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The Situation of Human Rights in Venezuela

Report of the Standing Committee on Foreign Affairs and International Development

**Dean Allison, M.P.
Chair**

Subcommittee on International Human Rights

**Scott Reid, M.P.
Chair**

JUNE 2012

41st PARLIAMENT, 1st SESSION



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THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

has the honour to present its

THIRD REPORT

Pursuant to its mandate under Standing Order 108(1) and (2), the Subcommittee on International Human Rights has studied the situation of human rights in Venezuela and has reported to the Committee.

Your Committee has adopted the report, which reads as follows:

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THE SITUATION OF HUMAN RIGHTS IN VENEZUELA

Introduction

Over the decades, Venezuelans have experienced both notable improvements and at times, alarming deterioration in the protection of their human rights and democratic institutions. In March 2010, in response to international concern regarding recent Government of Venezuela actions to clamp down on its critics as well as its perceived inaction in the wake of several attacks against the country's Jewish community, the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (hereafter the Subcommittee) agreed to study the human rights situation in the country. The Subcommittee held eight hearings on this topic in the 3rd Session of the 40th Parliament, and two in the 1st Session of the 41st Parliament. In addition to representatives from the Department of Foreign Affairs and International Trade (DFAIT), witnesses from leading think-tanks, human rights organizations and academia gave compelling testimony.

Although the Subcommittee as a whole did not meet with representatives from the Government of Venezuela, Mr. Scott Reid, Chair of the Subcommittee, did have the opportunity to engage with representatives from the Venezuelan government and legislature regarding the human rights situation in the country. The Chair was encouraged by their stated commitment to the protection of all human rights in Venezuela. The Subcommittee hopes that now and in the future, the Government of Venezuela will take concrete action to respect, protect and fulfill all of its international human rights obligations.

Based on the evidence it received and on publicly-available information, the Subcommittee agrees to report the following findings and recommendations to the House of Commons Standing Committee on Foreign Affairs and International Development.

The Challenge

In examining the human rights situation in Venezuela, it became evident to Subcommittee members that the domestic and international discussion surrounding the issue is characterized by considerable differences in perspectives and assessments, and, as a result, can be highly politicized. Several witnesses addressed this issue directly. For example, Dr. James Rochlin from the University of British Columbia explained that:

[...] whenever we're discussing Venezuelan politics or human rights, the discussion is highly polarized. It is highly polarized within Venezuela and highly polarized outside of Venezuela. Within Venezuela, you have a situation where the recently poor, who benefit from Chávez's economic policies, strongly support him, whereas the middle class, the

upper class, or those who might be friendly to local or international business find his policies very antithetical to their own interests.¹

Similarly, Dr. Rochlin characterized the debate outside Venezuela as being shaped by profound differences between right- and left-wing commentators and academics, with the former being overly critical of the Chávez regime and its policies and not recognizing its accomplishments, and the latter tending to romanticize President Chávez's Bolivarian revolution while ignoring considerable problems in that country or attributing them to outside pressures. Dr. Jennifer McCoy, Director of the Carter Center's Americas Program, also spoke to this challenge, stating that Venezuela is "a country that is itself very polarized. It also polarizes outsiders looking at it and trying to judge it."²

Even reputable international human rights organizations are not immune to accusations of bias. A stark example was the debate surrounding the 2008 Human Rights Watch report entitled [*A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*](#), which elicited a strongly worded response from close to 120 Latin America scholars from around the world. In their open [letter](#), they stated that the organization, in its reporting, did "not even meet the most minimal standards of scholarship, impartiality, accuracy, or credibility," and that the document "appears to be a politically motivated essay rather than a human rights report." Human Rights Watch [defended](#) its report, methodology and sources, arguing that "[t]he human rights problems we have documented in Venezuela are very real and deserve serious attention. By disseminating unfounded allegations regarding our report, your letter provides little more than an unhelpful distraction, which [...] can only serve to undermine legitimate efforts to promote human rights in Venezuela."

Several witnesses gave their explanations as to why this polarization exists. According to Ms. Guadalupe Marengo, Deputy Director of from Amnesty International's Regional Program for the Americas:

[...] President Hugo Chávez's government brought in legislation in 2001, legislation to change economic and social policies. That started to create a strong polarization in the country. It resulted in a coup in 2002 in which the president was ousted for 48 hours. Since that 2002 coup the country has become increasingly polarized. The polarization has also meant that for the past years the government and the authorities have become less and less tolerant of any criticism.³

With respect to the changes brought in by President Chávez, Dr. McCoy explained that "President Chávez has taken a strategy of confrontation to bring about change. As he's used this strategy of confrontation, that has also produced backlash."⁴ Mr. Victor Armony, a professor in the Department of Sociology and Director of the Observatory of the Americas at the Université du Québec à Montréal, explained that "one

1 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

2 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

3 [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

4 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

shouldn't ignore that this left-right polarization in Venezuela reflects to a certain extent the division between social classes.”⁵

It was therefore important for members of the Subcommittee to meet with a wide spectrum of experts on this study in order to get the most complete picture of the situation on the ground and to report on their findings in the most balanced way possible. As suggested by Dr. Rochlin and other witnesses, “[...] probably the most prudent path would be somewhere in between those two poles, and not to fall to either extreme but to realize what are the positive accomplishments and what are the negative aspects, in terms of human rights.”⁶

Outline

This report is structured in a similar way to the reports of United Nations human rights treaty bodies, beginning with a discussion of positive developments, followed by a discussion of the concerns, and concluding with observations and recommendations.

Part 1 of this report, therefore, focuses on the recent improvements in Venezuela with respect to human rights. Progress in the domain of civil and political rights includes formal protection for human rights in Venezuela's Constitution and stronger protections of democratic rights, particularly with respect to voter participation and the level of confidence Venezuelans have with the voting process, and thus, election results. Legislation protecting women from violence is another positive development because it helps to fulfill Venezuelan women's rights to life, security, freedom from discrimination, and equality before the law, among other rights. Progress in social, economic and cultural rights includes efforts by the Government of Venezuela to increase Venezuelans' standard of living and their access to health care and education.

Part 2 of the report discusses the concerns the Subcommittee has with respect to human rights in the country. Rights pertaining to democratic governance and the rule of law, such as due process rights, judicial independence, and the separation of powers are not fully protected in Venezuela. Some sectors of the population have had their rights to freedom of expression, assembly and association constrained. The Subcommittee discusses specifically the situation facing the media, human rights defenders and NGOs. The Subcommittee also notes that abuses have been committed by opposition actors against pro-government supporters. Next, the Subcommittee examines the security situation in Venezuela, which we believe is exacerbating the human rights situation in the country. Crime rates have risen over the past decade and there has been a proliferation of small arms in the country, many of which are finding their way into the hands of would-be criminals. A lack of capacity and professionalism has left the criminal justice and prison systems unable to cope with rising crime, despite some positive developments with respect to police reform. It is reported that Venezuela also suffers from corruption and impunity which permeate much of the government and many of its institutions. Often,

5 [Evidence](#), Meeting No. 13, 3rd Session, 40th Parliament, May 6, 2010.

6 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

human rights violations by state actors and abuses by non-state actors are not investigated promptly and effectively. The resulting lack of accountability denies to victims and their families resolution, legal redress and access to other remedies.

Part 3 of this report outlines the geo-political considerations that were highlighted by witnesses, including Venezuela's human rights record within the context of regional human rights challenges, as well as Venezuela's relations with Colombia and Iran. Part 4 outlines the Government of Canada's bilateral, regional and multilateral engagement with the Government of Venezuela and Venezuelan civil society on human rights issues.

The Subcommittee presents its conclusions and recommendations in Part 5.

Part 1 – The Situation of Human Rights in Venezuela: Positive Developments

Under President Chávez, there have been several notable positive developments with respect to human rights in Venezuela. Every witness who appeared before the Subcommittee recognized and described the progress made by the Government of Venezuela with respect to certain civil, political, social, economic and cultural rights. The Government of Venezuela must continue implementing legislation and programming so that Venezuelans can continue to fully enjoy those rights.

1. Progress in Civil and Political Rights

a. Formal Protection for Human Rights in the Constitution

Ms. Ligia Bolivar Osuna, co-founder and board member of the well-respected Venezuelan human rights NGO: Venezuelan Program for Education — Action in Human Rights (PROVEA), stated that the 1999 Constitution does in fact contain “one of the most comprehensive catalogues on human rights.”⁷ She noted that at that time, debate surrounding the Constitution “opened a wide discussion within the country, and human rights was one of the key issues during that discussion.”⁸ She described this debate as well as the resulting constitutional guarantees as “very positive action.”⁹ She also added that the human rights guarantees within the Constitution are “why people feel proud of the Constitution, and that's why people are demanding the rights that the Constitution recognizes.”¹⁰ Dr. María Paez Victor from the Bolivarian Circle Louis Riel / Hands Off Venezuela stated that “The Constitution is not a boring topic for Venezuelans. On the contrary, it's sold in the streets, and people carry it around with them and discuss it.”¹¹

7 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

8 Ibid.

9 Ibid.

10 Ibid.

11 [Evidence](#), Meeting No. 12, 3rd Session, 40th Parliament, May 4, 2010.

Ms. Lesley Burns, Project Manager at the Canadian Foundation for the Americas (FOCAL)¹² concurred with this assessment, stating that “people do carry around their constitutions and people regularly refer to their constitutional rights. It's quite impressive.”¹³ In the Subcommittee’s view, the popular legitimacy of Venezuela’s Constitution is a positive development because it ensures that the people of Venezuela have a key tool with which to hold their government accountable.

Under international law, Venezuela has an obligation to respect and ensure the human rights of all individuals in its territory and subject to its jurisdiction. This obligation applies to all branches of government — the executive, the legislature and the judiciary.¹⁴ In the Subcommittee’s view, therefore, increased public participation in debates about constitutional protections for human rights under Venezuelan law is a very positive development.

b. Democratic Rights

According to several witnesses, popular participation in the elections has increased dramatically and there do not appear to have been significant irregularities in proceedings on polling days or in the tallying of votes.

As indicated by several witnesses, in the years before Hugo Chávez was elected President, two main political parties alternated power every four years via elections. However, at that time, “70% of Venezuelans did not have any identity documents, and 90% of those without them were part of the working classes.”¹⁵ This meant that a significant proportion of the population could not vote. When President Chávez came to power and began implementing the Bolivarian Revolution’s *Identidad* mission, the government distributed close to 9 million identity cards, which allowed Venezuelans “to vote and do their civic duty.”¹⁶ Dr. McCoy explained that this has been part of the government’s “experiment to increase participation and social inclusion of sectors of the

12 The Subcommittee notes that the Canadian Foundation for the Americas is no longer in operation. Members commend the contribution this organization has made to the policy debate in the Americas over the last 20 years from citizen security to migration to governance and development. The testimony brought forward by their representatives Ms. Lesley Burns and Mr. John Graham, greatly enhanced the Subcommittee’s understanding of the human rights situation in Venezuela.

13 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

14 [International Covenant on Civil and Political Rights](#), December 16, 1966, 99 U.N.T.S. 171 (in force March 23, 1976, ratified by Canada and Venezuela), art. 2 [ICCPR]; [Inter-American Convention on Human Rights](#), November 22, 1969, O.A.S. Treaty No. 36, articles 1 and 2 (in force July 18, 1978, not ratified by Canada) [IACHR]. Venezuela has ratified the IACHR. However, President Chávez has announced his intention to withdraw from the Inter-American Commission on Human Rights, the expert body that reviews states’ compliance with the IACHR.

15 [Evidence](#), Meeting No. 12, 3rd Session, 40th Parliament, May 4, 2010.

16 Stéphanie Vaudry, *ibid.*

population that had been excluded [...] in terms of their ability to participate in political decision-making.”¹⁷ She further stated that:

We can see the increase in participation mechanisms politically in the large number of votes and referenda as well as in local neighbourhood communal councils and various experiments at that level.¹⁸

Dr. McCoy, who personally monitored Venezuela’s national elections in 1998, 2000, 2004, and 2006, illustrated the significant changes made to the electoral system. She indicated that between 2004 and 2006, confidence in the elections process was seriously eroded, due to a lack of trustworthy audit and security mechanisms. As a result, in 2004, opposition parties garnered enough signatures to recall the President from his position — a form of referendum that is legally sanctioned under the Constitution. Since then, the government has worked “to create a number of mechanisms and audits so that the political parties and the citizens will have confidence in the system.”¹⁹ According to Dr. McCoy, “Venezuela actually has the most advanced automated voting system in the world,”²⁰ including touch-screen voting machines, the transmission of votes and the identification of voters at the polls. She noted that the Venezuelan population now has a “high level of confidence”²¹ in the electoral system, including the electronic voting machines.

Similarly Mr. John Graham, Chair Emeritus of FOCAL, noted that elections “take place in accordance with a constitutionally approved schedule. So far, what happens in the secrecy of the voting booth appears to remain secret, and the results of voting have been fairly presented.”²² For example, in Venezuela’s September 2010 parliamentary elections, the opposition gained more seats in Congress, thereby removing the two-thirds majority that had allowed President Chávez to push legislation through unfettered. The results of this election were not disputed.

The Subcommittee observes that international human rights law guarantees all citizens the right to vote, to participate in public affairs and to have equal access to public services in their country.²³ Thus, members recognize the importance of Venezuela’s efforts to increase electoral participation and voter confidence in the electoral system.

17 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

18 *Ibid.*

19 *Ibid.*

20 *Ibid.*

21 *Ibid.*

22 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

23 ICCPR, art. 25; IAHCR, art. 23.

c. Citizen Security

As will be discussed in Part 2, Venezuela has serious challenges with respect to citizen security. However, the Subcommittee recognizes the efforts that have been made by the Government of Venezuela to ameliorate the situation through police reform and the recent promulgation of a law protecting women against violence.

i. Police Reform

One aspect of citizen security that has shown some improvement is police reform. The Subcommittee was told that four years ago, a commission on police reform recommended the creation of a national police force. This recommendation is currently being implemented by the Government of Venezuela.²⁴ As Dr. Paez Victor explained, “there’s now one academy where the police have to go, and they have to learn about community policing. They have to learn about human rights.”²⁵ In “October 2008, for the first time, 5,000 policemen were specifically trained in human rights during a two-year course.”²⁶ Ms. Bolivar Osuna elaborated on this issue:

The national police [were] created a couple of years ago. The person who has been appointed as executive secretary to design and monitor all the implementation of the process is a person who came from the human rights NGO movement. Her name is Soraya El Achkar. She’s a very prominent human rights defender in Venezuela with high credibility, and I’m sure she’s doing her best to make this happen with a lot of resistance from her boss, who is the Minister of the Interior.

Members of my team, Provea, members of all of the human rights organizations, are doing our best to make this happen. We’re contributing every Wednesday to the education of these new policemen on human rights.²⁷

According to correspondence sent from DFAIT to the Subcommittee on April 27, 2012, Canada is assisting with police reform in Venezuela. At the request of the Government of Venezuela, Canada “has provided expertise on the development of a community policing model.”²⁸ This has included visits by academics, members of the Royal Canadian Mounted Police (both police and civilian), and the Montréal police to assist on issues such as “youth and drug prevention, assistance to victims, and models of police and community consultations and interactions.”²⁹

This police reform has contributed to “a considerable reduction in the reports of abuse by police.”³⁰ In addition, “the police have been forbidden from having live

24 Jennifer McCoy, [Evidence](#), 41st Parliament, 1st Session, Meeting No. 28, March 13, 2012.

25 [Evidence](#), Meeting No. 12, 3rd Session, 40th Parliament, May 4, 2010.

