



Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

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1. This submission was prepared in March 2011 on the basis of the latest information available to CPTI.

Executive summary:

2. This submission focusses on the situation regarding military service in the Bolivarian Republic of Venezuela. It raises concerns with regard to the lack of any provisions for conscientious objection to military service, the links between military service and military training in schools, and Venezuela's reporting under its treaty obligations.

3. The non – recognition of conscientious objection to military service is a breach of Article 18 (freedom of thought, conscience and religion) of the International Covenant on Civil and Political Rights (ICCPR). It is also held by civil society organisations in Venezuela to be contrary to the national constitution.

4. Article 2 of the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict (OPAC) reads: “States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.” The fact that pre-military training organised by the Ministry of Defence is a compulsory part of the syllabus in secondary schools, and that some Venezuelans can fulfil their military service obligation by military training in school while under the age of 18 may not violate the letter of this Article, but it is blatantly contrary to the spirit, and it is inappropriate that it was not mentioned in the Declaration which Venezuela made at the time of ratification.

5. Venezuela's reports under its relevant international treaty obligations are long overdue. Its fourth periodic report under the ICCPR was due in 2005, and it has yet to submit its initial report under the OPAC.

Background: Military Service in Venezuela

6. Venezuela retains a system of obligatory military service. The current legislative basis is the Law on Conscription and Military Enlistment (*Ley de Conscripcion y Alistamiento Militar*), which received parliamentary approval on 6th October 2009 and replaces the Law of 1978.¹

7. The 2009 law extended the obligation to register for military service within 60 days of the eighteenth birthday to women as well as men, and increased the upper age limit of military liability from 50 to 60.

8. The duration of military service was set by the 1978 Law (Art.15) at 18 months.² It was reported in 1998 that only some 20% of those registered for military service are actually recruited.³ Subsequent reports do not. However all sources agree that only a small proportion of those registered are actually called up.

9. The 2009 Law extended to women the obligation to carry documentation of military registration status and, to the existing requirement that such documentation be provided for the issue of a driving licence or for admission to higher education, it added a stipulation making this a prerequisite for employment in the public sector.

10. The Law set fines for failure to register by the due date, for not answering call-up, and for failing to show military documentation on demand. While it was being drafted it was suggested that the fines would be set at a level equivalent to \$350 (US).⁴

11. Neither the 1978 Law nor the 2009 Law incorporated provisions for conscientious objectors to military service. A number of organisations and individuals, notably the human rights organisation *Provea*, campaigned against the 2009 Law, on the grounds (among others) that this omission was unconstitutional.⁵

12. It was reported in October 2010, shortly before the initial deadline set for registration under the 2009 Law, that in response to public opposition the Chair of the Defence Committee of the Parliament had indicated that the deadline would not be enforced, that no fines would be imposed for failure to register, that military documentation would no longer be required for official purposes and that Universities and employers would not be permitted to ask for such documentation.⁶ The current situation is therefore unclear.

¹ War Resisters International, "Venezuela: New military service law introduced military duties for women," CO Update No.52, (November/December 2009), (<http://wri-irg.org/node/9189>).

² Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2004 (London, 2004)

³ Horeman, B. & Stolwijk, M., Refusing to Bear Arms, War Resisters International, London, 1998 (http://wri-irg.org/programmes/world_survey/country_report/en/Venezuela)

⁴ Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 (<http://www.childsoldiersglobalreport.org/content/venezuela>)

⁵ War Resisters International, "Venezuela: Government backs down regarding compulsory registration for military service" CO Update No.61, (November/December 2010) (<http://wri-irg.org/node/11640>)

⁶ Ibid

Non-recognition of conscientious objection to military service

13. As noted above, the military service provisions do not allow for conscientious objection. No reports have come to light on the enlistment or imprisonment of conscientious objectors to military service, but this probably reflects the haphazard operation of the military recruitment system. Would-be conscientious objectors are not unknown; no fewer than 34 declared themselves in 1997.⁷

14. In its concluding observations on the third periodic report of Venezuela under the International Covenant on Civil and Political Rights (ICCPR), the Human Rights Committee “notes that there is no provision in Venezuelan law for conscientious objection to military service, which is legitimate pursuant to article 18 of the Covenant.” and recommends “**The State party should see to it that individuals required to perform military service can plead conscientious objection and perform alternative service without discrimination.**”⁸

15. There is no indication that Venezuela has taken any action to implement this recommendation. Venezuela's fourth periodic report under the ICCPR has been overdue since 2005.

Military Training in Schools and Military Service

16. Venezuela ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 23rd September 2003. The four paragraph declaration which it made on ratification ends “No Venezuelan under the age of 18 has military obligations or the duty to register for military service.”

17. All students in the last two years of secondary school, typically when aged between 15 and 17, are obliged to undergo as part of the curriculum “pre-military training” organised by the Ministry of Defence.⁹ This must be considered as constituting “military obligations”.

18. The secondary education system also includes both state and private military schools, “under the authority of the Ministry of Defence”, which admit students from the age of 14. Under Article 63 of the 1978 Law on Military Recruitment, students at such schools who attend military instruction courses approved by the Ministry of Defence are thereby deemed to have fulfilled the obligatory military service requirement.¹⁰ As far as is known, the 2009 Act retains this provision, which raises particular questions about the nature of such courses and whether their existence is in

⁷ Horeman & Stolwijk, *op cit*

⁸ UN Doc. CCPR/CO/71/VEN of 26 April 2001), para.26

⁹ Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008, , *op.cit.*,

¹⁰ Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2004, , *op.cit*

conformity with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

19. Particularly in view of the above concerns, it is regrettable that more than eight years after ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Venezuela has still not submitted its initial report under the Optional Protocol.

20. In the Second Periodic Report under the Convention on the Rights of the Child itself, Venezuela makes reference to an article of the Protection of Children and Adolescents (Organisation) Act, which bans the provision of weapons, ammunition and explosives to children and adolescents.¹¹ The question arises of whether the training provided at military schools enjoys special exemption from these provisions.

¹¹ CRC/C/VEN2, 5th April 2007, para 291.