

NGO demand a coherent and attach to human rights action from the UN in the response of the humanitarian emergency in Venezuela

In light of the recent participation of representatives of the United Nations (UN) present in Venezuela in acts related to the political situation, on January 10 and 12, 2019, and aiming at the generation of conditions conducive to the urgent and necessary access to plans and mechanisms of international humanitarian assistance and cooperation in the dimensions and scope required to guarantee the protection of human rights of the Venezuelan population, in a credible, coherent, effective and transparent manner, the undersigned civil society organizations publicly state:

1. Since 2015, Venezuelan civil society has made a sustained effort to alert, based on evidence, on the severe, urgent and large-scale complex humanitarian emergency affecting Venezuela, generated by government policies aimed at the dismantling of the Rule of Law and the democratic order, the destruction of the economic and institutional capabilities of the country, depriving millions of Venezuelans of essential goods and services, and the use of coercion and violence by state means against those who question or oppose such policies. All this has taken place at the cost of extensive and profound suffering and damage to the Venezuelan population, in response to which the government has ignored and criminalized the right to cooperation and international humanitarian assistance, demanded by the people affected, civil society organizations, the National Assembly, the Office of the UN High Commissioner for Human Rights, the Committees of International Treaty Bodies and Special Rapporteurs of the Universal System for Human Rights, the Inter-American Commission on Human Rights, the OAS, the European Union, Mercosur and countries of different continents.
2. In spite of the humanitarian emergency and the multiple violations of human rights, until 2016 most of the UN agencies in Venezuela remained silent, hid information and decided to accept the restrictions and conditions imposed by the Venezuelan government on the implementation of cooperation programs, underestimating or not taking into account denunciations, reports, and the evident economic and social deterioration of the country, alleging limitations due to the lack of official data and their need to abide by the framework of UN cooperation underway, agreed with the government . This was denounced by 82 organizations in a public letter of June 2016 to the then Secretary General of the United Nations, Ban Ki-Moon¹, as lack of compliance by the agencies to the norms of the United Nations included in the "Rights Up Front" guidelines². According to them, all agencies have responsibilities for the protection of human rights and must inform in a timely manner about their violations, above the interests of the States. If they had done so, they could have helped avoid the advance of the emergency and prevent its threats to the life and well-being of the population. In August 2016, Ban Ki-Moon described the situation in Venezuela as “a humanitarian crisis created by political instability”³. However, omissions, complacency and inaction of some agencies remained into 2018.
3. As a result of the above, the emergency was even more serious in regards to the rights to health, food, environment, education, work and income, personal security and access to basic services (water, electricity, gas, telecommunications and public transport), combined with severe

¹ Silence of UN Agencies in Venezuela affects the health, access to food and dignity of the most vulnerable. Available in: <http://www.examenonuvenezuela.com/sin-categoria/el-silencio-de-agencias-de-la-onu-en-venezuela-afecta-la-salud-alimentacion-y-dignidad-de-las-personas-mas-vulnerables>

² Human Right up Front. Available in: <https://stories.undp.org/putting-human-rights-up-front>

³ Ban Ki-moon: “There is a humanitarian crisis in Venezuela”. Diario La Nación, 10.08.2016. In: <https://www.lanacion.com.ar/1926563-ban-ki-moon-en-venezuela-hay-una-crisis-humanitaria>

restrictions on democratic freedoms and rights under a permanent State of Exception, the disqualification of the National Assembly and the fraudulent election of a National Constituent Assembly. All this, together with the government's refusal to recognize the humanitarian emergency and accept cooperation and international assistance and after intense peaceful protests which were strongly repressed with massive arrests, torture, extrajudicial executions and assassinations by State security forces and violent civil groups, caused in 2017 a growing forced migration of Venezuelans, and a human mobility crisis, forcing United Nations agencies and other humanitarian actors to activate border operations and to approve emergency resources in 2018, through the UN Central Emergency Response Fund (CERF) . 64% of these resources were allocated to the attention of refugees and migrants from Venezuela, in countries of Latin America and the Caribbean. UNHCR had to approve new guidelines to protect Venezuelans in continuous flight from the country due to insecurity and violence, lack of food, medicines or access to essential social services and loss of income⁴. In addition, the Regional Platform for Inter-institutional Coordination was created between the IOM and UNHCR, which together formulated the Emergency Plan for Refugees and Migrants in Venezuela 2019⁵. Venezuela was included for the first time in OCHA's Global Humanitarian Plan 2019⁶, in which Venezuelan migration appears as "the largest exodus experienced in Latin America and the Caribbean in its modern history" with more than 3.4 million refugees and migrants⁷.

