



Protests in February 2014 against the Nicolas Maduro government in Maracaibo, Venezuela's second largest city. (Wikimedia/Name withheld at request of copyright owner)

Defending Democracy and Human Rights in the Western Hemisphere

By Luis Almagro

One glimpse at the covers of the main news and political magazines in recent years is often enough to discern a common theme. These publications often display fatalist titles such as “Democracy in Demise,” “Democracy in Crisis,” “Democracy in Peril,” or maybe the alternative favorite, “Authoritarianism on the Rise.” First the 2008 financial crisis, then the results of certain elections worldwide led many to question the future of liberal democracy. In Latin America, an additional series of events such as the “Operação Lava Jato” (Operation Car Wash) corruption scandal that put many high-level elected and public officials in jail, paved the way for fed-up citizens to rebel against their governments in the streets and in the polls, ousting traditional parties and political elites from power.

Despite the bad news, and the serious backsliding in some specific cases and notorious exceptions (e.g. Cuba and Venezuela), I argue that democracy is not dying. For better or worse, it is moving forward. Recent events do not necessarily mean that democracy is on the brink of extinction; rather, they show that there are challenges inherent to democratic life. If anything, the heated public debates confirm that democracy is a living process, which requires constant maintenance and strengthening.

Democracy cannot succeed by inertia. It is unreasonable to assume that the fight against authoritarianism is won because not one, but three waves of democratization have occurred or because the free world defeated totalitarianism in the 20th century and created a robust international law regime to protect human rights.¹ Democracy, freedom, and human rights, require never-ending democratic actions and behaviors from all sectors of society, domestic and international. Leaving democracy to proceed by inertia alone, and if its supporters are passive and silent, risks the total collapse of democratic norms and institutions as we have seen in Venezuela.

Regardless of the democratic deficits and emerging anti-rights agenda in recent years, democracy is the preferred form of government of the clear majority and a right for the peoples of the Americas.² Except for the dictatorial outliers, the Hemisphere is home to young democracies that are going through growing pains. Granted, these growing pains are far more severe for some than for others.

There is no such thing as the perfect democracy, but it is important to act as though such a thing is possible. Democracy requires constant, continuous work. As such, the system relies upon the accumulation of small

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victories on the path of respect for and protection of democratic and human rights. Unfortunately, the Americas have not rid themselves entirely of authoritarian conditioned reflexes. The rest of the world has not either. This is partly due to human nature, both its humane and inhumane dimensions. The dark, anti-democratic and anti-rights side—as the persistence of dictators, extremely personalist forms of leadership, organized crime, terrorism, and corruption shows—is always alive and attempting to corrupt and co-opt those actors and causes that support human dignity, rights, and democracy development.

This includes international actors and causes. The threats to democracy, human rights, and human dignity do not respect borders; therefore, the role of the international community and diplomacy in championing and protecting human dignity is essential. Given the need for international checks and balances to ensure that the humane and civilized outweighs the corrupt and authoritarian, the Organization of American States (OAS) exists to assure that there is compliance with Inter-American and international law pertaining to democracy and human rights throughout the region.

The Role of the OAS

The OAS has acted to maintain and strengthen democracy and human rights in the Americas in accordance with its core values enshrined in Inter-American law. There was a time when the OAS fulfilled this role on paper only, but not in reality. The Organization was not at the center of the political agenda of the Hemisphere. It was merely an instrument, a place, a platform, in which political interests and the dominating powers of the geopolitics of the day convened, bargained, negotiated, colluded, and/or exchanged views. It was a passive organization; an OAS that was not active, did not know its purpose, and was whatever its member states and its General Secretariat wanted it to do and be at any given time.

The OAS must be what the peoples of the Americas want it to be; it must be, and is today what the member states agreed by formal Inter-American agreements, an instrument to serve the American peoples. The OAS should always stand by these principles and values and should work for the peoples of the Americas, as a function of their needs and of principles, and not as a function of politics and individual interests.

