

Balance of the Human Rights situation

This content is the summary of the analysis of the Human Rights situation in Venezuela from October 2010 to September 2011.

As we have been doing for 23 years, this report reflects the progress, the stagnations and the setbacks that occurred in the Country in regards to the way in which the Venezuelan State guarantees and protects the Human Rights. It's the result of a research that analyzes nine economical and social rights and ten civil and political rights that are guaranteed for everyone by the Constitution of the Bolivarian Republic of Venezuela.

As always it has been, this report has been made based on the close monitoring of 60 National and regional printed media, publications specialized in Human Rights and the information provided by Human Rights Organizations and other Social Organizations, and the information obtained from direct interviews with officials and non-state actors. The data also comes from official sources such as reports and accounts, documents and press releases from State bodies and Official Institutions. Private sources as Academies and Institutions that conduct researches and analysis were also considered to obtain the information necessary to make the analysis reported in this issue.

To PROVEA it is very important that this diagnosis will serve to encourage State officials and the society in general to reflect about a different way of acting in order to be more conscious in regards of the importance to consider and to improve the respect towards the Human Rights.

This Annual Report is an input for discussion and dialogue, and we hope that it will be useful to explore basic consensus about public policies that should be designed and applied in a short, a medium and a long term.

The Human Rights must transcend the rule of law and must become a reality in the everyday life of all Venezuelans and it is important to make of them part of every action of the population. We wish that this report could contribute to this aim. But the research in itself seeks to contribute in the construction of knowledge, despite the limitations and the subregisters found in the process of collect the information, One of those difficulties was to access to public information, something that is indicated in the chapters which that occurred. In recent years PROVEA has tried to share the methodology applied by us with different social and community organizations in the Country, understanding that more and a better data collection in regards to the Human Rights situation in the Country would influence on warranty of their enjoyment by all th population.

Economical, Social and Cultural Rights

In the context related to the right to food, The Venezuelan State has implemented a policy based in aspects as the distribution and marketing of food at subsidized prices and massive in scope, the adoption of measures to protect the price of food and ensure their accessibility and the implementation of a plan of agricultural production that aims to increase the domestic production of food in the medium term.

The acceptance of some of these guidelines has met some resistance in the private sector of the economy, reflecting the need to extend the agreements between both sectors, despite of having different views. On the one hand, government actions aimed at changing the model to socialize the production, the distribution and the marketing of food and the private sector sees it as a reduction in profit margins, something could be observed as a threat to their interests.

Some reports such as the one issued by the Economic Commission for Latin America (ECLAC)

indicates that Venezuela would be in the group of Countries that would not accomplish the Millennium Development Goal for the reduction of hunger, argument which present disparity with the official statements and other agencies of the United Nations that affirm that this goal has been achieved since 2009. In regards to the food consumption behavior, it has been a steady increase in the per capita consumption in the Venezuelan population, reaching in 2010 the amount of 507.90 kg / person per year. It is observed a higher incidence in the consumption of some products such as poultry (98%), sausages (98%), beef (94%), milk (92%), coffee (81%) and fish (75%). The consumption of poultry meat (98%) and beef (97.3%) is consistent across all socioeconomic strata and in different regions of the Country. On the other hand, 83.5% of the population consumes dry whole milk, while the 36.2% consumes it in its liquid form. Food production has shown an increase in relation to the harvested area to 2,408,822 acres nationwide, representing an increase of 4%. Other areas had a decrease in relation to the harvested area, such as rice (-7%), beans (-31%), banana (-19%) and onion (13%).

One factor that has affected the consumption levels of the population has been the shortage of food, a reality that the National Government has denied the shortage saying that exists in the Country enough storage capacity and raw materials to manufacture them.

Among the policies that the government has developed in relation to the food sector are forced expropriation, intervention, or direct purchase of agro-productive companies, the Mission Food and the Law of Costs and fair prices. In the last year case in which there was found a lot of spoiled food, the trials to the officials involved are paralyzed, because the judge that was handling the case was challenged and she decided to be inhibited from the case.

In the investigation period in regards to the right to a healthy environment, it was found the development of public policies that confront the environmental situation of the Country. It was sanctioned the Waste Management Law, which in its Article 2 establishes the principles to the waste management: prevention, integrity, care, civilian participation, civilian responsibility, liability, effective protection, priority of collective interest, and information and environmental education for a culture of equality and non-discrimination, and all of this has to be effective and sustainable, to ensure the proper management of them.

It has to be assessed as positive the completion of water treatment plants in the states Cojedes, Guárico and Sucre, action that is benefiting 40 thousand inhabitants and generating 160 direct jobs and 480 indirect jobs, also, the continuation of the Bolivarian Aqueduct to supply Paraguaná Peninsula, benefiting 600 000 people and generating 125 direct jobs and 375 indirect jobs. Likewise, there were issued 1500 induction workshops and training in technical-productive in environmental matters to the Conservationists Committees and groups in general, and it was done the incorporation of 12,890 children and 2,450 teachers in the National Program "Children for a Healthy Environment", to assist in solving social and environmental problems in terms of conservation.

Regarding to the protection of land, in the Ministry of Environment Statistics; the annual deforestation rate between 2005 and 2010 decreased to 0.23%, compared to the period between 2000 and 2004, when there was a deforestation rate of 0.30 % . At the respect to the protection of air, the cities of Caracas, San Cristobal, Maracay and Valencia had good air quality.

Regarding to the protection of wildlife, according to the network of environmental organizations in Venezuela, there has been identified a total of 748 species of wild fauna and 341 species of plants in danger. In the 312 species of amphibians described for the Country, 160 of them are clasified in a category of threat of extinction.

