

**REPORT TO THE UNITED NATIONS COMMITTEE ON ECONOMIC AND SOCIAL RIGHTS ON THE OCCASION
OF THE EVALUATION OF THE 3RD PERIODIC REPORT ON VENEZUELA IN THE 55TH SESSION OF THE
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. JUNE 2015**

MAY 2015

Executive Summary

1. The following report was prepared by Transparencia Venezuela for your consideration in the evaluation of the 3rd Periodic Report of the Venezuelan Government in 55th Session of the International Covenant on Economic, Social and Cultural Rights, to be held in Geneva on June 2nd and 3rd, 2015.
2. The content of these reports reviews the articles 2, 10, 11 and 12 of the Covenant in what concerns the impact of corruption on the enjoyment of social rights recognized in those articles, matter of great importance for understanding deficiencies and inefficiencies of policies and programs to which the Venezuelan government has allocated a large sum of public funds in the last decade, during one of the periods of higher oil revenues received by the country. These programs are called **Social Missions**.
3. The impact and damage of corruption in the development and enjoyment of ESCR may void extraordinary and well-intentioned efforts of states, when execution is not accompanied by institutions and transparent and effective practices, affecting the availability, accessibility, acceptability and adaptability of ESCR. Corruption can not only mean the violation of human rights in individual cases, but it can also become a structural obstacle to the exercise and enjoyment of human rights.
4. A review was held of the State's Third Report and the State's responses to the list of issues prepared by the Committee to determine if a corrupt practice violates or not a human right of the Covenant based on the obligations of each right, and the possible link between the corrupt behavior and the violation of a human right – breach of an obligation- paying attention to two types of causal links: (1) corrupt practices that directly violate a human right, and (2) corrupt practices that lead to human rights violations, but that, in themselves, do not violate a right.
5. The development of rights in Venezuela is marked by a context of widespread and deep corruption, fulfilling all the perverse elements of the formula: concentration of power/monopoly + discretion + impunity – (accountability + opacity + control systems). No wonder that in Venezuela there is such a high perception of corruption and that the country is in the last ten places of Transparency International's Corruptions Perception Index with a score of 19/100.
6. With obvious areas of discretion and arbitrariness, large-scale investment in Missions and social programs can lead to the pursuit of obvious personal and/or political benefits, that we call corruption risks. The lack of standards, systems, procedures and responsible to prevent, restrict and punish these abuses, result in impunity for breach and violation of rights.
7. In Venezuela there are rights that are not guaranteed which basically show a context of opacity and discretion that is having a direct impact on the enjoyment and exercise of these rights. This statement is based on the lack of real anti-corruption policies; high discretion in high government decisions; absolute control over different levels of the government, control over acts of authority or State Capture; corruption risks in some programs or Social Missions whose poor outcome and increased poverty are incompatible with the amount of resources invested; lack of planning that leads to discretionary management of resources; little or no verifiable public information or high quality accountability; arbitrariness and lack of criteria in admission or beneficiaries selection; political use and political control of electoral programs, nonexistence of complaints mechanisms and safe complaints.

8. Given the above situation, we request the Committee to urge the Venezuelan State:

- a) Compliance with the constitutional rule of election of judges of the Supreme Court, the Comptroller General of the Republic, the Attorney General of the Republic and the Ombudsman to ensure their autonomy and independence.
- b) Perform competitions for admission to public service based on capability and merit, as required by the Constitution, and that the evaluation and promotion are carried out according to performance; and to move forward urgently towards the appointment of permanent positions of 80 % of the judges who are now in provisional status.
- c) To adopt and implement anti-corruption standards: Law for Access to Public Information, Law on the Prevention of Conflicts of Interest; Whistleblower Protection Law, all based on the principles of the United Nations Convention Against Corruption and the present Covenant. And finally urgent progress on eliminating regulations that limit or reduce the free access to public information.
- d) Reform of the Public Procurement Law eliminating exclusions and reducing exceptions to open tendering procedures.
- e) Implement budget transparency practices and expenditure planning, based on goals and indicators.
- f) Develop and publish with a matter of urgency, complete, verifiable and clear information on the development of ESCR and in particular of the Social Missions, with the purpose of eliminating areas of discretion and arbitrariness that can lead to the pursuit for personal and/or political benefits. Publish all the contracts established within the Missions.
- g) Constant publication of updated reports, indexes and financial statistics by the National Budget Office, Treasury Office, National Public Accounting Office and the Central Bank of Venezuela.
- h) It is important to recommend the Venezuelan State to review and eliminate loopholes and contradictions that allow the Supreme Court to make decisions against the right of access to public information and transparency.
- i) Publish an updated list of beneficiaries of all the Missions and social programs with enough information to perform verifications and social control.
- j) Keep interests and political/partisan organizations outside the decision-making process and execution of programs and Missions.
- k) Cease the persecution against defenders, human rights organizations and citizen oversight of independent civil society, implementing the UN Declaration on Human Rights Defenders

Transparencia Venezuela
May 2015.

INTRODUCTION

9. The following report was prepared by Transparency Venezuela for your consideration in the evaluation of the 3rd periodic report of the Venezuelan government in 55th session of the International Covenant on Economic, Social and Cultural Rights, to be held in Geneva, June 2nd and 3rd 2015.
10. The content of these reports reviews the articles 2, 10, 11 and 12 of the Covenant in what concerns the impact of corruption on the enjoyment of social rights recognized in those articles, matter of great importance for understanding deficiencies and inefficiencies of policies and programs, called **Social Missions**, to which the Venezuelan government has allocated a large sum of public funds in the last decade, during one of the periods of higher oil revenues received by the country.
11. While the concepts of human rights and corruption have been widely addressed by various disciplines for decades, the same cannot be said with respect to the connection between corrupt practices and the enjoyment of such rights. In the year 2003, The Commission on Human Rights of the United Nations published the first document that connects corruption and human rights¹. Since then, there have been several conferences where such a connection has been discussed within the UN².
12. The human rights perspective emphasizes the damage that corruption causes in the compliance of the States obligations to ensure rights of people³. From this perspective, corruption can not only mean the violation of human rights in individual cases, but can also become a structural obstacle to the exercise and enjoyment of those rights Therefore, it is no longer a matter just of state funds, to become a matter of rights and their enforcement.
13. From another perspective, to establish the relationship between corruption and human rights requires us to explore the confluence between the agendas of the anti-corruption movement and the human rights movement. Both agendas have the potential to impact on the other: while the fight against corruption can have a positive effect in the enjoyment and exercise of human rights, the promotion of human rights reduces the opportunities of corruption.⁴
14. We know today that all rights imply obligations of respect, protection and realization⁵. In turn, its implementation requires, depending of context, a greater or lesser extent of public investment. In many cases this a large scale investment and therefore areas of discretion and arbitrariness that can lead to the pursuit of personal and / or political benefits are evident. The *Grand Corruption*, that is, one that occurs at the highest levels of the government, affects the availability, accessibility, acceptability and

¹ The Commission on Human Rights of the United Nations. Sub-Commission for the Promotion and Protection of Human Rights. *Corruption and its impact on the enjoyment of human rights , particularly economic , social and cultural rights*. Working document presented by Mrs. Christy Mbonu in accordance with decision 2002/106 of the Subcommittee. May 14th, 2003. E/CN.4/Sub.2/2003/18.

² One of the last was the Round Table on the Negative Consequences of Corruption on the Enjoyment of Human Rights organized by the Council of Human Rights in March 2013.

³ Council of Human Rights. Summary Report about the Round Table on the Negative Consequences of Corruption on the Enjoyment of Human Rights. April 18th, 2013. A/HRC/23/26, p. 4.

⁴ *Ibídem*, p. 5.

⁵ ESCR Committee. General Observation N° 3. The nature of the obligations of States parties (Paragraph 1 of article 2 of the Covenant). Fifth Session. E/1991/23

adaptability of the ESCR⁶. This, therefore, (i) diverts resources for the progressive realization of ESCR, which may even involve a violation of the prohibition of regression;(ii) affects the principle of maximum use of available resources; and (iii) discourages investment and international aid⁷. This structural form of corruption is often based on forms of *State Capture* by any economic or political group. This is precisely the situation that concerns us in the case of the situation of the ESCR in Venezuela, and the challenge we want to raise with the Committee of Human Rights in the evaluation of the Third Report of the Bolivarian State of Venezuela.

15. The space for discussion of the Economic Social and Cultural Rights (ESCR) is suitable as a few for this exercise. The execution of ESCR implies provisions that involve a significant amount of resources for the creation, maintenance and development of services aimed at covering these rights. Therefore it is necessary to develop a series of projects and to sign a great amount of contracts that provide opportunities for corruption. When this occurs, what is at stake is the availability of resources to meet certain minimum that the State is obliged to provide without discrimination of any kind.
16. Moreover, the Committee has expressed its interest in the implementation and results of anti-corruption policies within the framework of execution of ESCR, including within the information that the State must deliver: *“Please provide information on the implementation of anti - corruption law and the measures actually taken by the state to fight corruption. Please accompany information about the number of allegations of corruption that have emerged during the past five years, investigations undertaken, and the percentage of such complaints that ended in conviction, as well as the protection given to those who report cases of corruption.”*⁸
17. The invitation we extend this CESCR is to have an open broad view of corruption, including not only the idea of direct monetary benefits, but to adopt an organizational vision with political impact as proposed by Robert Klitgaard, who defines corruption with the following equation: C (corruption) = M (monopoly) + D (discretion) - A (accountability)⁹. This perspective, rather than defining the characteristics of corrupt behavior, points to organizational factors that influence their emergence, maintenance and justification.¹⁰
18. A review of the State’s Third Report and the State’s responses to the list of issues prepared by the Committee was held, to determine if a corrupt practice violates or not a human right of the Covenant based on the obligations of each right, and the possible link between the corrupt behavior and the violation of a human right – breach of an obligation– paying attention to two types of causal links: (1) corrupt practices that directly violate a human right, and (2) corrupt practices that lead to human rights violations, but that, in themselves, do not violate a right.

⁶ For an explanation of these four standards and how they could help the fight against corruption, refer to ICHRP. *Corruption and Human Rights: Making the Connection*, op. cit., p. 55.

⁷ IACHR. *Third Report on the Situation of Human Rights in Paraguay*, 2001. Chapter II, G. para. 48. Citations omitted.

⁸ List of issues concerning the Third Periodic Report of Venezuela, to the Committee on Economic, Social and Cultural Rights

⁹ KLITGAARD, R. *Controlling Corruption*. La Paz, Editorial Quipus, 1990

¹⁰ Unit Nations Program for Development (UNDP) considers two additional determinants that operate as a counterweight to monopoly and discretion : integrity and transparency. The equation would be: $Corruption = (monopoly\ power + discretion) - (Accountability + transparency + integrity)$. UNDP. *Anti-corruption. Practice Note*. UNDP, 2004. p. 2 (online) http://www.undp.org/governance/docs/AC_PN_English.pdf

19. Since February 10th 2015 in Venezuela we have three official exchange rates, we highlight the gap between each one of these rates and between them and the rate operating in the parallel market. Said exchange rates are valued in 6,30 Bs/\$, 12 Bs/\$ and 199 Bs/\$ and this mechanism must be considered when comparing amounts. All of the amounts expressed in dollars contained in this inform where calculated using the smaller rate in order to hold a conservative position since -according to the government- most of the economic activity operates under that rate, however it is mandatory to explain the entire scheme for this comity to consider

CONTEXT

20. Social Missions started in the year 2003, facing an acute political conflict, as expressed by President Hugo Chávez on November 12, 2004¹¹:

“You must remember that, as a result of the coup and all that wearing out process, the impossibility of governing that reached high levels, the economic crisis, and our own mistakes, there was a time when we were even o maybe below in the polls. An international polling organization that a friend of mine recommended came to Venezuela in the middle of 2003 and stayed here for 2 months. They came to Miraflores Presidential Palace and gave me the bombshell: ‘Mr.President, if the referendum was held today, you would lose’. I remember that for me that news was a bombshell, because you know that many people won’t tell you things but the nuance (...). So that’s when we started working with the Missions. We designed the first one here and then I asked Fidel Castro for help. I told him: ‘Look, I have this idea, to attack underneath with full force’, and he answered: ‘Yes I know something about that. You have all my support’. And hundreds of doctors started arriving, airlifts, airplanes come, airplanes go to find resources. The economy improved (...) and an avalanche of people came upon us,(...) and all of us started to work, (...) all the team from PDVSA, Frente Francisco de Miranda, we formed a political command, we adjusted it a bit more, and then we began to climb in the polls again, and polls do not fail, (...) it’s politics, not magic, and see how we got here.”¹²

21. The missions were held first in the Cuba- Venezuela Cooperation Agreement signed in 2000¹³ and in the support of community organizations. The Missions later became part of the 10 Strategic Objectives of the National Plan and they were extraordinary and temporary programs of the Presidency to meet social needs. In the year 2014, President Nicolás Maduro went further, making the missions the central axis of the "universalization of social rights in the country," through the Organic Law for Missions, Large Missions and Micro-missions, approved by Presidential Decree¹⁴

¹¹ Source: Meeting of High Level Government. President’s Interventions of November 12, 2004. el día 12 de noviembre de 2004. Theatre of the Military Academy of Venezuela

http://www.aporrea.org/audio/2004/12/intervencion_del_presidente_en_la_reunion_de_alto_nivel_viernes_12_nov_04.pdf

¹² Source: Meeting of High Level Government. President’s Interventions of November 12, 2004. el día 12 de noviembre de 2004. Theatre of the Military Academy of Venezuela

http://www.aporrea.org/audio/2004/12/intervencion_del_presidente_en_la_reunion_de_alto_nivel_viernes_12_nov_04.pdf

¹³ <http://www.embajadacuba.com.ve/cuba-venezuela/convenio-colaboracion/>

¹⁴ Decreto número 1.394 publicado en la Gaceta Oficial de la República Bolivariana de Venezuela de fecha 19 noviembre de 2014

Since 2004 the Venezuelan State is receiving considerable resources over any historical reference, thanks to the rising price of oil on the international market

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Price of (\$/barrel)	28,27	37,01	50,46	60,19	67,47	86,81	56,92	71,97	101,06	103,42	99,87	88,42

22. The problem of corruption in the country worsens as a consequence of the discretionary management of extraordinary funds that come from the difference between estimated and actual prices of oil that even exceeded 50%, generated parafiscal funds with billionaire amounts without control by relevant government agencies, and protected by the reform of the Law of the Central Bank of Venezuela, of July 20th 2005, and later by the Presidential Decree with range, value and force of law establishing the Special Contribution for Extraordinary Prices and Exorbitant Prices in the International Hydrocarbons Market, approved April 15th, 2008.