4. However, restrictions on access to cooperation and humanitarian assistance of the United Nations continued towards Venezuela, even though in 2018 agreements were signed with WHO⁸, PAHO⁹¹⁰ and UNICEF¹¹ and other agencies to implement CERF funds, still inadequate and of limited effectiveness given the scale of the emergency. The emergency has never been recognized by the government and its political, economic and institutional causes have been deepened in a sustained manner, despite the fact that the Human Rights Council of the United Nations approved a resolution in September 2018, urging the government to accept humanitarian assistance to address the shortage of food, medicines and medical supplies, the increase in malnutrition and outbreaks of disease, in a context of political, economic, social and humanitarian crisis that seriously affects the human rights of the Venezuelan Population. The Resolution also urged the government to cooperate with the Office of the United Nations High Commissioner for Human Rights to monitor and prepare a comprehensive report on the human rights situation in Venezuela, in accordance with its mandate to play an active role in the face of obstacles and challenges to guarantee the realization of human rights and prevent their violations¹².

⁴ UNHCR New Protection Guidelines in light of Venezuelan's migration through Latin America. Available in:

<https://www.acnur.org/noticias/briefing/2018/3/5af2e9345/mientras-los-venezolanos-huyen-por-america-latina-acnur-emite-nueva-guia-de-proteccion.html>

⁵ Regional refugee and migrant response plan for Refugees and Migrants from Venezuela January - December 2019. Available in:

https://s3.amazonaws.com/unhcrsharedmedia/2018/RMRP_Venezuela_2019_OnlineVersion.pdf

⁶ Global Humanitarian Overview 2019. Available in: <https://www.unocha.org/global-humanitarian-overview-2019>

⁷ The number of Venezuelan migrants and refugees reaches 3 million. Available in: <https://www.acnur.org/noticias/press/2018/11/5be443b54/la-cifra-de-personas-refugiadas-e-inmigrantes-venezolanas-alcanza-los-3.html>

⁸ PAHO response to maintain an effective technical cooperation agenda in Venezuela and in neighboring member states. Document presented to the Executive Committee of the Pan American Health Organization (PAHO) at its Session 162 of June 20, 2018. Point 7.2.2. CE162 / INF / 22. Available in: https://www.paho.org/hq/index.php?option=com_content&view=article&id=14263%3A162th-session-executive-committee&catid=1258%3Aexecutive-committee&Itemid=40453&lang=es

⁹ Global Fund approves financing to respond to the health crisis in Venezuela. In: <https://www.acsi.org.ve/noticias/2830.html>

¹⁰ Master Plan for the strengthening of the response to HIV, tuberculosis and malaria in the Bolivarian Republic of Venezuela from a public health perspective. Available in: https://reliefweb.int/sites/reliefweb.int/files/resources/Plan%20Maestro_VIH_TB%20MAL%202018%20VEN.PDF

¹¹ The Government of the Bolivarian Republic of Venezuela and UNICEF strengthen their cooperation to address the challenges facing the most vulnerable children. Available in: https://www.unicef.org/venezuela/spanish/media_38987.html

¹² Resolution of the Human Rights Council. Thirty-ninth session September 10-28, 2018 Agenda item 2. 39 / ... Promotion and protection of human rights in the Bolivarian Republic of Venezuela. Available in: http://ap.ohchr.org/documents/S/HRC/d_res_dec/A_HRC_39_L1_rev1.pdf

