republic of Venezuela and in international treaties ratified by our country. We prioritize our action towards groups and groups of people in situations of greater exclusion, poverty and discrimination.

Sures claims the potential of human rights as a tool for social transformation towards justice and the construction of a democratic society. Its actions are directed to the State as the main obligated party in the respect, guarantee and protection of human rights, as well as to non-State actors that exercise de facto power that affect the enjoyment and exercise of human rights, including private companies. We intend to approach human rights in Venezuela from a balanced and considered perspective in the context of a high intensity democracy and a society with extreme political polarization. Therefore, we avoid and question the instrumentalization, partisan and biased use of human rights for the benefit of partialities and subaltern interests.

Advances in the investigation of the human rights situation in Venezuela.

1. The main problem regarding Human Rights in Venezuela is constituted by the unilateral coercive measures (UCM) by the government of the United States and some allied countries since 2014, which have implied an economic, financial and commercial blockade against the country. The purpose of such unilateral coercive measures - which also violate the human rights obligations contracted by the countries imposing themⁱ - is "to *shatter the Venezuelan economy....brutally affecting human rights*"ⁱⁱ increasing the pressure on the country by seriously undermining the capacity of the Venezuelan State to execute its international responsibilities in the area of social rightsⁱⁱⁱ -which are entirely subsidized by the State- particularly the policies of food, health, life, education and development, since as a result of the blockade the government's income has contracted by 99% and the country is currently living on 1% of its income^{iv}.

2. This situation has forced the Venezuelan State to generate specific policies on the matter^v to seek "to the maximum of the resources at its disposal" to satisfy the economic, social and cultural rights of its population, through international

cooperation - including negotiations with other States and the international community (which were recommendations of the UPR in 2016^{vi}).

3. Within the constitutional and legislative framework, in the face of these international obstacles, the Venezuelan State passed an "Anti-Blockade Law", a means of which the Venezuelan State has a legal instrument and an instance that will protect them against the violations to their human rights caused by the Blockade (which was a reiterated recommendation of the UPR in 2016^{vii}); and in order to guarantee the human rights of its population, the Venezuelan State has found it necessary to seek strategies to evade the restrictions established by such coercive measures; for example, by seeking new suppliers, new forms of payment and other ways to continue guaranteeing food imports, distributed through the CLAP Program.

4. Likewise, it has been forced to activate the mechanisms provided for by the Multilateral Health Organizations (WHO, PAHO) to resolve this situation, thus seeking to comply with its international obligations regarding the right to health, and to provide an effective response to the COVID-19 pandemic (which was a recommendation of the UPR in 2016^{viii}).

5. In accordance with the Paris Principles, and in the framework of the Letter of Understanding signed between Venezuela and the Office of the United Nations High Commissioner for Human Rights, technical assistance has been provided to the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment, especially in strengthening the mechanisms for monitoring the human rights of persons deprived of liberty, collaboration that includes the development in 2020 of a joint investigation protocol on cases of alleged violation of the right to personal integrity (which was a recommendation of the UPR in 2016^{ix}).

6. In the judicial aspect, it can be seen that in the period between 2017 and the first quarter of 2020, 401 police officers were criminally charged in cases of torture, 325 were charged and 26 were convicted. There is also in Venezuela, the National Ombudsman for Women's Rights, which guarantees the application of justice with a gender approach by accompanying women victims of violence in judicial and extrajudicial proceedings with special attention to the most vulnerable, which includes counseling and legal attention, providing between 2014 and 2020

attention to 133,329 women.

7. In terms of professional training in Human Rights (which was a recommendation of the UPR in 2016^x), we were able to learn that between 2016 and 2019 a total of 316 training activities on the prevention of torture and other cruel, inhuman or degrading treatment were carried out, reaching 10,453 participants. It should be noted that the prohibition of torture is included in the curriculum of the UNES, which is mandatory for State security forces. Similarly, in the area of gender, the National School of Prosecutors trained 95,525 people, 60% men and 40% women, in women's rights and gender equality, and provided 76 training programs on "Gender Violence" at the national level, through which 3,708 officials of the prosecutor's office received training.

8. In the area of sexual and reproductive health, a National Plan for the Protection of Sexual and Reproductive Rights of Women in Venezuela 2014-2019 is being developed. This plan includes the National Plan for Humanized Childbirth and the National Plan for the Prevention of Early and Adolescent Pregnancy (which were recommendations of the UPR in 2016^{xi}). During 2020, a new public consultation was initiated in order to determine the content of the plan for the coming years.

9. Between 2014 and 2017, the Adolescent Fertility Rate decreased from 95.1 to 85.8 per thousand; with an incidence concentrated in the population aged 17-19 years. This decrease is the result of the initiation of specific interventions in this population, such as the acquisition and distribution of subdermal implants, especially to adolescents with an obstetric history in 2016-2017, all as part of the National Reproductive Sexual Health Program. This plan consisted of the selection of states with the highest number of adolescent pregnancies, selection of adolescents with obstetric history and immediate placement of implants, after conducting counseling, signing of consent and general medical evaluation. In total, 24,637 implants were placed, from July 2016 to March 2017. In 2018, together with international cooperation agencies, the Immediate Post Obstetric Event Contraception Plan (MVA) was implemented in maternity hospitals and hospitals and the Contraception Plan in the community and outpatient network, for the dispensation of long-acting contraceptive methods (implants and intrauterine devices), aimed at the adolescent population, through differentiated consultations, high school and university institutions. These plans are accompanied by family planning counseling, the use of informed consent and guidance for the prevention

of sexually transmitted infections. Likewise, training and guidance activities were provided to 121,402 university students on sexual and reproductive health, during 2019. The free, universal and direct delivery of contraceptives to a total of 289,362 students was also guaranteed.