23. By 2015 there are 25 missions/National Social programs, with allocated resources for its implementation in the 2015 budget law.

Missions
Gran Misión Vivienda Venezuela (Great Housing Mission)
En Amor Mayor (For the underprivileged retired and elderly)
Misión Alimentación (Feeding)
School Feeding Program
Misión Barrio Adentro (Inside the Neighborhood)
Misión Ribas (Highschool Education)
Misión Sucre (College Education)
Misión Madres del Barrio "Josefa Joaquina Sánchez" (Transform mothers into community leaders)
Misión Negra Hipólita (Attention of the homeless)
Student Bus Fare Grant
Misión Samuel Robinson (Education-University)
Misión Identidad (provides national identity cards to facilitate access to the social services provided by the other Missions)
Misión Niño Jesús (Attention of pregnant women)
Misión Nevado (animal rights)
Misión Milagro (Provides surgeries for people with eye problems)

Misión “Che Guevara”* (Now part of Misión Saber y Trabajo) (Promotes education in productive activities)
Misión Cultura (Promotion of Venezuelan culture)
Misión Hijos de Venezuela (Attention of families with children under 18 or with disabilities)
Misión Barrio Adentro Deportivo (Promotes sporting activities)
Misión Dr. José Gregorio Hernández (Attention of people with disabilities)
Misión Hábitat (Construction of new housing units)
Gran Misión A Toda Vida Venezuela (Fights insecurity in the country)
Misión Piar (Integral Plan of Sustainable Development for Mining Communities)
Misión Niños y Niñas del Barrio (Attention of homeless children)
Hogares y Multihogares de Cuidado Diario (Help mothers turn their homes into daycares, thus promoting their employment)

24. These programs received between 2013 and 2015 through federal budget and budgetary modifications a grand total of Bs 248.935 million distributed like this:

Social programs resources through federal budget and budgetary modifications (Pdvs, Fonden and other sources contributions are not contemplated)		
2013	2014	2015
Bs. 72.988 Million	Bs. 100.933 Million	Bs. 75.014 Million

25. On the other hand, PDVSA Annual Informs, report a total of US\$ 54.016 million worth in contributions to these and other programs until 2013, equivalent to Bs. 340.301 million using the smaller of the official exchange rates fixed by the government for the calculation.

26. Poor accountability of the National Executive Branch on the destination, use and effectiveness of these resources, before public bodies and the Venezuelan population, allows its discretionary use.

27. As evidence, by the date of this report there is no information on how many resources do this parallel funds have, given that the last official information on the National Development Fund (FONDEN), the fund considered the most important, is the 2010¹⁵ report, and the intervention of the Minister of Energy and Petroleum and President of PDVSA, Rafael Ramirez who announced that up until August 2013, FONDEN had received US\$ 115.218 million just in one of the parallel funds.

¹⁵ http://www.pdvs.com/index.php?tpl=interface.sp/design/readmenu princ.tpl.html&newsid_temas=107

28. The development of rights in Venezuela is marked by a context of widespread and deep corruption, fulfilling all the perverse elements of the formula: concentration of power/monopoly + discretion + impunity – (accountability + opacity + control systems).
29. In recent years, enormous resources were received and managed with distribution criteria but unplanned and uncontrolled. The budget and debt law suffers so many variations throughout the year that it doubled the spending in 2014 because of additional credits. But nor the National Treasury Office, the National Budget Office or related Ministries have published reports of expenditures since December 2010.
30. The fight against corruption has been the slogan of the government repeatedly in moments of political tension, but has not resulted in transparency practices in any of the institutions of the national government; on the contrary it has served to increase the power of control of the Executive, like the case of the creation by Presidential Decree of the National Anticorruption Body, dependent of the President, with a secret team and actions. The Reports of the Comptroller General of the Republic point out important deficiencies in several national government levels and sectors, but this are not addressed despite their importance, like the case of the purchase of expired medicines. This scenario is compounded by the long list of allegations of relevant cases, that impacted the public opinion, and that the institutions refused to investigate. No wonder that in Venezuela there is such a high perception of corruption and that the country is in the last ten places of Transparency International’s Corruptions Perception Index.

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
2.66	2.50	2.77	2.3	2.6	2.7	2.8	2.5	2.4	2.3	2.3

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.3	2.3	2.0	1.9	1.9	2.0	1.9	1.9	2.0	1.9

Source: Corruption Perceptions Index, Transparency International www.transparency.org.ve

ARTICLE 2.1 TAKE STEPS TO THE MAXIMUM RESOURCES AVAILABLE

4. Please provide information on the implementation of the anti - corruption law and the measures actually taken by the state to fight corruption. Please accompany information about the number of allegations of corruption that have emerged during the past five years, investigations undertaken, and the percentage of such complaints that ended in conviction, as well as the protection given to those who report cases of corruption.

31. The Venezuelan state has a pending amendment to the law against corruption that adapts the current law to the Covenant. On November 19th, 2014, by Presidential Decree the Law against Corruption¹⁶ was amended with only three new articles, leaving on file in the National Assembly, the draft of a

¹⁶ Gazette no. 6.155 November 19th, 2014. <http://noticias.seniat.gob.ve/images/gacetitas/Gaceta%20N%C2%BA%206155.pdf>

comprehensive reform that was widely consulted by the Comptroller Committee of the National Legislature in 2011.¹⁷

32. In November 2014, through another Presidential Decree published in Official Gazette No. 6,156, the National Anti-Corruption Body is created, that depends on the Presidency of the Republic, supplanting the functions of the Attorney General’s Office and formalizes the secret of their research and management tasks, because even their members are secret.¹⁸

33. Official data about the number of complaints, investigations and convictions are poor and incomplete. The Attorney General’s Office has not informed in their reports¹⁹ of the number of convictions of investigated cases, and the Comptroller presents only an overview of cases received²⁰, without any details of the information:

Attorney General’s Office Allegations of Corruption	2010	2011	2012	2013	2014
Receipts	2.530	8.907	8.283	7.856	12.319
Allegations	1.210	2.212	2.313	2.163	2.326
Sentence	n/d	n/d	n/d	n/d	n/d

Source: Annual Reports Attorney General’s Office.

34. In Venezuela there are rights that are not guaranteed which basically show a context of opacity and discretion that is having a direct impact on the enjoyment and exercise of these rights. This *State Capture*, in our context, is characterized by absolute control of the different levels of possible control of acts of authority. A power that is exercised without counterweights in the executive and legislative branches, a judicial power controlled by the political power, the absence of independent and impartial public institutions that can control the authorities and persecution of civil society sectors seeking to exercise this control.

Capture Mechanisms

35. **A. Resources Reduction for Formal Control Bodies** The National Executive Branch manages up to 80% of the national budget and 100% of the parallel funds of which there is no available information. However, each year fewer resources are allocated in real terms to the control bodies: National Assembly (Legislative Power); Comptroller General of the Republic; Attorney General and Judicial Power.

2014 Budget by institution with additional credits

Executive	933.703	82,0%
Legislative	2.797	0,2%
Judicial Power	15.456	1,4%

¹⁷<http://www.aporrea.org/contraloria/a166240.html>

¹⁸ <http://transparencia.org.ve/la-corrupcion-no-se-acabara-con-un-decreto-arbitrario-que-limitara-aun-mas-la-transparencia/>

¹⁹ <http://www.ministeriopublico.gob.ve/web/guest/informe-anual>

²⁰ http://www.cgr.gob.ve/site_informes_management.php?Cod=026

Comptroller General	1.063	0,1%
Attorney General	7.019	0,6%
Others	178.035	15,6%
Total	1.138.073	100,0%

36. **B. The discretionary control over public resources:** In Venezuela two processes were generated of high risk of corruption and illegal businesses, of multimillionaire amounts: i. parallel funds ii. Exchange control

37. **Parallel Funds** Venezuelan oil exports account for 90 % of the income received by the country in foreign currency, according to the Minister of Planning and Finance, Jorge Giordani, in 2010. Of these, Venezuela received in 16 years a total of US \$ 814.056 million from oil exports.²¹ However, the government has been setting a "conservative" price for the barrel of oil to estimate revenues -with which the national public budget is calculated each year- below the expected price in international markets, thus receiving extraordinary income for double the budget for public spending. These resources are managed through several extra budgetary funds, without transparent accountability. Regarding this practice, the Chairman of the Finance Committee of the National Assembly, Ricardo Sanguino, said in 2008²² :

"We are conservative in budget formulation. If the situation improves because revenues increase and oil prices rise, we have the additional credits. In the event that no additional oil revenues are obtained next year, Venezuela has billionaire funds to face any contingency arising from the international financial crisis."



38. This table shows the difference between the estimated price in budget laws and the actual price at which the Venezuelan barrel is sold in the international oil market. It is the income generated by this differential that feeds the parafiscal funds.

²¹ Central Bank of Venezuela www.bcv.gob.ve

²² http://www.eluniversal.com/2008/10/16/imp_eco_art_presupuesto-2009-con_1096014

39. From these "exorbitant" resources, an amount of parallel funds were established that received from 2004 to 2014, US \$ 178,200 million, according to Ecoanalítica, an economic consulting firm.²³
40. The implementation of parallel funds as a mechanism of *State Capture* is evident in the case of the health sector where the executed budget exceeds the allocated budget from 87% in 2010 and 187% in 2014. All these resources are managed discretionally, favoring projects under a criterion that only the National Executive knows.

Allocated and Executed Budget 2010-2013 of the Ministry of Health / Millions of Bs.

Years	Allocated Budget (1)	Executed Budget (2)	Variation %
2010	9.332	17.478	87
2011	15.459	30.313	96
2012	19.452	28.457	46
2013	24.581	50.901	104
2014	30.042	86.169(4)	187

Source: (1) Budget Laws²⁴; (2) National Budget Office. (3) Estimated to December 2014.

41. This practice, applied in particular to the health sector, may violate the constitutional right to health whenever hiring criteria for hospital construction and purchase of supplies are granted based on political clientelism.
42. Exchange Control The exchange control implemented by the Venezuelan government since 2003, apart from other problems that come from the lack of economic freedom, has created a cumbersome bureaucracy that allocates resources in foreign currency at preferential rates with high discretion, with three official exchange rates: 6.3; 12 and 199 bolivars per dollar, and a dollar at a free rate that in May 2015 is in 277Bs/\$. An outstanding case is the disappearance of US \$20,000 million that were assigned to shell companies, over which no one is still responsible. The president of the Standing Committee on Finance of the National Assembly Ricardo Sanguino, of the United Socialist Party of Venezuela (PSUV) said about this case: *"(...) a scam was made to the country using imports to obtain preferential currency. We estimate that there were 20 billion dollars. This created an imbalance because more money came out than what we were entering, and this generated situations somewhat, not of imbalance but of no*

²³ www.ecoanalitica.com

²⁴ 2013 Budget Law 2013. [on line]

<<http://www.radiomundial.com.ve/sites/default/files/images/Exposici%C3%B3n%20de%20Motivos%202013.pdf> ; 2010 Budget Law [on line] <<http://www.ecoanalitica.com/uploads/files/Proyecto%20de%20Ley%202012%20Titulo%20II.pdf>

strength in our reserves.” In addition to such irregularities, the exchange control has negatively impacted the quality of life of Venezuelans, reflected in the deterioration of real wages and levels of poverty.

43. ESCR execution requires the purchase of goods and services, but to supply them providers require access to foreign currency both to produce them locally -to import supplies- as for imports. In recent years the allocation of foreign exchange has become more irregular and restricted, causing shortages in basic supplies for the fulfillment of rights.
44. **C. Laws limiting free access to public information** The Venezuelan State has approved a long list of opaque rules. Opacity assigns privileges to individuals or groups with access to public information and with the power to keep it private. For the exercise of ESCR it is essential to have unrestricted access to the data on design, creation, responsibilities, resources, implementation, results, indicators, and other information on the programs to ensure the availability, accessibility, acceptability and adaptability of the ESCR. In a report prepared by Transparency Venezuela, *It is Legal but Unfair*²⁵ 60 rules were found that violate or limit the rights of access to public information of a total of 475 laws, decrees and agreements, since the adoption of the Constitution of the Bolivarian Republic of Venezuela until October 2014. Venezuela does not have a law on access to information which constitutes a major loophole, limiting the possibility of learning about the implementation of the ESCR.
45. **D. Contracting without controls** Missions and social programs require, for their execution, public procurement and acquisition of goods and services. Tenders or open contracts are processes that reduce the possibility of abuse and corruption in the allocation of contracts or purchase of goods and services, for effective management, seeking to fully utilize the resources in social programs effectively. However, the 2008 Procurement Law²⁶ and subsequent reforms of 2009, 2010 and 2014 eliminated tenders for many of the social programs while approving new exceptions, empowering the President of the Republic to change conditions in the selection of contractors in a wide range, and a major exclusion:
- “Article 4: Exclusions. Excluded from the application of this Decree with Rank, Value and Force of Law, are contracts for the execution of works, acquisitions of goods and provision of services, which are under the compliance with international agreements of cooperation between the Bolivarian Republic of Venezuela and other States, including contracting with joint ventures within the framework of these agreements.”²⁷
46. This law allows direct contracting in the context of social programs, and is therefore a great opportunity for corruption because it allows the recruitment of companies that are willing to pay bribes or be extorted, hire relatives, friends, co-parties, political or economic allies, ignoring the necessary efficiency of the resources directed to the fulfillment of ESCR and the possibility of loss of resources purchasing poor quality products, premiums, breach of quality and deadlines. This results in failure to meet targets, generates expectations among the population and generated obligations under the Covenant. Examples: expired medicines, unfinished hospitals for years, unfinished or poorly finished housing, etc.