5. Given the extreme adversities caused by the complex humanitarian emergency, the Venezuelan population has the right to access international humanitarian cooperation and assistance, not only to meet the most urgent needs, but also to provide spaces and protection capabilities in the absence of the Rule of Law, widespread deprivation and systematic coercive practices. The United Nations has a great weight and leadership in the responses to complex humanitarian emergencies and all its officials have responsibilities with human rights in both the roles of cooperation¹³ as well as of humanitarian assistance¹⁴, such as the International Humanitarian Charter's principles, given that the dignity, life, freedoms and personal integrity of people are at stake as a result of the way in which these responses are conducted. In this sense, the organization itself has pointed out that "concrete experiences have shown that the work of the United Nations on the ground has a much greater impact and a more powerful and positive legacy in the lives of people when it meets established standards in the UN Charter. Lessons from the field have also shown that failure to comply with the UN's human rights responsibilities can seriously threaten the lives and legitimacy of the UN"¹⁵.
6. Given all of the above, we are deeply concerned that:
- a) Mr. Peter Grohmann, UN Resident Coordinator, and representatives of UN agencies based in Venezuela attended the swearing in ceremony of Mr. Nicolás Maduro before the Supreme Court of Justice on January 10, 2019¹⁶, allowing this appearance to be interpreted and promoted by the government itself as a political backing of the United Nations System to the legitimacy of that act, seriously questioned at the national and international levels, as a result of an electoral process not carried out when established by the Venezuelan Constitution, which also did not have the minimum conditions of free and fair elections, as the Inter-American Commission on Human Rights warned in a communication of January 9th, 2019¹⁷. This participation seriously harms the trust and credibility by the Venezuelan population and the victims of human rights violations, since it was not essential nor a central element in the work of the United Nations, regarding dialogue with the Venezuelan authorities on cooperation and assistance, so far provided with restrictions, in addition to not being the competence of the Secretary General of the United Nations "to recognize or disregard heads of state", as his spokesman clarified to international media¹⁸. In addition, in spite of having been invited, UN representatives were not present at the inaugural ceremony of the new National Assembly authorities, despite of the constitutional role that the Venezuelan parliament has in signing international aid and cooperation agreements.
 - b) Subsequently, the Resident Coordinator and representatives of UN agencies held a meeting on January 12 with Mr. Nicolás Maduro and his cabinet¹⁹, broadcast live by the official media as an act of political support to his government's legitimacy by the United Nations System. In

¹³ HUMAN RIGHTS for Resident Coordinators and UN Country Teams. Available in: <https://undg.org/wp-content/uploads/2016/10/UNDG-Guidance-Note-on-Human-Rights-for-RCs-and-UNCTs-final.pdf>

¹⁴ Guiding notes on human rights for humanitarian coordinators. IASC, 2006. In: https://interagencystandingcommittee.org/system/files/legacy_files/IASC%20HR%20guidance%20note%20for%20HCs%20Final%20June%202006.pdf

¹⁵ HUMAN RIGHTS for Resident Coordinators and UN Country Teams. Disponible en: <https://undg.org/wp-content/uploads/2016/10/UNDG-Guidance-Note-on-Human-Rights-for-RCs-and-UNCTs-final.pdf>

¹⁶ Nicolás Maduro's swearing in as President for 2019-2025. Video available in: https://www.youtube.com/watch?v=O95cA_XppsQ

¹⁷ IACHR: Before the assumption of a new presidential mandate, the IACHR warns of the deepening of erosion of the rule of law in Venezuela. Available in: <http://www.oas.org/es/cidh/prensa/comunicados/2019/005.asp>

¹⁸ Daily Press Briefing by the Office of the Spokesperson for the Secretary-General. 10 January, 2019. Available in: <https://www.un.org/press/en/2019/db190110.doc.htm>

