



The Venezuelan Program of Education and Action on Human Rights, PROVEA presents its fourteenth International Journal for the month of January 2015. In this issue we will address as a global topic, the results of the administration of President Nicolas Maduro on social rights, making emphasis on the increasing poverty recorded in 2013 and regression in some progress in the social field achieved during the administration of President Chavez.

As a specific topic, we will address the recent appointment of the Ombudsman and the challenges that the Venezuelan Ombudsman will be facing amid a scene of high social unrest and threats to human rights. As a conjunctural topic we present a balance of the protests that began in February 2014, in the light of high impunity levels for most of the victims of crimes or human rights violations occurring in the context of demonstrations in Venezuela.

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

Want to know the balance on the crack-down on protests that occurred between February and May 2014? See the special report **"Venezuela 2014: Protests and Human Rights"**

> GLOBAL TOPIC

Unfortunate regression in some social rights

For many years we recognized that one of the more important advances about human rights during the administration of President Hugo Chavez was the reduction of poverty. Indeed, during his government poverty fell from 42.8 to 21.2.

Although we also warned that since 2007 a process of stagnation was developed in the fight against poverty, despite high oil revenues and income tax collection. The results of the administration of President Nicolas Maduro in social matters are deplorable. There is a major regressive process. According to the National Institute of Statistics in 2013 poverty had increased by 6 points, from 21.2 to 27.3%. It means that in 2013 a total of 416,326 households joined the nearly two million families who were already poor. According to the latest official figure of 2013 there were a total of 9,174,142 poor people, of which 2,791,292 are people living in extreme poverty. It is possible that the total has increased, considering that in 2014, economic and social indicators were worse than in 2013. Inflation rose from 56.2 to over 65 in 2014.

According to the independent organization Center for Documentation and Analysis of the Teachers Federation of Venezuela (CENDAS) in December 2014, 6.2 minimum wages were needed to cover the basic food basket because its cost was 30,176.82. While the food basket stood at 17,230.42.

Stagnation in employment. The variation according to official figures on employment between 2013 and 2014 was 0.1%. About 800.000 people remain unemployed. The next February 16 will be two years since President Maduro visited the "Hospital de



(Picture) Citizens make long lines to buy food / Photo: Lapatilla

Coche" (one of the largest in Caracas.) Visit held before a street protest in which participated staff and patients.

The President ordered the intervention of the hospital, even though it is precisely under the responsibility of the National Executive. Implying that it was a self intervention. Maduro promised that the institution would be the model hospital in the country. But two years later this hospital remains in crisis. In December 2013, the 2013 President said the hospital situation in the country was a

disgrace. Despite recognition. While acknowledging the serious crisis in the health sector the situation worsens.

All these problems affecting the standard of living of the population joined [throughout the 2014 growing food shortages](#). However, this is not just a food shortage but also essential products, medicines and raw materials to produce.

The government [argued that the shortage is the result of an economic war](#). However, companies in production and distribution of foods that are owned or controlled by the State are in crisis, and specifically the [food distribution network that manages the State does not guarantee the supply of all products in the basic food basket](#). 2015 began with a substantial decline in revenues from oil sales business.

By January 2015 the Venezuelan oil basket was at \$ 39. By January 2013 the Venezuelan basket was \$ 100.56. The picture does not look very optimistic about the fight against poverty and the enjoyment of social rights during 2015.

Tips

- On Friday February 6, 2015 was held at the headquarters of the Inter-American Court of Human Rights, a public hearing on the situation of human rights in nine prisons in Venezuela. The central purpose of this hearing is to examine whether Venezuela currently meets the [provisional measures ordered by the Court to safeguard the human rights of detainees in these prisons](#).

- Government issued without any public consultation a Resolution (008610) on performance of the armed forces in controlling demonstrations. Although aspects of their holding are positive, it contains unconstitutional rules that are potentially hazardous for human Rights.

[In a statement released on January 30, 2015](#) the coalition of organizations Forum for Life (Foro Por La Vida) expressed their concerns to that decision.

> SPECIFIC TOPIC

Challenges for the new Ombudsman

The new ombudsman, Tarek William Saab, took office on December 25, 2014 after the termination of the period of the previous Ombudsman, Gabriela Ramirez, who leaves an institution with a huge debt to the human rights of the Venezuelan population. With a poor performance, [Ramirez led the Ombudsman to be an institution almost speechless at the serious human rights problems](#), restricting the participation of civil society, focusing on public services rather than human rights, identifying herself and the institution specifically with the “Bolivarian project” government, and even supporting the complaint, made by the government, of the American Convention on Human Rights.

We have no hesitation in stating that Ramirez’s management-substantially contributed to the process of regression in human rights that Venezuela faces today. It will not be easy for the new Ombudsman getting rid of so heavy and inert filler. The first steps taken by William Saab, opening a space for dialogue with human rights organizations, suggest a change that will hopefully be deepened and maintained.

Despite this change, the Ombudsman as institution is highly questioned both domestically and internationally. In this sense, The Subcommittee on Accreditation of the International Coordinating Committee of National Human Rights Institutions (ICC), [UN Committee Against Torture](#) and the [UN Committee on Human Rights](#), have noted that the appointments of the past two ombudsmen had been made without respecting the Constitution nor the laws or the Paris Principles, which affected its independence.

In the understanding of various human rights organizations, including Provea, [the appointment of the new Ombudsman was also made committing violations of the legal framework, affecting](#)

[the independence of the institution](#). His appointment is part of an exercise of power already established and implemented from the ruling party, intended to control all branches of government.

