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Venezuela: Open letter to candidates in the December 2006 presidential elections

Amnesty International is an independent international organization dedicated to the defence and promotion of human rights all over the world. As part of its activities, Amnesty International closely monitors the situation in different countries and draws up recommendations designed to afford greater and better protection of human rights.

With the forthcoming electoral process in Venezuela in mind, Amnesty International is addressing the candidates for the presidency of the Republic with a view to raising a number of issues and urging them to incorporate these into their governments' programmes, according them the priority they deserve.

Venezuela has an extensive legal framework for the protection of human rights, including numerous relevant international instruments, which now have constitutional status. In this regard, Amnesty International takes the view that whoever is elected must demonstrate an unswerving commitment to protecting and guaranteeing human rights by implementing the provisions of such instruments and the national laws that put them into effect. Similarly, they must guarantee the comprehensive protection and promotion of all human civil, political, economic, social and cultural rights.

We are all entitled to live without fear of torture or ill-treatment, whether it be at the hands of the security forces or our husbands, to live without fear of being prisoners of poverty, to live without fear of being imprisoned or threatened because of the views we hold, without fear that our children might go without food or medical treatment, without fear of being harassed at work or in the street, to live without fear of speaking out about all of these violations and to have our complaints investigated. This is why it is vital that measures and policies be adopted in the short, medium and long term to ensure that the human rights of all are respected in practice.

Amnesty International urges candidates for the presidency to attend to the following issues and adopt the measures suggested, in demonstration of their commitment and respect for human rights and the international obligations entered into by Venezuela in this field.

Combat and eradicate impunity

It is common knowledge that the majority of human rights violations committed by the security forces, including ill-treatment and torture, followed by death and extrajudicial executions, are not investigated with due diligence, much less punished and the victims compensated. Figures published by the *Ministerio Público* (Public Prosecutor's Office) show that between 2000 and 2005, of the 6,034 officials allegedly involved in cases of human rights violations, only 531 (8.8%) were charged and only 87 (1.44%) convicted¹. In this regard, the new government must:

- Investigate and establish who are the perpetrators in such cases.
- Ensure that the victims and relatives of victims of both human rights violations and other offences receive full reparation, from financial compensation to medical, psychological, social or any other care that may be necessary, as laid down in the Constitution of the Bolivarian Republic of Venezuela and the UN Recommendations on the Victims of Crime and Human Rights Abuses, contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
- Paying special attention to the separation of powers, to strengthening the different bodies and the operational capacity of the Venezuelan Administration of Justice System and their institutions, meeting the international standards recommended by the United Nations for the judiciary, prosecutors, lawyers and police officials, contribute to increasing the independence and autonomy of judges and other law enforcement officials, maintaining a clear and transparent division of public powers.
- Promptly undertake reform of the police force², taking account of the provisions of the Constitution of the Bolivarian Republic of Venezuela as well as relevant international standards and guaranteeing an effective system for the selection, training and monitoring of the country's police officers, to enable them effectively to reduce widespread violence and abuse of power, paying special attention to human rights.
- Strengthen, co-ordinate, train and incentivize the country's police inspectorates and internal affairs offices, so as to guarantee immediate attention for victims of abuses of power, the eradication of police corruption and the prosecution of human rights violations.
- Implement and enforce measures emanating from international human rights organizations whose competence Venezuela has recognized, including rulings and provisional measures of the Inter-American Court of Human Rights, precautionary measures of the Inter-American Commission on Human Rights and the recommendations and resolutions of United Nations bodies.
- Put proposals for legislation to the National Assembly designed to protect human rights in accordance with the international human rights standards and instruments ratified by the Bolivarian Republic of Venezuela. Similarly, sign and/or promote the approval of international treaties such as the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of

¹ *Fiscalía General de la República*. Annual Report. 2005. Page 182

² AI has followed with interest the creation and conduct of the *Comisión Nacional para la Reforma Policial* (National Police Reform Commission).

Their Families, which would complement the legal framework for the protection of human rights.

- Investigate, punish and eliminate illegal homicides that occur while people are being held on remand or in prison.
- Ensure that police officers and all other public officials receive a fair salary which will afford them, and their families, decent living conditions and will also act as an incentive and compensation for the difficult task in which they are involved as public servants.
- Avoid the adoption of measures that restrict human rights, such as curfews for under-18s or the suspension of constitutional guarantees in border situations. This type of measure tends to favour the mass violation of human rights and impacts on the poorest communities, while failing to resolve the situations for which it was adopted.

Prevent and eradicate domestic violence

Domestic violence is a fundamental violation of human rights. It is a widespread, daily reality for women, the effects of which are devastating for them, their lives, their health, their work and the well-being of their families.

