

The Venezuelan Program of Education and Action on Human Rights, PROVEA presents its sixth international Bulletin. This time, we approach as global topic, the situation of rising inflation and its impact on the enjoyment of the Economic, Social and Cultural Rights. As specific topic present the conclusions of the report on the management of the Ombudsman's Office between 2007 and 2012, prepared by human rights organizations. To conclude, in our conjuncture section, we see the situation and prospects for the country, after the denunciation of the American Convention on Human Rights, in force since September 10.

Our newsletter is available in Spanish, Portuguese, English and French on our website <http://www.derechos.org.ve>. We welcome your suggestions and comments to the e-mail boletin@derechos.org.ve.

Want to know the 20 human rights landscape in the **past 15 years in Venezuela**? See our special report "15 years on human rights: social inclusion, political exclusion"

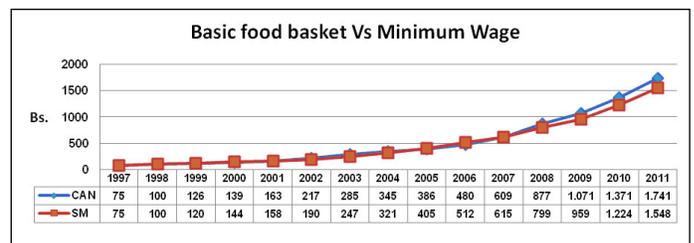
> **GLOBAL TOPIC**

Inflation: Negatively affecting the enjoyment of Economic, Social and Cultural rights

The international press has announced figures of **very high inflation in Venezuela during 2013**, which could reach 50% next December and the **Central Bank of Venezuela said that by August**, the national index of consumer prices (CPI), recorded an increase of 3% to a cumulative total in 2013, of 32.9%. With these inflation figures, is difficult to maintain the purchasing power of the currency, when there is also a fall of the financial capacity of the wages of workers. This limits the access of most of the salaried population and particularly of those who earn minimum wage, to the enjoyment of basic goods and services (grouped into categories that comprise the standard food basket).

In this way occurs a setback in the fight against poverty, one of the most widespread flags of Hugo Chavez government. Graphics that follow are part of a **special report prepared by PROVEA on the situation of human rights in Venezuela for a period of 15 years, between 1997 and 2011**. The material, called "Social inclusion, political exclusion", accounts for a significant downward trend in poverty as a result of the policies implemented by the state until recently, but since 2006, there is an increase in food prices, basic goods and a reduction in the purchasing power of wages.

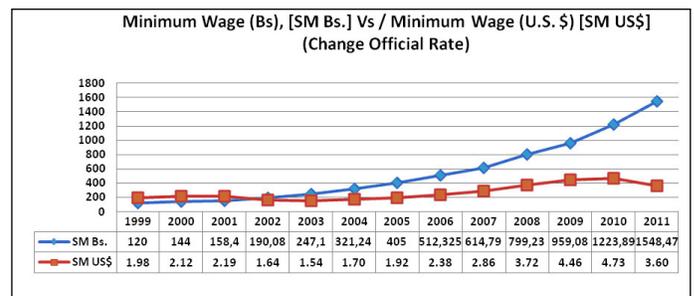
While maintaining the policy initiated in the mid-80s, which is to increase the minimum wage each year in Venezuela, through presidential decrees, several sources reveal setbacks in the purchasing power of these **wages in the period 1999-2011 when compared to the amount of wages** (in dollars) to the offi-



See in Provea Report here

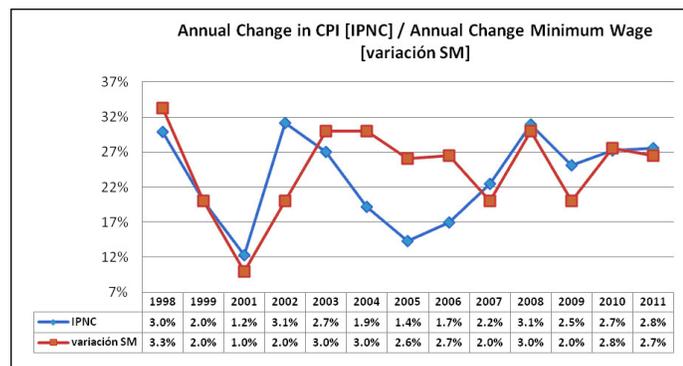
cial exchange rate. Also Provea's report on the situation of human rights in Venezuela for the period 1997 - 2011, assesses the growth of minimum wages in the country, but compared to the official exchange rate, which has been decreasing the value of the national currency. However, in Venezuela minimum wage is insufficient to purchase the products of the standard food basket.

