

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: AMR 53/003/2012
17 May 2012

Debate in Venezuela putting human rights protection at risk

Amnesty International is concerned about statements by the Executive, and support emanating from the Venezuelan National Assembly, in favour of a possible withdrawal from the inter-American human rights system.

“A decision of that kind, which would mean Venezuela leaving the Organization of American States (OAS), is extremely serious,” Guadalupe Marengo, Deputy Director of the Americas Programme, said.

Venezuela’s withdrawal from the inter-American system would mean that Venezuelans would be denied access to an important judicial avenue and this would clearly contravene the Bolivarian Constitution of Venezuela, where article 31 states that “Everyone has the right, on the terms established by the human rights treaties, pacts and conventions ratified by the Republic, to address petitions and complaints to the intentional organs created for such purposes, in order to request protection of his or her human rights”.

One of the reasons why States created the inter-American human rights system was to ensure that their people had a supranational court to turn to if they were unable to obtain justice and redress for human rights violations through the domestic court systems, precisely because States recognized the challenges in ensuring this at a domestic level.

In this regard, the inter-American system, composed of the Inter-American Commission of Human Rights and the Inter-American Court of Human Rights – is a necessary adjunct to the protection provided by domestic courts in the Americas. Over the years thousands of victims and their families across the continent have found the organs of the inter-American system to be the only possible means for them to obtain justice when it has been denied at the domestic level. In particular, the mechanisms of precautionary and provisional measures have saved the lives of numerous people who were in danger due to imminent risk.

At the end of the 1970s the inter-American system was recognized for, among other achievements, its work on cases of thousands of people who “disappeared” in the Southern Cone. Today it deals with a wide variety of cases, ranging from the situation of people deprived of liberty to the right to education throughout the region. For example, the inter-American system has urged the United States to establish a competent court to determine the status of the detainees held at Guantánamo, as well as ruled that the Dominican Republic must ensure access to free primary education for all children in relation to the case of two girls of Haitian descent. In this regard, it is worth emphasizing that all Member States of the Organization of American States have been the subject of petitions filed before the inter-American system.

Between 2004 and 2009, the Inter-American Commission received over 7,500 petitions concerning individual and collective rights. As well as enabling those victims to access justice, it is important to note that decisions made within the inter-American system also lead to structural changes that have guaranteed the rights of millions of people in the countries of the region.

Maria da Penha – a Brazilian woman who was left paralyzed after being abused by her husband – spent years seeking for justice in the Brazilian courts to no avail, which prompted her to take her case to the inter-American system. In 2006, in compliance with recommendations made

by the Inter-American Commission, Brazil passed a key law against domestic violence and launched a national plan to tackle violence against women. Moreover, Maria's husband was finally brought to justice and she received reparations.

“International scrutiny by regional and international mechanisms brings challenges for the States involved, but having organs with a track record such as that of the inter-American system is essential to guarantee the human rights of all peoples on the American continent. We are confident that the Bolivarian Republic of Venezuela will decide to ensure this and future generations of Venezuelans will have access to a mechanism that for decades has demonstrated its key role in guaranteeing human rights for all, especially for those who are in the most vulnerable situations” Guadalupe Marengo said.