About the treatment of solid waste, a sanitation was made of the landfill's Clavellinas, Municipality Plaza, Miranda State benefiting a total of 200 000 inhabitants.

On the negative side, it is important to mention that in the Guayana region the legal and illegal extraction mining has affected the environmental situation and the plans announced by the Government to prevent this situation did not yield the expected results.

In regards to the right to Education, nearly all the indicators of investment in education have declined, the investment in education as a percentage of GDP, investment in education as a percentage of social spending, the real per capita public investment, the real public investment, and real public investment per student. The rate of public investment in education is the only one that grew. All the showed figures obtained by the System of Social Indicators of Venezuela's Ministry of Planning.

There are missing for being included 1,570,622 individuals in a range of age between 3 and 17 years, the greater deficits are placed between the ages from 3 to 5 years (29.2%) and ages 15 to 17 years (43%). The average schooling rate for individuals older than 15 years is 8.85% for men and 9.95% for women. Which demonstrates an increase of 1.5 years of on the average age for schooling during the decade.

Only the 1% of the public schools offers the possibility to continue complete studies from elementary to middle school without changing from one Institution to another. The figure is 10.6% in private schools. If it is related to preschool, elementary and middle school to complete all Education levels in an Institution the rate is 3.2% to private schools and 25.7% of the official ones. Only in the combination of preschool and elementary education in an Institution the public sector exceeds to private sector, with a 39% of the institutions that allow the continuation from one level to another in the same school, while only the 3.2% of the private institutions are featured with this characteristic. The interannual growth rate in Elementary Education decreased for the third consecutive time. That means that the amount of students in this level is fewer every year. The decrease in the public schools was of the 0.6%, while in private institutions there was a growth of the 2.3%. In total, the decrease in the studied area was 0.1, but it is worrisome because historically the best rates of incorporation into education have been in Elementary Education. The current enrollment is 10.8% below of the rates from 10 years ago. A similar situation occurs in the third level of basic school (from 1st to 3rd year), where enrollment declined in a rate of 5.7% (there are 2,828,681 registered to the moment of the issue of this report) if it is compared with the period 2001-2002. Private tuition increased in the same period in a rate of 12.2%. In the diversified high school cycle (from 4th to 5th or 6th year, depending on the specialization area) there was also a decrease rate of 0.4% for the public institutions, while in the private sector the increase was of a 2.6%.

In relation to the quality of Education is concerning that only 55.2% of the teachers have ownership of their positions, 34.4% are temporary and 10.4% are classified as "other", without explaining the category. There is a lack of teachers in the areas of scientific disciplines such as Mathematics, Physics, Chemistry and Biology. Also is troublesome is the absence of competitions or contest to enter in directive and teaching positions, and there is a lacking of conduction that evidences or gives assessment in relation to the results of learning or knowledge from 2003.

As a positive factor can be highlighted that enrollment in preschool and special education continues increasing, during the decade it had an increase of 140.7%. Early childhood education or preschool also maintained a growth of 1.8%.

The study of Labor Rights reflects that the economically active population (EAP) stood in the amount of 13,133,249 individuals in August 2011, according to the data provided by the Venezuelan National Statistics Institute (INE). The figure shows a decrease in comparison to the 2010 record and represents 45% of the total population. In August 2011 unemployment stood at 8.3%, a decrease in the rate whereas in the same month of 2010 reached 9.6%. By August 2011, for each 12 individuals employed

seven were men and four were women, relationship that nowadays remains similar to last year. However, even though unemployment was classified by gender in this study, but the most affected age group was the one formed by individuals between 15 and 24 years old, as it was observed in previous years. According to the INE, the population employed in the formal sector in August 2011 was 6,764,515 people (56.2%), while in the same month of 2010 this group reached 6,762,769 individuals (56.6%) so that, there was observed a greater insertion in the formal sector of the economy. However, the population employed in the informal sector increased. In August 2011 were 5,275,848 people (43.8%) in this field, and in the same month of 2010 was 5,181,553 people (43.4%), so that, there was an increase of 94,295 Venezuelans in the informal sector of employment.

Between August 2000 and the same month of 2010 the public sector payroll was increased in a 79.2%, so that 1,024,595 workers entered the State apparatus. In contrast, the payroll of the private sector grew in a 27.5%.

During 2010, the Ministry of the Popular Power for Labor received, according to their report and their account, 40,298 reports of dismissals without meeting the legal parameters for the authorization of justified dismissal. The complaints decreased in comparison to 2009, when 78,594 complaints were filed.

At the end of the first half of 2011, the Central Bank of Venezuela emphasized that the index of compensation to employees regarding the National Index of Consumer Prices showed a remarkable recovery which resulted in *"an improvement of 8.2 percentage points in the workers' salaries purchase ability"*. In contrast, inflation has risen 13%. The National Executive announced in 2011 the increase of the amount of money established for the minimum salary (SM) in 25%, that increasing was divided into two parts, distributed along the year in this way: The first 15% of the raising from May and the second of 10% since September 2011. In previous reports PROVEA has highlighted the tendency of the National Government in setting unilaterally the Labor policies, including those related to salaries.

The tendency of violations against to Unions freedom has continued: public disqualification from Government officials, there are public and private threats, there have been openings of trials for criminal cases which are not proved that they were committed by the unions leaders, judges ordered interim measures that prohibit union leaders to approach their workplaces, threats of dismissal to employees if they participate in meetings, prohibitions of conducting meetings during working hours, wrongful dismissal and murder of trade unionists. In the period under review 36 workers were killed in conflicts related to obtaining jobs.

