

- ♦ ensure that the whole of the text is consistent with the Covenant when drafting the Code Relating to Minors, and provide the Committee with a copy of the text when it is enacted;
- ♦ continue efforts in identifying the minority groups within the country and adopt the pertinent measures to ensure that the rights under article 27 are respected;
- ♦ proceed as rapidly as possible with the Bill before Parliament on the Ombudsman (Defensor del Pueblo); ensure that the Office is independent of the government, has jurisdiction to deal with human rights violations, and is adequately staffed to handle complaints of abuse; and
- ♦ reform current procedures requiring a person found to be a victim of a human right violation to initiate new procedures before the domestic courts to establish the violation, with respect to individual cases considered by the Committee under the Optional Protocol (establishing a violation of the Covenant); and remove the statute of limitations in such cases and provide a remedy in accordance with the views adopted by the Committee on individual cases considered under the Optional Protocol.

### THEMATIC REPORTS

#### Mechanisms of the Commission on Human Rights

**Disappearances, Working Group on enforced or involuntary:** (E/CN.4/1998/43, paras. 24, 36, 37, 46, 47, 64, 386–390)

On the question of compensation, the report summarizes information provided by the government stating: the legal basis for compensation is established in articles 24 and 25 of the Constitution; four years must have passed before a “presumption of absence” may be established, noting that the notion of “presumption of death” does not exist in Uruguayan domestic law; any individual may initiate proceedings leading to a declaration or presumption of absence; a “declaration of absence” is not required before payment or compensation, but Supreme Court practice recognizes that the existence of this declaration helps to speed up the processing of a claim for damages; and, exhumations have not been carried out to determine the identity of persons who disappeared.

Between 1986 and 1987, 36 actions were brought against the state for human rights violations, including unlawful or prolonged detention, abuse of authority, expropriation, ill treatment, and enforced disappearance. Of these, 33 were settled; three concerned the disappearance of detainees. Two other cases involving the disappearance of detainees were before the courts. The government noted that, in some cases, the relatives of missing persons did not avail themselves of the legal remedy and allowed the time limit for claims to expire. The average compensation paid was between US\$100,000 and

US\$156,000; approximately 20 families had received compensation. At the time the report was prepared there were no cases of missing detainees pending payment before the Uruguayan authorities.

During the period under review, no new cases of disappearance were transmitted to the government. At the same time, the Working Group (WG) deleted five cases from the files of Uruguay since it was determined that the disappearances had actually occurred in Argentina. The majority of the 31 reported cases of disappearance occurred between 1975 and 1978 under the military government, in the context of its fight against alleged subversion. No reports of disappearances in Uruguay were received after 1982.

The government provided information on 10 individual pending cases and two other cases which were not registered with the WG. In three cases, an authenticated copy of the settlement agreed by the families of the missing persons and the state were provided. In one other case the government reported that the proceedings instituted against the state in connection with the person’s disappearance had not yet come to an end and were with the appeals court; in another case, the court had accepted the state’s plea of prescription. The report notes that in all cases the government provided extensive supporting evidence.

**Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1998/68, para. 17; E/CN.4/1998/68/Add.1, para. 419)

The report notes that the government provided a copy of the file in the proceedings against the police officers charged in a case previously transmitted by the Special Rapporteur. A judgement in second instance was handed down by an appeal court and confirmed that three police officers were tried in connection with the incidents which caused the death of the person named.



## VENEZUELA

**Date of admission to UN:** 15 November 1945.

### TREATIES: RATIFICATIONS AND RESERVATIONS

**Land and People:** Venezuela has not submitted a core document for use by the treaty bodies.

### Economic, Social and Cultural Rights

Signed: 24 June 1969; ratified: 10 May 1978.

Venezuela’s second periodic report (E/1990/6/Add.19) has been submitted and is scheduled for consideration at the Committee’s April/May 2001 session; the third periodic report was due 30 June 1996.