



Embassy of the Bolivarian Republic of Venezuela

## ***Fact Sheet: A Flawed Human Rights Report***

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On Thursday, September 18<sup>th</sup>, Human Rights Watch (HRW) released a report titled: “A Decade Under Chávez: Political Intolerance and Lost Opportunities for Human Rights in Venezuela.” Purporting to be an overview of the Chávez Presidency’s human rights record, the report instead uses a fundamentally flawed methodology, makes gross omissions, and arrives at demonstrably inaccurate conclusions on all the major issues raised. The **clear bias** that oriented the drafting of this report and the **timing** of the report’s release call into question the organization’s **real motives in Venezuela**.

- **Methodological Flaws:** HRW makes broad generalizations based on isolated cases and fails to report on improvements made to rectify legitimate concerns.
- **Alleged Political Discrimination:** The report gives the false impression that political discrimination is commonplace in Venezuela, and ignores the increased level of political participation and an unprecedented 12 electoral processes in the last 10 years. President Chávez and other government officials have denounced political discrimination, and addressed concerns over voter privacy.
- **Venezuela’s Judiciary:** HRW’s assertions that the justice system in Venezuela lacks independence contradict the findings of the Inter-American Human Rights Court.<sup>1</sup> The justice system remains nonpartisan, and has ruled repeatedly against the government.
- **Media in Venezuela:** The report cites a decision not to renew the license of RCTV as proof of censorship. However, the government was under no legal obligation to renew this license which had been controlled for 50 years by a private company that repeatedly violated

Venezuelan laws. RCTV continues to broadcast on cable. All media outlets remain uncensored in Venezuela, with most private media owned by opponents of the Chávez government.

- **Organized Labor:** HRW’s view that Venezuela’s government is restricting freedom of association in the country’s labor movement is not shared by the International Labor Organization.
- **Report Omissions:** The report has gaping omissions, such as the significant human rights advances in Venezuela over the last decade relating to political rights, as well as in social, cultural and economic rights.

### **Methodological Flaws**

The 230 page report has basic methodological flaws that undermine its analysis of human rights in Venezuela.

- With weak evidence from a few, isolated cases of human rights violations, HRW gives the false impression that these alleged abuses are of a systematic nature and are somehow condoned by the government. In fact, the Supreme Court has defended and upheld human rights in several of the cases cited by HRW; and the president condemns discrimination of any kind.<sup>2</sup>
- While HRW includes a variety of human rights cases from the past decade, they downplay the fact many of these issues have been resolved.
- HRW claims that the Venezuelan government “flout[s] the human rights principals enshrined in its own constitution,” yet its flawed analysis focuses only on political rights, overlooking the many economic, social



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and cultural rights that are guaranteed by the Constitution.<sup>3</sup> To make such broad allegations and not include a proper examination of these fundamental rights highlights the inherent bias in this report. For it is precisely these areas in which Venezuela has made the greatest advances in the past decade.

	1998	2008
<b>Poverty</b> <sup>4</sup>	43.9%	28.5%
<b>Inequality</b> <sup>5</sup> (Gini)	.486	.423
<b>Food Consumption per person</b> <sup>6</sup>	168kg/year	188kg/year

**Alleged Political Discrimination**

President Chávez has spoken out against all types of discrimination—including political discrimination—and has spoken out against the use of “blacklists”.<sup>7</sup> **Furthermore, in late 2007 President Chávez pardoned individuals who participated in the 2002 coup.**<sup>8</sup>

- In 2002 PDVSA upper and mid-level managers refused workers entry into plants, initiating a lockout, politicizing their jobs and violating the rights of Venezuelans by severely undermining the national standard of living. The HRW report understates the importance of oil to Venezuela’s economy, and wrongly categorizes this incident as a labor issue, when in fact this lockout was explicitly political and designed to bring the government down, a fact demonstrated by both the actions and public declarations of the leaders of the lockout.<sup>9</sup>

**Venezuela’s Judiciary**

HRW falsely suggests that the Venezuelan judiciary lacks independence.

- Various court cases mentioned by HRW, including one involving the Fund for the Guarantee of Deposits and Banking protection and another involving the

National Council of Frontiers, were resolved in court, while others are ongoing. The courts ruled that employees from these institutions were unfairly dismissed. These rulings against the government demonstrate the independence and impartiality of the judiciary in Venezuela, and directly contradict HRW’s argument.