The Sub-Committee on Accreditation evaluates the Ombudsman in accordance with the [Paris Principles](#) and should rule on the issue of whether maintaining or lowering the level of accreditation of the ombudsman.

This same subcommittee, in a report of May 2013, made significant recommendations that have not yet been implemented by the Ombudsman. And this lack of implementation adds to the requests made by human rights organizations neglected during previous administrations.



Meeting between Ombudsman and NGOs in Caracas / Photo: Provea.

During the meeting convened by the new Ombudsman, several human rights organizations animated by the spirit of constructive dialogue recalled and suggested the need for progress on the following points: 1. design and implement the National Plan for Human Rights, 2. design and develop the National Plan for Human Rights Education, 3. implement the recommendations of the Subcommittee on Accreditation, and those made by organizations of Venezuelan civil society, 4. make a public statement on the withdrawal of the American Convention on Human Rights and boost the Venezuelan State withdraws the complaint, 5. establish effective channels of communication with civil society organizations, in relation to the processes of care victims and other specific situations, and 6. publicly reaffirm the importance of the role of human rights defenders and organizations working to strengthen democracy, reduce or eradicate impunity and to fight for equality and social inclusion.

The ball is in the field of the Ombudsman. He had to start playing soon thanks to approval and publication of [Resolution No. 008610](#) of January 23, 2015, issued by the Minister of People's Power for Defense, to regulate the performance of the Bolivarian National Armed Forces in controlling manifestations.

There is a huge amount of criticism against legislation that involves the whole of the military in crowd control bodies, especially considering that in 2014, repression by these bodies against popular demonstrations led to serious violations of human rights.

Various social groups called for the immediate repeal of this legislation. [The Ombudsman responded and requested a manual of procedures](#) that specify that only the National Guard, not the other military components, could act as the police were exceeded.

Beyond the assessments that can be made on the response, the mere fact that there was an answer is already an improvement over its predecessor. However, it seems a timid response to propose a third-order instrument leaving unchanged the text of the resolution.

We expressed that we give the benefit of the doubt to the new Ombudsman and that the institution can count on our support in everything oriented to the defense and protection of victims.

> CONJUNCTURE

Protests 2014: Balance 365 days alter

According to Provea the cycle of events that characterized the first half of 2014 began on February 4 in Tachira state, when a group of university students protested the alleged sexual assault against a partner. Twelve months later, and from a human rights perspective, we made the following assessment on those days:

1) The State, responsible for the increased levels of violence: The arrest of the first protesters in Tachira state the 04F, and then another in the following days, generated a [response from the student movement that began in the cities of the interior and arrived in Caracas on 12 February](#).

The call for mobilization that day was criminalized by the president himself. At 1 pm, massive and absolutely peaceful demonstrations in 12 cities around the country took place. Only incidents in the city of Caracas, when protesters were repelled with the use of firearms, with the result of the murder of [activist Juan Montoya](#) (from the leftist Revolutionary Venezuela's Secretariat) and, secondly, when vandalism occurred at the headquarters of the Attorney General's Office.

Finally, 3 people were killed in the capital that day. Automatically, top government spokesman blamed the deaths on the protesters themselves, however, videos disseminated even by pro-government media showed paramilitary police officers and government supporters firing at protesters. Besides pointing to the protesters as responsible for the murders, authorities suggested the prohibition of other demonstrations. To Provea each time the government has hampered the realization of the peaceful demonstration, has stimulated the emergence of violent protest. As a result of protests from February to May 2014 according to official data there were 43 deaths and 878



SEBIN shooting at protesters in Caracas 02/12/14. Photo: Ultimas Noticias.

people were injured.

2) Structural impunity persists in access to justice for citizens: After a year of the start of the protests, of twenty cases investigated by the prosecution, only 1 has been given a final judgment against those responsible. Both human rights violations as crimes occurring in the context of protests continue in impunity.

Persistent breach of the right to freedom of association violate the principles enshrined in the Constitution, like the violation of the right to demonstrate, and breach of other regulations, such as the Special Act to prevent and punish torture and procedural Manual of the Bolivarian National Police to control demonstrations. Organizations (NGOs) documented serious violations in detention centers.

3) Internationally, the deteriorating situation of human rights in Venezuela became more visible: The various statements made during the events, including the High Commissioner for Human Rights of the UN and some of its rapporteurs, and the [special report of Amnesty international](#), among others, expressed concern at the deterioration of fundamental rights and democratic institutions in the country.

4) The emergence of new patterns of human rights violation: The use of paramilitary groups to generate clashes against protesters is one of the most disturbing trends emerged during the protests. The case of the murder of Juan Montoya reveals the link between these rebel groups and state police forces. Another “new” was observed in [attacks on homes and buildings by the security forces and paramilitary groups where protests were staged](#).

5) continuities and ruptures within the culture of Venezuelan protest: The “guarimba” a way of potentially violent protest was one of 20 different strategies of protest, developed during the conference,

mostly peaceful. The expansion of the phenomenon and its coordination in networks without visible center is new, where demonstrations in the provinces were as important as those that occurred in Caracas. The data show that despite the media attention, violent protests were minority, compared with peaceful demonstrations. The political demands were the main in the capital, but in the rest of the country social demands were part of the discourse of mobilized groups.

In Caracas and other urban centers protests were staged in middle-class areas, while in other cities, also included popular and rural sectors. The growth of state information hegemony stimulated intensive use of social networks by protesters.

A year later, the human rights organizations demand the respect of the right to peaceful protest and, in cases of violent protests, the use of international principles of differentiated and progressive use of force.



GNB members and civilian groups repressing protests in Los Ruices, Caracas / Photo: La Patilla



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