Introduction

- Thank you Chair, good afternoon to all.

- I would like to commence my intervention with two quotations by Martin Luther King Jnr, colleagues, "Injustice anywhere is a threat to justice everywhere" and “the ultimate tragedy is not the oppression and cruelty by the bad people but silence over that by the good people."

- We have before us for consideration the long-standing complaint of Venezuela for violations of C 26, 87 and 144.

- This complaint was presented by a significant number of Employer delegates to the ILC in 2015 alleging violations of Employer rights. This case though, also concerns workers’ rights.

- The point for decision as amended by the Employers is calling on this GB to take a decision to establish a Commission of Inquiry immediately.

- The political, economic and social crisis in Venezuela has deteriorated to the point of requiring a different and urgent way of addressing this matter.

- In Venezuela today, there are no independent institutions left to act as a check on executive power. The government is repressing dissent through a brutal crackdown on the streets, jailing opponents, and prosecuting civilians in military courts. Due to severe shortages of medicines, medical supplies, and food, many Venezuelans cannot adequately feed their families or access the most basic healthcare. In response to the human rights and humanitarian crisis, hundreds of thousands of Venezuelans are fleeing the country.

- We welcome recent statements by the European Union expressing concern about the abuses being committed in Venezuela, and the Venezuelan ‘s Government attempts to usurp powers of the legislature and undermine the rule of law. These statements come at a time when key governments have placed Venezuela at the top of their regional priorities.
• Let’s recall that the South American trade bloc Mercosur composed by Argentina, Paraguay, Uruguay, and Brazil has suspended Venezuela indefinitely in a symbolic show of force following President Nicolás Maduro’s decision to push ahead with an election for an all-powerful constituent assembly.

• Also the Lima Group - led by the Government of Canada and composed by Argentina, Brazil, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay and Peru-is taking a strong stand in addressing the crisis in Venezuela. The Lima Group publicly repudiated since August this year the rupture of the democratic order in Venezuela, the violation of constitutional norms, the will of the people and inter-American values; the repression of political dissent; the holding of political prisoners; and the violations of the human rights and fundamental freedoms of the people.

• Moreover, this year, a report by the UN Human Rights Office has found extensive human rights violations and abuses committed in the context of anti-Government protests in Venezuela and pointed to “the existence of a policy to repress political dissent and instill fear in the population to curb demonstrations.”. The High Commissioner warned that amid continuing economic and social crises and rising political tensions, there is a grave risk the situation in Venezuela will deteriorate further.

• The position of the Secretary General of the Organization of American States (OAS) Mr. Almagro is clear: “the regime in Venezuela has buried democracy, the separation of powers, justice, civil guarantees, political, economic and social rights, as well as the principles that constitute a legitimate government.”

• Chair,

• Let me turn to the ILO and to the complaint that we are examining.

• The ILO GB has witnessed for too many years the various obstacles, acts of intimidation, manipulation, threats and attacks, directed against FEDECAMARAS, the most representative employer organizations, its members, their leaders and affiliated companies but also against the independent trade union movement in Venezuela. Violations also included serious deficiencies in social dialogue and the lack of consultation on labour and social legislation. All of this in clear violation of Conventions 26, 87 and 144.
• This GB has given the Venezuelan Governments many, too many opportunities to redress the serious violations and to embrace sound social dialogue with the assistance of the ILO, including assistance at the highest level through the ILO Director General. **To date the responses of the Government have been a clear NO to the numerous opportunities we have provided it.** There has not been any sign on behalf of the Government to cooperate with the ILO in finding solutions to the violations. Signs have only come a few weeks or even a couple of days before a discussion either in the GB or the ILC all the time which is quite frankly abusive and arrogant behaviour that cannot be accepted. This cannot in any way be seen to be the act of a government serious to resolve issues.

**From the January 2014 High Level Mission to the November 2017 GB**

• Most of you recall that an ILO Tripartite High-Level Mission visited the country in January 2014 and considered it essential to build a climate of trust based on respect for employers’ and trade union organizations with a view to promoting solid and stable industrial relations. The mission considered that it was necessary for the Government to develop and implement **a plan of action that includes stages and specific time frames for its implementation. Regrettably no satisfactory tangible measures with regard to bipartite and tripartite social dialogue as requested by the high-level tripartite mission were ever adopted. The Government has not yet provided the requested plan of action despite numerous promises to this GB.**

• Since November 2015, there has been an escalation in the taking of unilateral decisions regarding matters of fundamental importance to employer organisations and harassment to private companies under the pretext of an Economic Emergency that suspended constitutional economic guarantees in the country.

