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Q&A ON THE HUMAN RIGHTS CRISIS IN VENEZUELA

WHAT IS HAPPENING IN VENEZUELA?

Venezuela is experiencing a grave human rights crisis. The massive violations are evident in the plummeting quality of life, in the lack of access to the rights to adequate food and health, in legal and personal insecurity, as well as in institutional violence and the repression of protest. Against this background, protests and migration flows to other countries have increased significantly. Some revealing facts:

- In 2018 there were 12,715 protests across the country, according to the Venezuelan Observatory of Social Conflict.
- It is estimated that 3 million people have migrated, forced to flee in search of international protection; 2017 and 2018 saw the highest levels of migration, according to various sources including the International Organization for Migration (IOM) and the UN High Commissioner for Refugees (UNHCR).
- The official minimum wage in Venezuela is US\$6 a month.
- Inflation in Venezuela stood at 1,698,4882% in 2018, according to the National Assembly. The International Monetary Fund (IMF) estimates that in 2019, the annual inflation rate will reach 10,000,000%.

Amnesty International has been monitoring the human rights situation in Venezuela for many years. In particular, it has noted the impact on human rights of the institutional crisis affecting the country as a result of the confrontation between different political institutions of the state since 2017. The current situation is the most recent manifestation of this.

- In March 2017, the Supreme Court of Justice took on the powers of the National Assembly, where the opposition holds a majority. This triggered protests that were repressed by the government of Nicolás Maduro, on many occasions through the unlawful and disproportionate use of force. Between April and July 2017, more than 120 people were killed and around 1,958 injured; more than 5,000 people were detained.
- Amnesty International published two reports – [Silenced by force](#) and [Nights of Terror](#) – describing the human rights violations that occurred during that period.
- During the protests that took place between April and August of 2017, the then Attorney General denounced on several occasions the human rights violations being committed and published lists and evidence of those violations. In August 2017, she was dismissed by the National Constituent



Assembly and the Supreme Court of Justice. Subsequent threats led her to leave Venezuela and go into exile.

On 22 and 23 January 2019, there were numerous mass protests against the government of Nicolás Maduro – called by the President of the National Assembly, Juan Guaidó – throughout the country and particularly in working class areas where armed groups that support the government of Nicolás Maduro are concentrated. The Venezuelan state responded by deploying armed tactical police. There have been allegations of serious human rights violations during these operations which Amnesty International is currently investigating.

WHAT IS AMNESTY INTERNATIONAL'S POSITION ON THE INSTITUTIONAL CONTROVERSY IN VENEZUELA? WHO DOES AMNESTY INTERNATIONAL BELIEVE IS THE LEGITIMATE PRESIDENT OF VENEZUELA?

Amnesty International's mandate is to protect and defend human rights. Its work focuses on documenting human rights violations and ensuring that the rights of all victims of human rights to truth, justice and reparation are enforced by demanding that states fulfil their obligations under international law.

Amnesty International's priority regarding its work in Venezuela is to continue documenting the ramifications of the institutional, political and economic crisis for the human rights of people both inside and outside Venezuela, given that one clear consequence of the crisis has been the mass exodus of Venezuelans who have fled in desperation at the lack of access to the rights to adequate food, health and security, among others.

Amnesty International does not have a position on the legitimacy or legality of national elections, or on any other issue of a political-electoral nature, which is the source of the institutional crisis. It is not Amnesty International's function to recognize, or not recognize, governments. On the contrary, the organization urges all authorities to fulfil their obligations to respect and protect human rights.

Amnesty International is an impartial organization and does not adopt positions on supporting or opposing any political leader, government, political or religious ideology or faction within a government. The organization recognizes that it is the right of the people of Venezuela to decide on the election of their authorities.

However, the fact that Amnesty International is impartial does not mean that it is neutral. It will always be on the side of the victims of human rights violations, such as those we have supported in recent years in Venezuela, who have been subjected to serious violations perpetrated by officials of the government of Nicolás Maduro.

