

## Venezuela Should Revoke Emergency Decree

(June 6, 2016) – The international community should press Venezuela to revoke the recent “State of Exception and Emergency Decree” that granted the government powers to restrict rights, suspend international cooperation for civil society groups, including human rights organizations, and limit the constitutional powers of the National Assembly, 125 human rights and civil society organizations from around the world said today.

The groups emphasized that these powers could be used to seriously undermine the work of civil society organizations and harass and intimidate human rights defenders, noting that the measures are inconsistent with Venezuela’s obligation as a member of the UN Human Rights Council to “uphold the highest standards of human rights”. The groups called on states to raise these concerns during the upcoming UN Human Rights Council session in June 2016, and governments in the Americas to carry out a candid assessment of the human rights situation in Venezuela before competent Organizations of American States (OAS) bodies. The OAS and United Nations human rights systems should request Venezuela to revoke the state of exception and economic emergency decree, the groups said.

On May 13, 2016, President Nicolás Maduro adopted an emergency decree that declared a state of exception in the country for 60 days, granting his government the power to potentially restrict human rights. Venezuela is facing an economic crisis, with severe shortages of medicines and basic goods, as well as electricity shortages, which the decree states it aims to address.

President Maduro claims that the emergency measures are in response to concerns including a foreign-led plot to destabilize his government. The May 13 decree authorizes the president to “adopt measures and execute special security plans that guarantee the sustainability of the public order when faced with destabilizing actions” and “any other social, environmental, economic, political, and legal measures he deems convenient.” In the past, the Venezuelan government has responded to alleged “destabilization” plots by jailing opponents and critics clamping down on the expression of dissent and the right to freedom of assembly, including through arbitrary arrests of political opponents and critics, and the weakening of the safeguards against torture. Security forces have used excessive force to disperse anti-government demonstrations, and have participated in nationwide security operations since July 2015 that led to widespread allegations of abuses against low-income and immigrant communities, including extrajudicial executions, massive arbitrary detentions, evictions without due process, destructions of homes, and arbitrary deportations.

The decree does not meet international standards to restrict rights during states of emergency, the groups said. Under the International Covenant on Civil and Political Rights, governments do have the power to “derogate,” or temporarily suspend, some of their human rights obligations by declaring a state of emergency – but only in the face of a public emergency that “threatens the life of the nation.” Even then, governments may only derogate from human rights obligations to the extent “strictly required by the exigencies of the situation.” Instead, President Maduro’s broad decree could enable the government to further undermine basic rights that are already under sustained assault in Venezuela, including the rights to freedom of association, assembly, and expression.

The emergency decree also instructs the Foreign Affairs Ministry to suspend all international cooperation agreements that provide funding to individuals or organizations when “it is presumed” that such agreements “are used with political purposes or to destabilize the Republic.” In a country where authorities have routinely accused civil society representatives, including human rights defenders, of destabilizing Venezuelan democracy, this order could effectively force key Venezuelan independent organizations, which rely on foreign funding to work independently, to shut down or dramatically scale back their work.

In addition, the emergency decree allows the president to block the National Assembly from using its constitutional powers to sanction government officials. The Venezuelan Constitution grants the National Assembly oversight powers over the executive branch, including the power to summon officials to be questioned about their policies and practices by legislative committees and – in the case of the vice president and cabinet ministers – to remove them from office through a no-confidence vote. The May 13 decree allows the president to impose a “temporary suspension” of accountability mechanisms of this kind if he deems they could “undermine national security” or could “obstruct the continuity of the implementation of economic measures for the urgent reactivation of the national economy [or] the provision of essential goods and services to the Venezuelan people.”

The Venezuelan Constitution requires National Assembly approval of decrees declaring states of emergency. The National Assembly rejected the new emergency decree on May 17. However, the Supreme Court ruled in February 2016 that National Assembly rejection of decrees declaring states of emergency does not “affect the[ir] legitimacy, validity, and juridical efficacy.”

Since the government’s political takeover of the Supreme Court in 2004, the judiciary has ceased to function as an independent branch of government, and has routinely validated the government’s policies and practices that fail to meet international human rights standards. The National Assembly, which was controlled by government supporters for most of the past decade, repeatedly enacted “enabling laws” granting the president broad powers to legislate. It repacked the Supreme Court, most recently in December 2015, to ensure that a loyal court remained in place. Since the new opposition-controlled National Assembly took office on January 5<sup>th</sup>, 2016, the Supreme Court has adopted a series of rulings that severely undermine its ability to legislate.

The June session of the UN Human Rights Council provides a timely and necessary opportunity to press Venezuela to revoke this unnecessary and arbitrary decree.