- In August 2005, the Inter American Human Rights Court “did not find proof that the Judicial Branch lacks independence.”<sup>10</sup>
- Many of HRW’s concerns, such as a mechanism that allows for a simple majority in the National Assembly to confirm a Supreme Court justice, are common elements of other democracies, such as the United States.

**Media in Venezuela**

As Bart Jones, a longtime correspondent for the Associated Press wrote in 2007, “Radio, TV and newspapers remain uncensored, unfettered and unthreatened by the government. Most Venezuelan media are still controlled by the old oligarchy and are staunchly anti-Chávez.”<sup>11</sup>

- HRW cites the government’s refusal to renew RCTV’s concession as an example of media censorship. On numerous occasions RCTV violated national regulations and directly participated in the 2002 coup; yet, RCTV continues to broadcast on cable.<sup>12</sup> The signal previously used by RCTV is now a public service channel.
- HRW all but dismisses the “media war” in Venezuela, a country where the majority of newspapers have an anti-Chávez leaning and the opposition is broadly represented in television and radio. Ironically, on their own editorial pages, talk shows and interviews, opposition media regularly claim they lack the



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freedom they are expressing. In regard to government control of the media, **the state owns just 7% of TV broadcasters, 6% of radio stations** and does not own or publish a newspaper.<sup>13</sup>

### Organized Labor

The HRW report misrepresents the complex reality of Venezuela's labor movement. Venezuelan workers achieved the highest minimum wage in the region and are able to choose their union affiliation.

- **In 2008 the ILO removed Venezuela from its list of union freedom violators because accusations against it “were unsubstantiated and shown to be false.”**<sup>14</sup> Although HRW uses a source which clearly states this fact and mentions the ILO over 200 times it overlooks this important development.<sup>15</sup>
- The benefits and protection workers receive in Venezuela surpass many ILO international standards. Venezuelan laws bring greater transparency and democracy to union activities and address past problems of corruption and elite control.

### Venezuelan Civil Society

Although HRW uses a broad definition of civil society when introducing this concept, their scope narrows significantly in the report's discussion of Venezuela.

- The report draws broad generalizations about civil society based on a few case studies of organizations – some of which are overtly political. In this, the report disregards thousands of individuals and organizations which actively work on a variety of issues pertinent to Venezuelans.
- HRW criticizes the governments concern over organizations that receive funds from the NED and USAID, although they

exhibit a lack of transparency in regards to the organizations they fund in the region.<sup>16</sup> A Freedom of Information Act request revealed that groups directly involved in the 2002 coup were financed by these organizations.<sup>17</sup>

### Political Rights

As HRW notes, President Chávez won elections “on the promise to free Venezuela from its entrenched patterns of political exclusion,” a promise that has been fulfilled with increased opportunities for political participation.<sup>18</sup> Democratic rights have been deepened in Venezuela during President Chávez's administration, contrary to claims by HRW.

**Venezuelans have voted in twelve different electoral processes over the past ten years**, which have often generated high voter turnout. In the 2006 Presidential elections, the opposition acknowledged that President Chávez won in a fair and transparent vote.<sup>19</sup> In the latest fair and free electoral process, the 2007 Constitutional referendum, the government of Venezuela immediately conceded defeat.<sup>20</sup> Additionally, **59% of Venezuelans report being satisfied with the way democracy works in their country, compared to the regional rate of 37%.**<sup>21</sup> For a country whose democratic government was temporarily overthrown in 2002, these are significant achievements.

In its assessment of democracy in Venezuela, HRW overlooks important advances made towards greater citizen participation and inclusion at all levels of government. One of these advances has been the establishment of tens of thousands of community councils. Even the mainstream media has reported that this democratic initiative has given Venezuelans of all political persuasions increased control and decision-making power over local affairs such as the community's



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budget and “almost everything from trash collection to school construction.”<sup>22</sup>

**Human Rights Progress in Venezuela**

Along with the important progress achieved in the area of political rights, Venezuela has made significant advances in economic, social and cultural rights overlooked by HRW, fundamental rights recognized by the Universal Declaration of Human Rights.<sup>23</sup> According to data from the United Nations Economic Commission for Latin America and the Caribbean, poverty in Venezuela decreased 39% between 1999 and 2006.<sup>24</sup> The government’s social policies and initiatives have decreased economic inequality and increased access to food for all Venezuelans.