²⁵ <http://transparencia.org.ve/wp-content/uploads/2014/11/Es-Legal-Pero-Injusto-04.11.14.pdf>

²⁶ <http://www.bcv.org.ve/c1/pdf/leycontrata08.pdf>

²⁷ idem

47. The National Executive controls the allocation of contracts with high discretion, guaranteed by the law, and thereby directs who benefits and who is excluded.
48. **E. Capture of the Justice:** The Supreme Court has taken decisions contrary to the principle of transparency, the right of access to public information, accountability, and ESCR, among which we mention:
49. The Constitutional Court declared inadmissible an action of Protection of Collective and Diffuse Interests to publish names of companies related with acts of corruption produced through National Commission of Foreign Exchange Administration (CADIVI) by which, in the words of the President of the Commission of Finance and Economic Development of the Venezuelan Parliament, Deputy Ricardo Sanguino²⁸ *“(...) a scam was made to the country using imports to obtain preferential currency. We estimate that there were 20 billion dollars. This created an imbalance because it came out more than we were entering, and this generated situations somewhat, not of imbalance but of no strength in our reserves.”*²⁹
50. ii. The Constitutional Court limits the right of access to public information, through which it established as a binding criterion that *“in absence of an explicit law and to safeguard the limits of the exercise of the fundamental right to information is necessary: i) that the applicant of the information expressly states the reasons or purposes (which violates the principle that prohibits the demonstration of legitimate interest,) ii) that the extent of the information requested is proportional to the use and the intended use of the requested information (which violates the principle of not justifying the request for information.)*

Total de demandas sobre control de los poderes públicos declaradas con lugar (2005-2013)

TIPO DE PROCEDIMIENTO	TOTAL	CON LUGAR	
Amparo contra actos	570	12	2%
Amparo contra leyes	26	0	0%
Recurso de interpretación	166	23	14%
Recurso de nulidad	495	60	12%
Recurso de colisión	44	1	2%
Controversia constitucional	11	0	0%
Omisiones de los poderes públicos	40	2	5%
Avocamiento	130	11	8%
Protección derechos colectivos	53	6	11%
Habeas data	197	1	1%
Totales	1732	116	7%

El TSJ al servicio de la revolución. La toma, los números y los criterios del TSJ venezolano (2004-2013). Canova Gonzalez A. Herrera Orellana L. Rodríguez Ortega R. Graterol Stefanelli G. Editorial Galipan. Año 2014

51. iii. The Administrative Chamber agreed by sentence N°01264 of October 22, 2008³⁰, the legal authority granted by way of delegation of the Plenary to the Judicial Committee of the Supreme Court to appoint and remove the provisional judges discretionally even when there is no constitutional or legal basis for it. Moreover this sentence produces a flagrant affectation of the judicial independence because it legitimates the possibility of separating from office those officials by "simple removal" without the necessary procedures and without giving them the right to defense.

52. From an analysis made to the sentences of the Supreme Court in the period 2005-2013 it is evident that only 7% of total claims on public authorities control were upheld. The Statist vision of the Judiciary

²⁸ <http://www.panorama.com.ve/politicaeconomia/Sanguino-Mediante--Cadivi-estafaron-al-pais-con-20-mil-millones-de-dolares-20140916-0083.html>

²⁹ <http://historico.tsj.gov.ve/decisiones/scon/julio/166911-860-17714-2014-13-1165.HTML>

³⁰ <http://historico.tsj.gov.ve/decisiones/spa/noviembre/01140-111110-2010-2008-0520.HTML>

leaves defenseless citizens, and highlights the capture by the "Power" as opposed to the rights of citizens.

53. F. Threats Against Civil Society Organizations Venezuelan state has criminalized the work of human rights defenders and their representatives. In 2014 and 2015 mentions, insults, threats, defamation to civil society by senior officials, most of them through state media have increased, among others by Diosdado Cabello, President of the Venezuelan Parliament, Vice President of the ruling party (PSUV), Army Captain³¹ and host of "Con el Mazo Dando" (Striking with a sledgehammer) "broadcasted in the state channel *Venezolana de Television*"³²

54. In this space, Deputy Cabello has used the resources of the Venezuelan State to delegitimize, among others, the work of defenders Humberto Prado of the Venezuelan Prison Observatory, Marino Alvarado and Rafael Uzcátegui of the Venezuelan Program of Education-Action in Human Rights (Provea), Carlos Correa of the NGO *Espacio Público* (Public Space), Marco Ponce of the Venezuelan Observatory of Social Conflict, Rocío San Miguel of the NGO *Control Ciudadano* (Citizens' Oversight), Carlos Nieto from *Una Ventana para la Libertad* (A Window for Freedom) and Mercedes De Freitas from Transparency Venezuela. ANNEX !.

G. The National Executive had been the bigger legislator.

Enabling Legislation approved by the National Congress	Decrees	Laws of Opacity
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Source: Es Legal pero injusto. www.transparencia.org.ve

³¹ <http://www.eluniversal.com/nacional-y-politica/131227/maduro-ascendio-a-diosdado-cabello-a-capitan-del-ejercito>

³² <http://www.vtv.gob.ve/>

1st Law: 6 months. since april 26 of 1999 to october 25 of 1999	56	1
2nd Law: 12 months. Since november 13 of 2000 to november 12 of 2001	51	0
3rd Law: 18 months. Since february 1st of 2007 to july 31st of 2008	69	4
4th Law: 18 months. Since december 17 of 2010 to june 16 of 2012	71	4
5th Law: 12 months. Since november 19 of 2013 to november 18 of 2014	4	2
TOTAL	251	11

55. 2. Lack of Planning in the Public Budget on Social Issues and a Lack of Information on their Implementation In the past five years, resource allocation for social programs does not respond to a real planning that consider studies, analysis of needs and accomplishment of goals that, as a State, want to be achieved.

Misiones

MISIÓN	2013	2014	2015	VARIACIÓN REAL
GRAN MISIÓN VIVIENDA VENEZUELA	50.567	38.809	30.185	-54%
MISIÓN EN AMOR MAYOR	-	8.238	9.291	-33%
GRAN MISIÓN A TODA VIDA VENEZUELA	376	1.729	6.769	1706%
MISIÓN ALIMENTACIÓN	3.318	27.602	6.319	-86%
PROGRAMA DE ALIMENTACIÓN ESCOLAR	5.089	5.094	5.584	-46%
MISIÓN BARRIO ADENTRO	2.185	5.588	4.593	-51%
MISIÓN RIBAS	4.366	4.363	4.559	-38%
MISIÓN SUCRE	1.034	1.564	2.350	-11%
MISIÓN MADRES DEL BARRIO	713	2.966	1.512	-70%
MISIÓN NEGRA HIPÓLITA	454	502	1.009	23%
SUBSIDIO AL PASAJE ESTUDIANTIL	136	154	958	269%
MISIÓN SAMUEL ROBINSON	302	332	478	-15%
MISIÓN IDENTIDAD	134	291	296	-40%
MISIÓN NIÑO JESÚS	235	235	180	-55%
MISIÓN NEVADO	-	200	167	-50%
MISIÓN MILAGRO	70	90	162	7%
MISIÓN "CHE GUEVARA"	69	81	160	17%
MISIÓN CULTURA	506	664	109	-90%
MISIÓN HIJOS DE VENEZUELA	1.800	1.958	95	-97%
MISIÓN BARRIO ADENTRO DEPORTIVO	-	113	92	-52%
MISIÓN DR. JOSÉ GREGORIO HERNÁNDEZ	29	32	77	43%
MISIÓN HABITAT	438	57	47	-51%
MISIÓN PIAR	6	3	22	278%
MISIÓN NIÑOS Y NIÑAS DEL BARRIO	267	266	-	-
HOGARES Y MULTIHOGARES DE CUIDADO DIARIO	891	-	-	-
TOTAL	72.988	100.933	75.014	-56%

* AHORA PARTE DE LA MISIÓN SABER Y TRABAJO

DATOS EN MILLONES DE BS. (MM)

Examples of lack of planning can be seen in the allocation of similar amounts every year for various programs. It is important to remember that the 2014 inflation has an official estimate of 68.5 %

Programs	2014	2015
Implementation of strategies for the prevention and control of HIV/AIDS, tuberculosis, asthma , chronic obstructive pulmonary disease, and strengthening blood bank services	Bs. 599 million	Bs. 599 million
Comprehensive care for people with disabilities.	Bs. 11 million	Bs. 11 million
School Feeding Program.	Bs. 5.094 million	Bs. 5.584 million

Source: 2014 and 2015 Budget Law.

56. The lack of planning is also evident in the continued approval of additional funds during the year as a regular practice, which in some cases multiplies the amount that was approved in the budget law. This is the case of:

Mission	2014 Budget Law	2014 with additional credits
Misión Alimentación (Feeding)	Bs. 1.417 million	Bs. 27.602 million
Misión Barrio Adentro (Inside the Neighborhood)	Bs. 3.907 million	Bs. 5.588 million

Source: 2014 Budget Law + Official Gazette

57. We warn about the level of impact of falling oil prices on public spending in Venezuela (up to 50% now covered with extraordinary credits of parallel funds) leaving Venezuelans in severe financial distress and a situation of catastrophic proportions in social matters.

58. Information on public performance is a regular policy, especially since December 2010, when the publication of regular reports from the National Treasury Office ceased and there was no more information about expenditure execution.

59. The Central Bank of Venezuela has not presented any reports to the National Assembly, and has not submitted statistics on the performance of the economy for more than two years.

ARTICLE 2. 2. NON-DISCRIMINATION

In light of the information provided by the State (E / C.12 / VEN / 3, paragraph 276), please indicate whether a comprehensive law prohibiting all forms of discrimination exists. Also provide information on the role and functions of the institutions and levels of the government established to protect the rights enshrined in the Covenant and how they are coordinating among themselves. Please provide more information on concrete measures taken to combat discrimination against indigenous peoples, Afro-descendants, refugees, persons with HIV/AIDS in the enjoyment of economic, social and cultural rights.

60. One of the most obvious elements in these cases of systemic corruption is the lack of a serious public policy for the research of obvious and critical corruption cases.³³ Impunity is essential as part of the policy of opacity, allowing corruption and impacting the enjoyment and exercise of rights for political reasons. In the case of Venezuela, it is in this scenario that frequently occur situations of discrimination for political reasons, which are expressly prohibited by the Covenant (Article 2, Paragraph 2.)
61. As reference, we mention the Transparency Venezuela report, "[Mission Impunity](#),"³⁴ which aims to expose possible corrupt individuals and demand justice in the country, through the dissemination of research cases of corruption that shocked the Venezuelan community:
62. **i. Corruption Without Remedies**³⁵, 400.000 kilos of medicines expired between 2.010 y 2.014 and were not distributed to hospitals around the country; **ii) El Guiso del PAE** (The School Feeding Program Fraude)³⁶ a report from de Comptroller General revealed in 2013 that the School Feeding Program (PAE) managed by the Ministry of Education, operated without the minimum fiscal controls; **iii) Judiciary Corruption: Impunity lives in Lebrun City**³⁷, impunity walks around a land acquired by Supreme Court of Justice at a cost of over 78 million Venezuelan Bolivars³⁸, located in one of the capital's neighborhoods near Petare; **iv) What Happened with CADIVI?**³⁹ President Nicolas Maduro said that he would establish a presidential commission to investigate how the system of exchange control has been violated in Venezuela since 2003. This means that the highest level of the State recognizes that corruption nested \$ 25 billion, estimated by the former Minister of Planning, in deliveries of preferential currency; **v) De PDVAL a Pudreal**⁴⁰ From 2007 and 2008 there have been irregularities in the purchase of food by the State, specifically since Petróleos de Venezuela (PDVSA) took the reins of the so called "food sovereignty." In 2010 alone, 170 thousand tons of rotten or expired food showed up, from which there is no investigation.
63. We emphasize the refusal to investigate allegations *sua sponte* of the Public Officials responsible for preventing, investigating and punishing actions against public ethics and administrative morals. Specifically, the General Public Prosecutor Luisa Ortega Diaz (2007-) on several occasions reiterated her refusal to investigate acts of corruption denounced publicly:
64. Case: President of the Criminal Chamber of the Supreme Court Judge Eladio Aponte Aponte: He offered detailed statements of government ties with drug traffickers and operations held in Venezuela, led by then Defense Minister Henry Rangel Silva, General Cliver Alcalá Chief of Army of the Fourth Armored Division and Diosdado Cabello, current President of the National Assembly⁴¹. In this regard, Prosecutor Ortega said: "*The statements given by Eladio Aponte Aponte to a media outlet, we assume that outside*

³³ C. Nash, et. Al. *Corruption and Human Rights in the Jurisprudence of the Inter-American Court of Human Rights*. Human Rights Centre University of Chile 2014. Chap. 2.

