

END OF MISSION STATEMENT

UN Special Rapporteur on the right to food by Mr. Michael Fakhri

Visit to Venezuela (Bolivarian Republic of), 1-14 February 2024

Today, on 14 February 2024, I conclude my country visit to Venezuela at the invitation of the Bolivarian Republic of Venezuela. As Special Rapporteur on the right to food, I am an independent expert appointed by the UN Human Rights Council to assess the realization of the right to food globally.

Over the course of the past two weeks, with an open mind, I have visited Caracas and the states of Anzoátegui, Miranda, Sucre and Zulia. I met with high-level representatives of the national, state and municipality governments, members of the judiciary, international organizations, Indigenous Peoples, civil society organizations, trade unions, academicians, teachers, students, peasants, fishers, ranchers, priests, and agriculture industry representatives.

I would like to thank the national Government for the invitation to visit and for the efforts made to facilitate my visit. I am also grateful to everyone who gave their time to meet with me and share their perspectives on ways to strengthen the realization of the right to food in Venezuela. Also, my warm thanks to all the interpreters and drivers that assisted me during the trip. I share my preliminary observations below based on careful and impartial analysis of what I have learned during my visit, and I will develop them further in my final report to the Human Rights Council.

Unilateral Coercive Measures

During my visit, I saw firsthand how unilateral coercive measures in the form of economic sanctions have constrained the government's fiscal ability to implement their social protection programmes and deliver basic public services. Unilateral coercive measures imposed against Venezuela have also increased the cost of delivering humanitarian assistance and prevented international financial institutions from providing any financing. The harm is felt disproportionately by persons living in extreme poverty or vulnerable circumstances. They are creating obstacles for the recovery of the Venezuelan economy, which contracted by approximately 74% between 2014 and 2022. Sanctions negatively impact food production and distribution, and render even locally produced food financially inaccessible to many given the scarcity and high costs of fuel. Due to overcompliance by foreign banks and suppliers, the Venezuelan government is facing serious challenges to import goods and services essential for an adequate standard of living which are not otherwise produced in Venezuela, such as raw materials and supplies for the food and agriculture sector, as well as medicine and health supplies and equipment.

Unilateral coercive measures are cruel and vicious and hinder realization of the right to food. I call upon all relevant States to immediately review and lift sectorial sanctions imposed on Venezuela including secondary sanctions against third-parties.

Unilateral coercive measures have also created new patterns of power, exacerbated existing political economic problems, thereby increasing inequality. There is an increased use of emergency measures and institutions to tackle the sanctions that in effect reduce

transparency and create the conditions for corruption and impunity. For example, the Anti-Blockade Act (Ley Antibloqueo) adopted in October 2020 gave vast powers to the government to contract with private companies without effective public notice, and to privilege those contracts over existing laws. I am also concerned that legislation on Special Economic Zones makes public decision-making more opaque and prioritize private contracts over public laws.

I acknowledge the government's efforts for starting to take measures to reduce its dependency on oil revenue and increase local production in rural, urban and peri-urban communities. I strongly encourage the government to continue and expand its support of peasants, fishers, pastoralists, ranchers, and urban and peri-urban agriculturalists – especially women and those who are Indigenous peoples and Afrodescendants. Indeed, climate change is hitting Indigenous communities especially hard. I saw this when I visited, in Zulia, the Añu people and saw how sedimentation is choking the Sinamaica lagoon and their life and with the Wayú people dealing with drought.

Life in Venezuela existed before oil, and with the effects of climate change getting worse, there has to be life after oil.

Food insecurity and malnutrition

During this time of carnival in Venezuela, we are all reminded that cooking, sharing, and eating food is how people celebrate life. Food also reflects our relationship with the land, rivers, and sea. Food is an expression of love. But love with hunger does not last.

Hunger is insidious. Hunger is not a member of this political party or that political party. Hunger does not belong to this ministry or that ministry. Hunger – and malnutrition – is a human rights issue. The right to food means that everyone has the right to be free from hunger, not just to be fed. To be free from hunger, people must free from oppression, exploitation, and occupation.

Venezuela is rich, not because of its oil but because of its biodiversity. During the difficulties of the past years, Venezuelan people have had to rely more on their relationship with the land, rivers and sea, and with each other, enhancing their food sovereignty. For example, I saw the positive power of the “Pueblo a Pueblo” initiative when I visited the Mapirikaki community in Anaco, Anzoátegui. It was, however, clear to me that people across the country are still having trouble accessing enough good, healthy food either because of their low income or because food is not reaching their community. The question remains as to how Venezuela can continue learning from popular practices of food sovereignty and continue adapting public policy and institutions to better align them with human rights obligations.

The right to food is linked to the broader human right to an adequate standard of living. In Venezuela, food insecurity is strongly correlated with the livelihood crisis. The hyperinflation, with the annual rate nearly 190% in 2023, and the informal dollarization of the Venezuelan economy further weakens households' purchasing power. Nearly 82% of Venezuelans live in poverty in terms of income level, and 53% are exposed to extreme poverty with insufficient income to purchase a basic food basket. The situation is also aggravated by fuel costs, and scarcity of electricity and drinking water.

