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Human rights situations that require the Council's attention

Albania,* Australia, Austria, Belgium,* Bolivia (Plurinational State of),* Brazil, Bulgaria, Canada,* Chile, Colombia,* Costa Rica,* Croatia,* Czechia, Denmark, Ecuador,* El Salvador,* Estonia,* Finland,* France,* Georgia,* Germany, Guatemala,* Guyana,* Honduras,* Iceland,* Ireland,* Israel,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Marshall Islands, Montenegro,* Netherlands, New Zealand,* North Macedonia,* Panama,* Paraguay,* Peru, Poland, Portugal,* Republic of Korea, Romania,* Slovakia, Slovenia,* Spain, Sweden,* Switzerland,* Ukraine and United Kingdom of Great Britain and Northern Ireland*:
draft resolution

45/... 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, protect, respect and fulfil 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 resolutions 39/1 of 27 September 2018, 42/4 of 26 September 2019 and 42/25 of 27 September 2019 on the Bolivarian Republic of Venezuela,

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 the international independent fact-finding mission and other reports of international organizations,

Expressing concern that the coronavirus disease (COVID-19) pandemic is aggravating the situation in the Bolivarian Republic of Venezuela, and urging the authorities to follow the international human rights recommendations to address the pandemic and to increase access to information about the development of the COVID-19 pandemic and humanitarian needs in general to both the Venezuelan population and the international community,

* State not a member of the Human Rights Council.



Expressing alarm at the erosion of the rule of law, the lack of independence of the judicial system and the impact on access to justice for victims of violations of human rights and for ensuring oversight of the electoral process in the Bolivarian Republic of Venezuela,

Expressing concern that the ongoing crisis continues to have a disproportionate impact on the rights of women and children, indigenous peoples, older persons and other groups in vulnerable situations, and that such effects have been further aggravated by the COVID-19 pandemic, as well as by the measures taken by the authorities to tackle it,

Expressing deep concern that more than 5 million people have been compelled to leave the Bolivarian Republic of Venezuela, that the Office for the Coordination of Humanitarian Affairs has, in its *Global Humanitarian Overview 2020*, identified a population of 7 million in need of humanitarian assistance owing to the deepening political and economic crisis and that the World Food Programme has estimated, through a food security assessment, that one in three Venezuelans is food insecure and in need of assistance,

Welcoming the efforts of neighbouring and other countries of the region to host Venezuelan migrants, refugees and asylum seekers and the humanitarian assistance provided by the United Nations, other humanitarian organizations and partner countries,

Expressing concern about abuses and violations suffered by returnees and people leaving the Bolivarian Republic of Venezuela, including extortion and illegal requisitions,

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

Aware of the confidential letter of understanding dated 20 September 2019 and renewed on 14 September 2020 between the Office of the United Nations High Commissioner for Human Rights and the authorities of the Bolivarian Republic of Venezuela and the resulting commitments, and urging the Venezuelan authorities to fulfil those commitments,

Welcoming the enlarged presence of officers from the Office of the High Commissioner in the Bolivarian Republic of Venezuela, as well as the establishment of a mechanism for the exchange of information regarding individual cases,

Recalling the work of the entities of the inter-American human rights system and the preliminary examination opened by the Prosecutor of the International Criminal Court, and calling upon the Bolivarian Republic of Venezuela to fully cooperate with their work,

Recalling also that the States members of the Human Rights Council shall uphold the highest standards in the promotion and protection of human rights and shall fully cooperate with the Council, including its subsidiary bodies and mechanisms,

Affirming its strong conviction that there can only be a peaceful and democratic solution to the current crisis in the Bolivarian Republic of Venezuela and that such a solution lies with the Venezuelan people, without any sort of foreign military, security or intelligence interference, and requires the holding of free, fair, transparent and credible presidential and parliamentary elections, in accordance with international standards, and expressing support for relevant diplomatic efforts in this regard,

1. *Welcomes* the reports of the United Nations High Commissioner for Human Rights¹ and requests the High Commissioner to present them to the General Assembly at its seventy-fifth session;

2. *Also welcomes* the report of the independent international fact-finding mission containing information on documented cases of extrajudicial executions, enforced

¹ A/HRC/44/20 and A/HRC/44/54.

disappearances, arbitrary detention and torture and other cruel, inhuman or degrading treatment committed in the country since 2014², and its detailed findings thereon;³

3. *Strongly condemns* all violations and abuses of international human rights law in the Bolivarian Republic of Venezuela, urges the Venezuelan authorities to implement fully and immediately the recommendations contained in the recent reports of the High Commissioner and in the report of the independent international fact-finding mission, and regrets that most of the recommendations of the previous report of the High Commissioner⁴ have not been implemented;

4. *Expresses deep concern* that insecurity of tenure, lack of transparency in the process of designating judges and prosecutors, precarious working conditions and political interference, including in respect of members of the Supreme Court lacking personal independence from the authorities and the ruling party, undermine the independence of the justice system, contribute to impunity and the persistence of human rights violations and hinder the holding of free, fair, transparent and credible elections;