The demarcation of indigenous territories has been one of the most outstanding themes in respect of the rights of indigenous people, that measure has stalled since 10/12/2009, when the government gave four collective titling of land to Aroy, Shirapta and Tinacoa a Yukpa town (Sierra de Perija, Zulia State), for a total of 41,630 hectares. There is still a debt with more than 40 towns which have not have guaranteed the right to the collective ownership of their lands, only 40 titles have been awarded to benefit 73 communities located in Anzoategui, Apure, Delta Amacuro, Monagas, Sucre and Zulia. The demarcation of these boundaries, has not benefited people who reside in Amazonas and Bolivar.

The inefficiency of the State in implementing the delimitation of habitat and land had brought the continuation of some conflicts related to land ownership, the death of several indigenous and the arrest of the Yukpa chiefs Sabino Romero and Olegario Romero and the wayuu Alexander Fernandez. The Government submitted the land demarcation titles divided into three areas (Aroy, Shirapta and Tinacoa), thus modifying the original proposal of habitat and land demarcation.

The displacement of indigenous people in search of better living conditions has been made visible in this period, many of them are wandering on the streets in some parts of Caracas, Los Teques, Maturin and in Bolivar State. It is necessary to implement programs that improve the quality of life of

indigenous people and their communities. From the legal aspect, it remains without being approved the project of law for the Coordination of Special Indigenous Jurisdiction with the Justice System, which should not limit the application of a customary right as the indigenous jurisdiction as is happening nowadays.

The construction of mining infrastructure is another important aspect that should be assisted by the National Government, with the completion of an environmental impact study to measure the depth and the extent of gas contamination in those territories.

There are factors that limit the access of indigenous population to the public health system, as the difficulties of traveling and lack of communication media between the agents involved in the planning. Infant mortality rates in these populations can be 20 times higher than the national average. The main causes of mortality in these areas are due to malnutrition, childbirth complications and respiratory infections.

In the educational area, It has not created the National Institute of Indigenous Languages and the Council of Indigenous Languages has not been materialized. In this sense, there are languages that are in critical condition because of the lack of public policies aimed to their conservation. The Government must create and implement measures for the existence of a system of bilingual intercultural education.

In the study period of this report, the public policies that have to be based on the right to health remain unanswered effectively in accordance with the provisions of the National Constitution. It remains a non-enactment of The Health Law to combat the inefficiency and inequity of public health, and to accomplish the goal that was set for 2011 to make public spending on health equal to 10% of the Domestic Product according to Category.

The Government efforts focused on the enactment of the Insurance Activity Act Law, which emphasizes in the expansion of coverage and in the suspension of the requirement of an "access permission given by the insurance company" to be assisted in the private hospitals in emergency cases, and the preliminary project of Law for regulating Public and Private institutions of Health, which contemplates the standardization of fees and medical prices, possible sanctions for misconduct or bad practise and the regulation of private health institutions.

An event to highlight is the reform of the Law for Organ Transplant Act and Anatomical Materials in Human Beings, to allow organ donation without prior expression of will of the donor or their family consent. The reform is that everyone is a "prospective donor", unless stated otherwise before their death.

It continues occurring a strong problem around the situation of public hospitals. On the State side, were recognized the problem and actively engaged in a behavior o assist in problems such as the finding of some resources to finish public infrastructure projects that have been stalled, to enable functioning and to find control systems and to establish roundtable discussions with the medical basis.

By March of this year the Ministry of Popular Power for Health issued a resolution that banned the use of tobacco in any closed environment and/or public transportation, this resolution established penalties foramong 12-2500 fiscal units or temporary closure of the establishments that abide by the rules.

The Financing of the private medical sector experienced considerable growth in regards of the demand of their services, increasing from 6% to 40% of users, while the funding directed to public hospitals and clinics was 15459.1 billion Bolivars, which represents a considerable increase of 65% compared to the year 2010, when it was 9.3 billions.

The shortage of medical personnel is a worrying situation in this period, the number of graduate students of medicine fell 65%. On the other hand, 5,200 Venezuelan doctors have emigrated from

the Country in recent years, according to the Venezuelan Medical Federation (FVM), due to the low salaries.

An advance registered is the public disclosure of the Epidemiological Bulletin from the MPPS. However, such newsletters figures do not reveal encouraging data. Maternal deaths were slightly reduced in a 9% and the infant mortality rate recorded an increase of 14.9% in 2010.

During the period under review, It is worth to mention in relation to the Right to Social Security the one that the Venezuelan National Aassembly continues in legislative debt with it, in regards to the discussion and approval of the Health Regimes and social benefits of pensions and Economical Assignations. Also, the Superintendency or the Social Security Treasury have not been constituted, something that demonstrates that the Legislative Power and the Executive power are not implementing the mandate forseen in the Organic Law of Social Security System.

For the present moment, more than 50% of people over 60 years remain outside the system. Those individuals are the ones who do not have the chance to contribute to the provision established by the law because of their status of self-employed workers, people with precarious jobs, temporary jobs or part-time jobs, and those who get benefits from the State assistance programs.

During this period, the performance of Judiciary Power has been slow and gradual, as the trend has been to protect the employer against the employee when it comes from Governmental Institutions or Agencies. The Organism in charge to defend the population have not done structural changes to improve the social security system in Venezuela. The General's Attorney Office did not provide results on the illegal charging irregularities in the process of inclusion in the pension benefit.

Compared to the previous period, PROVEA recorded more protests in regards to the enforceability of the right to social security. On the other hand, the Venezuelan State has a discrimination against gay couples by not allowing their inclusion or to recognize them as beneficiaries of a survivor's pension and other social benefits.