26 Ibid.

27 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

28 Department of Foreign Affairs and International Trade, *Correspondence*, April 27, 2012.

29 Ibid.

30 Ibid.

ammunition during demonstrations.”³¹ Dr. McCoy stated that the need for continuing police reform is “evident.”³² With that, she gave her assessment of the current situation:

[...] the principle, of trying to create a more effective police force and getting rid of some of the corrupt, abusive, or untrained officers. That is definitely in process, but still has a long way to go. It’s a hybrid situation right now, in the process of transition.³³

The Subcommittee recognizes that the police play a critical role in ensuring the protection of the rights to life, liberty and security of the person for all individuals. Police must effectively control crime and violence without undermining states’ human rights commitments.³⁴ Members agree with the Inter-American Commission on Human Rights, which stated that “[t]he police force is a fundamental institution to uphold the rule of law and to guarantee the security of the population.”³⁵ A properly trained, politically neutral and honest police force is vital to the effective functioning of a democratic system of government.

The Subcommittee considers the federal police reforms undertaken by the Government of Venezuela to represent a positive step. The Subcommittee also notes, in particular, the explicit inclusion of human rights training for police officers, the involvement of human rights NGOs in police training, and the openness to the development of policing expertise through international cooperation that the Government of Venezuela has demonstrated. Members hope these initiatives will be sustained and strengthened.

ii. Protecting the Disadvantaged, Vulnerable and Marginalized

Another area where Venezuela has made progress, according to testimony heard by the Subcommittee, is in promoting and protecting women’s human rights. In particular, as Ms. Marengo noted, the government promulgated a “very progressive law on the right of women to a life free from violence”³⁶ in 2007.

International human rights law guarantees women and men freedom from discrimination, equality before the law, and the right to security.³⁷ The Subcommittee notes

31 María Paez Victor, [Evidence](#), Meeting No. 12, 3rd Session, 40th Parliament, May 4, 2010.

32 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

33 Ibid.

34 This important role and responsibility is based in international human rights law and recognized in international standards: [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, August 27 to September 7, 1990; [Code of Conduct for Law Enforcement Officials](#), adopted by UN General Assembly resolution 34/169 of December 17, 1979.

35 Inter-American Commission on Human Rights, [Report on Citizen Security and Human Rights](#), Organization of American States, December 31, 2009, OAS Doc. OEA/Ser.LV/II.Doc.57, para. 77 [Inter-American Commission, *Report on Citizen Security and Human Rights*].

36 [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

37 ICCPR, arts. 2, 3, 6, 7, 9, 26; IACHR, arts 1, 2, 3, 5, 7, 24, 25; [Convention on the Elimination of All Forms of Discrimination Against Women](#), December 18, 1979, 1249 U.N.T.S. 13 (in force September 3, 1981, ratified by Canada and Venezuela) [CEDAW].

the importance of taking effective steps towards halting violence that impairs women's full enjoyment of their human rights. Members hope that the Venezuelan government allocates the necessary resources to allow for the full implementation of the law.

2. Progress in Social, Economic and Cultural Rights

Reducing poverty and improving the standard of living in Venezuela has been a priority of the Chávez government since he came to power, according to a document entitled "Achieving the Millennium Development Goals" (MDGs) given to the Chair of this Subcommittee by the then-Venezuelan Ambassador to Canada, Her Excellency Jhannett Madriz Sotillo, in December 2010. Every witness appearing before the Subcommittee noted the positive accomplishments by the Chávez government with respect to social and economic improvements. As Ms. Marengo noted, "[t]here have been improvements in human rights, because social and economic rights are actually human rights."³⁸

a. Prosperity, Health and Education for all Venezuelans

As indicated by Ms. Alexandra Bugailiskis, who was the Assistant Deputy Minister for Latin America and the Caribbean at DFAIT in 2010, President Chávez "has taken some measures to try to reduce the inequality in a very unequal situation. There is no doubt about that."³⁹ According to several witnesses, narrowing the previously extreme levels of income inequality in the country has been a significant achievement. Dr. Rochlin went as far as arguing that "nobody in my generation [...] has done more to help the poor than Chávez has."⁴⁰

The following data and analyses were provided to the Subcommittee by various witnesses:

- Access to primary health care has increased to nearly 100%. Illiteracy has been nearly eradicated and infant mortality has decreased by more than half;⁴¹
- Poverty in Venezuela was reduced by 34% between 1999 and 2009;⁴²
- "Venezuela is one of the countries in the region that has reduced inequality and poverty the most in the last decade";⁴³

38 [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

39 [Evidence](#), Meeting No. 9, 3rd Session, 40th Parliament, April 22, 2010.

40 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

41 Guadalupe Marengo, [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

42 James Rochlin, [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

43 Neil Reeder, [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

- Venezuela is ranked “tenth among the best-nourished countries in the world;”⁴⁴
- Venezuela has achieved the first target of the MDGs, to halve the number of persons living in extreme poverty between 1990 and 2015;⁴⁵
- According to the United Nations Human Development Index (HDI), which ranks countries from the very best at number one down to the 180s, Venezuela’s rank improved from 75 in 2005 to 58 in 2009.⁴⁶

The Subcommittee was interested in Venezuela’s current HDI ranking and its comparison to the country’s rank prior to the election of President Chávez. However, in 2010 and 2011, the United Nations Development Programme (UNDP) and other international agencies improved their data series and made corresponding changes in their evaluation and reporting. In addition, in recent years, 18 more countries were added to the list. Although this means that the 2010 and 2011 HDI indices and rankings are not comparable to previous years, a table was purposely included in the [UNDP 2011 report](#) (p. 123) using consistent data in order to make a comparison possible from 1980 to 2011. In terms of Venezuela’s HDI, the table shows that it has improved from 1980 to 2011, with its biggest improvements occurring under the Chávez government:

Year	1980	1990	2000	2005	2009	2010	2011
HDI	0.623	0.629	0.656	0.692	0.732	0.734	0.735

Dr. Rochlin noted the improvements in health care, which include the opportunity for 15,000 Venezuelan medical students to attend medical school in Cuba every year and the presence of around 20,000 to 30,000 Cuban doctors and paramedics in the country. This has particularly helped families in the countryside gain access to health care. Ms. Stéphanie Vaudry from la Société bolivarienne du Québec also stated that the government, through its various programs or “missions,” provides the following: free pharmaceutical products (*SUMED* mission); access to surgery for those with vision problems (*Miracle* mission); support to the homeless or those with addiction problems (*Negra Hipólita* mission); and food for single mothers (*Madres del Barrio* mission).

The Subcommittee recognizes and respects Venezuela’s work towards the progressive realization of internationally protected economic, social and cultural rights.⁴⁷

44 Ibid.

45 Ibid.

46 James Rochlin, [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

47 Economic, Social and Cultural rights are protected under the [International Covenant on Economic, Social and Cultural Rights](#), December 16, 1966, 993 U.N.T.S. 3 (in force January 3, 1976, ratified by Canada and Venezuela); as well as under the IACHR, art. 26.

Part 2 – The Situation of Human Rights in Venezuela: Concerns

As discussed in this report so far, there have been improvements to the situation of human rights in Venezuela, particularly with respect to social, economic and certain political rights. However, there are also indications of growing dissatisfaction among the populace, including with the government's failure to implement and respect all of the rights enshrined in the constitution. For example, Ms. Bolivar Osuna told the Subcommittee that at the time the Constitution was adopted, it was easy for the government to blame the poor state of human rights in the country on the previous regime. However, "after 11, or 10, or 9 years, people started to feel very uncomfortable and unhappy with the lack of results."⁴⁸ Or, in Ms. Lesley Burns' words:

When he [President Chávez] was first elected in 1998, people really wanted this change. They backed this constitution. Now there are a lot of people who still think that the word of the constitution is good but that it's not being implemented the way it was intended to be.⁴⁹

The Subcommittee is concerned that those who are taking to the streets to voice their dissatisfaction are met with harassment and increasingly, detention. The Subcommittee is also concerned that this lack of respect for certain fundamental civil and political rights will erode the progress that has been made with respect to Venezuela's human rights record.

As Ms. Burns of FOCAL told the Subcommittee in 2011:

The link between democracy and human rights is obvious. It is embedded in the Universal Declaration of Human Rights, which states that the respect for human rights requires certain features such as freedom of speech, access to power, the exercise of power in accordance with the rule of law, the separation of powers, and transparency and accountability in public administration. These features are directly associated with democratic governance, and they are all compromised currently in Venezuela.⁵⁰

Violations of rights to freedom of expression, association and assembly, as well as the right to a fair trial before an independent and impartial tribunal have affected, in particular, members of the political opposition, the media and human rights defenders. Such violations have occurred in tandem with an increasing concentration of power not only around the executive, but around President Chávez himself. To illustrate the latter point, Dr. Rochlin noted that it is significant when the vice-president "calls [President Chávez] a megalomaniac and says there isn't enough internal discussion and that this revolution has become more about him than the people."⁵¹

48 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

49 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

50 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

51 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

This concentration of power has allowed the government to interfere in the judicial process thereby compromising any checks on executive authority. There have also been instances where the government has used the judiciary to criminalize dissent and to punish those who defy its objectives.

Abuses by opposition groups have also been reported.

As mentioned briefly in Part 1, Venezuela has severe challenges with respect to citizen security. Crime rates and the proliferation of small arms in the country have risen over the past decade or so. Both state and non-state actors are allegedly involved in committing related abuses such as murder, kidnapping and harassment. Vulnerable groups, including women and religious minorities, may be disproportionately affected by crime. Therefore, the government is required to take appropriate measures and exercise due diligence to prevent, punish, investigate and remedy the harm that may be caused by such acts by state and non-state actors. The Subcommittee is particularly concerned that the positive law promulgated to protect women against violence lacks the resources to be implemented fully. In addition, specific attacks in 2004, 2007 and 2009⁵² against the Jewish community which have coincided with the government's hardening political stance towards Israel are also of concern.

Despite the ongoing police reform, the country's criminal and prison systems remain weak and corrupt. This allows perpetrators to act in an environment of impunity and ultimately denies victims and their families their right to legal redress and other remedies.

Finally, with respect to social and economic rights, progress made in this area is under threat due to constraints on political and civil rights as described above. As well, the current state of Venezuela's economy and global economic forces may hinder its ability to sustain the social programs its population has come to rely upon, thereby increasing social unrest.

1. Concerns with Respect to Civil and Political Rights

a. Democratic Governance and the Rule of Law

The Subcommittee is concerned about constraints placed on members of the political opposition pre- and post-election, the lack of independence and impartiality of the judiciary, and the ongoing criminalization of dissent.

A number of witnesses discussed the nature of democratic governance and the rule of law in Venezuela. Dr. McCoy provided some historical context:

In the pre-Chávez era, let's say, certainly it was a democracy. Alternating political parties took office, but a large group of people in the poorer sectors felt excluded and felt invisible. For example, they didn't all have identity papers, and therefore voting rights,

52 For a detailed account of these incidents, please see Section 5 of Part 2.

and weren't able to participate. This government has tried to address that issue and bring them all in, in terms of those political rights, to participate more.⁵³

Ms. Burns explained the current government's goals with respect to its definition of democracy and political rights: "[The] current process of reform in Venezuela does not strive to uphold liberal, Western democracy but rather a Bolivarian or social democracy based on increased and direct citizen participation."⁵⁴ Dr. Rochlin further stated that the model used in Venezuela and other Bolivarian Alliance for the Peoples of our America (ALBA) countries "tend to be the model that's based more on referendum. What you get in this kind of situation, I would suggest, although it's democratic enough in terms of vote per vote, is a tyranny of the majority. That is, the same majority dominates in every election, and the minority is constantly shut out."⁵⁵

Mr. Armony discussed the consequences of this model of democratic governance: "The Chávez government is using its parliamentary majority to achieve its goals and it is not afraid of pushing the limits of what is legitimate or of reinterpreting what is legal to its own advantage."⁵⁶ Although "based on our understanding of democracy, this is fairly negative ... we cannot say that this is an undemocratic regime."⁵⁷

While this overall characterization of the political system may be valid, recent trends, including restrictions placed on members of the political opposition who are either running for office or denied access to their office once elected, have many witnesses concerned. Witnesses were also concerned that power in Venezuela "is not exercised in accordance with the rule of law."⁵⁸ In particular, the minimal checks and balances on the executive designed to put some constraint on the arbitrary exercise of power, as well as due process rights before courts and tribunals are not fully respected; there is inadequate protection of judicial independence and impartiality; and in some cases, victims of human rights violations have not had access to effective remedies.

i. Political Participation by Opposition Members and Due Process Rights

Members of the political opposition face a number of obstacles to running in elections and effectively executing their mandate once elected to their position.

Despite positive development with respect to the electoral system there are still concerns with other aspects of the electoral process. As Mr. Graham argued:

53 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

54 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

55 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

56 [Evidence](#), Meeting No. 13, 3rd Session, 40th Parliament, May 6, 2010.

57 Ibid.

58 Lesley Burns, [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

While one key part of the electoral system still works, that does not validate the whole process. The election playing field is not remotely even. There is no limit on government resources, including transport and the use of controlled media. Key electoral tribunals are controlled by government appointees.⁵⁹

Mr. Graham, along with several other witnesses, also noted that “With alarming frequency, opposition candidates are jailed or otherwise disqualified.”⁶⁰ For example, Ms. Burns told the Subcommittee that prior to the country’s 2008 state and municipal elections, approximately 400 people were banned from running. The same witness indicated that “most of the people were banned based on corruption charges,”⁶¹ and at the time of her appearance, those detained had not yet been tried.

Several witnesses noted in particular a recent high profile case that was investigated by the Inter-American Court on Human Rights. In the lead up to the country’s September 2010 legislative elections, Mr. Leopoldo López, the mayor of Chacao, was disqualified from running for political office until 2014 as a result of an administrative decision finding that he had mishandled public funds. The Inter-American Commission on Human Rights brought the case before the Inter-American Court, arguing that the importance of political participation rights required respect for the highest standards of due process before a citizen could be deprived of the right to stand for political office.⁶² Having regard to the importance of the right in question, the Inter-American Court held that the administrative decision disqualifying Mr. López was inadequately reasoned. The lack of a reasoned basis for the disqualification, in turn, prevented Mr. López from appealing the decision effectively, violating his right to an effective judicial remedy. The Court ordered Venezuela to set aside the disqualification and to permit Mr. López to register as a candidate if he wished to do so.⁶³

According to Mr. Neil Reeder, Director General for Latin America and Caribbean at DFAIT, when the Inter-American Court eventually ruled that Mr. López should be reinstated, Venezuela’s Supreme Court held firm on its original decision — that Mr. López was free to run for office but could not manage public funds if he won. The candidate eventually withdrew from the race for the nomination.

With respect to this specific case, Canada’s ambassador to the Organization of American States (OAS) underscored, at an October 2010 meeting of the Permanent

59 Ibid.

60 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

61 Ibid.

62 Inter-American Commission on Human Rights, “[Application to the Inter-American Court of Human Rights in the case of Leopoldo López Mendoza \(Caso 12.668\) against Venezuela](#),” December 14, 2009, paras 69-71.