³⁴ <http://transparencia.org.ve/impunidad/>

³⁵ transparencia.org.ve/wp-content/uploads/2015/03/Medicamentos-Lisette-Cardona.pdf

³⁶ transparencia.org.ve/wp-content/uploads/2015/03/PAE-Jes%C3%BAs-Yajure.pdf

³⁷ <http://transparencia.org.ve/wp-content/uploads/2015/03/Ciudad-Lebr%C3%BAn-JF-Alonso.pdf>

³⁸ Alrededor de 12 millones de dólares a una tasa de 6,30 bolívares por dólar

³⁹ <http://transparencia.org.ve/wp-content/uploads/2015/03/Cadivi-David-Gonzalez.pdf>

⁴⁰ <http://transparencia.org.ve/wp-content/uploads/2015/03/PDVAL-Fernando-Tineo.pdf>

⁴¹ <http://www.lanacion.com.ve/internacional/acusa-de-narcotrafico-a-funcionarios-venezolanos-el-exmagistrado-del-tsj-eladio-aponte-en-la-dea/>

the country, are not sufficient to initiate an investigation in Venezuela. Complaints in Venezuela should be formulated according to the procedure established in the Code of Criminal Procedure. This person, Aponte, in any case has to come to the country to formulate his complaints.”⁴²

65. Case: Former Planning Minister Jorge Giordani: Through a letter to the nation broadcasted by several media outlets⁴³ he expressed the deviation in the management of the national oil company (PDVSA) and the Central Bank of Venezuela, as well as the excessive spending and existing disorder within the current government; in view of this the Prosecutor said: *"There is no formal investigation about this case ... because a complaint should not be made through a letter or through the press, but to the authorities responsible for receiving complaints.”⁴⁴*
66. Case: Lieutenant Colonel Leamsy Salazar: He denounced Diosdado Cabello to the DEA in Washington, for drug trafficking. The Prosecutor expressed the following: *I do not start investigations by what appears in the media or social media. That would be a legal uncertainty for the whole country. Complaints cannot be anonymous because then anyone can denounce anything.”⁴⁵*
67. Similarly, we must reiterate the discrimination in respect of employment for political motivations that have taken place in Venezuela, according to the Human Rights Center of the Andrés Bello Catholic University⁴⁶ (UCAB)⁴⁷. We note that in 2014 the Minister of Housing and Habitat Ricardo Molina, threatened⁴⁸ to fire the officials assigned to the institution *"To all the staff members that work for our institutions but whose political views are different from ours, zero tolerance, I do not accept anyone coming here to speak ill of the revolution, no one comes here to speak ill of Commander Chavez. I do not accept fascist party militants. If anyone wants to be militant of the Poder Popular party (Popular Will) (...) you have to resign, and if you don't, I will fire you myself.”* And he added: *"I don't care at all, and I say this with absolute clarity, I don't care at all what the labor regulations say.”* Later the minister said that his remarks had been taken out of context and that it was a "warm call" to workers.⁴⁹
68. Currently, another case of discrimination in respect of employment for political motivations is the mandatory collection⁵⁰ of signatures demanding the repeal of the decree that punished seven government officials assigned to public bodies of the Bolivarian Republic of Venezuela. Allegations involve senior officials from different institutions obliged to sign "without exceptions." This obligation was sent to officials by written communication as was used by the "Tascon" or "Maisanta"⁵¹ lists.
69. In addition to impunity, in the case of the Missions, the lack of clear and known criteria for the selection of beneficiaries to be admitted or not to the programs, create opportunities for the people that have the power to include them in those programs to demand payment, compensation, commissions or political allegiance .

⁴² <http://eltiempo.com.ve/venezuela/investigacion/ministerio-publico-descarta-investigar-denuncias-de-aponte/51100>

⁴³ http://www.panorama.com.ve/contenidos/2014/06/18/noticia_0087.html

⁴⁴ <http://www.eluniversal.com/economia/140627/FiscalíaFiscalía-no-investiga-las-denuncias-hechas-por-giordani-en-su-carta>

⁴⁵ http://www.el-nacional.com/politica/investigaran-Cabello-denuncias-medios_0_565143704.html

⁴⁶ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/430/92/PDF/G1343092.pdf?OpenElement>

⁴⁷ http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VEN/INT_CCPR_ICO_VEN_17846_S.pdf

⁴⁸ <http://www.elmundo.com.ve/multimedia/videos/ministro-molina-amenaza-con-despedir-a-empleados-o.aspx>

⁴⁹ https://www.youtube.com/watch?v=uo16ABM_-Mo

⁵⁰ transparencia.org.ve/transparencia-venezuela-alerta-de-la-grave-situacion-de-presion-sobre-funcionarios-publicos/

⁵¹ <http://www.laverdad.com/politica/72513-despiden-a-dos-trabajadores-de-corporozulia-por-negarse-a-firmar.html>

ARTICLES 10 AND 11 Mission Children of Venezuela and School Feeding Program

13. Please provide information of the available social support services for families, in particular for the families of disadvantaged and marginalized groups and if support services are provided for childcare.

70. This is a particularly important paragraph because it is related to the situation of children in Venezuela, the special duty that the state has to protect their rights and the strict control that the supervisory bodies must perform on the effectiveness of the measures.
71. At this point we want to draw the attention of the Committee on the Mission Children of Venezuela. This policy –similar to conditional economic transfer programs–consists in the allocation of financial aid to families in extreme poverty, with a household income below the minimum wage (currently 5,622.48 bolivars) with children under 18, family members with disabilities or pregnant women. According to recent studies, this program hasn't had positive results because poverty has increased in Venezuela from 2007 to 2014 by 20,4%.
72. Our concern, from the transparency of the program point of view, is that the involved organizations do not publish reports with data about the Mission, its achievements and impact making it impossible for its social control⁵² and to avoid a discriminatory application of it⁵³.
73. In relation to the School Feeding Program (PAE)⁵⁴ aimed at “supplying a daily varied, balanced and quality nutrition to the students by delivering a menu adapted to the nutritional requirements,”⁵⁵ it is insufficient to meet the necessary minimum to guarantee the right enshrined in art. 10.3 of the ICESCR. According to PAE's budget, they would currently be investing 6.35 Venezuelan bolivars per day per child served to provide a balanced diet, but according to the Centre for Documentation and Social Analysis of the Venezuelan Federation of Teachers the average cost of a workers lunch in 2015 remains around 371.01 Venezuelan bolivars, figure that exceeds more than 58 times what is spent on each child under the School Feeding Program.
74. If any Mission is essential, it is the one that guarantees a minimum of daily nutrition to the children of the country. The program has been showing serious weaknesses for the past six years, and the measures taken, such as the creation of the National Corporation for School Feeding⁵⁶ deepen the dependence and discretionary control concentration information and decisions with greater opacity. The problem in Venezuela is not only the lack of budget for the PAE but also the lack of priority and redirection of the spending to the PAE. This is not only an insufficient measure, which does not allow minimum satisfaction of requirements for “possible protection and assistance” to the family (art. 10.1 of the Covenant) and an

⁵²It is particularly serious that there is no database of beneficiaries to provide the criteria for managing the system output of beneficiaries who exceed the extremely poor situation or extremely poor families whose children come of age, or beneficiaries who for some reason no longer require the support of the mission. .

<http://transparencia.org.ve/wp-content/uploads/2015/01/InformeHijos2.pdf>

⁵³<http://transparencia.org.ve/wp-content/uploads/2014/11/Misiones-Transparentes-N%C2%B011-Gran-Misi%C3%B3n-Hijas-e-Hijos-de-Venezuela1.pdf>

⁵⁴<http://transparencia.org.ve/wp-content/uploads/2015/01/pae.png>

⁵⁵<http://transparencia.org.ve/wp-content/uploads/2014/11/Misiones-Transparentes-No.-7-Programa-de-Alimentaci%C3%B3n-Escolar.pdf>

⁵⁶<http://www.ultimasnoticias.com.ve/noticias/ciudad/parroquias/oficializan-creacion-de-la-corporacion-nacional-de.aspx>

“adequate standard of living” (art. 11.1 of the Covenant), but also it is a policy for which has not been given enough information to enable effective control, which is giving basis for a discriminatory application.

ARTICLE 11 RIGHT TO AN ADEQUATE STANDARD OF LIVING

16. Please provide updated disaggregated statistical data, by age, sex, ethnic or national origin, rural and urban areas, on the situation of poverty in the State party. Also, please provide information regarding the results of the implementation of measures to fight against poverty, and particularly of the 2007-2013 Socio-Economic Development Plan, if there’s a method for assessing such measures, and how the State party intends to ensure its long-term sustainability.

75. The following chart has official information from the National Institute for Statistics with the number of poor people and extremely poor people from 1998 to 2013. In 2014 the public information is the study carried out by three of the most prestigious universities of the country (Andrés Bello Catholic University -UCAB, Simón Bolívar University- USB, Central University of Venezuela-UCV)

Poor households in 2014, 48

Poverty	1998	2003	2007	2010	2013	2014*
% Poor people	46	55	28	27	28	48,4
% Extremely poor people	27	30	20	20	18	23,6
% Non-extreme poor people	19	25	8	7	10	24,8

Source: Up to 2013, National Institute for Statistics

- 2014: Data extracted from the study “Living Conditions in Venezuela Survey 2014”: UCV, USB y UCAB.⁵⁷

17. Please provide further information about the implementation of the Great Housing Mission Venezuela, and how has it helped to reduce the persistent housing deficit. Also, please provide information about the adopted measures regarding social housing, its accessibility to disadvantage and marginalized families, particularly in rural and deprived urban areas. Additionally, report on measures taken in relation to forced evictions of people living in informal settlements.

⁵⁷ Available: <http://www.rectorado.usb.ve/vida/sites/default/files/pobreza.pdf>

76. **HOUSING MISSION** Between 1999 and 2010, the Ministry of People’s Power for Public Works and Housing was changed ten (10) times. In 2011, the State created the Great Housing Mission which aims to solve the housing problem in the country with the construction of 3 million homes nationwide in eight years, which in principle would be awarded, in some cases donated to low-income families, and others depending on the socioeconomic status of the family, would pay them in a long term, with low interest and a comfortable installment plan.⁵⁸
77. **1. Little information and a lot of Propaganda. As expressed in art. 11, paragraph 1 of the Covenant "adequate housing" is a right** enshrined as well as "continuous improvement of living conditions." Regarding the policy of the Housing Mission, we find a recurring problem in all missions, which is the lack of clear and specific information and a lot of propaganda that show numbers that avoid details and generate a misconception of the results of the program. The three most obvious are:
78. Lack of clarity between built and delivered households: Propaganda states that “in four years 700,000 homes were delivered.” Without data that allow a formal verification, investigations from national universities, the Construction Chamber, the Real Estate Chamber, Caracas Metropolitan Mayor’s Office and Transparency Venezuela claim that about 40% weren’t new housing construction but home repairs, replacement of very low quality houses for better ones, and delivery of construction materials.
79. Lack of clarity regarding ownership: The “delivery” of housing is not protected by the right to property, and the award is made for its enjoyment, but not for its disposal. There is no property registration for the award. The “delivery” of the house is made through a provisional certificate, acknowledging the recipient the exclusive and free use and enjoyment of the housing, being its disposal conditioned (with no set date) to the further formalization of the ownership document by National Bank of Housing and Habitat(BANAVIH)⁵⁹, which it is the organization responsible for notarization and collection of homes built as part of the Great Housing Mission Venezuela, defining the price and designing a financing scheme applicable to each family.⁶⁰
80. “The award is a gift from the country’s President”:⁶¹ From this vision is structured the dissemination of the program that reaches the walls of all the buildings where President Chavez’s signature is painted. This propaganda undermines the quality of Housing Mission as a social state program that seeks to overcome structural weaknesses to overcome situations of vulnerability. By contrast, political control and dependence mechanisms of the ruling party are designed in order to receive and maintain housing, limiting property rights of citizens on housing and generating an uncertain situation for beneficiaries, that in no way guarantees the right to property. In this regard, Transparency Venezuela filed a formal complaint with the Comptroller General of the Republic entrenched in the Law against Corruption that

⁵⁸ <http://transparencia.org.ve/wp-content/uploads/2014/11/Misiones-Transparentes-GMVV.pdf>

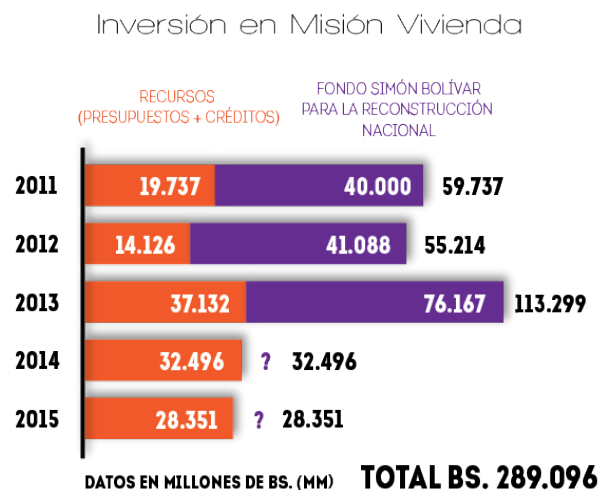
⁵⁹ <http://www.banaviv.gob.ve/index.php/protocolizacion>

⁶⁰ Resolution No. 033 of the Ministry of Popular Power for Housing and Habitat published in Official Gazette 39865 of 15 February 2012. Documents from which there is no information or statistics.