Furthermore, **Venezuela has been lauded by the Pan American Health Organization** for improvements in healthcare and for health programs such as *Mision Barrio Adentro*.<sup>25</sup>

There has been a revival of support for Afro-Venezuelan culture and a presidential commission on racism. The indigenous minority has 3 guaranteed seats in the National Assembly and all indigenous languages are now constitutionally recognized and treated as official languages in both the political and educational systems. **A development bank created for women, Banmujer, “is the only state-sponsored women’s micro-credit bank in the world.”<sup>26</sup>**

Additionally, women’s share of the labor force has increased and women are now guaranteed 50% of the seats awarded in state and municipal elections.<sup>27</sup> These are just some of the social, economic and cultural rights that

Venezuela has improved upon in the past decade.

**Conclusion**

It is troubling to note that HRW’s longest Americas report in 3 years is both inaccurate and focuses on Venezuelan institutions rather than pressing human rights concerns in the hemisphere.

**The impartiality of the report is evident in the title itself.** Leaping to broad generalizations based on weak evidence from a few, isolated cases of human rights violations, demonstrates that this is a biased political statement, not a sincere attempt to improve the lives of Venezuelans.

**Furthermore, HRW has a history of bias against the Chávez government.**

The 2002 coup against President Chávez only merited a tepid response from HRW, who appealed to the transitional authorities to guarantee human rights, instead of denouncing their actions as a violation of basic political rights.<sup>28</sup> It is troubling to note that in the past 4 years, HRW has produced 9 biased publications in the months leading up to elections and referenda, indicating deliberate efforts to influence internal politics.

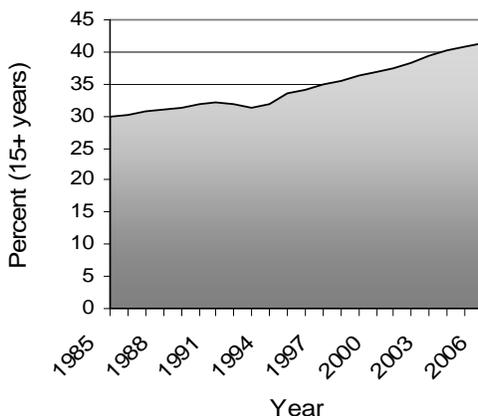
Unfortunately the HRW report has failed to contribute to a fair a debate on the human rights situation in Venezuela.

Instead of taking an impartial, fair stance, its point of view is clearly adversarial.

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For more news and information about Venezuela, please visit our website: <http://www.embavenez-us.org/>.

Women's share of the labor force



Source: UN Data, Gender Info 2007



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<sup>1</sup> “Corte Interamericana de Derechos Humanos: Caso Apitz Barbera y otros (“Corte Primera de lo Contencioso Administrativo”) vs. Venezuela,” Ruling on August 5, 2008, [www.corteidh.or.cr](http://www.corteidh.or.cr).

<sup>2</sup> Maria Lilibeth Da Corte, “Chávez exigió enterrar “la famosa lista” del diputado Luis Tascón,” *El Universal*, April 16, 2005.

<sup>3</sup> “A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela,” *Human Rights Watch*, September 18 2008, p. 9, <http://hrw.org/reports/2008/venezuela0908/>.

<sup>4</sup> “National Statistics Office: Extreme poverty fell from 17.1% to 7.9% between 1998 and 2007 in Venezuela,” July 22, 2008, [www.embavenez-us.org/news.php?nid=4370](http://www.embavenez-us.org/news.php?nid=4370).

<sup>5</sup> Ibid.

<sup>6</sup> “In Venezuela increased food consumption,” *Radio Nacional de Venezuela*, January 28, 2008, [www.rnv.gov.ve](http://www.rnv.gov.ve).

<sup>7</sup> Maria Lilibeth Da Corte, “Chávez exigió enterrar “la famosa lista” del diputado Luis Tascón,” *El Universal*, April 16, 2005.

<sup>8</sup> Ian James, “Chávez pardons accused coup backers,” *Associated Press*, December 31, 2007, [www.usatoday.com](http://www.usatoday.com).