As a result, families are forced to use negative coping mechanisms such as reducing portion sizes, skipping meals, and buying less nutritious food items. Women carry a disproportionate amount of the burden since they are often the caregivers for their families

and communities and still have to work for a wage or profit. Some women are forced to exchange sex for food. Pregnant and breast-feeding women and girls are particularly at risk given the growing livelihoods crisis.

I am very concerned about children. I have received many testimonies from across the country that some children are increasingly exposed to risks associated with negative coping mechanisms, such as family separation, child labour, sexual exploitation, physical violence, and abuse. Children under 5 with acute malnutrition, adolescents, underweight pregnant and breast-feeding women are the most affected by food and nutrition insecurity. The future of Venezuela is at stake.

Children will usually go to school only when meals are served. Feeding all children through schools, using as much locally sourced food as possible is the most effective way to make sure children are strong and healthy. Currently, the international humanitarian community is increasing their support of existing public school feeding programs. I hope in the future, community-led initiatives in which local small producers directly provide most of the food for schools becomes the dominant source for school feeding programs.

Hospitals require significant support to ensure that patients receive the special diets they need to recover. Support for university dining halls should significantly be strengthened to realize students' right to food.

Food insecurity, malnutrition and deterioration in livelihoods is cited as the primary cause for the mass migration out of the country. With so many working-age people leaving, children are being left behind increasing the financial and food security burden on grandparents and family members.

Many families draw a lifeline from CLAP (Comités Locales de Abastecimiento y Producción) bags, a program devised in 2016 to address the food shortage in the formal supply chain. Initially conceived as an interim measure, it later became the strategic food distribution program. In 2017, the Homeland Card (Carnet de la Patria) was created as a mechanism to access the program and, in 2018, a Constitutional Law on the CLAPs reaffirmed the program. According to the Government, 7.5 million Venezuelan families receive a CLAP bag with basic food products at least once a month.

Nevertheless, there are growing criticisms raised about the CLAP program, which include inconsistent delivery, infrequent supply in remote areas, as well as its lack of nutritional value and quality. I have heard frequent concerns that CLAP bags are denied to individuals who are perceived to be critical or express alternative political opinions. Some beneficiaries suggest that CLAP bags are treated by authorities as a charitable handout rather than as part of the freedom from hunger, undermining the human dignity of those recipients. CLAP was well-intentioned as a temporary humanitarian relief by the government. But CLAP has become susceptible to political patronage and does not address the root causes of hunger and malnutrition in Venezuela or meet right-to-food standards.

I recall that human rights law dictates that the State has a core obligation to take the necessary action to mitigate and alleviate hunger and malnutrition, even in times of economic crisis or sanctions. I therefore strongly encourage the Government of Venezuela to develop an urgent plan of action on the right to food in Venezuela, through a socially inclusive process. A Right to Food Action Plan, built upon existing laws and participation mechanisms, can help transition humanitarian relief measures more towards improving livelihoods and inclusive development.

Transparency and accountability

According to the international human rights law, the formulation and implementation of public policies related to the right to food and the adequate standard of living require full compliance with the principles of transparency, inclusive popular participation, and decentralization.

Despite the legal obligation requiring all State entities to obtain and produce statistical data relating to the exercise of their functions, all government offices have stopped publishing data that is relevant to the monitoring and follow-up of the food and nutrition situation in Venezuela. For example, the National Institute of Nutrition stopped publishing information from the Food and Nutritional Supervision System in 2008; the Food Balance Sheet has not been published since 2012; and the National Institute of Statistics stopped publishing the survey on monitoring food consumption since 2015.

The lack of official data and lack of making official statistical methodology public hinders the Government's ability to effectively tackle challenges and serve the basic needs of the people. Without regular, reliable information, it is more difficult to assess and adapt food policies to protect the most vulnerable population from the effects of the dynamic set of crises. People must have access to such information, hold the power to narrate the realities of their lives, and the right to express their perspectives to address institutional and policy gaps. The lack of transparency regarding the use of scarce public resources and the implementation of large-scale social programs also enables corruption and inhibits accountability in the public services.

I therefore urge the Government to enhance public transparency and guarantee access to information on food policies, as well as to put in place mechanisms to ensure accountability in the implementation of programs relating to the right to food and livelihoods in Venezuela.

Implementing existing laws

The Venezuelan Constitution recognizes the right to food. What gives me hope is that Venezuela has many progressive laws, developed through effective participation mechanisms, that hold the potential to realize the right to food. For example, the Constitution recognizes the rights of the Indigenous peoples, and Venezuela has enacted a set of laws to develop the specific rights of Indigenous peoples. In 2009, to the elation of small-scale fishers in Venezuela, the Government adopted a fishing law, effectively banning all bottom trawling, also known as drag fishing. After years of consultations with peasants and social movements, Venezuela adopted the Seed Law that prohibits transgenics and the privatization of seed varieties.

