



General Assembly

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Human Rights Council

Forty-fifth session

14 September–7 October 2020

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Resolution adopted by the Human Rights Council on 6 October 2020

45/2. Strengthening cooperation and technical assistance in the field 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 Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international human rights instruments,

Reiterating the primary responsibility of the State to respect, protect and fulfil human rights and fundamental freedoms,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that the process of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter, including the respect for the universal principles of sovereignty, territorial integrity, the free determination of peoples, the sovereign equality of States and non-intervention and non-interference in internal affairs, and in full respect for international law,

Recalling that States elected to membership in the Human Rights Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council,

Recalling also the obligation of States to ensure accessible and effective remedies to individuals for any violations or abuses of human rights,

Underlining the primary importance of engaging in continuous constructive dialogue and cooperation with the State concerned in order to strengthen its capacity to comply with its human rights obligations,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

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Recalling also Human Rights Council resolution 42/4 of 26 September 2019,

Recalling further General Assembly resolution 41/128 of 4 December 1986, entitled “Declaration on the right to development”, in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Recalling in particular that the United Nations High Commissioner for Human Rights has a mandate to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights and to play an active role in removing the current obstacles to and in meeting the challenges for the full realization of all human rights and in preventing the continuation of human rights violations throughout the world,

Expressing concern over reports of alleged restrictions on civic and democratic space, including claims of alleged arbitrary detention, intimidation and public defamation of protesters, journalists and human rights defenders,

Expressing concern also at the negative effect of unilateral coercive measures imposed on the Bolivarian Republic of Venezuela, which, according to the High Commissioner, have exacerbated further the effects of the economic crisis and thus the humanitarian situation of the Venezuelan people,

Recognizing the increased cooperation of the Government of the Bolivarian Republic of Venezuela with the High Commissioner and the Office of the High Commissioner,

Welcoming the visit of the High Commissioner to the Bolivarian Republic of Venezuela from 19 to 21 June 2019 and the commitments agreed with the Government to improve the situation of human rights in the country,

Recalling the memorandum of understanding signed on 20 September 2019, welcoming the commitments made in the letter of understanding signed on 14 September 2020 between the High Commissioner and the Government of the Bolivarian Republic of Venezuela on the development of cooperation and technical assistance in the field of human rights, and noting the steps taken by the Government towards the establishment of a permanent presence of the Office of the High Commissioner in the Bolivarian Republic of Venezuela and the full implementation of its mandate, in accordance with General Assembly resolution 48/141 of 20 December 1993,

Affirming its strong conviction that the responsibility for reaching a peaceful, democratic and constitutional solution to the current situation in the Bolivarian Republic of Venezuela lies with the Venezuelan people, without any military or security forces or foreign intelligence interference, in full respect of human rights and fundamental freedoms, and that such a solution requires free, fair and transparent electoral processes held in accordance with the Venezuelan Constitution and international standards, and in this regard encouraging all relevant diplomatic efforts aimed at promoting negotiations and a genuine and inclusive political dialogue between the Government and the opposition to find a peaceful, democratic, credible and constitutional solution in the Bolivarian Republic of Venezuela,

Welcoming the granting of alternative formulas to the deprivation of liberty for 67 people since September 2019 through the Commission for Truth, Justice, Peace and Public Tranquillity, within the framework of the national dialogue process, and the pardon of 110 people as part of efforts to strengthen political dialogue, open up democratic space and improve the situation of human rights in the country,

Noting the efforts made by the Government of the Bolivarian Republic of Venezuela to cooperate with the World Health Organization and the Pan American Health Organization in the implementation of policies and in the search for financial and material resources to address the coronavirus disease (COVID-19) pandemic, and of the adoption of a new humanitarian response plan for 2020, while recognizing the urgent need to facilitate further access to humanitarian assistance, especially in the light of the COVID-19 pandemic,

Welcoming the strengthened presence of the Office of the High Commissioner in the Bolivarian Republic of Venezuela, in agreement with the Government, and the progress made through technical cooperation, in areas such as the revision of police protocols on the use of force, the identification of factors that contribute to the overcrowding of pretrial detention centres, the exchange of information on individual cases and human rights situations, as well

as the technical cooperation provided for the elaboration of the National Human Rights Action Plan and the increased access by the Office of the High Commissioner to detention facilities in the Bolivarian Republic of Venezuela in coordination with the Government,

Recognizing the importance of the technical assistance provided by the Office of the High Commissioner regarding the initiation of cooperation with the National Commission for the Prevention of Torture to enhance its capacity to effectively prevent cases of torture, and to establish a national mechanism for the presentation of reports and to follow up on the recommendations emanating from international human rights mechanisms, and to establish a dialogue with the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances,

Noting the progress made by the Bolivarian Republic of Venezuela in terms of issuing invitations to various special procedures of the Human Rights Council to visit the country,

1. *Takes note* of the most recent reports of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela, covering the period from June 2019 to May 2020,¹ and of other reports by the mechanisms of the Human Rights Council and the United Nations treaty bodies;

2. *Calls upon* the Government of the Bolivarian Republic of Venezuela to implement the recommendations contained in the reports of the High Commissioner submitted to the Human Rights Council at its forty-first and forty-fourth sessions;²