<sup>9</sup> T. Christian Miller, “Venezuela Strike Pushes Nation Toward Crisis,” *Los Angeles Times*, December 6, 2002, <http://articles.latimes.com/2002/dec/06/world/fg-strike6>. See also: “Venezuela’s Oil Situation Worsens as Strike Continues,” *Fox News*, December 17, 2002. <http://www.foxnews.com/story/0,2933,73213,00.html>.

<sup>10</sup> Inter American Court of Human Rights, August 5, 2008 ruling. See endnote 1.

<sup>11</sup> Bart Jones “Chávez didn’t start this media war,” *Los Angeles Times*, May 30, 2007, <http://articles.latimes.com/2007/may/30/opinion/oe-jones30>.

<sup>12</sup> “Coup Co-Conspirators as Free-Speech Martyrs: Distorting the Venezuelan media story,” *Fairness and Accuracy in Reporting*, May 25, 2007, [www.fair.org/index.php?page=3107](http://www.fair.org/index.php?page=3107).

<sup>13</sup> Statistics from Conatel (National Telecommunications Commission of the Bolivarian Republic of Venezuela) [www.conatel.gob.ve/](http://www.conatel.gob.ve/).

<sup>14</sup> Kiraz Janicke, “Venezuela Removed from ILO List of Labor Union Freedom Violators,” *Venezuela Analysis*, June 20, 2008, [www.venezuelanalysis.com/news/3574](http://www.venezuelanalysis.com/news/3574).

<sup>15</sup> Human Rights Watch Report, footnote 421, p. 147. The ILO is named over 200 times including references in footnotes.

<sup>16</sup> “U.S. Should Disclose its Funding of Opposition Groups in Bolivia and Other Latin American Countries,” The Center for Economic and Policy Research (CEPR), September 12, 2008. [www.cepr.net](http://www.cepr.net).

<sup>17</sup> Eva Golinger, “The Proof Is in the Documents: The CIA Was Involved in the Coup Against Venezuelan President Chavez,” November 22, 2008, <http://venezuelafoia.info/evaenglish.html>.

<sup>18</sup> Human Rights Watch Report, p. 3.

<sup>19</sup> Teodoro Petkoff, “A Watershed Moment in Venezuela,” Inter-American Dialogue Working Paper, July 2008, [www.thedialogue.org/page.cfm?pageID=32&pubID=1474](http://www.thedialogue.org/page.cfm?pageID=32&pubID=1474).

<sup>20</sup> “A Debate on Hugo Chavez and Venezuela’s Failed Constitutional Referendum,” *Democracy Now!*, December 17, 2007, [www.democracynow.org/2007/12/17/a\\_debate\\_on\\_hugo\\_chavez\\_and](http://www.democracynow.org/2007/12/17/a_debate_on_hugo_chavez_and).

<sup>21</sup> “The Latinobarómetro Poll: A warning for reformers,” *The Economist*, November 15, 2007, [www.economist.com/world/americas/displaystory.cfm?story\\_id=10136464](http://www.economist.com/world/americas/displaystory.cfm?story_id=10136464).

<sup>22</sup> Juan Forero, “Venezuela Lets Councils Bloom,” *The Washington Post*, May 17, 2007, [www.washingtonpost.com](http://www.washingtonpost.com).

<sup>23</sup> United Nations Universal Declaration of Human Rights [www.un.org/Overview/rights.html](http://www.un.org/Overview/rights.html).

<sup>24</sup> Economic Commission for Latin America and the Caribbean Statistical Database <http://websie.eclac.cl>.

<sup>25</sup> World Health Organization website, [www.amro.who.int/English/D/DVEN\\_Vacunacion\\_eng.pdf](http://www.amro.who.int/English/D/DVEN_Vacunacion_eng.pdf).

<sup>26</sup> “The Women’s Development Bank in Venezuela: “Creating a Caring Economy,” *Council on Hemispheric Affairs*, July 10, 2008, [www.coha.org](http://www.coha.org).

<sup>27</sup> UN Data, Gender Info 2007, <http://unstats.un.org/unsd/demographic/products/genderinfo/>; National Electoral Council Website [www.cne.gob.ve/noticiaDetallada.php?id=4497](http://www.cne.gob.ve/noticiaDetallada.php?id=4497)

<sup>28</sup> “Restore Rule of Law, Protect Rights in Venezuela,” *Human Rights Watch*, April 12, 2002, <http://hrw.org/english/docs/2002/04/12/venezu3851.htm>.