According to the Ministry of Foreign Affairs in 1998 pensioners people were an amount of 387,000, while in 2011 their number rose to 1,856,552, representing an increase of 372%.

After an awareness campaign through social networks, driven by PROVEA, to make that the Ministry of Agriculture and Lands will cancel Mr. Francisco Gulino, 91years old, the payment of his retirement, Juan Carlos Loyo, the Minister of Agriculture and Lands using the same media, promised to cancel the debt but not only to Mr.Gulino to other 300 retirees, too.

Another case that is accompanied by PROVEA is the one of the retirees of CANTV, which was presented to the Interamerican Commission on Human Rights. A total of 1,318 petitioners are waiting, and that is occuring because the communications sent by PROVEA to the Commission requesting that the process could be taken into account have not been answered, yet.

During this period we observed difficulties in obtaining official figures of the Venezuelan Institute of Social Security (IVSS), since removed from its website information on the number of pensioners and policyholders enrolled in that institution.

In matters of land rights in the period studied the National Land Institute (INTI) continued in the rescue and regularization of lands, recovering 381 farms that covers an area of 702,942 hectares. In addition, farm implements were awarded 16,646 for an area of 35,637 ha, 8487 declarations of "stay in the lnd" for 227,303 ha and 7859 award titles to 265,252 ha.

The Seventh National Agricultural Census found that in the Venezuelan countryside 1,091,047 people form households in rural production lands, for a total of 410,705 farmers, 80% of them are men and 20% female.

The Census also found that there are 27.07 million hectares suitable for cultivation, of which 51% are planted with grass, 28% of natural forest, 6% are cultivated with short-cycle items and 4% permanent crops cycle. The area occupied by crop production represents more than 2.96 million ha. PROVEA became aware of complaints about land reclamation activities conducted by the INTI outside the law. PROVEA is concerned about this irregular action of the Institute to question the correctness of the constitutional guidelines and policies to end the phenomenon of large estates in the Country. The total budget resources for the Ministry of Agriculture and Lands in 2010 was Bs 3,673,373,786, more than in 2009, when it was Bs 2731672969.8, representing a nominal increase in the order of 34,47%.

For 2010, the INE placed the value of agricultural imports in U.S. dollars 1,801 million, which represents a decrease of about 57.23% compared to 2009, when the value of imports in the sector stood at 4.211 million dollars. The National Assembly enacted the creation of the Academy of Agricultural Sciences of Venezuela, which have the character of public school, with legal personality and own patrimony. In this period, a total of 7 cases of human rights violations affecting 15 peasants. There was the murder of 5 peasants of the allegedly non-state actors operate under the hired killers. On the other hand, 5 peasants were arbitrarily detained by police in Zulia State when the ransom demanded unproductive land, which is part of the process of criminalizing the enforcement of rights in the Venezuelan countryside. PROVEA reaffirms that the Public Ministry must accelerate the research and to advance the in determine responsibilities to know who are the masterminds and therefore who is the people contracting others through the practice of hired killers that have murdered leaders and farmers around the Country.

The assessment about the Housing Right highlights that between October 2010 and September 2009 shows that there are still present trends that characterize as in a zigzag movement the State management in this matter. One of the highlighted is the ongoing change in public policies aimed at solving the housing shortage as seen during the announcement and implementation of the so-called Great Mission Housing Venezuela (GMVV) as a new initiative to meet the existing demand in the Country. Another feature is the constant change repeatedly in the mechanisms to implement plans and achieve public policy goals designed for the sector. On the one hand, a few months after establishing the Ministry of Popular Power for Housing and Habitat (MPPVH), the National Executive amended the legislative framework governing the ownership and tenure of housing provided by the State. On the other hand, there have been reformed the mechanisms to address the emergency related o housing that occur when natural disasters and also there were established new legislation to deal with evictions and regular occupations. While some of the standards created respond to a favorable outlook for the protection of housing rights, it is difficult to implement a new institutional framework as the MPPVH there is an intricate execution in the case of Municipalities, State Governments, Courts, other Ministries and other State agencies. This Act comprises the legal structure of the Law of ownership of the Great Commission Housing Venezuela, the Law Worthy Shelters, the Emergency Law for Urban Land and Housing, the Law of Adjustment of Comprehensive Land Tenure Settlements urban and peri-Urban and the Law Against Arbitrary Eviction and the Housing Vacancy. In 2010 the State built 15,516 homes, the third lowest figure of 12 years in office of President Chávez. The failure of goals was permeated by the situation of rainfall during the period, since the figure of 113,500 people homeless, located in 763 temporary shelters, actions and tasks generated for various public Institutions and officials of different levels of the Government, and as the extraordinary investment of economic resources for the care of this situation. However, it was found that still continue present the drawbacks of access to information to balance the results of these actions applied to emergencies generated by climate changes, and in general to do the systematic monitoring of the State housing policy and administration budget for this purpose. But it covers not only how difficult it was to consult the Annual Report and Account MPPVH and inconsistencies of the data it contains, but extends to the negative attitude of the State agencies, especially those responsible for implementing the policies defined for the

housing sector, as they are not likely to accept and process requests for information, effectively.

Such is the case with the ruling of the Supreme Court on 08/02/2011, handed down in the right of petition exerted by PROVEA relative to the VPC as a component in the construction of the "petro-houses" because despite it was rightly questioned the negative of the State to report on time, two years after the initial request the Supreme Court as the highest judicial body of the Country ended up tolerating this negative practice of public bodies.

