

CONTEXT

The point related to Human Rights situation in the country has been developed in the political, economical and social contexts, all of them characterized by the following aspects:

A contend of conflicted interests related to gain the power distribution in all the above mentioned contexts, the political project introduced by the current Venezuelan government called "*The Twenty-first century Socialism*" proposed under the figure of a parallel legal basis to the constitutional parameters as an agenda and draft policy; the deepening of the economical crisis that is observed in most of the underdeveloped Countries but specially in Venezuela, the institutional bureaucracy that has been made stronger by the inefficiency in certain organizational areas related to the government with the effects to reinforce the social polarization and the limitation of dialogue among the different political sectors; the criminalization of the citizens' legal right to be active in peaceful demonstrations of discomfort related to the aspects that really affect them in their proper rights and the restriction of certain democratic Venezuelan citizenship guarantees. Sometimes, the social demonstrations has been increased in order to protest against problems that citizens consider a nuisance and not just to live in dignified conditions and furthermore, the harassment, certain censure and disqualification to the international Human Rights organizations and nonstate actors which have been established in the Country to accomplish this aim.

1.-The hegemonic forces in power nowadays imposed a non-democratic project called "The XXI Century Socialism "

Since President Hugo Chavez assumed his status as the Venezuelan National Executive Power chief, PROVEA in Venezuela has observed the development a conflict among the parceled forces that emerged in 1998 as a consequence of the electoral victory of the Patriotic Pole, and the traditional political parties defeated in the

electoral polls, this fact caused a great impact on the national scene. The constant contend creates tensions in the population as it is expressed by them in the habitual common speech and on the development some political activities. The proposal to go farther in the aim to develop a socialist society while on the other hand, there is a wave of thought that claims and persist in the idea that the country has to be governed in the same way that it was done in the past. Basically, hanging out on Liberals and Social Democrats proposals. The conflict has been developed by the remarkable difference of points of view related to the sides involved, throughout democrat and non-democrat, in peaceful and violent ways (footnote 1)

This is a confrontation which main aim is to expand the political correlate of the parties with the public support. The new elite that rose to the power in 1998 had in its beginnings being in charge of the governmental powers a very broad support, mainly in the population that could be considered the most excluded part of the society in this Country.

This support was evident in the electoral polls related to that timeline, allowing the new hegemonic block to win consecutively the elections and referendums, some of them by a wide margin, confirming the government continuity in December 2006 (footnote 2). Until that moment those political sides had had a very strong popular support which had been taken to be exploited in the referendum proposed to amend the Constitution, on December 2nd 2007. As PROVEA and other Human Rights organizations warned at that time, the proposal contained several non-democratic aspects foreshadowing risks to democratic participation and to the existence of a pluralistic society. The Government forces were defeated narrowly, however, this fact indicated that a broad sector of the society. Even, some of them involved directly with the government had supported other options due to they refused or did not fully understand the proposal leaded by the president Chavez at that time. Then, it was proposed a new consultation for an new amendment to the Constitution that would allow The Bolivarian Republic of

Venezuela President and other previously elected government officials to be reelected as many times they have the claim and the support of the citizens, this consultation was won by the government sectors.

It is remarkable, however, that the call to Elections with the purpose to amend the constitution in December 2007 meant a political turning point to President Chavez followers and to those who were aligned with the opponent side. After the results of the December 2nd 2007 there was a visible wave of criticism within the Bolivarian Movement which demanded to investigate the detour that changed what they considered an assured social consensus as the approval of the 1999 Constitution. According to this view, the projects proposed after this date has been considered unknown in their contents or not clearly defined or explained as a political agenda which was not concerted all Venezuelan population and specifically not with roots which supported the government. From this moment, occurs the first important internal fragmentation of the "Bolivarianism", when a series of organizations and politicians began to distance from this movement criticizing negatively the official proposals, questionings which were not processed in a democratic way and most of them were solved taking the action of disqualify their spokesmen (footnote3). The Historian Margarita Lopez Maya describes this scenario as follows:

"What prevails is a project with certain authoritarian features. This fact brings dissatisfaction and tense situations in President Chavez followers. Even, some sectors began to disperse and differentiate. There are Personalities who left the movement or have been dismissed because they were not getting along with some centralist and or authoritarian patterns "(footnote 4).

A second consequence for the ruling side (official sector) was the deepening of the impulse to create a legal framework that only has worsened the democratic institutions crisis in the country (footnote 5). Taking advantage of the broad control they have in the National Assembly (previously the National Congress) they have been promulgating a series of laws (footnote 6),

without taking into account the right of the popular consultation, enabling actions which allow to alter the structure of the state centralizing the power in the executive chief, restricting the democratic freedom, increasing the militarization of the Venezuelan society and reducing the chances of coexistence in pluralism (footnote 7). From PROVEA point view, the different standards are leading the constitution to a different one from that adopted by popular vote in 1999.

On the other hand, the sector called opposition also experienced changes in their political performance after knowing the election results for the constitutional reform. The first change that has been noticed was the recognition of the legitimacy of the National Electoral Council (Consejo Nacional Electoral) as the electoral authority in the Country and one of the guarantors of the law related to the political participation in the country (footnote 8). The favorable results to the "No" option in this poll that was supported by the non-pro-government parties that channeled their opposition strategy towards a democratic solution to some antagonisms such as to apply to political positions and to participate in elections, highlighting the incoherence of certain extreme and radical political sights that did not acknowledge the Venezuelan Constitution in different stages of the current political situation that had reached significance prior the year 2007. A second consequence, related to the above described, was the recognition and vindication of the Constitution of the Bolivarian Republic of Venezuela by the main opposition political actors. Thus, the human rights requirements established in the Constitution began to be observed in the speech of political opponents of the current government, an attitude that contrasts with the one showed by them in the early years of government President Chavez.

Consensus in the electoral strategy

The forces that are vying for power and popular support were found each one in a new election time, this new contend to select parliamentarians to the National Assembly. In this process was implemented for the first time electoral system

that prevents the representation of minorities in the parliament. Was performed under the rules of the Organic Law to Electoral Processes that attaches a great advantage to those who take the amount votes (footnote 9) not reflected in the results of population real desire.(footnote 10). However, the elections were accomplished peacefully and the electoral arbiter were trusted due to the results were accepted by the political parties without any objection. Two outstanding aspects cast of election results. On the one hand, the National Assembly regained its plurality with 98 parliamentarians from pro-government forces and 67 parliamentarians of opposition forces, and 02 parliamentaries of the "Patria Para Todos" party. On the other hand, it was proven the loss of the popular support by the political forces in power. This Election results indicate that in areas where the PSUV had a large majority was evident that the support to the party has been decreased and in some cases the opposition forces dominate with the majority of the votes.

The sociologist and governmental adviser Edgardo Lander, in his analysis about the outcome of parliamentary elections in Venezuela, says:

"... While the sixteen states won by Chavez movement represent 46% of the population, the eight states won by opposition movement represent 54% of the population. The three states with the most population (Zulia, Miranda and Carabobo) and the three states with the highest proportion of major cities in the country. (...) The parliamentary elections celebrated this year, demonstrated that in relationship to what is the popular vote, the government was defeated in each one of the five boroughs--at Libertador Municipality- An analysis made in some of the popular Caracas parishes confirms these trends."

At the La Vega Parish, the votes in favor to the government were decreased in comparison to the 2006 presidential election, then it was 64.74%, in parliamentary elections in 2010 it was 50.36%.

In the Caricuao Parish there was a majority of 62% in 2006 and decreased to 48.04% in parliamentary elections. In the Parish Petare the percentages went from a 53.58% in presidential elections 2006 to 38.81% in the Parliamentary

elections. Similar trends can be seen in many of the popular parishes in major cities of the Country. *"These figures suggest the existence a non-accelerated deterioration, but sustained electoral support the government in largest urban centers in the country."* (Footnote 11).

The loss of popularity of the option related to Government has as one of its explanations the structural inefficiencies in the management of the public thing, the lack of response to problems and the most urgent needs that affect everyday the people who lives in the country, as well as the lack of facts that could convince the population on any of the advantages offered by the socialist project.

The result obtained in the parliamentary elections, however, could bring some hope in relation to the expected positive changes in the political situation of the Country.

A pluralist parliament could create a favorable environment to start an assertive dialogue as part of the political life of the nation. This could lead to solve big problems before they can affect the day to day life of the population designing policies in favor to the citizens in order to achieve consensus in their implementation. It should be well represented if the forces involved there take action democratically and in the name of the interests of the Nation. Otherwise, the parliament will become a sounding board to help up the already exhausting social and political polarization. (Footnote 12)

Different Political actors, including the President himself (footnote 13), have declared the unofficial start of election campaign for the 2012 presidential election. If this emphasis will be concreted could influence in all what could be related to the design and implementation of the public policies during the year 2011 and this could permeate the own agenda and demonstrations of the different organizations of the masses.

