

## **Statement of Santiago A. Canton**

Former Executive Secretary Inter American Commission of Human Rights

U.S. House of Representatives Committee on Foreign Affairs  
Subcommittee on the Western Hemisphere, Civilian Security, and Trade

Hearing on:

**Made by Maduro: The Humanitarian Crisis in Venezuela and U.S. Policy Responses**

Tuesday, February 26, 2019

Chairman Sires, ranking member Rooney, and members of the Committee: thank you for the opportunity to testify today.

The Secretary General of the Organization of American States has recently stated: “The Regime in Venezuela is responsible for what has become one of the worst humanitarian crises the region has experienced. This crisis is man-made and a direct result of inhuman actions<sup>1</sup> by leaders who do not care about the suffering of their people, allowing their citizens to die of hunger and preventable diseases. The severity of the humanitarian crisis is not simply the consequence of negligence, but it has become part of the broader strategy of repression in the country that is guided by ideological and political interests. The economic crisis is a direct result of the economic mismanagement and corruption of a regime that is driven by ideological and personal greed. The resulting humanitarian crisis has been repeatedly denied to the international community, and all offers of assistance that would greatly ease the suffering of the Venezuelan people have been consistently rejected. Instead, this regime has weaponized the seriously deteriorated living conditions in Venezuela, using what little supplies are available to reward those actively loyal to the regime and in turn, withhold resources as punishment to those who have been deemed their enemy. Food, medicines, and other basic necessities have become tools of political and social control, weapons with which to persecute their own people”.<sup>2</sup>

This humanitarian crisis has produced and continues to enable grave violations of human rights. Since 2003, international human rights organizations and organs, such as the Inter-American Commission on Human Rights, have been condemning the human rights violations committed in Venezuela.

---

<sup>1</sup>Cfr. OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 45.

<sup>2</sup>GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 235.

In 2018, the United Nations' Food and Agriculture Organization indicated that between 2015 and 2017, 11.7 percent of Venezuela's population — 3.7 million people — was undernourished, up from less than 5 percent between 2008 and 2013. Another national survey carried out by a consulting firm in August 2018 found that 40 percent of those surveyed had eaten twice a day, while 12.5 percent had only eaten once. More than half were unable to go to work because they had to go and search for food, 38.1 percent said their children had to skip school because they did not have enough food to feed them, and 33.6 percent said their children had to skip school to accompany their parents to find food. A total of 85.3 percent of those surveyed feared they would not have enough food in their homes to feed their families<sup>3</sup>. The consequences of the scarcity of food are clear: more than 70% of the people surveyed by a local NGO indicated that in 2016 they had lost weight, on average 8.7 kilograms, and 9 kilograms in the case of persons living in extreme poverty.<sup>4</sup>

In relation with the right to health, the 2018 National Survey of Hospitals showed that the capacity of the national network of hospitals has been gradually dismantled over the last five years. The survey reported 88 per cent of shortages in medicines and 79 per cent of shortages of surgical supplies in 2018.<sup>5</sup> The National Survey also highlighted that only 7 per cent of emergency units and 8.4 percent of operating rooms were functional and that 70 per cent of emergency units and 76 per cent of operating rooms had reported intermittent failures.<sup>6</sup>

According to Human Rights Watch, these supplies shortages include: gloves and sterile gauze, antiseptics, medical alcohol, scalpels, needles, catheters, intravenous solutions, nebulizers, and surgical sutures, as well as basic sanitizing and cleaning products.<sup>7</sup> This NGO also explains that staff must ask patients or their families to purchase elsewhere what is needed for their treatment. For example, patients needing surgery—including cancer operations or c-sections—are required to bring essentials such as anesthetics, IV fluids, and scalpels. Yet given the shortage in medicines and supplies in pharmacies, it is often extremely difficult or even impossible for the patients or their families to obtain the needed medicines and supplies.<sup>8</sup>

---

<sup>3</sup>Human Rights Watch, "Venezuela's Humanitarian Crisis: Severe Medical and Food Shortages, Inadequate and Repressive Government Response," October 2016, page 46.

<sup>4</sup>ENCOVI, "Encuesta Nacional de Condiciones de Vida Venezuela 2016 - Alimentación", 2016.

