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## **Human Rights in Venezuela: The 2006 U.S. State Department's Report Fiction over Fact**

A recent report by the U.S. Department of State provides information challenging the idea that human rights violations are widespread under the Chavez Administration in Venezuela. Although the report begins by speculating that in Venezuela there is "Politicization of the judiciary, harassment of the media, and harassment of the political opposition ..." it offers little concrete evidence to back up its claims. Similarly, international media coverage of these issues often focus on alleged human rights problems both regarding long-term structural issues (such as prison reform, an endemic problem present long before the current administration) and largely unfounded accusations by government opponents regarding freedom of press and political persecution.

In a statement regarding the State Department's previous human rights reports issued in early 2005 the Deputy Director of the Washington Office on Latin America, Kimberly Stanton, noted "political considerations are evident in some of the findings... The credibility of the reports depends on consistent, objective analysis. This year the U.S. government policy priorities are affecting the evaluation of the data..."<sup>1</sup>

Washington has also been criticized in the past by human rights groups for inadequate reporting and data collection. In 2003 Human Rights Watch found that the State Department's human trafficking report focused largely on countries in bad standing with the U.S. and lacked facts and concrete data about human trafficking in countries with which the U.S. had close ties.<sup>2</sup> Moreover, the deputy director of Human Rights Watch's Americas Division stated that "We have no reason to believe that human trafficking is a more serious problem in Venezuela than in other countries in the region."<sup>3</sup> In fact, the European Union thinks Venezuela fares far better; so much so that in 2005 the EU granted trading preferences to Venezuela in recognition of its efforts to combat human trafficking and drug trafficking.<sup>4</sup>

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<sup>1</sup> WOLA web site, <http://www.wola.org/> WOLA Statement from February 28, 2005.

<sup>2</sup> Council on Hemispheric Affairs, *The State Department Human Trafficking Report: Raw Ideology Rather Than Bona Fide Research*, June 28, 2006. <http://www.coha.org/2006/06/28/the-state-department-human-trafficking-report-raw-ideology-rather-than-bona-fide-research/>

<sup>3</sup> *U.S.-Venezuela Rift*, New York Newsday, September 26, 2004.

<sup>4</sup> Associated Press, *EU grants trade preferences to 11 nations*, December 21, 2005, <http://www.myrtlebeachonline.com/mld/myrtlebeachonline/business/13457213.htm>

Indeed, a thorough reading of the U.S. State Department's 2006 Report on Human Rights actually reveals that Venezuela strives to guarantee human rights and in fact, is beefing up measures to provide accessible avenues for lodging complaints and holding violators accountable. The following findings, taken directly from this year's report, are of extreme importance in assessing Venezuela's efforts in the area of human rights; unfortunately, they are downplayed in the report's general overview:

### **Political Freedoms**

- "The constitution provides for freedom of assembly, and the government generally respected this right in practice."
- "There were no substantiated reports of politically motivated disappearances."
- "There were no reports that the government or its agents committed any politically motivated killings;"
- "A wide variety of independent domestic and international human rights groups generally operated without government restriction investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views."
- "The government cooperated with international governmental organizations and permitted visits by OAS representatives."

### **Justice & Prosecution**

- Of the high level criminal cases highlighted in the State Department's report that showed some involvement of police officers or military personnel: "Twenty-two individuals subsequently faced charges, two of whom were Caracas Metropolitan Police officers. Approximately half of those charged confessed to involvement and were immediately sentenced to prison. At year's end the remaining accused were awaiting trial." Furthermore, "President Chavez acknowledged excessive use of military force in these killings; as a result of an investigation, at least 14 soldiers were arrested. On November 15, 10 soldiers were charged in the killings of the six miners." In addition, "On August 31, 24 police officers were sentenced for their involvement in the June 2005 killings of students... Sentences ranged from three to 30 years' imprisonment."
- "Detainees were promptly informed of the charges against them."
- "There was a functioning system of bail... Detainees were provided access to counsel and family members."
- "There were no reports that security forces killed prisoners;"
- "The government permitted prison visits by independent human rights observers, and such visits took place during the year."

### **Freedom of Press**

- "While the law permits the president to suspend telecommunications broadcasts, it was not invoked during the year..."
- "The law permits the government to order national broadcast *cadena* (lengthy, commercial-free programming, usually consisting of presidential

speeches) to require all broadcast media to preempt scheduled programming and transmit the government's entire message. Use of cadenas was much more restrained in elections during the year, compared to 2005."

- "There were no government restrictions on access to the Internet."

### **Academic Freedom**

- Professional and academic associations "indicated they generally operated without interference..."

### **Refugees & Human Trafficking**

- "In practice the government provided protection against refoulement, the return of a person to a country where they feared prosecution."
- "The government cooperated with the UN High Commission for Refugees (UNHCR) and other humanitarian organization in assisting refugees and asylum seekers."
- "In August the Ministry of Interior and Justice hosted a roundtable on trafficking in persons; the minister of justice presided, and nearly every cabinet ministry had high level representation...The event culminated with a comprehensive plan to address trafficking in persons in the country."
- "The government provided trafficking victims with psychological and physical examinations."

### **Women & Children**

- "The government sought to combat domestic violence through a public awareness campaign and a national victim assistance hotline, which was created in 2005 and administered by the National Women's Institute...It continued to enjoy much success."
- "On November 25, the National Assembly passed the Organic Law on the Right of Women to a Life Free of Violence...The Law prohibits rape, including spousal rape...Rape is punishable with prison terms of eight to 14 years..."
- "Sexual harassment is illegal and punishable with a prison sentence of six to 18 months."
- "Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women with regard to pay or working conditions...these regulations were enforced in the formal sector..."
- "The government was committed to children's rights and welfare."
- "The government provided numerous government health care programs for boys and girls on the basis of equal access."
- "...the judicial system acted to remove children from abusive households..."

### **Labor**

- "Minimum wage rates are adjusted annually by administrative decree, which the legislature may suspend or ratify but may not change... In September the

government raised the monthly minimum wage... The Ministry of Labor enforced minimum wage rates effectively in the formal sector..."

- "The law stipulates that the work week may not exceed 44 hours. Managers are prohibited from obligating employees to work additional time, and workers have the right to weekly time away from work... The Ministry effectively enforced these standards."
- "The law provides that all public and private sector workers have the right to conduct their activities without interference and protects collective bargaining."
- "The law recognizes the right of all public and private sector workers to strike in accordance with conditions established by labor law."
- "The law protects children from exploitation in the workplace. The Ministry of Labor and the National Institute for Minors enforced child labor policies effectively in the formal sector of the economy."
- Replacement workers are not permitted during legal strikes.

### **Elections**

- "The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections held on the basis of universal suffrage."
- "The European Union, the OAS, and the Carter Center sent official electoral observation missions and deemed the elections to be generally free and fair."
- "On December 3, voters reelected Hugo Chavez as president in elections that observers judged to be free and fair. President Chavez was reelected with approximately 63 percent of the national vote. Chavez received more votes in each state in the country, as well as in the Caracas metropolitan area."
- "Eighty-one different political parties appeared on the presidential ballot in December."

**The Full 2006 Human Rights Report by the U.S. Department of State may be viewed at: <http://www.state.gov/g/drl/rls/hrrpt/2006/78909.htm>**