2. - The economic crisis affected the social rights satisfaction

The economical crisis became evident in 2009

and to the time of writing this report, the Statistics showed six consecutive quarters of economical decrease (footnote14) that impacted negatively on the economical, social and cultural rights. The economical deficit has exacerbated the existing problems related to the real satisfaction of the social rights such as health, housing, labor rights and some components involved to the right to education. Moreover, it is evident the sustained reduction in public investment related to some social rights. The indicators published by the government point to clear signs of regression related to satisfaction and guaranty. For example, the public investment in housing in the middle of the economical growth lived in the Country in years 2007 and 2008, has decreased from 3.79% of GDP in 2006 to 2.47% in 2008 (footnote 15). Situation that occurs even when different State entities recognized the severity of the housing deficit and the crisis that exists in the sector. The 2009 budget to satisfy the housing right continued going down. The public investment in health also fell down. This reduction began also in times of economical increase passing from 4.40 of GDP stage in 2006 to 3.6 of GDP in 2007 and in 2009 this tendency continued in the same way.

A big deal of the economical crisis has been discharged on the workers sector in the Country. It remains pending to discuss important collective agreements related to the public sector and state enterprises due to the non-compliance with contractual clauses and mainly the economical ones (footnote16). While is true that the National Executive honored the promise to increase the minimum salary its increasing neither honored the prices of the household basic food basket nor the inflation which increased 25.1% in 2009(footnote17). In real terms the minimum salary fell down in 4.6% in 2009 compared to 2008. After several consecutive years of reduction in unemployment, occurred an upward that began at the end of 2009. Unemployment, which closed in 2009 in a percentage of 6.8 were increased in August 2010 to 9.6%. Although the increasing is not very significant and could be stabilized puts the Venezuelan government away of the compliance of its goals.

The rise in unemployment expresses the need to

review and replanting of the Mission “Vuelvan Caras”, renamed Mission “Che Guevara” which was created on March 12th 2004. The Venezuelan government promised to reduce unemployment with this mission by December of that year in 5%. If it is a goal very difficult to reach in such a short time, six years after the Mission was created, this goal is still very far from all that was expected to be achieved in this Government. Even, in times of greater wealth and economic growth obtained by oil revenues, the unemployment could not be reduced in less than 5%. That Mission also intended to incorporate those unemployed citizens who integrated missions Robinson, Piar, Miranda, Ribas and Sucre to get jobs in productive activities generated by the “Che Guevara”, (footnote18)

On the other hand, the official figures related to poverty provided by the Venezuelan National Institute of Statistics indicate that there was a slowdown in the downward tendency of poverty. While, the proportion of population living in poverty was 42.80% in 1999 to the first half of 2007 was reduced to 27.46%, which is equivalent to a difference of 15.34 percentage points.

Reduction that has been considered a very important achievement for the full exercise of economic, social and cultural rights. However, recent figures show stagnation in the goal of eradication of poverty, down from 2007 and the first half of 2009 of 1.06 percentage points reaching 26.4%.

Also, despite in the period 2007 - 2008 was not visualized the real dimensions of the international economic crisis impact and it was maintained the tendency of the declining unemployment figures, the data shows in the two second semesters of both years that there were slight increases in poverty.

Starting from the stagnation in the reduction of poverty during those two years, the fact that unemployment rose between 2009 and 2010, and the presence of a rate of high inflation, is probable that the result in reducing poverty could not be encouraging for 2010. This situation is reflected in the increase of a lot of poor households in some states the Country; making a comparison between the 2008 first half with the

first half of 2009 (footnote 19). This reflects that increase in the states: Aragua, Cojedes, Delta Amacuro, Falcón, Monagas, Nueva Esparta, Portuguesa, and Zulia. Although, some preliminary figures for the second half of 2009 seem to reverse this situation in some states, the deepening of the economical crisis in 2010 provides sufficient reasons to be pessimistic about the progress in reducing poverty. The economical crisis also led the reducing the public input on several of the social missions, at least in all what depends on the analysis of the public budget approved to 2010. The total assigned to 13 missions of the National Government groups a 3.63% of the total budget for 2010. The five missions that were allocated with resources were: Ribas Mission (1.10% of total), Madres Del Barrio Mission (0.73%) Barrio Adentro Mission (0.55%), Mercal Mission (0.51%) and Sucre Mission (0.31%). The five with fewer resources are: Piar Mission (0.001% of total), Miracle Mission (0.01%) Habitat Mission (0.01%), Che Guevara Mission (0.01%) and Culture Mission (0.03%). Some of them not reflected in the national budget resources like other 14 missions. PROVEA views with concern the loss of momentum to the fight against poverty, one of the most positive aspects in terms of recognize Human Rights in the management of President Chavez's Government. The government proposed as one of its goals to achieve zero poverty by 2021. To make this target successful the Government set up in 2003 Christ Mission, called "The Mission of the Missions" (footnote 20) Since the establishment of this Mission, poverty has decreased 27 points, changing from 53.07% in the first half of 2004 to 26.40% in the first half of 2009.

Ineffective governance increased social discomfort

The period under review was marked by the continuous public management deficiencies in procurement to guarantee the framework of rights and to respond to the most felt complaints by the population. Such inefficiency impacts directly on the lives of the citizens in regards to health, environment sanitation and facilities, education,

employment, housing, as well as the citizens' security. During this period there was highlighted in particular the crisis of services like electricity supplies and potable water, the persistence of a remaining high inflation damaging the purchasing power of workers' wages, the crisis no solved in what is related to health and housing, undertakes in what related to services that recollect the solid waste in certain areas and the requirements to apply corrections to the problem of insecurity.

Three years after President Chavez asked to begin the process known as the three "R" revisions, rectification and Replanting of the governance, the progress has not been observable in a wide measure. The ideological side tends to solve the problems that affect the population but the executor side has not found the efficient implementation of specific policies aimed to improving the present conditions of people's lives. This has been recognized by various spokespeople of the high positions in government, even by the first agent who is the President. At the end of this report and as a reflection related to the elections results of September 9th 2010, President Chavez expressed in a meeting with deputies elected to the governing alliance:

"A revolution has to learn to pick up trash, a revolution must learn how to plug the holes in the streets, a revolution has to address the smaller people's needs, it can not be only in the barricades' radical discourse A revolution has to hold the poor, the needy people, their drama, their pain, their love and their hopes (...) We have to face: now we have to be visible, we who have the government; the Executive Government, The Legislative Government, you who are now deputies, mayors, governors. We cannot be captive of the comforts that palaces or offices bring us, the freshness of the air conditioning there or in our cars, the comfort of the burgess life, that in some moments trap us. We have shake our comfort zone from that (...) that's why I say the three squared R has their own meaning To Review, To Re-correct and To Reinvigorate. But, why the square? because within those R there are other three R, or beyond them there other involved: To Rescue, To Re-polarize, To Re-politice. So, because of that, I say to elevate to

the square, 3R elevated to the square.” (footnote21).

Another reason that has aggravated the ineffectiveness of the Institutional Management is impunity and the lack of controls and lacking of oversight in the use of the public material, economical and human resources. One of the Emblematic cases that is important to mention was the finding of 122,000 tons of spoiled food. Despite some caution in the previous years by the General Comptroller of the Republic, the concerning irregularities in the cold chain and distribution of that food, the fact unveiled a set of failures in the storage process of the imported food because various diverse factors, including corruption. A second one which revealed the lack of supervision and precise controls that went against and in detriment of the enjoyment of social rights in this issue was the lack of transparency in relation to the international conventions related to housing building and acquisition of these goods by the inhabitants of the Country. The most important example was the agreement made with Uruguay since 2006 for the acquisition of 12,000 housing kits, which only had been built 11 of them in the Country, it is uncertain the reason for which the others haven't been built. In nearly 4 years about 12,000 families in Venezuela have not been beneficiated with a policy that would have lessened the serious housing shortage, In 2009 the case of housing became in the first cause of mobilization of population from one place to another in Venezuela. The sociologist Edgardo Lander analyzed the reasons that the electoral option related to the government alliance for parliamentary elections vote went down in Popular sectors and said in regards of the subject: *"The improvisation, the lack of continuity in projects and governmental programs added to a sort of inefficient public management, those are some of the major causes to unconformity of the population towards to some governmental measures. The Low levels of institutionalism and the creation of operational activities that should characterize the normal operation of the Republic create even difficulties to the continuity to the best programs. There are sides of the public policy areas where the balance cannot be*

described in other way but negative, it is the case for example of the policy related to housing, or However, the lack of it.” (Footnote 22)

The dissatisfaction expressed at the polls also is expressed in the street. Not only was increased the social protest, in the absence of effective responses to them by authorities has been progressively radicalized them. Besides the 3,315 protests made during the period covered by this report, the figures meant an increase of 24.29% over the previous period, this highlights the fact that 105 of this number have been hunger strikes. In our previous annual report we only registered one case under this system. This significant increase can be interpreted in two ways. On the one hand, the apathy of officials, authorities and state bodies responding to citizen complaints, all of this have generated such levels of despair that people, even at the cost of putting their health and life in risk, persevere in the enforcement of their rights. The most emblematic was of the agricultural medium producer Franklin Brito, who maintained his strike to lose his life on 8/30/2010, urging the competent authorities to give an appropriate response to his complaints (footnote23). The use of this approach is a sign of the radicalization of the social protest. In the absence of adequate responses to communities and individuals they adopt forms of enforcement to claim for the rights they are seeking to exert greater pressure on the authorities involved.

