



The Venezuelan Program of Education and Action on Human Rights, PROVEA presents its first International Bulletin of 2014.

This issue presents as a global topic, the question of dialogue in a country polarized and the positive steps arising from the negotiation meetings which brought together antagonistic sectors, favoring the construction of a democratic society, even with the obvious difficulties involved in this process.

In our specific topic we tackle the problem of citizen security and in particular the dramatic figures of people killed violently by resisting authority, figures that the Government does not include within the official homicide statistics.

Finally, in our section on juncture we talked about the visit to Venezuela during the last week of January, 2014 by a special mission of the International Labour Organization.

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

Dialogue in a polarized country

After the last December 8 regional elections, President Nicolas Maduro convened a public meeting to all Governors and mayors of the country, including the political opposition. The President fulfilled the promise made before the elections, [when he announced the convocation of a national "social dialogue"](#) without discrimination of any kind : "I will summon all because the next day the homeland Plan (Plan de la Patria) will be a law [that even the opposition have] to work with".

From the country's human rights organizations we have welcomed the announcements of opening to dialogue from the president, necessary condition for the existence of a democratic society. Since 2002 the political struggle in the country promoted an intense polarization among the sectors that support the Government and opposition groups. The National Executive deepened the fracture using groundless adjectives against the critical sectors of governmental management, [including non-governmental organizations](#). From PROVEA we have been reiterating the need on the construction of spaces for dialogue and the search for democratic alternatives to the crisis. Unlike the period of Government of President Hugo Chávez, Nicolas Maduro management highlighted the political will of open spaces to agree on measures for the resolution of problems. The meeting [held in May of 2013 with businessmen from the private sector](#) constituted the first initiative in this direction to face the shortage of the commodity in the country. The Government of President Maduro reiterates, with these facts, the need for greater consensus for the design of public policies. Consistent with this desire, inclusive dialogue must be extended to all sectors of the country to face the set of



Photo: La Patilla

problems of Venezuelan society. Social organizations and NGOs like PROVEA aspire to participate with our proposals, whose aim is the design of policies that ensure the observance of human rights in the country.

However, dialogue needed an auspicious ground for communication to flow and achieve and adhere to the agreements. Senior officials, including the President, must stop using derogatory adjectives to refer to those who do not support their political agenda. The language used daily by official media and social networks of officials maintained an atmosphere of confrontation which contradicts the pursuit of peace speech. While it is important to review the content issued by private media, should be the

contents broadcasted by public newspapers, radio and television channels which must lead by example. Of course, there must be debate, contradiction, controversy and even conflict. All needed in democracy, but all of that should be promoted free from violence, with respect.

A second requirement for dialogue is that this should not be subject to the approval of projects, as the so-called “homeland Plan”, which are being unconstitutionally presented to the country as “law”. The [Constitution](#) is very accurate in terms of the procedures to enact a law through the National Assembly. Who review the Official Gazette wherein was published can find that does not meet the formal and obligatory requirement, referred to in Article 212: “the text of the laws will precede the following formula: “The National Assembly of the Bolivarian Republic of Venezuela decreed”. Neither meets the precepts laid down in the articles 207 (“to become law, any project receives two arguments, on different days, following the rules laid down in this Constitution and in the respective regulations. Approved the project, President of the National Assembly or the President declare sanctioned law”), 208 (“in the first discussion will be considered the explanatory statement and will evaluate its objectives, scope and viability, to determine the relevance of the law, and the articles will be discussed. Approved in first reading the project will be forwarded to the Commission directly related to the subject of law matter” and 211 (“the National Assembly or the permanent commissions, during the procedure for discussion and adoption of the draft laws, consult the other organs of the State, citizens and society organized to hear his opinion on them”). Therefore it is an unconstitutional Act, without legal validity

Tips

The [Venezuelan Observatory of Social](#) conflict has published its report 2013, highlighting a 20% reduction in the protests in the country compared to 2012. In 2013, there were recorded at least 4,410 protests i.e. around 12 daily protests throughout the country

The demands of those who protested were directed to:

- 1) 1.791 Labour rights (40.61%)
- 2) Claims for citizen security, rights of people deprived of freedom, political participation and right to justice with a total of 1.044 (23.67%)
- 3) Request for decent housing 996 (22.58%)
- 4) Educational requirements 579 (13.12%).

The investigation established that the reduction of 20% of the protests is mainly related to the physical absence of President Hugo Chávez in January and February and his subsequent death in March, and also with the campaign and the presidential elections in April.

as law in accordance with article 25 of the Constitution.

Many sectors, organizations and initiatives excluded of participation mechanisms established by the Government in recent years are willing to make their contributions to reinforce positive public policies and the rectification of those that have failed to meet their objectives; this must be incorporated for the welfare of all the people.

