

**Venezuela: possible withdrawal from the Inter-American Commission on Human Rights**

**European Parliament resolution of 24 May 2012 on the possible withdrawal of Venezuela from the Inter-American Commission on Human Rights (2012/2653(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Venezuela, namely that of 24 May 2007 on the Radio Caracas TV channel case<sup>1</sup>, that of 23 October 2008 on political disqualifications<sup>2</sup>, that of 7 May 2009 on the case of Manuel Rosales<sup>3</sup>, that of 11 February 2010 on Venezuela<sup>4</sup>, and that of 8 July 2010 on the case of María Lourdes Afiuni<sup>5</sup>,
  - having regard to the American Declaration of the Rights and Duties of Man of 1948, which formalised the inception of the Inter-American System for the Protection of Human Rights (IAHRS), and having regard to the creation by the Organisation of American States (OAS) in 1959 of the Inter-American Commission on Human Rights (IACHR), to which Venezuela has been a party since 1977, and to the statutory establishment of the IACHR in 1979,
  - having regard to the setting-up in 1979 of the Inter-American Court of Human Rights, of which Venezuela has been a member since 1981,
  - having regard to its resolutions of 17 June 2010 on EU policies in favour of human rights defenders<sup>6</sup> and of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy<sup>7</sup>,
  - having regard to the concerns expressed on 4 May 2012 by the spokesperson for the UN High Commissioner for Human Rights, Rupert Colville, over Venezuela's possible withdrawal from the IACHR,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas the OAS created its own regional human rights system, with an Inter-American Commission on Human Rights (IAHCR), which came into being in 1959, and an Inter-American Court of Human Rights, which was established in 1979 and whose rulings are based on the American Convention on Human Rights or 'Pact of San José', which

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<sup>1</sup> OJ C 102 E, 24.4.2008, p. 484.

<sup>2</sup> OJ C 15 E, 21.1.2010, p. 85.

<sup>3</sup> OJ C 212 E, 5.8.2010, p. 113.

<sup>4</sup> OJ C 341 E, 16.12.2010, p. 69.

<sup>5</sup> OJ C 351 E, 2.12.2011, p. 130.

<sup>6</sup> OJ C 236 E, 12.8.2011, p. 69.

<sup>7</sup> Texts adopted, P7\_TA(2012)0126.

entered into force in 1978, as a complement and corrective to faltering national justice systems;

- B. whereas the American Declaration of the Rights and Duties of Man includes among the founding principles of the OAS the ‘fundamental rights of the individual’;
- C. whereas 24 out of the 34 members of the OAS have so far ratified the American Convention on Human Rights,
- D. whereas Venezuela is a party to the American Convention on Human Rights and a current member of the IACHR, and is subject to the jurisdiction of the Inter-American Court of Human Rights, which is responsible for interpreting and enforcing the Convention’s provisions; whereas Venezuela participates in the mechanisms of the UN Human Rights Council;
- E. whereas on 2 May 2012 President Chávez announced the establishment of a state committee to evaluate the possibility of withdrawing from the IACHR; whereas on 3 May 2012 Venezuela’s Minister for Foreign Affairs called on other governments in the region to do the same;
- F. whereas from 1970 to 2011 four decisions of the IACHR concerned Venezuela, and whereas the Court has ruled in 12 cases from 2004 to 2012; whereas the OAS, through the IACHR, has warned Venezuela several times over violations of freedom of expression, personal security and impunity, and political rights;
- G. whereas in the last few years Venezuela has on several occasions criticised the IACHR and the Court, and has repeatedly threatened to withdraw, arguing that the IACHR is biased and applies double standards; whereas this is the first time Venezuela has taken serious steps towards withdrawing; whereas since 2002 Venezuela has refused all requests from the IACHR to visit the country;
- H. whereas the content of the EP’s resolutions, notably those on the political disqualification of opposition leaders and acts of political persecution such as the closing of RCTV, has been endorsed by several decisions and recommendations of the IACHR; whereas, following those unfavourable recommendations and their disregard or non-implementation by the Venezuelan authorities, President Chávez has activated the mechanism for withdrawing his country from the above international body;
- I. whereas the President of the Supreme Court of Justice and the Attorney-General of the Bolivarian Republic of Venezuela have both endorsed President Chávez’s proposal to withdraw Venezuela from the IACHR, which clearly demonstrates the total submission of the public authorities, and in particular the judicial authorities, to political decisions made by the head of state;
- J. whereas the IACHR, a highly respected body which has a positive impact in the region, has been crucial in obtaining justice for large numbers of victims of human rights violations, and has also played a key role in the transition to democracy from the dictatorships that previously ruled many countries in the region;
- K. whereas the IACHR, as an autonomous panel consisting of seven independent members who act in a personal capacity without representing a particular country, submits cases to

the Inter-American Court, asks OAS member states to adopt 'precautionary measures' to prevent irreparable damage to human rights in grave and urgent cases, and receives, analyses and investigates individual petitions claiming violations of human rights;

- L. whereas regional human rights bodies play a very important role in the promotion and protection of human rights mechanisms and reinforce universal human rights standards and treaties, as has been repeatedly recognised by the UN General Assembly and its Human Rights Council, as well as by NGOs and human rights defenders;
- M. whereas according to Article 1 of its Statute, the Inter-American Court is an autonomous judicial institution whose objective is to apply and interpret the American Convention; whereas its decisions are binding on the signatories to the Convention;
  - 1. Is concerned at Venezuela's announcement that it is establishing a state committee to evaluate the possibility of withdrawing from the Inter-American Commission on Human Rights, and calls on the Venezuelan authorities to reconsider this position;
  - 2. Fears that withdrawal from the Inter-American System could lead to the isolation of Venezuela and the further deterioration of its human rights record;
  - 3. Encourages the Government of Venezuela and all other states in the region to recognise and implement the IACHR's decisions and recommendations to cooperate with regional and international human rights mechanisms, and urges them not to take any measures that would weaken human rights protection;
  - 4. Welcomes all the work done by the IACHR, notably on issues relating to freedom of expression, the rights of indigenous peoples, the prevention of torture, social rights and women's rights, as well as the fostering of public awareness of human rights in the region, and encourages it to continue this work with a view to achieving full respect for human rights;
  - 5. Supports regional human rights bodies as part of the international human rights system, and invites the EU institutions to intensify their overall support for the Inter-American Court of Human Rights, the IAHR and the Convention;
  - 6. Invites those countries which have not yet acceded to the Inter-American System of Human Rights to do so swiftly and to participate in it fully, thus strengthening the institutional authority of this system;
  - 7. Calls on the Government of the Bolivarian Republic of Venezuela to comply with the international and regional conventions and charters to which Venezuela is a signatory; recalls that under the Venezuelan Constitution all international conventions signed are binding;
  - 8. Deplores the decisions of the Venezuelan legislature and judiciary to support the President's attempt to withdraw from the IACHR, which highlight the country's non-compliance with the principle of the separation of powers and the absolute submission of the legislature and judiciary to the political decisions of the President;
  - 9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and

parliaments of the Member States, the Secretary-General of the Organisation of American States (OAS), the EuroLat Parliamentary Assembly, and the Government of the Bolivarian Republic of Venezuela.