Faced the public outcry has been persisted the institutional policy of criminalization, applying both procedures; discrediting the protesters and opening criminal proceedings to those who exercise their constitutional right to a peaceful protest.

The General Prosecutor Officer Luisa Ortega, being a fundamental part of this tendency, said:

"Those who disrupt the public peace and quiet state of the Country to produce instability in the institutions, to destabilize the government, those who vitiate the democratic system, they are going to be requested to trial, even not only the perpetrators, but also intellectuals authors. (...)

Any reason to march, any reason to create chaos, whatever they could cause is only the desire to destabilize.” (Footnote 24)

Yet, if discontent could not be shut up by the Government and the population continues defying it under the character of peaceful protest and complaints. The efforts made by some Government entities to create fear among the population in order to coax them to not demand their rights just restricting mobilization on the streets, taking into account the evidence seen by the observers, the coaxing has been failing to the mentioned entities. If the tendencies that have been diagnosed in recent years are not reversed, the perspectives could be that the levels of social conflicts would continue to increase.

Hindering the right to defend rights

This has seen as a part of the criminalization of the right to protest and the tendency to restrict the freedom that is a right in Democracy, characteristics which further restrict the demand of all the rights, in the mentioned period in which an intense offensive was developed by the Government against the Human Rights movement. The use of the State media in favor of the Government when this media has to be neutral to create what is called in Venezuela a public opinion matrix against human rights activists (footnote 25), the criminalization of the finance sources, the act to relate individuals linked to Government to ask for certain research related to crime (footnote 26), the statement made by senior Government officials to blame and to relate Human Rights Organizations and activists involving them as responsible of violent acts (footnote 27), the threat to take future coactions measurements if supposedly the parts involved not to cooperate in the legal research (footnote 28). All the above mentioned was the way in which was developed the harassment to the Human Rights Organizations. This campaign involved public officials of the Venezuelan State including President Chavez, who said about the international cooperation received by a big deal of Civil Society Organizations the following:

"Look at this, that is part of the battle and it has to be investigated thoroughly: millions and millions of Dollars that come from the U.S.A. Department of State to some groups of Journalists, to Non Governmental Organizations

Groups, some recently created special events, some new kinds of awards and acknowledges and who knows what else has been created to accomplish their purpose." (Footnote 29) The obstacles that were put to the activity of certain Civil Society Organizations are equally expressed by decisions of the Supreme Court the Bolivarian Republic of Venezuela (footnote30). The Constitutional Chamber ruled by the Supreme Court the Bolivarian Republic of Venezuela in its publication affirmed that any organizations which receive funds from abroad could commit an offense established in the Venezuelan Penal Code as "Treason to the Country." This judicial decision suits, affirms and complements previous cases or jurisprudence at the law criteria issued in June 2001 and in July 2003.

Also, during the mentioned period it was registered the decease of Mikhail MARTINEZ (24 years old) who was a Human Rights defender and who was killed on November 26th 2009 in Barquisimeto city, Venezuela. Mr. Martinez, whose occupation was audiovisual material producer, he was giving testimony and witnessing with his audiovisual material all that he could get, that was related to the fight against impunity observed and suffered by the West-Central-region-of-the-Country victims and their families. In addition, Mr. Mikhail Martinez was son of Mr. Victor Martinez a former deputy of the Legislative Council of Lara State, a social activist and a contributor to the Victims' Committee Against Impunity (Covicil - stands in Spanish), who has been reporting cases about irregularities in the West-Central-region-of-the-Country Security Forces in charge of this region population security, manifesting his opinion through radio and television programs. For this reason, the former deputy thinks that the murder of his child was motivated by political reasons and it was perpetrated by contracted killers (footnote 31). To the moment of the end of this report, the assassination of the mentioned Human Rights Activist continued unpunished by the law. PROVEA wants to emphasize that the delay in conducting accurate investigations about the responsible in the murder of the young Human Rights Activist is a transgression of the

obligations established in the UNO Declaration about the Rights and Responsibilities of the Individuals, the Groups and Society Organizations to promote and protect Human Rights and the Fundamental Freedoms universally recognized, adopted and approved by the General Assembly number 53/144 on March, 8th 1999, which states that the State has the duty of promote and ensure the free labor of the Human Rights advocates, and to guarantee the mentioned right in front of all individuals. The absence guarantees not only have been increased in relation to the point of the defense of Human Rights, as this is expressed in the article number 132 of the Venezuelan Constitution, but some defenders (footnote 32) have begun to be deprived of their freedom to promote and to exercise the rights consecrated by the Venezuelan Constitution. This situation of helplessness has been particularly evident syndical sector (footnote 33). Although there have been presented some situations to the defenders and advocates of aborigine people and to the human rights movement itself. In the above situations, by default, the governmental office in charge to defend the population's rights Ombudsman Office "Population's Defense" (Defensoría del Pueblo) has become an accessory in the criminalization and harassment against Human Rights defenders.

Disqualification to the Human Rights International Protection System

During the analyzed period, the State policy of taking hostile positions against different instances of the Human Rights International Protection System has been reaffirmed by the Venezuelan State, the Government ignores the Human Rights International Protection System recommendations and decisions, emphasizing on the disqualification of the Inter-American Commission on Human Rights (IACHR).

Confronting the report "Democracy and Human Rights in Venezuela", released by Inter-American Commission on Human Rights (IACHR) in February 23rd 2010, the Government staff, officials and agencies related to it, proceeded in an orchestrated agreement to disqualify the

content of the Report and in particular the work of the IACHR Commission.

In this regards to the "Population's Defense" ("Defensoría del pueblo") which considered the Report in this way: *"Is an alarming new episode of the developed international campaign against the Venezuelan State Institutions, report in which is used the sensitive issue of Human Rights just for political purposes and in the frame of upcoming electoral processes in our Country."* (Footnote 34).

President Chavez on his sight and qualifying members of the IACHR Commission as "gangsters" said: *"What We should do is to denunciate the agreement by which Venezuela was attached to them"* and announcing the possible withdrawal of Venezuela from the Inter-American System of Protection (footnote 35)

The Venezuelan government has failed in almost all the judgments of the Court Human Rights, and hardly ever fulfill the provisional measures adopted by this Court or the precaution measures ordered by the IACHR Commission and the recommendations given to the Venezuelan Government to address specifically human rights situations in the Country.

In the same way the Government neglected different statements that were made by certain bodies of the United Nations Organization in relationship to the case of Judge Maria Lourdes Afiuni (footnote 36)

The Venezuelan State unfulfilled some of the various recommendations conducted by the International Labor Organization. The Committee of ILO to introduce the standards urged the government *"not to interfere in the affairs of workers associations and employers"*, but these interventions have been continued.

From the state channel "Venezolana de Television" also started a discredit campaign against the Inter-American Court repeating for several days, a video entitled *"The Secrets the Commission of the Imperial Court IACHR."* (Footnote 37)

The lack of knowledge about judgments and interim or provisional measures of the International Court and the recommendations or

the precautionary Commission's measures and the Venezuelan Institutional practice to discredit these two instances, practice what constituted an obstacle to the people who were damaged in their rights and had to attend to the international system of protection. It also means the increased vulnerability of the victims of violations in their human rights conditions confronted joined with the impunity that reigns in the Country and the inadequate management of justice, those victims has the option of obtaining justice in international instances. Finally, this fact injures in Articles 23 and 154 of the Venezuelan Constitution, the ones which state that the standards established in international human rights treaties ratified by Venezuela and which have a constitutional status prevailing over domestic law. Also number the article number 31 which guarantees the right of every person to go to the Courts and other international human rights protection Organization, forcing the Venezuelan State to implement the decisions and recommendations emanated from these Organizations.

Balance.

Below is a summary of the analysis of the situation of human rights that Provea performed in this Annual Report. As we have been doing for 22 years, the report includes progress, stagnation and setbacks that occurred in the country in relation to state security and human rights protection. Our purpose in presenting this diagnosis is to encourage reflection in State's officials at various levels and in society, about how we are in the human rights field and how we can improve. We want to stimulate debate and dialogue to explore a basic consensus on how public policies must be designed and run in the short, medium and long term and also that human rights transcend the law and become reality in the daily lives of our people. We believe we aren't owners of the truth and are open to scrutiny on our work. Is a research effort that seeks to

contribute in building knowledge, despite the limitations and under-registration in the collection of information. A research carried out with responsibility and dedication about nine economic and social rights guaranteed to everyone by the Constitution, as well as over ten civil and political rights. In addition, this year we conducted a special paper on a decade of peaceful protests in the country, as a way to contribute to the analysis of this constitutional right. The report is also a contribution to the record of our contemporary history, and genealogy of the social and popular movements, from the perspective of human rights. The data comes from official sources such as reports and accounts, official documents and press releases from state bodies and institutions. It feeds from private sources emanating from academia (universities) and institutions that conduct research and analysis. Rigorous monitoring of 60 national print media and regional media, specialized magazines and information provided by human rights organizations and other social organizations, as well as direct interviews with officials and / or no state actors. The data collected in the report of this period, covering October 2009 to September 2010, show a worrying situation about human rights. A slowdown in the fight against poverty was observed, which is very negative if we consider that the fight against poverty is one of the most positive aspects that had been recorded in recent years. We found a regressive process in some results of the implementation of public policy where the National Executive had made significant progress in prior periods.

