**INPUT OF THE BOLIVARIAN REPUBLIC OF VENEZUELA FOR THE STUDY REGARDING THE “IMPACT OF UNILATERAL SANCTIONS ON HUMAN RIGHTS DURING THE STATE OF EMERGENCY IN THE CONTEXT OF COVID-19 PANDEMIC”**

Having regard to the request made by the Special Rapporteur on the impact of the unilateral coercive measures on the enjoyment of human rights, appertaining to the study on the “Impact of unilateral sanctions on human rights during the state of emergency in the context of COVID-19 pandemic”, the Venezuelan State provides the following information

1. **Does your Government consider that sanctions imposed by individual states or regional organizations without or beyond authorization of the UN Security Council targeting states and /or non-state actors have an impact on enjoyment of human rights by the citizens of targeted states in the situation of natural and man-made emergency, including COVID-19 pandemic? Please elaborate in details.**

The unilateral coercive measures have a direct negative impact on the enjoyment of the human rights of the population of the countries subject to such measures in all circumstances. During emergency situations, including COVID-19 pandemic, this impact increases and escalates to a more serious level.

As evidenced by the current pandemic of COVID-19, through unilateral coercive measures, especially those of economic nature hinder or prevent States from providing the adequate and timely response in emergency circumstances, which generate negative consequences in the population and enhances the impact of the unusual situation.

In fact, as a result of unilateral coercive measures, States have fewer financial resources to implement the actions required to meet the urgent needs of the population during an emergency situation and to mitigate the effects that such situation generates, including the purchase of equipment, medicines and supplies, as well as financial support for the most affected sectors.

As it is the case of the Bolivarian Republic of Venezuela, the income from the sale of its main resource, oil, has decreased by more than 90 percent, from nearly 42 billion dollars in 2013 to roughly 4 billion dollars in 2018, largely due to the effects of unilateral coercive measures imposed by the United States government on the freedom of Venezuela to trade. In 2019 these revenues fell to less than 2 billion dollars annually and the trend for the year 2020 indicates that the level of income from oil will be much lower.

Additionally, and also as a direct or indirect result of unilateral coercive measures, currently, there are billions of dollars which belong to Venezuela that remain withheld or frozen in the international financial system. Likewise, various joint ventures created in the oil production area, with the participation of the Republic and international investors, have been prevented from paying their dividends to Venezuela, by the implementation of the Executive Order 13,808, dated August 24, 2017.

This evident economic and financial choking reduces the fiscal room available to adopt compensatory measures against the COVID-19 pandemic, while reducing the resources that can be used to acquire medical equipment, medicines, and supplies to protect the life and health of the population.

Similarly, in the case of Venezuela, the imposition of coercive measures restricts or limits the offer of suppliers of goods and services necessary for the normal functioning of its economy and, in case of emergency situations, to adequately respond to unusual circumstances that affect the population.

Since August 2019, the United States of America formalized the imposition of so-called "*secondary sanctions*" against any individual having a trade relationship with the Bolivarian Republic of Venezuela.[[1]](#footnote-1) This measure has fed the well-known "overcompliance" of the international private sector by making it very difficult to purchase goods or hire services required by the country. Alongside this phenomenon, a marked increase in import costs is added, given the restrictions on "free trade" and the consequent complexity of logistics.

All these disturbances to the normal functioning of the country's economy, deliberately generated by unilateral coercive measures, result in a higher level of suffering and affectation for the civilian population. There is no doubt that the aim is to impose living conditions by depriving the access to food and medicine, which would lead to the destruction of part of the civilian population, thus posing crimes against humanity.

**2. What specific aspects of human rights are affected by unilateral sanctions in targeted States during the pandemic? Can you give examples of particular rights most affected by unilateral sanctions and in what way? What steps were taken by your Excellency's Government to address those human rights violations and remedy the situation?**

The unilateral coercive measures are responsible for serious impacts on the human rights of Venezuela's civilian population, including adverse consequences for children's rights, the right to food, the right to health, the right to education, and the right to water.