63 Inter-American Court of Human Rights, [Case of López Mendoza v. Venezuela](#), Judgment on Merits, Reparations and Costs, September 1, 2011.

Council of the OAS, that “member states must take their international obligations seriously.”⁶⁴

Dr. Rochlin discussed two examples of government action against members of the political opposition:

There has also been a trend toward a persecution of the political opponents of the government. This would include a recent case, the Azócar case, in which an opponent of Chávez has been forbidden by corruption to run. In a similar case, the former governor of Zulia, a major state in Venezuela where Maracaibo is located, has been charged with corruption and was pressured to flee the country. My perspective is that probably those people are guilty of corruption; however, there's a double standard. That is, supporters of the Chávez government are not charged with corruption and probably many of them are as guilty as his opposition. So it has been easy for him to single out opponents based on corruption, but there is a double standard.⁶⁵

The Subcommittee is concerned by what appears to be a pattern of violations of the rights of political opponents to liberty and security. The Subcommittee recalls that international human rights law guarantees to all individuals, regardless of political opinion, the right not to be subject to arbitrary detention, the right not to be deprived of liberty except in accordance with procedures established by law, and the right to trial within a reasonable time or release. The right to equality before the law and to a fair trial are equally important guarantees.⁶⁶ Members consider that the use of the judicial system to criminalize political opposition also violates individuals' right to dissent and their right to political participation.⁶⁷ The Subcommittee believes that all of these rights are indispensable to the maintenance of a just and democratic society.

Ms. Bolivar Osuna expressed her concerns over this pattern of arbitrary detention and unfair trial of opposition politicians:

[...] some 40 people remain in prison on political grounds, and many others are facing trial or have been sentenced. Although government spokespersons state there are no political prisoners, but politicians in prison, almost all cases present similar patterns: the length of trials is extremely long; most appeals and other recourses are systematically rejected; criminal charges are inflated as a way to keep the prosecuted in prison; corruption charges are often manipulated for political purposes; and evidence favouring defendants is frequently disregarded.⁶⁸

There is also evidence that the government has placed restrictions on members of the political opposition once they are elected to office. For example, Ms. Burns spoke of Mr. Antonio Ledezma, who won the office of mayor of Caracas in 2008. She stated that “upon taking office, nearly 90% of his budget was reallocated. This money and the

64 Neil Reeder, [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

65 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

66 ICCPR, arts. 2, 9, 14, 26; IACHR, arts. 1, 7, 8, 24.

67 ICCPR, arts. 19, 25; IACHR, arts. 13, 23.

68 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

jurisdiction was given over to a newly appointed position based on a law called the capital district law, and the leader of this position was appointed directly by the president.”⁶⁹

Several witnesses expressed concern over legislation that constrains the role of Venezuela’s legislature. After the September 2010 legislative elections, which saw “the governing United Socialist Party of Venezuela and the other parties split the popular vote almost evenly,”⁷⁰ the government introduced laws “limiting the powers of the incoming, more plural assembly.”⁷¹ In December 2010, the national assembly approved a law which allowed “the executive power to rule by decree for 18 months, including in matters of economic and social policy.”⁷² This means that the law “grants the president enabling powers to pass additional laws without debate in the national assembly.” On December 15, 2010, the Inter-American Commission on Human Rights issued a statement highlighting its concerns with respect to this new law.⁷³ Mr. Reeder (of DFAIT) gave Canada’s position on the matter stating that:

[...] obviously what this does, we believe, is it distorts the role of the assembly. It’s essentially giving far more authority to the presidency than we think is normal in an open western society in our region. We’ve not been happy about this. A number of countries, including Canada, have made our views known to the government.⁷⁴

ii. Judicial Independence and the Separation of Powers

The majority of the witnesses told Subcommittee members they were concerned about the concentration of power that is occurring in Venezuela and the increasing influence of the executive in judicial matters.

Ms. Burns indicated that although political interference in the judiciary has been a challenge in Venezuela for decades, in the past, there was still an ability to maintain a check on the executive:

During Venezuela’s pacted^[75] democracy, the political arena was dominated by two political parties, and this influence carried into the judiciary. Judges were appointed along party lines. They consulted party leaders prior to making any ruling that had a political impact. Political affiliation was often more important than upholding the rule of law, and this politicization was well known.

69 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

70 Neil Reeder, [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

71 *Ibid.*

72 *Ibid.*

73 Inter-American Commission on Human Rights, “[IACHR Concerned about Law Initiatives in Venezuela that Could Undermine the Effective Exercise of Human Rights](#),” News Release No. 122/10, December 15, 2010.

74 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

75 The witness is referring to the Pact of Punto Fijo which was a formal power-sharing arrangement signed in 1958 by the leaders of the Democratic Action (AD), Christian Democratic (COPEI) and Democratic Republican Union parties which provided that all parties would accept election results, would abide by the Constitution and would include representatives of smaller parties in their cabinet. Until the 1998 elections, AD and COPEI dominated the political environment at both the state and federal level.

In this period the judiciary could not be used as a tool of the executive directly, since the two parties had a power-sharing agreement. That is to say that neither would use the judiciary as a blatant political tool for fear of future retribution. Essentially, the influence of the two parties balanced each other. Although the judiciary could not be conceived as fully independent, it was capable of impeaching President Pérez in 1993.⁷⁶

What is regarded as a significant departure from previous decades is the nature of the concentration of power and how this is affecting the judiciary. As Dr. McCoy explained:

What's new is that there is a concentration of power now: instead of it being in two political parties, it's now in one political party, and there's particularly a concentration of power in one man, one person [Hugo Chávez]. That's where the concerns are based.

Then there is the concentration of power or influence through his [Chávez's] party over the institutions, so that even if you had collusion in the past in the institutions — in the judiciary, etc. — at least there was some check and balance between two political parties. That disappears when you have only one strong political party.⁷⁷

The Subcommittee observes that international human rights law and standards require judges to be able to decide matters before them impartially, on the basis of facts and in accordance with the law. Judges must be free from restrictions, improper influences, pressures, inducements, threats or interference from any quarter.⁷⁸ It is evident to Subcommittee members that the need for judicial reform in Venezuela has been long standing. As stated by Ms. Burns, “[t]he level of politicization made judicial reform necessary when Chávez took power;”⁷⁹ however, the reforms that he did make, which included expanding the number of judges on the Supreme Court in 2004⁸⁰ when the initial membership ruled against his reinstatement to power after the 2002 coup, “failed to rectify the polarization and the politicization problem.”⁸¹

Several witnesses listed a number of challenges and incidents that demonstrated violations of the principle of judicial independence and impartiality on both an institutional and individual level.

Venezuela is a civil law country where professional judges may be markedly different in background and outlook from professional judges in common-law countries.

76 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

77 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

78 ICCPR, art. 14(1); IACHR, art. 8(1); [United Nations Basic Principles on the Independence of the Judiciary](#), adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from August 26 to September 6, 1985 and endorsed by General Assembly resolutions 40/32 of November 29, 1985 and 40/146 of December 13, 1985 [*Basic Principles on the Independence of the Judiciary*].

79 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

80 Inter-American Commission on Human Rights, “Follow-up Report on Compliance by the State of Venezuela with the Recommendations made by the IACHR in its Report on the Situation of Human Rights in Venezuela (2003),” in [Annual Report of the Inter-American Commission on Human Rights 2004](#), February 24, 2005, OAS Doc. OEA/Ser.L/V/II.122 Doc. 5 rev. 1, paras. 180 and 190.

81 *Ibid.*

In a typical civil-law country, a person who chooses a judicial career must pass the appropriate courses and examinations, following which he or she may be appointed to the judiciary. Being a judge, then, can be a life-long career. In a common-law country, upon the completion of a formal legal education, a person typically spends a significant amount of time practicing law before either being elected or appointed as a judge and there is no examination.⁸²

The Inter-American Commission of Human Rights reports that according to submissions it received from Venezuela, the Venezuelan Supreme Court has adopted rules for entry into the judiciary. These rules require candidates to pass a public entry examination for admission into the National School for Judges, where they complete a one-year training program and a final examination. A jury compiles a merit list based on candidates' performance and judicial vacancies are to be filled by candidates who placed highest in the completion. This procedure applies to all those aspiring to a judicial career.⁸³

Ms. Bolivar Osuna's organization, PROVEA, had noted in its first annual report in 1989, the lack of stability within the administration of justice. Progress was being made to increase the number of career judges, but in 1999, the constitutional assembly declared a "judicial emergency." The Inter-American Commission on Human Rights has expressed concern regarding the number of subsequent provisional appointments to the bench, as well as the failure of the Venezuelan government to observe constitutional and other legal requirements for the appointment and removal of judges.⁸⁴ Since the declaration of a judicial emergency in 1999, Ms. Bolivar Osuna told us that "the number of career judges has dropped to 10%."⁸⁵ She stated that this "lack of stability, together with discretionary hirings",⁸⁶ have become "key factors in understanding the problems affecting the administration of justice."⁸⁷ Political interference in the judiciary, particularly in the selection of judges, is a serious concern as it undermines judicial impartiality. Mr. Reeder stated that when the government puts "as much or more weight on political loyalty and support of the Chávez doctrine as it would on professional standards,"⁸⁸ the judiciary "may not be as professional as we would want."⁸⁹

82 *Encyclopaedia Britannica*, "[Professional judges in the civil law tradition](#)" and "[Professional judges in the common law tradition](#)."

83 Inter-American Commission on Human Rights, [Democracy and Human Rights in Venezuela](#), Organization of American States, December 30, 2009, OAS Doc. OEA/Ser.L/V/II. Doc. 54, paras. 202-207 [Inter-American Commission, *Democracy and Human Rights in Venezuela*].

84 A discussion of government actions undermining judicial independence and impartiality in Venezuela can be found in *ibid.*, paras. 183-308.

85 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

86 *Ibid.*

87 *Ibid.*

88 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

89 *Ibid.*

The Subcommittee heard that judges have been punished for exercising their authority in contradiction of the executive's objectives, even though they have respected the rule of law. According to Ms. Bolivar Osuna, a recent study showed that the court responsible for hearing cases brought against the administration, "avoids making decisions on the substance of the matter. Its rulings tend to be limited to formalities."⁹⁰ She stated that in October 2003, three out of five magistrates of the First Court of Administrative Disputes "were dismissed for alleged inexcusable miscarriage of justice in a case against the central administration."⁹¹ The witness noted that, as a result, "it is easy to understand why incoming magistrates avoid dealing with the substantive aspects of controversies against the administration."⁹² Further, the Inter-American Commission on Human Rights referred this case to the Inter-American Court of Human Rights, which ruled in favour of the dismissed magistrates, holding that "one of the principal purposes of the separation of powers is to ensure the independence of judges."⁹³ Venezuela's Supreme Court, however, subsequently held that the Inter-American Court ruling was "unenforceable."⁹⁴ This marked the "first case where the Supreme Court disregarded an Inter-American sentence."⁹⁵

Several witnesses described the alarming case against Judge María Lourdes Afiuni Mora. In the words of Ms. Bolivar Osuna:

On December 10, 2009, after several judges and prosecutors passed on hearing the following case, she conducted a hearing in the case against Eligio Cedeño, who had been in [pre-trial] preventive detention without trial for more than two years. During the hearing, the defence reiterated the petition [for his release on bail] and Judge Afiuni decided to substitute in place of preventive detention of Cedeño a conditional release pending trial, and imposed on him other restrictions.

The judge based her decision on the Venezuelan criminal code and the recommendations made in a report issued by the UN Working Group on Arbitrary Detention with regard to Cedeño.^[96] Less than an hour after Judge Afiuni took her decision, a group of policemen from the Department of Intelligence and Prevention Services arrested Judge Afiuni in her court headquarters without a warrant [...]

90 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

91 Ibid.

92 Ibid.

93 Inter-American Court of Human Rights, [Case of Aptiz Barbera et al. \("First Court of Administrative Disputes"\) v. Venezuela](#), Judgement on Preliminary Objection, Merits, Reparations and Costs, August 5, 2008, para 55.

94 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

95 Ibid.

96 The UN Working Group on Arbitrary Detention, Opinion No. 20/2009 concerning Mr. Eligio Cedeño (Bolivarian Republic of Venezuela) of May 28, 2009, in [Opinions adopted by the Working Group on Arbitrary Detention](#), presented at the 13th Session of the Human Rights Council, March 4, 2010, UN Doc. A/HRC/13/30/Add.1. The Working Group found that Mr. Cedeño's prolonged period of pre-trial detention resulting from unjustified delays by the Prosecutor General's Office violated Mr. Cedeño's right to a trial within a reasonable time or release under article 9(3) of the ICCPR, his right to be tried without undue delay under article 14(3)(c) of the ICCPR, as well as his rights under ICCPR article 10.

On December 11, President Chávez accused Judge Afiuni of being a bandit who deserved 30 years in prison. This took place during a simultaneous national TV and radio broadcast. The general prosecutor attended the event. On the same day, the general prosecutor's office presented Judge Afiuni before a criminal tribunal on charges of corruption, abuse of authority, and for evasion and racketeering [...]⁹⁷

Ms. Marengo and other witnesses informed the Subcommittee that the chairperson of the UN Working Group on Arbitrary Detention as well as the Special Rapporteurs on the Independence of Judges and Lawyers and on the Situation of Human Rights Defenders called for Judge Afiuni's immediate and unconditional release.⁹⁸ In their [press release](#), the three experts stated that Mr. Cedeño, whose detention had already been declared arbitrary by the same UN working group, had been in pre-trial detention for three years, exceeding the statutory limits under Venezuelan law. Mr. Cedeño's defence attorneys were also publicly accused by President Chávez of criminal conduct and one was arrested and later released. The experts stated that "[r]eprisals for exercising their constitutionally guaranteed functions and creating a climate of fear among the judiciary and lawyers' profession serve no purpose except to undermine the rule of law and obstruct justice."⁹⁹ According to Ms. Marengo, Mr. Cedeño later fled the country.

Judge Afiuni was detained at the National Institute of Feminine Orientation, which housed 24 female inmates whom she had sentenced to terms of imprisonment. According to Ms. Bolivar Osuna, Judge Afiuni was subjected to "several death threats and attempts to kill her by highly dangerous prisoners,"¹⁰⁰ some of whom were "condemned for multiple homicides and drug trafficking."¹⁰¹

As of June 2012, Judge Afiuni had been released from prison but was still being held under house arrest. In fact, her house arrest was extended for two years in December 2011. Dr. McCoy, who had just returned from Venezuela where she visited Judge Afiuni, stated "that case, which did not follow due process, also served to intimidate other judges. It's a negative example for independence of the judiciary."¹⁰²

The Subcommittee is very concerned at the reported violations of the rights of Judge Afiuni and Mr. Cedeño. Moreover, we believe that the trial and imprisonment of Judge Afiuni could have much wider, negative implications for the rule of law in Venezuela. In our view, the Venezuelan judiciary as a whole appears to be unable to maintain its independence from other branches of government. Furthermore, individual judges in particular cases cannot be said to be free to decide matters before them on the merits,

97 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

98 See the UN Working Group on Arbitrary Detention, Opinion No. 20/2010 concerning María Lourdes Afiuni Mora (Bolivarian Republic of Venezuela), in [Opinions adopted by the Working Group on Arbitrary Detention](#), presented at the 16th Session of the Human Rights Council, March 2, 2011, UN Doc. A/HRC/16/47/Add.1.