⁶¹ On behalf of President Chavez | Carlos Mata Figueroa delivers a house to the follower 3 million of @chavezcandanga. <http://www.correodelorinoco.gob.ve/regiones/carlos-mata-figueroa-entrega-vivienda-a-seguidora-3-millones-chavezcandanga/print/> <http://nortedigital.mx/le-pega-con-un-mango-a-maduro-y-le-regalan-una-casa/>

in its Article 13 states the prohibition to "allocate the use of public assets or resources that integrate the public patrimony to favor parties or political projects(...)."⁶²

81. **2. Risks of Corruption in Contracting:** As the largest percentage of construction projects were allocated through international agreements to companies from China, Russia, Belarus, Spain , Brazil, Iran , Turkey and Portugal, no tenders were made, and contracts are classified as privileged protected by contractual confidentiality clauses, process that was legalized by the Procurement Law enacted in 2008 with subsequent amendments in 2009, 2010 and 2014 that have allowed greater exclusions to the mechanisms of selection of contractors and contracting processes of the State.⁶³
82. **3. Risks of Corruption in Execution of Public Resources to Ensure Rights:** It is impossible to monitor the management of the resources allocated to this Mission; being that many entities are involved without a clear central leadership and they are not accountable for the resources allocated to the Mission. In addition, the way the program is organized implies that for every 100 Venezuelan bolivars assigned to missions, 53 Venezuelan bolivars⁶⁴ are destined to build houses, which are divided between Ministry of Housing and Habitat, Ministry of Energy and Petroleum, Ministry of the Revolutionary Transformation of the Great Caracas, Vice-presidency of the Republic, Ministry of Basic Industry and Mines, Ministry of the Environment and Ministry of Defense, all entities whose function is not subject of housing construction. Besides these, in the 2015 Budget many other public bodies have resources to build housing, such as Caracas Metro, *Corporación Venezolana de Guayana*, (CVG), Ministry for Communes, and Ministry for Indigenous Peoples, which makes it impossible to keep track of the money.
83. The amounts destined to the Great Housing Mission have been extraordinary, but unable to verify whether they were all used and in what were they used because of the lack of information.
84. The following chart shows the resources for housing construction from the National Budget, additional credits, and Simón Bolívar Fund for the National Reconstruction.



Source: Budget Law, Official Gazettes, PDVSA management reports

⁶² <http://transparencia.org.ve/transparencia-venezuela-denuncio-proselitismo-politico-en-espacios-publicos/>
⁶³ Public Procurement Act . Official Gazette No. 38,895 of March 25, 2008 <http://www.bcv.org.ve/c1/pdf/leycontrata08.pdf>
⁶⁴ How the Mission's money is spent in Venezuela ? Newsletters. Transparency Venezuela. <http://us5.campaign-archive1.com/?u=0d9cbe65d39349c8679081442&id=4ed6155bbe>

85. The information of years 2014 and 2015 of the contribution made by PDVSA to Simon Bolivar Fund for National Reconstruction is not available because so far the state oil company has not presented it's 2014 Management Report,
86. Every policy of social benefits must be effective and efficient. This is why the lack of study and planning is also another problem that generates excessive and unnecessary costs in this Housing Mission. No studies are carried out about electricity, water, gas, telephone, transport in areas where urban planning is done or one or more buildings are constructed for hundreds and perhaps more than a thousand families. For example, in a big development for 1,300 families located in Miranda State, the construction of a school is not planned.⁶⁵ In other cases, complaints have been made about the deterioration of these buildings, cracks in their structures, failure in electrical and potable water services, among others. An emblematic case is the construction of the urban complex *Nueva Caracas* (New Caracas), located in Caracas, which was awarded to 48 families in September 2013, but only one month later the structure that was built with Spanish technology, started to crack and leak. [1]
87. Also, 20 families living in El Morro neighborhood located in Miranda State reported in March 2013, that eight months after occupying the houses, they began to crack and sink.⁶⁶ Annex 2
88. According to official figures announced by the national government in its several news websites, 700,000 homes have been delivered by April 2015, which means the construction of 26,584 homes from January to April 2015, having the goal of 400,000 for this year.



Source: 2015 Annual Speech to the Nation by the President of the Republic.

⁶⁵ The institutional map of the Great Housing Mission Venezuela: or of the lack of transparency and its consequences. Electronic Newsletters. Transparency Venezuela. <http://transparencia.org.ve/wp-content/uploads/2014/11/Misiones-Transparentes-GMVV.pdf#page=16>

⁶⁶ <http://www.eluniversal.com/caracas/121013/se-agrieta-el-sueno-de-la-vivienda-digna-en-edificio-de-catia>
<http://www.ultimasnoticias.com.ve/noticias/ciudad/parroquias/video-y-fotos-se-agrieta-edificio-de-gmmv-en-petar.aspx>

89. Regarding the monitoring possibilities, the Government has never presented a list of the houses built with their precise location so it can be verified if the information disseminated through media outlets is real.⁶⁷ Neither the Comptroller General of the Republic in its management reports of the last five years refers to having those lists, despite being legally required to verify the accounting information of public power apparatus of the State. There is not even a single list of beneficiaries, at least publicly known that has been disclosed by the different bodies and agencies involved in the housing construction.
90. The lack of transparency generates risks of corruption in the social programs which should ensure the ESCR. One case is the lack of known selection criteria and award process to beneficiaries. In the Housing Mission case, the award does not respond to known, clear and balanced criteria. With a census of potential beneficiaries of 3,700,000 families and a delivery of 700,000 according to official data until April 2015, the selection is highly complex and requires complete transparency to avoid privileges and abuses, and thus ensure that the beneficiaries are the families most in need.
91. As this Committee can appreciate, this is a public policy that does not meet with certain minimums in order to satisfy the rights enshrined in art.11 of the Covenant, this is, a broad vision of the right to housing and its environment.⁶⁸ Public policy suffers from an obvious lack of research and planning. No supervision and accountability is possible because no results have been presented by the authorities.

18. Please provide information about the measures taken to ensure the access to an amount of water that is sufficient and safe for personal and domestic use. Please also provide information about the system used to control the quality of the water.

PUBLIC SERVICES AND THE RIGHT TO WATER

92. Today it is not possible to speak of minimum health conditions without access to water.⁶⁹ Hence, it is important to question the effectiveness of public service programs related to water access. Although according to official figures the State has been able to meet the Millenium Development Goals on access to drinking water,⁷⁰ the reality is that the service is provided under poor conditions of quantity, quality and continuity throughout the national territory. Water management in the country is handled with secrecy, refusing access to information to citizens. Wastewater treatment plants in the country are in advanced state of deterioration, increasing pollution of water bodies, as recognized by the Comptroller General of the Republic in its special report of 2010.⁷¹

⁶⁷ <http://transparencia.org.ve/wp-content/uploads/2014/11/Misiones-Transparentes-N%C2%BA10-Gran-Misi%C3%B3n-Vivienda-Venezuela.pdf>

⁶⁸ DESC Committee. General Comment No. 4. The right to adequate housing (paragraph 1 of article 11 of the Covenant) . 1991 Sixth session . E/1992/23

⁶⁹ Water is a limited natural resource and a public good essential for life and health. The human right to water is indispensable for a living and is a prerequisite for the realization of other human rights. " ESCR Committee . General Comment 15. The right to water (articles 11 and 12) , E / C.12 / 2002/ 11, paragraph 1

⁷⁰ <http://transparencia.org.ve/proacceso-exige-transparencia-en-la-gestion-publica-del-agua-en-venezuela/>

⁷¹ file:///C:/Users/Transparencia1/Contacts/Downloads/INFORME_CUENCAS.pdf 78

93. If the Covenant guarantees every person “the right (...) of an adequate standard of living for them and their families (...) and a continuous improvement of living conditions,” one cannot help but notice that the policy of access to water in Venezuela is not allowing to fulfill the normative mandate of art.11 paragraph 1 of the Covenant. Without access to water in terms of quality, quantity and continuity, there is no possible adequate level of living.
94. Although official figures show more than 85 % coverage in the treatment of wastewater⁷² in urban populations, the reality is that the vast majority of the wastewater plants in the country are in an advanced state of deterioration and therefore do not perform verification processes with due efficiency, thus increasing pollution of the water bodies that they are supposed to protect, as was recognized by the Comptroller General of the Republic in its 2010⁷³ special report and evidenced in the microbiological testing of tap water, dated September 26, 2011, by the Centre for Applied Microbiological Research at the University of Carabobo.⁷⁴
95. Legal actions before the Supreme Court and municipal courts⁷⁵ that have been undertaken by the free access to public information on the quality of drinking water and sanitation, have been dismissed by the judiciary, violating the human right of citizens to know, to have a healthy environment and the right to health.
96. Several environment organizations of the civil society, like Movement for Quality of Water Foundation, have submitted for the past 5 years, scientific and technological evidence that show how the population of the Aragua, Carabobo and Cojedes states have been receiving water that does not meet the existing Health Standards of Drinking Water Quality, proving that the supply has high levels of concentration of chemicals (including aluminum) well above the current standard, and the presence of bacteria and parasites in the water supplied for public consumption. Several medical and professional toxicology organizations have warned of the medium and long term effects of water intake in these conditions, on the health of the population served.
97. Moreover, without access to comprehensive, unified, accessible and clear information on public policies of public services, it is not possible to control them. Thus, an area of opacity opens that allows forms of discretion and political use of public resources by allocating them discretionally.

19. Please provide information of the results of the implementation of the Food Safety Plan. Provide further information about the situation of alleged shortages and in some cases scarcity of food and basic goods that have occurred in the State party, as well as about the measures taken to fight the shortage and those to prevent a similar situation from happening again.

⁷² Correo del Orinoco <http://www.correodelorinoco.gob.ve/salud-publica/venezuela-supero-metas-milenio-relacion-acceso-agua-potable/>

⁷³ Special report: Environmental problems and ecological relationships deterioration in the most important river basin in each federal entity " Source: http://www.cgr.gob.ve/site_informes_special.php?Cod=028

⁷⁴ Diario El Carabobeño: <http://el-caraboben.com/impreso/articulo/11837/estudio-determin-en-2011-presencia-de-cianobacterias-en-el-agua-de-valencia>

⁷⁵ Supreme Court of Justice Fuente: <http://www.tsj.gov.ve/decisiones/scon/mayo/433-6513-2013-12-0340.html> y <http://carabobo.tsj.gov.ve/DECISIONES/2013/OCTUBRE/727-21-8507-8507.HTML>

98. Despite the several measures taken by the Venezuelan state such as wage increases, creation of a food bonus, creation of state-owned food companies' network, laws that regulate prices and profits and a greater control over the granting of foreign currency for food import, shortages have increased 56%.⁷⁶
99. The fractional increase in the minimum wage by the National Executive reached 72% for the period 2014-2015. However the Center for Documentation and Social Analysis of the Venezuelan Federation of Teachers (CENDAS) in its February 2015⁷⁷ report, refers to a 122.1 % increase in food prices, for the same period, which means that 3.5 minimum wages are required to acquire the food basket .
100. The existing shortages of several products has led to take measures to enable citizens to acquire those items like the allocation of days for shopping according to the numbers of the personal identity card, the amount of products they can buy and through fingerprint readers⁷⁸.
101. The Central Bank of Venezuela⁷⁹ hasn't published the scarcity index since March 2014, time when food shortages were increased.
102. Work tables implemented by the Venezuelan state with the food production sectors of the country in 2014⁸⁰, did not produce solutions to the lack of food in the country. Thus, from scarcity we have gone to shortages.

ARTICLE 12 RIGHT TO PHYSICAL AND MENTAL HEALTH

21. Please provide information regarding the availability and accessibility of the health services in the State party and the results of the implementation of the "Misión Barrio Adentro" (Inside the Neighborhood Mission). Please inform about the adopted measures taken by the State to ensure that hospital infrastructure is adequate, that health centers have the provision of medical supplies and enough and adequate medicines, including the supply of retroviral medication.

MISSION BARRIO ADENTRO AND HEALTH SYSTEM.

103. In this policy we find once again the constant change of Ministers. Since 2003, 12 Health Ministers have directed de Mission Barrio Adentro, three military members among them. In fact, while Colonel Jesús María Mantilla directed the Mission, there was the "silence of epidemiological information" which consisted of not informing citizens about public health in the country⁸¹. Again in November 2014 the publication of the Bulletin was suspended, adding more 5 months without epidemiological information to date of submission of this report to the Committee. We emphasize that the periods of "silence" coincided with outbreaks of dengue, Chikungunya, malaria, in such quantities that it was evident that epidemic alarm was required, and some local governments did take steps in view of outbreaks to fumigate the cities.