WHY HAS AMNESTY INTERNATIONAL NOT DENOUNCED THE "COUP D'ÉTAT" AGAINST THE GOVERNMENT OF NICOLÁS MADURO? OR WHY HAS AMNESTY INTERNATIONAL NOT DENOUNCED NICOLÁS MADURO'S SEIZURE OF THE PRESIDENCY?

Amnesty International has monitored the impact on human rights of the institutional crisis affecting Venezuela, documenting and acting on the serious human rights violations that have occurred.



It is not part of Amnesty International's mission to comment or take sides on the legitimacy or legality of a government, including allegations of coups d'état or of the seizure of presidential powers. Amnesty International is an independent organization and has not taken a position on the legality or illegality of the various events that have deepened the institutional crisis in Venezuela. For example, Amnesty International did not take a position on the Attorney General's complaint that there had been a breach of the constitutional order [*"ruptura del orden constitucional"*] following rulings 155 and 156 of the Supreme Court of Justice in 2017; nor did it issue a statement on the creation of the National Constituent Assembly in 2017 or the elections of 2018.

Amnesty International believes that, regardless of the current political dispute in Venezuela, all authorities have an obligation to respect and protect human rights. This includes the right of citizens to vote in regular, genuine elections held by universal and equal suffrage and secret ballot, that guarantee the free expression of their will. This also includes the right of every person to demonstrate peacefully to demand accountability from leaders or changes in public policies, as well as to demonstrate and express their support or opposition to the government.

WHAT HUMAN RIGHTS VIOLATIONS DOES AMNESTY INTERNATIONAL BELIEVE HAVE BEEN COMMITTED IN RECENT WEEKS IN THE CONTEXT OF THE INSTITUTIONAL CRISIS?

Amnesty International is verifying the information it has received about human rights violations in recent weeks and especially since 21 January. There have been numerous reports of human rights violations committed in the context of the social protests that have erupted since then, particularly in working class areas, and in connection with the mass demonstrations called by the opposition.

For example, according to the Venezuelan organization Foro Penal, 988 people were arbitrarily detained between 21 and 31 January, 741 of whom were still held as of 6 February 2019. Among those detained were 137 children and adolescents, of whom 10 are still in detention. According to Foro Penal, on 23 January alone, the day of the mass demonstration called by the opposition, there were 770 arbitrary detentions. These, when added to the arbitrary detentions that Foro Penal had previously documented, bring the estimated number of people currently detained for political reasons to a total of 942.

Several Venezuelan civil society organizations have reported that 40 people have died in the context of the protests and there are allegations of torture and other ill-treatment of those arbitrarily detained, including of children and adolescents, among other serious human rights violations.

This would appear to represent a continuation of the systematic policy of repression in Venezuela by the authorities under the command of Nicolás Maduro which Amnesty International has been documenting for some time. However, the organization has noted with concern certain patterns indicating an intensification of this policy of repression in the current context. Amnesty International is currently investigating this.

There have also been reports of violations of the right to freedom of expression, including at least 19 media workers, both nationals and non-nationals, who have been arbitrarily detained and/or expelled from the country.



WHAT HAS AMNESTY INTERNATIONAL SAID ABOUT THE CRISIS SO FAR?

Amnesty International has issued statements calling for an end to arbitrary detentions, and in particular has condemned the detention of children and adolescents in the context of protests. It has also demanded the release of the detained journalists and called for their right to freedom of expression to be guaranteed. Finally, it has called for an end to the use of unnecessary and excessive force against people demonstrating peacefully and, in particular, has condemned the killings that occurred in this context and called on the state authorities to protect and respect everyone's right to freedom of expression and peaceful protest.

WHAT IS AMNESTY INTERNATIONAL'S OPINION ON THE SANCTIONS IMPOSED ON VENEZUELA BY THE US GOVERNMENT?