99 Ibid.

100 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

101 Ibid.

102 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

free from bias or interference. A strong, impartial and independent judiciary is essential to ensuring that the rights of individuals are respected and protected in a democratic society.

To conclude, the Subcommittee observes that international standards prohibit unwarranted and inappropriate interference with the judicial process. To meet this standard, judges must be selected on the basis of their integrity and ability, and must have appropriate legal qualifications. Moreover, judges must have security of tenure until their retirement or the expiry of their term of office. They can be subject to disciplinary and removal proceedings only following an independent review, and only on the basis of incapacity or behaviour that renders them unfit to discharge their judicial duties, in accordance with established judicial standards.¹⁰³

We call upon the Government of Venezuela to live up to its international obligations in these respects.

b. Freedom of Expression, Assembly and Association

The Subcommittee is concerned about the limitations placed on freedom of expression, assembly and association by the Government of Venezuela. However, it also recognizes that restrictions on freedom of expression have been exercised under previous regimes and are not unique to the Chávez government.

This is not to say that freedom of expression has been completely curtailed under the current regime. Every witness stated that there was still space for open political discussion in Venezuela. Rather, concerns were raised with respect to a recent trend that saw the shrinking of this democratic space. As a result, those who have legitimate grievances are beginning to self-censor in fear of retaliation. According to Ms. Marengo, “the country is beginning to feel it is getting more and more difficult to express dissent.”¹⁰⁴

The Inter-American Commission on Human Rights has noted, with concern, that articles 357 and 360 of Venezuela’s penal code limit peaceful demonstrations and constrain the right of labour movements to strike. The Subcommittee was told that union leaders, workers and students have been harassed, intimidated and detained for expressing dissent. According to PROVEA, as of November 2009, 2,240 persons were facing criminal charges for participating in demonstrations. According to Mr. Jeffrey Marder, Director of South American and Inter-American Relations at DFAIT, “nationalized companies in Venezuela no longer have independent unions”;¹⁰⁵ the labour organizations that do exist are in line with the ruling party. Further, Ms. Bolivar Osuna testified that even in so-called “authorized” demonstrations, violence against protestors by the police has erupted. She gave an example of an incident from 2010, where police employed

103 *Basic Principles on the Independence of the Judiciary.*

104 [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

105 [Evidence](#), Meeting No. 9, 3rd Session, 40th Parliament, April 22, 2010.

disproportionate force against demonstrators after some students were heard shouting “offensive words against their commander president.”¹⁰⁶

The Subcommittee notes that the rights to freedom of expression, assembly and association are not absolute under international law. However, any restrictions on these rights must meet a strict test: they must be consistent with other international human rights obligations, necessary and proportionate in a democratic society, and prescribed by law. Furthermore, we reiterate that under international law, restrictions are not permitted except for the purpose of protecting the rights and freedoms of others, national security, public order, or public health or morals, and must relate directly to the specific need in question. Restrictions must never endanger the right itself.¹⁰⁷

Subcommittee members are deeply troubled by the reports of violations of the rights to freedom of expression, assembly and association for all persons in Venezuela. Witnesses indicated that these concerns were particularly pressing with respect to the media as well as human rights defenders and NGOs. It is to these concerns that the Subcommittee now turns.

i. The Media

The Subcommittee was told that the biggest issue facing the media in Venezuela is the intense politicization and polarization within the profession, which has resulted in severe breaches of journalistic integrity and professionalism, by both private and state media. As stated by Ms. Bolivar Osuna, “One can say that in an environment of polarization in Venezuela, both blocs, if you want to call them that, have been extremely aggressive in the media — the government-owned media as well as the opposition.”¹⁰⁸

The most recent and well-known complaint regarding freedom of expression by the media was the closure of six TV stations and 32 radio stations by the Chávez government between 2008 and 2010. These acts, which included the withdrawal of their broadcasting licenses, were denounced by the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights, who noted that each station that was targeted had an anti-government editorial line.¹⁰⁹ The Government of Canada also

106 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

107 ICCPR, arts. 19-22; IACHR, arts. 13, 15, 16.

108 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

109 Paulo Sergio Pinheiro and Catalina Botero Marino, “[Commissioner for Venezuelan Affairs and IACHR’s Special Rapporteur for Freedom of Expression Reject the Closing of Cable Television Channels in Venezuela](#),” News Release No. 08/10, January 24, 2010; Paulo Sergio Pinheiro and Catalina Botero Marino, “[IACHR Commissioner for Venezuelan Matters and the Special Rapporteur for Freedom of Expression Send Communication to the Venezuelan State Expressing Deep Concern over the Serious Situation of Freedom of Expression](#),” Press Release No. R61/10, June 14, 2010; Frank La Rue, UN Special Rapporteur on Freedom of Expression, “[Venezuela: UN Expert calls on the authorities to withdraw arrest warrant against TV channel president](#),” News Release, June 17, 2010; Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, “[Special Rapporteurship Expresses Concern Regarding Venezuelan State Intervention in Globovisión](#),” Press Release No. R119/10, December 8, 2010.

released public statements expressing concern over the closures and supporting the pronouncement made by the Special Rapporteur.¹¹⁰ However, there appears to be more to the debate surrounding this issue than often presented. Dr. Rochlin, along with another witness, explained the circumstances surrounding these incidents:

Let me give you some facts. We're talking about Globovisión. That's the TV station owned by Mr. Zuloaga, who was arrested briefly over the weekend and who claims he is a victim of free speech.

In a major journalists' conference in Aruba in March, Mr. Zuloaga said publicly — and it was recorded — that he had wished the 2002 *coup* against Chávez had succeeded.

Look at these radio stations or TV stations that have been closed down — for example, RCTV, which became the mouthpiece for the coup in 2002. One way to imagine this would be to imagine there was a military coup supported by a foreign government X in Canada and imagine that the CBC became the mouthpiece for the coup-makers. Is that free speech or is that subversion?¹¹¹

Ms. Bolivar Osuna stated that she did not remember any specific call for overthrowing the government, but did confirm that there was a blackout of information from the private media during the coup. She told Subcommittee members that she was, in fact, a victim of this blackout as she tried to access a media outlet when she was denied a visit with a detained pro-Chávez member of parliament. She stated that “the four major television channels shared that responsibility. They don't recognize it, of course, but they're responsible for a blackout of information during those days.”¹¹² As for allegations that these outlets broadcasted subversive messages during the coup, she reiterated that if this was the case, “there should have been penal procedures, not administrative ones,”¹¹³ against those responsible.

The Subcommittee is disturbed by these reports. Members are of the view that licensing and regulatory regimes for media should be objective, clear, transparent and non-discriminatory. We recall once again that restrictions on expression must not be over-broad. The free communication of ideas between citizens about public issues is a cornerstone of democracy.

Even though several media stations have been shut down by the Chávez government, Ms. Marengo noted that one could not categorically say that all media for voicing dissent was disappearing. In fact, the Subcommittee heard that the media's market share is still dominated by the private sector.¹¹⁴ As opposed to a decade ago, when the private media completely dominated the airwaves, the media has apparently become

110 Alexandra Bugailiskis, [Evidence](#), Meeting No. 9, 3rd Session, 40th Parliament, April 22, 2010; Department of Foreign Affairs and International Trade, “[Canada Concerned over Venezuelan Suspension of TV Stations](#),” News Release, January 28, 2010.

111 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

112 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

113 Ibid.

114 Jennifer McCoy, [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

more balanced and pluralistic; there are now reportedly more public television and radio stations and there has also been an emergence of community media outlets. According to Dr. Paez Victor, these community stations are not state-owned.

Therefore, in terms of the media's ability to express dissent, Ms. Marengo stated that "there are still plenty of television stations and newspapers that have an editorial line that is anti-government."¹¹⁵ What worried her was that between the end of 2009 and early 2010, there appeared to have been more intimidation than there had been in the two years prior. Dissenting voices had started to become targets for arbitrary detention. In December 2010, the national assembly approved several laws increasing the "state's control over the Internet and telecommunications,"¹¹⁶ which, according to Ms. Burns, "has heightened concerns that the government can easily limit freedom of speech."¹¹⁷

According to Ms. Bolivar Osuna, the government has made other attempts to reduce the influence of media outlets critical of the government, including the confiscation of equipment, the short-term detention of photojournalists accompanied by the confiscation and destruction of their materials, as well as disciplinary, administrative, and criminal procedures against media, media owners, and journalists. She also stated that there has been "official pressure [...] put on advertising companies to withdraw publicity from media critical to [sic] the government,"¹¹⁸ but noted that PROVEA had only been able to adequately document one case, which pertained to a Canadian company.

There are additional obstacles that prevent the media from accessing important information and reporting on public issues in a free and unhindered manner. Ms. Bolivar Osuna stressed that the right to freedom of expression "also includes the right to seek information."¹¹⁹ She stated that:

[...] journalists and media critical of the government are often not invited, or are prohibited access, to press briefings by public entities. Government spokespeople refuse to give statement to the media, and it is difficult to have access to information and statistics on public issues such as health, education, employment, and housing.¹²⁰

Dr. McCoy concurred with this assessment and argued that the perpetual climate of polarization in Venezuela creates obstacles which hinder journalistic integrity. She stated that "the polarization continues in the media, and many professional journalists feel pressured to follow the particular partisan editorial line of whichever side they're on."¹²¹ Professionalism also comes from proper training. According to Dr. Rochlin, journalists in

115 [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

116 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

117 Ibid.

118 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

119 Ibid. See: ICCPR, art. 19(2); IACHR, art. 13(1); Human Rights Committee, [General Comment 34 – Article 19: Freedom of Opinion and Expression](#), 2011, UN Doc. CCPR/C/GC/34.

120 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

121 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

Venezuela “are poorly trained. They may get the story wrong, they may not have the facts, and they may say something highly damaging to the government with no factual basis whatsoever.”¹²²

Attacks on journalists, particularly those opposed to the Chávez government, were also a matter of concern to witnesses. Dr. Rochlin testified that “a series of journalists have been attacked with impunity by unknown assailants.”¹²³ According to Ms. Bolivar Osuna, there have been “attacks with fire weapons and explosives on the headquarters of media and the houses of journalists by civilian groups close to the government.”¹²⁴ In fact, she indicated that it is “openly recognized”¹²⁵ that some of these attacks were committed by the group *La Piedrita*, one of “roughly a dozen armed *chavista* groups”¹²⁶ that are thought to exist in Caracas. One witness indicated that this intimidation and violence has resulted in “self-censorship among some media and journalists.”¹²⁷

It is clear to the Subcommittee that the media landscape in Venezuela is complex and that the development of professional, responsible and unhindered journalism is a challenge. The Subcommittee believes that journalists and media outlets in Venezuela have an important role to play in ensuring transparency in governance and contributing to informed public debate. The Subcommittee is concerned over reports from the fall of 2011, that Globovisión was the only opposition TV channel remaining, though opposition voices were still active in some print media and “in the discourse of some radical representatives of the opposition.”¹²⁸

The Subcommittee recalls that the right to access and receive information is guaranteed under international human rights law. The Subcommittee, therefore, stresses the need for prompt, effective and impartial investigations into all attacks on Venezuelan journalists in order that the perpetrators may be brought to justice.

ii. Human Rights Defenders and NGOs

Human rights defenders are people who act peacefully to defend and protect human rights, alone or with others, in a manner that is consistent with international human rights law and the [Charter of the United Nations](#). Human rights defenders may work to document and expose violations, support victims, and/or advocate for change.¹²⁹

122 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

123 Ibid.

124 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

125 Ibid.

126 International Crisis Group, [Violence and Politics in Venezuela](#), Latin America Report No. 38, August 17, 2011 [International Crisis Group, “Violence and Politics in Venezuela”].

127 Jennifer McCoy, [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

128 International Crisis Group, *Violence and Politics in Venezuela*.

129 [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#), UN General Assembly Resolution No. 53/144 of March 8, 1999, UN Doc. A/Res/53/144.

Subcommittee members are particularly concerned about the safety of human rights defenders and their ability to advocate for the human rights of all Venezuelans.

Ms. Marengo told the Subcommittee that “human rights defenders appear to be intimidated, harassed and attacked.”¹³⁰ She gave two examples of such attacks: Mijail Martínez was shot dead when his Committee of Victims Against Impunity was making a film documenting allegations of police brutality and Rocío San Miguel received death threats after she uncovered allegations of “members of the military breaching the constitution by siding with the ruling party.”¹³¹ According to the same witness, not only have there been no investigations and nobody has been brought to justice for these threats and attacks, “there doesn’t seem to be the political will to condemn these violations by the authorities.”¹³²

Ms. Bolivar Osuna stated that in addition to these direct attacks, human rights defenders are also subjected to “harassment, disqualification, threats and criminalization”¹³³ in “public statements by governmental spokespersons.”¹³⁴ She noted that at least five defenders or groups of defenders have been granted protection measures by the IACHR. However, in these situations, the onus is on the state to provide this protection. According to Ms. Marengo, Amnesty International has been campaigning for a family in Aragua state for six years after one of its members was killed by the police in 2003. Even though the Inter-American Commission on Human Rights has requested protection for this family, the protection given has been “sporadic” and “three other members of the family have been killed since.”¹³⁵ She stated that again, no impartial investigation has been conducted, nobody has been brought to justice and the family still lives in fear.

With respect to NGOs, including human rights organizations, there has been some evidence that their ability to work is becoming more constrained. Dr. Rochlin noted that some NGOs have experienced intimidation policies, stating that “I talked to a number of NGOs who are clear that their phones are being tapped.”¹³⁶ Other restrictions have been instituted through the adoption of legislation. In December 2010, the national assembly approved a law prohibiting human rights groups from receiving foreign funding. Ms. Burns told Subcommittee members that at the time of her testimony (March 2011), she knew of a case where a Venezuelan NGO called Citizen’s Control returned money to the Canadian Embassy “rather than face any possible consequences as a result of the law.”¹³⁷ The money had originally been given to them “to train journalists who work on

130 [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

131 Ibid.

132 Ibid.

133 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

134 Ibid.

135 [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

136 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

137 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

security and national defence issues from a human rights perspective.”¹³⁸ However, when Mr. Reeder from DFAIT testified in February 2012, he indicated that the Government of Venezuela has now “backed off”¹³⁹ restrictions on foreign funding for NGOs “after international pressures from Canada and others who raised concerns.”¹⁴⁰

It is important to note however, that several human rights NGOs do exist in Venezuela and they do continue to contribute to the political debate. Some difficulty still remains with respect to their access to government officials. For example, Amnesty International experienced good cooperation with the government with respect to its campaign on violence against women. Yet, Ms. Marengo stated that “in the past few years we haven’t received any answers from the authorities on our urgent actions on the cases we presented to them.”¹⁴¹

Attacks on Venezuelan human rights defenders are a matter of particular concern to the Subcommittee. In this study and in others, we have encountered many brave individuals who fight for the human rights of others, often at great personal cost to themselves. The Subcommittee wishes to acknowledge the contribution of Venezuelan human rights defenders, to recognize their legitimate role, and to express our support for their important work. We recall that Venezuela has an obligation to protect the security of human rights defenders from attack, whether by state or non-state actors. We observe that a failure to take steps to respond to urgent action calls for protection can amount to a violation of this obligation. Moreover, we highlight the need for Venezuela to investigate all reports of attacks on human rights defenders, to prosecute those responsible, and to provide reparations to defenders who have suffered attacks or other violations and abuses of their human rights.

iii. Abuses by Political Opponents to the Chávez Government

Witnesses indicated that human rights abuses have been perpetrated by members of the opposition that have impaired Venezuelans’ ability to enjoy their freedom of expression, particularly during the *coup* against President Chávez in 2002, at the time of the recall referendum in 2004 and more recently, during demonstrations.

