



*The Venezuelan Program of Education and Action on Human Rights, PROVEA presents the twelfth edition of this International Bulletin for April-May of 2014. During this period, Venezuela has been under the watchful eyes of the national and international human rights organizations, which have drawn up two reports on structural problems, the repression against the manifestations and the political disagreements. On this occasion we will have as global topic, the results reported by official sources about the increase in poverty levels in Venezuela despite numerous official programs intended to combat it. As a specific topic we will present the findings of a recent report by the International Commission of Jurists on the independence and access to justice. As economic topic we will present a summary of the report drawn up by nine organizations on the situation of violence and repression in the country "Venezuela 2014: protests and human rights" presented in February and May of the current year.*

*Our newsletter is available in Spanish, French and English in the web site <http://www.derechos.org.ve>. Thank you for your suggestions and comments to the e-mail [boletin@derechos.org.ve](mailto: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**

## Poverty increases in the government of President Maduro

President Nicolás Maduro met a year of management. A year full of political storms but also very negative social outcomes. It has been difficult, especially considering that his government began, with nearly half of all voters, wondering about his electoral victory.

Being the President Nicolás Maduro a civilian and former union leader generated expectations that could start a process of demilitarization of the Venezuelan society since the former President Chávez had given the military an immense power to intervene in public administration at all levels. It was also thought that he was going to consolidate the social programs that had positive impact on poverty reduction.

A year later the balance is poor. In real terms the government can be described as an impaired continuity of government headed by former President Chavez. The new president deepening authoritarianism, militarization of society, discrimination on political grounds, and coming from the unions, unfortunately intensified policies that restrict freedom of association.

Maduro has strengthened policies and negative practices introduced by former President Chavez. Worse, reversed some of the policies and positive measures.

An example of this is that while the Chavez government gradually succeeded in reducing poverty, in the government of Maduro poverty increased. According to the [National Institute of Statistics \(INE\)](#) in 2013 a total of 416,326 households were added to the large population of poor people who suffer daily social exclusion.



*People seeking a livelihood from the garbage. Photo: Correo del Caroni*

Today in the country according to official figures there are a total of 9,174,142 poor people, of which 2,791,292 are living in extreme poverty.

There are more poor now in Venezuela in 2012, despite the government obtained millions of dollars in respect of the oil business and billions of bolivars for collection through various taxes and loan requested internally and externally. Poverty increased even when there are 36 missions (social programs) that supposedly are

aimed primarily at improving the quality of life of the population, mainly people with fewer resources.

As well as inefficiency prevailing in public management, other figures in the social field explain the reason for the increase in poverty. Inflation in 2013 was 56.2%. The official minimum wage in real terms did not reach to cover the official food basket. The food basket was calculated by the end of 2013 in Bs3.640,55. While the minimum wage ended in 2013 in Bs 2,973. It decreased the pace of housing construction in the framework of the GRAN MISION VI-VIENDA VENEZUELA (the most important housing program), and also was reduced by 32% the granting of pensions and retirement with respect to 2012, the crisis deepened in the public health sector, increased scarcity of staple products and persisted deficiencies in essential public services such as transport, water and electricity.

Today there are more poor people than a year ago, is serious about human rights situation because it means an increase in the exclusion and thus deprivation in the enjoyment of many rights to large segments of the population.

The fact that there is more poverty means that with Maduro is a further weakening of democracy in the country. Democracy, development and human rights are part of an essential and indivisible trilogy. The government tells the people that democracy must be participative and protagonistic, but this is useless if their socio-economic conditions have worsen.

[President Maduro promised](#) to 2019 there will be zero poverty a goal very difficult to achieve in so few years. This promise would

## Punished for protesting

The organization Human Rights Watch also [issued a report on human rights](#) violated during demonstrations in early 2014 both on public roads and in detention centers and by the Venezuelan justice system. The paper presents 45 cases in Caracas and three states involving more than 150 victims. The attacks occurred at the hands of state agents and armed civilians acting in collusion or tolerance of the police and state security. The document is the result of research conducted in the month of March 2014 in Venezuela.

seem more like an act of demagoguery that a proposal from an analysis of the current situation and socio-economic trends.