The stagnation of many of the social missions has negative impacts on the people's quality of life. The structural inefficiency in public administration at different levels creates distrust and discontent in the population. Consequently, the number of protests continued to increase. The response to this malaise is the implementation of some restrictions on democratic freedoms, the criminalization of protest and the use of the justice administration system to intimidate and punish the legitimate right to demand rights. Within this bleak picture, stands on the positive, the continuing success in reducing malnutrition,

increasing school enrollment, improvements in monitoring environmental conditions and some measures to preserve the environment. Finally, significant progress in ensuring the preservation of life and adequate conditions for inmates, or the behavior of the armed forces of the State to respect the right to life and physical integrity was not noted. There was a significant increase in the forced disappearance of persons that is an offense against human rights.

Economic, social and cultural Rights:

About the right to food, the indicators used show a continuation in the trend of previous years. High inflation persist, affecting people's purchasing power and has its main impact in the food item. Shortages of some foods from the basic basket continued to occur, although in smaller proportion than the previous year. Also showed a fall in domestic production in some areas, and continuing high dependence on imports to shovel shortage. One of the effects contributed to higher inflation in this period was 20% devaluation of the Bolívar in early 2010. The 15% increase in wages according to figures from National statistics Institute, failed to cover the food rise because of inflation. According to studies by "Datanalisis" food shortage is significant in the state marketing network. One of the main reasons reported by importers for the shortage of food is the process of preferential access to dollars, which favors higher prices as a result of the acquisition of foreign currency on the black market, fact that have an impact on the consumer, because have to pay more for the product.

According to figures from the National Institute of Statistics, the consumption of food items, continued to rise during the first half of 2009, except the chicken and rice, which show relatively small declines from 2007 to 2008. This suggests that despite the misconduct of certain items, does not alter the trend toward ever-increasing consumption in the country. According to official figures, Venezuela has increased the cultivated area in the last 10 years, however, agricultural production contracted in 2009 by 20% in several of the items that are part of the

staple diet. Reports attributed to the Central Bank of Venezuela indicate that this body recognizes a decline in agricultural production. Sugar producers admitted a further 50% decline in domestic production and rice farmers have also reported a contraction in the national area under cultivation. According to the Report and Statement of the Ministry of People's Power for Food, the behavior of domestic purchases fell between 2008 and 2009 at 172,250 tons, suggesting that this amount can be purchased on the international market. The crisis of damaged food, that became visible on 05/25/2010, indicates that the Venezuelan government did not fulfill obligations that are expressly provided by the laws of the country as the Article 84 of the Organic Law on Food Security and Sovereignty. Food storage for over two years shows that the mechanisms and procedures for monitoring and control do not work and should be reviewed.

During the investigation of the right to a healthy environment could assess progress and interest in the defense of environmental protection. The implementation of projects such as rehabilitation and expansion of pipelines to supply clean water for the benefit of communities, in addition to the construction of treatment plants and increased water supply to the population, were among policies implemented. It was also promulgated the Law for the Protection of Domestic Animals Free or in Captivity, establishing the obligation of any person exercising the ownership of pets to offer protection in terms of care, food and sanitary measures. And also an increase in the collection of biohazard waste service in the health centers of the metropolitan area was achieved.

As a positive aspect, is important to talk about the strengthening of environmental education programs for Children about a Healthy Environment and the National Network of Volunteer Rangers of the Environment, as the formation plans for security and environmental conservation and the National Plan to eliminate consumption of "chlorofluorocarbons" (main substance that depletes the ozone layer). About to the judicial requirement of the right to a Healthy Environment, highlights that the General

Prosecutor Office made several criminal prosecutions in relation to environmental cases, which allowed the diagnosis of crimes in different states in order to establish strategies and actions to prevent these events. According to the Report and Statement of People's Power Ministry for the Environment (MPPA), the body made important achievements but also had difficulties to establish relations with municipalities, government agencies and NGOs that works with environmental issues in the country.

Negative aspects of development plans set by the Government, as the Oil Sowing Plan (2005-2030), has been condemned by environmental organizations and specialists in the field of environment due to the negative impact caused to the country. It is important to note that the main industry of the country, PDVSA (Petróleos de Venezuela) has been causing the pollution of beaches, rivers and lakes due to spills of oil and hydrocarbons, putting at risk health of inhabitants and the economic activities of these families, (as fishing) which are the main source of income for them. It was also found the State's unwillingness to appropriate management for the classification of waste and solid waste. In this regard, inadequate waste management resulted in the contamination of water resources, the increased incidence of asthma and the development of community protests. Similarly, the National Executive and local authorities have failed to comply with the Solid Waste Law that establish a period of five years for the elimination of landfills around the country, for 2009 should not be any landfill, however, there still are landfills causing ecological damage in Venezuela.

About the right to education, observing the 2009 statistics report of the People's Power Ministry for the Education, the number of available schools in the country decreased from 26,025 schools in the previous period, to 25,845 early education, primary and secondary centers in this period. Of all schools, (83.4%) are official and (16.6%) private, this proportion remained similar parameters for this period. About the grant, the total number of private schools, (15.4%) receive it, figures slightly lower (16.7%) of the previous

period. According to Bolivarian projects and programs, there is also a significant schools decrease. Such is the case of the "Simoncitos" (Preschools), which decreases from 970 to 552, representing a 43% decrease, also Bolivarian schools turn from 2,880 to 1,337, representing a decrease of 53.6% The technical schools called "Robinsonianas" decreased 31% going from 258 to 178. "Bolivarian" schools were the only type of schools that increased from 4993 to 5052, an increase of 1.2 %. Remains the trend indicated in the last period on growth in the proportion of rural schools (55.1%) compared with urban ones (44.9%). For this period, we find that 23.2% of the schools offer only initial education, 11.4% only primary education (1st to 6th grade) 23.9% both types and 11.9 % of the schools offer preschool, primary and high school, and the 29.6% left offers only some parts of the educational cycles. In terms of accessibility of education, it must be said that both official and private agencies had a significant increase in its growth rate (5.7% and 7.2% respectively).

It is noted for the second consecutive time from last period a decrease of growth rate in primary education, the net rate is 93.5%, more than 4 points below the highest record 97.9% for the period 2001-2002. The segment of Secondary education that go from 1st to 3rd year decreased in public schools but the secondary education segment from 3rd to 5th year grew, even when the growth rate is 3.2%, this growth occurred in both public (4.4%) and private (7.3%). About exclusion, 1,499,532 people (468 less than those indicated in the last period), aged between 3 and 17, would be outside the education system. After eleven years, the exclusion gap decreased 42.3%, representing a significant decline. At the global level, Venezuela moved from 64th to 59th position, with a development index of 0.956. It is estimated that the poorest 30% of the population has 7.2 years of schooling, while 10% of the population with better economic conditions can achieve 11.7% years of training per person. About discrimination by sex, a similar trend to that recorded in the previous period occur, with a slight increase in male participation in the group of 3 to 5 years, and greater participation of

women in the age groups of 6 to 14 years and 15 to 17 years. Special education enrollment increased by 10.5% compared to last period. In relation to teaching positions, for the period 2008-2009, there were 484,248 teachers, a 12.6% more than in the past period. Regarding the position or type of position, the 56% of the teachers are principal or appointed, 34.3% are interim (substitutes) and 9.8% is classified as "other." Trade organizations warned about the shortfall of 250,000 teachers and also on the increase in the number of substitutes. The rate of students who fail in the school, suffered a setback while the percentages increased for both primary (slightly) and most notably for high school.

In terms of labor rights, according to the National Institute of Statistics (INE by its Spanish acronym) the unemployment rate stood at 9.6% in August 2010, which shows an increase over the rate achieved in 2009 which was of (6.6%) and (7.4%) in 2008. The unemployment affects the younger working population between 15 and 24 years old, a youth unemployment rate of 17.8%, two percentage points higher than 2009. Likewise, there was an increase in employment in the formal sector (0.6%), In August of 2010 the total of people working in the formal sector was (56.6%) compared with (56.0%) of 2009, while reached informal employment rates (43.4%) versus (44.0%) of 2009. By August 2010, the economically active population became 65% of the total population over 15 years, representing a slight decrease of 0.1% compared to 2009, which was (65.2%). The number of inactive population reached by 2010 (34.9%) compared with 34.8% of 2009 shows no significant change. Like the 2009, several variables influence the increase in unemployment, including, closing of small and medium enterprises and low employment generation of touring. In 2010 was extended once again, the decree of job security by the number 7154 of 12/23/2009, in order to avoid unfair dismissal of workers. The Ministry of Labor stated in the 2009 report that the administrative offices handling cases of disputes between workers and employers (work and labor inspector offices) received 78,594 applications for reinstatement of dismissed workers. About

industrial disputes, 232 conflicts were recorded for different causes, of these 232 disputes, 80% were from the public sector. This represents a decrease of 39.52% of cases compared to the amount recorded in 2009. Job instability is also one of the consequences of the economic downturn, the nationalization of enterprises and banks intervention.