I also commend the Government for its programs that support local small-scale producers. For example, the Scientist-Peasant Alliance (Alianza Científico-Campesina) is a very dynamic program. I also saw how government-sponsored fish fairs in cities directly connect fishers to urban consumers, creating a fair price for everyone.

Despite these legislative and policy advancements, I have observed the growing sense of disappointment among social movements, peasants, fishers and Indigenous peoples concerning the lack of implementation and enforceability of the laws. If the Government does not effectively implement existing laws, it will diminish the popular will to use participation mechanisms. In turn, this reduced popular participation will hollow out

government institutions. For example, the Seed Law is one core element protecting food sovereignty in Venezuela. I strongly recommend the Government implement the certification process that protects seeds coming from local communities, peasants, Afrodescendants, and Indigenous peoples. This will strengthen the national food system making it more resilient against climate change and economic shocks.

Private sector

From my meeting with the authorities, I have learned that the Government is expanding its engagement with the private sector with a view to boosting local food production and distribution. The private sector plays an important role in ensuring the right to food is realized. However, I observed a risk for future monopolies and monopsonies. I worry that over the next few years the new system of private contracts and government procurement deals could lead to the creation of de facto latifundios. With an increasing role for the private sector, there must be robust transparency and accountability measures put in place. New measures should also address issues of conflict of interest between the private and public sectors.

Groups in vulnerable situations

I have already highlighted my concerns regarding children and youth. In my report, I will detail the condition of different vulnerable groups. For now, I would like to highlight the situation of some of those groups given the gravity. Indigenous Peoples continue to lack resources and access to adequate food. Persons with disability feel exposed, disempowered and unsupported. Due to high migration rate and the collapse of the purchasing power of pensions, older persons have become invisible and abandoned, while their food and nutritional needs are neglected. Members of the LGBTQI+ community often experience discrimination and receive limited social benefits since their families are not adequately recognized. Amongst all these groups, women are made to be the most vulnerable.

Finally, I am seriously concerned about the food security of prisoners and detainees in Venezuela. I am alarmed about the well-being of detainees in custody centers in police stations. These custody centers were designed as temporary facilities, pending a judicial hearing and do not include any facilities to feed detainees. However, due to delayed judicial processes, these custody centers have effectively become places of overcrowded, long-term detention, with people spending 7-8 years in the detention center. Authorities do not provide detainees with any food, water, bathroom or healthcare. These detention centers are inhuman and degrading and may constitute torture. I welcome the recent initiatives of the executive and judiciary branches to expedite detainees' access to a hearing and hope this initiative is quickly advanced. In the meantime, detainees should be released if the maximum number days of detention is reached before a judicial hearing. The situation is somewhat better in prisons, though in some prisons authorities offer people inadequate meals, sometime only one arepa a day.

Families bear a heavy burden since they have to provide food for detainees in any type of facility. These families – usually women – suffer great logistical and financial hardship. Those incarcerated and without family support are left to obtain food from other inmates sharing what they have or by exchanging sex for food.

I would like to remind the Government that it is an obligation to ensure that detainees have access to justice and due process and all prisoners still have the right to human dignity and all other human rights, such food, water and health.

To summarize and conclude, I provide the following recommendations:

1. Unilateral coercive measures significantly limit the Venezuelan government and people's ability to realize the right to food. I therefore call upon all relevant States to review and lift sectorial sanctions imposed on Venezuela including secondary sanctions against third-parties.
2. I urge the Government to enhance public transparency and guarantee access to information on food policies and regularly publish accurate, verifiable data. This also includes ensuring accountability in the implementation of programs relating to the right to food and livelihoods in Venezuela.
3. I strongly encourage the Government to continue and expand its support of peasants, fishers, pastoralists, ranchers, and urban and peri-urban agriculturalists – especially women and those who are Indigenous peoples and Afrodescendants. This not only enhances food sovereignty but also improves local livelihoods.
4. I recommend the Government ensure that private companies' transactions are fair and transparent, and that the procurement system is made more transparent strengthened by reinforcing conflict of interest regulations and mechanisms.
5. I strongly urge the Government to carry out a comprehensive review of food security and living conditions of detainees, and guarantee detainees' right to adequate food, water and health.
6. I recommend the Government of Venezuela and international humanitarian relief community develop a plan to transition international humanitarian relief plans into locally-led development programs. This should include enhancing community-led programs to provide school meals and allowing the international humanitarian aid community to provide direct cash assistance based on principles of humanity, transparency, impartiality, neutrality, and independence. I have found from my international work during the COVID-19 pandemic that direct cash assistance is the most effective first-step to meet immediate nutritional needs, enhance livelihoods, and improve the economy.
7. Finally, I strongly encourage the Government to develop an urgent plan of action on the right to food in Venezuela, based on existing laws, through a socially inclusive process and existing participation mechanisms.