As a result of the unilateral coercive measures, the infant mortality rate increased from 14.66 deaths per 100,000 live births in 2013 to 20.04 deaths per 100,000 live births in 2016. Similarly, the maternal mortality rate increased from 68.66 in 2013 to 135.22 in 2017.

In addition, since 2017 there have been deaths of kidney patients due to shortages of medicines and supplies needed for dialysis. Due to supply shortages, the only two centers in the country with the capacity to perform bone marrow transplants face serious operational problems. In Italy, patients assisted by PDVSA's bone marrow transplant program waited for their surgery in the face of arbitrary freezing of funds due to unilateral coercive measures. The same situation was faced by children who were being treated in Argentina for liver problems, through the PDVSA health program. Under this situation, several patients have died.

Unilateral coercive measures have managed to affect the right to food of the Venezuelan population directly. It should be noted that, as part of the aggression, the prevalence rate of undernourishment is highly sensitive to imports and domestic food production. Although unilateral coercive measures did not manage to raise the indicator by around 40 points to the critical condition level, the preceding value was displaced from the low to moderately low level, going from 2.0% in 2013 to 13.4% in 2018.

The economic aggression has affected the availability of spare parts and supplies for the public service system, as well as making them more expensive as a result of economic persecution. Added to this are the aggressions against the national electricity system, which has affected the human rights of the population, demanding additional investment from the Executive. As a result, the volume of water per inhabitant fell from 446 cubic meters per person in 2013 to 262 in 2018. Likewise, the water quality indicator was reduced from 91.6 in 2013 to 86.2 in 2017.

All this negative impact on human rights is amplified during the COVID-19 pandemic. Actually, Venezuela was compelled to face this pandemic with limited response capacities, as a result of the obstacles generated by unilateral coercive measures in the state powers to obtain income from its exports, use the financial system and acquire goods or services in the international market.

The response capacity of the country's hospital system is further diminished by the recurrent outage of electricity supply and the decrease in the volume of drinking water, services that, in turn, have been negatively affected by the imposition of coercive unilateral measures.

The same has happened with the availability of fuel in the country. Unilateral coercive measures have prevented the importation of the necessary supplies for local oil refining, as well as the importation of gasoline. This circumstance, which was already affecting the development of the economic and social life of the country, has been accentuated in the context of the COVID-19 pandemic and prevents the adequate response that this serious situation requires. Even in the midst of the pandemic, the United States of America has increased pressure on foreign companies in order to limit the sale of gasoline to Venezuela.[[2]](#footnote-2)

This unilateral coercive measure causes great suffering and seriously undermines physical integrity or mental and physical health. As a result of this action, millions of Venezuelans are subjected to long periods waiting for fuel, notably affecting their quality of life. In addition to this, the operation of the food and medicine distribution channels is affected, as well as the population's access to healthcare centers in case of emergency, generating loss of human life.[[3]](#footnote-3)

In addition to all of the above, in the context of the pandemic, unilateral coercive measures have impeded or hindered the humanitarian response of the State to the demands of the Venezuelan population exposed to situations of risk abroad. Thus, for example, the United States authorities have refused to lift or suspend, even temporarily, the coercive measures taken against Venezuela and its air transport company CONVIASA[[4]](#footnote-4) to allow the repatriation of hundreds of Venezuelan citizens who were stranded in that country, which had quickly become the global epicenter of the COVID-19 pandemic. Said group of Venezuelans had to travel to Mexico in order to be repatriated by the Venezuelan government.

Also, during the pandemic, unilateral coercive measures have generated the violation of the right to freedom of expression and the right to information of the Venezuelan people, limiting the supply of television service providers in the country. As a consequence of the “sanctions” adopted by the government of the United States of America, the main provider of the subscription television service ceased its operations in the country in an surprised manner, negatively affecting more than 2 million families.[[5]](#footnote-5)

To respond to this phenomenon, the Venezuelan Government has requested and organized humanitarian support and technical assistance from the United Nations system accredited in the country to strengthen the State's response capacity in the face of the Coronavirus COVID-19 pandemic. To this end, an "Intersectional Preparedness and Care Response Plan, COVID-19" [[6]](#footnote-6) has been prepared. In similar terms, it works with the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies.