The way forward should be and is, to guide every decision, every action, every day in the General Secretariat, by democratic and human rights values. These values are already part of international law, particularly a norm approved by OAS member states in 2001, the Inter-American Democratic Charter (IADC). This instrument resolves that the essential elements of representative democracy include:

*respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.*³

Article 4 also mentions that transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components.⁴

The IADC represents the democratic ideals to which we aspire, to which we direct our efforts. In theory, democracies in the region should attempt and/or be as close to this ideal as possible. In practice, the story is different. Defending principles is often viewed as an unconventional way of doing diplomacy, but it should not be unconventional at all. Defending human rights, human dignity, and democracy should



In mid-March 2016, protesters go to National Congress Palace denouncing corruption and calling for the departure of Brazilian President Dilma Rousseff. (Agência Brasil Fotografias)

be the normal and expected course of action. The international community, including the OAS General Secretariat and its member states, should strive to be consistent in theory and practice. The environment in which the OAS acts, and in which democracy develops, is challenging.

Challenges to Democracy

Today in the Americas there are high-levels of social and political tension both north and south, and between democracies and dictatorships. The Hemisphere is home to 35 states, all democracies

except two dictatorships (Cuba and Venezuela), and one that is transitioning toward dictatorship (Nicaragua). These latter are governments that repress people through conventional means such as torture and political persecution, as well as through less conventional patterns of repression such as hunger and disease.

The voices of the victims of the abuses of these dictatorships speak by themselves of the challenges ahead to bring justice and strengthen democracy. As of November, there are hundreds of political prisoners in Cuba, Venezuela, and Nicaragua.

There is evidence of torture. There is evidence of forced disappearances, and extra-judicial assassinations at the hands of the state that is supposed to protect them.

In 2014, Johanna Aguirre and her husband, Alejandro, were about to have dinner at their home, when Alejandro decided to join the nearby protests in Caracas, Venezuela.⁵ He was filming the deployed *Guardia Nacional Bolivariana* on the street with his cell phone, and when he refused to surrender his phone, he was beaten and taken. He disappeared for hours and finally Johanna found him in a hospital bed, in a coma; he died days later. Alejandro died because he expressed dissent and protested, and because he had the “audacity” to film the repression. Now Johanna will spend her life fighting to get justice for him.

The testimony of Marco Novoa, a Nicaraguan protester whose forced disappearance and torture during the outbreak of the crisis for being the *water coordinator*—the person in charge of bringing water to the students who were in the barricades—is also disturbing.⁶ Marco said that the experience “took his humanity.” His life changed completely since April 2018. He was to graduate last summer, start his life as a young adult, and perhaps get a job. Instead, he will now live forever with the horrific scars left by torture. And he will live seeking justice, for himself and for those who are still detained and tortured by regime forces in Nicaragua.

In October, two more dissidents were assassinated in the region. Oscar Herrera Blandon was shot by paramilitary forces in Nicaragua, and Fernando Albán was killed by the premier intelligence agency in Venezuela. Juan Requesens, a Venezuelan opposition leader, now a political prisoner, is subject to torture and has not been given appropriate medical attention. As of early January, the Venezuelan nongovernmental organization *Foro Penal* registered a total of 966 political prisoners in the country, representing a sharp uptick from the total of 232 in

November; in addition, 7,495 individuals are subject to judicial processes for political reasons.⁷

The testimonies of these victims and their relatives should force leaders to recognize fundamental truths. There is simply no access to human rights in too many places in our Hemisphere, there are no guarantees, and there is no due process that allows individuals to defend themselves. That is morally unacceptable, in addition to being illegal from the standpoint of international human rights law and the basics of the rule of law.

Comparing this situation to that in the rest of the world, there are two obvious negative aspects of the current quality of democracy in Latin America: it remains the most economically unequal region in the world, and it is also the most violent region on the planet.⁸ Organized crime, drug trafficking, violent death, lack of access to rights, poverty, and extreme poverty are persistent threats. The power of transnational organized crime is in some areas greater than that of the state. Shameless corruption, which has always existed, has come to the surface and angered citizens who now often blame democracy for its shortcomings. According to the latest *Latinobarómetro* survey of 18 Latin American countries, the proportion of people who are dissatisfied with democracy increased from 51 percent in 2009 to 71 percent in 2018.⁹

However, according to the Freedom House scores, the standing of the Western Hemisphere vis-à-vis the rest of the world is not that dismal. According to the *Freedom in the World 2018 Report*, the Americas is second only to Western Europe in terms of freedom and respect for human rights worldwide, despite democratic backsliding and an escalation of authoritarian tendencies, populism, and violence.¹⁰

If democracy in the Hemisphere today is compared to the past—to how it was in the 1970s and 1980s—the record is mixed. On the positive side, the most notable progress is that there were numerous successful transitions to democracy from

dictatorships and authoritarian rule to electoral democracy. Great effort and political will has been invested in building democratic institutions, creating pluralistic political party systems, strengthening the judiciary and the rule of law, and liberalizing political systems to provide and protect more political rights and more civil liberties.