5. *Strongly condemns* the widespread targeted repression and persecution on political grounds, including through the excessive use of force, arbitrary detention, torture, ill-treatment, extrajudicial execution and enforced disappearance by the security forces, as well as the violations of the independence of the National Assembly, including against its leadership and in the exercise of its functions concerning the National Electoral Council and through the violation of the rights of its members, their relatives and support staff, as well as the intervention in the autonomy and composition of several political parties;

6. *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, civil servants, political prisoners and detainees in detention centres;

7. *Welcomes* the recent pardon of 110 people, most of whom had been arbitrarily detained, forced into exile or held under precautionary measures, and urges the Venezuelan authorities to immediately release all political prisoners and all other persons unlawfully or arbitrarily deprived of their liberty, prioritizing those particularly vulnerable to the COVID-19 pandemic and those identified by the Working Group on Arbitrary Detention, the independent international fact-finding mission and the Office of the High Commissioner;

8. *Calls upon* parties in the Bolivarian Republic of Venezuela to engage promptly in, or in support of, a process that will ensure the holding of free, fair and credible presidential and parliamentary elections, with an independent National Electoral Council and an impartial Supreme Court, as well as full freedom of the press and the unfettered political participation of all Venezuelans and all political parties, without fear of repercussions or interference, respecting international standards;

9. *Expresses deep concern* at the human rights and environmental situation in the Arco Minero del Orinoco region, which is the site of labour exploitation of miners, including child labour, human trafficking and forced prostitution, and expresses particular concern about the violations of the rights of indigenous peoples in the region;

10. *Deplores* the restrictions to civic and democratic space, including under the “state of alarm” decreed in response to the COVID-19 pandemic, and the continued killings of young men by security forces in marginalized neighbourhoods characterized by high levels of insecurity;

11. *Expresses profound alarm* that the independent international fact-finding mission found reasonable grounds to believe that the following crimes against humanity

² A/HRC/45/33.

³ See www.ohchr.org/EN/HRBodies/HRC/FFMV/Pages/Index.aspx and, in particular, www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf.

⁴ A/HRC/41/18.

were committed in the Bolivarian Republic of Venezuela since 2014: murder, imprisonment and other severe deprivation of physical liberty, torture, rape and other forms of sexual violence, enforced disappearance of persons, and other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health;⁵

12. *Decides* to transmit all reports and oral updates of the High Commissioner on the situation of human rights in the Bolivarian Republic of Venezuela and the report of the independent international fact-finding mission to the General Assembly, and recommends that the Assembly submit them, in particular the one on the situation in the Arco Minero del Orinoco region, to all relevant United Nations bodies for appropriate action;

13. *Encourages* relevant special procedures to pay particular attention, within their respective mandates, to the situation of human rights in the Bolivarian Republic of Venezuela, and urges the Venezuelan authorities to fully cooperate with their work, including by facilitating country visits;

14. *Requests* the High Commissioner to continue to monitor, report on and provide technical cooperation with a view to improving the situation of human rights in the Bolivarian Republic of Venezuela, including through the presentation of oral updates to the Human Rights Council at its forty-sixth and forty-ninth sessions, to be followed by interactive dialogues, and also requests the High Commissioner to prepare comprehensive written reports on the human rights situation in the Bolivarian Republic of Venezuela containing a detailed assessment of the implementation of the recommendations from her previous reports and to present them to the Council at its forty-seventh and fiftieth sessions, to be followed by interactive dialogues;

15. *Decides* to extend the mandate of the independent international fact-finding mission for a period of two years, to enable the mission to continue to investigate gross violations of human rights, including extrajudicial executions, enforced disappearances, arbitrary detention, torture and other cruel, inhuman or degrading treatment, including those involving sexual and gender-based violence, committed since 2014, with a view of combating impunity and ensuring full accountability for perpetrators and justice for victims, and requests the mission to present oral updates on its work during interactive dialogues at the forty-sixth and forty-ninth sessions of the Council and to prepare written reports on its findings to be presented to the Council during interactive dialogues at its forty-eighth and fifty-first sessions;

16. *Urges* the Venezuelan authorities to cooperate fully with the Office of the High Commissioner and the independent international fact-finding mission, to grant them immediate, full and unfettered access to the entire country, including to victims and places of detention, to provide them with all the information necessary to fulfil their mandates, 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;

17. *Requests* that the Office of the High Commissioner be provided with all the resources necessary to fulfil the mandate and that the independent international fact-finding mission be provided with the full administrative, technical and logistical support needed to carry out its mandate;

18. *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 or if the Venezuelan authorities do not cooperate meaningfully with the Office of the High Commissioner, the independent international fact-finding mission and the special procedures, particularly through the implementation of the recommendations contained in the reports of the High Commissioner.

⁵ A/HRC/45/33, para. 161.