Civil and Political Rights

To analyze the situation of the right to asylum and refuge in Venezuela during the period it is necessary from the bilateral relations that have been established with Colombia, due to present a conflict of more than five decades and has become the largest humanitarian crisis in the Americas. It is estimated that 98% of asylum seekers in Venezuela come from Colombia.

In addition to that, it is important to notice that the presence of Colombian paramilitary and irregular armed groups in the border States of Tachira and Apure, where they exercise social control over the population and their practices are charging the population with something that they call vaccine (to ask for money to not being kidnapped) and the "panfleteo" (papers to blackmail), among other techniques to manipulate the Venezuelan population who live in the those borderlines. Similarly, there have been incidents and attacks to a tent of the Bicentennial Security Division (Dibis) and clashes between armed groups, among others. Because of these problems emerged manifestations from the population of Alto Apure in Venezuela against the presence of guerrilla groups in the sector. In response to the situation, the Venezuelan State is still in arrears with the measures for safeguarding its borders, such as the enactment of the Organic Law on Borders announced by President Chávez in 2009 and since then, it is a debt to the Country its discussion and approval. However, in other areas of the Government has promoted other policies, such as the safeguarding of the borders with Russian launchers, saying it is for the purpose of protecting national sovereignty. Relationships between Colombia and Venezuela were re-established in the diplomatic and in the economic levels, which results in the exchange of people requested by the authorities of the both countries, such as Walid Makled and the extradition of the alleged FARC guerrilla, Joaquín Pérez Becerra. According to the UN High Commissioner for Refugees (UNHCR), around 200 thousand people in Need of International Protection (PNPI) until June 2011, about 15,800 have requested the Venezuelan government through the National Commission for refugees (CNR) of their refugee status and 1547 have obtained it. However, the president of the CNR, Yldefonso Finol, believes that the figure could be double, because *"most of these applications, 80% approximately, are made by people who do not qualify as a refugee"* He says *"they are economic migrants and therefore to them it can not be granted the refugee status "*

Moreover, the UNHCR argues that 6701 Venezuelans have sought asylum or refuge in other Countries, also the report of the United Nations agency said that 607 people are awaiting response from the recipient Country. UNHCR says that Venezuela is the third Country that expels refugees or asylum seekers in the region over Cuba.

Regarding the right to personal integrity, 116 complaints were recorded by PROVEA in the period covered in the current report, with a total of 247 victims counted individually. The figure represents a decrease compared with the previous report, in which there were 232 complaints and 475 victims identified. This year's figures represent 52% decrease in violations of this law identified.

This decrease in the number of cases is presented in the following way; in the five patterns studied: torture pattern significantly decreased 44.45%, with 20 victims identified in 19 cases, 16 fewer than in previous research, the pattern of bad treatment or cruel, inhuman or degrading treatment also

fell 78.57%, and identified 75 individual victims, 275 fewer than in the period 2008-2009, injuries decreased 73.26%, with 27 cases compared with 101 of the previous year; the illegal searches 37,78%, 28 cases against 45 of the previous period, and finally threats or harassment decreased 31.03% from 29 cases in the previous period to 20 cases in the present. Of the 171 victims identified individually, 65.49% (112) are male and 34.50% (59) female. Most of the victims, as in the previous period, are more male than female. Only 28.34% of the victims were able to be determined their age: 21 of them were under 18 years (30%) Of these, 2 of them were younger than 12 years old. This represents a decrease of 65.62% compared to the previous period. The most common injury in the 47 cases could be determined were the blows that were recorded in 28 cases (59.57 /%), followed by 9 cases with firearms (19.14%), 3 wounded pellets (6.38%), 2 ill-treatment by use of tear gas and a gun wound.

Eight national security agencies, 9 regional and 19 municipal reported complaints of violations of the right to personal integrity. In four cases, two or more bodies acting jointly.

In 63 cases of the total of 116 reported, the responsibility for the violation of the law enforcement is made by national security corps, highlighting again the Scientific, Penal and Criminal Investigations police (CICPC) and the National Guard (GNB) with 35 and 10 cases respectively. A total of 19 cases with 20 victims of torture were recorded between October 2010 and September 2011, which shows a decrease in the number of victims with the previous period. It stands as a positive endorsement by the Venezuelan State in July 2011, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, which commits the State to the obligations under that instrument.

Concerning the right to justice, in the period analyzed, it was showed the continued failure of the principle of separation of powers. It is that where the claims were lodged to the Judiciary Power against the actions of the President of the Bolivarian Republic of Venezuela, The National Assembly, The National Electoral Council, the General's Attorney Office and the General Comptroller of the Bolivarian Republic of Venezuela, were declared inadmissible 81,81%.

In 2011 the budget allocation increased in comparison to 2010, from Bs 6,099,852.01 to Bs 4,705,972.59, it means 2.95% and 2.98% respectively, representing an increase of the percentage of the national budget. The figure is still higher than what is required by the constitutional mandate.

The Law of the Supreme Court of 2010 relaxed the requirements for being selected as judges or magistrates, something which allowed judges and prosecutors punished and dismissed could present their curriculum vitae for the positions of judges and magistrates of the Supreme Court. The procedural delay remains as one of the most serious problems in the Justice Administration System in Venezuela.

In the case of "El Amparo", the State has failed to deliver American Court of Human Rights detailed schedule on efforts to investigate and punish those responsible. So far, only it has been complied with the payment of compensation and material reparations to those affected.

In criminal matters, in 2010 entered in the national level 343,389 and 364,223 cases were decided . These figures show that the both courts and the Supreme Court cases from the previous two years has been accumulated.

