



HUMAN RIGHTS IN VENEZUELA

Since 1999, Venezuela has committed itself to fulfilling its national and international human rights obligations, which include political, civil, economic, social and cultural rights.

POLITICAL AND CIVIL RIGHTS

Though Venezuela has been a democracy since 1958, a two-party system severely limited popular participation and effectively curtailed political and civil rights.

The 1998 election of President Hugo Chávez and the writing and popular endorsement of the Constitution of 1999 marked a new level of political engagement for once ignored sectors of Venezuelan society. Since then, there have been 14 internationally verified national elections, including a historic recall referendum in 2004. Additionally, the Constitution of 1999 explicitly expanded many political and civil rights, allowing Venezuelans to become participants in their democratic process, instead of just a passive audience.

According to the 2008 Latinobarometro regional survey, satisfaction with democracy in Venezuela rose 14 percent in the decade since President Chávez was first elected. The 2009 Latinobarometro report finds that Venezuela is third in the region (behind only Uruguay and Costa Rica) in terms of the number of the people that consider the country “totally democratic.”

Through a difficult period of political struggle in 2002 and 2003, when sectors of the opposition launched a coup against the democratically elected government and orchestrated a lockout of Venezuela’s vital oil industry, political and civil rights remained protected.

Opposition demonstrations happen with regularity, and the privately held media remains stridently critical of the government. **Even after the 2002 coup, President Chávez granted an amnesty to those who participated in the illegal actions.**

When the Venezuelan government has acted, it has done so within full compliance of the Constitution of 1999 and all relevant laws. Additionally, it has done so without concern as to political standing. Recent disqualifications from holding public office announced by the country’s Comptroller General ensnared individuals

accused of corruption regardless of whether they had ties to the government or were members of the opposition.

The media in Venezuela remains active and vibrant. Over 76 percent of television, radio and newspapers are privately owned.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

As the preamble to the UN’s International Covenant on Economic, Social and Cultural Rights states, “Freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights.” To that end, **Venezuela has taken significant steps to minimize poverty and social exclusion,** promote the participation of excluded groups and celebrate Venezuelan culture in its every form.

Since 1998, **Venezuela has jumped 10 spots on the United Nations Human Development Index.** Since 1999, extreme poverty in Venezuela has fallen from 20 percent to 8 percent. **In the same time, household poverty has fallen from 49 percent to 21 percent.** According to the UN’s Economic Commission on Latin America, Venezuela ranks second in the region in decreases in poverty and indigence from 2002-2008.

According to the 2010 UNESCO Education for All Global Monitoring Report, literacy rates in Venezuela rose from 90 percent of the population in the period 1985-1994 to 95 percent in the period 2000-2007. The report also notes that the percentage of the Venezuelan people with access to pre-primary education rose from 45 percent in 1999 to 62 percent in 2007 and that the percentage of students finishing their primary education jumped from 88 percent in 1999 to 97 percent in 2006.

Roughly 14 million Venezuelans have access to basic foods and subsidized prices. Through a number of innovative health programs, the overwhelming majority of the Venezuelan people have access to free health care. Between 1998 and 2007, infant mortality fell from 21.3 per 1,000 to 13 per 1,000 births.

These advances have come from dramatic increases in social spending and innovative social programs known as “misiones.” Between 1988 and 1998, the year President



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Chávez took office, social spending stood at 9.5 percent of GDP. Since then, it has averaged 17.5 percent.

The 2010 budget approved by Venezuela's National Assembly directs 46 percent of all spending to human needs such as public education, social development, healthcare, food security and others. The budget, which was set on economic growth of 0.5 percent and oil prices of \$40 a barrel, allocates \$74 billion to social spending. Of that amount, \$13 billion will go to public education, \$9 billion to social security, \$6 billion to healthcare and \$3 billion to social development and participation.

In Venezuela today formerly excluded groups – women, Afro-Venezuelans and indigenous groups – enjoy additional rights and access to political power.

More women are now participating in Venezuela's democracy. Currently, four of Venezuela's five branches of government are led by women, an unprecedented achievement in the country's political history. Cilia Flores serves as president of the National Assembly, Tibisay Lucena as president of the National Electoral Council, Luisa Estella Morales as president of the Supreme Tribunal of Justice and Luisa Ortega as Venezuela's Attorney General.

Indigenous groups are granted additional rights under the Constitution of 1999, which states in Article 119: "The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs, languages and religions, as well as their habitat and original rights to the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their way of life." They are also guaranteed representation in the country's National Assembly and were included in *Mision Identidad*, a government program to grant legal recognition and paperwork to those Venezuelans that did not have it.

OPPOSITION CLAIMS

Some members of Venezuela's political opposition have made claims relating to political and civil rights that require clarification.

MEDIA: The media remains free and active in Venezuela. **More than 76 percent of the media on public airwaves is privately owned and operated**, and most is controlled by the government's political opposition.

Additionally, more than **184 channels broadcast freely through cable networks.**

Cases that have arisen with some media outlets are due to legal – not political – problems. In fact, the latest case involving Radio Caracas Television (known as RCTV), was resolved when it approached Venezuela's National Telecommunications Commission and submitted the proper paperwork to clarify their legal status. They are currently broadcasting again.

CORRUPTION CHARGES: Charges against public officials for accusations of corruption have been manipulated by some in the opposition to seem like they amount to political persecution.

One of these situations deals with the disqualification from holding public office. **Since 2000, the Venezuelan General Accountability Office (GAO) has issued administrative sanctions to more than 700 officials based on legal findings of corruption** – the majority of which belong to political parties within the Government's own coalition.¹ According to the **Organic Law of the General Accountability Office (LOCGR)** these charges mandate a number of administrative sanctions that, depending on the severity of the offense against the public trust, can include disqualifications from holding public office for a limited amount of time. This law was approved in the National Assembly in 2001, by a majority of deputies, including representatives from opposition parties.

Among these cases is the one of Mayor Leopoldo López, who received an administrative sanction consisting of a disqualification from holding public office, pursuant to Article 289 of the Constitution and Article 105 of LOCGR. The sanction was imposed after a long legal proceeding, during which the defendant **had the opportunity to present exculpatory evidence. As the rest of the disqualified officials, López can still exercise his political rights**, including freedom of assembly, freedom of speech, the right to belong to or lead a political party, the right to vote, etc. **Governors, mayors and other important public officials close to the government have also been disqualified.**

Other cases have to do with major corruption charges that have been opened by the Supreme Tribunal of Justice.

¹ Contraloría General de la República, "Contraloría General de la República no inhabilita políticamente," February 29, 2008. <http://www.cgr.gov.ve/smc/articulos/noticia262.htm>



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Among these cases is the one of the former governor of Zulia, Manuel Rosales, and also a number of prominent figures linked to the government.

These cases are legal in nature and do not violate the political or civil rights of those involved. Much as the Venezuelan government is committed to the full promotion of political, civil, economic, social and cultural rights, it is similarly dedicated to ensuring that public officials do not violate the public trust and that all entities in the country – whether a media outlet or a business – comply with standing regulations and laws.

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For more detailed information about Venezuela, please visit: <http://www.embavenez-us.org/>