> SPECIFIC TOPIC

Between 1990 and 2012: 29.322 people dead in Venezuela for “resisting authority”

The murder of Monica Spear, former Miss Venezuela and actress, and her husband Thomas Berry in the early days of 2014, showed even more to the world, the situation of social violence mourning the Venezuelan people. The State has been unable to solve public safety problems and his attitude has been of denying the true dimension of the problem at the time which goes back on the progress made with the implementation of the new police model promoted by the National Experimental University Security (UNES for its acronym in Spanish). Few hours after the crime was announced the dismissal of the human rights activist Soraya El Achkar from his post as rector of UNES and the position was filled with a retired military.

As from 2013 President Maduro had ordered the deployment of the Bolivarian national armed forces in the homeland safe plan. This trend to militarize the citizen security policies tends to become and remain despite the risks it represents as it highlighted the [United Nations program for development in his latest regional human development \(page 134 of the source\) report](#) .

The Government is still driving with little transparency about



the information on victims of violence and insists not to include within the homicide figures to those killed during alleged clashes with authorities and that are classified as deaths by “resisting authority”. According to data collected by [PROVEA between 1990 and 2012, 29.322 dead people](#) were not included in figures of killings and were presented as dead after resisting the authorities. At current levels of violence and according to official

figures, these 29.322 deaths would represent a number close to the sum of the killings that have taken place across the country between 2011 and 2012. The most serious is that the annual figures on dead for resisting authority, during each of the last two years are more than 10 times superior to the 1990 figures. This illustrates an upward trend which clearly contradicts with the implementation of the new police model driven from the works of the National Commission for police reform (CONAREPOL for its acronym in Spanish).

Moreover, the monitoring of a sample of cases conducted by the Center for Peace and Human Rights at the Central University of Venezuela and Provea, making the ratio of cases reported by media in which security officers or civilians died during clashes showed during the period 2001-2009, the chances of dying were 6.2% for police and 93.8% for civilians. About this phenomenon, the sources consulted by the CONAREPOL in 2009 showed a high rate of assaults by police and episodes that mostly ended in extrajudicial executions and “the disproportion between police and civilian casualties would indicate a high level of lethality of police activity, at the time that would [suppose the cover-up of executions under this figure](#)” (page 211 of the source).

This last statement appears in the annual report of the Ombudsman of 2009. Despite the apparent gravity in the increase in deaths by resisting authority, reviewing the annual reports of the Office of the Ombudsman since 2010, it is evident that these

human rights violations have not deserved the attention of the institution. Their reports are not about the police actions of this kind or the victims they generate and do not refer to how many cases have been transmitted to the Attorney General in order to perform the relevant criminal investigations according to the powers laid down in Article 281, paragraph 4, of the Constitution.

Every day Venezuelan society is informed by the media, without further checks on the official versions that justify these crimes and did not differ from the data of the Ombudsman in 2002: “usually, the official version offered by the police indicates the death of the alleged offender as a result of a confrontation. In some cases the existence of real or fictitious police records has been alleged, without that argument to justify this illegal police action. In some cases, the police claims to have confused the victim with a suspect, [or when the victim has ignored the instruction of the police to stop moving](#) (page 22 of the source).

Police reform driven since the last decade is seriously compromised by the crimes that are being justified as resistance to authority. Too many victims, the phenomenon will be increasing and those responsible for the crimes are not being brought to justice, however, are still part of the security forces, carrying weapons and acting as state authority. Institutions prefer to close their eyes and society risks and get used to endorse these criminal actions.

> ISSUES ON NATIONAL CIRCUMSTANCES

The ILO in Venezuela

Between January 27 and 31 of 2014, [a special mission of the International Labour Organization \(ILO by its acronym in English\)](#) visits Venezuela due to allegations of violations of freedom of association [which were initially made by the employers](#), and progressively [joined workers sustaining these allegations](#).

In the last 15 years, the country has witnessed various discussions between employers, workers and Government, about the freedom of Association. One of the most difficult moments of this rant represented the action of [complaint presented by the Federation of Chambers and Associations of commerce and Production of Venezuela \(FEDECAMARAS by its acronym in Spanish\)](#) to the Committee on Freedom of Association, known as the case 2254.

In the period [Venezuelan State has been denounced by organizations of workers in the public and private sector](#). One of them signed by the Confederation of workers of Venezuela, two by the National Union of administration of Justice, one of the National Union of public employees of the Ministry of health and one of the Venezuelan medical Federation.

The National Union of journalists has also filed two complaints and the National Union of public employees of the Venezuelan Corporation of Guayana made one [about the situation](#)



ILO Mission meeting with Venezuelan trade unionists (archives from Provea)

[of Union Leader Rubén González, victim of imprisonment and criminal prosecution by making a strike in 2009](#). In addition, the national trade union of workers of the National Institute of training and socialist education, and the United Federation of workers of the petroleum and Gas Industry has also made complaints to the ILO. The Association of professors of the Central University of Venezuela (APUCV) [also reported threats to the freedom of association contained in the organic law of Labour](#).

Until 2013, the complaints registered by the ILO include the National Alliance of cement workers and Trade Union of workers of the Ministry of science and technology; the case of the

Union of employees and workers of the derivatives of hydrocarbons and petrochemicals industry of Carabobo, supported by the United Federation of Bolivarian unions in that province.