## **SIGNATORIES**

### **International Organizations**

APT, Association for the Prevention of Torture

Article 19

CCPR, Centre for Civil and Political Rights

CIVICUS, World Alliance for Citizen Participation

DPLF, Due Process Law Foundation

HRW, Human Rights Watch

ICJ, International Commission of Jurists

ISHR, International Service for Human Rights	
OMCT, World Organization Against Torture	
PIDHDD, Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo	
CPD, Cooperation for Peace and Development	Afganistán
ADC, Asociación por los Derechos Civiles	Argentina
CELS, Centro de Estudios Legales y Sociales	Argentina
Rainbow Warriors Core Foundation	Aruba
University of New South Wales	Australia
Aid Organization	Bangladesh
UDDYOG Foundation	Bangladesh
Asociación Nacional de la Prensa de Bolivia	Bolivia
Fundación Construir	Bolivia
LACCASO, Latin American Council of Aids Service Organizations	Brasil
Movimento Ficha Verde	Brasil
Cambodian Development and Research Institute	Cambodia
FAPEFE, Fondation des femmes actives pour la promotion de l'éducation de la femme et de l'enfant	Cameroon
Voice of Grace Foundation	Cameroon
Gigascope	Canada
University of Ottawa	Canada
Corporación Humanas	Chile
Observatorio Ciudadano	Chile
Comisión Colombiana de Juristas	Colombia
Dejusticia	Colombia
IPLEX, Instituto de prensa y libertad de expresión	Costa Rica
Action et Humanisme	Ivory Coast
Climate Reality Project Cote d'Ivoire	Ivory Coast
Revolution Congolaise	Democratic Republic of Congo
CSMM, Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J."	Ecuador
INREDH, Fundación Regional de Asesoría en Derechos Humanos	Ecuador
Kepa	Finland
Action for Solidarity	United States
WOLA, Washington Office on Latin America	United States
Mekelle University	Ethiopia
International Institute for Child Protection	Gambia
Tamale International Folk High School	Ghana
SEDEM, Seguridad en Democracia	Guatemala
Association for Promotion Sustainable Development	India
Humanity Welfare Forum	India
India Media Centre	India
Tata Cummins	India
Nchekoua Business Consulting Club	Italy

Women Empowerment Group	Kenya
SHIBL Movement	Libya
Abogadas y Abogados para la Justicia y los Derechos Humanos	Mexico
Centro de Derechos Humanos Miguel Ángel Agustín Pro Juárez, A.C.	Mexico
Ciudadanos en Apoyo a los Derechos Humanos, A. C.	Mexico
Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C.	Mexico
JOINT, Liga de ONG de Mozambique	Mozambique
YPDSN, Young Professional Development Society Nepal	Nepal
Centro Nicaragüense de Derechos Humanos	Nicaragua
ARIJ, Applied Research Institute – Jerusalem	Palestine
Consumo Ético	Panama
Ágora Espacio Civil Paraguay	Paraguay
Asociación Pro Derechos Humanos	Peru
Comisión de Justicia Social de la Diócesis de Chimbote	Peru
Instituto Peruano de Educación en Derechos Humanos y la Paz	Peru
Instituto de Defensa Legal	Peru
IPYS	Peru
Movimiento Manuela Ramos	Peru
Observatorio Latinoamericano para la Libertad de Expresión	Peru
Paz y Esperanza	Peru
SAHDCG, Social and Humanitarian Development Consultative Group	Sudan
ALEJO Community Support Project	Zambia

### **Venezuelan**

Acceso a la Justicia	
Acción Solidaria en VIH/sida	
ACCSI, Acción Ciudadana Contra el SIDA	
Amigos Trasplantados de Venezuela	
Asociación Civil Movimiento Vinotinto	
AVESA, Asociación Venezolana para una Educación Sexual Alternativa	
CECODAP	
Centro de Derechos Humanos de la Universidad Católica Andrés Bello	
Centro de Derechos Humanos de la Universidad Metropolitana	
Centro para la Paz y los DDHH - UCV	
CEPAZ, Centro Justicia y Paz	
CISFEM, Centro de Investigación Social Formación y Estudios de la Mujer	
CIVILIS Derechos Humanos	
CODEVIDA, Coalición de organizaciones por los derechos a la salud y la vida	
COFAVIC, Comité de Familiares de las Víctimas de los Sucesos de febrero-marzo de 1989	
Colegio Nacional de Periodistas	
Comisión De Justicia y Paz	

Comisión Nacional de DDHH de la Federación de Colegios de Abogados de Venezuela  
CONVITE  
Espacio Público  
EXCUBITUS A.C.  
Expresión Libre  
Federación Nacional de Sociedades de Padres y Representantes (FENASOPADRES)  
FEPAP, Fundación Ensayos para el Aprendizaje Permanente  
Funcamama  
Fundación Aguaclara  
Fundación Ecodiversa  
FUNPAZ, Asociación Civil Fuerza, Unión, Justicia, Solidaridad y Paz  
ININCO, Instituto de Investigaciones de la Comunicación de la Universidad Central de Venezuela  
INVESP, Instituto Venezolano de Estudios Sociales y Políticos  
IPYS Venezuela  
Justicia y Paz Los Teques  
Laboratorio de Paz  
María Estrella de la Mañana  
Observatorio de Derechos Humanos de La Universidad de Los Andes  
Observatorio Venezolano de los Derechos Humanos de las Mujeres  
Observatorio Venezolano de Prisiones  
Oficina de Derechos Humanos del Vicariato de Puerto Ayacucho  
Postgrado en Comunicación Social de la Universidad Católica Andrés Bello  
ProJuris  
PROVEA, Programa Venezolano de Educación Acción en Derechos Humanos  
Red ARA  
Red Rosa  
REDAC, Red de Activistas Ciudadanos por los Derechos Humanos  
REDSOC, Red Venezolana de Organizaciones para el Desarrollo Social  
Revista SIC  
RTSP, Comité por una Radiotelevisión de Servicio Público  
Ser, Comunicación e Investigación  
Sinergia, Asociación Venezolana de Organizaciones de Sociedad Civil  
SNTP, Sindicato Nacional de Trabajadores de la Prensa  
SOHI, Sociedad Hominis Iura  
Transparencia Venezuela  
Un Mundo Sin Mordaza  
Unión Vecinal para la Participación Ciudadana  
Venezuela Diversa Asociación Civil