⁷⁶ www.datanalisis.com

⁷⁷ <http://informe21.com/cendas/canasta-basica-familiar-de-marzo-subio-a-bs-3512445>

⁷⁸ http://www.el-nacional.com/economia/Unidad-Vision-Venezuela-desabastecimiento-alarmante_0_553144759.html

⁷⁹ http://www.el-nacional.com/economia/Gobierno-publica-meses-cifras-inflacion_0_538146359.html

⁸⁰ <http://www.eluniversal.com/economia/150414/sectores-de-alimentos-exigen-medidas-para-evitar-mas-escasez>

⁸¹ http://transparencia.org.ve/wp-content/uploads/2014/11/Misiones-Transparentes-N%C2%BA13-Misi%C3%B3n-Barrio-Adentro_.pdf

104. Since May 1st 2015, six months have passed since the State last issued epidemiologic information. The Weekly Epidemiological Bulletin has not been published in the Ministry of Popular Power for Health website since November 1st, 2014. In March of this year, Doctors for Health, a network of resident doctors working in public hospitals around the country, reported the results of a survey conducted in 130 public hospitals in 19 states, which showed that 44% of operating rooms were not operational, and that 94% of the laboratories have malfunctions or lack of reagents.⁸²
105. The hospital crisis is such that by August 19, 2014, the Venezuelan Association of Hospitals and Clinics requested the declaration of humanitarian emergency in the health sector, given the worsening scarcity and irregular supply of inputs, medicines, surgical and medical equipment and their spare parts, putting lives and patient prognosis at risk.⁸³
106. On August 20th of the same year, Gabriela Ramírez the Ombudswoman for that date, assured that there is a constant dialogue with the Ministry of Health to address the shortage of medicines and medical supplies and called “absolutely disproportionate” the request of the Venezuelan Association of Hospitals and Clinics (AVCH) and other groups. At the same time she acknowledged “some flaws” in the provision of medical supplies.⁸⁴
107. The fault is such that the Venezuelan Medical Federation reported on May 3, 2015 that to date “at least 12,830 doctors have resigned from their duties in public hospitals, of which 7,330 are leaving the country because of the difficult hospital situation. Other 2,500 health professionals from the private sector are already part of the group that is leaving the country. “They sum 10,300 doctors that have gone abroad.”⁸⁵
108. Regarding the information published about the Mission Barrio Adentro, there are inconsistencies between the several sources that provide such information, which makes it almost impossible to have an accurate assessment of the impact of the Mission⁸⁶ and therefore a citizen control over how to implement the policy, scope of beneficiaries, standards of care, among other vital elements for evaluation is not possible.

⁸² http://www.el-nacional.com/sociedad/crisis-sistema-salud-Venezuela_0_619138261.html

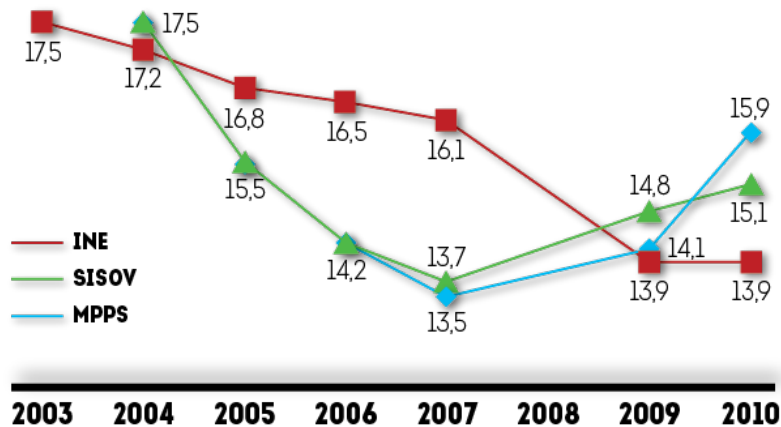
⁸³ <http://avch.org.ve/declaracion-de-emergencia-humanitaria-en-el-sector-salud/>

⁸⁴ <http://www.elmundo.com.ve/noticias/actualidad/politica/defensora-crece--desproporcionada--declarar-emergen.aspx>

⁸⁵ <http://www.2001.com.ve/en-la-agenda/96244/fmv--mas-de-10-mil-medicos-se-han-ido-de-venezuela-.html>

⁸⁶ <http://transparencia.org.ve/wp-content/uploads/2015/01/InformeBarrio1.pdf>

MORTALIDAD INFANTIL EN VENEZUELA, 2003-2010.



INE: National Institute of Statistics

SISOV: Venezuela Integrated System of Social Indicators of the Ministry of the Popular Power of Planning

MPPS: Ministry of Popular Power for Health

109. As this Committee can appreciate, the policy is linked to the obligation of the State to take measures to "ensure the full realization of this right... necessary to reduce stillbirths and infant mortality and for the healthy development of children." (art. 12.2.a) This is a regulation that imposes a demanding standard of effectiveness for the State, that in the conditions under which Mission Barrio Adentro program has been developing cannot be adequately enforced, because an evaluation is not possible given the inconsistency between reporting sources.

110. In its report, to illustrate the situation, the General Comptroller of the Republic observed irregularities in the "*Contract for the supply and installation of the main network of Medicinal Gases in the Children's Hospital Dr. José Manuel de los Ríos,*" both in the way it was carried out "without the guarantees required under Article 38 of the *LOCGRSNCF*⁸⁷ and the time of execution and completion"⁸⁸.

111. Case: Specialized Hospitals. President Chávez announced in 2007 the construction of 6 facilities that would be built simultaneously. While the opening of these facilities was postponed on several occasions, a significant amount of resources was invested for its implementation and completion.

112. Although officially only an additional credit for construction was approved, there have been various funding announcements by two of the government's major parafiscal funds according to research published by the website RunRunes in 2012⁸⁹. This research shows the vast amount of resources from different sources that have been allocated in works that today remain stagnant. The following tables list the resources directed to the execution of these works:

⁸⁷ Organic Law of the Comptroller General of the Republic and the National Fiscal Control System

⁸⁸ Management Reports : Comptroller General of the Republic , 2013. Available at: http://www.cgr.gob.ve/site_informes_management.php?Cod=026

⁸⁹ <http://runrun.es/investigacion/elefanterosojos/>

Hospital: Location	Millions of Bs
Adult Cardiology Center: Montalbán Caracas	187,6
National Cancer Center: Guarenas Oncology	308,5
Maternal-Child Hospital: San Fernando Apure	193,5
Nephrology/Urology Hospital: Guárico	161,2
Gastroenterology and Oncology Hospital: El Vigía	217,1
Toxicology and Oncology Hospital: Barinas	204,5
Total	1272,4

Other funding	Millions of US \$
Bandes through Chinese Venezuelan joint fund (2012)	141
Fonden	187,2
Fonden	149,9
Fonden	223,8
Total	701,9

113. The Comptroller General's Office informed in its 2011 and 2012 reports about irregularities committed by Cuban and Venezuelan officials in activities of import, storage and distribution of medicines from the Cuba - Venezuela Agreement without due regard for their expiration dates.⁹⁰ In 2013, NGO's PROVEA, Espacio Público (Public Space), Acción Solidaria (Solidarity Action) and Transparency Venezuela filed a lawsuit against the Ministry of Health (MPPS) for having omitted information about these irregularities and requested competent bodies investigations and sanctions on those responsible. The 2013 Comptrollers report⁹¹, for the third time, found irregularities in 9 contracts, signed between 2012 and the first semester of 2013, that referred to the acquisition of medicines, medical and surgical equipment amounting to 2,798.5 million Venezuelan bolivars destined to the Mission Barrio Adentro and its receipt, storage and distribution was in charge of the Autonomous Service of Pharmaceutical Elaborations (SEFAR.)

114. The irregularities found by the Comptroller General of the Republic showed planning issues regarding the required products; failure to comply with delivery and quantities schedules; double acquisition; lack of expedition in the withdrawal and nationalization process in customs; and weaknesses in programming and organizing storage and distribution. This affected the time of effectiveness, quality and physical condition or life of the products and their immediate availability, limiting the right to timely healthcare in hospitals and clinics. The irregularities found were:

⁹⁰ Cuban and Venezuelan officials involved. In: Últimas Noticias, 18.06.13, pág. 18

⁹¹ COMPTROLLER GENERAL OF THE REPUBLIC: Performances . Annex to the Report. 2013, pages. 56-58. [on line]

<file:///C:/Documents%20and%20Settings/Administrador/Mis%20documentos/mis%20documentos/PROVEA/Cap%C3%ADtul o%20Salud%202013/0000_ACTUACION_COMPLETA.pdf

115. Lack of studies or technical reports that justify the physical quantities of the contracts, according to the requirements and needs of health centers or executing units of the Ministry of Health.
116. Duplication of contracts for the purchase of 17 types of medicines, in quantities that were not justified because there were available units from previous contracts.
117. Delay in the removal of products in customs and legal abandonment for lack of documentation in the case of products that were not dispatched for 5 months which led to additional payments for custom services and storage.
118. 212,454 Glucose Diagnostic Kits for diabetes entered Autonomous Service of Pharmaceutical Elaborations (SEFAR) 11 months after being removed from customs, in Armed Forces warehouses.
119. 9,418 Glucose Diagnostic Kits, acquired in 2010 and 2011 with close expiration dates went without distribution. However there were contracts for the acquisition of 1,985,612 kits
120. Breaches in the delivery schedule, receiving 0.8 % of the 74 % projected and identification of differences between amounts reported and delivered in 6 types of drugs, ranging between 208 and 118,605 units.
121. Absence of a product distribution schedule for hospitals. To date, there is no investigation on the case of expired medicines and the other irregularities. There are no sanctions nor has it been informed of transparency programs in the procurement process for medicines, supplies and medical or health equipment. On the contrary, the Constitutional Chamber of the Supreme Court in ruling No. 1177 of August 6, 2014, by which the Court declared inadmissible a complaint interposed against the Ministry of Popular Power for Health in which organizations such as Espacio Público (Public Space), Acción Solidaria (Solidarity Action), The Venezuelan Program for Human Right Education and Action (PROVEA) and Transparency Venezuela asked the Court to rule on the omission of Ministry of responding to a request for information made on the occasion of the publication of the Annual Report of the Comptroller General of the Republic, which determined that *“there were irregularities in the purchase of medicines to Cuba and its storage and distribution. Such irregularities were conducted by both the Ministry of Health and the Autonomous Service of Pharmaceutical Elaborations (SEFAR).”* Later in the 2011 Annual Report, the Comptroller General of the Republic reiterated *“the existence of irregularities with medicines found in health centers and whose expiration dates were from 1 to 6 years back, and without the proper security and identification.”*

Thus, the argument used by the Constitutional Chamber was as follows:

122. “ (...)There is nothing in the record that supports this assertion of irregularity underlying the petition. It also shows that the movant did not explain how incorporating the required information in its "annual reports" or the "dissemination through its websites" can be useful, or how it might influence the improvement of the drug procurement process, indicating a no correlation between the magnitudes of the request with the potential use that could be given to it. Therefore, the standard set forth by the Constitutional Chamber of the Supreme Court⁹² has not been met.

⁹² <http://historico.tsj.gob.ve/decisiones/spa/agosto/167892-01177-6814-2014-2013-0869.HTML>

Also in that decision the Constitutional Court made its views clear on the point, in these terms:

123. “This Court’s opinion, these types of petitions, which aim to gather information about the activity that the State executes or is going to execute to achieve one of its goals, that is, obtaining medicines towards ensuring health of the population, undermines the effectiveness and efficiency that should prevail in the exercise of public administration, and public power in general. Although everyone has the right to petition any public entity and to receive timely response, the exercise of this right cannot be abusive in a way that impedes the normal functioning of the administrative activity which, in response to such generic applications, would have to devote time and human resources in order to give explanation regarding the wide range of activities to be undertaken for the benefit of the group. This would unnecessarily overburden and hamper the system of justice to the approaches of these abstentions.”

124. The scarcity of drugs and reagents, important supplies for the treatment of patients, is added to this critical situation, as well as the failure in hospital infrastructure and insecurity in hospitals. In 2014 murders were recorded in the operating room during interventions. All of these are problems that decimate the sector. The University Hospital of Caracas began the year with a severe humanitarian crisis: 13 people died waiting for surgeries for lack of the necessary supplies to operate them.⁹³

125. A survey from Doctors for Health network revealed that the levels of scarcity of medicines or medical supply that normally remain in stock, reached 60% in hospitals, and that most of the medicines in the Model List of Essential Drugs of the World Health Organization were not available in public and private pharmacies. Under international law, governments have an obligation to ensure that these medicines are available and accessible to all people without discrimination

126. Neglect against the Guarantee of the Right to Health by the Legislative Power. The constitution adopted in 1999 established a period of two years to enact a Health Law adapted to the new constitutional provision. To date, mechanisms to facilitate and increase the improvement of the capacity to manage the public services relating to health have not been approved or developed.

22. Please provide further information about the specific measures taken to reduce maternal mortality in the State party, and about concrete results of the implementation of the Mission Barrio Adentro I, II, and III; and the Misión Niño Jesús (Jesus Child Mission).

127. Despite the considerable resources invested, infant and maternal mortality rates that stood at 15.2 and 70, respectively, in 2010⁹⁴ have been impossible to reduce. 73 mothers die per 100,000 live births and at least 13 of the 24 states of the country exceed the national average of 80 per 100,000 births. And of that number, at least 66 % are cases of teenage pregnancy. The causes of maternal mortality are associated with poverty, malnutrition and the difficulties that pregnant women and mothers have to access health centers, doctors, medicines and vitamins.⁹⁵

⁹³ <http://avch.org.ve/emergencia-sanitaria-analisis-de-la-situacion-del-sector-salud-en-venezuela/>

⁹⁴ <http://transparencia.org.ve/wp-content/uploads/2014/11/Misiones-Transparentes-No.-8-Misi%C3%B3n-Barrio-Adentro.pdf>

⁹⁵ <http://www.eluniversal.com/vida/130520/venezuela-es-lider-en-mortalidad-materna-y-embarazo-adolescente>

128. In this sense, in 2000, the Ministry of Health appointed a National Commission for the Prevention of Maternal and Infant Mortalities. Despite the efforts, Venezuela continues to have a maternal mortality rate higher than the ones in countries like Canada, Chile, Costa Rica and Cuba. These figures vary from one state to the other. In Falcón state by 2004 the maternal mortality rate was 45.9, in 2005 was 54.1; in 2006 was 45.3; and in 2007 was 45.1 (Rate per 100,000 live births.)⁹⁶

129. Government initiatives have failed to control the three aspects that generate maternal deaths: failure to recognize the warning signs for the main complications of childbirth, difficulty transporting pregnant women and deficiencies in care in health services. Our country is suffering a serious crisis of infrastructure regarding transfers to health centers, as well as shortages of doctors and health supplies, aggravated every year, so the woman in labor must visit several health centers until they find an available bed, medical and inputs, the latter generally provided by the patient.