<sup>5</sup>OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 41. The National Survey of Hospitals 2018 was conducted by a network of resident medical doctors in 104 hospitals covering 22 states. It has been conducted annually for the last five years and its results were shared with OHCHR.

<sup>6</sup>OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 41.

<sup>7</sup> Human Rights Watch, "Venezuela's Humanitarian Crisis: Severe Medical and Food Shortages, Inadequate and Repressive Government Response," October 2016.

<sup>8</sup>Human Rights Watch, "Venezuela's Humanitarian Crisis: Severe Medical and Food Shortages, Inadequate and Repressive Government Response," October 2016, page 29.

Lack of water and hygiene supplies have also caused pervasive infection problems.<sup>9</sup> As a consequence, over the last few years, around 50 per cent of doctors and 37 per cent of nurses emigrated to other countries of the region, mainly due to their low wages and the lack of conditions to provide adequate health services.<sup>10</sup>

Indicators, such as the increase of maternal mortality by 60 per cent and infant mortality by 30 per cent from 2014 to 2016, the lack of access to adequate and regular treatment for more than 300,000 patients with chronic diseases, or the outbreak of malaria and diphtheria (diseases which had previously been eradicated), all point to a dramatic deterioration of the health care system.<sup>11</sup>

Medicine shortages were also widespread in pharmacies. From September 2017 to April 2018, a mechanism monitoring pharmacies' stocks in five of the main cities of the country reported an 84.23 per cent shortage of medicines essential to treat four of the most recurrent causes of morbidity in the country, i.e. diarrhea, respiratory tract infections, diabetes and high blood pressure.<sup>12</sup> Although some pharmaceutical companies have the capacity to produce medicines, the Government must first sell them the foreign exchange currency to pay the international suppliers; a dependency that is a derivative of the state controlled exchange market that was brought into force in Venezuela in 2003.<sup>13</sup>

The Office of the High Commissioner of Human Rights observed that women are particularly affected by the health crisis. For instance, the number of maternal deaths rose from 368 in 2012 to 756 in 2016, revealing how preventive health care had rapidly deteriorated. No related public information has been released since 2017. Women's sexual and reproductive health has also been jeopardized as the majority of them did not have regular access to contraceptive methods. In 2017, Venezuela registered the second highest rate of adolescent pregnancies in the Americas, mainly due to lack of access to contraceptive methods and sexual and reproductive education.<sup>14</sup>

Last year, I was appointed by the OAS to a Panel of three Independent International Experts that, after evaluating the information on the humanitarian crisis, considered that the use of the crisis as an instrument to pressure a segment of the population that

---

<sup>9</sup>OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 41.

<sup>10</sup>OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 40.

<sup>11</sup>OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 39.

<sup>12</sup>OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 41.

<sup>13</sup>GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 242.

<sup>14</sup>OHCHR, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, page 44.

is considered as dissidents<sup>15</sup> or that is identified as such, constituted multiple violations of fundamental rights, such as the right to life, the right to humane treatment, the right to health, and the right to food, making it a crime of persecution for political reasons in connection with the other crimes analyzed by the Panel.<sup>16</sup>

The scarcity of food and medicine is one of the main causes of the forced emigration of Venezuelans.<sup>17</sup> It is estimated that more than three million people have fled Venezuela since 2015, equivalent to 10% of the population, according to UN International Organization for Migration figures. The majority has sought refuge in Colombia, Ecuador, Peru, Brazil, Chile and Argentina.

Unfortunately, the consequences of the humanitarian crisis in terms of human rights go way beyond the infringement of the right to food and health. The humanitarian crisis has triggered increased social conflict. The Venezuelan Observatory of Social Conflictivity (OVCS) estimates that in 2017 there were, on average, 816 protests monthly, or 27 per day. According to OVCS, the key factors sparking the protests are the discriminatory allocation of social benefits; the lack of a democratic institutional framework; the economic and political crisis; and militarization. One of the main demands from those participating in the 2017 protests was the opening of a channel for humanitarian assistance.<sup>18</sup>

The Government's response to the social unrest and demonstrations was the imposition of a policy of excessive use of force, which, between February 12, 2014 and May 2018, left thousands of extrajudicial executions; 12,000 arbitrary detentions; 289 cases of torture and 192 cases of rape of persons under State control; and a number of enforced disappearances. With this information, the Panel of Experts found reasonable grounds to believe that these acts against the civilian population of Venezuela constitute crimes against humanity, in accordance with Article 7 of the Rome Statute of the International Criminal Court, including the crimes of murder, imprisonment, torture, rape and other forms of sexual violence, persecution, and enforced disappearances. Finally, the case of Venezuela was referred to the Office of the Prosecutor of the ICC by 5 countries.