Likewise, Venezuela has strengthened cooperation with various countries, including the Russian Federation, the People's Republic of China, and the Republic of Cuba, resulting in the receipt of specialized medical personnel, advice, equipment and supplies to combat COVID-19.

In addition, in its responsible effort to safeguard the country from this serious and unprecedented pandemic and in the midst of the economic choking caused by the unilateral coercive measures, on 15 March 2020 the Venezuelan Government asked the International Monetary Fund (IMF) for USD 5 billion from the emergency fund of the Rapid Financing Facility, in order to strengthen the national system for the detection and response to the COVID-19 pandemic.

However, according to an IMF spokesperson, the Fund is not in a position to consider the request made by Venezuela because "there is no certainty" about the recognition of the Venezuelan authorities by the Member States.[[7]](#footnote-7) This statement by the IMF spokesman is a consequence of the position instigated by the government of the United States of America to disregard the 1999 Constitution of the Bolivarian Republic of Venezuela and the country's legitimate authorities, as well as the pressure it exerts within multilateral financial organizations to block any operation with Venezuela.

1. **Do sanctions have an impact on non-targeted third States and their citizens in the course of emergency, including the pandemic? Can you provide examples of this impact?**

Unilateral coercive measures have a negative impact on non-targeted third States, affecting their population in all circumstances, including in the context of the COVID-19 pandemic.

In fact, as a consequence of the unilateral coercive measures imposed on Venezuela, the country has been forced to suspend or reduce the supply of oil and oil derivatives under special conditions to several Caribbean States, all within the framework of an initiative called "Petrocaribe".

This circumstance has generated distortions in the functioning of the economy of those countries and diminished the capacities to meet the basic needs of the population.

**4. Do unilateral sanctions have an impact on the ability of states to react to emergency situations and to protect human rights especially of the most vulnerable categories of population? If yes, what areas/ spheres / types of activity/ vital infrastructure appeared to be the most affected in the course of COVID-19 pandemic? What groups of population are affected the most?**

Unilateral coercive measures have had serious consequences in Venezuela, creating difficulties in the provision of food, medicine, education, drinkable water, electricity and fuel, causing serious impacts on the human rights of the country's civilian population. This impact has increased in the context of the COVID-19 pandemic.

Unilateral coercive measures have delayed and made difficult the process of equipping the hospital network to respond to the contingency of the pandemic, affecting all sectors of the population, especially the most vulnerable. As previously noted, the response capacity of the country's hospital system was weakened by recurrent electrical power outages and a decrease in the amount of drinking water, services which, in turn, have been negatively affected by the application of unilateral coercive measures. Nevertheless, thanks to international cooperation, Venezuela has been able to ensure adequate health care capacity for the population affected by COVID-19.

In addition, as a result of the unilateral coercive measures, the food and medicine distribution system has been significantly affected, especially as a result of the fuel supply crisis generated in the framework of the pandemic. Millions of Venezuelans have been subjected to long waiting periods for fuel, significantly affecting their quality of life.

Moreover, the unilateral coercive measures have complicated the action of the State to attend to the thousands of Venezuelan citizens who have returned to the country in the framework of the COVID-19 pandemic, fleeing from the dramatic situation suffered by countries such as Colombia, Ecuador, Peru, Chile and Brazil. In view of this circumstance, it has been necessary to adapt facilities for the reception of the returned citizens and to ensure compliance with quarantine or social isolation measures. This process has been affected by the limitations for the acquisition of goods in the international market.

**5. What types of sanctions have the most negative impact over the enjoyment of human rights in the course of COVID-19 pandemic? Please provide detailed information about obstacles, which were caused by the sanctions, in the implementation by your Excellency’s Government of the preparedness and response plan to combat COVID-19 pandemic.**

The unilateral coercive measures of an economic nature have the greatest impact on the State's preparedness and response to combat the COVID-19 pandemic. This type of measure reduces the financial resources available to acquire the goods needed to protect and care for the population during the pandemic (medical equipment, medicines, biosafety material, etc.).