On 28 January, the US government announced new measures that prevent the Venezuelan state oil company (PDVSA) from exporting crude oil to the USA and to stop US suppliers selling the refined products that Venezuela needs to process its heavy crude oil. Given that the Venezuelan economy is heavily dependent on oil exports and that the USA is one of Venezuela's main trading partners, these measures could have a severe impact on the enjoyment of economic and social rights.

Amnesty International reminds the US government that, regardless of the circumstances, sanctions must always take full account of the impact they will have on the enjoyment of human rights, especially among the most vulnerable groups in society. Sanctions should be targeted, with specific objectives and a clear timetable, and their effectiveness and humanitarian impact must be monitored.

In response to these sanctions and other sanctions against officials, Amnesty International has expressed its deep concern about the critical situation of the violation of the rights to food and health in the country, which the Venezuelan authorities have not adequately addressed. On the contrary, the refusal of the Venezuelan authorities to recognize the grave crisis of shortages of food and medicines, in addition to the general deterioration of the country's health services and the food security crisis, calls into question the willingness of the Venezuelan state to comply with its responsibility to guarantee minimum conditions of access to these rights for all, without discrimination of any kind.

It is also important to emphasize that the imposition of sanctions does not negate or diminish in any way the relevant obligations of the Venezuelan state to take all possible measures, including negotiations with the international community, to obtain international cooperation (sometimes referred to as humanitarian assistance), in order to minimize the negative impact on the rights of vulnerable groups in society.

WHAT IS AMNESTY INTERNATIONAL'S VIEW OF THE POSSIBILITY OF MILITARY INTERVENTION IN VENEZUELA BY OTHER COUNTRIES?

The international community has an obligation to find proposals that will prevent an escalation of the conflict in Venezuela; protect the millions of refugees who have been forced to leave the country; support the different national actors in creating the conditions that allow the enjoyment of human rights; ensure that any external action does not violate the principles of international law; and prevent further suffering or violation of rights in the country.

Any action by the international community must respect the principles of international law and above all



put to the fore the human rights of the people of Venezuela.

A responsible approach to the current situation should focus on guaranteeing without delay the rights of the people of Venezuela rather than diverting attention towards possible military intervention. In particular, it must address the extreme situation as regards access to food and health that is putting at risk the rights of hundreds of thousands of people in Venezuela and forcing unprecedented numbers of Venezuelans to migrate to other countries in the region.

WHY IS AMNESTY INTERNATIONAL CALLING ON VENEZUELA TO ASK FOR INTERNATIONAL COOPERATION (ALSO TERMED HUMANITARIAN ASSISTANCE)?

The Venezuelan state has an obligation to guarantee the right of everyone to the enjoyment of the highest possible standard of physical and mental health, the right to food, as well as to other economic and social rights and to take all necessary measures to fulfil this obligation, including a request for international cooperation.

The UN Committee on Economic and Social and Cultural Rights has established that the provision of prenatal and postnatal health care, emergency health care and access to essential medicines is a minimum and non-derogable obligation of every state. The Committee has stated that in situations where a country cannot guarantee these basic rights, the state must demonstrate that all possible efforts were made to fulfil its obligations both through existing resources within the country and those available from the international community through international cooperation and assistance.

For more than a decade, there has been little transparency on the part of the Venezuelan state in terms of access to information and the accuracy of official statistics. It has published indicators on human development and the welfare of the population that are not consistent with the reports of independent bodies on the enjoyment of economic and social rights by the population or with human rights violations verified by Amnesty International.

However, international cooperation and the means for its implementation must be widely consulted with civil society, and transparent, to ensure that resources are distributed without discrimination and that they really address the nature and scale of the crisis. In addition, accountability mechanisms that are appropriate for this type of cooperation must be in place.

BUT ACCORDING TO NICOLÁS MADURO / STATE AUTHORITIES, THERE ARE NO SHORTAGES AND THERE IS NO NEED FOR HUMANITARIAN ASSISTANCE.