---

<sup>15</sup> Carnet de la Patria is a type of national identity card that is required in to get access to government services and products. Experts in food security have expressed concern over the fact that it is anguish and desperation that force people to accept the Carnet de la Patria, so they can access basic food and goods in exchange for their political loyalty to the Revolution.

<sup>16</sup>GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 407.

<sup>17</sup>Other reasons for leaving the country have included threats of violence or outright violence by armed groups (both civilian and military); fear of reprisals for expressing political opinions; violence; as well as the lack of access to essential services.

<sup>18</sup>GS of the OAS, Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity, page 240.

As you know, demonstrations in Venezuela continue and so does the excessive use of force by the Venezuelan brutal regime. During 2018, the “Foro Penal Venezolano”, a local NGO, documented 509 arbitrary detentions, 36 people were held to military jurisdiction and up to November 30<sup>th</sup>, there were 288 political prisoners.<sup>19</sup>

From January 21<sup>st</sup> to 25<sup>th</sup> 2019, numerous demonstrations were registered, many of them in impoverished areas, where protests had not been so visible before. In just five days, at least 41 people died during these protests, all of them from gunshot wounds. More than 900 were arbitrarily detained, and just on January 23<sup>rd</sup>, 770 arbitrary arrests were reported (the single highest figure recorded in only one day in recent Venezuelan history).<sup>20</sup>

As a first step, as you Mr. Chairman said during the hearing of February 13th, “we need to keep looking for ways to get the assistance to those who need it but without provoking a confrontation that could lead to loss of lives”.

In 2001, the countries of this hemisphere — Latin America, the Caribbean, Canada and the US — approved the world’s first democratic charter with the goal of defending democracy and human rights. Unfortunately, due to regional politics, the Inter American Democratic Charter has clearly failed. Mr. Chairman, this is not about politics, this is not about the Latin American left or the Latin American right, or populism or fascism, this crisis is about the personal greed, corruption and organized criminal activity of a mafia that under the banner of nationalism is killing, torturing, persecuting and detaining its own people.

In 2000, the Canadian Government established a Commission to respond to a question of the then UN Secretary General Kofi Annan, on when the international community must intervene for humanitarian purposes. The Canadian Commission stated that sovereignty entails not only rights, but also the *responsibility to protect* its people (RtoP) from major violations of human rights. When a government clearly fails to protect its people, the responsibility shifts to the international community. Basically Mr. Chairman, the principle of non-intervention yields to the international responsibility to protect. In this situation, it means to exercise the responsibility to protect the Venezuelan citizens facing grave human rights violations and a humanitarian crisis. In my view, at this stage the approach should be one of humanitarian assistance, and not of military intervention.

And that is where we are now Mr Chairman. The international community, not any country in particular, should work together to return to the Venezuelans their dignity with the protection of their basic human rights (life, personal integrity, right to food,

---

<sup>19</sup> Foro Penal Venezolano, Reporte sobre la represión en Venezuela, November, 2018.

<sup>20</sup> Amnesty International, “Venezuela: Hunger, punishment and fear, the formula for repression used by authorities under Nicolás Maduro”, 20 February 2019.

and right to health) that a group of organized criminals has taken away from them -and it is even violating on a systematic and gross pattern.

Mr. Chairman,

Let me finish by asserting that the guaranty and protection of human rights in Venezuela will only be possible with the prompt transition to democracy and the rule of law and by holding free elections in accordance with international standards, under the observation of the international community, including the OAS.

Mr. Chairman, thank you for inviting me here today and thank you for the continued interest and support that this Committee has shown for the protection of human rights and democracy in Venezuela. I am happy to take any questions you may have.