Likewise, the President stated that the missions (social programs) will be relaunched. This measure should be viewed with caution by the negative experience in recent years regarding the so-called relaunching. The Guaicaipuro Mission (social program for indigenous people) for example, has been relaunched four times since it was created, because after the restart, the program drops, while indigenous peoples live burdened by extreme poverty.

The first 2014 figures for inflation, product shortages and housing, have a bleak outlook on the fight against poverty. We hope that the necessary and urgent corrections are made to not continue reversing social progress that was achieved in the last three decades.

## > SPECIFIC TOPIC

### Independence and access to justice

The International Commission of Jurists (ICJ) released a report on the situation of the independence of the judiciary in the country, under the title “[Strengthening the rule of law in Venezuela](#)”. Some of his conclusions were as follows:

“The independence of legal institutions in Venezuela is very weak. This has contributed to a climate of growing insecurity. As observed by the United Nations Development Program (UNDP) in its Latin America Regional Report for 2013-2014, “Such insecurity has multiple negative impacts on human development: it profoundly affects the capabilities and the freedoms of the people, the way they build their lives in society and their relationship with the institutions of the State. Such insecurity generates significant costs, from the spending of public institutions and private costs of citizens in order to obtain security, to the irretrievable costs of damage to the life and physical integrity of the people.”

It is of the utmost importance that the legal and political institutions of the State -especially the judiciary and the Attorney General Office - be strengthened and become the fundamental pillar of democracy, as guardians of the rule of law. In particular, it is necessary for institutions such as the Supreme Court of



*The Supreme Court*



Justice and the Attorney General Office to uphold the system of checks and balances between branches of the state, guaranteeing that other branches do not unduly interfere in areas within the exclusive competence of the judiciary or prosecutors. In practice, however, according to the information available to the ICJ, undue interference by the Executive Branch is becoming a systematic practice in Venezuela. In order to give full effect to the provisions of the Constitution, members of the public institutions involved in the administration of justice should be chosen from among the best candidates, through public contests “founded on principles of honesty, suitability and efficiency”, and their promotion must be based on a system of merits”, as the Venezuelan Constitution of 1999 requires. The implementation of such regulations will represent a (first) step along the path toward the achievement of true independence of judges, justices, prosecutors, public defenders, and lawyers in Venezuela.

The fact that more than fourteen years after the adoption of the Constitution, all but four public prosecutors, and 70% of judges, hold only provisional or temporary office, cannot be justified under either the Venezuelan Constitution or international law. The lack of security of tenure renders the system of justice vulnerable to improper influence and manipulation.

When a judicial system lacks independence, individual judges become fearful of applying the law justly and impartially, because they fear reprisals or professional consequences. Lawyers also beco-

me fearful of being persecuted, subjected to criminal or disciplinary procedures for exercising their profession, or that the processes in which they represent clients will be paralyzed; consequently they are unable to fulfil the crucial role of lawyers, recognised by national and international law, for the defense of human rights. In Venezuela, the situation has become even starker after the detention of Judge María Lourdes Afuni and the criminal investigation and process started against her, targeted simply for having duly fulfilled her judicial functions.

The examination of the actions of the public prosecutor in criminal proceedings has revealed a success rate of 1255% from 2008 until 2012: in the perception of the population, this translates to a mismanagement of public resources, encouraged to loss of confidence in the justice system, and represents one of the main causes of impunity, which in turn helps to perpetuate the feeling of citizen insecurity.

The different branches of the Venezuelan State must, each respecting the limits of their respective powers, undertake to improve the situation for judges, prosecutors and lawyers. To achieve this goal, the first step would be to begin implementing on a bona fide basis the current constitutional and legal regulations that should in theory help secure the rule of law. Doing so would, it is to be hoped, initiate a virtuous cycle that builds rather than erodes confidence in the judicial system.”