About the increase of minimum wage (MW) in 25% from Bs 967 to Bs 1223.89, This turns out to be insufficient according to official and private studies that reveals that Bs 1223.89 are not enough to cover the food basket. The increase decreed was not enough to improve the purchasing power of Venezuelans, since March of 2010 the value of the standard food basket was Bs 1158.98 according to the National Institute of Statistics, beating the first part of the increase wage.

Regarding the Right to Collective Bargaining, the executive secretary of the Confederation of Workers and president of the labor movement, said that in the government of President Chavez, collective agreements fell 87%. In addition to the delay in the discussion, workers claimed a breach of collective agreements in terms of health care services and supplies, among other benefits. As for the Right to Strike, confirming an upward trend in the number of strikes, the majority of peaceful nature and looking for government attention to the right to a sufficient wage and the renewal of collective agreements. Government figures showed that since 2006 there were 426 legal strikes. The large amount of labor problems comes primarily from the refusal of the government and also of the private sector to discuss and sign collective agreements and the policy of not tolerate protests against disrespect of benefits under collective agreements.

About the rights of indigenous peoples since the initial functions of the Ministry four years ago is considered a major breakthrough regarding the intention of exploiting institutional mechanisms to articulate specific public policies. However, the success of the policies implemented so far is limited, mainly due to a lack of intercultural approach, disruption of indigenous movement

and the lack of an agenda to guide the design of government policies on this issue. It's important to highlight that the government still develops welfare policies to try to solve important structural problems, which offers no long-term solutions. In contrast, there are no regulations that encourage the exercise of the rights enshrined in the Constitution, as the demarcation of land law, that can help to avoid the conflict that may arise in those areas where people practice mining activities, wood type activities, food processing and geo-strategic activities, and not just the impact it may have on those activities, but also the implications and potential impact on environmental, and in the life of the indigenous peoples. Welfare policies implemented until now, are about housing and infrastructure construction, health days (medical operations), food, personal belongings and vehicles distribution, among others. However, there remains a tendency to increase in client relations for electoral purposes, causing tensions and divisions and diminishing the formation of local leaders. Such is the case of land dispute in the case of the "Sierra de Perija", as a consequence of the non-demarcation of indigenous lands and habitat, as well as other conflicts because of the presence of mining in states like Bolivar, Amazonas, Monagas, Anzoátegui and Sucre. A plus in terms of indigenous legislation is the adoption of the Law for Indigenous Artisans, which contributes to the protection of indigenous peoples. In contrast, there is a legislative delay about the Native Administration Law, which constitutes an impediment to the recognition of indigenous law and jurisdiction set forth in the Constitution. Two things to note on legislative progress are the strengthening of the Care Services and Indigenous Orientation (SAOI by its acronym in Spanish) and the creation of two new experimental universities specialized in the indigenous subjects in Bolivar and Amazonas states. However, Provea emphasizes the need to review the objectives and strategies to implement policies to ensure lasting and effective, guaranteeing of the Rights of these Peoples.

The right to social security during the period was violated by the Venezuelan government. The lack

of public policies implemented by the Government and National Assembly result in an incomplete and uncoordinated social security system. Failure of the Organic Law of Social Security System was one of the factors that prevented some people do not receive the benefits of the public system. This is the case of default in payments to retirees. However, it is noteworthy that the National Executive issued a decree establishing the enjoyment of old-age pension from 60 years old for the men and from 55 years old for the women, this initiative allows the inclusion of people who historically have been outside of the social security system. The Decree No. 7402, that establishes the obligation of the Venezuelan Institute of Social Security (IVSS by its acronym in Spanish) to pension 20 thousand peasants, fishermen and women. About the insurance system, the President, Hugo Chávez, announced the removal of the (HCM-Surgery-Maternity and Hospitalization insurance) for the agencies and companies in the national government that could not longer hire private insurance companies. These policies would go to the State Insurance and Reinsurance Company "Bolivariana de Seguros" that will absorb all policies of public sector health. However, this measure was rejected by the labor's unions and government workers as they felt the private insurance was the only available alternative of healthcare because of the bad situation of the public health system. Another failure is that the National Executive has not implemented an effective policy that incorporates the independent workers in the social insurance system. It is positive that the IVSS is fulfilling and expanding comprehensive health care plans and also maintains the programs to provide expensive drugs to patients with high risk diseases. It's also positive the incorporation of more than one million of beneficiaries in the system of contributions. However, the 62.8% of the economically active population are still outside. Moreover, the report presents the case that Provea holds in the Inter-American Commission of Human Rights with the Retirees and pensioners of Viasa (an extinct airline) case in which the State has fulfilled only part of the agreements signed in the document. It is also expected the

decision of the admission of the cases of the Ministry of Education Retirees and Pensioners of CANTV (The Country's principal telephone Company).

In terms of land rights in 2009 the National Land Institute (INTI by its acronym in Spanish) continued the process of land reclamation, having surrendered in the period a total of 16,325 agricultural legal instruments, 590 Agricultural letters in an agricultural area of 36,165ha, 13,526 legal statements of stay for an area of 221,538ha and 2,209 titles to an area of 89,100ha, which has benefited 89,850 farmers and cooperatives. The Government has promoted new forms of social production, minimizing the promotion of the private sector in the agricultural field; the private sector is seen as a competitor and not as a helping agent to increase national agricultural production. In relation to agricultural GDP (Gross Domestic Product) figures, even with the efforts made by the executive for encouraging the agricultural sector in recent years, production is stagnant. In 2009, according to figures provided by the National Statistics Institute (INE) the value of imports of the sector stood at U.S. \$ 4.211 million, representing a decrease of 43.68%. During the past 50 years is a fact that Venezuela is a net importer of food, which means it is weak in terms of food security. Finally, in terms of development policy and legislative and jurisdictional field, the National Assembly (AN) adopted the partial reform of the Law on Land and Agricultural Development, which involved the modification, deletion and addition of items and the inclusion of transitional provisions, which served as one of the most important discussions of the period because of the debate and reactions generated around it and the consequences it will have in the future in the agricultural transformation process being conducted by the national government.

About the right to adequate housing, it was noted that the National Government hasn't conducted a proper public policy to fix the country's housing deficit. By 2009, 23,649 homes were built, which means 2,797 homes increased compared to 2008. During the past 11 years the National Executive

has built 324,588 houses. These figures are placing the President Hugo Chavez as the second president of the Venezuelan democratic period to build fewer houses, behind Romulo Betancourt, who built an average of 16,961 homes annually from 1959 to 1963. The housing shortage is around 3 million homes. There was a new institutional change in the housing field. On 23/06/2010 the Ministry of Popular Power for Housing and Public Works (Mopvi) was dissolved to form, separately, the offices for Transportation and Communications, and the Ministry of Housing and Habitat. Previously, it was decided to merge these firms on 3/3/2009, so the length of Mopvi was only a year and a half. In the Report of 2009 that the agency (The MOPVI) submitted to the National Assembly said that the delay on the disappearance of Mopvi was due to administrative activities such as delaying payments for meeting the goals. This institutional instability aggravated the housing problem in the country, so the President Chavez has taken as a personal challenge to solve the crisis. The creation of the "socialist cities" of the "Villanueva" Mission since 2008, would lessen the housing problem, the Mopvi in his Report of 2009 include the construction of 16,578 housing units, however, reports of the stoppage of buildings spread by the media -(Information from engineers and members of community councils)- may reflect the pace of construction of the socialist cities has slowed. It is noteworthy that the budget for this sector increased by 286%, according to the 2010 Budget Act.

Regarding the titling of land, official figures indicate that 42,172 people were benefited with popular urban settlements around the country. Reflecting a decrease of 54% compared to 2009 when 77,042 were awarded titles. The National Assembly announced its intention to ban forced evictions nationwide. Also, the Centers for Participation for the Transformation of the Habitat and the formation of new Urban Land Committees assisted the construction of housing units and replacing ranches and homes in some states. For the first time, was reported the murder of two people who were community leaders related to housing projects.

Civil and Political Rights.