The fight against poverty has changed, a worrying indicator



See in Provea Report here

in this sense, is represented by the weakening of the wage. The minimum wage prevents access to certain products from the market, even the basic food, the enjoyment of essential services such as electricity and transportation, among others.



See in Provea Report [here](#)

According to the chairman of the Institute of Statistics of Venezuela (INE), Elias Eljuri, [the minimum wage is “just” enough to cover the food basket due to inflation plaguing the country: the highest in Latin America.](#) Eljuri said: “If you take only the income, the amount that a person earns as a minimum wage,

which is 2,700 bolivars (\$ 428 at the official rate of 6.3 bolivars per dollar), that allows that person undoubtedly to buy just the basic basket”. [In August 2013, the INE reported an increase in some of the items of the CAN, ranging from 13.58% to 28.82%](#) as well as significant decreases in the prices of other components, ranging from 3.44 and 16.06%.

[The increase of CAN products is an indicator that is analyzed monthly by public and private social organizations, whose figures, despite reporting a moderate increase inter-monthly show that some products had increases that affect the purchasing power of wages.](#) In net terms, the cost of CAN during the month of August 2013 was Bs. 2779.21 (\$ 441.00 according to the official exchange rate). On September became effective the second tranche of minimum wage increase ordered by the Government and therefore that income now amounts to 2702.73 bolivars (\$ 429.00). When comparing the net change and the increasing prices, the salary adjustment is insufficient. The minimum wage increase coincides with the start of the school year in all levels of education in the country, but is only enough [to acquire a half of the school list.](#) These figures reveal the presence of severe problems getting access to goods and services necessary for a decent life, by a long stretch of the country’s workforce.

> SPECIFIC TOPIC

Report on the management performance of Ombudsman’s office

Based on the [Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights](#) of the United Nations, a group of human rights organizations issued a [report on the management of the Ombudsman Office from 2007 to 2012.](#) The above principles are recommended because they were welcomed by the General Assembly of the United Nations in Resolution 48/134 of 20.12.1993.

The Paris Principles define the minimum conditions to be fulfilled by a national human rights institution, as the Venezuelan Ombudsman, in order to be considered legitimate. These minimum conditions should enable it to act independently of the government, including at the opportunities to form, issue and disseminate opinions or when taking decisions on human rights within its competence.

The report reflects the experience of several human rights organizations, which have interacted for years with the Ombudsman. Based on the Paris Principles, the report analyzes issues such as the process of appointment of Ombudsman, independence, compliance with its mandate, the observance of international standards on human rights, the content and purpose of the Defender’s reports, advocacy and human rights education, relations with civil society and cooperation with international bodies and regional human rights protection, among others.

The main findings of the report are:

- The way it has been handled in practice the selection of the



Maria Gabriela Ramirez, Ombudsman

NI holder restricts the direct participation of civil society, negatively impacting the independence of the NHRI.

- There is a clear political identification of the holder of the NI, as well as other representatives of the institution in various states of the country with what is regarded as “Bolivarian project” of President Chavez and the coalition of political parties that support him, making the Venezuelan NHRI a non-independent and partisan instance; although it does not receive direct, public and formal instructions from a party or other entity of the State, it is acting in accordance with the lines of the Executive and its political coalition.

- The mandate of protection covers both public services as all human rights. However, there is a more proactive activity

over the former than on the latter, with important omissions in the treatment of emblematic cases or situations, particularly with regard to civil and political rights, which concentrate the greatest number of complaints.

- The NHRI has not encouraged the ratification of regional and international instruments of human rights and its analysis and recommendations do not take into account applicable international standards.
- The NHRI Report of the far from being a tool for broad debate about the rights situation in Venezuela, in its submission violates the provisions of the Constitution and has been manipulated as mechanism of government propaganda.
- The educational offer assumes the so called “critical view” from which fundamental concepts of international human rights are challenged; this offer gives priority to recipients identified and committed to a particular political project in an exclusive manner.
- The exercise of quasi-judicial functions has been aimed mainly at issues related to public services where the responsi-

bility lies with individuals or on the regulatory role of the State against them. Although complaints about public services reach just 7% of the total complaints received, quasi-judicial powers have been only used in human rights in one case of 1966, that is prior to the factual existence of the NHRI, while it openly refused to use its powers in a case of violation of the right to life which today remains in impunity.