• In the March 2016 GB, the Government made a commitment to put in place a plan of action - as suggested by the ILO supervisory mechanisms - with the inclusion of a calendar of meetings with FEDECAMARAS and the most representative and independent trade unions, to reactivate bipartite and tripartite social dialogue. **Regrettably, to date, this commitment remains unfulfilled.**
• In the November 2016, 12 months ago, the GB noted with interest the information provided by the ILO Director General regarding the commitment of the Government to include FEDECAMARAS in the future socio-economic dialogue table. The GB expressed the firm expectation that before March 2017 the Government would take appropriate measures to foster an appropriate environment for social dialogue, which would allow FEDECAMARAS and their member organizations, leaders and affiliated companies, as well as trade unions, to develop their legitimate activities in accordance with the decisions of the supervisory bodies of the ILO regarding Conventions Nos 87, 144 and 26. **None of this ever meaningfully happened.**

• In March this year, regretting the lack of progress the GB adopted a strong decision urging the Government of Venezuela:

  First, to take measures to ensure that there were no acts of interference, aggression and stigmatization against FEDECAMARAS, its affiliated organizations and their leaders and to ensure that FEDECAMARAS and its member organizations, leaders and affiliated companies, as well as trade unions could freely carry out their legitimate activities in line with the decisions of the ILO supervisory bodies relating to Conventions 87, 144 and 26.

  Second, to institutionalize without delay a tripartite round table, with the presence of the ILO, to foster social dialogue for the resolution of all pending issues, and

  Third, to avail itself without delay of ILO technical assistance to these ends; and

  Fourth, the GB requested the DG of the ILO to make available all necessary support in this regard, and to provide for periodic visits to the country by the ILO.

  • **However, no single recommendation of this GB has ever been meaningfully implemented by the Government.**

  • And yet the Government is telling us that it has complied with the ratified Conventions; that it has consulted; that it respects the freedom of association of employers and workers; that it respects basic civil liberties.

  • And yet we surprisingly received yesterday an amendment coming from a Group in this house that has requested our support many times in the past urging the Government of Venezuela to engage in dialogue in good faith, urging the Government one last time to institutionalize before the end of 2017 a tripartite round table to foster social dialogue, urging the Government to accept an ILO technical visit. Coming from the land of Nelson Mandela as a person who suffered oppression, whose parents and grand parents suffered oppression, we have always stressed that “Justice delayed, is justice
denied!” To sat it differently, the English poet, Walter Savage Landor said, “Delay in justice is injustice!” Northcote Parkinson (a British historian) puts it another way, “Delay is the deadliest form of denial!”

- Chair, this demonstrates a lack of respect to the oppressed people of Venezuela. Independent trade unions are disappearing, and their leaders persecuted as well.

- **Why should we have reasons to believe now that in the next three months things will change? That the Government will comply with the Conventions it has systematically violated for so many years? That it will engage in social dialogue with a view to promoting solid and stable industrial relations? That it will before the end of 2017 institutionalize a tripartite round table? That it will take seriously an ILO technical visit?**

- How can this possibly happen? The Government did not take the 2014 Tripartite High-Level Mission seriously, why it should bother with a technical visit?

  [Silence]

- **Chair, dear GB members**

- **Reality and the history of this matter clearly shows all of us something else and we do not need to open our eyes widely to realize that:**

- The Government of Venezuela engages in systematic violation of human rights and fundamental liberties, violence, repression and political persecution. The Government of Venezuela continues to violate, among others, ILO Conventions 26, 87 and 144.

- The Government of Venezuela is telling us in its submission to this GB that it “welcomes the interest shown by the ILO in conducting and providing technical assistance for the dialogue being developed with the country’s employers’ and workers’ organizations. However, the Government expressly reserves the right to ask for technical assistance and to accept periodic visits from the ILO, bearing in mind the lack of veracity in the arguments set out in the complaint.”
• What else do we need to understand that the Government of Venezuela is in denial and that it does not want to cooperate with us.

**Example of the most recent violations**

• Let me give you some examples about the most recent violations

• Twenty six unilateral increases of the minimum wage were registered in the past years, out of which five took place this year. As recent as Wednesday 1 November 2017, last week, the Government sent FEDECAMARAS a letter in the morning and President Maduro announced a minimum wage increase of 30 per cent that same afternoon. This is in clear violation of Convention 26 on minimum wage fixing.

