



fidh



Third Stage of the Universal Periodic Examination in Venezuela, in Session Period No. 26 of the United Nations Human Rights Council Right to Food Report – UPE 2020



This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of FIDH and PROVEA, and do not necessarily reflect the views of the European Union.

The Right to Food in the context of a Complex Humanitarian Emergency

In 2019, and for the first time in her history, Venezuela was among the 41 countries that required external food assistance and the only one in South America and, along with Haiti, the only ones in Latin America and the Caribbean. The difference between Venezuela and the other countries in the region is that this emergency was not caused by armed conflicts or by adverse climatic conditions but by an economic crisis based on political decisions that have not only impoverished the population but have created an unprecedented crisis in basic public services¹, which has turned into a Complex Humanitarian Emergency.

The principal cause of this humanitarian situation was inefficiency in public management, corruption and the laziness of the authorities in dealing appropriately and adequately with problems that, had they been addressed in time, would not have given rise to the present chaos in public services, the serious deterioration of the public health system and the deep economic recession. And, since 2013, we can add to the inefficiency of public authorities the drop in oil revenue. Although the 2017 financial sanctions and the 2019 oil sanctions contributed to worsening some aspects of the crisis, the Complex Humanitarian Emergency precedes the start of these measures and is due to several internal causes.

With regard to the food situation, according to the FAO, in the 2015-2017 three-year period, the proportion of Venezuelans in a situation of hunger was five times greater than at the start of the second decade of this century and, in 2017-2019, a third of the population was already in this position. This means that the supply of food is not sufficient to cover the minimum food needs of the population, partly because of the debacle of the national food system affected by a structural crisis caused by poor access to supplies, machinery, fuel and credit². These factors resulted in a drastic reduction in production, which, in 2018, represented a third of what was produced in 2008³.

According to these international agencies, in 2021, Venezuela is one of the 20 countries that require humanitarian aid and they warn of rapid deterioration in food security, which endangers people's lives and their means of sustenance. The main trigger factors include the State's poor response capacity to face the effects of the COVID-19 pandemic, the scarcity of fuel and its impact on the food system and intensification of the commercial and financial sanctions, among other factors that have a direct impact on the price of food. This situation may get worse if we consider that economic contraction for this year is estimated at 10% of GDP and hyperinflation at 6500%⁴.

The collapse of national food production along with the reduction of imports contributed to prolonged scarcity from 2016 until mid-2019, a period in which a scarcity index above 30% was recorded for many basic areas of consumption. In 2017, import of food per inhabitant had reduced by 72.2% compared to 2013⁵.

At the same time as this large decrease in food availability, during the same period, the income of the Venezuelan population also dropped. The figures reported by the National Life Conditions Survey (ENCOVI) show that general poverty doubled between 2014 and 2019 whilst extreme poverty quadrupled in the same period of time⁶.

1. FSIN: Food Security Information Network (2020) Global Report on Food Crises, Joint analysis for better decisions. FSIN. Available at: <https://www.fsinplatform.org/report/global-report-food-crises-2020/>

2. Red Agroalimentaria [Agri-food Network]. (2020). Results of the February 2020 surveys. Available at <http://redagroalimentaria.org/archivos/documentos/Resultados%2003%202020.pdf>

3. Red Agroalimentaria. Available at <http://redagroalimentaria.website/Produccion%20Interna/Res%20Produc%20Vegetal.pdf>

4. Red Agroalimentaria. (2021). Available at: <http://redagroalimentaria.org/contenido/247>

5. El Estímulo [online] <<http://elestimulo.com/elinteres/produccion-de-alimentos-cayo-2011-en-mayode-2017> [Food production fell 2011 [sic] in May 2017]/ ?utm_content=buffer140b0&utm_medium=social&utm_source=twitter.com&> Consultation of the 20.05.18.

6. ENCOVI. (2014-2019-20). Available at: <https://www.proyectoencovi.com/>

This impoverishment was caused by wage stagnation during a process of hyperinflation. The increase in the price of food was particularly marked: in May 2021, the cost of a basket reached 219.24 dollars, with average annual variation of 2883% in the last three years and purchasing power of the average minimum wage of 1.3%⁷. Hyperinflation and poverty are closely related and they have worsened the Venezuelan population's access to food.