The total number of complaints received about human rights, specifically civil rights, was 6285, and 18.1% of these complaints (1139) are related to due process, increasing by 40.9% compared to 2009, when the total of complaints was 730, tht is 13.2%.

The institutions of the Country where there were more complaints were the Metropolitan Area 1253 (19.9%), Miranda State with 712 (11.3%), Lara State with 518 (8.2%), Zulia with 422 (6.7%) and Bolivar with 363 (5.8%).

In this period, the general secretary of the Workers Union of Ferrominera Orinoco, Rubén González, was released under parole with a regime of presentation in the court, every 15 days and banned from leaving the Country, by the Criminal Cassation Chamber of the TSJ. Days earlier, the Sixth Court of Criminal Trial in Bolívar State in function had been sentenced him to 7.5 years in prison.

There remains the position of the Venezuelan State to ignore the judgments of the Inter-American Court of Human Rights, claiming that the sentences should be interpreted according to rules of the Countries. As example of this there are the cases of El Amparo, Caracazo, Catia Prison, RCTV, Globovision, Reveron and Barreto Leiva, First Court and enforced disappearances in Vargas.

In regards to the freedom of expression and information, between October 2010 and September 2011 It has been shown an increase in the State power to control the content of the private media. Amendments to the Telecommunications Law and to the “Spring” Law that allows the State toughen criminal and administrative sanctions to the media that shows critical points of view against to the Government management. With the amendments to the “spring” law it was included the regulations to the electronic media and there were increased the penalties for breaching the Law to the television channels. The changes to the Telecommunications law declare the sector as one of the public interest, reduce the period of allowances to broadcast from 25 to 15 years and increased the penalties for noncompliance. In December 2010 the Government issued the rules of Classification and Information Processing in Public Administration, with which the barriers to access to information held by the State were increased.

In the period under review the actions that most affect the freedom of expression and information were physical and verbal, with 24 cases (31.58%), followed by intimidation, 13 cases (17.11%), and third place on 9 cases of censorship (11.84%). The administrative restrictions repeated in fourth place with 8 (10.53%) and follow the prosecution case with 6 (7.89%), threats with 4 (5.26%), restrictions by law 3 cases (3.95), attacks on media 3 cases (3.95%) and self-censorship documented situations (2.63%), verbal harassment (2.63%) and negative to the right of reply (2.63%) with 2 cases each. In addition there were 67 cases of violation of the right to freedom of expression and information, for a total of 76 victims. The main victims of these actions against freedom of expression and information were the journalists (16 cases), photographers (13) and private media cameramen (6), constituting 53.03% of all affected.

The National Executive, through the Presidency of the Republic and Conatel, is primarily responsible for violations of the obligation to respect the right to freedom of expression in 15 cases (26.79%). Followed with 5 cases: GNB, indicated by seizing material and prevent access to the place where the news occurs, the Judiciary Power, the National Assembly, the administrative officials of the Executive and local authorities, with 8.3% each. The Public Ministry, with 4 cases (7.14%), continues with the practice of initiating criminal investigations or reviews media reports that in his opinion constitute the commission of crimes, thus ignoring international jurisprudence.

Finally, several police forces (Sebin, CICPC, regional and municipal police) are responsible for the mistreatment of journalists on the street when they are doing their job, with one case each (1.79%).

All these facts indicate the existence of increasing limitations on the free exercise of the right to freedom of expression and information in the Country.

During this period, in regards to the Right to Personal Liberty were recorded 324 complaints of violations of this law, which represents a decrease of 228% over the previous period, when there were 739 complaints. In contrast to this decline in the register of complaints, the number of victims increased, because in this period there were a total of 134,726 victims, in comparison to the previous year when there were registered 13,764. Similar decrease was recorded for other indicators.

Regarding the individualized arrests, there were 38 victims, which is representing a decrease of 47.2% if it is compared to the previous period, when there were 72. As in regards to collective arrests, there were 117 victims, which means a decrease of 9.30% as in the previous period where there were 129 victims. Regarding to the mass arrests, the investigation showed a total of 15 cases and 134,333 victims also, it is evidenced a decrease compared to the period 2009-2010, when there were 25 cases and 12,853 victims. **In arrests during demonstrations there were 399, what is representing a decrease compared to last period when there were 575.**

With regard to enforced disappearances, the study recorded 10 disappearances, suggesting a decrease from the last study when a total of 39. And the cases of people detained for political reasons accounted for PROVEA a total of 3 people, the same figure for the previous period.

In the analysis of cases of human rights violations on the status of the checkpoints and dungeons, it showed 57 cases and 409 victims, while in the previous period were 59 cases and 2,309 victims. Other highlights were 2 cases of arrests for gender discrimination.

During the period also 2 cases were highlighted in regards to human rights violations: the events of the CICPC Division Captures in El Rosal, Caracas, where 3 inmates were killed for alleged torture inflicted by officials of the police force, and assaults on detained in cells of the Chacao police, case that was highlighted by a video presented by the Deputy Cilia Flores in the NA, video which shows how Chacao Police officers beat the detainees. Also there was a detention during an election. Such it was the case of the finance coordinator of the campaign command of the political party have "Clear Accounts" during the mayoral election in the Municipality of Miranda, Carabobo State, where he was arrested for allegedly committing an electoral crime.

It is noteworthy that the public information requests directed to Governmental agencies for the preparation of this chapter were answered, except CICPC, who declined to provide statistics on the events in the Division of catches in "El Rosal".

