

The Bolivarian Republic of Venezuela

Joint Submission to the United Nations Universal Periodic Review

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Venezuela As A Model For Implementation of Economic, Social and Cultural Rights

Submitted by:

The International Committee of the National Lawyers Guild

1. This report provides information under sections B, C, and D as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review.
2. The submitting stakeholder is the International Committee of the National Lawyers Guild, an organization of lawyers, law students and legal workers dedicated to supporting legal work around the world “to the end that human rights shall be regarded as more sacred than property rights” and provides assistance and solidarity to movements in the United States and abroad that work for social justice in a global economy. Members and delegations from the International Committee have made numerous visits to Venezuela to meet with government officials, opposition leaders and civil society and to monitor elections.
3. **EXECUTIVE SUMMARY:** The Bolivarian Republic of Venezuela is one of the few countries in the world that is actually implementing the economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the treaties that have emanated from it. The International Convention on Economic, Social and Cultural Rights, ratified by the state of Venezuela in 1969, has only begun to be implemented since 1999, when the people of Venezuela adopted, by overwhelming (72%) referendum, the 1999 Bolivarian Constitution, which incorporates the rights enumerated in the ICESCR and the UDHR. Since 1999, the Venezuelan government has made remarkable strides in the improvement of the standard of living of its vast majority of previously excluded poor, something often overlooked by the major international human rights watchdog groups, the US State Department, and the elite class in Venezuela and Miami who heap endless and exaggerated criticism on the Chavez government for its alleged transgressions in its treatment of its opposition. The Bolivarian Constitution specifically guarantees, among others, the rights to health care, education, social security (including for homemakers), a 44 hour work week, as well as the rights to join unions, bargain collectively and strike, and the government has made remarkable progress in fulfilling those guarantees by committing revenues from the newly nationalized industries to actual implementation of its peoples’ economic and social rights – rights that are only a distant pipe dream for most countries,

including the United States. Thanks to its leadership, its peoples' mobilization and its considerable resources, the Bolivarian Republic of Venezuela has made the "progressive implementation" of economic, social and cultural rights envisioned by the drafters of the UDHR and the ICESCR a reality. All of this work has been accomplished within a framework of elections and empowerment of communal councils, independent union structures, and community media that is unprecedented in its popular reach.

I

Unlike the United States, Venezuela has Ratified all Major Human Rights Treaties, Has Incorporated Their Provisions, including Economic, Social and Cultural Rights, into the Bolivarian Constitution and Has Shown a Commitment to Implement Them.

4. The Venezuelan government ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) in 1969 and the Venezuelan populace incorporated their provisions into the Bolivarian Constitution, adopted overwhelmingly (72%) by referendum in 1999.
5. Since then, a series of laws and executive orders have been adopted to implement those rights by reversing the increasing privatization of the oil sector, including the national oil company PdVSA, that had been siphoning profits to corporations and their elite managers and shareholders; renationalizing major companies that had been privatized in previous decades; and instituting a series of programs and "Misiones", guaranteeing education, health care and low cost food to the previously excluded poor.
6. Minimum wage is now the highest in the region (\$375/month, \$638 including benefits), social security has been extended to homemakers and agricultural workers and tied to the minimum wage to prevent erosion from inflation, and potable water and sanitation has been brought to 4-5 million more Venezuelans.
7. According to the Center for Economic Policy Research¹, since the government "re-captured" the national oil company in 2003, real (inflation-adjusted) GDP has nearly doubled, the poverty level has dropped from 54% in 2003 to 26% in 2008 and extreme poverty has fallen even more, from 16% to 7%. Unemployment has dropped from 15% in 1999 to 6.5% in 2010.
8. From 1998-2006, infant mortality fell by more than 1/3 and from 1999-2008 higher education enrollment more than doubled. Since 1999, more than 1.5 million Venezuelans learned to read and write as a result of government literacy campaigns, causing UNESCO to declare Venezuela "free of illiteracy". The number of public sector primary care physicians increased 12 fold between 1999-2007, providing health care to millions who previously had no access.
9. As a result of a doubling, since 1999, of the percentage of GDP being invested for the public good, inequality in Venezuela has been dramatically reduced. As measured by the Gini index inequality fell from 48.1 in 2003 to 41 in 2008 (whereas the US inequality index rose from

¹ Center for Economic Policy Research, "The Chavez Administration at 10 Years: the Economy and Social Indicators", Mark Weisbrot, Rebecca Ray and Luis Sandoval, February 2009.

40.3 in 1980 to 46.9 in 2005). According to the UN Commission on Latin America and the Caribbean (ECLAC), Venezuela reduced inequality by more than any other country in Latin America from 2002-2008 and is now has the most equal income distribution in the region.

II

The gains of the Bolivarian Revolution in Venezuela have been accomplished by an unprecedented level of popular participation, due to the passage and implementation of the Law on Communal Councils or Consejos Comunales, providing a model for other nations on how to use civil and political rights to further economic, social and cultural rights in a truly comprehensive implementation of the UDHR.

10. Despite the 2003 coup and subsequent lock out and sabotage of the oil industry, the Bolivarian process has continued and Hugo Chavez was able to handily defeat a US-supported recall vote in 2005 and succeeded in being elected for a second term by a newly mobilized population, many of whom were previously disenfranchised.

11. In 2006, the Venezuelan Congress approved the Law on Communal Councils, transferring to the organized citizenry public policy and projects responding to the needs and aspirations of the people, with funding from the state-owned resources. The 40,000 plus communal councils set up under this law are developing a model for what may well be the most democratic implementation of economic, social and cultural rights in the world.

III

In its efforts to Integrate the Latin American and Caribbean Nations of the Western Hemisphere and Reach out to Impoverished People Everywhere, including the United States, Venezuela is Providing a Model for International Solidarity that Should be Promoted by the UN Human Rights Council and all Human Rights NGOs

12. With the development of ALBA, Petrocaribe, and countless other international initiatives, the Venezuelan government has provided yet another model for how to build an alternative to the current, increasingly inequitable global economy.

13. These initiatives show promise for international implementation of the economic and social rights enumerated in the human rights instruments and should be studied and heralded by the UN Human Rights Council and the major human rights NGOs, as well as the United Nations and WTO.

IV

Concluding Recommendations

14. While recognizing that the Bolivarian Republic of Venezuela inherited a massive number of problems which cannot be solved in 12 years and that mistakes have been made and

will continue to be made for which the government will be roundly criticized in the UPR process, we wanted to extend a special recommendation to the Venezuelan government that they work in a collaborative manner with all existing international human rights institutions and NGOs to encourage the “human rights community” to give more attention to the part of the international human rights framework that deals with economic, social and cultural rights. In addition, we recommend the representative of the Venezuelan government use the language of the international human rights framework in promote understanding of the Bolivarian process and how the model being developed in Venezuela can serve ultimately to integrate the panoply of human rights enumerated in the UDHR.