However, it has not been enough. The scores for political rights and civil rights assigned by the Freedom House methodology across two decades show a relative decline of freedom in the Americas. In 1998, 74 percent of the countries assessed were considered *Free*, 23 percent *Partly Free*, and 4 percent *Not Free*.¹¹ By 2018, 66 percent of the 35 countries were categorized as *Free*, 28 percent as *Partly Free*, and 6 percent *Not Free*.¹² In recent years the region lost a democracy, and by extension gained a new dictatorship. Venezuela joins Cuba in the “*Not Free*” ranks. Nicaragua could soon follow suit.

Comparing Latin America today to the 1970s and 1980s, reveals that quantitatively there were more authoritarian governments and dictatorships back then. Yet the two dictatorships that exist today, Cuba and Venezuela, have shown shrewd capacity for exporting bad practices throughout the region.

This is worrisome for many reasons, but I will highlight the three most relevant. First, the question of silence and appeasement from the rest of the region, at least initially. Bad practices exported and propagated systematically by dictatorships gained more and more strength as there was increasing fear and silence from democratic and human rights voices in the region to denounce them in formal, multilateral, political forums. After the transitions to democratic rule across the region, there were not supposed to be more dictatorships, which were considered artifacts of the past. During the transitions it was believed by many that democracy was now firmly established as the only game in town. But one dictatorship did survive the turn of the century—Cuba—and another emerged in Venezuela. Formal

denunciations have been made in the international sphere, specifically since the resolutions approved by the OAS Permanent Council in April 2017.¹³

Second, the nature and impulse behind the toxic effects of the Cuban and Venezuelan regimes on the rest of the region do not derive from ideology as in the past century. They oppress and repress not because of an ideology or national security doctrine that defines enemies of the state framed within Cold War politics. Cuba and Venezuela repress any individual who represents a threat to regime permanence in power. They export practices such as polarization, violent repression of innocent civilians, rampant corruption, and criminal activities. Their strategy to instill fear as a way of governing has nothing to do with ideology, and everything to do with personal gain.

And third, the persistence of these dictatorships is worrisome given that we are dealing in our very Hemisphere with regimes that operate shamelessly within a different values system entirely, incompatible with morally and legally accepted human rights and democracy principles in international relations. This trend is similar to the behavior of global authoritarian players elsewhere in the world that are blatantly ignoring the human rights and principles agenda.

Regardless of the technological advances and the rise of social media that make events evident and in real time to the public, these regimes overtly kill, repress, and oppress their own people, but blatantly and shamelessly deny it.

How to Respond to Challenges

Democracy is not dying, but action is needed to achieve justice and keep moving democracy forward. There is a need to permanently address countries’ bad practices and encourage them to adopt good practices. Common bad practices in political systems in the region are; co-optation of the judiciary, blocking the action of parliaments and/or members of parliament, the threat of or assassination of political

candidates, corruption, impunity, murder of human rights and environmental activists, and blocking political participation, among others.

The good news is that the OAS is responding to that in cooperation with civil society. The time when those guilty of corruption enjoyed impunity is over. Impunity is being pushed back, the corruptors shamed, and the possibility of justice is becoming a reality. The work of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH, for its initials in Spanish), since it was established in 2016 is a case in point. The certainty of justice in the Americas is the ideal, but it will still take a while to achieve.