• The Governments did not consult with FEDECAMARAS on any issue related to ILO International Labour Standards related activities. As a way of example, no consultations on the implementation of the CAS conclusions or the CFA recommendations were taken. No consultations on the elaboration of the 2017 Government Report to the ILO Committee of Experts were held. This is in violation of Convention 144 on Tripartite Consultation.

With regards to Convention 87, we note the continued intimidation attacks against FEDECAMARAS and the business sector by government spokespersons, in particular, a campaign of intimidation through social media and the State, namely verbal attacks and attempts to stigmatize and criminalize FEDECAMARAS, its affiliate organizations and leaders, accusing them of political conspiracy, and of being responsible for waging an economic war and for the economic situation in the country; attacks at the headquarters of the Tachira State Cattle Breeders Association (affiliated to FEDECAMARAS) by paramilitary groups linked to the Government, resulting in theft, fire and the destruction of its premises, as well as the Government takeover of productive land owned by the president of the Venezuelan Cattle Breeders Federation (an organization affiliated to FEDECAMARAS) – both acts were perpetrated in retaliation for these organizations taking part in a civil protest. Additionally, attacks against the business sector such as levying sanctions against the businesses that took part in the civil strike of 19 and 20 July or the price control authority taking excessive measures, for example by monitoring businesses and obliging them to sell products at very low prices occurred in Venezuela.

These attacks are leading to the closure of many enterprises and are contributing to unemployment and poverty in the country.
Chair, my colleague Alberto Echavarría referred to the situation of civil and political liberties in Venezuela and the challenging and disrespectful attitude of the Government to cooperate with the CFA and any supervisory mechanism of this House during the adoption of the CFA report some minutes ago. He made it clear to this room that there is nothing else the CFA can do. There is no more serious and urgent language to be used in the recommendations and yet the Government is hostile to say the least.

Concluding remarks

Chair, dear GB Members

As I made it clear at the beginning of my presentation, many Governments have made public in the past months their deepest concern by the deteriorating political, economic and social crisis in Venezuela and are working intensively with the international community, to advocate for the restoration of democracy and the protection of human rights for the Venezuelan people.

I am calling on you chair. You have visited Venezuela yourself the latest in 2014 with the ILO High level mission and spoke to Employers and Workers representatives concerned. You have witnessed first-hand the lack of respect and political will of the Government officials to implement ILO Conventions.

I am calling on the Workers Group that proclaims to defend the respect of human rights around the globe. You know that independent union leaders are in prison and today have no voice because their unions have been destroyed. Workers who today suffer the consequences of a catastrophic economic model and are deprived of social dialogue. Unions that have been replaced by workers’ councils in the hands of the military and militias to control them.

I am calling on each GB member today.

The credibility of the Art 26 complaint procedure; the credibility of this House is at stake.
• The situation is unsustainable from any point of view and by delaying decisions in this house, I am very afraid for the survival not only of the business sector represented by FEDECAMARAS and the independent trade union movement but of all people in Venezuela. I am reminded of another saying, namely, procrastination is the ultimate thief of time!!

• We exhaust in good faith all possible channels in this house without getting a positive and constructive response from the Government that could make us think that other ways are yet to be explored.

• We have given the Government time, too much time.

• We have put at its disposal alternatives, human and financial means and many tools including technical assistance at the highest level through the ILO Director General to comply with the ILO Conventions it has voluntarily ratified.

• However, the Government systematically and unconstructively turned its back to all our good will proposals and efforts.

• Enough is enough.

• There is nothing more for this GB to say or to propose to the Government of Venezuela. Time has come to establish the Commission of Inquiry which will be responsible for carrying out a full investigation of the complaint, ascertaining all the facts of the case and making recommendations on measures to be taken to address the problems raised.
• We hope and trust that the establishment of a Commission of Inquiry will assist in ensuring compliance with ILO conventions 26, 87 and 144. It will allow the country to move forward in the generation of more and better decent and productive jobs and social stability with the aim of building a way for long lasting peace that will ensure the rule of law and democracy that are essential for the economic and social wellbeing and the exercise of civil and political liberties of all the people of Venezuela.

• We trust that the Commission of Inquiry will be ready to start its work without delay before the end of 2017.

• Thank you Chair