Similarly, unilateral coercive measures of an economic nature reduce the fiscal space available for the adoption of compensatory measures against the COVID-19 pandemic, including monetary transfers for self-employed workers and incentives for medical and security personnel, as well as protective measures for small and medium-sized enterprises.

As a result, this type of measure also delays the process of acquiring the goods required to deal with the emergency in the international market, given the marked reduction in supply (resulting from overcompliance) and the significant increase in import costs and times.

Thus, for example, the time to process bank transfers from Venezuela in the international financial system increased from 2 days in 2017 (before the formal imposition of the unilateral coercive measures) to 45 days in 2020. Similarly, the average waiting time for vessels at anchor rose from 7 days in 2017 to 60 days in 2020. The share of bank fees in the international financial system increased from 0.5% in 2017 to 10% in 2020, given the level of "risk" generated by unilateral coercive measures.

An additional example in this sense can be seen in the process of acquisition in the international market of gasoline and inputs for gasoline production. In view of the marked reduction in the supply available to the country in the region and the freezing of the assets of the subsidiary of the Venezuelan oil company in the United States (CITGO), all as a result of the unilateral coercive measures, Venezuela had to purchase the required inputs from the Islamic Republic of Iran, with a delivery time of approximately 4 weeks.

In addition, Venezuela had to resort to the United Nations system and the cooperation of countries such as China and Russia to procure medical supplies for the COVID-19 pandemic, given the refusal of international suppliers to carry out operations with the Bolivarian Republic of Venezuela as a result of the unilateral coercive measures.

**6. Are humanitarian exemptions sufficient, effective and efficient to protect the life of people and to guarantee human rights especially of the most vulnerable groups in the course of natural and man-made disasters including COVID-19 pandemic?**

The so-called "humanitarian exceptions" are absolutely insufficient to avoid the negative impact of unilateral coercive measures on the human rights of the population, particularly on the rights to health and food.

In the case of the Bolivarian Republic of Venezuela, the alleged humanitarian exceptions have been unable to curb the “overcompliance” of the unilateral coercive measures adopted by the United States of America, as a result of the set of warnings and threats made by the U.S. Administration and the ambiguous and complex legal framework governing their implementation. Undoubtedly, the public belligerence of the United States authorities smothers the credibility of the exception for those who might try to invoke it.

This impact has even been recognized by U.S authorities. In a letter addressed to the Secretaries of State and Defense, a group of United States senators highlighted the following:

*“We understand that the administration has stated that humanitarian and medical needs are exempt from U.S. sanctions, but our sanctions regime is so broad that medical suppliers and relief organizations simply steer clear of doing business in Iran and Venezuela in fear of accidentally getting caught up in the U.S. sanctions web. Moreover, the administration’s decision to impose additional new sanctions in the midst of the coronavirus outbreak has only contributed to the sense among companies that they should avoid doing any business involving these countries, even if their work is humanitarian in nature.[[8]](#footnote-8)*

Additionally, the so-called "humanitarian exceptions" do not make it possible to mitigate the impact generated by unilateral coercive measures on the availability of the financial resources required by States to acquire essential goods such as food and medicine. *“Sanctions”* significantly reduce the financial resources of the State, diminishing its capacity to meet the needs of the population.

**7. Does the mechanism of getting licenses for purchase of medical equipment, its component parts and software, medicines, protective kits, food and other essential goods provide for the possibility to guarantee vital needs of your population? Has it been eased in the course of pandemic?**

The licensing mechanism is completely insufficient to mitigate the negative consequences of the unilateral coercive measures in the enjoyment of human rights. This formula leads, at the very least, to the slowing down of any action to prevent and address the human crisis due to COVID-19, regardless of the damage that is caused under a human emergency of this magnitude.