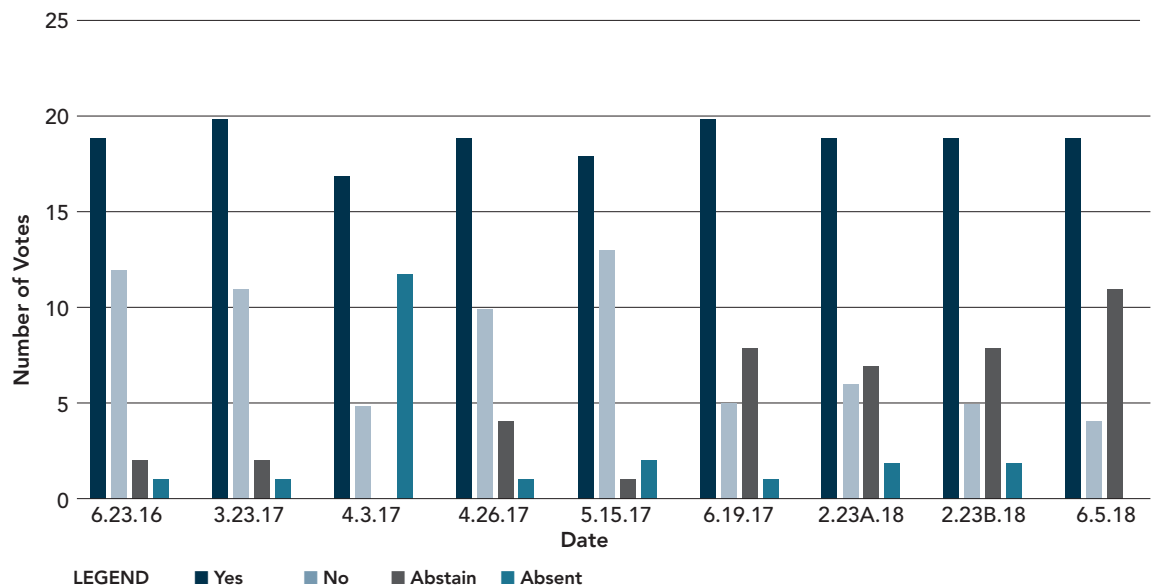
As the previously mentioned cases of Cuba, Venezuela, and Nicaragua show, the challenges ahead are not only how to tackle the deficits in democratic governance, but also the persistence of dictatorships. It is not simply a problem of governments not having the capacity, in terms of human resources, budget, and management, to respond to pressing issues such as drug trafficking and gang violence. The challenge

is not only to fight rampant corruption and impunity within the framework of imperfect democratic states. The main test now is to fight those who are deliberately eliminating the basic human rights of their own people, within their borders.

Venezuela is the greatest, most painful test of the commitment to democracy of OAS member states. How should the international community respond to this test? Venezuela is not only a failed state, it is a free-falling narco-state. The regime is led by individuals who have been charged with corruption and drug trafficking. They know that if they leave their positions of power, they will face justice.

The Venezuelan regime has destroyed checks and balances and governmental institutions, destroyed free and fair elections, destroyed the economy, destroyed PDVSA (the Venezuelan national oil company), destroyed democracy while it steals millions, and has persecuted, imprisoned, tortured, and killed its “internal enemies”: innocent civilians who simply do not support and agree with the regime. They have even deliberately starved infants and

Figure 1: OAS Member State Votes on Venezuela 2016–18.



Source: Derived from votes recorded during sessions of the Permanent Council, Meetings of Consultation of Ministers of Foreign Affairs, and OAS General Assemblies from 2016–18.

reduced hospitals to penury, without running water; and surgeries if done at all, are performed by candle light or the flashlights of cell phones.¹⁴

This crisis is also far from a trivial discussion of leftist and rightist politics. The current situation is about human tragedies, and about a regime that has intentionally and systematically crushed the human dignity of its people. The suffering of Venezuelans is evident not only in Venezuela. The dictatorship has caused the largest migratory exodus in the history of our Hemisphere: 3.3 million Venezuelan refugees have fled the oppression and repression of the Maduro regime; and 1.8 million more are expected to leave by year-end. Countries in the region are trying to absorb the refugees and migrants, many who arrive by foot, but it has proven a difficult economic, social, and cultural challenge. Colombia President Iván Duque Márquez recently mentioned that migrant influx costs 0.5 percent of the country's GDP.

Since 2015 the General Secretariat of the OAS has observed the situation, documented facts and testimonies, and acted accordingly. The Secretariat was the first in the region to call the problem by its name—a dictatorship. So far, four published OAS reports documented evidence of the escalation of the crisis, as well as justification that there is an unconstitutional interruption of democratic order as defined in Chapter IV of the IADC.¹⁵

The principles that are already in our international instruments and international law must be put into action. There has been progress. So far two resolutions have declared illegitimate the alteration of the Constitutional Order as well as the elections in May.¹⁶ This is a clear indication that some member states are acting morally and according to international law by actively fighting a dictatorship rather than remaining on the sidelines for whatever national or particular reason, as many have done and many still do.