Amnesty International has documented the serious human rights crisis and the massive violations of a wide range of human rights, civil and political and social, economic and cultural.

The situation of scarcity and shortages is not only a worrying backward step from the country's achievements up until a few years ago in terms of economic and social rights, but also poses a serious risk to the right to life of thousands of people in Venezuela, because of a lack of food and access to health. The result of measures adopted by the state has been a worrying reduction in purchasing power and wages, as well as the loss of labour rights for workers in Venezuela.



- The official minimum wage in Venezuela is US\$6 a month. This is the income of a large part of the population (the minimum wage set by the government is 18,000 bolívares soberanos (Bs.S); food vouchers amount to Bs.S1,800; the official Central Bank of Venezuela exchange rate is Bs.S3,297 to US\$1).
- The National Assembly estimated the rate of inflation for 2018 to be 702,521%. The IMF estimates that by 2019 the annual inflation rate will reach 10,000,000%.

Independent UN experts, such as the Special Rapporteur on the right to adequate housing, the Special Rapporteur on the right to food, the Special Rapporteur on the right to health and the Special Rapporteur on extreme poverty and human rights all expressed concern in February 2018 at the alarming living conditions in the country, which are getting worse every day. In addition to these independent UN experts, the Office of the UN High Commissioner for Human Rights (OHCHR), and the Inter-American Commission on Human Rights (IACHR) have issued statements and reports on this and requested that international cooperation be activated. So far, the Venezuelan government has not given the necessary authorization for these rapporteurs, or those of the IACHR, to visit the country.

In this context, it is worrying that the administration of Nicolás Maduro continues to deny that the country is experiencing a human rights crisis and, further, that it is denying access to international cooperation, both technical and economic. The state needs to acknowledge the crisis and put in place urgent and appropriate responses to guarantee human rights in the country and, most urgently, the rights to health and food.

WHAT IS AMNESTY INTERNATIONAL'S OPINION ON THE "HUMANITARIAN ASSISTANCE" RECENTLY ANNOUNCED BY THE US GOVERNMENT?

Amnesty International believes that the widespread suffering of people in Venezuela must not be used as a lever in political negotiations. It does not believe that assistance should be used as a bargaining tool to exert political pressure on states, even if they are committing human rights violations. Amnesty International opposes all conditions on international assistance and cooperation that result or may result in human rights abuses. All conditions must be carefully examined to ensure that compliance with them does not lead to human rights abuses.

Amnesty International has repeatedly denounced the crisis faced by people in Venezuela regarding the rights to health and food and other economic and social rights. The more than 3 million Venezuelans fleeing the country have stated that this was their main reason for leaving. Amnesty International has also made the point that the Venezuelan authorities have an obligation to seek international assistance and cooperation and that the arbitrary refusal to accept such assistance is a violation of their international human rights obligations. However, any assistance must be in line with international law.

The main obligation to respect, protect and guarantee economic, social and cultural rights (ESCR) lies with the authorities. However, states have an obligation to seek international assistance and cooperation (financial and/or technical, bilateral and/or multilateral) to realize these rights, particularly when this is necessary in order to fulfil the basic minimum obligations of a state, such as ensuring the minimum essential level of each right for all people without discrimination. For example, under the right to health,



states must guarantee access to essential drugs, emergency care and prenatal and postnatal care. This means that states that cannot guarantee at least the essential minimum levels of ESCR for their population must seek (and cannot arbitrarily reject) international assistance and cooperation to do so.

For this reason, like many national and international human rights organizations, Amnesty International has on several occasions called on the Venezuelan authorities to accept various offers of international cooperation (or humanitarian assistance, as other organizations term it). The Venezuelan authorities have refused to acknowledge the serious problem of shortages of food and medicines and have not accepted the cooperation offered in the past by several international actors.

