

US Sanctions Against Venezuela Violate the Human Rights They Claim to Protect, Says UN Special Rapporteur on Sanctions

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“You cannot claim to protect human rights by violating human rights,” asserted Alena Douhan, United Nations Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, while detailing the human cost of the unilateral sanctions imposed on Venezuela by the United States and its allies.

Prof. Douhan, who teaches international law at Belarusian State University, made this remark at a recent [conference](#) organised by the Canadian Latin American Alliance and co-sponsored by the Canadian Foreign Policy Institute and Common Frontiers. In the panel Prof. Douhan was joined by Don Davies, distinguished lawyer and Canadian Member of Parliament for the New Democratic Party (NDP), who discussed the role of Canada in the application of sanctions against Venezuela.

Sanctions—much more than political

Alena Douhan, in her capacity as UN Special Rapporteur, visited Venezuela for two weeks in early February to assess the impact of the US-imposed unilateral coercive measures on the Venezuelan economy and the living conditions of the Venezuelan people. She met officials of the government as well as members of the opposition, representatives of public and private sectors, social organisations and trade unions, and national and international NGOs working in Venezuela. She submitted a [preliminary report](#) on February 12, detailing the “devastating effect” of the sanctions on the Venezuelan economy, health, education, industry, social programmes, and other sectors. The final report will be submitted in September 2021.

“In the international sphere, sanctions are generally discussed politically, while their legal and human effects are not considered [a] priority,” said Prof. Douhan. “Yet, both targeted sanctions and general sanctions violate international law, like the sovereign equality of states, the policy of non-intervention in internal affairs of countries, and principles of human rights, including the rights to life and to development.”

Douhan stressed that targeted sanctions against individuals, although not as damaging as

overarching sanctions against a country, are still in contravention of legal principles. “Presumption of innocence is the starting point of law, and the burden of proof is on the accuser. Anyone facing any accusation has the right to a fair trial; that is an inherent human right. However, unilateral coercive measures are imposed on the presumption of guilt of the accused, which violates the right to due process. You cannot have one set of rights for the so-called bad guys and another set for the so-called good guys; human rights are for everyone.”

She noted that the first sanctions that Venezuela faced were targeted sanctions imposed by the US government in 2015, against Venezuelan officials and entities that, according to the US government, were involved in drug trafficking or corruption, or had violently repressed protests or persecuted political opponents. Recently, several countries including the US even sanctioned members of the Venezuelan opposition who participated in the National Assembly elections of December 6, 2020.

“This means that these individuals cannot represent Venezuela in court cases in the sanctioning countries, although they were elected by the people of their own country,” highlighted Douhan. “In many instances, sanctions were imposed on individuals for actions that do not constitute a crime. For example, captains of Iranian oil tankers supplying gasoline to Venezuela were sanctioned for ‘supporting and financing international terrorism’ because in 2015 the US declared Venezuela ‘an unprecedented threat to US security and foreign policy,’” she cited.

Impact on economy and life in Venezuela—the human cost

In her report, the Special Rapporteur described in detail the impact of the unilateral coercive measures amounting to a total blockade against the Venezuelan economy, generating a humanitarian crisis in the South American nation. At the conference she explained,

“Over a century, Venezuela has been dependent on oil trade, particularly with the United States and Europe. Having the largest oil reserves on the planet, naturally it was the main source of foreign exchange.”

Although the economy had started facing downturns since oil prices began falling in 2014, the situation was exacerbated with the imposition of increasingly harsher sanctions since 2015. “The oil revenue has dropped by 99%, and the country is currently living on only 1% of its pre-sanctions income,” stated the Special Rapporteur. In addition, Venezuelan assets abroad, worth about US\$ 6 billion, remain seized or frozen in various countries. Together, these factors have resulted in hyperinflation and severe devaluation of the bolívar, “which has led to public sector salaries dropping from the equivalent of US\$ 150–500 a month in 2015 to US\$ 2–10 in 2020, and a steep rise in poverty levels,” explained Douhan. “Further, the state-owned oil company PDVSA, the mining sector, transport, aircraft, cryptocurrency—all are under sanctions. Many people working in these sectors either lost their jobs or were forced to quit because of salaries decimated by the sanctions. The hardest hit has been the public sector, that has lost 30-50% of its qualified staff, leading to disorganisation, overburden, and reduced quality of services.”