The Ministry of Health, in their Maternal and Infant Mortality 1999-2009 Reports reflect through the following tables the progressive increase in maternal mortality.

Mortalidad Materna, Infantil, sus componentes y natalidad. Venezuela. Años 1940 - 2009

Promedio Quinquenal	Infantil		Neonatal		Post-neonatal		Materna		Natalidad
	Muertes	Tasa	Muertes	Tasa	Muertes	Tasa	Muertes	Tasa	
1999 - 2003	9649,20	18,21	6095,80	11,50	3553,40	6,70	330,40	62,34	530029,60
1999	10019	18,98	6251	11,84	3768	7,14	313	59,29	527888
2000	9649	17,72	6269	11,52	3380	6,21	327	60,06	544416
2001	9353	17,66	5846	11,04	3507	6,62	356	67,23	529552
2002	8949	18,16	5871	11,92	3078	6,25	335	68,00	492678
2003	10276	18,49	6242	11,23	4034	7,26	321	57,77	555614
2004 - 2009*	8657,17	14,91	5991,67	10,32	2665,50	4,59	361,33	62,22	580759,33
2004	9272	17,48	5879	11,08	3393	6,40	318	59,94	530565
2005	9093	15,53	6319	10,79	2774	4,74	351	59,93	585655
2006	8371	14,22	5882	9,99	2489	4,23	356	60,49	588500
2007	8323	14,07	5857	9,90	2466	4,17	332	56,14	591345
2008	8307	13,98	5819	9,79	2488	4,19	377	63,45	594191
2009	8577	14,43	6194	10,42	2383	4,01	434	73,03	594300

* Cálculo del Promedio para 6 años.
Fuente: *Muertes: Anuarios de Mortalidad Años 1940 - 2009. Dirección de Información y Estadísticas de Salud - MPPS. Cuadro: (4 de 4)

Source: http://www.mpps.gob.ve/index.php?option=com_phocadownload&view=category&id=39:mortalidad-materna-e-infantil&Itemid=915

⁹⁶ Ministry of Health and Social Development. [Web Site]. Vital statistics : death and birth.2008. [acces Febrero 4th 2.010]. Available en: <http://www.mpps.gob.ve/>

MISIÓN A TODA VIDA VENEZUELA AND PRISONERS HEALTH CONDITIONS

130. The “Misión a toda Vida Venezuela” was created in 2012 as a new government effort, the 22nd in the last 15 years, to fight the insecurity problem in the country. The results are not in line with expectations, rates of murder and kidnapping in the country have not been reduced, coupled with the opacity of information and official figures by the Ministry of Interior, Justice and Peace and other security agencies.⁹⁷
131. Among the largest problems and risks in the implementation of the “Misión a toda Vida Venezuela” is the prison problem. One of the Mission’s axis is the improvement of prisons, that despite the existence of an exclusive Ministry for that area, there are still reported cases of weapons inside prisons, and the prisoners themselves control the National Guard, which by law is the responsible entity to control the prisons.
132. According to the Venezuelan Prison Observatory⁹⁸, there is a prison population of 55,007 people in the country. This far exceeds the installed capacity by the State of only 19,000 people, which in turn shows a surplus of 190%. As part of this overcrowding, the state is out of the prison and the internal control is in the hands of prisoners called "pranes" (prisoners who administer the prison outside of the law, move large sums of money from the illegal charges to the rest prisoners which allows them to corrupt the prison board. The families of the inmates have to pay the "pranes" to secure their lives.⁹⁹)
133. According to the Report of Human Rights of Persons Deprived of Liberty in the Americas¹⁰⁰ Venezuela is the Latin American State with the largest number of violent deaths in their prisons with 1,865 deaths between 2005 and 2009. Recent years have also been marked by violence in prisons like the cases of [Uribana](#) or [El Rodeo](#), events that have triggered the declaration and subsequent extension of emergency in the infrastructure of the prison system by the Venezuelan Government.¹⁰¹ Also, the United Nations High Commissioner for Human Rights, recognized that "the alarming pattern of violence in the prisons of Venezuela (...) is a direct result of the poor conditions in which they are."¹⁰²
134. The 2015 Budget Law establishes the amount of money destined to the feeding of the prisoners. If the average cost of a workers lunch is taken as reference, the budget shortfall is in this case more evident than in the School Feeding Program.

⁹⁷ <http://transparencia.org.ve/wp-content/uploads/2014/12/Misiones-Transparentes-A-Toda-Vida-Venezuela.pdf>

⁹⁸ <http://www.oveprisiones.org/assets/informe-i-2014.pdf>

⁹⁹ <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/los-pranes-no-llegan-a-40-anos.aspx>

¹⁰⁰ "Report on the Human Rights of Persons Deprived of Liberty in the Americas." Inter-American Commission on Human Rights . P 116 Available <http://bit.ly/JBAPN3>

¹⁰¹ "Prison emergency extended for three months " Source : El Universal. available at 7/8/13 in <http://bit.ly/17Y489a>

¹⁰² "Venezuela : High Commissioner expresses concern about the state of prisons " . Source: UN News Centre . available at 7/16/13 in <http://ow.ly/n1a0j>

Feeding (Ministry of Popular Power for the Penitentiary Services)	
Food and beverages of the Ministry of Penitentiary Services	Bs. 401.650.045
Number of prisoners	98.685
Food and beverages per prisoner (For the whole year)	Bs. 4.070,02
Daily amount per prisoner	Bs. 11,15
Invested amount in each meal (Assuming 3 meals per day)	Bs. 3,72

135. Likewise the inclusion of 44,686 new prisoners to the penitentiary system is estimated in the 2015 Budget Law, even if the amount of prisons is the same and there is no increase in the budget allocations for the expansion or improvements of existing infrastructure. In fact, the nominal increase is 10% and if 2014 inflation is considered, the budget for construction, expansion and equipping of prisons decreases by 35 %.

136. In this context, the prisons of the country don't have the minimum necessary conditions to ensure the right of health of the prisoners. Overcrowding and poor sanitary conditions have not improved with the implementation of the security program and therefore the right to a minimum standard of health of the prisoners, in the terms of art. 12.1 which states: "States Parties of the present Covenant recognize the right of every person to the enjoyment of the highest attainable standard of physical and mental health " is not being guaranteed within the prisons.

RECOMMENDATIONS

137. It is of absolute relevance that the Committee takes into account the described context when proposing its recommendations to the State of Venezuela. We have made reference to a number of cases where there are certain common denominators that point to the lack of transparency, generation of opacity and uncontrolled spaces that facilitate corruption. We have also emphasized in the lack of planning and delivery of information that are also aimed to create discretionarily spaces that are having a direct impact on the fulfillment of the State's obligation regarding de ESCR. Therefore, this case of *State Capture* that exists in Venezuela, gives way to a form of widespread corruption with clear political objectives, which is relevant to explain the lack of full implementation of human rights contained in the ICESCR

In this sense, we suggest the following recommendations:

ARTICLE 2.1 Take steps to the maximum of its available resources

1. Recommendations against Capture mechanisms of the State:

- l) Ensure the compliance with the constitutional rule of election of judges of the Supreme Court, the Comptroller General of the Republic, the Attorney General of the Republic and the Ombudsman to ensure they are unrelated to any political party, and that their criteria are not marked by any political

ideology; that all the processes are met that ensure the autonomy and independence of their actions from any other group to respect for human rights and due process enshrined in the Declaration of Human Rights.

- m) Perform competitions for admission to public service based on capability and merit, as required by the Constitution, and that the evaluation and promotion are carried out according to performance; and to move forward urgently towards the appointment of permanent positions of 80 % of the judges who are now in provisional status.
- n) To regulate an effective system for the prevention of conflicts of interest. Make public sworn statements of patrimony and interests.
- o) Include all resources allocated to Missions and other social programs in each year's Budget Law, indicating their source of financing. For this it is recommended that all national revenues are managed in transparent funds under the supervision of the Central Bank of Venezuela and the National Assembly, with updated data publication, on a quarterly basis as established by Law Against Corruption¹⁰³, in clear and accessible formats for citizens.
- p) Make urgent efforts to create and publish complete, verifiable and clear information, in a timely and accurate manner, where confidentiality is the exception, of the resources that the Republic directs to the availability, accessibility, acceptability and adaptability of the ESCR's designed to eliminate areas of discretion and arbitrariness that can lead to the pursuit of personal and / or political gain.
- q) Make urgent progress on eliminating regulations that limit or reduce the free access to public information, including information concerning the Missions, social programs and other public policies that are considered in the context of ensuring ESCR. To this end, the Committee may recommend the revision of the existing legal framework.
- r) It is important to recommend the Venezuelan State to review and eliminate loopholes and contradictions that allow the Supreme Court to make decisions against the right of access to public information and transparency.
- s) The Committee may recommend to the Venezuelan State the approval of the Law on Access to Public Information based on international criteria defined in the model law of the Organization of American States.
- t) Recommend the reform of the Public Procurement Law eliminating exclusions and reducing exceptions regarding execution of works, procurement of goods and services within the framework of international agreements, including basic criteria accepted by the UN Convention against Corruption, signed and ratified by Venezuela.
- u) Publish all the procurement needs, processes, selection criteria, selected companies and all contracts.
- v) Update and publish constantly all the reports, indexes and financial statistics from the National Budget Office, Treasury Office, National Public Accounting Office and the Central Bank of Venezuela.
- w) Publish an updated list of beneficiaries of all the Missions and social programs with enough information to perform verifications and social control.

2. Recommendations against the lack of planning in the public budget on social issues and a lack of information on their implementation

- a) The Venezuelan State should design public policies on social programs under standards of planning, control and accountability, performing the necessary studies to include all funds that will ensure the implementation of the social programs each year and the fulfillment of the goals previously defined, avoiding the use of the figure of the additional credits as a recurring mechanism to cover the budget

¹⁰³ Articles 8 and 9 of the Law against Corruption

deficit, since this practice generates failures, delays, inefficiencies, duplication in spending and high risks of corruption.

- b) Reorganize the management structure of social programs to prevent the budget dispersal for each Mission or social program between various public institutions, consolidating responsibilities; promoting the monitoring, evaluation and uniqueness of accountability; ensuring the elimination of relevant areas for discretion and arbitrariness in the use of resources, by the impossibility of control.

ARTICLE 2.2 Non Discrimination

1. Recommendations regarding impunity

- a) Cease the persecution against defenders, human rights organizations and citizen oversight of independent civil society, implementing the UN Declaration on Human Rights Defenders,¹⁰⁴ publicly recognizing the importance of their role and taking action to punish defamation of their work and protect their physical and moral integrity, instead of using the stands and privileges granted during the exercise of an office to criminalize the work of human rights defenders.
- b) Venezuelan state should urgently implement the transformation of the administration of the justice system, based on the criteria of the Covenant and the provisions and instruments offered by the United Nations Convention against corruption and transnational organized crime,¹⁰⁵ to reduce the impunity that feeds the discretion and corruption in the development of the ESCR.
- c) Design and implement a national plan for human rights, with consultation mechanisms and effective citizen participation, and observing the legal commitments referred to national and international level.
- d) Design and implement a national plan against corruption with budgetary resources, technical capabilities, political autonomy and financial independence, which has as its guiding principle the rights perspective.
- e) Create a professional and independent unit for the investigation of cases.

ARTICLES 10 AND 11 Mission Children of Venezuela y School Feeding Program

- a) Conduct an audit process to identify the risks of corruption and inefficiencies, whose results will allow redesigning the executive structure of the School Feeding Program and ensuring its effectiveness, so that children in the target group receive sufficient and quality daily meals.
- b) Invest sufficient resources in accordance with a comprehensive plan to ensure the meals offered by the program to the students in need of attention.
- c) Create a website with comprehensive, current and clear information on all the public resources allocated to the Mission Children of Venezuela and the School Feeding Program. Children of Venezuela site should have the name of the beneficiaries, name and personal information of the supervisors, amounts, deadlines, entry and exit of beneficiaries, criteria of permanence, required conditions; explanation of delay in delivery of grants, etc. For the School Feeding Program the site must inform those responsible for state municipality, school zone and for each school; food delivery; nutritional details; approved menu, and preparation and delivery processes per school.

¹⁰⁴ <http://www.ohchr.org/SP/Issues/SRHRDefenders/Pages/Declaration.aspx>

¹⁰⁵ <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-s.pdf>

- d) Develop and publish regular reports of each existing social program with information of their operating rules, goals, targets and indicators; profile of the beneficiary, criteria, mechanisms for entry and exit of the program, mechanisms of transparency and accountability.
- e) Publication of the database of the beneficiaries of each social program, Mission or other support system from public resources, in an open data format that allow academic studies and social control.
- f) Annually conduct and publish audits and risks of corruption analysis, applying the correctives indicated by the results.

ARTICLE 11 Right to an Adequate Standard of Living

Housing Mission

- a) Publication of the list of the contractors for construction and other services, with all the details of each one of them.
- b) Publication of the contracts of each of the executed and to be executed works.
- c) Detailed map of homes delivered, to be delivered, under construction and to be designed.
- d) Information about details of each type of housing.
- e) Publication of evidence of compliance with urban variables , guarantee water supply , electricity, solid waste collection , collection and channeling of sewage
- f) Publication of rules of coexistence and socializing processes in the new developments.
- g) Publication of the criteria for the selection of beneficiaries for housing, the type of agreement of reception, amounts and payment methods, if any, and the publication of award contracts models .
- h) Consolidate and publish a database in an open data format with information about the housing budget, the source of funds, responsible for their delivery, projects ´goals with details of monthly execution by public organism, type of services offered and types of housing.
- i) Conduct a public report with the amount of built housing and the amount of money invested for this purpose. List of beneficiaries and the number of homes under construction.
- j) Create mechanisms for reporting violations and abuses, as well as care and protection for whistleblowers.