As a result, in 2019, the World Food Programme (WFP) reported that one third of the population was suffering acute food insecurity in its moderate and severe forms. For this same year and the start of 2020, ENCOVI also stated that 69% of homes were in this position and, at the start of the pandemic, food insecurity increased to 74%⁸. The most affected population is that situated on the lowest income levels, whose caloric consumption is lower than the minimum level needed to survive⁹.

In a situation of food insecurity, homes need to implement "atypical strategies to cope with this", ranging from changes in food consumption to sacrificing their means of life. These strategies relate to selling family assets such as appliances, clothes and other possessions. The study carried out by the WFP in Venezuela in 2019 showed that people with severe acute food insecurity had to make use of these strategies in order to acquire food and 74% of these strategies related to qualitative and quantitative deterioration in food consumption¹⁰. The reports indicate that the proportion of homes suffering from food insecurity increased by 60% between 2016 and 2019 and was above 80% from July-August 2017. In addition, in the last quarter of this same year, the highest proportion of homes that implemented coping strategies (42%) was recorded and, for January-March 2020, this index was 40 %¹¹.

The quarterly bulletins published by Caritas Venezuela since 2016 have reported acute malnutrition figures that have reached crisis and emergency levels (between 10 and 17%) in vulnerable communities where the sentinel sites of the Nutrition and Health Warning, Monitoring and Care System (SAMAN) operate. They have found, in turn, that around 40% of treated pregnant women are underweight¹². In addition, ENCOVI has published acute malnutrition figures that are representative of the country which indicate that there is a situation of emergency and that, furthermore, one third of the child population is suffering from growth retardation¹³.

The impact of the food crisis is also apparent in the area of education. In 2016, there were records of children and teachers who started their day without breakfast, children who missed class because they had to queue to buy food for their home. This has not changed in recent years: food insecurity has been indicated as the principal cause of failure to attend school in vulnerable areas, and also the shortage of water and hygiene supplies and public transport, among others. The State's obligation to provide food in these areas has also been breached, the School Food Programme has deteriorated, to the point that food rations have been reduced and only cereal and legumes are offered (rice with beans). In the 2017-2018 school year, the SFP reduced its cover by 7% compared to 2016¹⁴. In 2018, the National Federation of Societies of Parents and Representatives denounced the shortage of supplies for the school food programme¹⁵. As a consequence of the deficiencies of this programme, the WFP, after signing an agreement with the Venezuelan government in April 2021, started its operations to attend to the child education population.

7. CENDA. 2019-2021. Cost of food basket. Available at: <http://cenda.org.ve/noticias.asp?t=1>

8. ENCOVI 2019-20. Food security and nutrition. Available at: <https://www.proyectoencovi.com>

9. Ibidem.

10. Ibidem WFP, 2020.

11. Caritas Venezuela. (2014-2016). Sentinel Monitoring of Child Malnutrition and Family Food Security. Available at: <http://caritasvenezuela.org/mapas-y-boletines-de-nuestra-accion/>

12. Ibidem.

13. Ibidem. ENCOVI 2019-20.

14. Provea. (2017). Annual report on the right to food 2016. Available at: <https://provea.org/wp-content/uploads/04Alimentacio%CC%81n.pdf>

15. Ibidem Provea 2019

The food situation is aggravated by the present crisis in basic public services. The Venezuelan Observatory of Public Services (OVSP) reported in February 2021 that, even though the surveyed population had access to water, 61% described it as of poor quality and 49.6% said that the service is irregular. The same happens with the electricity service, considered by 52.8% of those surveyed as of poor quality. The main failings are the power cuts, rationing and service intermittency. 53.9% of those surveyed reported interruptions of between 2 and 6 hours' duration. Domestic gas is used for cooking by 83% of those surveyed and 62% described this service as of poor quality and 60% go for between one and three months without gas¹⁶.

The public services situation is also described in the various international reports on Venezuela. The WFP reported in 2019 that 25% of homes did not have access to a stable water source and that 4 out of 10 suffered daily interruptions in the supply and had to buy bottled water or tank wagons in order to have drinking water available in the home. 72% of homes reported an irregular gas supply and 43% have reduced the number of meals because of lack of this resource¹⁷.