Regarding the right to asylum and refuge, since late 2009, the Venezuela-Colombia relations were marked by political and diplomatic tensions between the leaders of both nations, largely caused by violent events in the border area, which increased the climate of political hostility and affected the quality of life for residents. During the period of analysis in this report, the clashes between the Revolutionary Armed Forces of Colombia (FARC) and paramilitary groups have intensified, causing travel from Colombia to Venezuela through the states of Zulia and Tachira. Also, the militarization of the border area of Arauca has reduced the entry of migrants and asylum-seekers by 28% over the previous year. The figures provided by the Colombian NGO "Fundación Progresar" warned of the serious situation of increased human rights violations at the border. UNICEF Representative in Colombia denounced the recruitment of minors by illegal armed groups in border areas of Colombia with Venezuela and Ecuador. According to data provided by the United Nations High Commissioner for Refugees (UNHCR), the number of applications processed by Venezuelan authorities from people who want to acquire refugee status is of 14,800 from 2002 to 2010. But it is estimated that the amount of persons requiring international protection is around 200,000, indicating that only 7% have gone to seek refuge. The Coordinator of the CNR of Tachira, said that the refugee applicants come also from other countries like Ecuador, Peru and Rwanda. According to the CNR there are about 14,000 applications pending and the first six months of 2009 amounted to 2,351 applications. The Committee meets an average of 40 cases per month. The adoption of internal rules of the National Refugee Commission was an important progress in the procedure for applying for shelter, which is defined for the first time, and the application stage, the consecration of a specific procedure for preserving the principle of family unity and the establishment of a short procedure for cases of particular vulnerability of children and adolescents who are unaccompanied. As for the labor rights of refugee claimants, the

conditions remain poor with little access to formal activities and benefits. Something similar happens with the right to education and health, limited by lack of recognition of the particular situation. UNHCR highlights the abuse by the authorities towards asylum solicitors and persistent refugees that are not reported and therefore not accounted for, which discourages effective institutional responses. In relation to applications for asylum of Venezuelan citizens abroad, it is noteworthy that 80% of applications from 2000-2009 have been approved by the United States government to Venezuelan refugee applicants.

As regards the right to physical integrity during the period October 2009 - September 2010, a total of 242 reported cases of violations of personal integrity were counted by Provea, with a toll of 561 victims. These data, compared with the previous period, in which there were 150 cases (with 509 individual victims), shows a considerable increase (61.33%) for violations of this right. Of the 561 victims identified individually in the period, could know the sex of 352 (62.75%). Of that amount (63.07%) are male (222) and 36.93% female (130). Similarly it was possible to identify the age of 143 victims (30.10%) of the total, found that 32 of them were under 18 years, (22.37%) of all age victims identified. Of these 32 victims, 5 belong to the category of Children as defined by the Organic Law on Protection of Children and Adolescents. The number of victims younger than 18 years registered in the previous period was 11, showing an increase of 190.90% over the previous year 16 regional organizations, 31 municipals and 7 national report complaints of violations of the right to physical integrity as well as officials from other 3 non-police agencies. The bodies of national security have responsibility for 93 cases of the 232 (reported total), representing 40.08% of the total. This situation reinforces the conviction already expressed by human rights organizations on the need for urgent and profound reform and intervention of the CICPC. The regional police were identified as being responsible for 73 cases (31.46%). The municipal police were identified in 75 of the reports

registered (32.32%) compared with 68 cases in the previous period, is evidence of a 10.29% increase in complaints against these municipal bodies range. It is worth noting that compared to the previous period, the SEBIN replaces military agencies as the most noted in reports of violations made jointly. There was an increase of Torture Victims in the pattern in the period October 2009 - September 2010. A total of 17 cases (36 victims of torture). The national security forces appear in 13 of the 17 cases, representing 76.47%. As the pattern of cruel, inhuman or degrading treatment, in the period studied, this pattern shows a decrease (18.03%) compared to the previous period, from 427 to 350 individual victims. The GNB by consecutive year appears as the main security force accused of cruel, inhuman and degrading treatment, with 22 cases, followed by CICPC with 18. The state police were identified as responsible for 45 cases (28.66%) and municipal police forces recorded a total of 55 cases (35.03%). The number of injuries reported in the study period increased significantly from the previous period, performing 101 cases. There were 29 cases with 37 deaths in the pattern of threats and harassment, which involves a percentage of cases (38.09%) more than the previous period. Finally there were in this study period a total of 45 cases of warrantless searches, compared with 29 the previous period.

There are still no legal framework to establish appropriate sanctions in cases of violations of the right to physical integrity and prevention mechanism and compensation to victims. This impunity generates a state of insecurity in the population and the loss of confidence in justice and regulatory power of coexistence and social peace. During the period it was observed that the judiciary continues to breach the principle of separation of the authorities regarding the right to justice. 90% of the cases that the Supreme Court knows against the actions of the President, the National Assembly, the General Comptroller of the Republic, the National Electoral Council and the Attorney General's Office, were rejected. Thus, the president of the Supreme Court, Luisa Estella Morales, issued statements that said that the principle of separation weakens the state. About the budget to the Administration of Justice

System keeps the budget allocation of not less than 2% of national recurrent budget. A third of these resources were used to pay the 26,000 active workers and 7,500 retirees. Regarding the salaries paid to judges, the President, Hugo Chavez, suggested a possible decline in both wages and employment benefits. This measure could be ratified by Bill Fees, which also indicates that these retirees can remain in their positions until they get replaced, an action that has been criticized by the Ombudsman. It is also noteworthy that follows the procedural delays in cases, which has caused protests and self-abduction of the prison population. According to the Venezuelan Prison Observatory, for the year 2009 recorded a total of 29,135 detainees, of which 65% do not have a final decision. Across the country there are 807 criminal judges, (approximately 3 judges per 100,000 inhabitants), but in some states with more population like Aragua, Anzoátegui, Carabobo, Lara and Zulia is not even 2 judges per 100,000 inhabitants. In Caracas, the judges arrive to hold only 17% of the scheduled hearings. Nevertheless, there are cases of people arrested, indicted or investigated for making public statements against the President, such is the case of Oswaldo Alvarez Paz (political), Guillermo Zuloaga (Globovision president), Antonio Rivero (former director of Civil Protection) and Alejandro Peña Esclusa (political). As a positive aspect, units against the violation of fundamental rights were created in order to minimize congestion, impunity and to initiate investigations against officials who committed human rights violations. Similarly legal clinics were activated in the sectors of Antimano and Caricuao with the goal of integrating community work in defending human rights.

In the past 12 months, the right to freedom of expression and information (freedom of speech) are still obstacles to the exercise of power. And that is critical and dissenting opinion of journalists, media and political leaders, has been penalized by the National Executive, which has also created a confrontation between the government and the media. Some of the measures taken by the government of Hugo Chavez were

the imprisonment of political leaders (who criticized the government), media owners and journalists because of political opinion as well as the previous ruling that banned all the country's print media to publish information about violence for a month, the closing of Radio Caracas Television International, and the creation of the Center for the Study of the Nation Situation and the media "guerrillas" for monitoring communication content purveyed by the private media. Government actions in communication aimed at the creation of an extensive public media system, a policy that is aimed at countering the private media. While this period there was a decrease in cases of violations of freedom of expression, as the data showed 98 cases unlike the previous year were 121, Provea believes that this decline is because more and more media started to censor themselves and less media hold critical positions of the government management. After the prosecution by the State against people who are politically opposed to it and representing 17.52% of total rape cases, prior restraint is a 16.32%, which means a policy of the government to development a progressive prohibition of information. Then, the actions of intimidation, where police officers arrested without a warrant or without the existence of flagrancy reporters, cameramen and photographers, represent 14.28%. It is followed by administrative constraints (13.26%), which results in permanent or temporary closure of the media affected by these measures and / or pay millions in fines. With 12.24% of all attacks were ranked threats to journalists and media. It should be emphasized that 32 radio stations and television channels critical of governance has been closed (stopped transmissions), this results in the online social networks like Twitter, have become the new way of disseminating information for journalists and citizens who dissent from official policy. About the use of this kind of communication system (twitter) exist two cases of Public Prosecutions for the alleged commission of the crime of "spreading false information" provided in the General Law on Banks and Other Financial Institutions, after these two people "twitted" about the Venezuelan financial system. Regarding the right to personal liberty were registered 739

complaints of violations of personal freedom, leaving a balance of 13,764 victims, a figure that includes only cases of identified people. It is noteworthy that for this period there was an increase of 12,837 victims, representing an increase of 1,484%, the highest since 1989. As regard to enforced disappearances by the police and military forces there was an increase of 387.5% from 8 cases presented in the previous period to 39 in this period, the highest in the last twelve years. The mass arrests went from 159 victims in the previous period to 12,853, a figure which corresponds to 93.38% of all violations of the right to personal liberty. The arrests, reported a rise of 168.75% since there were 129 victims in contrast to the 48 counted earlier. Individual arrests reported 72 victims as opposed to the 84 mentioned in the previous period. In the context of demonstrations, reflected a decrease of 15.09%, as passed from 676 to 575 arrests. However, an emblematic case was the imprisonment of members of Provea, members of "El Libertario" (a newspaper) and members of various trade organizations like the National Union of Workers while protesting peacefully in Aragua state in support of a group of workers who rejected economic measures taken by the Government. About the people imprisoned for political reasons: Oswaldo Alvarez Paz, who was indicted for conspiracy, public incitement to commit a crime and dissemination of false information, which later was acquitted, Maria Lourdes Afiuni alleged offenses under the Anti-Corruption Law and the Penal Code so far is being held at the National Institute of Feminine Orientation, and Ruben Gonzalez, a union leader held on charges of conspiracy, incitement to crime, restrictions on freedom of work and breach of special arrangements for security zones. In monitoring cases of human rights violations in temporary detention centers, there were a total of 59 and generated 2,309 victims, one reason could be attributed to failure of administrative and judicial authorities of their obligation to process cases within 48 hours laid down in Article 44.1 of the Constitution. In legislative elections made on 09/26/2010, 16 people were detained for breaking the voting voucher. They were put on the order of General Attorney. They also highlight cases of

