



EUROPEAN PARLIAMENT

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Plenary sitting

22.5.2012

B7-0251/2012

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Venezuela: possible withdrawal from the Inter-American Commission on Human Rights
(2012/2653(RSP))

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on behalf of the ECR Group

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

The European Parliament,

- having regard to its previous resolutions on Venezuela of 23 May 2007 on the Channel Radio Caracas TV, that of 24 October 2008 on political disqualifications, that of 7 May 2009 on the case of Manuel Rosales, that of 11 February 2010 on Venezuela and that of 8 July 2010 on the case of Maria Lourdes Afiuni,
- having regard to the American Declaration of the Rights and Duties of Man of 1948 that formalised the beginning of the Inter-American system for the protection of Human rights (IAHRS), and having regard the creation by the Organization of American States (OAS) of the Inter-American Commission of Human Rights in 1959, being effectively installed in 1979, to which Venezuela is a party since 1977
- having regard to the American Convention on Human Rights of 1969 that creates the Inter-American Court of Human Rights and to which Venezuela is party since 1981,
- having regard to the European Parliament resolution of 17 June 2010 on EU policies in favour of human rights defenders and the EP resolution 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,
- having regards to the concerns expressed by the Spokesperson for the UN High Commissioner for Human Rights, Rupert Colville on Venezuela's possible withdrawal from the IACHR of 4 May 2012,
- having regard to the Universal Declaration of Human Rights of 1948
- having regard to Rule 122 of its Rules of Procedure,

A. Whereas the Inter-American Commission on Human Rights is an autonomous panel created by the Organization of American States (OAS), the commission consists of seven independent members who act in a personal capacity, without representing a particular country; they are elected by the OAS General Assembly;

B. Whereas Venezuela is party to the American Convention on Human Rights and subject to the jurisdiction of the Inter-American Court, which is responsible for interpreting and enforcing the convention's provisions;

C. Whereas the IACHR, highly respected body with 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 ruled many

countries in the region;

D. Whereas on 2 May 2012 President Chavez announced the establishment of a Council of State to evaluate the possibility of withdrawing from the Inter-American Commission on Human Rights (IACHR); whereas on 3 May 2012 Foreign Affairs Minister asked other governments of the region to do the same;

E. Whereas from 1970 to 2011 four decisions of the IACHR concerned Venezuela and the Court ruled over 12 cases from 2004 to 2012; whereas the Organisation of American States through the Inter-American Commission of Human rights warned Venezuela several times on violations of freedom of expression, personal security and impunity, and political rights;

F. Whereas in 2010 the IACHR produced a detailed report outlining Venezuela's failings in "political rights and participation in public life", "independence and separation of public powers" and "freedom of thought and expressions" ;

G. Whereas the IACHR report considers alarming the number of cases of extra-judicial execution; forced disappearances; death threats; abuse of authority; and cruel, inhumane, or degrading treatment meted out by agents of the Venezuelan state ;

H. Whereas for the last few years, Venezuela has at several occasions criticized the Commission and the Court and has repeatedly threatened to withdraw arguing that the Commission is bias, lacks impartiality and constitutes threat to country's national sovereignty;

I. Whereas since 2002 Venezuela has denied all the petitions from the Commission to visit the country on observation missions;

J. Whereas the President of the of the Supreme Court of Justice and the general attorney of the Bolivarian Republic of Venezuela have both endorsed the proposal of president Chávez to withdraw Venezuela from CIDH, what clearly proves the total submission of the public powers, and in particular the judicial power to the political decisions of the Head of the State in that country;

K. Whereas the content of its resolutions, notably those on the political disqualifications of opposition leaders and political persecutions such as the closing of RCTV and others have been endorsed by several decisions and recommendations of the CIDH and whereas as a result of those unfavourable recommendations and their disregard or not implementation by the Venezuelan authorities, president Chávez has started up the mechanism to withdraw the country from the above mentioned international organism;

L. Whereas President Chavez, candidate of his United Socialist Party (PSUV) seeks third six-term in the October 7th general election;

1. Is concerned at Venezuela's announcement that it is establishing Council of State to evaluate in an accelerated procedure the possibility of withdrawing from the Inter-

American Commission on Human Rights and calls on the Venezuelan authorities to reconsider this position;

2. Is afraid that a withdrawal from the IACHR would make it even more difficult for citizens to denounce human rights violation and seek protection at international stage;
3. Fears that a withdrawal from the Inter-American system could lead to further political isolation of the country and significant decline in human rights record;
4. Is of the view that introduction of new Council of State constitutes another prove of systematic concentration of political power in Presidents hands;
5. Welcomes all the work done by the Inter-American Human Rights Commission notably on issues relating to freedom of expression, the rights of indigenous people, torture prevention and fostering public awareness of human rights in the region.
6. Calls on the Government of the Bolivarian Republic of Venezuela to respect and comply with international and regional Conventions and Charters, to which Venezuela is a signatory; reminds that under Venezuelan Constitution all those international conventions signed are compulsory.
7. Deplores the decisions of the legislative and judiciary powers in Venezuela to support Venezuela's President attempt to withdraw from CIDH, which doubtlessly demonstrates the non compliance with the principle of separation of powers in this country and the absolute submission of the legislative and the judiciary to the political decisions of the President of the Republic.
8. 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 (OEA), the EUROLAT Parliamentary Assembly ; and the Government of the Bolivarian Republic of Venezuela.