Although Venezuela has developed a legal framework that seeks specifically to protect victims of this type of violence, it is inadequately applied and is not backed by a comprehensive policy to deal with the phenomenon. In this regard, we suggest that the next government take account of the 14-Point Program for the Prevention of Domestic Violence³ drawn up by Amnesty International to build a national policy in this area. The 14 points are:

1. Condemn domestic violence
2. Raise public awareness of domestic violence
3. Use the education system to challenge prejudice
4. Abolish legislation that discriminates against women
5. Ensure that domestic violence is a criminal offence
6. Investigate and prosecute complaints of violence
7. Remove obstacles to prosecutions for domestic violence
8. Provide compulsory training on domestic violence for officials
9. Provide adequate funding
10. Provide places of safety for women fleeing violence
11. Provide support services for women
12. Reduce the risks of armed violence
13. Collect and publish data on domestic violence
14. Let women know what they are entitled to do

Secure the progressive protection of economic, social and cultural rights

³ For more details of this programme, see <http://web.amnesty.org/actforwomen/indez-esl>

Economic, social and cultural rights are also fundamental rights. The denial of these rights in most parts of the world cannot be attributed solely to a lack of resources; it is invariably also a consequence of the unequal distribution of wealth, corruption and discrimination. Furthermore, the lack of legal mechanisms constitutes an obstruction to demanding these rights.

Consequently, the next government must ensure that any social programmes and policies designed to protect these rights are inclusive – paying special attention to the most marginalized sectors, without compromising the rights of other sectors of the population. At the same time, it must ensure that the necessary conditions are created to provide effective legal protection for these rights, that no regressive measures are adopted that might endanger their continuity and an adequate and permanent budget is provided for them. Without economic, social and cultural rights, there is every likelihood that civil and political rights will also be violated, and vice versa, because human rights are indivisible and universal.

Protection for human rights defenders

The monitoring, denunciation and education work carried out by human rights defenders constitutes a guarantee for the protection of human rights in any country. In order that defenders can carry on their legitimate and important work without hindrance, the next government must:

- Adopt the necessary measures to protect human rights defenders.
- Exhaustively, independently and impartially investigate and prosecute attacks on human rights defenders in accordance with the international standards of due process, and strictly implement precautionary and/or provisional measures for their protection.
- Ensure that human rights defenders continue to have the freedom and independence they have enjoyed to date, refraining from approving legal frameworks that could restrict their work, for instance some of the provisions of the International Co-operation Law which is currently before the National Assembly.
- Conduct public information campaigns on the role and importance of human rights defenders in the country.

The right to freedom of expression

The next government must ensure that freedom of expression is fully guaranteed as stipulated in the various international instruments signed by the Republic in this area, in particular with regard to protecting the physical integrity of social communicators and the explicit recognition of the important work they do to promote human rights on behalf of the population; reform, and refrain from promulgating, laws that could restrict freedom of expression; condemn attacks on and the harassment, detention and intimidation of journalists, and the use of tax mechanisms and other administrative measures to exert pressure as a means of media censorship.

Arms Control

According to UNESCO reports, Latin America currently has the worst record of any region in the world for inter-personal violence and the ability to guarantee the right to life. Most

murders committed in the region are associated with firearms and directly affect young people from working class communities on a daily basis. Other violent offences linked to the use of small arms affect every layer of society. The proliferation of small arms is causing an increase in delinquency and widespread violence all over the world, and this doubtless has an adverse effect on development and governability.

The figures for all homicides published by the Ministry of the Interior and Justice (11,342 in 2003; 9,719 in 2004; and 9,412 in 2005) demonstrate that Venezuela is also part of this phenomenon. For its part, the *Dirección de Armamento de la Fuerza Armada Nacional (DARFA)* (Armaments Office of the Armed Forces) has estimated the number of small arms in circulation in the country at 6 million. In this regard, the next government must:

- Implement a national arms control programme⁴ to bring unlawful ownership into line, allow for the registration of ballistic weapons and the control of legal arms and ammunition, facilitate criminal investigations, reduce impunity and promote programmes for the voluntary surrender of weapons that are transparent and verifiable for the population and civil society.
- Ensure that the reform of the Law on Firearms and Explosives under discussion in the National Assembly contains the provisions of international instruments ratified by Venezuela, including the Inter-American Convention against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, (signed and ratified by Venezuela in May 2002); the recommendations of sub-regional coordination mechanisms such as the MERCOSUR Working Group on Firearms and the Framework Law on Firearms which has been developed by the Parliament of Latin America to facilitate the harmonization of legislation in the Region.
- Carry out effective arms controls in prisons, with investigatory, control and punishment measures and incentives for prison officers.
- Guarantee that the manufacture, purchase, sale and decommissioning of State weapons is conducted with transparency, adequate consultation, information and agreement on the part of the population, strictly adhering to international standards governing this field, at least with regard to the registration and marking of weapons and ammunition; take the necessary steps to guarantee the safety of stockpiles; destroy weapons that have been taken out of circulation, whether as a result of obsolescence or confiscation; ensure that weapons and ammunition purchased or manufactured by the Venezuelan State do not fall into the hands of minors, violators or potential violators of human rights, or sectors or individuals who might use them for purposes other than the security and peaceful co-existence of the population.
- Promote the adoption by the UN of a Treaty for the Control of Illegal Trading in Small Arms and Light Weapons.

Amnesty International will be monitoring the situation in the hope that candidates for the presidency will commit themselves to implementing the measures set out in this letter and any others which will promote and protect human rights in Venezuela.

Yours faithfully

Susan Lee

⁴ AI has noted with interest the Ministry of the Interior and Justice's proposed National Arms Control Plan.

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