On the other hand, states that are in a position to do so have an obligation to provide assistance when necessary. All states share a mutual obligation when they participate in international assistance and cooperation. States must cooperate internationally to ensure that appropriate assistance is received, for example, they should coordinate their development assistance in such a way as to ensure that parts of the population or certain sectors/issues are not neglected in efforts to guarantee essential minimum levels of economic, social and cultural rights and that other human rights are not put at risk.

States that provide assistance must ensure that human rights are protected and, therefore, must exercise due diligence to guarantee that no development assistance in which they participate results in human rights abuses. They must also guarantee transparency and access to complete information about the purpose, source, amount and terms of development assistance and how it is used, monitored and accounted for. Several agencies can play a role in monitoring and accountability, including parliamentary bodies, national human rights institutions and UN human rights mechanisms. This transparency is also necessary to guarantee effective mechanisms to prevent and tackle corruption.

DOES AMNESTY INTERNATIONAL SUPPORT OR OPPOSE THE ENTRY INTO THE COUNTRY OF THE HUMANITARIAN ASSISTANCE THAT IS BEING COORDINATED BY THE US GOVERNMENT?

Amnesty International reiterates its call to the international community to offer cooperation and assistance as a whole and in a coordinated manner to solve the serious crisis of economic and social rights in Venezuela.

Amnesty International believes that there are many formulas which could be applied to international cooperation taking into account the Venezuelan context and the scale of the problem. Amnesty International calls on the UN Secretary General, Antonio Guterres, and the different Venezuelan authorities, to immediately activate a mechanism of shared and coordinated cooperation that addresses the serious situation regarding the right to health and the right to food, as well as other social rights. Venezuelan and international civil society organizations, with relevant knowledge and capacity, should be part of this mechanism.

With regard to the right to health, Amnesty International supports the call of many civil society organizations that are requesting an international cooperation mechanism through agencies such as the Pan American Health Organization (PAHO). PAHO has a presence in Venezuela, recognized experience in the field of health and the capacity to coordinate with other UN agencies. One of the proposals being discussed is to strengthen some 70 strategic hospitals, which together cover hospital care for more than 80% of the population.



However, international cooperation and the means for its implementation must be widely consulted with civil society and transparent to ensure that resources are distributed without discrimination and that they really address the nature and scale of the crisis. In addition, accountability mechanisms that are appropriate for this type of cooperation must be in place.

ON WHAT BASIS IS AMNESTY INTERNATIONAL CALLING FOR VENEZUELAN FLEEING THE COUNTRY TO BE RECOGNIZED AS REFUGEES?

The 1984 Cartagena Declaration is a regional instrument which, among other things, acknowledges the need to extend the concept of a refugee, taking into account the existing situation in the region and the tenets of the Inter-American Commission on Human Rights. The domestic laws of several Latin American countries on the right to asylum and refuge, in addition to containing the elements of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, also include provisions that consider to be refugees people who have fled their countries because their life, security or freedom were threatened by widespread violence, foreign aggression, internal conflicts, mass violation of human rights or other circumstances that have seriously disrupted public order.

Amnesty International believes that this definition should apply to people who are currently fleeing the human rights crisis in Venezuela and that they should therefore have the opportunity to access the asylum application processes of each country. Amnesty International considers there to be widespread violations of human rights in Venezuela which put the lives, freedom and safety of many people at risk.

Amnesty International has examined cases of people with chronic diseases who face a lack of access to essential medicines. In the context of the mass violations of human rights in Venezuela, these situations require receiving countries, regardless of their national legislation, to examine these cases in light of their obligations in terms of refuge and ensure protection mechanisms that guarantee the principle of *non-refoulement*, given the complex human rights crisis in Venezuela.

Amnesty International bases this call on the recent resolution the IACHR (2/18) on the forced migration of Venezuelan people, the summary of conclusions on the interpretation of the extended definition of refugees of the Cartagena Declaration, as well as resolutions by commissions on the determination of refugee status in other countries where the Cartagena Declaration definition is applied.