



The Venezuelan Program of Education and Action on Human Rights, PROVEA presents its fourth international Bulletin.

This time, the Global topic is about the situation of the right to food, in the framework of FAO's recent acknowledgment to Venezuela for having met the Millennium Development Goal Number One in advance. On the specific topic, we analyze the increasing criminalization of the right to strike by implementing legislation including anti-terrorism laws against trade unions and social movements. In the conjuncture topic, we will address the pro-tempore presidency of Mercosur currently assumed by Venezuela and the challenges that this situation brings for the country and for the Mercosur as a regional bloc.

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

Right to food: between recognition and structural problems

By June 2013, Venezuela along with 11 other countries in our region met, in advance, the Millennium Development Goal number one, achieving halving the total number of undernourished. This situation was recognized by the FAO at a ceremony in Rome on June 10. This goal is the most challenging of all those established for 2015 in the World Food Summit of 1996. Venezuela was also recognized by FAO for having fulfilled with the rest of the goals of the Summit.

Paradoxically, the recognition of the FAO occurred at a time when the high overall scarcity index, which was around 20%, was evident in the long lines of people in the supermarket looking for products like flour, oil, meat and even toilet paper. This phenomenon was accompanied by an increase in prices to consumers. The government made the announcement of extra resources to import the missing products urgently.

Venezuela remains a net importer of food, which shows the weakness of the country's food sovereignty. Favored by high revenues generated by the oil industry, this situation is unsustainable in the medium and long term and also has negatively affected domestic production. Indeed the government has advanced a policy of forced expropriations or acquisitions, including agribusiness, shops, supermarkets, seed and food distribution networks, all these actions discouraged the private sector, but the State's initiatives over the past 14 years failed to generate sufficient production to stop being a country that imports nearly all its food.



Photo: correodelorinoco.gob.ve

Nevertheless, the acknowledgment made by FAO, corresponds to the statistics on the right to food in the past 15 years. The availability of calories in the diet of Venezuelans has increased by 45%, likewise, the level of food consumption between 2003 and 2009 has also grown by 45%. There have been equally important advances in the fight against child malnutrition between 2004 and 2011 but there remain problems of childhood obesity. Next to these positive results, since 2007 the minimum wage does not cover the official food basket, a situation aggravated by taking as reference the unofficial food basket, which is much higher.

Inflation has had a negative impact on the minimum wage: food inflation has been higher than general inflation, affecting the poorest which spend most of their income on food purchase and consumption.

The right to land is closely linked to the right to food. In this regard, the government has advanced during 10 years of reform process, but this process has failed to solve the traditional problem of land ownership in a few hands. “40% of the agricultural land is owned by 1% of production units over a thousand hectares, while 70% of the units of less than 20 hectares are 5% of the agricultural area.” This contrasts with the significant resources allocated by the State to the small and medium rural producers and the development of cooperatives, microenterprises and associative forms under social ownership or collectively. With all this effort, in the last 15 years the growth in harvested area was only 3%, which is far short of food demand caused by population growth in Venezuela which was 24.5 % between 2001 and 2011.

> SPECIFIC TOPIC

The strike is not a crime

Although the right to strike is established in Article 97 of the Constitution of the Bolivarian Republic of Venezuela, PROVEA has been warning about the progressive implementation of various laws and initiatives of the National Executive criminalizing strikes by workers in the country.

In December 2002, in a period of intense political conflict, the National Assembly passed the Organic Law on National Security. Titles IV and V indicate the classification of territorial and institutional spaces of the country as “Safety Zones” by punishing any “breach of the peace” with sentences ranging from 5-10 years in prison. The NGO “Control Ciudadano” (Citizen Watchers) has reported that about 32% of the national territory is a “Safety Zone”, including state institutions and enterprises in mining and hydrocarbons, which outlaws the exercise of the right to strike for their workers. The punishment for “safety zone violation” is not just a threat. The Secretary of the Union of FMO, a company located in the city of Guayana, in charge of the mining and marketing of iron ore was deprived of his freedom for 17 months for supporting a legitimate strike by labor demands. Today, Ruben Gonzalez is on trial charged with three alleged offenses, one of them “safety zone violation.”

There are also three laws that criminalize the conduct of strikes: 1) Law for the Defense of People’s Access to Goods and Services, with between 6-10 years in prison for anyone who prevents the production, distribution or circulation of goods considered as “essential”, 2) Law of Popular Defense against hoarding, boycott and any other conduct affecting the consumption of food or products subject to price controls, with punishment of between 2-6 years in prison for those hinder the distribution and movement of food and, finally, the most troubling law of all those three: Organic Law against Organized Crime and Terrorist

The country deepens their food imports, while domestic agricultural production back.

To PROVEA, it is essential to reorient public policy in favor of reviving domestic production and the food chain, putting progressive limits on food imports. Also we should create policies to reduce inflation. The government must open a dialogue process involving all sectors related to agricultural issues of food production and to analyze the results of public policies that have been implemented and reach agreements to provide security and food sovereignty.

In the recent supply crisis, the government has opened opportunities for dialogue with the private sectors of production, has made imports of food and other basic items like toilet paper urgently. However, small producers and cooperatives need more efficient and effective programs with technical support and credits properly controlled.