10. During 2016 a considerable increase in Venezuelan emigration has been verified, from Sures we have verified through our investigations that the package of unilateral coercive measures dictated against the country from 2014 to 2021, but with particular crudeness since 2017, have had a negative impact on migratory flows, given the deterioration of the quality of life of the Venezuelan people, from 640 in 2015.686, to 657,439 in 2017, to 2,534,976 in 2019 according to data from the United Nations Population Division. Therefore, we see a coincidence between the application of unilateral coercive measures and the increase of Venezuelan emigration.

11- It should be noted that in the midst of the health crisis that the world is going through due to the COVID-19 pandemic, the emigration trend of Venezuelans to destinations in the region shows an abrupt turnaround: today, thousands of Venezuelans have decided to return to their country by all possible means to protect their lives.

Challenges

1. We cannot fail to note that 2017 saw the occurrence of hate crimes during the cycle of violent protests. Two people were attacked and three were killed by protesters by virtue of their identification as affiliates of the ruling party. Among those killed, one person was burned alive and another was burned while lying on the ground after being attacked with a homemade mortar. Likewise, 23 cases were counted where violent crowds grouped in public spaces assaulted citizens for the fact of wearing a police or military uniform, being mistaken for public officials or for their alleged pro-government tendency. And in 2019, a group of opposition leaders called for violent demonstrations to cause the forced resignation of the Venezuelan President. On that occasion, the demonstrations accompanied the uprising of a group of GNB officers carried out in January, an attempted border invasion perpetrated to the south and southwest of Venezuela in February and a military coup d'état operation attempted in April of that year.

2. In this regard, we express our concern for the promotion at the international and multilateral level, demanding the definitive or provisional release of some persons prosecuted as responsible for serious human rights violations and coups d'état, or promoters of unilateral coercive measures, of a criminal nature, against their own country, which favors impunity and the repetition of such crimes.

3. Within this conflictive context, the Venezuelan State must continue developing policies and actions to protect and guarantee individual and collective human rights -particularly those of the most vulnerable groups-, combating the actions of multiform aggression developed against the Venezuelan people, redoubling its efforts to improve the economy.

3. The State should continue to take actions to sanction human rights violations, such as violations against the right to food or the right to peace, committed or promoted by actors in the business sector, who promote political agendas of destabilization; as well as strengthen the domestic legal framework to prevent and punish human rights violations committed by transnational corporations and other companies.

4. A sector whose dignification must be continued is the one of the Indigenous Peoples of Venezuela, for which the original and collective rights of indigenous peoples must be protected through the implementation of prior consultation mechanisms in accordance with the provisions of national and international laws in force, and progress in the legal-territorial territorial security of Indigenous Peoples, considering the self-demarcations already carried out. In the same regard, with the new National Assembly in office since 2020, progress should be made in the efforts to approve the Law of Coordination of the Special Indigenous Jurisdiction.

Recommendations

1. We believe that the lifting of the MCU is indispensable for the improvement of some social indicators that have shown deterioration in maternal and infant mortality in recent years, especially in the context of the COVID-19 pandemic, as it may impair the State's response capacity, in accordance with international standards^{xii}.

2. The domestic legal framework must continue to be strengthened in order to prevent and punish human rights violations committed by transnational

corporations and other companies, including international banks, against the right to food or the right to peace, such as those denounced by the Venezuelan State and the United Nations, in the context of the blockade situations suffered by the country. An emblematic case is that of the COVAX mechanism for acquiring vaccines, in which the UBS Bank - based in Switzerland - has arbitrarily blocked the last payments made by the Venezuelan State and are "under investigation", for which the Pan American Health Organization (PAHO) reiterated that it has not been able to confirm Venezuela's payment to the mechanism. The withholding of the payment made - \$ 10 million - for the purchase of vaccines against Coronavirus of the Covax mechanism is related to the economic sanctions imposed against Venezuela.

3. Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance is recommended.

4. We also propose to ratify both the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Notes:

ⁱ Report of the Independent Expert on the promotion of a democratic and equitable international order, Mr. Alfred de Zayas, on his mission to the Bolivarian Republic of Venezuela and Ecuador, paragraph 36, page 14.

ⁱⁱ UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Mr. Idriss Jazairy, in: UN News (31-01-2019). Available at: <https://news.un.org/es/story/2019/01/1450292>

ⁱⁱⁱ Article 7.2 of the International Covenant on Economic, Social and Cultural Rights.

^{iv} UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Ms. Alena Douhan, Preliminary results of the visit to the Bolivarian Republic of Venezuela (February 2021), page 5.

^v Paragraph 21 of General Comment 12 of the Committee on Economic, Social and Cultural Rights. The right to adequate food (article 11). (20th session, 1999)

^{vi} UPR recommendations (3rd cycle - 26th session): 133.70, 133.231.

^{vii} UPR recommendations (3rd cycle - 26th session): 133.32, 133.41, 133.231.

^{viii} UPR Recommendations (3rd cycle - 26th session): 133.240.

^{ix} UPR Recommendations (3rd cycle - 26th session): 133.50.

^x UPR Recommendation (3rd cycle - 26th session): 133.67.

^{xi} UPR recommendations (3rd cycle - 26th session): 133.10, 133.245, 133.262.

^{xii} Report on Covid-19 and Human Rights, Secretary General of the United Nations, António Guterres, in: Latin American and Caribbean News (Nodal) (24-04-2020). Available at:

<https://www.nodal.am/2020/04/la-onu-pide-levantar-medidas-de-bloqueo-a-paises-y-la-suspension-temporal-de-deudas>