The tendencies in the right to peaceful protest claim that in the period covered by this report, there were 4543 events, 4472 of a peaceful nature, 62 cases with violent characteristics and 9 where the pattern was not determined. This represents an increase of 37.04% over the previous period, when there were calculated 3351 protests. The Concentrations were the more used mode of protest of the Venezuelan society to demand their rights, registering 1678 cases amounting to 37% of the total. Similarly Radicalization of social struggle with peaceful features like hunger strikes, which had a record of 139.

In relation to repressed peaceful demonstrations, PROVEA inspected 4472 manifestations. Of these manifestations 134 were repressed, prevented or hindered by State security agencies. There are positive aspects to emphasize as the percentage reduction in the repressive actions of the state security bodies and the absence of killed people by the action of public forces in the context of demonstrations.

The social groups that most were repressed in their right to peaceful demonstration are neighbors groups, with 53 suppressed or prevented actions, the workers are the second group, with 38 entries, then the students sector, with 29 violations, and finally the transport carriers, with 12 entries.

Maintaining the priority of the protests in demand of fulfillment of economic, social and cultural rights, equivalent to 61%, exceeding the requirements of civil and political rights represented by 38.7%.

Among the main mechanisms of protest are the street concentrations with a record of 1,678, street closures in second place with 1548 events, work stoppages, 323 events, followed by marches with 309 events, 139 hunger strikes and 56 chainings.

There is a slight decrease in violent demonstrations in this period, with 62 records, equivalent to 1.36% of all street actions. During this period the students led the violent actions by starring 19 of

them (34.64%) with 14 the neighbors (22.58%), 14 the workers (22.58%) and the unemployed with 9 (14.51%).

It is important to notice the presence of coordinated protests across various sectors, which joined forces together, a phenomenon that has been observed progressively throughout the Country and it had its peak in seven civil strikes made to demand the guarantee of Human Rights as the public safety and improvements in basic services. 383 There was a protest record of 383 protests, equivalent to 8.43% of the total.

As in previous years, highlighting the state security agencies that depend of the Central Power which performed acts of repression: the GNB with 42 events, which represent a 32.34% of the total, the Bolivarian National Police (PNB) sticks to participate in 35 repressions of protests, the other State polices suppressed 39 peaceful demonstrations, and the Municipality ones acted in 17 events.

In relation to the Right to Participate, this period is characterized by setbacks in terms of civil participation, with the approval by the NA of laws with a restricting normative to social action spaces of civilians.

The Organic Law of Popular Power that limits the citizens participation regulating it to the development of the so-called "Popular Power", which is conceived as a set of instances from which it builds a "Communal State." According to this law, it is required a citizens a framework that violates the rights of free association and participation without discrimination, thereby subordinating social life.

On the other hand, the Organic Law of Social Comtolling which its aim is to develop a comprehensive state of control over economical and social life of citizens who have the due of represent collective interests.

The Law of Defense of National Sovereignty and Self-Determination Policy is coercing the international financing and the invitation to individuals from foreign Countries to express critical opinions in relation of the behavior of the Governmental Institutions.

Regarding to political participation, Tibisay Lucena, the president of the National Electoral Council (CNE), reported the election timetable for the period 2012-2013, where are going to be made the presidential elections and the elections for governors and State legislative councils. The cut of the registration made by the CNE on 08/31/2011 is related to a population of Venezuelans registered in he council in an amount of 17,691,838 people, including 61,180 voters living abroad. In the field of social participation during the period were strengthened 612 Social Battle rooms (SBS), benefiting 7754 people. These rooms are driven by the State for the purpose of strengthening in the community the self-government as a way to consolidate the Bolivarian Socialism. Similarly, in the framework of the project Transformation Plan to Socioproducing Cooperatives the new organizatonal forms, were benefited 701,358 people.

However, there is a positive aspect that is important to highlight that is the promotion of the Property Leasing Law, which started as an initiative of the Movement of Residents, that is understood as an articulation of popular organizations fighting for the democratization of the city and it was formally presented on March 2nd in this year.

In respect to Communal Councils, could not be detected any update in relation to the amountof the active or not active Communal Councils in the Country. The National Front Community Councils that have been excluded reports that the number of organizations that Fundacomunal has been denied the formal enrollment for political reasons records up to 2,400.

The Cooperative movement reflects that of the 306,762 cooperatives formed between 2001 and 2010, about 40 000 (13.4%) are operational, which shows that 267,796 cooperatives have disappeared.

The various feminist movements of the Country also exercised their right to speak during this period, in the Committee of Women, Family and Youth of the NA they have made proposals to reform the Penal Code from a gender perspective.

In regards to the Rights of Prisoners, 170 of every hundred thousand people are imprisoned in Venezuela, as seen from the figure provided by Iris Varela, first head of the Ministry of Popular Power for the Prison Service. This is a significant increase in comparison to the end of 2010 when the figure was 150 per hundred thousand. This increase results in problems of overcrowding, institutional weakness and lack of governance events that have generated unprecedented violence, especially during the first half of 2011. However, the number of violent deaths in prisons has decreased to 7.2 per thousand inmates, at least until late 2010. Of the incarcerated youth, 45% do not exceed 25 years old in range of age, based in the report of Sociodemographic Diagnosis of the prison population from 2010 to 2011 conducted by the Board of Correctionals. According to the same report, 68% of the population comes from areas of relative critical or extreme poverty, and the 94% of male inmates reported that they worked before being arrested, 88% in the women case. Regarding to the level of education the 93.4% of the population is literate, has reached 63.5% even basic education and 8.7% university education. The main reason for their schooling was interrupted was the need to work (36%), the lack of financial resources (15%), because they did not want to study (14%) and for being deprived of liberty (8%).