The voting pattern of the OAS member states on issues related to Venezuela in 2016–19 sheds some light on where states stand vis-à-vis the moral

dilemma. Figure 1 shows that while the number of countries voting against the interests of the Venezuelan dictatorship has remained constant, the number of member states voting in favor has decreased, and in lieu, the number of abstentions has increased substantially.¹⁷

Only tangible action—such as such votes against the dictatorship—gets Venezuela closer to justice and returning democracy to the country, and by extension, increasing the state of democracy in Latin America. It is quite hard to accept that there are crimes against humanity being committed in Latin America again. But it is a reality that cannot be denied. On the contrary, it is imperative to work to find justice for the victims. There is no other way.

The Moral Dilemma

The Venezuelan crisis transcends politics. It is a test of the power of principles, of where the Inter-American community of nations and its leaders stand when facing a moral dilemma: is the Hemisphere pro-democracy or anti-democracy? There are two paths ahead: action according to universal human principles of tolerance and respect, seeking the greater common good even if it means personal sacrifices; or inaction and maintenance of the status quo, preferring to succumb to indifference and silence even though it means that this inaction is indirectly killing and repressing innocent people.

This OAS General Secretariat administration unconditionally chose the first option. In July 2017, immediately after the General Assembly of Cancun, the OAS decided to push forward solutions for human rights abuses as well as crimes against humanity. In September 2017, the OAS Panel of International Independent Experts was created, documenting denunciations, testimonies, cases, and facts. In May, the Panel published a report that concluded there were reasonable grounds to believe that crimes against humanity were committed by the Venezuelan regime.¹⁸

On September 26, countries of the Americas made history—for the first time a country or group of states referred a case involving crimes against humanity in another state to the International Criminal Court (ICC). Argentina, Canada, Chile, Colombia, Paraguay, and Peru in their referral referenced the report of the OAS, and France, Costa Rica, and Germany joined the group afterward. The referral symbolized the effective use of international law to bring justice for the victims of the dictatorship. The OAS will continue on this path of justice, human rights, and democracy. It will continue to exert pressure, no matter the cost. This is the new form of war the Hemisphere faces against old enemies—democracy versus tyranny.

The responsibility of the international community and diplomacy is to defend people, not states. Action based on principles is the only way forward for responsible diplomacy. The best partners for those who violate human rights and commit crimes against humanity are those who remain silent and inactive. Venezuela is a warning sign to the rest of the region and the world that, no matter how rich in natural resources you are, no matter if you had enjoyed a sort of democratic stability when everybody else was submerged in dictatorial rule, democracy cannot be taken for granted.

There is one certainty in all of this: if there is to be a better quality of democracy in Latin America, if justice is to be done for the victims, if the international community wants to avoid having more victims like Marco, Oscar, Fernando, Juan, and so many others, then action and work must follow a legal and moral doctrine that is already agreed in international law, to protect the people, and not necessarily the states.

Democracy, Never-ending

In sum, democracy is an ongoing quest; the multidimensional criteria by which we analyze a democracy are clearly laid out in the Democratic Charter and

other Inter-American norms. Democracy is a right of the peoples of the Americas. The OAS is doing its part to ensure that all peoples in the Hemisphere maintain and can exercise this fundamental right. The OAS will continue to support member states—each with its own different degree of democracy and democratic ailments—in their never-ending quest for political, civic, economic, and social liberties. The OAS stands firm in its commitment to the values and principles of human rights and democracy, and to the shared future goal of achieving and maintaining 35 free and democratic member states in the Hemisphere.

The competition between democratic and anti-democratic forces is playing out in the Americas. Democracy will not repair its shortcomings by itself. Therefore, the Inter-American community, and the international community as a whole, must propel us toward democratic improvement, if the goal is more and better democracies, freer societies, and ultimately more rights for more people. The power of principles and a transnational moral responsibility, consistent with international law, should be the doctrine implemented to defend people, not to defend states. **PRISM**

Notes

¹ According to Samuel P. Huntington, the first wave of democratization took place in the 19th century, followed by a second wave after World War II. Huntington described the democratization of more than 60 countries throughout the world following the 1974 “Carnation Revolution” in Portugal as the “third wave” of democratization. See: Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (University of Oklahoma Press, 1991).