The most vulnerable population in the context of the Complex Humanitarian Emergency and the scenario of food insecurity that has been described is the population under State care. In the case of hospitals, several of them reported an increase in cases of malnutrition. For example, in the Domingo Luciani Hospital in Caracas, 100% of hospitalised nursing mothers presented some level of malnutrition. In the J.M. de Los Ríos children's hospital, cases of serious malnutrition at the end of 2016 had doubled from the 2015 figures¹⁸. In 2018, reports were recorded on the shortage of food in hospitals and one from the National Hospitals Survey reported that 96% of hospital nutrition services are not active and 66% of children's services do not have formula for new-born babies or therapeutic food for the recovery of seriously malnourished children¹⁹.

Prisons have also been deprived of any protection, including food. Monitoring carried out by the Una Ventana a la Libertad [A Window on Freedom] organisation revealed failings in food supply at 87 police custody (or police station) centres in Greater Caracas and in Miranda, La Guaira, Lara, Zulia, Táchira, Monagas, Falcón and Carabobo States. In 50 of the 87 police custody centres, the canteen service was inactive²⁰. In 2018, there were reports of prisoners who died in conditions of malnutrition in Monagas, Nueva Esparta, Punto Fijo and Lara, and also of 134 prisoners who died of malnutrition and tuberculosis²¹.

The food situation in the prison population worsened in 2020 because of the confinement measures and the suspension of relations' visits to prisoners since, for the majority of prisoners, it is their relations who provide the main food that they eat. Furthermore, there are reports that custody officers keep the food sent by relations and this has been the cause of violence, such as the massacre in the Los Llanos Prison in Guanare, which occurred in May 2020 and ended with a toll of 47 deaths and 75 people injured because of a riot that began with a protest by prisoners because they were not receiving the food delivered by their relations²².

The elderly and state homes have also been affected by food insecurity. A survey conducted in Capital District and Miranda State in 2017 reported that 95% of the 76 centres studied suffered

16. Public services observatory. (2021). Available at: <http://www.observatoriovsp.org/wp-content/uploads/Boletin-20.-Version-final-web.pdf>

17. WFP, <https://reliefweb.int/report/venezuela-bolivarian-republic/wfp-venezuela-evaluaci-n-de-seguridad-alimentaria-principales> Bolivarian Republic of Venezuela/wfp - Venezuela - evaluation of food security –principal]

18. Venezuelan Society of Childcare and Paediatrics (2017)

19. Provea. (2019). Annual report on the right to food 2018. Available at: <https://provea.org/publicaciones/informes-anuales/informe-anual-enero-diciembre-2018-2/> [Publications/annual reports/annual report January-December 2018-2]

20. El Nacional: "Carlos Nieto Palma: Assessment of prison horror". Online <http://www.el-nacional.com/noticias/columnista/balance-del-horror-penitenciario_62566> Consultation of the 30.04.17.

21. Ibidem Provea 2019.

22. Human Rights Watch, 2020 : <https://www.hrw.org/es/news/2020/05/04/decenas-de-muertos-y-heridos-durante-motin-carcelario-en-venezuela> [Dozens of dead and wounded during prison riot in Venezuela]

severe limitations in food supply, which, in many cases, led to suspension of the overnight stay services and changes in the method of day care²³.

In spite of all the evidence that indicated the existence of an emergency in the country, the government initially imposed obstacles on the entry of humanitarian aid and the first response plan could only be carried out in mid-2019. The second plan was hindered by the COVID-19 pandemic and the 2021 plan faced new difficulties and so it was published six months late. Because of many factors, the humanitarian response has not achieved the expected results. In 2019, only 30% of what was requested was collected and, as a result, in March²⁴, of 4.5 million people estimated as the target, only 1.1 million had been attended: in other words, only 24% received attention. After two years of requests to the government, the WFP has come into the country for this work, commencing operations with a goal of 185,000 children to receive school food in 2021²⁵.

The government's restrictive measures against national and international NGOs engaging in their normal activities in national territory have intensified since 2020, with restricted operational permits²⁶, arbitrary arrests such as that of the Azul Positivo Case in January²⁷, bank accounts blocked or suspension of monetary transfers, as in the case of Alimenta La Solidaridad in November 2020²⁸. These actions are breaches of the right to food, as established in Observation 12 to the PIDESC [International Covenant on Economic, Social and Cultural Rights]: prevention of humanitarian food aid in emergency situations (Article 19), and failure to protect persons defending human rights and civil society organisations with humanitarian activity (Article 35).