Dr. McCoy described the abuses that occurred during the 2002 *coup* against President Chávez:

There are a couple of possibilities that maybe we should look at.

One is going back to the 2002 massive march, which resulted in violence that resulted in the *coup* against Chávez. There has never been a good investigation about that violence — or we’ll say a definitive investigation — to see who was actually responsible

138 Ibid.

139 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

140 Ibid.

141 [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

for the deaths at that time. There is still controversy over that, over who the snipers were and who commanded it and who was shooting against whom.

As well, immediately after the coup during the two days that the opposition was in power, there was actual persecution against Chavistas, and elected governors and mayors were being hunted and were in hiding and fearing persecution. There was violence and the deaths of Chávez supporters during that 48-hour period. Although we don't have a definitive investigation, during that period I would say that there may have been abuses by both sides.¹⁴²

The Subcommittee also heard that abuses took place during the recall referendum. As noted previously, opposition parties disputed the 2004 election results and garnered enough signatures to recall the President from his position. These lists of petition-signers, known as the *Tasón* and *Maisanta* lists, were publicized, so that both the government and opposition parties knew who had signed for or against the President. There were resulting recriminations and allegations of intimidation and retribution on both sides. As explained by Dr. McCoy:

The government was using that list for some time to deny people government employment and perhaps government benefits [...] There was a similar allegation on the other side, which was that private companies were similarly requiring people to sign the recall referendum or they would lose their jobs.¹⁴³

The opposition parties subsequently boycotted the 2005 parliamentary elections.

Ms. Marengo from Amnesty International reported that abuses by opposition members also occur during demonstrations. As a result, Amnesty International has called both on pro-government forces and on the opposition to stop using excessive force during demonstrations. She noted that over the past few years, there has been considerable social unrest in the country, and during these demonstrations, clashes occur between both camps.

The Subcommittee reiterates its firm conviction that it is never permissible to restrict freedom of peaceful expression, assembly or association to justify the suppression of advocacy for multi-party democracy, democratic tenants or human rights. In no circumstances may political or other groups resort to violence to promote their agendas or interests. We believe that credible and independent investigations, followed by accountability for criminal acts of violence, are necessary steps towards reconciliation in Venezuela.

2. Citizen Security

The Inter-American Commission on Human Rights has described the concept of citizen security from a human rights perspective in these terms:

142 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

143 *Ibid.*

[C]itizen security is a situation in which persons are able to live free of the threats caused by violence and crime, and the State has the necessary means to guarantee and protect the human rights directly threatened by violence and crime. Taking a human rights approach, citizen security is, in practical terms, a condition in which individuals live free from the violence practiced by State and non-state actors.¹⁴⁴

Although police reform and the creation of a national police force have been positive developments, the Subcommittee is concerned that the Government of Venezuela has not done enough to improve citizen security in the country. In addition to police reform, there are additional factors that contribute to citizen security. According to Ms. Bolivar Osuna, PROVEA has only provided human rights training to the national police and not to other police forces in the country. Therefore, some problems remain with respect to other state security forces, including state and local police forces, who are not receiving this training.

Additionally, long-term and complementary policies and programs must go hand in hand with police reform, in order to reform the prison and judicial system and to combat the presence of organized criminal groups and gangs who partake in the arms and drug trade, fuelling violence. The government's role in arming and giving military training to ordinary citizens, allegedly to create an internal defence force that is separate from the police, runs contrary to its commitment to ensure citizen security. Finally, the government must tackle corruption throughout the whole government and its institutions regardless of political loyalties. Without addressing these challenges, perpetrators of crimes will often be able to operate in an environment of impunity.

a. Crime

Several witnesses expressed concern with respect to the extent to which crime rates in Venezuela have risen over the course of the last decade. Dr. Rochlin told the Subcommittee that Caracas is now rated the second most violent city in Latin America. The seriousness of this situation was highlighted in an August 2011 International Crisis Group (ICG) report entitled *Violence and Politics in Venezuela*, which listed the following findings:

- Homicides have almost quadrupled between 1998 and 2010;¹⁴⁵
- “Victims and perpetrators alike are predominantly young, male, urban and poor”,¹⁴⁶
- Over 70% of homicide victims are between 15 and 29 years old;¹⁴⁷

144 Inter-American Commission, *Report on Citizen Security and Human Rights*, para. 221.

145 International Crisis Group, *Violence and Politics in Venezuela*; the ICG used statistics from the NGO Venezuelan Violence Observatory.

146 Ibid.; the ICG came to this conclusion based on data from Venezuela's National Statistics Institute.

147 Ibid.; the ICG used the statistic from Venezuela's National Statistics Institute.

- The vast majority of homicides, robberies and kidnappings involve guns.¹⁴⁸

The Subcommittee was told that “crime and security have always been an issue”¹⁴⁹ in Venezuela. Dr. Rochlin noted that the concentration of criminal activity has been in the poorer *barrios*. Even though Venezuela has seen a reduction in poverty, crime rates can still be connected to continued poverty in the country. He further noted that crime may also be related to gang activity and conflicts over territory.

Mr. Reeder testified that the issue of drug trafficking also has a negative impact on the security situation in the country. Venezuela, which borders Colombia, has become a key transit point for drugs destined for European, West African and American markets. Dr. McCoy noted that the security situation is particularly dire in the border areas between Venezuela and Colombia. She stated that “for many decades there have been problems with smuggling, contraband, and guerrillas, with drug participants going back and forth.”¹⁵⁰

b. The Proliferation of Small Arms in Venezuela

Another serious issue has to do with “the high level of arms in Venezuela — personal arms, arms and weapons in the home.”¹⁵¹ From a regional perspective, Mr. Reeder stated that “a lot of weapons are moving around South America [...] coming out of zones of conflict in the region, and weapons are transiting into the Caribbean and Central America.”¹⁵²

The ICG report cited a statistic from Amnesty International’s Venezuela section which indicated that “around 12 million illegal arms circulate in the country.”¹⁵³ According to Dr. McCoy, this concern was first recognized by the government in 2002. At the time, the Carter Center helped facilitate a dialogue between President Chávez and his political opponents and there was a proposal for disarming the civilian population. This proposal reportedly “did not get off the ground”¹⁵⁴ at the time. The Subcommittee, however, notes that the government is “trying to move in that direction now.”¹⁵⁵

However, notwithstanding claims by the government that it is taking this issue seriously, the Subcommittee received testimony about how many of these weapons come

148 Ibid.; the ICG based its conclusion on a Venezuelan National Statistics Institute survey.

149 Jennifer McCoy, [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

150 Ibid.

151 Ibid.

152 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

153 International Crisis Group, *Violence and Politics in Venezuela*, footnote 14.

154 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

155 Ibid.; on June 1, 2012, the BBC reported that the Government of Venezuela passed a law that would allow only the army, police and certain groups like security companies to buy arms from the state-owned weapons manufacturer and importer.

into the possession of ordinary citizens, with government support. According to Mr. Camilo Cahis from Bolivarian Circle Louis Riel / Hands Off Venezuela, aside from the important role the Venezuelan army has in delivering food and other aid to people in the *barrios*, it is also “providing arms training and military training to ordinary workers.”¹⁵⁶ He also indicated that “every person is being encouraged to take part in the revolutionary process, to be able to defend themselves in the event of an invasion [from] Colombia.”¹⁵⁷ Other commentators did not see the army’s latter role in a positive light. As stated by Ms. Bolivar Osuna:

I have no objections whatsoever to that close link between civil society and the military, because I think that's in favour of democracy. However, there's another side to it that is risky — namely, when you start giving weapons to civilians who are not controlled, who are not part of the organization of the state. Our Constitution is very clear. We have four branches. And now we have a fifth branch that is not part of the Constitution and that is only accountable to President Chávez directly.

In the last military parade that took place, on April 19, a civilian celebration of our 200 years of independence, the main official celebration was a military parade in which 30,000 civilians were in the parade and wearing weapons. That was very shocking for the population. In fact, the former director of public security for *catastrophes* [...] made a statement of criticism right after that parade, because it was very shocking for many military to see their colleagues, or their former colleagues, marching and shouting slogans in favour of the revolution, in favour of socialism, and behind them also seeing these 30,000 civilians marching with weapons that belong to the state and therefore to us; they were not a particular group identified with a political project.¹⁵⁸

The Subcommittee was equally alarmed by this government program designed to arm and give military training to civilians, particularly within the context of a highly politically charged and insecure environment and therefore, sought clarification of this program from the Inter-American Commission on Human Rights’ 2011 annual report. The report provided some background stating that the Organic Law of the Bolivarian National Armed Forces (LFANB) was enacted in October 2009 and “provides that the civilian population may be armed and receive military training to defend the political interests of the government.”¹⁵⁹ It further states that:

Under this law, the Bolivarian Militia was created — which was part of the rejected constitutional reform. It is defined as an “armed corps” to assist the Bolivarian National Armed Forces in organizing territorial militias and corps of civilian combatants in public agencies, the private sector, social organizations and communities.¹⁶⁰

As indicated by the Commission, these citizens are receiving military training through the Bolivarian National Militia and then re-entering civilian life. It alleges that these individuals could eventually be called upon by the government to conduct operations

156 [Evidence](#), Meeting No. 12, 3rd Session, 40th Parliament, May 4, 2010.

157 *Ibid.*

158 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

159 Inter-American Commission on Human Rights, *Annual Report of the Inter-American Commission on Human Rights 2011*, [“Chapter 4: Venezuela.”](#)

160 *Ibid.*

within the country in order to maintain security. In liberal democracies, military training is not appropriate for a force tasked with domestic security. Providing security for citizens is the role of a police force properly trained in human rights and community policing, which includes, for example, conflict resolution, investigation, and the protection of citizens from harm. If these individuals are in fact being trained by the military for the purpose of internal defence, the Subcommittee is concerned.

c. The Criminal Justice System and Prisons

Failures in the country's prison and criminal justice system exacerbate citizen insecurity.

Dr. McCoy and other witnesses told the Subcommittee that prisons in Venezuela are "severely overcrowded and dangerous."¹⁶¹ She noted that "we've seen various episodes of violence within the prisons."¹⁶² Dr. Rochlin noted that the prison population "has doubled over the last 11 years, even though crime has soared."¹⁶³ Dr. McCoy listed a number of reasons for this, including failures in the judicial system as well as Venezuela's current drug policy. With respect to the judicial system, she indicated that there is a "great backlog of cases"¹⁶⁴ and that "a large number of people in jail are on pre-trial detention. The length of time spent waiting for a charge or a trial can sometimes exceed what is legally allowed, and this is a serious problem [...]."¹⁶⁵ Overcrowding may also be a result of the Venezuelan government's crackdown on small drug offences which "leads to high rates of incarceration."¹⁶⁶ This has proven to be a consequence of such policies in many other countries in the hemisphere.

3. Corruption

In international comparisons, Venezuela is one of the most corrupt countries in the world. For example, in 2011, Transparency International ranked Venezuela 172nd of 183 states surveyed.¹⁶⁷ The Subcommittee is concerned that the pervasiveness of corruption within various sectors of the government and its security forces remains a serious challenge in Venezuela. This corruption could hamper attempts by the government to enact other reforms and threaten to erode progress that has already been made.

Corruption is not a recent phenomenon in Venezuela. Instead, as the ICG report notes:

161 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

162 Ibid.

163 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

164 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

165 Ibid.

166 Ibid.

167 Transparency International, "[Corruption by Country: Venezuela](#)," 2011.

Crime, common and organised, was by no means absent from pre-Chávez Venezuela; nor were corruption and impunity. Indeed Chávez came to power explicitly committed to tackling pervasive corruption in both public and private sectors and in particular to cleaning up the judiciary, which had acquired a reputation for venality.¹⁶⁸

As one witness explained, corruption in Venezuela “affects people of all social classes, whether you’re dealing with a bureaucracy, a judiciary, the police and so on.”¹⁶⁹ One area of particular concern is the link between corruption and organized crime; several witnesses provided examples of state actors colluding with criminal elements. However, this is not uncommon in Latin American countries, particularly where drug trafficking is an issue.

The government has made a number of arrests for corruption, as illustrated by several cases discussed in this report. However, “supporters of the Chávez government are not charged with corruption and probably many of them are as guilty as their opposition. So it has been easy for him to single out opponents based on corruption, but there is a double standard.”¹⁷⁰

The Subcommittee strongly believes that corruption reduces the ability and capacity of governmental institutions to take decisions in the public interest, thereby reducing their legitimacy and public support. It also compromises governments’ ability to deliver public services, including health, education and welfare services, which are necessary to social and economic development in society, while facilitating and increasing unequal access to public goods and services. Thus, the poor and the vulnerable tend to feel the adverse effects of corruption more strongly because they are more likely to be dependent on public support.

The Subcommittee also observes that international human rights standards guarantee equality before the law, the equal application of the law to all, and the right to a fair trial. Corruption of regulatory bodies, the police, prosecutors and the judiciary imperils these rights by allowing some individuals or groups to evade the application of the law. Corruption may also prevent disadvantaged groups from gaining access to justice. The very foundations of the rule of law in a democratic society are, therefore, undermined by corruption. Venezuela, then, needs to ensure that corruption is investigated and dealt with swiftly, effectively and according to law, regardless of the political views or connections of the individuals involved.

4. Impunity

For many years, perpetrators of serious crimes, such as murder, kidnapping, harassment and intimidation, have escaped justice. The authorities’ failure to hold to account those responsible for crimes and human rights violations — in particular where

168 International Crisis Group, *Violence and Politics in Venezuela*.

169 James Rochlin, [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

170 Ibid.

this involves state actors — violates the victims' right to a remedy and exacerbates the human rights situation in the country. As Ms. Marengo explained:

Human rights violations that are committed by the security forces are not thoroughly investigated and usually no one is brought to justice. This was the case 20 years ago and it's the case now. The office of the attorney general in 2008 admitted — transparently said — that they had received 6,000 complaints of alleged police killings between 2000 and 2007 alone. They stated that they would create a special team to investigate these alleged police killings, but so far we are two years down the line and we still don't know what has happened with those investigations.¹⁷¹

Ms. Marengo expressed dismay at the lack of political will by the Chávez government to commit the necessary resources to properly investigate these crimes. Several examples illustrating the widespread impunity in Venezuela were presented to the Subcommittee, including serious incidents of violent repression committed by previous governments. In many cases, victims are left without judicial redress and the whole population is left without an independent and thorough investigation. Furthermore, when justice is not rendered after crimes have been committed, “people take more liberties because they know there's less risk of consequences to them personally.”¹⁷² Dr. Rochlin described the seriousness of the problem as follows:

[...] no matter who you speak with in Venezuela, whether they be NGOs, academics, or people on the street, even the government, impunity for crime seems to be a huge and growing issue. Crimes happen or problems happen and they just don't get investigated or followed up.¹⁷³

The Subcommittee emphasizes that under international law, states must respect and protect the human rights of all individuals under their jurisdiction, and ensure that all people can enjoy these rights equally. One of the primary obligations of any state is to ensure the security of individuals.¹⁷⁴ These obligations imply, on the part of every state, a responsibility to put into place effective legal, administrative, judicial, policy, educational and other measures to prevent and punish human rights violations by state agents and criminality by private individuals. Thus, Venezuela must ensure that it undertakes effective and independent investigations into allegations of human rights violations and serious crimes, including those which have occurred in the past. Perpetrators must be held to account. The Subcommittee reiterates that international standards require Venezuela to ensure that individuals who have been the victims of human rights violations at the hands of the state, or of abuses by non-state actors, have access to effective remedies to vindicate their rights.