In addition, the licensing mechanism unveils the extortionate nature of the unilateral coercive measures administrated by the government of the United States, reversing the order of things by instituting prohibition as the rule and “*authorization*” as the exception, always complying with its criteria and subject to the contradictions of a dense bureaucratic network, all with great disregard for the fact that these are aspects that affect a crisis of such importance where time, even a single day, can make the difference between life and death.

**8.** **Have you faced any problems in delivery of humanitarian aid in the course of COVID-19 pandemic? If yes, please, specify.**

Venezuela has resorted to the cooperation and humanitarian assistance of the United Nations system to ensure the provision of basic inputs required by the Venezuela population, given the impediment to purchase them directly in the international market. In the same direction, we are working with the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and other humanitarian organizations.

In the context of the COVID-19 pandemic, unilateral coercive measures have hindered the delivery of humanitarian aid to the population of the country. Indeed, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), among many other fundamental human aspects that demand attention in the face of COVID-19, has identified the lack of fuel due to the imposition of unilateral coercive measures, as one of the main operational challenges facing the humanitarian response in Venezuela. For this reason, in its most recent *“Intersectoral COVID-19 Preparedness and Response Plan”,* it emphasizes that *"in the Venezuelan context, it is particularly important to increase the possibilities for importing fuel and/or diluents for its production in order to alleviate the shortage of gasoline as a major obstacle to humanitarian access"*.[[9]](#footnote-9) Similarly, the President of the International Federation of Red Cross and Red Crescent Societies, Francesco Rocca, denounced that "*sanctions hinder aid to Venezuela for COVID-19."[[10]](#footnote-10)*According to this organization, the entry of aid in Venezuela is "very slow" and "in some cases" the sanctions are affecting the organization's ability to supply materials.[[11]](#footnote-11)

In similar terms, the Norwegian Refugee Council stated that unilateral coercive measures taken against Venezuela "*are making it more difficult for us to serve normal people in the coronavirus era.*"[[12]](#footnote-12)

1. **Please, indicate what steps have been taken by your Excellency’s Government to alleviate impact on enjoyment of human rights by the citizens, including possible human suffering caused by unilateral sanctions in the course of pandemic. What were the main obstacles to guarantee vital human needs and save lives in the course of pandemic?**

Venezuela has strengthened international cooperation to overcome the obstacles imposed by unilateral coercive measures to the State's response in light of the COVID-19 pandemic.

In this sense, work is being done with the United Nations system accredited in the country in the implementation of the "*Intersectoral* *Preparedness and Care Response Plan, COVID-19*".[[13]](#footnote-13) Likewise, millions of diagnostic tests for COVID-19 have been received from China and Russia, as well as biosafety material, respirators, hospital power plants, among other goods necessary for emergency care. Medications for the treatment of the coronavirus and specialized technical assistance in the matter have also been received from the Republic of Cuba.

Additionally, on March 15, 2020, the Venezuelan Government asked the International Monetary Fund (IMF) for a financing of USD 5 billion from the emergency fund of the Rapid Financing Instrument, in order to strengthen the national detection and response system to the COVID-19 pandemic. However, this financing was denied given the pressures exerted by the United States of America.

However, despite the economic and financial choking imposed by the United States, Venezuela has taken effective measures to deal with this pandemic. The President of the Bolivarian Republic of Venezuela, Nicolás Maduro Moros, has timely implemented measures for the containment of COVID-19, namely:

1. Creation of a Presidential Commission for the Follow-up, Control and Prevention of COVID-19, led by the Executive Vice President of the Bolivarian Republic of Venezuela, to coordinate work mechanisms within the framework of the support provided to the population and seek guarantees to facilitate humanitarian action.
2. Suspension of academic and non-essential work activities.
3. Social distancing and voluntary confinement to cut and contain the transmission chains.
4. Mandatory use of face masks in all public places.
5. Personalized and massive house-to-house screening, assisted by an electronic mechanism of the government called “*Carnet de la Patria”*, which has allowed locating people with symptoms of COVID-19 throughout the country, both national and foreign residents of the country. This has strengthened epidemiological surveillance, made the care of cases more affective and has allowed the containment of the Corona virus.
6. Application of the COVID-19 screening test to track and detect possible cases of infection to adapt the response of the health authorities
7. Adaptation of health facilities for the care of infected people. It has had 23,762 beds to serve patients with COVID-19, in 46 sentinel hospitals, 573 Integral diagnostic centers (CDI), private clinics and hotels arranged. Likewise, the State has allocated 1213 intensive care beds distributed among the hospital network, the “*Barrio Adentro*” network and private medical centers.
8. Disinfection of public areas, public transport units, Metro, to contain the proliferation of COVID-19.
9. Communication campaign to inform the population of the necessary measures and actions that the population must take to prevent the spread of COVID-19 and the evolution of the Corona virus in the country.