3. *Welcomes* the establishment of a permanent presence of the Office of the United Nations High Commissioner for Human Rights in the Bolivarian Republic of Venezuela under the terms established in the memorandum of understanding signed on 20 September 2019 and renewed on 14 September 2020, including the unlimited access granted by the Government to all regions and detention centres and the strengthening of the judicial system and institutional mechanisms for the protection of human rights in the Bolivarian Republic of Venezuela;

4. *Calls upon* the Venezuelan authorities to cooperate with the special procedures and mechanisms of the Human Rights Council in the fulfilment of their respective mandates, to extend an invitation to mandate holders, as agreed upon with the Office of the High Commissioner, and to ensure that all individuals can communicate with the United Nations without fear of reprisal, intimidation or attack;

5. *Encourages* the Bolivarian Republic of Venezuela to extend an invitation to a third special procedure mandate holder in 2020 in order to comply with the calendar of 10 visits in two years committed to during the visit in June 2019 of the High Commissioner;

6. *Notes* the efforts of the Bolivarian Republic of Venezuela to implement the recommendations accepted during the second cycle of the universal periodic review and encourages the State to continue to collaborate with the mechanism;

7. *Recalls* the United Nations humanitarian response plan for the Bolivarian Republic of Venezuela launched in August 2019, and encourages the granting of a United Nations-led response, in agreement with the Government of the Bolivarian Republic of Venezuela, to the humanitarian situation, including by allowing access for humanitarian actors, facilitating the entry of the World Food Programme and ensuring the protection of humanitarian workers, and calls upon the international community, States and United Nations agencies to support this important initiative, as the humanitarian situation in the Bolivarian Republic of Venezuela remains one of the least funded in the world;

8. *Acknowledges* the progress made in, as well as the challenges and obstacles remaining to, realizing human rights in the Bolivarian Republic of Venezuela, calls upon the Government to fulfil its obligations in accordance with international human rights law and to fully cooperate with and to continue its commitment to the Office of the High Commissioner, the special procedures and mechanisms of the Human Rights Council and the treaty bodies, and calls upon States and international organizations to support the Bolivarian Republic of Venezuela in this regard;

¹ A/HRC/44/20 and A/HRC/44/54.

² A/HRC/41/18 and A/HRC/44/20.

9. *Notes* the call by the High Commissioner to lift economic sanctions to facilitate the allocation of resources during the pandemic, and urges States to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations;

10. *Urges* the Venezuelan authorities to take all measures necessary to guarantee the full enjoyment of social and economic rights, including but not limited to the right to food, water and the highest attainable standard of physical and mental health, including access to essential medicines and health services, without discrimination of any kind;

11. *Calls upon* the Venezuelan authorities to ensure the democratic and civic space in the country by respecting, protecting and fulfilling civil and political rights, including the freedoms of opinion and expression, peaceful assembly and association, especially in the run-up to the elections, to ensure full accountability for perpetrators of human rights violations and to guarantee justice for victims;

12. *Also calls upon* the Venezuelan authorities to continue to release all persons alleged to be illegally or arbitrarily deprived of liberty, in accordance with Venezuelan Constitutional law and international standards;

13. *Encourages* both the Government of the Bolivarian Republic of Venezuela and the opposition to make progress down the path of genuine political dialogue with the aim of reaching a peaceful, democratic and constitutional solution that will lead to full respect for and the protection and fulfilment of human rights in the country;

14. *Requests* the High Commissioner to continue to provide the technical cooperation and support necessary to the Bolivarian Republic of Venezuela to fulfil its human rights obligations and commitments, including by strengthening the justice system and the national protection mechanisms;

15. *Also requests* the High Commissioner to continue to engage with the Bolivarian Republic of Venezuela in addressing the situation of human rights in the country and providing substantive capacity-building and technical assistance, and to present to the Human Rights Council, at its forty-sixth session, an oral update on the situation of human rights in the country, especially on the implementation of the recommendations included in her report,³ and a comprehensive written report on the situation of human rights in the Bolivarian Republic of Venezuela, to be presented at the Council at its forty-eighth session;

16. *Requests* that the Office of the High Commissioner be provided, in Geneva and in the Bolivarian Republic of Venezuela, with the resources necessary to fulfil the mandate in line with the renewed letter of understanding signed on 14 September 2020.

*36th meeting
6 October 2020*

[Adopted by a recorded vote of 14 to 7, with 26 abstentions. The voting was as follows:

In favour:

Angola, Burkina Faso, Cameroon, Eritrea, Fiji, Indonesia, Mexico, Namibia, Nepal, Pakistan, Philippines, Qatar, Sudan and Venezuela (Bolivarian Republic of)

Against:

Australia, Brazil, Chile, Marshall Islands, Peru, Ukraine and Uruguay

Abstaining:

Afghanistan, Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bulgaria, Czechia, Democratic Republic of the Congo, Denmark, Germany, India, Italy, Japan, Libya, Mauritania, Netherlands, Nigeria, Poland, Republic of Korea, Senegal, Slovakia, Somalia, Spain and Togo]

³ A/HRC/44/20.