The most recent action in this regard is "Administrative Ruling No. 002-2021 for Unified Registration of Reporting Entities with the National Office Against Organised Crime and Financing Terrorism (ONCDOFT)", which requires NGOs to register themselves with this authority. According to specialists, this measure comes within "unconstitutional acts and acts which are an abuse of legal powers and a serious breach of the international rules on protection of human rights and fundamental liberties that must be complied with by the Venezuelan State"²⁹.

23. El Nacional: "Abuelos pasan hambre y pierden 1,7 kilos cada mes" ["Grandparents suffer hunger and lose 1.7 kilos each month"]. Edgar López. Online <<http://www.el-nacional.com/noticias/sociedad/abuelos-pasan-hambre-pierden-kilos-cada-mes> ["Grandparents suffer hunger and lose kilos each month"] _61989> Consultation of the 30.04.17.

24. OCHA: United Nations Office for the Coordination of Humanitarian Affairs (2019) "About Venezuela". Available at: <https://www.unocha.org/venezuela/about-venezuela>

25. Ibidem.

26. Access to Justice. Available at: <https://accesoalajusticia.org/nuevo-registro-especial-de-ong-no-domiciliadas-en-el-pais-otro-golpe-contra-la-sociedad-civil/> [Access to justice.org/new special register for NGOs not domiciled in the country – another blow against civil society]

27. Rieliefweb. Sobre la detención de trabajadores humanitarios de la ONG Azul Positivo [On the detention of humanitarian workers of the Azul Positivo NGO]. Available at: <https://reliefweb.int/report/venezuela-bolivarian-republic/sobre-la-detenci-n-de-trabajadores-humanitarios-de-la-ong-azul>

28. Crónica Uno. Available at: <https://cronica.uno/allanan-la-casa-de-los-padres-de-roberto-patino-director-de-alimenta-la-solidaridad-y-congelan-cuentas-bancarias-de-la-organizacion/> [House of the parents of Roberto Patino, director of Alimenta La Solidaridad, broken into and bank accounts of the organisation frozen]

29. Access to justice. Available at: <https://accesoalajusticia.org/providencia-administrativa-obliga-a-las-ong-a-inscribirse-en-un-registro-antiterrorista/> [Administrative ruling requires NGOs to register in an anti-terrorist register]

Legal and Institutional Context

The Bolivarian Republic of Venezuela has ratified the principal international treaties on Human Rights relevant to the Right to Food: the International Covenant on Economic, Social and Cultural Rights (PIDESC, 1966) and the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights (OP-PIDESC, 2008). In addition, Article 23 of the National Constitution states: "Treaties, covenants and agreements relating to human rights, signed and ratified by Venezuela, have constitutional status and prevail over domestic law (...)". Accordingly, from the global point of view, the Right to Food is legally established in the country.

With regard to Food, Article 305 of the National Constitution provides as follows: "The State will promote sustainable agriculture as the strategic basis of integral rural development in order to guarantee the population's food security, understood as sufficient and stable availability of food nationally and appropriate and permanent access to that food by the consuming public. Food security will be achieved by developing and giving priority to domestic farming production (...)".

Despite this, several public policies and legal frameworks conflict with this principle, endangering food security and the Right to Food of the Venezuelan population. We will mention the various laws that, during the period, have governed production and distribution of goods in the national economy, and which also regulate food products.

The decree with hierarchy and force of Law on Fair Costs and Prices was published in Official Gazette No. 40.340 of 23 January 2014, after approval by the National Assembly of the first Enabling Law (November 2013) of President Nicolás Maduro's government. This law establishes a formula for calculating the "fair price" of various goods and services and stipulates a maximum profit margin of 30%. This law also created the National Superintendence for the Protection of Socio-Economic Rights (SUNDEE) which has the power to determine, modify and control the prices of all goods and services produced in the country. In addition, the offences of monopolisation, profiteering, resale of essential commodities, smuggling activities and destabilisation of the economy were created, with sentences of up to fourteen years' imprisonment.

These restrictive provisions affected the operations of food producers, especially of small producers who had less capital to cope with the sale of their production at a loss. The rigidity of this controls policy and the discretionary nature of its application by the SUNDEE affected the growing shortage of food and, although the Law on Fair Costs and Prices was partially amended in November³⁰, the maximum profit margin was maintained, and also the establishment of the offences and penalties.

