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Ministry for Foreign Affairs
Avenida Urdaneta, Torre MRE
1010
Caracas
Venezuela

25 October 2012

Dear Minister,

OPEN LETTER: THE BOLIVARIAN REPUBLIC OF VENEZUELA'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 12 November 2012. We welcome your submission of election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the letter dated 22 February 2012 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the General Assembly.¹

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² On the occasion of Venezuela's candidacy, we take the opportunity to comment on your election pledges and to note additional opportunities for your government to promote and protect human rights. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.³

Amnesty International notes Venezuela's recent denunciation of the American Convention on Human Rights, thereby withdrawing from the jurisdiction of the Inter-American Court of Human Rights. We urge Venezuela to reconsider this decision, and we take this opportunity to stress the importance of your cooperation with the UN human rights system to uphold the highest standards of human rights at the national and international levels.

Commitments at the international level

Ratification of international human rights instruments

We welcome your commitment to deposit before the end of 2012 the Convention on the Rights of Persons with Disabilities and its Optional Protocol. We wish to take this opportunity to also encourage you to ratify the international human rights instruments that are still outstanding, in particular the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention for the Protection of All Persons from Enforced Disappearance.

¹ A/67/70.

² A/RES/60/251, para 9.

³ Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

Cooperation with the Special Procedures

We note your commitment to cooperate with the Special Procedures. In line with that commitment, we urge you to facilitate without delay the visits to Venezuela requested by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the right to food.

Cooperation with the treaty monitoring bodies

We note your undertaking to monitor your commitments under the treaties to which Venezuela is a party. We also note your commitment to submit by July 2012 the periodic report due to the Committee on the Rights of the Child, and we urge you to do so without further delay.

Engagement with the Universal Periodic Review

We note your undertaking to monitor your commitments under the Universal Periodic Review (UPR).

During the UPR of Venezuela in 2011,⁴ your government undertook to support the activities and publicly recognize the role of human rights defenders.⁵ Venezuela also accepted recommendations to ensure human rights training of the police.⁶ We urge you to implement these recommendations without delay and to ensure that torture, ill-treatment, and unlawful killings by law enforcement officials will not be tolerated.

Participation in the deliberations of the Human Rights Council

We note your commitment to cooperate with the Human Rights Council, its Special Procedures and its universal system of promotion and protection of human rights, as well as your commitment to strengthen the role of the Council as a transparent, efficient and objective body.

In this regard, we urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

Commitments at the national level

We welcome your national commitments to implement and develop social programmes in respect of health, employment, education, food, social assistance, and public safety; to adopt a human rights approach in migration policy; to enhance human rights within the correctional system; to increase access to the justice system; to intensify efforts to reform the police force; to undertake necessary action to protect freedom of expression and opinion; and to strengthen the mechanisms for civic participation and the right to vote.

⁴ Report of the Working Group on the Universal Periodic Review, Venezuela (Bolivarian Republic of), 7 December 2011 (A/HRC/19/12).

⁵ A/HRC/19/12, recommendations 93.16 (Canada) and 93.17 (Brazil).

⁶ A/HRC/19/12, recommendations 94.30 (Cuba) and 94.34 (Malaysia).

We call on you to translate these commitments into concrete steps to ensure that all people in Venezuela have access to justice, without discrimination, through an independent and impartial judicial system, and can live without fear of violence.

We welcome the pledges and commitments already made by Venezuela, and we urge your government to use this opportunity to further strengthen its election pledges by including the additional elements listed above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges and to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter also has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

Guadalupe Marengo
Deputy Director
Americas Regional Program