Theft is the main reason for incarceration (39% including vehicles), followed by drug-related offenses (23.4%) and homicide (22.7%). Remain being severe the prison conditions, lack of potable water supply, poor quality of food and deplorable state of hygiene continue being the complaints from prisoners and their families, something which constitutes a clear violation of the right to human and worthy treatment than anyone deserves.

The prison population has increased dramatically in recent years and the project of humanizing the prison system has failed on schedule, which is translated that in 2010 only was built a new facility: the agro-productive Prison in Barcelona, with capacity for 324 people who are deprived of liberty. Between 2006 and 2011 only 2700 spaces have been created of 13 000 that were planned.

Despite all this, in the Area of Integrated Care of Humanization Plan it has been recorded some successes. In health care in 2010 is reported an increase of 24.7% of the public consultations over the previous year. Also are showed decreases in rates of infectious disease morbidity (33.53%), food-borne diseases (12.87%) and diseases of the integumentary system (skin related).

According to the National Directorate of Prison Services, in December 2010 the population was distributed among 34% of people punished and 66% processed. The number of diagnosis according to sociodemographic Prison Population (September 2010) would be penalized 40% and 60% processed, of which 59% were awaiting a preliminary hearing. Only 29% of cases there had been preliminary hearing and / or were awaiting trial. Just 8.68%, according to the same research, currently would be on trial or awaiting sentencing.

About the right to security, its size in Venezuela has forced citizens and communities to take action, from quitting activities in particular times and places to protect the assets and properties with extreme security measures such as fencing, residential isolation, carrying weapons and guard dogs, among other measures.

According to data from the Annual Report and Account of the Ministry of Interior and Justice, the most serious crimes committed in the Country during 2010 were: Stealing with 34,874 cases, 27,977 cases of car theft, violence against women and family with 26,218 cases, theft with 25,855 cases, 23,596 of personal injury cases, 17,590 drug possession cases and 13,080 murder cases.

The overall crime rate declined to 932 per 100 thousand inhabitants in 2010, according to the CICPC. The number of homicides recorded for 2010 was 13,080, representing a decrease from the previous year when 13,985 murders occurred.

The rate for 2010 was 45 homicides per 100 thousand, a figure that disagrees with the values estimated homicide rates with data from victimization surveys conducted by the National Statistics Institute in 2006 and 2009, the rates are 49, 6 and 75.08 murders per 100 000 inhabitants respectively.

The states where most crimes were committed were: Capital District (34 152), Miranda (32 693), Carabobo (23 811), Bolivar (19 507), Zulia (17 882), Aragua (17 543), Lara (14 450) and Anzoategui (12 031).

These figures do not take into account the population of each entity, so that, if we calculate rates per 100 000 inhabitants the delincuencia geography changes. So, Zulia which occupies the fifth place in overall crime, goes to the last place in terms of crimes per 100 000 inhabitants. The Capital District is held in the first place, Miranda, who ranks the second in regards to the total offense pass to the fifth, Carabobo is moved from the third to the seventh, Aragua from the sixth to the eighth, and Lara from the seventh to the seventeenth position.

As it was pointed out by the Research Institute of Citizen Security in its report for the Universal Periodic Review, in 2011, in the last ten years the Government has sought to address the problem of violence through the implementation of 16 plans of public safety, but under a repressive conception, so it has failed in the objective to neutralize or diminish the levels of violence in the Country.

Over this period is worth to mention that, as part of the Government efforts to combat insecurity and violence in the Country, it has been created the Presidential Commission for the Control of Firearms, Ammunition and Disarmament.

A survey conducted by the Laboratory of Social Sciences in 2010 in relation to the qualification that the population have made in relation to the administration of President Chávez in regards to security and violence indicates that there is dissatisfaction with the measures implemented, 42% felt that it was bad, 38% thinks that it was regular and 20% found it was good.

During this period a total of 173 victims the right to life recorded in the database Provea. The figure represents a decrease of 27% over the immediately preceding period. It is still in the running pattern where they concentrate most of the victims, with 129 cases, 78.18% of total known deaths.

The pattern "indiscriminate use of force", with 15 victims, representing 9.09% of those registered, followed by the patterns "deaths from torture or cruel, inhuman or degrading treatment" with 12 victims (7.27%) ; "excessive use of force", which accounts for 7 victims (4.24%), and "wrongful death", which concentrates 2 cases (1.21% of total).

Of the total of victims, 94.21% (163) were male, which maintains the historical tendency and 5.7% (10) are women. Most victims are 29 years or less. A worrying 12.72% (21 people) are children or adolescents with an average of 17 years old or less.

The Capital District concentrates 49 victims (28.32% of total), followed by Miranda with 22 victims, with 19 Zulia, Anzoategui with 17 and Bolivar with 16.

During this period, 37 police corpses, including Municipal, State and National ones and the Bolivarian National Armed Force (FANB) were identified as the institutions responsible for the violation of right to life.

At the national level, the CICPC was the national body with more victims, with a total of 37 people, followed by FANB with 31, the GNP with 12 victims and the Sebin with 1.

In the case of BNP in all cases the policemen were off-duty. This could indicate that the limitations that to the moment, appear to contain and regulate their actions when they are in their official dues, are stretched at the moment which they are not on duty, thus approaching to the subpattern "abuse of authority."

Saturday (38%), Thursday (28%) and Sunday (23%) are the most concentrated three days to violations of the right to life, according to PROVEA database.

Finally it should be noticed as a pointed fact that almost all of the victims died when a representative of the State police bodies, illegitimate and illegal actioned firearms. In fact this was the case in 92% (160 victims) of cases.