² OAS, “Inter American Democratic Charter, Chapter I Democracy and the Inter-American System,” Lima, Peru, September 11, 2001, available at <http://www.oas.org/charter/docs/resolution1_en_p4.htm>.

³ Ibid.

⁴ Ibid.

⁵ Testimony of Johanna Aguirre at the Hearing of the OAS General Secretariat to analyze the possible commission of crimes against humanity in Venezuela,

September 14, 2017, available at <<https://www.youtube.com/watch?v=KRX0QaJPzRk>>.

⁶ Joshua Partlow, “They Took my Humanity’: Pro-Government Paramilitaries Terrorize Nicaraguan Protesters,” *Washington Post*, August 2, 2018, available at <https://www.washingtonpost.com/world/the_americas/they-took-my-humanity-pro-government-paramilitaries-terrorize-nicaraguan-protesters/2018/08/02/349f8914-900a-11e8-ae59-01880eac5f1d_story.html?noredirect=on&utm_term=.e23011d1ba11>

⁷ Foro Penal Venezolano, Twitter post, 2018, available at <<https://twitter.com/alfredoromero/status.1059529448788254721>>and <<https://twitter.com/alfredaromero/status/109242743124217858>>.

⁸ 42 of the 50 most violent cities in the world are in Latin America. See Christopher Woody, “These were the 50 most violent cities in the world in 2017,” *Business Insider*, March 6, 2018, available at <<https://www.businessinsider.com/most-violent-cities-in-the-world-2018-3>>.

⁹ Latinobarómetro, “Informe Latinobarómetro Survey 2018,” (Santiago, Chile: Corporación Latinobarómetro, 2018) available at <<http://www.latinobarometro.org/lat.jsp>>.

¹⁰ Freedom House, “Freedom in the World 2018,” available at <<https://freedomhouse.org/report/freedom-world/freedom-world-2018>>.

¹¹ Freedom House, “Freedom in the World 1998,” available at <<https://freedomhouse.org/report/freedom-world/freedom-world-1998>>.

¹² Freedom House, “Freedom in the World 2018.”

¹³ OAS Permanent Council, Resolution 1078, Recent Events in Venezuela, E-022/17 (April 3, 2017), available at <http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-022/17>; and OAS General Assembly, Resolution 2929, Regarding the Situation in Venezuela, D-032/18 (June 5, 2018), available at <http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=D-032/18>.

¹⁴ “Collapse of the Venezuelan Health System,” *The Lancet*, vol 391, April 7, 2018, available at <[https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(16\)00277-4.pdf](https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(16)00277-4.pdf)>.

¹⁵ The release dates and links for the four OAS reports are: OAS, “Reports on Venezuela: I,” May 30, 2016, available at <<http://www.oas.org/documents/spa/press/OSG-243.es.pdf>>; “II,” March 14, 2017, available at <<http://www.oas.org/documents/spa/press/Informe-VZ-Spanish-signed-final.pdf>>; “III,” July 19, 2017, available at <<http://www.oas.org/documents/spa/press/TERCER-INFORME-VENEZUELA-SPANISH-Final-signed.pdf>>; “IV,” September 25, 2017, available at <<http://scm.oas.org/pdfs/2017/CP38157INFORME.pdf>>.

¹⁶ Res 1078 of April 2017; and Res 2929 of June 2018.

¹⁷ Special Session of the Permanent Council June 23, 2016; Special Session of the Permanent Council March 28, 2017; Special Session of the Permanent Council April 3, 2017; Special Session of the Permanent Council Resolution April 26, 2017; Special Session of the Permanent Council Sets Date for Meeting of Consultation of Ministers of Foreign Affairs May 15, 2017; Meeting of Consultation of Ministers of Foreign Affairs during the General Assembly June 19, 2017; Special Session of the Permanent Council February 23, 2018; General Assembly June 5, 2018; and Special Session of the Permanent Council January 10, 2019.

¹⁸ OAS, *Report of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity in Venezuela*, (Washington D.C.: OAS General Secretariat, May 29, 2018), available at <<http://www.oas.org/documents/eng/press/Informe-Panel-Independiente-Venezuela-EN.pdf>>.

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