arrests with gender discriminatory patterns by police and military agencies against members of the GLBTI community (Gay, Lesbian, Transgender, Bisexual, and Integrated). The right to peaceful demonstration occurred during the 3315 demonstrations, of which 3,266 were of a peaceful and 46 with violent characteristics, equivalent to an increase of 24.29% over the period 2008-2009, when there were a total of 2,893 protests. This is period with the highest number of events during the administration of President Hugo Chávez. Provea determined that 150 protests were repressed, impeded or prevented by state security agencies, representing 4.59% of all, a decrease from the previous period, when it was 6.26%. For this period were suppressed 1 in 22 protests. As positive notes that there were no deaths by police action in connection with events, unlike the previous report, when there were 4 people died. As social actors mobilized, residents ranked first, with a total of 1,066, representing a 32.15%, in second place with 1,049 workers occupy street actions, equivalent to 31.64% and in third place are 388 students' protests, which represent 11.70%. In the field of repressed demonstrations, a total of 64 demonstrations of the group of students were hampered; followed by the group of neighbors with 43 demonstrations suppressed, and the third hit by the security agencies were workers with 24 cases. Maintaining the primacy of the requirements, the economic, social and cultural rights covered 78.15% of the demonstrations. The right to adequate housing was the most demanded by protests with 954 it's followed by With a total of 275 demonstrations asking for the compliance of labor rights, while the third place is with 270 demonstrations about the right to education. And fourth, with 44 events, was the right to health demonstrations. And 20.69% corresponds to the representation of political and civil rights. Regarding the most common form of protest, street concentrations ranked first with a record of 1,372, followed by the street closures with 1,053 events, 222 work stoppages, 178 shares of occupation of premises, the hunger strikes were 105; 23 were held marches, and end up with 23 deliveries of flyers and placement of banners. The National Guard (GNB) again stands out as the

most repressive state security agency in the demonstrations and street actions with a 24.66% in contrast to the previous period when the figures showed a 35.82% of all peaceful demonstrations repressed. Regarding the right to participate in public affairs, this period was characterized by conducting elections to appoint new representatives to the National Assembly (AN), which occupied a privileged place on the agendas of many social organizations. After the Organic Law of elections processes was approved, and published in the Gazette, analysis, criticism and complaints were increased. According to Provea the benefits and drawbacks of the "LOPRE" (Organic Law of Electoral Processes by its Spanish acronym) should be reconsidered by the representatives of the new AN. It is notable about the law, the formation of constituencies, which for the parliamentary elections to be held in September 2010, there were 87 constituencies of which 23 resulted in changes and add nine more. On 9/26/1910 they took out the 2010 Parliamentary Elections. In line with the LOPRE, were chosen out of 165 deputies, 110 seats by name (nominal), 52 list in the 24 states, 1 representative of indigenous peoples for each district (eastern, western and south), nominally, the "Parlatino" (Latin American Parliament) composed of 12 representatives elected through proportional lists, and an additional seat for indigenous representation for the first time in history took place and through the direct vote. Voter registration for September amounted to 17,575,975 voters including citizens abroad: 57.010 Venezuelan registered in the 126 embassies and consulates in 85 countries worldwide. This time the electoral governing body announced that went to the polls 11,615,590 people, 66.4% of the voting pattern, placing the abstention 5,875,590, i.e. 33.59%. The results of the elections did not represent a breakthrough in the representation and gender equality: the seats obtained by women accounted for 27 of the 165 total. In this regard a major setback in the LOPRE is that it sets the parity. In regard to the social participation and adoption at second reading in November 2009, was mentioned in the previous report positive aspects to increasing the active

participation, but also contains some articles that are contrary to principles of Constitution as Community Councils to establish as dominant organizational forms for direct relationship with public authorities in meeting their rights, some of the articles are in violation of the Constitution and to the right to active participation. Not only is placed above any other form of participatory organization, but it also gives them the management of public policies that could be delegated but are, in fact, state obligations. The number of 24,944 CC (Community Councils) is important in quantitative terms of popular participation, together with the 5,047 new community organizations. As reported by the Bolivarian News Agency (ABN), during 2009 the government transferred to the CC the amount of 2.9 million Bs, which were intended for the execution of 13,536 projects developed by community organizations. Existing cooperative activities among the largest number is in the service sector with 4,060, followed by the sector works with 3,905 cooperatives, with 733 distributors and 161 manufacturers. The director of the Institute of Political Studies and Public Rights "Dr. Humberto La Roche" said the Federal Government Council is part of the proposals rejected in the elections for the constitutional reform of 2007 and introduces parallel figures affecting the autonomous principle and funding of the states and municipalities, because it increases the number of agencies to subsidize.

About the rights of persons deprived of liberty (rights of the accused), the state prison system in 2010 was marked by the increasing number of people held in temporary or provisional prisons and police stations. The functions of the police stations are incorporating the permanent detention of persons or detentions for long periods. This situation is creating an irregular situation that has not been addressed by the State. The deadlines for the humanization of the penitentiary system have not been respected and implemented yet; this situation also creates chaos exacerbating the overcrowding and precarious development of life in prison, due to the increased number of people found themselves

deprived of their liberty. The percentage of people living in preventive deprivation remains an average of 66.2% for the year 2010. This is a huge number of people living in confinement without a final sentence. Also, there have been changes regarding the criminal justice system, such as reform of the Criminal Procedure Code (COPP) in the month of September of 2009 and the establishment of mobile courts in various prisons as a result of efforts of various public entities. Almost 6 years of prison emergency have been declared by the presidential commission in charge of the issue, the problems have intensified and deepened. Corruption, procedural delays, the failure of existing infrastructure and the obsolescence of the rules about the matter continue to characterize the Venezuelan prison system, despite efforts to redefine policies towards humanization and have made significant economic investments. The situation of violence in prisons (deaths, injuries and disappearances riots) and other human rights violations have increased since 2009, which were recorded in the first half 12 violent deaths per 1000 prisoners and for the year 2010 although the number of violent deaths increased numerically for the first half of the year, in percentage terms remains at 0.6% of the total population, as a result of the increasing number of people in prison. The barriers in access to official information are still a constant, which violates the right to public information enshrined in the constitution of Venezuela (Article 51). In fact, it has been exacerbating the problem, the official silence about the conflicts in prisons by the government agencies only helped to remove the management of prisons of the constitutional principles of honesty, participation, transparency, accountability and responsibility in exercising public service (Article 141 CRBV). During this period there were 237 victims who suffered attacks on their right to life by various state security bodies, which represented an increase of 15.05% compared with the figure of the previous period which saw a total of 205 victims. As for the patterns of violation of this right is still a tendency on executions with a total of 199 victims, the pattern of indiscriminate use of force had 16 victims, it is followed by the pattern of death by torture, cruel, inhuman or

degrading treatment with 10 deaths; The excessive use of force 9, and wrongful death 3 victims. Caracas still ranks as the country with the highest rates of violation of the right to life with a total of 50 victims. Zulia state followed with 38, Miranda 37 and Anzoátegui with 26. According to the figure that dropped the research, men are the most vulnerable victims, these accounted for 93.25% of all cases.

About the actions of law enforcement, the Scientific, Penal and Criminal Investigations Agency (CICPC) was the body with more victims with a total of 33 people, while the National Guard (GNB) came with 20 victims; the Army had 8, and the Bolivarian National Police 2 deaths (PNB). In connection with the figures of crime and violence in the country, cases of violation of the right to life accounted 1.69% of homicides and 8.83 cases of resisting arrest. It is noteworthy that the National Institute of Statistics conducted the 2009 National Crime Victimization Survey, and the results showed that the public perceives that 2.69% of cases of homicides in Venezuela are related to a murder carried out by officers of police and armed forces. Moreover, it is important to say that the mere use of the official figure "Death as a result of a confrontation" eliminates the liability of officials of the state security forces, like those involved or implicated. It is also important to note that from 2008 to March 2010 a total of 1,012 records were opened to the Metropolitan Police (PM) officers and those records were sent to the Ministry of Interior Relations and Justice (MPPRIJ). As an outstanding work and with the mission to investigate cases where police officers are involved were opened the Investigation unit against Violation of Fundamental Rights of the General Attorney's office as the Criminal Investigation Unit of the Metropolitan Area of Caracas.

Footnotes

¹ The government opposition has resorted to actions such as the *coup d'etat* in April 2002 and implementation of demonstrations marked by violence. The government has

settled a practice of violation of the Constitution and other laws.