This legal framework was replaced by the Constitutional Law on Sovereign Provision and Agreed Prices, approved by the National Constituent Assembly in 2017³¹. This new provision was aimed at guaranteeing the availability of priority products and ensuring food security and sovereignty (Article 1), by promoting sectorial agreements of the National Executive with producers on prices, quality, provision, distribution and supply of priority goods and services (Article 7). This new regulatory framework can be understood as the institutional response to the increased shortage that the country suffered between 2017 and 2017.

This law might appear wider than preceding laws because it does not establish a maximum profit amount and because it allows variations in this according to economic sectors, productivity

30. Extraordinary Official Gazette No. 6.202 of 12 November 2015.

31. Extraordinary Official Gazette N° 6.342 dated 22 November 2017. The National Constituent Assembly (ANC) was a body created in a context of social and political unrest and it involved de facto the replacement of the powers of the democratically elected National Assembly. The ANC only had representation of pro-governmental allies.

or distribution in the territory (Article 9). However, the Transitory Provision maintains the mechanisms for monitoring prices through the SUNDEE and the penalties established in the Law on Fair Costs and Prices. In addition, multiple complaints were recorded to the effect that the agreed prices published in the Official Gazette were below production prices, thus affecting productive capacity and the capacity to replace stocks. In summary: the State called for agreements with producers whilst also reserving the repressive capacity and the powers to restrict the economic liberties present in the current laws since 2014. These laws remain in force even though, since April 2020, the agreed prices are no longer published in the Official Gazette.

The most important measure in terms of policies and legislation concerning the Right to Food in the period is the creation of the Local Provision and Production Committees (*CLAP*). The programme started in 2016 as an alternative means of food distribution because of the acuteness of the shortage and the collapse of the Food Mission (*Mercal*) networks from 2013. The *CLAP*'s objective is the distribution of food house by house through community organisation. In 2017, the Homeland Card was created as a device for accessing the programme and, in 2018, the National Constituent Assembly approved the *CLAP* Constitutional Law³².

The aim of this law is to guarantee social well-being and food security. It also establishes the structure and profile of *CLAP* members (Article 7), which includes representatives of organisations linked to the government party (*PSUV*), such as the spokespersons of the Bolívar Chávez Battle Units and of the Francisco de Miranda Front. However, the structure gives cause for concern not only because of its party links but also because of the inclusion of a member of the Bolivarian National Militia³³ in the *CLAP*s, which contributes to the militarisation of food distribution, in addition to the risk of associating it with the so-called collectives and other armed groups.

The militarisation of this programme is explicit in its implementation strategy. The logistics of this structure are managed by the Bolivarian National Armed Forces (*FANB*), initially, in the Food Packaging Centre (*CEAC*) in the Fort Tiuna and subsequently decentralised to 5 centres in four states of the country³⁴.

The functions of these committees include creating and supervising provision mechanisms, promoting socio-productive organisations and encouraging a new food culture (Article 10). However, in practice, the *CLAP*s have restricted themselves to distribution of food by the State and they have not contributed to local production, since several studies have shown that the food distributed through this programme is mainly imported³⁵. Accordingly, not only is the objective established in this law infringed but also the provisions laid down in the National Constitution.

As public imports decreased because of the fall in fiscal revenue, quotas were imposed on agri-business, requiring 70% of production at regulated prices in order to assign it to the *CLAP*. There were also confiscations of regulated products in municipal markets in order to allocate them to the *CLAP*s in the parishes close to those markets³⁶. All this aggravates the legal uncertainty faced by food producers and, thus, the decrease in the availability of food in the

32. Official Gazette No. 41.330 dated 29 January 2018.

33. This arises as the formalisation of reserve bodies by the creation of its own administrative structure by a Hugo Chávez decree in April 2005. It took the name of Bolivarian National Militia in April 2009 by a resolution of the Ministry of Defence and in the Constitutional Law of the Bolivarian National Armed Forces passed in 2020, the Bolivarian National Militia became the fifth component of the Bolivarian National Armed Forces.

34. Provea. (2018). Annual report on the right to food 2017. Available at: <https://provea.org/publicaciones/informes-anuales/informe-anual-enero-diciembre-2017/>

35. Aponte (2020). The *CLAP* and the Great Corruption of the XXI century in Venezuelan Food and Agriculture, Vol. 26, No. 50, p. 147-166.

36. Provea. (2019). Annual report on the right to food 2018. Available at: [https://provea.org/publicaciones/informes-anuales/informe-anual-enero-diciembre-2018-2/\[Publications/annualreports/annualreportJanuary-December2018-2](https://provea.org/publicaciones/informes-anuales/informe-anual-enero-diciembre-2018-2/[Publications/annualreports/annualreportJanuary-December2018-2)

country.