171 [Evidence](#), Meeting No. 16, 3rd Session, 40th Parliament, May 25, 2010.

172 Neil Reeder, [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

173 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

174 ICCPR, arts. 2, 6, 7, 9; IACHR arts. 1, 4, 5, 7.

5. Protecting the Disadvantaged, Vulnerable and Marginalized

Discrimination can come in many forms. Under international law, “discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing,” of internationally recognized human rights.¹⁷⁵ States have an obligation not to engage in such conduct themselves and to prevent harassment and discrimination by non-state actors. International human rights law does not tolerate the promotion of hatred and discriminatory ideas, providing that “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”¹⁷⁶ Having heard reports of attacks against the Jewish community in Venezuela, the Subcommittee investigated this issue further.

According to Rabbi Adam Scheier, from the Shaar Hashomayim Congregation, at its peak 10 years ago, Venezuela’s Jewish community numbered 24,000 people. By June 2010, there were only 12,000 Jews living in Venezuela and “the numbers are decreasing every year.”¹⁷⁷

Rabbi Scheier told the Subcommittee that there have been two raids and two attacks on Jewish communal institutions:

The 2004 raid [...] was carried out in the Jewish community school Colegio Hebraica at 6:30 a.m. on a school day. Twenty-five policemen, many of them armed and masked, held the children hostage inside the locked school while performing their search. Of course, the search produced no tangible results. It was unfruitful as declared by the government, but the threatening message was clearly conveyed.

A similar raid was carried out in 2007 on the Centro Social, Cultural y Deportivo Hebraica, a social and sports club. Once again, the government representatives discovered nothing inside the Jewish communal institution, although the members of the Jewish community live in fear that in the course of the raid the government obtained the Jewish community’s records off the club’s computers.

In January 2009, in the early morning hours of the Jewish Sabbath, 15 unidentified men broke into the Tiferet Israel synagogue in Caracas. They destroyed offices, they wrote threatening messages on the synagogue’s interior walls, and they desecrated holy objects. One month later, in February, a bomb was thrown into the Beth Shmuel

175 [International Convention on the Elimination of All Forms of Racial Discrimination](#), March 7, 1966, 660 U.N.T.S. 195 (in force January 4, 1969, ratified by Venezuela and Canada) art. 1; CEDAW, art. 1; Human Rights Committee, [General Comment No. 18: Non-discrimination](#), 1989, UN Doc. HRI/GEN/1/Rev.1 at 26 (1994), para. 6; Committee on Economic, Social and Cultural Rights, [General Comment No. 20, Non-discrimination in economic, social and cultural rights \(Article 2, paragraph 2 of the International Covenant on Economic Social and Cultural Rights\)](#), 2009, UN Doc. E/C.12/GC/20.

176 ICCPR, art. 20. Also: IACHR, art. 13(5).

177 [Evidence](#), Meeting No. 22, 3rd Session, 40th Parliament, June 10, 2010.

synagogue, damaging property and sending a threatening message to the Jewish community.¹⁷⁸

The 2009 attacks coincided with the expulsion of Israel's ambassador from Venezuela over the Israeli military action against Hamas in the Gaza strip. In addition, the threatening messages written on the synagogue's walls were "the same words [...] used by Chávez in his presidential speeches."¹⁷⁹ Photographic evidence of these messages was provided to the Subcommittee. According to Rabbi Scheier, although the Government of Venezuela has officially distanced itself from the attacks, he believes that either the vandals are "agents of the government or are following the government's not-too-subtle leadership. Either possibility should be unacceptable to Canada and unacceptable to the international community."¹⁸⁰

Further, Rabbi Scheier told the Subcommittee that:

Whether it's because of his aspirations to be admired by Ahmadinejad or Iran — or for other political or personal reasons, I won't guess as to what — Chávez has created an environment of terror and fear for the Venezuelan Jewish community.¹⁸¹

According to the witness, "families are making preparations to leave, to join the many who have already left."¹⁸²

Other witnesses before the Subcommittee separated the issues of religious discrimination from the geo-political stance of the Chávez government. Dr. McCoy stated that she wasn't "sure that it should be seen as an anti-Semitic thing for religious reasons"¹⁸³ or how much of this discrimination comes from Iran. In her opinion, "there is political confrontation focusing on Israel's relationship with the United States and [...] Chávez has championed the Palestinian cause."¹⁸⁴ Nonetheless, as Mr. Armony stated, the Venezuelan Jewish community has been a victim of intimidation and these incidents have been severely criticized in a report by the Inter-American Commission on Human Rights. At the same time, the witness wanted to make clear that Venezuelan society as a whole has not become intolerant. He stated that:

[...] we have to be vigilant about this situation but it would be a mistake to speak of a persecuted or systematically disregarded minority, or to give the impression that Venezuelan society has become intolerant. The Jewish community in Venezuela is well

178 Ibid.

179 Ibid.

180 Ibid.

181 Ibid.

182 Ibid.

183 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

184 Ibid.

integrated into national life and actively participates in the rich culture of the country, and plays an important role in many civilian society organizations.¹⁸⁵

Since the Israeli Ambassador's expulsion, the Government of Canada has represented Israel's interests in Venezuela, which are primarily consular. The Canadian Embassy in Venezuela also stays apprised of the situation facing the Jewish community. The Subcommittee was assured that Canada has intervened in the past to condemn incidents of anti-Semitism in Venezuela and will continue to do so, through its ambassador, where appropriate. In April 2010, officials from DFAIT testified that "we've had very good cooperation between the Canadian embassy and the Venezuelan government"¹⁸⁶ when Canada raised its concerns regarding anti-Semitic acts. Ms. Bugailiskis also stated that:

There has been a security response whenever there has been a difficulty, and they have certainly respected our ability to serve the Jewish community during this period [...] We continue to monitor the situation. The embassy meets on a regular basis with members of the Jewish community, and Minister Kent, during his visit to Venezuela, also had an opportunity to meet with them.¹⁸⁷

With respect to the attacks against the synagogues, Mr. Marder stated:

The government did not react immediately, but a couple of days after the incident the Minister of Foreign Affairs came to the synagogue to meet with members of the Jewish community. There may have been some accusations that the government itself has orchestrated this, but I've seen no evidence, and my understanding is that the government has undertaken an investigation and that an individual or individuals have been arrested for this attack.¹⁸⁸

However, when Rabbi Scheier testified before the Subcommittee in June 2010, he stated that although arrests were made, "a façade of justice was presented to the world" and there had still been no trials.¹⁸⁹

In February 2012, Mr. Reeder (DFAIT) reiterated his department's commitment to monitoring the situation of the Jewish Community in Venezuela and intervening when anti-Semitic acts take place:

We monitor the human rights situation domestically, but we also provide services to the resident community. We've encouraged the government there to reject and combat anti-Semitism when it manifests itself. My examples, to be fair, refer to instances where, in the state broadcaster or public media, we've seen references of a derogatory, anti-Semitic nature vis-à-vis Israel. We have a couple of examples of that instance. We also hold President Chávez to his word when he met the Jewish community leaders a little over a

185 [Evidence](#), Meeting No. 13, 3rd Session, 40th Parliament, May 6, 2010.

186 [Evidence](#), Meeting No. 9, 3rd Session, 40th Parliament, April 22, 2010.

187 Ibid.

188 Ibid.

189 [Evidence](#), Meeting No. 22, 3rd Session, 40th Parliament, June 10, 2010.

year ago and said that he had the greatest respect for them and for their contribution. He told his party members publicly that anti-Semitism was unacceptable.

We have followed up, as I mentioned, on instances where, on state television, one of the reporters broadcast anti-Semitic remarks. I raised that, and secondly, there were comments made in relation to an opposition leader named Henrique Capriles, where, again, anti-Semitic comments were made towards him. As a result of that, we intervened through our ambassador in Caracas with the foreign ministry. In this instance, it was an article on the website that was removed at Canada's insistence. We follow this very closely, and we will continue to express our views when we see issues like this develop. The Government of Israel is very appreciative of our role in the country and of the support that we provide to the Jewish community.¹⁹⁰

The right of all people to live free from discrimination is protected under international law. The Subcommittee wishes to stress, in the strongest possible terms, its unequivocal condemnation of all acts of anti-Semitism in Venezuela. While it is vital that the Government of Venezuela take strong steps not only to investigate and punish incidents of anti-Semitism after they occur, it is equally critical that the government not foster an environment where anti-Semitic sentiment may flourish. As Mr. Armony noted, “combative words from a charismatic leader, we know very well, can become, in some people, an authorization for pernicious behaviour.”¹⁹¹

The Subcommittee recalls that international standards require special attention to be paid to the needs of particularly vulnerable groups such as ethnic and religious minorities. Some witnesses were reluctant to ascribe these attacks against the Jewish community to state-sponsored discrimination. However, given the popularity of President Chávez in Venezuela, the Subcommittee is concerned that his anti-Israeli rhetoric may have the unintended consequence of provoking anti-Semitic violence against the Jewish community. The Subcommittee recalls that under international law, Venezuela has a responsibility to prevent violence against minority groups and to prosecute and punish perpetrators when such incidents do occur. Therefore, the Subcommittee insists that the Government of Canada call upon the Government of Venezuela to honour its international commitment to ensure that all of its citizens live free from discrimination on the basis of religion, ethnicity or other grounds. Anti-Semitism must have no place in a prosperous and democratic Venezuela.

6. Concerns with Respect to Social, Economic and Cultural Rights

The Subcommittee is concerned that progress made by Venezuela on social and economic rights may be deteriorating for a number of reasons including inefficiencies and corruption within government agencies responsible for delivering social programs as well as the current state of Venezuela's economy.

According to Ms. Bolivar Osuna, her organization, PROVEA, and another Venezuelan NGO, *Espacio Público*, have reported that “peaceful protest has almost

190 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

191 [Evidence](#), Meeting No. 13, 3rd Session, 40th Parliament, May 6, 2010.

doubled between 2006 and 2009.”¹⁹² She further stated that “most demonstrations are linked to demands in areas such as education, health and services. So it’s obvious that people are not very happy with the results.”¹⁹³

Dr. Rochlin told the Subcommittee, “more access to health care and social programs” also comes with “a lot of red tape.”¹⁹⁴ Mr. Graham noted that “the government suffers from incompetence and widespread corruption.” Mr. Reeder elaborated on this issue:

[...] we've seen in a number of ministries, they become less efficient at doing their jobs, and you're seeing people at senior levels who are not professionals but who are there for other reasons, like ideology, and it tends to impact upon the ministries.¹⁹⁵

The deteriorating state of the country’s economy has likely also contributed to growing discontent.

Mr. Graham stated that:

Non-petroleum sectors of the economy are deteriorating, including electrical energy, manufacturing, and agriculture. For the past two years, even the oil sector registered contraction. Inflation is the highest in Latin America. The economy is a mess. These negatives touch primarily on the lives of Venezuelan people.¹⁹⁶

The progress that had been made in Venezuela with respect to social and economic development is significant. As stated above, the government must do more to combat corruption throughout its institutions in a non-partisan way. An added challenge will be the government’s ability to sustain the progress it has made in the face of domestic and global economic instability.

Part 3 – Geo-Political Considerations and Human Rights

1. Venezuela’s Human Rights Record in the Regional and International Context

In order to provide the Subcommittee with a regional context, several witnesses compared the human rights situation in Venezuela to that of other Latin American countries, and to Colombia in particular. They noted that the region has long experienced the kinds of challenges to democratic governance and human rights seen in Venezuela, regardless of what political party is in power. For example, Mr. Armony told the Subcommittee:

192 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

193 [Ibid.](#)

194 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

195 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

196 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

In the Latin American context, messianic presidencies, supported by the people but authoritarian in how they are exercised, and intent on staying in power forever, have an annoying habit of repeating themselves, in various shapes, whether they be conservative, neo-liberal or socialist.¹⁹⁷

For some observers, “politics in Venezuela, even if you take into account the numerous blunders and the climate of aggressiveness that has overtaken relations with the opposition, are still acceptable in light of regional standards.”¹⁹⁸ Therefore, in comparison to other Latin American countries, “one cannot declare that democracy in Venezuela is in imminent danger.”¹⁹⁹ Worrying trends such as the concentration of power within the executive, the criminalization of social protest, and violence against human rights defenders can be seen in many other countries in the region.

Dr. Rochlin argued that it is important to have a point of reference when looking at the human rights situation in Venezuela: “[w]hen we compare any South American or Latin American country to Canada, it’s going to come up short.”²⁰⁰ In his opinion, the natural point of reference would be to look at Venezuela’s neighbour, Colombia, which “has a similar geography, a similar size, a similar population, and a similar GDP”.²⁰¹

Anybody will tell you that when you look at Colombian human rights, on the positive side, the situation is improving. The situation in Colombia is more secure than it's ever been, and I've been working in Colombia since 1987. At the same time, the human rights situation in Colombia is absolutely horrendous. There were 286,000 people forcibly displaced last year, 21 union members were assassinated last year, and 90% of the paramilitaries in Colombia who have surrender[ed] have not been investigated. There have been all kinds of scandals, and I could go on with that.

When we look at Venezuelan human rights and we're looking at it in context, I think the situation in Colombia, objectively, is far worse.²⁰²

Though the human rights situation may be worse in Colombia, there is an important difference in their government’s approach to both the criticism and offers of assistance from the international community. As Mr. Graham noted, Colombia has “welcomed in the international community. It has invited in the UN. It has invited international organizations. It has opened its doors. What is occurring in Colombia is far more transparent, and we end up getting more and more unbiased news reports on what is going on there.”²⁰³ The Government of Venezuela also cooperates with UN human rights mechanisms, which includes inviting UN special rapporteurs to conduct assessments in the country and supporting the role of the Universal Periodic Review of the UN Human Rights Council.

197 [Evidence](#), Meeting No. 13, 3rd Session, 40th Parliament, May 6, 2010.