Photo: Aporrea.org

Financing, with an ambiguous definition of what it means to “terrorist act” and “organized crime”, threatens to limit the exercise of various human rights.

A second mechanism to intimidate the possibility of demanding labor rights by stoppage has been the use of military courts to try civilians, which is prohibited by the Constitution. An example was the five trade unionists on trial in Táchira state. The reason for the trial was to stop the construction of houses in the vicinity of a military establishment to request the payment

of wages owed. After being deprived of their liberty, they were tried by a military court. In addition, officers of the armed forces have intimidated union members and have pushed for an agreement during the strike action. This use of military justice relates to the use of armed forces to pressure the striking union reach agreement, as in the state company FMO (FERROMINERA DEL ORINOCO) in June 2013.

New threats are added to these laws that have been hindering the right to strike in Venezuela. A reform of the Organic Law of the Bolivarian National Armed Force in 2009 creates, in Article 50 the figure of “bodies of fighters”, militarized units located in public and private companies that aim to prevent the stoppage of the production. PROVEA believes that in reality, these groups are intended to be scabs or shock groups. This militarization of labor conditions seems ratified with the announcement by President Nicolas Maduro on 05/23/13, when he talked about the creation of “workers’ militias”: “The working class is increasingly respected. It will be respected even more if the workers’ militias have 300 000, 500 000, one or two million of working men and women in uniform, armed and ready to defend the country.”

Using a criminalizing discourse regarding stoppage seeks to

Amnesty International has launched a campaign inviting to exercise virtual activism against the denunciation made by the Venezuelan government on the American Convention on Human Rights. We invite you to join the campaign

legitimize repressive measures against the striking workers. During the recent university conflict, where teachers from different higher education center stopped giving classes to demand higher wages and salaries, government spokesmen tried to argue that the right to strike could not be above the right to education. In this situation, PROVEA said that for the International Labour Organization (ILO), the only valid restrictions on the right to strike are those services whose interruption would endanger the life, safety or health of persons or part of the population. This does not include school stoppage.

PROVEA has launched a campaign to defend the constitutional right to strike in Venezuela, which has been invited to join trade unions, social groups and grassroots associations in the country.

> ISSUES ON NATIONAL CIRCUMSTANCES

Venezuela must catch up with Mercosur regulations regarding Human rights

The Venezuelan state assumed last July 12, 2013 as president pro tempore of Mercosur regional bloc and will be leading the integration process for six months.

President Nicolas Maduro said everything about the social field will be strengthened. In PROVEA, we share this view, because certainly the social issues must be widened. In recent years, progress was made in that direction, but there is no doubt that the integration process is essentially marked by the exchange in commercial matters.

Deepening the social thing should imply for the government of Venezuela also prioritize respect for human rights, because it would be inconsistent to say that will strengthen the social field and neglecting the promotion and protection of human rights of the people.

In this regard the government has several commitments and challenges. In 2005 Mercosur countries signed the Protocol of Asuncion on Human Rights, a set of rules that establish a close relationship between democracy and human rights. The first article states that “the full force of democratic institutions and respect for human rights and fundamental freedoms are the conditions for the life and evolution of the integration process between the parties.” In this Protocol, countries reaffirm the principles and standards contained in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and other regional human rights instruments, as



Photo: El Universal

well as the Inter-American Democratic Charter.

Note that the regional bloc assumes the American Convention on Human Rights as part of its legal system. However, one of the last performances in the international field made by the late ex-President Hugo Chavez was to denounce the Convention, weakening the protection needed for victims who are generally the poorest.

Then, the government assumes the presidency pro tempore in very particular circumstances. As the only State Party which is not subjected to the rules of the American Convention on Human Rights and the jurisdiction of the Inter-American Court of Human Rights. Therefore contradicts existing regulations on the integration process and acts against the spirit prevailing in the governments of those countries who have ratified its commitment to human rights standards of the Convention, and with the desire to strengthen the inter-American system.

Therefore, one of the challenges to be faced by President Nicolas Maduro is to rectify the decision to denounce the Convention, but if this denunciation holds, would violate Mercosur regulations regarding Human Rights.

We must also remember that in 2004 the presidents of the regional bloc countries and some other countries that wished

to enter fully into MERCOSUR, signed the Presidential Declaration on Human Rights. It fell to former President Chavez sign it on behalf of the Venezuelan state. In the Declaration, the presidents pledge to devote efforts to strengthen both the Human Rights Commission and the Court.

Thus, if the government of President Nicolas Maduro really wants to give impetus to social issues and advocate for the least, an important step is to revoke the complaint procedure of the Convention.

Another highlight of the circumstances in which the Venezuelan government took over the pro tempore presidency of Mercosur's, is the institutional weakness in the country, with a national public powers under the executive branch, which gives the President and his administration, freedom of action without any institutional checks.

Mercosur institutions will have the responsibility of making the necessary balances to ensure that the pro-tempore presidency will be exercised without developing negative aspects of Venezuelan domestic politics such as the partisan political discrimination and lack of dialogue with civil society organizations.



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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