Although the Constitutional Law of the CLAPs provides that the programme must give priority attention to families with members with special conditions (Article 11), independent studies reveal that there are homes in a situation of extreme poverty that do not receive this subsidy (5% of those who are extremely poor do not receive CLAP Cash, whilst 22% of people who do not live in extreme poverty do receive it, according to the National Survey on Life Conditions, ENCOVI 2019)³⁷.

In 2018, the strategies associated to the CLAP were intensified and this became the main social programme for dealing with the population during the Complex Humanitarian Emergency. The State became the only provider of subsidised food to the population, which allowed it to maintain political control in a context of social unrest. The State strategically increased its cover at the expense of food quality. This loss of quality was expressed in a lower quantity and diversity of food delivered and also in discretionary focusing of the programme on other groups, other than the most vulnerable population.

In 2018, preferential benefit was given to members of the militias and the consolidation of a "Workers' CLAP", created to distribute food to personnel in the public sector and the vulnerability criteria for allocation were not applied and, in addition, access to products was used as a means of political control.

One aspect that has been of marked importance in all economic activities during the period was the Economic Emergency Decrees. The first was Decree No. 2.184, issued in January 2016³⁸. It has been periodically renewed, infringing the constitutional provisions, a total of twelve times, up until Decree 4.019 of November 2019³⁹. These successive Economic Emergency Decrees have given exceptional measures to the Executive: the initial decree covered 11 exceptional measures that, in May 2016, increased to 18, and then they increased to 23 in May 2017, to 24 in September 2017 and to 25 between January and May 2018. A maximum of 36 exceptional measures was reached in September 201 [sic] and this number fell to 35 in the emergency decrees at the end of 2019⁴⁰. These exceptional measures leave out legislative control over the National Budget and Public Borrowing, among other mechanisms that facilitate decision-making without consultation in relation to all public policies.

In March 2018, a relaxation of the procurement measures for priority acquisitions was decreed because of their social impact or extent⁴¹. This heading of course includes the acquisition of food for the CLAPs, thus decreasing the control measures even more in order to avoid corruption in the public distribution of food. That same year, evidence of corruption within the CLAPs increased and was denounced in the report of the Secretary General of the Organisation of American States (OAS) and of the Panel of Independent International Experts, published on 29 May 2018, on the possible commission of crimes against humanity in Venezuela. The report states that "the shortage of food and hunger are one of the two faces of the humanitarian crisis caused by the Regime, and now used as a weapon against its population".

This programme has been regarded as emblematic in the economic, administrative and political corruption that has spread in recent years throughout the public administration. The

37. The ENCOVI presentation is available at this link: https://assets.website-files.com/5d14c6a5c4ad42a4e794d0f7/5f03875cac6fc11b6d67a8a5_Presentaci%C3%B3n%20ENCOVI%202019-Pobreza_compressed.pdf

38. Official Gazette No. 6.214 of 14 January 2016.

39. Official Gazette No. 6.487 dated 6 November 2019.

40. <https://transparencia.org.ve/wp-content/uploads/2020/12/04-Estados-de-excepcion-Y-DE-EMERGENCIA-ECONOMICA.pdf> [States of exception and ECONOMIC EMERGENCY]

41. <https://transparencia.org.ve/wp-content/uploads/2020/12/04-Estados-de-excepcion-Y-DE-EMERGENCIA-ECONOMICA.pdf> [States of exception and ECONOMIC EMERGENCY]

factors that have encouraged this growing corruption include lack of transparency in the data on the programme budget and execution, refusal to evaluate food policies, concentration of powers in the Executive, militarisation of management and predominance of an unlawful patronage system⁴².

Although there have been certain legal changes because of the COVID-19 pandemic, the situation continues to be critical. Because of the start of the COVID-19 pandemic, the State of Alarm Decree was passed in March 2020⁴³. Although, in Article 9 of this Decree, the following were excepted from the suspension of activities - those that comprise the national perishable and non-perishable food distribution and availability chain, production, processing, conversion, distribution and sale of perishable and non-perishable food, the issue of unique mobilisation guides and the activities needed for operation of the National Integral Agri-Food System - other restrictions such as on public transport and the movement of people outside their municipalities, affected the population's ability to acquire food. One particular impact was caused by the closure of the banks to attendance in person because of the growing difficulties of obtaining cash that would allow the most vulnerable population to move around to acquire essential goods such as food and medicines.