198 Ibid.

199 Ibid.

200 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

201 Ibid.

202 Ibid.

203 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

However, it has not permitted the Inter-American Commission Human Rights to undertake investigations on Venezuelan soil, has rejected rulings made by the Inter-American Court and has threatened, on several occasions, to withdraw from the Inter-American Commission Human Rights.²⁰⁴

On May 4, 2012, the UN voiced its concern over the Government of Venezuela's most recent announcement to set up a committee which would evaluate the possibility of withdrawing from the Inter-American Commission Human Rights.²⁰⁵ During a press briefing in Geneva, the spokesperson for the UN Office of the High Commissioner for Human Rights (OHCHR) noted "the longstanding relationship between the OHCHR and the IACHR [Inter-American Commission on Human Rights],"²⁰⁶ as well as "the collaboration between the UN Human Rights Council and IACHR experts on issues relating to freedom of expression, torture and indigenous rights, among others."²⁰⁷ UN human rights mechanisms have made a number of the same pronouncements as the Inter-American Commission on Human Rights including, for example, with respect to the case of Judge Afiuni. The Government of Venezuela was urged to continue cooperating with both regional and international human rights mechanisms and not to take "measures that would weaken human rights protection — not just in Venezuela but also with potentially negative ramifications for people all across the continent."²⁰⁸

President Chávez has also been an active supporter of alternate regional organizations that exclude Canada and the United States such as UNASUR, an organization of South American states, and the Community of Latin American and Caribbean States. According to Dr. McCoy, the OAS is still the only regional organization that has a broad range of bureaucratic capacity, as well as the inter-American human rights system. She urged Canada to continue to protect these mechanisms, noting that they are "a real jewel in the hemisphere."²⁰⁹

From the point of view of the Subcommittee's witnesses, the purpose of regional comparisons is not to suggest that the Government of Canada refrain from commenting on the human rights situation in Venezuela or lower its expectations for human rights standards in the region. Rather, the Subcommittee wishes to illustrate that restrictions on freedom of expression and other human rights violations in the region have tended to transcend the political ideology of the state. It is also thanks to these regional comparisons that observers can note how far Venezuela has come in terms of social and economic rights. With this context in mind, witnesses stressed the need for the Government of

204 The jurisdiction, functions and powers of the Inter-American Commission on Human Rights are set out in Chapter VII of the IACHR: arts. 34-51. The treaty permits reservations that are consistent with its object and purpose: art. 75.

205 "[UN Concerned over Venezuela's possible withdrawal from human rights body](#)," *UN News*, May 4, 2012.

206 *Ibid.*

207 *Ibid.*

208 *Ibid.*

209 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

Canada to continue taking a balanced and even-handed approach with respect to engaging Venezuela on its human rights record.

2. Venezuela's Regional and International Relations

a. Relations with Colombia

The Chávez government's foreign policies and relations with Colombia and other countries have raised serious concerns internationally, including with respect to their possible impact on the country's human rights situation. The Subcommittee shares these concerns.

From a regional perspective, several witnesses pointed to the tense relationship between Venezuela and Colombia and its effect on citizen security in both countries. Witnesses affiliated with Hands Off Venezuela told the Subcommittee that Venezuelans are genuinely afraid that Colombia will invade Venezuela. In addition, the fact that the United States has increased the number of its military bases in Colombia and Panama is making Venezuelans "feel they are being threatened and surrounded [...]"²¹⁰ Other witnesses, however, argued that a full-blown armed conflict between Venezuela and Colombia is unlikely. For example, Dr. McCoy pointed out that "[...] with rapprochement, we're beginning to see more cooperation between Venezuela and Colombia"²¹¹ particularly on the issue of human security.

According to Dr. Rochlin, Venezuela and Colombia "depend on each other economically"²¹² in terms of both legal and illicit trade. Ms. Bolivar Osuna also noted the close cultural and personal relations between the two countries: "people are not willing to go to war with Colombia. We all have people and family in Colombia; my grandmother was from Colombia."²¹³ Both witnesses indicated that it's convenient for governments to invent a foreign enemy when they are "losing popularity"²¹⁴ because it "defers your own problems to somebody else."²¹⁵

b. Relations with Iran

President Chávez and Iran's President Mahmoud Ahmadinejad have developed a close relationship. Given the latter's human rights record and international policies, especially towards Israel, which were the subject of the Subcommittee's 2010 report entitled [*Ahmadinejad's Iran: A Threat to Peace, Human Rights and International Law*](#),

210 [Evidence](#), Meeting No. 12, 3rd Session, 40th Parliament, May 4, 2010.

211 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

212 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

213 [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

214 Ibid.

215 [Evidence](#), Meeting No. 23, 3rd Session, 40th Parliament, June 15, 2010.

members were concerned about the nature of the relationship and the possible ramifications for human rights in Venezuela.

Mr. Graham noted that “there is a very active trading and investment relationship that has developed between Venezuela and Iran.”²¹⁶ According to Dr. McCoy, the relationship between Iran and Venezuela dates back to their co-founding of OPEC in the 1960s. President Chávez has used these close ties as part of a greater global strategy. Dr. McCoy explained:

Part of Hugo Chávez's strategy since he came to power in 1999 has been to change the global structure, and particularly to reduce the role and the dominance of the United States as a power within the world and within the region. That has been his strategy: to create a more multipolar world. He's done that through a south-south strategy in particular, trying to create more integration within Latin American [*sic*] and particularly within South America but also reaching out to other southern or developing countries. In doing so, he has indeed reached out to those who are particularly pariahs or antithetical to the United States, so it's not only Iran: it's Russia, it's Belarus, it's been Libya, it's been Saddam Hussein in Iraq.²¹⁷

Mr. Reeder described the relationship as follows:

[...] these are two governments that are very isolated from the rest of the world. They lack support and partners. These are people who are operating on the margins of international relations and who are looking for friendships and links, be it for trade or other types of relations. These make for very small circles. I think that reflects the reality.²¹⁸

The ramifications of this relationship, however, concern members of the Subcommittee, particularly with respect to how it impacts on Iran's nuclear weapons program. Dr. McCoy noted that although President Chávez “is vocally supporting, for example, Iran's right to nuclear energy, he's not supporting the right to have nuclear weapons.”²¹⁹ This may be the case, but there is evidence that President Chávez is circumventing the UN sanctions in place to pressure Iran to halt its nuclear weapons program. Dr. McCoy gave these two examples:

My understanding is that Venezuela has provided some gasoline components, for which the U.S. applied a light sanction a year ago against Venezuela as well as a couple of other companies around the world, including an Israeli company. It was for providing gasoline components to Iran. That helps Iran, because Iran needs gasoline and doesn't refine its own oil.

The other concern has to do with banking, the financial sector, in terms of Iranian banks having access through Venezuelan subsidiaries to get around some of the attempts to control the financial capacity of Iran.²²⁰

216 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

217 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

218 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

219 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

220 *Ibid.*

The Subcommittee is concerned that the relationship between these two states may facilitate human rights violations and abuses in Iran by mitigating the pressure placed on the Iranian regime through international sanctions and diplomacy.

Part 4 – Government of Canada Policy and Programs

Officials from DFAIT appeared twice before the Subcommittee over the course of its study. They provided an overview of Canada's policy towards Venezuela, explaining that the government, through its Embassy in Caracas, monitors the human rights situation in the country very closely. Canada is also an active participant regionally through the OAS.

According to Mr. Reeder, Canada has considerable commercial ties with Venezuela:

Venezuela is ranked as Canada's largest agrifood export destination in Central and South America. Venezuela is also Canada's fourth largest trading partner in Latin America and the Caribbean, excluding Mexico. Bilateral merchandise trade totalled \$1.3 billion in 2010, including Canadian exports worth \$559 million.²²¹

According to Ms. Bugailiskis, "Canada continues to try to engage with the Government of Venezuela, as well as with civil society on issues including human rights, democracy and rule of law."²²² In January 2010, the then Minister of State for Foreign Affairs, the Honourable Peter Kent, visited Venezuela but "was informed that no ministers would be able to meet with him."²²³ Mr. Graham, a former Canadian Ambassador to Venezuela, indicated in his testimony that "bilaterally, we have zero influence with Chávez" as "access to him by our own people is pretty much non-existent."²²⁴

The Embassy does, however, reach out to other parts of society. NGOs in Venezuela receive financial support through two Government of Canada programs: the Canada Fund for Local Initiatives provides funding for work on "priority issues of human rights, democracy, transparency and practices of good governance," while the Glyn Berry Program provides funding for work related to "efficient and transparent public administration, media training and voter participation."²²⁵

In order to provide support and raise the profile of human rights defenders in Venezuela, the Government of Canada established the Human Rights Prize of the Embassy of Canada in the Bolivarian Republic of Venezuela. The 2009 recipient was Dr. Humberto Prado Sifontes, Director of Venezuelan Prisons Observatory, an NGO that documents cases of violations against, and promotes the rights of, persons in detention in

221 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

222 [Evidence](#), Meeting No. 9, 3rd Session, 40th Parliament, April 22, 2010.

223 Ibid.

224 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

225 [Evidence](#), Meeting No. 9, 3rd Session, 40th Parliament, April 22, 2010.

Venezuela. In 2011, Dr. Prado Sifontes and his family were faced with intimidation and death threats after two massive prison riots left 22 people dead. He was accused by the government of working with political opponents to orchestrate the violence in order to create chaos in the prisons and destabilize the government.²²⁶ Mr. Reeder noted that the 2012 recipient of the award was Raúl Cubas, one of the founders of PROVEA, an NGO from which the Subcommittee heard during this study. The award, in addition to “supporting human rights defenders’ work,” also allows for the recipient “to meet with interested parties both in Venezuela and Canada.”²²⁷

The Government of Canada has also made public statements on actions taken by the Government of Venezuela to curtail freedom of expression, such as when the administrative measures were placed against media outlets for what appeared to be political reasons, and over the arrest of former state governor Oswaldo Álvarez Paz, allegedly for comments he made on a Venezuelan talk show. In addition, as discussed above, the Canadian Embassy in Venezuela also stays apprised of the situation facing the Jewish community and has intervened when violent acts have been committed against the Jewish Community of Venezuela and when anti-Semitic comments have been made publicly either by members of the media or by government officials.

With respect to Venezuela’s relationship with Iran, DFAIT noted in follow-up correspondence with the Subcommittee that “Venezuela is well aware of Canada’s views on Iran’s nuclear program, particularly activities with possible military dimensions.”²²⁸ The statement further noted that “Canada encourages all members of the international community to enact targeted diplomatic measures against Iran to persuade the Iranian regime to comply fully with their non-proliferation obligations.”²²⁹

Canada is also very actively engaged regionally and internationally with respect to the human rights situation in Venezuela. As Mr. Reeder explained:

At the Organization of American States, the OAS, Canada continues to defend vigorously the integrity and the independence of regional human rights institutions affiliated with the OAS, notably through its provision of financial and other support over the past few years to the Inter-American Commission on Human Rights, the Inter-American Institute of Human Rights, the Inter-American Children's Institute, and the OAS Special Rapporteur for Freedom of Expression.

Canada continues to support and work towards a full implementation of the Inter-American Democratic Charter, signed in Quebec City in 2001, which celebrated its 10th anniversary this past fall. We lead a resolution on this issue each year and continue to advocate in favour of measures to advance this cause, including appointment of an

226 Frontline Defenders, “[Venezuela: Defamation of human rights defender Dr Humberto Prado Sifontes following statements by a public official](#),” June 23, 2011.

227 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

228 Department of Foreign Affairs and International Trade, *Correspondence*, April 27, 2012.

229 Ibid.

independent OAS Rapporteur on Democracy and the establishment of a regional compendium of best democratic practices.²³⁰

There are a few challenges that Canada faces within the Inter-American system. For one, Canada is not a party to the American Convention on Human Rights, and neither is the United States. Because of this, as Dr. McCoy noted, “it becomes more difficult to speak about”²³¹ the need for countries in the hemisphere to uphold Inter-American Court rulings, for example. In addition, according to Mr. Graham, “missing from the [Inter-American Democratic] charter are teeth for enforcement and attention to abuses that take place within the constitutional framework,” which is “the route by which some governments override the democratic process.”²³² Some governments and the OAS itself have cherry-picked “only the parts of the charter that they wish to see enforced.”²³³ For presidents like Mr. Chávez, they uphold the articles that protect against military *coups d'état*, while ignoring articles that refer to the separation of powers, checks and balances, and freedom of expression.

Ms. Bugailiskis noted that Government of Canada policies and programs in Venezuela and in the region as a whole are also in line with its [priorities](#) in the Americas which commit Canada to promoting three objectives: democratic governance, prosperity and security. In addition, Canada is committed to strengthening bilateral relationships and regional organizations. With respect to Venezuela specifically, Canada’s support to the Carter Center for Advancing Human Rights and Alleviating Suffering has “facilitated a series of workshops with journalists and media professionals to address the political polarization in the Venezuelan media.”²³⁴ In addition, Canada and Venezuela have close academic relations. As indicated by Mr. Graham, Canadian schools are popular with Venezuelans and “there’s a Canadian studies program which is active in several Venezuelan universities.”²³⁵ The Embassy also facilitates the work of Canadian companies in Venezuela’s petroleum sector.

Internationally, Canada made a statement and gave recommendations to Venezuela during its Universal Periodic Review by the United Nations Human Rights Council, which took place in October 2011.²³⁶ Mr. Reeder summarized the process as follows:

Of 148 recommendations made [by all states], Venezuela accepted 95, rejected 38, and deferred 15 for further consideration. Canada put forward a total of eight recommendations for Venezuela in our intervention. [...]

230 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

231 [Evidence](#), Meeting No. 28, 1st Session, 41st Parliament, March 13, 2012.

232 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

233 Ibid.

234 Department of Foreign Affairs and International Trade, [“Canada and the Americas: Priorities & Progress”](#).

235 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

236 See the compilation of recommendations and responses compiled by the NGO UPR-Info.Org, [“Responses to Recommendations: Venezuela”](#), February 7, 2012.

I will quickly summarize these recommendations: consolidate the rights of women and people belonging to vulnerable groups; prioritize reforms to the law enforcement and judicial system; promote freedom of expression, association, and peaceful assembly; ensure the independence of the judiciary; eliminate the criminalization of contempt and libel in regard to the media; support the activities of human rights defenders and non-governmental organizations through positive public recognition; ensure that human rights defenders continue to have access to international funding; and ensure a participatory and inclusive process with civil society.

Venezuela accepted two of Canada's recommendations: supporting the activities of human rights defenders and independent NGOs; and consolidating the rights of women and people belonging to vulnerable groups. It rejected the other six.²³⁷

During its presentation, Canada also noted “the progress in the reduction of the extreme poverty and the access to education and welcomed the commitment to equality and non-discrimination and efforts to professionalize the police.”²³⁸ In addition, in their testimony before the Subcommittee, DFAIT officials listed the achievements made by the Government of Venezuela with respect to the human rights situation in the country. The Subcommittee notes that this balanced approach to engaging Venezuela on its human rights record is important and must continue.

It is also important to recognize that, as noted by several witnesses, various countries in the Americas are facing similar and at times worse, human rights challenges than those in Venezuela, and Canada must continue to engage with these countries on their human rights record as well. The Subcommittee believes that the Government of Canada should continue to take an even-handed approach to human rights in the region. For example, Canada made a statement and gave recommendations to [Colombia](#) and [Honduras](#) during their UPR. With respect to Colombia, the Government of Canada made reference to, *inter alia*, the need to fully prosecute those responsible for extrajudicial killings, enforced disappearances and forced displacement. Canada also noted that paramilitary groups continue to operate and commit atrocities against Colombia’s population and that gender-based violence is still a serious concern. Canada also commented and made recommendations to Colombia and Honduras that were similar to those mentioned in Venezuela’s UPR, including the need for their respective governments to combat impunity, and to ensure the protection of human rights defenders and journalists.