High dependence on imports has been another factor aggravating the situation.

“Before the sanctions, Venezuela had money to buy everything necessary for maintaining its infrastructure and social development projects,” commented Douhan. “Most products, like machinery, spare parts, technology, even food, medicine and medical equipment were imported mainly from Europe and the US.”

With the sanctions impeding all imports, every aspect of life in Venezuela, including the main industry, oil, has been affected.

“Venezuelan oil deposits are mostly heavy crude, requiring intensive refining processes to be usable,” explained Douhan. “The necessary chemicals were imported from USA or Switzerland, now it is impossible. Also, due to lack of spare parts and new machinery, the refineries cannot be maintained, so at present Venezuela is not able to produce enough gasoline, diesel and cooking gas to meet even its domestic demand. Fuel shortages have severely curtailed movement of people for daily activities including going to hospitals, jobs or schools.”

Even she was not able to visit states far from the national capital due to fuel shortages.

“State supply of subsidised cooking gas is not enough, and prices are tremendous in ‘free markets,’ so people have to use wood to cook in the open, which is an environmental concern,” continued Prof. Douhan. “Electricity lines are presently able to function at about 20% of their capacity, again due to shortages of fuel, machinery and qualified staff. The national water supply system is unstable because of power outages, and water can be supplied only in rotation to ensure distribution to the entire country. This means that most households can get water for a few hours every five to seven days, and that water has to be boiled to make it potable, because the government is not able to import all the chemicals needed for proper purification. Even hospitals lack continuous supply of water. Now, during the COVID-19 pandemic, when we are instructed to wash our hands frequently, how can it be possible for people in Venezuela?”

The Special Rapporteur found that impediments to food imports and high prices of available items have resulted in reduced food intake and rising malnutrition over the past six years. People are increasingly dependent on the government-subsidised food supply programme (CLAP), but that too has been forced to reduce the diversity of items. School meal programmes have been reduced or entirely suspended, as well as other school supplies like books, computers, uniforms, backpacks, etc.

As a result of the devastation of national economy and degradation of state programmes, 40% of the working population is involved in the ‘gray economy’—insecure jobs or even criminal activities including drug and human trafficking. Between one and five million people have migrated from the country in search of better living conditions, with a corresponding rise in family separations, violence, child labour, and prostitution. “Girls as young as 12-13 years of age have gone into prostitution, with deleterious effects like rise in teenage pregnancies and opportunistic infections,” observed Douhan.

“This has overburdened a healthcare system already reeling from shortages,” she continued. “The Venezuelan government used to provide excellent healthcare to the population, including transplants and services for chronic and

life-threatening conditions like diabetes, cancer, HIV—all either free or highly subsidised. This was paralysed by the seizure of state assets abroad. In 2017-2018, the country faced serious shortages of HIV tests and medicines, syringes, vaccines against measles, yellow fever, malaria, leading to [a] steep rise in death rates. In this crisis, the government increased cooperation with UNDP, UNICEF, UNAIDS, PAHO, other international agencies, private sector, churches, NGOs, which has improved the health sector. But conditions of other sectors remain as distressing as ever.”

“The problem gets compounded due to sanctions on third parties—public and private sector companies of countries that recognise the Venezuelan government, and over-compliance with sanctions by companies fearing sanctions on themselves,” stated Douhan. “This fear is not unfounded, as traders get regularly threatened with seizure of assets and blocking of funds by US authorities. PDVSA’s Russian and Italian partners have been sanctioned.”