In addition, the trade union organizations of workers, denounced repeatedly the non-observance of [Convention 98 of the ILO](#), which protects the right to collective bargaining. For this reason, while [the origin of this special mission of the ILO to Venezuela, is located in 2003](#) by the complaint of FEDECAMARAS, the reality is that the State gradually restricted the limits to exercise the right to collective bargaining under free conditions, to a wide strip of unionism, as revealed by the cases in progress to the Committee of freedom of Association of the ILO.

Between November and December of 2013, most confederations, stations and Union national movements in the country, with the exception of the Bolivarian Central Union (pro-government) [flocked to the administrative authority work, demanding to abolish the powers of an office that oversees trade union activity and sued in the Supreme Court, the nullity of the Labour legislation.](#)

After this visit, the ILO will present in June of 2014, a report to the World Conference of Labour, on the situation of freedom of Association, collective bargaining and other Labour rights in Venezuela. [However, the content of the recommendations emanating from the Committee on freedom of Association in relation to the new Labour law, evidence setbacks that must be urgently corrected by the Government.](#)

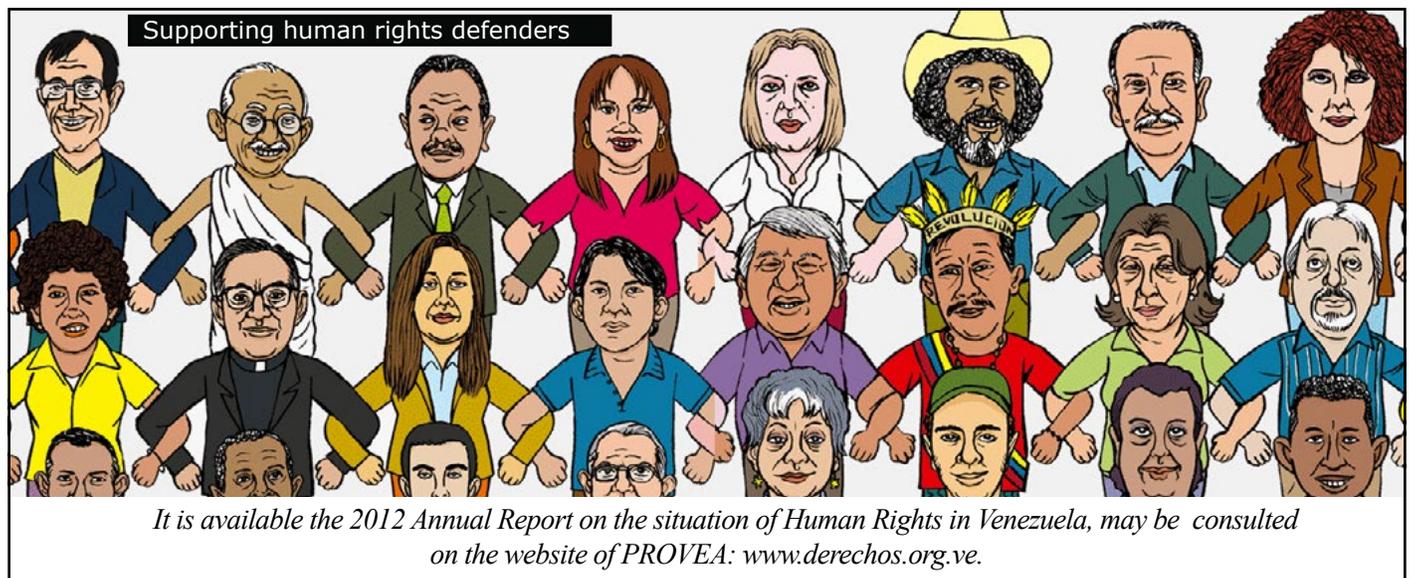
One of those immediate measures should be the abolition of

the restrictions imposed by the administrative authority of work, related to the free functioning of trade union organizations, which is one of constant allegations that have been made in the ILO. The State must prevent their interference in the internal activities of trade unions and attempting to open the floodgates for more extensive and open discussion of collective agreements on working conditions, which in some cases, especially in the public sector, have between 6 and 8 years of delay.

Another pending issue in the Venezuelan Labour agenda that should be resolved in a consensual way as part of reports on implementation of international conventions (reports of trade unions before the Committee of experts of the ILO) is the violation of Convention 144 of the ILO, about tripartite dialogue. Most of the Venezuelan trade union organizations, both of workers and of employers, agree on the complaint of the violation of this agreement.

The dialogue between Governments, employers and workers organizations is a mechanism sponsored by the 144's ILO Convention. This space for exchange and search of solutions allows the reduction of tensions arising from the loss of purchasing power of wages and the weakening of decent employment. The figures on inflation in Venezuela are of the most worrying in the region and demonstrate the setbacks in the fight against poverty

The non-compliance to ensuring health and safety at work, contained in ILO Convention 155, was one of the issues raised at the ILO mission, by the trade unions in Venezuela.



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