



## **Executive summary**

This report was prepared by Civilis Human Rights (CivilisDDHH) and the Venezuelan Network of Civil Society Organizations (Sinergia) for it to be considered by the Human Rights Committee of the United Nations in the consideration of the Fourth Report of the Venezuelan State on compliance with the International Covenant on Civil and Political Rights, to be held in Geneva on 29 and 30 June 2015. The report specifically addresses articles 20, 21 and 22 of the Covenant, relating to safeguards for the protection of people from language or propaganda of incitement to hatred or violence by the State and third parties; and the rights to freedom of assembly, demonstration and association. Its purpose is to provide the Committee with information on these rights, not included or not fully treated by the State in its responses to the list of issues.

Civilis Human rights is a non-profit organization dedicated to supporting the ongoing work of groups and organizations of civil society in the field of human rights, supported on associative, civic and democratic approaches to help expand and strengthen guarantees of respect for the dignity of people in the civil, political, social, economic and cultural dimensions. Sinergia is a coalition of 52 organizations of Venezuelan civil society whose purpose is to provide a democratic space of articulation, cooperation and capacity-building opportunities for participation and to contribute to the excellence of the sector and influence the construction of social policies in the public interest in the interests of greater conviviality and social equity.

During the past few years, the Venezuelan State has implemented policies and practices that can be deemed as systematic expressions leading to hatred, division and violence, together with threats of using public law enforcement and military force against sectors of society for their political views and for defending legitimate interests or rights, which are not compatible with principles and behaviors in a democratic society. The calls for peace by the State in regards to facing conflicts are void if public authorities do not cease and refrain from continuously broadcasting violent speeches. These behaviors are also reflected in a constant intolerance and repressive actions against the legitimate rights of the people to public assembly and peaceful demonstration, thereby creating conditions for serious violations of human rights and impunity. Venezuelan civil society is also concerned about a systematic reduction of areas of autonomy, independence and exercise of the right to freedom of association, participation and advocacy for human rights, which should be corrected by the Venezuelan State in accordance with its obligations established in the Venezuelan Constitution and in provisions of the Covenant.

To this end, we ask the Committee to consider the following recommendations of exhortation to the Venezuelan State in consideration of its Fourth Report:

1. To put an end to stigmatizing, degrading and violent speeches against people or sectors of society for their ideas, interests or demands for rights, which compromise the State's responsibility to protect human rights and respect for plurality in a society democratic.
2. To de-politicize Venezuelan Armed Forces and State law enforcement agencies, a situation that is incompatible with the principles and guarantees of impartiality and equal treatment to be provided by the State to all citizens in the performance of public functions, without any form of discrimination, in addition to seriously jeopardizing democratic guarantees when law enforcement is subject to political partiality.

3. To de-activate units, organizations or devices aimed at monitoring civilian population which do not conform to the rule of law and to punish all officials who misuse information systems in State hands that may violate the right to privacy and the legitimate right of human rights defenders to seek the protection of human rights.
4. To review the legislation related to the new forms of associations promoted or created by the State, to ensure that their purpose and scope do not affect the freely constituted associations or limit their right to express themselves or participate in public affairs on equal conditions and without any discrimination, especially with regards to the "People's Power" laws, Resolution 058 and other laws related to the "People's Power" model.
5. To review legislation and judicial measures that may pose restrictions on the freedom of public assembly and peaceful demonstration based on *a priori* presumption of violence, permit requirements, the use of military forces in control of public order and the application of criminal law to deal with situations related to the exercise of these legitimate rights.
6. To cease implementing practices of repression against protesters and decommissioning of units or plans that enforce them, ensuring the free convening, organization and conduct of public meetings and demonstrations by the people, regardless of content or language that may annoy or displease the authorities and civil servants; and take the necessary measures to readjust the equipment of the agencies involved in public order.
7. To grant full and immediate freedom for all persons deprived of liberty for exercising their right to public assembly and peaceful demonstration, including those that are under regime of regular reporting to the courts; and to diligently investigate and prosecute cases of abuse, excess and misconduct by officials, ensuring reparations to victims and their families.
8. To refrain from imposing restrictive administrative, legislative or judicial measures in regards to the funding of civil society organizations, including funds from foreign sources or from international cooperation, and to repeal those not complying with legitimate limits strictly stipulated in the Covenant; and to ensure a safe and enabling environment for maintaining the space for civil society.
9. To refrain from imposing a military registry on civil society organizations, and to adapt the Military Enlistment Act to the provisions of the Covenant which protect the rights to freedom of association and conscientious objection, for organizations and their members.
10. To refrain from imposing obstacles or obstructions that prevent the legitimate right of associations with lawful purposes, whatever their nature, to obtain legal personality or the admission of documents on registration procedures, based on restrictions incompatible with those provided by the Covenant as admissible in a democratic society.