As stated earlier, the Chair of the Subcommittee had the pleasure of meeting with the former Ambassador of Venezuela to Canada Her Excellency Jhannett Madriz Sotillo before she returned to Venezuela for her next assignment as Judge of the Supreme Court. Unfortunately, the position has not been replaced since and Venezuela “is currently represented in Canada at the *chargé d'affaires* level.”²³⁹ According to Mr. Reeder, the

237 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

238 Report of the Working Group on the Universal Periodic Review to the United Nations Human Rights Council, “[Venezuela \(Bolivarian Republic of\)](#),” December 7, 2011.

239 [Evidence](#), Meeting No. 24, 1st Session, 41st Parliament, February 28, 2012.

Government of Canada hopes “an ambassador from Venezuela might be appointed in the near future.”²⁴⁰

Part 5 – The Subcommittee’s Conclusions and Recommendations

The Subcommittee notes the Government of Venezuela’s efforts to advance socio-economic development. These have improved the lives of so many men, women and children in Venezuela, and contributed to the strengthening of social and economic rights in the country. Some progress has also been made with respect to certain civil and political rights, which have increased the level of participation for those in the poorer strata of Venezuela’s population who were previously largely excluded from the democratic process. Notwithstanding these achievements, the Subcommittee still has strong concerns and believes that the Government of Venezuela’s overall record on civil and political rights remains very poor.

The Subcommittee heard that the model used by some Latin American revolutionaries has “looked to health and education as the transformative issues [...] if social needs are met, democratic freedoms are not important.”²⁴¹ However, as Ms. Burns noted “there is no reason that social programs cannot be promoted alongside changes within the governance system to solidify governance.”²⁴² In fact, the Subcommittee believes that the programs designed to meet these social needs require sound democratic governance or else the progress made in social and economic rights will be difficult to sustain. The link between democratic governance and human rights is clear. Key elements of sound democratic governance include freedom of speech, access to power, the exercise of power in accordance with the rule of law, the separation of powers, and transparency and accountability in public administration; these elements are currently being compromised in Venezuela.

It is clear to the Subcommittee that the erosion of these social programs has already begun. The majority of the witnesses testified that discontent and unrest were on the rise in Venezuela despite the positive socio-economic developments. Some who have voiced their dissatisfaction have become victims of intimidation, and at times, detention. These people include individuals who fundamentally support the goals of the government. Legislation has been passed to increase the concentration of power around the president, to further curtail freedom of expression and to limit foreign funding to civil society organizations thereby “building obstacles for greater debate rather than facilitating compromise and cooperation.”²⁴³ This concentration of power has served to further undermine an already weak judiciary, preventing the development of independent and impartial judicial institutions capable of protecting human rights and providing access to justice for the people of Venezuela.

240 Ibid.

241 [Evidence](#), Meeting No. 47, 3rd Session, 40th Parliament, March 1, 2011.

242 Ibid.

243 Ibid.

Venezuela's society is also deeply polarized politically. This polarization continues to affect and contribute to the lack of independence and professional integrity of the media. Restrictions and retaliatory action against media outlets threaten the right to freedom of expression, which includes the right to receive and impart information. Aggressive rhetoric used by the government incites violence perpetrated by both state and non-state actors against journalists, human rights defenders and others who defy or criticize the government. The Subcommittee believes that inflammatory language used by the President and his officials against Israel has contributed to an increase in attacks against the country's Jewish community. The government's critics have also committed certain abuses, particularly during the attempted 2002 *coup*, the 2004 recall referendum and more recently, during demonstrations.

The lack of citizen security in Venezuela impairs the ability for all persons to enjoy their rights and freedoms. The Subcommittee is particularly concerned about the prevalence of weapons in the hands of private, pro-state armed groups and the government's role, through the military, in arming and training civilian militias to perform functions related to the maintenance of civil order. Citizen security is a major concern, particularly in the lead up to the country's October 7, 2012 elections. The political landscape seems to be in a continual state of flux. The opposition had its first ever primaries and elected Henrique Capriles to run against President Chávez. The ability of Mr. Capriles to effectively unite opposition parties remains to be seen. Also, President Chávez has had ongoing health concerns and no one is sure what ramifications this may have on his ability to run in the October elections. And finally, there are divisions among Chávez's supporters; this includes some factions who believe Chávez has been slow at implementing the goals of the revolution. The Subcommittee is concerned that in an already highly polarized political environment, the security situation could worsen. It sincerely hopes that the elections remain free, fair and non-violent.

Finally, the government's inability and/or unwillingness to tackle corruption and impunity, which have been pervasive issues in Venezuela for decades, allow serious violations of human rights to continue and have the potential to erode the progress the government has made with respect to the country's human rights record, specifically with respect to social and economic rights. The following example epitomizes the concerns of the Subcommittee with respect to corruption and impunity in the country: we were told that the judge presiding over the prosecution of Judge Afiuni is not only close to the President's inner circle, but was also not appointed according to the regular appointment procedure under Venezuelan law; further, she was not assigned the case through the normal computerized distribution system. Members were alarmed to hear that this same judge is responsible for the cases regarding the bomb attacks against a major synagogue in Caracas and the attacks against media outlets and journalists.²⁴⁴

International law protects a wide array of human rights, many of which were not fully addressed in the course of our study. In particular, the Subcommittee heard minimal evidence regarding the rights of indigenous peoples, sexual orientation and gender identity

244 Ligia Bolivar Osuna, [Evidence](#), Meeting No. 19, 3rd Session, 40th Parliament, June 3, 2010.

rights, or the right to property; as a result, the Subcommittee unfortunately does not have enough evidence on which to base any conclusions.

Ultimately, each state has the prime responsibility and duty to respect, protect and fulfill all of the human rights of people under its jurisdiction.²⁴⁵ This obligation includes creating the conditions necessary and implementing the required legal guarantees to ensure that every person under the state's jurisdiction, individually and in association with others, is able to enjoy their human rights in practice. It also requires the state to make available accessible and effective remedies to victims of human rights violations and crime.

The Subcommittee emphasizes that the enjoyment of different human rights are inextricably linked. Civil and political rights will come under grave threat in situations where extreme inequality and poverty persist; yet, it is not possible to achieve social justice, development and an adequate standard of living for all if individuals are not able to voice dissent and live free from discrimination, or in the absence of pluralistic democracy, the rule of law, and citizen security.

The Chair of the Subcommittee had the opportunity to meet with the former Venezuelan Ambassador to Canada and with Mr. Calixto Ortega, a Member of Parliament of the Venezuelan National Assembly. The Subcommittee is encouraged by their engagement in such a dialogue and by their stated commitment to the protection of all human rights in Venezuela.

Members of the Subcommittee stress that the universally recognized human rights norms and standards set out in this report are also rights enshrined in the Venezuelan Constitution. The Subcommittee hopes that in the future, the Government of Venezuela will effectively respect, protect and fulfill the civil and political rights of all people in Venezuela, including their right to a remedy for past violations, while continuing to work towards the progressive realization of social, economic and cultural rights.

The ongoing challenge for the Government of Canada is to continue to find opportunities for engaging, bilaterally, regionally and internationally with the Government of Venezuela on its human rights record and obligations, while continuing to use a balanced and even-handed approach so as to not further entrench the polarization and politicization of human rights in the country and in the region. The Subcommittee commends the Government of Canada's even-handed approach to date, but members believe that more can be done to support Venezuelans' efforts to build for themselves a vibrant and fully-functioning democracy.

245 ICCPR, art. 2; IACHR, art. 1.

1. The Subcommittee's Recommendations

RECOMMENDATION 1

The Subcommittee recommends that the Government of Canada continue to engage, bilaterally and multilaterally, with the Government of Venezuela on human rights issues by using a balanced approach, thereby acknowledging the administration's positive achievements while continuing to urge the Government of Venezuela to uphold the rule of law and ensure equal protection for all human rights, including civil and political rights.

RECOMMENDATION 2

The Subcommittee recommends that the Government of Canada continue to directly engage, bilaterally and multilaterally, with all governments in the Americas with respect to their human rights records and obligations.

RECOMMENDATION 3

The Subcommittee recommends that the Government of Canada use its leverage as a commercial partner to remind the Government of Venezuela to respect its own constitution as well as the democratic standards of the regional and international human rights organizations to which it is party.

RECOMMENDATION 4

The Subcommittee recommends that the Government of Canada continue to financially support and work closely with Venezuelan human rights defenders and non-governmental organizations in order to enhance their ability to share information, thereby fostering open dialogue on human rights issues in the country and enabling these organizations to bring forward their concerns and proposals to their own government.

RECOMMENDATION 5

The Subcommittee recommends that the Government of Canada urge the Government of Venezuela to conduct an independent investigation into the 2004, 2007 and 2009 attacks on synagogues and Jewish community centres in the country with a view to bringing the perpetrators to justice.

RECOMMENDATION 6

The Subcommittee recommends that the Government of Canada continue to monitor, with the utmost attention, the situation facing Venezuela's Jewish community and intervene, when appropriate, when violent acts are committed against the community and when

anti-Semitic comments are made publicly either by members of the media or by government officials.

RECOMMENDATION 7

The Subcommittee recommends that the Government of Canada continue to promote opportunities for Venezuelans to attend Canadian universities and/or to participate in existing Canadian studies programs in Venezuelan universities.

RECOMMENDATION 8

The Subcommittee recommends that the Government of Canada express its willingness to provide additional technical assistance and expertise to Venezuela to assist the Government of Venezuela with police reform and in addition, urge the Government of Venezuela to provide human rights training to all state security forces.

RECOMMENDATION 9

The Subcommittee recommends that the Government of Canada urge the Governments of Venezuela and Colombia to work cooperatively in order to combat cross-border criminality which contributes to human rights abuses, violations and citizen insecurity in both countries.

RECOMMENDATION 10

The Subcommittee recommends that the Government of Canada call upon the Government of Venezuela to take concrete steps to reduce the circulation and number of arms in the hands of its civilian population and in particular, urge the Government of Venezuela to disband and disarm the civilian militias.

RECOMMENDATION 11

The Subcommittee recommends that the Government of Canada continue to fund programs that help members of the media address, and receive training on, professional standards and journalistic independence.

RECOMMENDATION 12

The Subcommittee recommends that the Government of Canada, in addition to awarding the Human Rights Prize of the Embassy of Canada in the Bolivarian Republic of Venezuela each year, ensure that the profile of each recipient is listed on the Embassy's website with regular updates on the recipient's work and well-being, provided this would be in the best interests of the person in question.

RECOMMENDATION 13

The Subcommittee recommends that the Government of Canada further strengthen its support for the Organization of American States' (OAS) ability to promote human rights in Venezuela by urging the OAS to provide more technical assistance to help empower Venezuela's civil society.

RECOMMENDATION 14

The Subcommittee recommends that the Government of Canada urge the OAS to allow not only the Venezuelan executive, but also the legislative and judicial branches of government, to engage in discussions on human rights issues with the OAS and its affiliated bodies.

RECOMMENDATION 15

The Subcommittee recommends that the Government of Canada call on the Government of Venezuela to immediately release, and guarantee in all circumstances, the physical and psychological safety and integrity of Judge María Lourdes Afiuni, and to immediately halt the harassment and intimidation of the lawyers and activists who have taken up her cause.

RECOMMENDATION 16

The Subcommittee recommends that the Government of Canada:

- provide strong support to diplomatic regional human rights institutions, including the Inter-American Commission on Human Rights, the Inter-American Special Rapporteur on Freedom of Expression and other special rapporteurships and expert bodies; and,
- advocate for the creation of a special rapporteur on democracy and democratic governance at the Inter-American Commission on Human Rights whose mandate would be hemisphere-wide and whose reports would be made public.

RECOMMENDATION 17

The Subcommittee recommends that the Government of Canada continue to defend rulings of the Inter-American Court of Human Rights and, when appropriate, urge the Government of Venezuela to do the same.

RECOMMENDATION 18

The Subcommittee recommends that the Government of Canada, in company with other nations, urge the Government of Venezuela to

allow independent, international election observers into the country for the October 7, 2012 elections.

RECOMMENDATION 19

The Subcommittee recommends that the Government of Canada strongly remind the Government of Venezuela that all members of the international community have an obligation to enforce the international sanctions imposed by the United Nations Security Council against the Government of Iran as a result of its nuclear weapons program.

**APPENDIX A
LIST OF WITNESSES
1st Session, 41st Parliament**

Organizations and Individuals	Date	Meeting
Department of Foreign Affairs and International Trade	2012/02/28	24
Neil Reeder, Director General Latin America and Caribbean		
As an individual	2012/03/13	28
Jennifer McCoy, Director Americas Program, The Carter Center		

APPENDIX B LIST OF WITNESSES 3rd Session, 40th Parliament

Organizations and Individuals	Date	Meeting
<p>Department of Foreign Affairs and International Trade</p> <p>Alexandra Bugailiskis, Assistant Deputy Minister Latin America and the Carribean</p> <p>Kirk Duguid, Desk Officer Venezuela</p> <p>Jeffrey Marder, Director South America and Inter-American Relations</p>	2010/04/22	9
<p>Bolivarian Circle Louis Riel / Hands Off Venezuela</p> <p>Camilo Cahis</p> <p>Alex Grant</p> <p>Maria Páez Victor</p>	2010/05/04	12
<p>Société Bolivarienne du Québec / Hands Off Venezuela</p> <p>Leila Gonzalez</p> <p>Stéphanie Vaudry</p>		
<p>As an individual</p> <p>Victor Armony, Professor Department of Sociology and Director of the Observatory of the Americas, Montreal Institute of International Studies, Université du Québec à Montréal</p>	2010/05/06	13
<p>Amnesty International</p> <p>Guadalupe Marengo, Deputy Director Regional Program (Americas)</p>	2010/05/25	16
<p>Venezuelan Program for Education - Action in Human Rights</p> <p>Ligia Bolivar Osuna, Co-founder and Board Member</p>	2010/06/03	19
<p>Congregation Shaar Hashomayim</p> <p>Rabbi Adam Scheier</p>	2010/06/10	22
<p>As an individual</p> <p>James Rochlin, Professor Political Sciences, University of British Columbia</p>	2010/06/15	23
<p>Canadian Foundation for the Americas (FOCAL)</p> <p>Lesley Burns, Project Manager</p> <p>John Graham, Chair Emeritus</p>	2011/03/01	47

**APPENDIX C
LIST OF BRIEFS
3rd Session, 40th Parliament**

Organizations and Individuals

Clark, Patrick

Kellogg, Paul

Barrio Nuevo

Société Bolivarienne du Québec / Hands Off Venezuela

MINUTES OF PROCEEDINGS

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No. 43](#)) is tabled and a copy of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights (from [41st Parliament, 1st Session: Meetings Nos. 24, 26, 28, 42, 43](#) and from [40th Parliament, 3rd Session: Meetings Nos. 9, 12, 13, 16, 19, 22, 23, 47](#)) is tabled.

Respectfully submitted,

Dean Allison, M.P.
Chair

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the Government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meeting No. 43](#)) is tabled.

Respectfully submitted,

Dean Allison, M.P.

Chair