- The NHRI only maintains relationships with organizations linked to the so-called “People’s Power”, aligned with the political project of the Bolivarian revolution. There are no spaces for dialogue and cooperation with independent civil society organizations.
- The NHRI does not cooperate with the international and regional human rights protection mechanisms. Ignorance is evident in the handling of bodies and protection mechanisms. Rather than urging the observance of decisions, it has become an additional spokesperson for questioning and contempt of judgments by international and regional organizations. Furthermore it has backed the denunciation of the American Convention of Human Rights (September 10, 2012).

> ISSUES ON NATIONAL CIRCUMSTANCES

Venezuela is out of the American Convention on Human Rights

On September 10, began to take effect the deadline of one year for the denunciation of the American Convention on Human Rights (the Convention) made by Venezuelan government’s. Some regional social organizations had expressed to PROVEA the belief that the decision would be reversed at the last minute. However, one day before the deadline, President Nicolas Maduro [ratified the decision](#): “While we are here we will not let anyone sully Venezuela. Nobody messes with Venezuela. It’s enough. The time has come for the Commission (...) almost all participants and bureaucracies that are part of the IACHR are captured by the interests of the State Department of the United States”.

The main consequence of the Venezuelan government’s decision is that the Court of Human Rights may not hear cases of human rights violations that occurred in the country since September 10, 2013. As local organizations have claimed, victims lose with this decision, a judicial body, but in no way are unprotected. Although our country is decoupled from the Inter-American Human Rights Court, the Inter-American Commission on Human Rights will continue its work, and Venezuela will continue using its mechanisms for monitoring violations, drafting and disseminating reports on human rights violations perpetrated by the Venezuelan state, make recommendations to the government to reverse human rights violations and issue interim measures of protection for Venezuelans, who see their rights affected. In [a statement](#), the coalition of human rights organizations (FORO POR LA VIDA) reiterated its willingness



Photo: Lapatilla.com

to continue to go to both the IACHR and the rest of the international protection systems.

The government’s decision harms its international image as a promoter and guarantor of the rights of the majority in the country. In addition, the initiative has violated several articles of the Constitution of the Bolivarian Republic of Venezuela (Constitution), such as Article 19 (principle of progressive human rights), Article 23 (international human rights treaties have constitutional status) and Article 31 (right of all people to access international authorities to report human rights violations).

The reaction of several international organizations has been

of concern. Rupert Colville, spokesman for the UN High Commissioner for Human Rights said: “We believe that this can have a very negative impact on the fundamental rights situation in the country and in the region (...) we urge the Venezuelan government and the rest of American States to continue to cooperate with all international mechanisms of human rights protection.”

For its part, the Commission called on the Government of Venezuela to reconsider this decision so that potential victims of human rights violations may occur after September 10 have access to the Court. Likewise, the Commission calls upon the Government of Venezuela to respect the decisions of the two bodies.

Senior Venezuelan officials expressed his hope that the decision of Venezuela, in the future be emulated and supported by other countries in the region. Roy Chaderton, Venezuela’s ambassador to the Organization of American States (OAS) said in an interview: “Venezuela makes a reference to the need to review that agency (IACHR)”. When asked by the reporter: “Do you think that this precedent will impact on the region?” He said “No doubt. But Venezuela is not alone in this. We must remember that the president of Ecuador, Rafael Correa, also attended

for the first time in the history of the OAS, to reject the biased and partial attitude of the Rapporteur of the OAS Press against Ecuador “.

The decision of the country has a significant political cost. Venezuela is part of multilateral alliances, such as Mercosur, where the state will have to explain the reasons for its decision. Mercosur adopted in 2005 the “The Protocol of Asunción on the Commitment with the Promotion and Protection of Human Rights” which ratified its commitment to instruments such as the Convention. Two other agreements would be violated within Mercosur “The Agreement on Cooperation for the Protection of the Rights of Children and Adolescents between Mercosur members and partners” (decision 25/08) and the resolution signed in 2005 by the High Authority in human rights of the block, where they agreed to “promote consensus on issues related to the effective and adequate increase in the financial resources allocated to the organs of the system (Inter-American human rights Protection), as well as the exchange of experiences and best practices for compliance judgments and recommendations of the Court (...) and the Commission “.

Supporting human rights defenders



It is available the 2012 Annual Report on the situation of Human Rights in Venezuela, may be consulted on the website of PROVEA: www.derechos.org.ve.



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