ARTICLE 12 Right to Health

Mission Barrio Adentro and Health System.

- a. Create mechanisms for reporting violations and abuses, as well as care and protection for whistleblowers
- b. Create a website with complete, updated and clear information about all the public resources assigned by the State to the health sector, all income with the explanation of the resources and estimates, expected expenses, even the payments for health to: 1. Insurance, hospitals and others, wages and salaries, fees, investigations, procurement, investments. 2. Procurement and contracting of works and services with details of terms, amounts, contracts, targets and indicators 3. Relationships, alliances, agreements with international governments; 4. Care plans; 5. Structure, personnel, boards, payroll, etc. of dependent health institutions of the National Executive; 6. Epidemiological information , situation in the country in relation to international and national goals , disease and deprivation indices
- c. Create and strengthen the public health system enshrined in the Constitution, making use of the established legal procedures as well as consultation mechanisms and effective citizen participation.

- d. Unify information on the provision of health services in a single platform that allows citizens to identify, easily and promptly, the available services in different entities of the public health system.
- e. Strengthen channels of consultation and interaction with citizens, including social control mechanisms in order to evaluate the services provided and identify opportunities for improvement in the provision of those services, including service times, effective assistance of medical personnel, inventory management of equipment and medicines, among other things.
- f. Annually conduct and publish audits and risks of corruption analysis, applying the correctives indicated by the results ensuring complete transparency in the purchase and distribution of medicines, equipment and supplies in all levels of the government.

A toda vida Venezuela and Health in the Penitentiary System.

- a) Publish the criteria for allocating resources to public entities for the provision of public safety services, the amount of money given to each one, and develop monthly reports on the level of execution and achieved goals.
- b) Produce and disseminate periodically reliable, auditable and easy to understand statistical data on developments in the levels of public safety and results of complaints filed by citizens, allowing corrective and set feasible goals for short, medium and long term improvement.
- c) Apply methodologies to identify risks of corruption and capture by different actors in police institutions of police and civilian intelligence agencies.
- d) Minimize the confidentiality of information related to issues of public safety.
- e) Strengthen mechanisms for receiving complaints by simplifying procedures, the approach of the relevant public bodies to communities and the creation of electronic tools to serve the public including complaints and claims systems, publishing statistical results related to these mechanisms.

Transparency Venezuela
May 6th, 2015

Annex 1

Threats and Attacks against Transparency Venezuela

An account of the various mentions against the NGO

Since October 2014, there has been an increase in the mentions, insults, threats, and slander by senior officials against civil society organizations that are part of Transparency Venezuela, most of them through state-owned media outlets. The following are the most specific cases:

On October 17, 2014, in his program "[Con el Mazo Dando](#)," the President of the National Assembly, and vice president of the United Socialist Party of Venezuela, Diosdado Cabello, [accused](#) the Executive Director of Transparency Venezuela of "demanding transparency, while not being transparent in her accounts."

1.1 On October 24, 2014, during the [program](#), Diosdado Cabello said "in the world of NGOs there is nervousness, and the anxiety comes mainly from Transparency Venezuela, the Venezuelan Prison Observatory, Forma, Humanos y Libres, Futuro Presente, and the Venezuelan Penal Forum." They don't know how to justify the activities because they did not meet their goals, so they asked for an extension after they were summoned by the U.S. Embassy."

Subsequently, on December 17, 2014, in the same program, Cabello [accused](#) the organization of receiving money in exchange for giving "awards for best transparency index to local state governments and municipalities." He insisted that "the main assessment criteria were who was the highest bidder, that is, if you pay more, you will get the prize. Pay whom? Transparency Venezuela." Similarly, Cabello described trips made by the Director and said that "in her account there are deposits for Bs.5,871,381, lines of credit in Banco del Caribe, Banco Provincial and Banco Mercantil. She is delinquent with Banco de Venezuela—she does pay Banco of Venezuela—the bank account of the nonprofit Civil Association Transparency Venezuela has Bs.3,437,420 and shows a transfer received from the United States for Bs.2,917,193."

On December 18, 2014, he also [mentioned](#) members of a group of NGOs who, "*with funding from imperialism, held a meeting in New York, on December 1, which evaluated the actions of destabilization for 2015, including street protests to be resumed in January and February.*" Cabello also criticized the use of Transparency Venezuela as "*an instance to clean the image of institutions ruled by the right, through the presentation of awards and prizes such as the best transparency index for state and municipal governments (...) the main criteria of Transparency Venezuela to grant such recognition is proportional to the money offered by bidders.*"

By December 22, 2014, in face of constant delegitimization by Diosdado Cabello of the work of many human rights advocates, the [International Service for Human Rights](#) condemned such criminalization, particularly the public defamation of all members and associates of NGOs in Venezuela.



The screenshot shows the ISHR website interface. At the top, there is a navigation menu with links for 'About us', 'Supporting human rights defenders', 'Strengthening laws and systems', 'Publications', 'Events', and 'Press'. Below the menu, the article title is 'Personas defensoras en Venezuela miran hacia las Naciones Unidas para responsabilizar al estado y para la justicia', dated 19.12.2014. The article text begins with '(Actualización - 22 de Diciembre del 2014) El Servicio Internacional para los Derechos Humanos (ISHR) condena la criminalización de defensores/as de derechos humanos y en particular la difamación pública de defensores/as y organizaciones que participaron en el taller de formación reciente facilitada por ISHR en Caracas. La semana pasada Diosdado Cabello - Presidente de la Asamblea Nacional y Vice-Presidente del partido gobernante, el PSUV - utilizó su programa semanal de televisión para deslegitimar el trabajo de los respetados defensores/as de derechos humanos Humberto Prado del Observatorio Venezolano de Prisiones (OVP) y María De Freitas Sánchez de Transparencia Venezuela. ISHR reitera su apoyo para el legítimo labor de derechos humanos de estos defensores/as y las organizaciones que representan y insta al Estado Venezolano a que implemente la Declaración de la ONU sobre Defensores/as de Derechos Humanos, reconociendo públicamente la importancia de su papel y tomando acciones para sancionar la difamación de su trabajo y proteger su integridad física y moral. Como miembro actual del Consejo de Derechos Humanos de la ONU, la obligación de Venezuela de mantener los más altos estándares de derechos humanos es más clara que nunca.'

On the right side of the article, there is a 'Category:' section with 'Region' (Latin America and Caribbean) and 'Country' (Venezuela). Below this are two red buttons: 'DONATE' and 'SUBSCRIBE'. At the bottom right, there are social media icons for Facebook, Twitter, YouTube, and RSS.

In 2015, the defamation and threats have continued against several civil society organizations, including Transparency Venezuela.

On January 8, 2015, one of our members was at the meeting of the Comptrollership Committee of the National Assembly, and witnessed statements rejecting the accusations made against Deputy Diosdado Cabello by a former member of his security detail. At the same meeting, Deputy Pedro Carreño rejected the work [published](#) by Transparency Venezuela where it reported that the committee closed only 9 cases with political responsibility, saying the fact that they have only closed 9 cases does not reflect the work done by the committee in 2014. “Sometimes we want to invite them, but inviting them would be to recognize them and we cannot recognize an institution whose source is the media,” Carreño said.

On March 11, 2015, Carreño, who chairs the Comptrollership Committee of the National Assembly, created a special commission to investigate the funding of Transparency Venezuela, formed by him as Chairperson, and the Vice President of the National Assembly, Deputy Elvis Amoroso.

On March 11, 2015, the President of the National Assembly mentioned a group of civil organizations that are allegedly receiving funds through various international programs, including Transparency Venezuela, and he said, “A-ha!, [Transparency Venezuela is getting money.](#)”

Subsequently, on March 31, 2015, within the framework of the controversy due to executive order issued by the U.S. government, which established sanctions against Venezuelan officials involved in acts of violation of human rights and corruption, an opinion piece appeared in the newspaper *Ciudad CCS*, published and distributed by the Libertador municipality in Caracas, written by Simón Albert Osorio, entitled “[NGO in failed course](#)” where he

criticized the reports and publications by Amnesty International on acts of violence in the country, and the work of Transparency Venezuela as follows:

The NGO Transparency International, Venezuela Chapter, formed by declared enemies of the regime, issued a document last weekend stating that Bolivar's homeland is perceived as one of "the most corrupt nations in the world" (...) There is nothing innocent about them (...) they help to promote the thesis that Venezuela is an "unusual and extraordinary threat" to the empire that finances them."

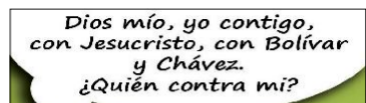
LETRA PANFLETARIA

ONG con rumbo fallido

Hay varias ONG que tienen la brújula perdida. No guardan las formas a la hora de emitir informes, en los que impera más lo emocional que lo racional. Y a esta altura es casi imposible no saber la razón de ese fallo en la orientación. Con esa conducta aportan poco a las causas que dicen defender. Hace días dos ONG, con claro sesgo político y sin la rigurosidad propia que deben transmitir las organizaciones no gubernamentales que se precien de ser creíbles, hicieron público sus más recientes informes sobre los derechos humanos y la corrupción en Venezuela. Una de estas ONG fue Amnistía Internacional que tras un "anludo trabajo" acerca de los hechos de violencia ocurridos en el territorio nacional, a raíz de "La Salida", llegó a la conclusión que el Estado venezolano no hace casi nada por los derechos humanos de sus ciudadanos. Más grave aún es que Amnistía Internacional responsabiliza solo a las autoridades por estos hechos de violencia. Evita hacer alusión a que esas protestas nada pacíficas fueron aupadas y protagonizadas por miembros de la oposición radical. ¿Y será que esas ONG piensan que la mayoría de la población no observó a los que generaron las llamadas "guarimbas", las cuales ocasionaron la muerte de 43 personas y más de 800 lesionados? ¿Que no nos cuenten historias que vivimos en vivo y directo! Es tal la imprecisión de ese documento que refleja la muerte de

SIMÓN ALBERTO OSORIO
15 25/10

dos fiscales del Ministerio Público, cuando la realidad fue solo uno que falleció tras un choque con una barricada levantada por personas afectas a la oposición. ¿De dónde sale el otro fiscal muerto? ¿Será que en otras partes del informe prevaleció tal ligereza? Con solo días de diferencia aparece otro informe. Ya no sobre DD-HH sino acerca de la corrupción. La Organización Transparencia Internacional, capítulo Venezuela, formada por declarados enemigos del réegimen, emitió el pasado fin de semana un documento en el que señala que la Patria de Bolívar es percibida como una de "las naciones más corruptas del mundo". "Es inaudito que no se abra una investigación por el lavado de dinero de Andorra", afirma la ONG que se autodefine como una asociación civil "sin fines de lucro, no partidista". Previa a este señalamiento, las autoridades habían anunciado el inicio de las pesquisas en cuestión. A igual que otras ONG muy activas cuando se trata de temas vinculados con el país, basan sus informes en recortes de prensa y afirmaciones de dirigentes partidistas que buscan más centímetros que defender causas. No es nada casual que ambos documentos, en temas tan sensibles: derechos humanos y corrupción, se hayan difundido durante estos días. De inocentes no tienen nada y más bien, como si se tratara de una comparsa, ayudan es a posicionar la tesis de que Venezuela es una "amenaza inusual y extraordinaria" para ese imperio que las financian.



Vanguardia sí,
colonia nunca más
EDUARDO PIÑATER

Similarly, on March 18, 2015 the President of the National Assembly Diosdado Cabello mentioned again in his television program various members of Venezuelan NGO's who had traveled to the United States, including the Director of Transparency Venezuela Aurelio Fernandez Cochese ["to conspire against the Venezuelan government."](#)

On April 8, 2015, the launch of the mobile app *Dilo Aquí* was announced, which seeks to encourage the reporting of acts of corruption in an easy, friendly, reliable and safe manner.

However, the official warned *"the people of Venezuela on the danger of a smartphone application, which was created for the purpose of espionage under the patronage of the NED (National Endowment for Democracy) and USAID (US Agency for International Development)."*

"The application called "Dilo Aquí", supported by the NGO Transparency Venezuela, takes control of all personal data of the device owner, requests the creation of an account ID, which monitors the email accounts set up on the phone, photos, text messages, microphone and camera."

This information was disseminated by various media outlets linked to the government.



On April 9, 2015, the host of the TV program mentioned various representatives of civil society organizations who traveled to Panama to participate in the Summit of the Americas, including the Executive Director of the organization, concluding that *“what all these travelers have in common is that they are part of the Venezuelan far right wing, who hate the process of the Bolivarian Revolution and have strong contacts with officials of the US empire.”*

On April 14, 2015, the National Assembly, at the request of Deputy Gladys Requena, approved a [motion to reject](#) the misrepresentation of the truth at the Civil Society Forum that took place in the Summit of the Americas.” The final text has not yet been [published](#).

Previous Threats

Prior to all these threats, on May 17, 2012, Deputy Pedro Carreño, who chaired the Comptrollership Committee of the National Assembly, expressed his interest in investigating the funds of Monitor Legislativo and Transparency Venezuela, due to the fact that they annually issue [“reports that demonize the governments and the peoples.”](#)

On December 12, 2010, the then Comptroller General Clodosbaldo Russian [denied](#) a report by Transparency International, which described Venezuela as one of the “most corrupt” countries in the world. *“They attack the country by trying to discredit the national government with the support (...) of the owners of the media,”* he said at the time.

Videos, notes and other references can be found in the archives of the organization.

April 21, 2015

Annex 2

Photos: Evidence problems in some buildings constructed by the Great Mission Housing Venezuela.