² Among the most notable victories include: 2004 referendum in which 50.10% were imposed against 40.64 and presidential elections, where Hugo Chávez was reelected with 62.84 of the vote against 36.9 for Manuel Rosales, who was the opposition candidate with the most votes.

³ Some of these organizations were party *Podemos, Patria para Todos, Corriente Clasista, Unitaria y Revolucionaria (Ccura), Unidad Socialista de Izquierda, El Topo Obrero, Liga de Trabajadores por el Socialismo (LTS)*. Some political activists and intellectuals were: Orlando Chirino, Margarita Lopez Maya, Roland Denis, Santiago Arconada, Vladimir Villegas, Luis Fuenmayor Toro, Víctor Martínez, Douglas Bravo, among others.

⁴ *Ultimas Noticias: We went from the hegemonic struggle to taxation.* (Online) <<http://ultimasnoticias.com.ve/epaper%5Fultimasnoticias>>

⁵ Increased the risks to freedom of expression, it restricts the exercise of freedom of association; policy persists in criminalizing peaceful protest. It creates a legal framework which limits the exercise of right to strike and impose forms of social organization that restrict the plural and democratic coexistence. This effort to impose the project and not to persuade on it, in this period led to frequent violations of the Constitution.

⁶ Some of these laws are: Reform of the Penal Code, Law of the Federal Council of Government, Law of Conscription and Military Readiness, Law of the Bolivarian National Armed Forces, Councils Law Communal Fisheries Law, Law of Transit and Land Transport, Law for the Protection of Persons in Access to Services, among others.

⁷ The Community Councils law expressly states that are instances of participation for construction of socialism, thus hindering the participation of those without an option for socialism.

⁸ As is well known, one of the arguments of the opposition bloc to the non-participation in elections for the National Assembly made in 2005 was the lack of transparency and independence of the National Electoral Council (Consejo Nacional Electoral).

⁹ Official Gazette Extraordinary No. 5928 of 08.12.2009

¹⁰ The election results indicated that the alliance government took a total of 5,423,324, while opposition parties grouped in the Table of Unity drew 5,320,364, the difference was so only 102,960, equivalent to less than 1%. However, the government alliance won 98 deputies and opposition 65, a difference of 33 deputies.

¹¹ Edgardo Lander: *¿Quién ganó las elecciones parlamentarias en Venezuela?* (on line) <http://www.analitica.com/va/politica/opinion/4345402.asp> Consulta del 14.10.10

¹² Manuel Mireles, with a degree in Educational Science, define the social polarization as the positioning of radical individuals and groups in any of the sides involved in conflict. This location is exclusive: each party denies the legitimacy or existence of other. To Mireya Lozada, Social

psychologist, social polarization can be understood psychologically as a narrowing of the perception field through a stereotyped perception "we-they", the presence of a strong emotional fact in which there are processes with unqualified acceptance and rejection, an intense personal involvement, which any fact could be affecting the actors, a breakdown of common sense, where rigid and intolerant positions supplant the discussion, dialogue or debate of opposing views, the territorial polarization of social spaces in which their own families, schools and other meeting places are required to register in one of the poles, an increase of solidarity and cohesion as a result of the confrontation and exclusion of others, and, finally, a mutual perception with unfavorable hostile or non-existent interactions., Rafael Uzcátegui: Polarización social y lucha por los derechos humanos (on line) Correo del Caroní <<http://www.correodelcaroni.com>> Consultation of 13.07.10.

13 Venezolana de Televisión: Chávez: started the 2012's campaign. (on line) Correo del Caroní <<http://www.vtv.gob.ve/noticias-nacionales/44033>> Consultation of 13.11.10

14 According to the Central Bank of Venezuela for 22 consecutive trimesters, the country had economic growth rates until the second half of 2009, when the crisis became apparent. While in 2008 the average growth rate was 4.2%, in 2009 the GDP fell 3.3. In the first quarter of 2010 decreased 1.9%.

15 Ministerio del Poder Popular para la Planificación y Finanzas. Integrated System of social indicators of Venezuela (on line) <<http://www.sisov.mpd.gob.ve/indicadores/GA040050000000/>> Consultation of 15.09.10.

16 See the chapter of Labor Rights in this Report.

17 See the chapter of the Right to Food in this Report.

18 MINISTERIO DEL PODER POPULAR DE PLANIFICACION Y FINANZAS. School of Social Management. (Escuela de Gerencia Social). Database about social programs (on line) <http://fegs.gerenciasocial.org.ve/paginas/RMISION_VUELVAN_CARAS_I.html> Consultation of 18-09.10.

19 INSTITUTO NACIONAL DE ESTADISTICAS. Percentage of poor households in six months periods, according to federal entities (Porcentaje de hogares pobres por semestre, según entidad federal), 2002-2009. (on line) <http://www.ine.gov.ve/pobreza/nuevos_HogaresyPersonasPobres.asp?AbsPorc=2&HoPer=1> Consultation of 28.09.10

20 Hugo Chávez Frías: Recover, Re-polarize, and Re-politicizing (Recuperar, Repolarizar, Repolitizar)

<<http://www.chavez.org.ve/temas/noticias/recuperar-repolarizar-repolitizar/>> Consultation of 04.10.10

21 Edgardo Lander: Op cit.

22 View the Right to Peaceful Demonstration chapter in this Report

23 Radio Nacional de Venezuela. The Prosecutor General's Office will request the trial to those who disturb the public peace (FGR solicitará enjuiciamiento para quienes alteren la paz pública). (on line)

<http://www.rnv.gov.ve/noticias/index.php?act=ST&f=2&t=106486> Consultation of 22.02.10

24 For a month the state channel Venezolana de Televisión daily transmitted for several times a micro which criminalizes human rights defender Carlos Correa, Director of the organization "Espacio Público". The video also could be seen on the state channel, entitled "Espacio Público una ONG autónoma por un puñado de dólares" ("Espacio Público an independent NGO by a handful of dollars") through the following link <http://www.vtv.gov.ve/videos-especialesvtv/40994>

25 On 08.24.2010, youth leaders of the United Socialist Party of Venezuela, requested The Prosecutor General's Office to began an investigation into human rights organizations including organizations like Cofavic, Espacio Público, El Observatorio venezolano de Prisiones and Provea.

26 The Minister of People's Power for Interior and Justice Tarek El Aissami and other senior officials blamed on several occasions the director of the Venezuelan Prison Observatory (Observatorio Venezolano de Prisiones) to be responsible for several hunger strikes undertaken by detainees and street demonstrations by families of prisoners.

27 On 25.02.1910, the General Prosecutor, Luisa Ortega Diaz and Acting Procedural Director of Public Prosecutor Office, Alejandro Castillo, issued tough public statements regarding Cofavic and his coordinator team, who supposedly not cooperate with the investigation of the slaughter of the "Caracazo" and refuse to provide pre-mortem information on victims in this case, in the statement they suggested that would collect such information coercively.

28 Debate Socialista: Discursos. [Socialist Debate: Speeches.] (on line) <http://www.debatesocialistadigital.com/Discursos/discursos_2010/julio/reunion_chequeo_patrullas.htm> Consultation of 23.09.10

29 TRIBUNAL SUPREMO DE JUSTICIA. Constitutional Court (Sala Constitucional.) Judgement N° 796 del 22.07.10. 1. File N° 09-0555.

30 Foro por la Vida (Life Forum): Foro por la Vida condena el asesinato de defensor de Derechos Humanos en el estado Lara. [Life Forum deplores the killing of human rights defender in Lara state. (on line) <<http://www.derechos.org.ve/proveaweb/?p=1312>> Consultation of 23.09.10

31 Provea assumes the criterion proposed by the UN General Assembly of 12/09/1998 which agreed :

"Everyone has the right, individually or collectively, to promote and ensure the protection and realization of human rights and fundamental freedoms at the national and international. " Consequently, those groups or individuals engaged in any way in promoting and defending human rights must be considered human rights defenders. United Nations: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Human Rights and Fundamental Freedoms. (Online) <<http://www.unhchr.ch/huridocda/huridoca.nsf/%28symbol%29/a.res.53.144.sp>> Consulting on 23/09/1910.

³² The case of the General Secretary of “Sintra ferrominera”, Rubén González, and other victims are extensively described in the special insert in this report.

³³ DEFENSORIA DEL PUEBLO (Ombudsman Office): En ocasión al Informe “Democracia y Derechos Humanos” de la CIDH. (About the Report “Human Rights and Democracy” of the CIDH. (on line)

<http://www.defensoria.gob.ve/index.php?option=com_content&view=article&id=439:comunicado-dela-defensoria-del-pueblo-> Consulting 26.02.10

³⁴ At the time of writing this report there is not notice of any legal or administrative action in advance by the government to denounce the American Convention on Human Rights and enforce the removal of Inter-American system.

³⁵ The Working Group on Arbitrary Detentions of UN Human Rights Council asked the State to release the judge, request was not heeded.

³⁶ The video can be viewed via the following link:

<http://www.vtv.gov.ve/videos-destacadas-en-video/31188>