From our assessment of the legal framework implemented since 2016, we can confirm that one of the principal obligations of the Venezuela State concerning the Right to Food has been breached – the obligation to respect existing access to adequate food, established in Article 15 of Observation 12 of the International Covenant on Economic, Social and Cultural Rights⁴⁴. This Article provides that States should not adopt measures that result in preventing that access and this has been the principal result of the implemented policies and passed laws: decrease of national production and availability of food in the territory.

With regard to other State obligations, we must emphasise that, in Venezuela, there is a National Statistics System, created through the Decree with force of Law on the Public Statistics Function⁴⁵, which requires all Public Authority bodies to collect and produce statistical data on the exercise of their powers. With regard to food and nutritional security, the Ministry of Popular Power for Food, the National Statistics Institute and the National Institute of Nutrition, among other agencies, have stopped publishing the indicators that have been used to ascertain the national situation. The food balance sheet has not been published since 2012, the regulatory survey to monitor food consumption and the cost of the food basket since 2015 and the information on child malnutrition since 2007.

42. Venezuela Transparency (2019). Available at: <https://transparencia.org.ve/project/patron-de-la-gran-corrupcion-en-venezuela-y-su-impacto-en-los-derechos-humanos/> [Pattern of the great corruption in Venezuela (its impact on human rights)]

43. Extraordinary Official Gazette No. 6.519 of 13 March 2020.

44. <https://www.acnur.org/fileadmin/Documentos/BDL/2001/1450.pdf>

45. Official Gazette No. 37.321 of 9 November 2001

Recommendations to the Venezuelan State

1. To facilitate the humanitarian activities of national and international organisations in the country, opening joint meeting and work areas to strengthen the humanitarian response plan, which should be extended in order to look after the population under the State's care, especially the prison population. This requires the end of criminalisation, among other obstacles that limit immediate action to revive the vulnerable population and prevent its deterioration.
2. To work jointly with the private sector and civil society in order to promote dialogue and reactive the food system, including policies that have an impact on food production and the food market and social policies that strengthen the population's purchasing power and favour the provision of adequate food.
3. To guarantee permanent and quality access to health services, safe water, drainage, electricity and domestic gas, which are necessary to ensure food safety, adequate nutrition and healthy life conditions.
4. To diversify programmes relating to food and nutrition and similar sectors, including money transfers commensurate with the cost of the food basket and basic services, in addition to strengthening the current official food programmes. These programmes should have proper transparency of management that allows monitoring, evaluation and the submission of accounts.
5. To reactivate the functions of the National Statistics System so that the Food and Nutritional Security situation can be ascertained and the most vulnerable population identified, including children and teenagers, pregnant women and nursing mothers, the elderly and disabled people, also prioritising the geographical area where they are situated.

Keep your eyes open

fidh

Establishing the facts - Investigative and trial observation missions

Supporting civil society - Training and exchange

Mobilizing the international community - Advocacy before intergovernmental bodies

Informing and reporting - Mobilizing public opinion

For FIDH, transforming societies relies on the work of local actors.

The Worldwide Movement for Human Rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.

Director of publication:

Alice Mogwe

Editor in chief:

Éléonore Morel

Authors:

FIDH

PROVEA

Design:

FIDH/CB



provea@derechos.org.ve

<https://www.derechos.org.ve>

PROVEA (Venezuelan Program for Education-Action in Human Rights)

Created in 1988, it is a non-governmental organization with an emphasis on Economic, Social, and Cultural Rights (ESCR), including the interdependence and integrality of human rights. Provea educates and legally supports vulnerable sectors and potential victims of human rights violations; documents and investigates the situation and denounces abuses of power and human rights violators, articulating with other organizations and social and popular movements..

fidh

CONTACT

FIDH

17, passage de la Main d'Or

75011 Paris - France

Tel: (33-1) 43 55 25 18

www.fidh.org

Twitter: @fidh_en / fidh_fr / fidh_es

Facebook:

<https://www.facebook.com/FIDH.HumanRights/>



FIDH is an
international human rights NGO
federating 192 organisations
from 117 countries

fidh

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 192 member organizations in 117 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organizations, FIDH is not linked to any party or religion and is independent of all governments.