¹⁹ Venezuelan President Nicolás Maduro meets with United Nations, 12 January, 2019. Video available in: <https://www.youtube.com/watch?v=9EPvVQAJ3HA>

this meeting, although the Resident Coordinator covered points of national interest for the agenda of cooperation and humanitarian assistance in Venezuela, among them urgent issues in health, food, environment and protection, access to official data in all economic and social areas (which have not been published for more than three years), cooperation with the World Food Program and the need to work with all sectors of Venezuelan society (civil society, political sectors, employers and labor organizations). He also offered full support for the new term of presidential administration on behalf of the United Nations System, without receiving from Mr. Maduro recognition of the importance of any of these points, or the admission of the gravity of the humanitarian situation. Mr. Maduro, on the other hand, asked the United Nations to be supportive of the *Plan Vuelta a la Patria* (“Return to the Motherland Plan”), with which he has tried to divert the real circumstances of the human mobility crisis and forced migration in Venezuela, in a sustained increase with 5,000 daily departures until December 2018, according to UNHCR estimates²⁰, numbers that the government had also denied. Likewise, Mr. Maduro requested support for an alleged fight against corruption and to work around the Sustainable Development Goals (SDG’s) of the 2030 Agenda, both issues in which Venezuela shows enormous setbacks due to the policies implemented and maintained by the government.

- c) It is also worrying that the Resident Coordinator and the agencies present in the aforementioned acts, in addition to affecting the credibility of the international cooperation and assistance of the United Nations, also tried to commit to their agenda the work of other bodies that respond to their own independent mandates for the protection of human rights, such as the official missions to Venezuela, still undated, of the UN High Commissioner for Human Rights, by a Resolution of the Human Rights Council, and of the International Labor Organization (ILO). In this regard, the Resident Coordinator proposed that those missions should not only serve to make evaluations, but also to reach concrete solutions, coinciding with Mr. Maduro's treatment of the expected purpose of these visits, whose mandate is much broader and involves gathering information with absolute freedom of action and independence of criteria.

In this regard, we urge the United Nations Resident Coordinator and all the UN agencies working in Venezuela to:

1. Comply with and enforce the mandates of the Charter of the United Nations and international treaties in the exercise of the functions of coordination and operational work carried out by cooperation agencies in Venezuela and, in the current situation of complex humanitarian emergency, to assume the imperatives of doing no harm and to act with prudence and due diligence in defense of the protection of the human rights of the entire Venezuelan population when performing their respective roles in the different fields of cooperation and humanitarian assistance, in accordance with the norms of international law. As well, to fully respect and be guided by international humanitarian principles of impartiality, neutrality, humanity and independence, which includes abstaining from collaborating in the implementation of coercive, discretionary and discriminatory practices in areas of cooperation and humanitarian assistance, in compliance with international human rights law.
2. Separate the work of cooperation and humanitarian assistance of the United Nations from the diplomatic or political functions and procedures carried out by the Resident Coordinator,

²⁰ Aumenta la salida de venezolanos de su país. 11 de enero de 2019. Disponible en: <https://news.un.org/es/story/2019/01/1449212>

taking into account the lessons of negative experiences due to the inadequate behavior of agencies' officials in complex emergencies, including the one that occurred recently in Venezuela, when the visit by a Special Procedure representative invited by the government was manipulated to try to silence, demoralize and cause hopelessness among millions of affected people.

3. Ensure that qualified agencies with a specific mandate are the ones that assume the leading role of assistance and cooperation, as well as the implementation of the Humanitarian Country Mechanism for Aid Coordination, with broad participation of all sectors of Venezuelan society, from all regions of the country, according to humanitarian mandates, and receive complaints directly and freely, as well as evidences of the humanitarian emergency and human rights violations. This is the only means to identify gaps, obstacles and more appropriate and effective ways to bring assistance to the most vulnerable and at-risk populations, as well as to monitor and evaluate their effectiveness, regardless of whether the information is politically sensitive or affects government's interests.

Lives are lost and other irreparable damages are suffered with each passing day. The deterioration of the living conditions of the population in Venezuela and the severity and speed of the damage, cannot be concealed and will have serious consequences for future Venezuelans generations. Civil society organizations have the capacities and the commitment to contribute to the humanitarian response needed to stop these damages. However, the UN agencies have an essential, inescapable, imperative and urgent responsibility for comprehensive action and coordination, which cannot be subordinated to interests other than human rights and the dignified life of the Venezuelan population. Without them, it is not possible to speak of Sustainable Development Goals or other agendas or cooperation plans.

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