All these measures implemented by government authorities have positioned Venezuela as the country with the lowest COVID-19 case fatality rate in the Americas.

1. **What measures of international community do you consider to be vital to urgently enhance the ability of targeted states to resist pandemic?**

In the framework of the COVID-19 pandemic, it is necessary to strengthen cooperation between nations to strengthen the response capacities of the States subject to unilateral coercive measures, both in health and in the socioeconomic area.

Likewise, it is essential to continue raising the voice of rejection against unilateral coercive measures and to demand the lifting of these types of measures that constitute crimes against humanity.

1. Executive Order 13.884 of August 5th, 2020 [↑](#footnote-ref-1)
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3. El Impulso, One-year-old baby dies in Carora due to lack of gasoline to transport him to a hospital, April 3, 2020 <https://www.elimpulso.com/2020/04/03/por-falta-de-gasolina-para-traslado-muere-nino-en-caroraa/> [↑](#footnote-ref-3)
4. On February 7, 2020 the Government of the United States of America included CONVIASA in the list of Specially Designated Entities of the Office of Foreign Assets Control (OFAC). [↑](#footnote-ref-4)
5. CNN. AT&T closes DIRECTV Latin America Operations in Venezuela. May 19, 2020. https://cnnespanol.cnn.com/2020/05/19/alerta-att-cierra-operaciones-de-directv-america-latina-en-venezuela/ [↑](#footnote-ref-5)
6. OCHA. Intersectorial Preparedness and Care Response Plan, COVID-19. https://reliefweb.int/sites/reliefweb.int/files/resources/ven\_covid\_19\_plan\_intersectorial\_2a\_edicion\_04102020.pdf [↑](#footnote-ref-6)
7. Voice of America. IMF denies loan requested by Maduro to address coronavirus in Venezuela, https://www.voanoticias.com/a/fmi-niega-prestamo-a-gobierno-en-disputa-de-venezuela-para-combatir-covid-19/5333546.html [↑](#footnote-ref-7)
8. Letter of the members of the United States Senate to the Secretaries of the Department of State and Treasure, available at <https://www.murphy.senate.gov/download/sanctions-letter-> [↑](#footnote-ref-8)
9. UNOCHA COVID-19 Intersectoral COVID-19 Preparedness and Response Plan. <https://reliefweb.int/sites/reliefweb.int/files/resources/VEN_COVID-19_Plan%20intersectorial_Segunda%20iteracion_FINAL%20EN.pdf> [↑](#footnote-ref-9)
10. El Diario.es. The Red Cross says that sanctions hinder aid to Venezuela before COVID-19 https://www.eldiario.es/society/Cruz-Roja-dificultan-Venezuela-COVID-19\_0\_1020148911.html [↑](#footnote-ref-10)
11. Ibid. [↑](#footnote-ref-11)
12. Reuters. Organization calls on major powers to freeze sanctions against Venezuela, Iran and Syria due to pandemic. April 28, 2020. https://lta.reuters.com/articulo/salud-coronavirus-sanciones-idLTAKCN22A30E [↑](#footnote-ref-12)
13. OCHA. Plan de Respuesta Intersectorial de Preparación y Atención, COVID-19. https://reliefweb.int/sites/reliefweb.int/files/resources/ven\_covid\_19\_plan\_intersectorial\_2a\_edicion\_04102020.pdf [↑](#footnote-ref-13)