## > ISSUES ON NATIONAL CIRCUMSTANCES

### Report Venezuela 2014: Protests and human rights

After the joint effort of 9 organizations, was presented the report “[Venezuela 2014: protests and human rights](#)”, where human rights violations that occurred in our country in the context of protests between February and May 2014 were recorded. The report seeks to record on the non-democratic treatment of government to the social unrest that was reflected in the streets across multiple forms, and provides a comprehensive overview of the human rights violations in which society demands investigation and punishment of those responsible.

The document is divided into 6 chapters: violations of the right to peaceful demonstration; Excessive use of force and violations of personal integrity; Arbitrary detentions and violations of due process; Violations of freedom of expression and attacks on journalists; Attacks on civilians in residential areas; and finally people killed in the demonstrations.

About violations of the right to the demonstration, according to the sample taken in seven States of the country between the months of February and April 2014, the 93.35% of the demonstrations were peaceful and 34.05% were suppressed. The Government of Nicolás Maduro repressed 485% more protest than its predecessor, Hugo Chávez.



*Protesters are repressed by the new Bolivarian National Police.  
Photo: La Patilla*

About excessive use of force and violations of personal integrity, between February and April 2014, the report recorded a total of 854 injured and wounded in the context of the protests. 138 were shot and injured while 330 were buckshot wounds. The number of injured persons showed an increase of 270% compared to 2013 when 316 victims of wounds or injuries were recorded in demonstrations. The number represents the highest figure recorded in the last 10 years.

At closing date of the report were registered 157 cases of torture and ill-treatment also 6 cases of threats of sexual abuse of female detainees were reported.

On arbitrary arrests and violations of due process, between February and May 2014, 3,127 arbitrary arrests were recorded in the context of demonstrations. 2,463 citizens were subjected to presenting themselves in court, which added to the already existing 2,400 cases, a total of 4,863 persons subjected to presenting themselves for participating in a demonstration. Moreover, in just 4 months of 2014 the number of detainees in the context of demonstrations became the highest figure in the past 25 years, doubling the number of arrests recorded between 1989 to 1990 during the second term of former President Carlos Andrés Pérez.

About violations of freedom of expression and attacks on journalists during the first quarter of 2014, 174 cases covering 325 violations of freedom of expression were recorded. The figure represents an increase of 240% over the same period of 2013. Complaints received include 37 detentions, 67 assaults, 31 burglaries or thefts a shot and a deceased person.

In the demonstrations from February to May, widespread and systematic attacks on residential patterns are observed against citizens exercising the right to protest. The attacks occurred in 14 states and were documented in the report for 4 states (Bolívar,


Zulia, Tachira and Lara), finding a total of 204 attacks on 105 residences or inhabited areas.

81% of these attacks involved the Guardia Nacional Bolivariana (GNB), the State Police 17%, 12% the Army and 8% the Bolivarian National Police. 26% were groups of civilians, which also, by 61%, acted in coordination and under the protection of the military and police officials. 36% of attacks caused damage to private property. In 34% illegal searches were made in order to capture protesters assumptions.

Deaths on the report identifies 42 victims, 28 of whom were killed by firearms. No case should go unpunished. The prosecution must investigate deaths that occurred in different circumstances and establish responsibilities.

Organizations that drafted the report vindicate the right to peaceful protest, reject the criminalization of protest and condemn violence, require investigation of all violations of human rights and punish those responsible, as well as crimes committed by individuals who caused fatalities, injured and property damage. Condemn attacks on journalists and reject the various forms of violations of freedom of expression that occurred in the country. Finally require the Venezuelan State, to democratically address the social protest, act with a respect attitude to the right to dissent, and to observe constitutional provisions that guarantee the right to assembly and demonstration.

Supporting human rights defenders



*It is available the 2013 Annual Report on the situation of Human Rights in Venezuela, may be consulted on the website of PROVEA: [www.derechos.org.ve](http://www.derechos.org.ve).*



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