Why unilateral coercive measures are illegal

“To discuss why unilateral sanctions are illegal, we should consider what measures are legal under international law,” said Douhan. “If one state believes another is not complying with human rights obligations, the former can cut diplomatic relations with the latter, may not conclude a treaty or may withdraw from an existing treaty following the provisions of that treaty. The matter can also be taken to the UN Security Council in situations that threaten peace or constitute a breach of peace.”

However, the Special Rapporteur was cautious about the last, citing the UN sanctions on Iraq that generated one of the worst humanitarian crises in recent time.

“What is not legal is gross violation of humanitarian or international law,” she continued. “The announced goal of the maximum pressure campaign is to change government in Venezuela—that is illegal.”

“These sanctions are actually illegal as well as immoral,” added Canadian MP Don Davies. “The sanctions are causing enormous amount of suffering to the Venezuelan people, particularly the most marginalised and vulnerable groups.”

Recalling the long, documented history of colonisation of Latin America by European powers and the US, the parliamentarian remarked, “I find it not coincidental that the United States is one of the countries of the world that almost exclusively refuses to ever submit to international jurisdiction.” According to him, “the United States and its capitalist allies simply cannot and will not tolerate the development of a different model other than the neoliberal, capitalist, pro-business market economy that they seem to insist has to be the path for countries in Central and South America, and around the world.”

“Unilateral coercive measures against sovereign nations constitute a form of collective punishment,” continued the MP. “The aim is to make life so intolerable that it would generate widespread civil discontent, so that the people themselves will welcome regime change.” On Douhan’s detailed report on the death and destruction caused by the sanctions in Venezuela, Davies remarked, “You can drop a bomb on someone or you can cut off their electricity or water, the result is often the same.”

Regarding Canada's role in the situation in Venezuela, Davies referred to an "informal partnership between Canada and the United States formed in 2017," which has been used by the Trudeau government to justify its decision to join the US administration in the blockade against Venezuela.

"Canada is part of Five Eyes, NATO, and a number of political organisations, formally and otherwise," elaborated the MP. He characterised the [Lima Group](#), which his own country initiated in 2017 as a hostile political front against the Venezuelan government, as "just a discredited group of right-wing countries, after the withdrawal of Bolivia and Argentina, where leftist—leftish governments have returned." He continued, "Both the Lima Group and the OAS [Organisation of American States] are used as political cover by the Canadian government, so that the Canadian people would consider the illegal agenda as legitimate."

Special Rapporteur Douhan also pointed out that the seizure of Venezuelan foreign assets violates the norms of immunity of state property. "The assets of the Central Bank of Venezuela, CITGO [PDVSA's US subsidiary], other funds frozen in international banks—these belong to the State of Venezuela, not to its government. Blocking or seizing state assets on the grounds of non-recognition of a government is illegal in international law."

She highlighted that the application of sanctions to nationals and companies of third countries for cooperating with public authorities, companies and nationals of Venezuela, is outside the jurisdiction of the US, Canada and other sanctioning countries. She also underlined that "the existing humanitarian exemptions are ineffective and insufficient, and do not cover the delivery of spare parts or machinery required for maintenance and restoration of public services."

While commending the measures adopted by the Venezuelan government to combat the crisis, the Special Rapporteur stated that the sanctions are undermining potential positive impacts of the measures. She expressed that all disputes between countries should be resolved within the framework of international law, and not with unilateral measures. In this regard, she mentioned the referral submitted by Venezuela to the International Criminal Court in 2020, considering the deaths caused by the blockade as "aggression" against the nation. It is estimated that the sanctions have already caused over 100,000 deaths in Venezuela.

"Humanitarian concerns should always prevail over political ones," she concluded.

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Featured image: Alena Douhan, Special United Nations Rapporteur on the effects of sanctions in human rights during her official visit to Venezuela in February 2021. File photo.

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