

REPORT
TO THE UNITED
NATIONS HIGH LEVEL
POLITICAL FORUM
ON SUSTAINABLE
DEVELOPMENT



Report to the United Nations High Level Political Forum on Sustainable Development

República Bolivariana de Venezuela

Executive Summary

Transparencia Venezuela, a national chapter of Transparency International, is a non-partisan, pluralistic, nonprofit civil association, created in 2004 with a mission to work for the changes necessary to rid Venezuela of corruption. The following is a supplementary report, in addition to the one submitted voluntarily by the Venezuelan State on compliance and plans of compliance with some of the Sustainable Development Goals, with verified information and additional data for an approach to the situation in Venezuela, from the perspective of the organized civil society,¹ whose right to participate is an inherent part of the SDGs.

1. Summary/Introduction: In the context of the Sustainable Development Goals (SDGs), the United Nations promotes the commitment of States in compliance with and guarantee of human rights from a holistic view that encompasses the most diverse scenarios involved in individual and collective development of people, aimed at reducing poverty and inequalities, environmental protection, and overall, human dignity, and with the involvement of all stakeholders within the countries: government, private companies and civil society.
2. Transparencia Venezuela, together with other civil society organizations, believe it is crucial to submit an alternative report that includes i. comments on the voluntary report submitted by the Venezuelan State to the United Nations High Level Political Forum on Sustainable Development; ii. facts, figures and reliable cases supported by various sources and studies conducted in the country that counterbalance to some extent the absence of—or lack of updates on—official public information or the difficulty in accessing it, especially on the status of some of the 17 development objectives by June 2016, and iii. A cross-sectional analysis showing the impact of public policies undertaken by the Venezuelan government in the development and implementation of SDGs.
3. This report will show how the report submitted voluntarily by the Venezuelan State is incomplete and biased as it offers no official updated information that reflects the actual situation in the country after the adoption of Agenda 2030 for Sustainable Development in September 2015, which contains the 17 Sustainable Development Goals (SDGs). On the contrary, the government focuses on the experience gained in the past 16 years, which coincides with a period of huge oil revenues in our country, in contrast with today's state of affairs, which is marked by a "national political situation that has led the Venezuelan government to implement emergency policies" (page 11 of the official report).

1. The report was prepared with contributions from different civil society organizations in Venezuela, such as Provea, Codevida, Fundación AguaClara, AVESA and Sinergia.

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4. As a core issue, we note the difficulties in obtaining official information, which contradicts the efforts for the fulfillment of SDGS Number 16, based on the guarantee of Public Access to Information and Protection of fundamental freedoms, which is guaranteed in our constitution in Articles 28, 51 and 143. In Venezuela, opacity has been legalized with the passing of 60 laws of various kinds between 2010-2015 which limit and infringe the right of access to public information, as shown in the report *Es Legal pero Injusto*². In Venezuela, the publication of National Public Information is the exception, while the rule is opacity and government silence. The usual practice is a lack of information and continued refusal of the Administration to reply to any request for information. This has been endorsed by the Supreme Court with 99% of the rulings in constitutional protection cases on issues of access to basic information such as health, inflation, import of medicines, salaries of civil servants, etc.
5. There are real obstacles to monitor the preparation and monitoring of indicators referred to by the Venezuelan State in its report, because from the date of its launching³, the website of the National Geostatistical System announced its creation in April 2016 as a planning tool for strategic development guidelines but it is not yet operational. The National Statistics Institute (INE) has not published any information regarding the supposed analysis of 60% of the 309 indicators proposed by the United Nations Statistical Commission to monitor implementation of the SDGs, mentioned in the official report.
6. The second element to note is that the report contains facts, figures and indicators contained in the report called *Venezuela in figures: our transition to socialism* prepared by the People's Ministry for Planning, which offers outdated information from before the entry into force of the SDGs, which makes it difficult to know the current reality in terms of meeting them. The information provided, it should be noted, is difficult or impossible to access for citizens domestically; it comes in form of political and ideological propaganda about the intentions or actions undertaken, but without details or supporting documentation for determining their suitability.
7. This situation suggests that the State is hiding trends, and makes it difficult to compare the situation in the country in 2016. The report makes few references to public policies by issue, as it only mentions general plans and policies, with unknown content and scope, implementation process, variables and methods of evaluation, work schedules, etc. This is the case of the Bolivarian Economic Agenda or the Plan "Zero Hunger," Agenda 2030, or the Development Plan 2013-2019.

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

3. It was launched on 16 April 2016, and would be publicly available on 25 April. See at: <http://www.avn.info.ve/contenido/4-gobierno-nacional-lanza-sistema-geoestad%C3%ADstico-para-acompa%C3%B1ar-15-motores-productivos>

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8. The third important aspect, based on a review of the report, is the evident inconsistencies with the country's reality, which conceal Venezuela's dramatic performance in the goals mentioned in its report, as reflected in⁴: a) increasing poverty, which despite the absence of official figures, studies by national universities estimated at 48.4% in 2014 and 73% in 2015, a significant increase compared with 28% in 2013 according to the latest figures of the National Institute of Statistics. b) A decrease of the budget allocated for food, by 34%, and sharp food shortages in the country. c) The inaccurate information on the alleged advance in investment in rural agricultural production and urban industrial infrastructure, since the purchase of domestic food dropped from 50.2% in 2004 to 9.97% in 2015, while purchases of imported foods rose from 49.8% in 2004 to 90.03% in 2015. d) The clear lack of transparency in the ongoing practice of redirecting (the already insufficient) funds and the allocation of non-budget and para-fiscal funds, for the support of social programs and missions; e) legal inconsistencies and opacity in tax reforms via enabling law, creating hotbeds of corruption. f) An 80-percent shortage of medicines by January 2016, an increase in maternal mortality to 130.70 deaths per 100,000 live births between January and May 2015, and of 3.82 points in infant mortality. g) A decrease in enrollment in primary and secondary students by 141,823 students, compared to 2005. h) Questioning of the independence of the judiciary resulting from the irregular appointment of judges and the number of rulings in favor of the government. i) The lack of clarity on the objectives and results of social programs, now grouped in mission bases. j) the persistence of low prices of fossil fuels with extraordinary subsidies that promote irresponsible use, and the emission of pollutant gases, which are not measured in the country; k) the declaration of the Orinoco Mining Zone, which threatens ancient cultures of the region and the different sensitive ecosystems, causing further deterioration of the access to basic services such as water and electricity and jeopardizing the exceptional natural diversity of the area. l) The inaccurate figures regarding the number of new pensioners. m) inconsistencies in the number of homes built, which according to reliable data, does not correspond to those claimed by the State, not to mention the weaknesses in terms of decent housing conditions and access to basic services.
9. This situation, widely known by the Venezuelan State, including citizens in the country, has generated a clear deterioration in the exercise of human rights and quality of life of Venezuelans, and has set the stage for social protest, which has had a significant increase according to the Venezuelan Observatory of Social Conflict, which recorded

4. The content of these statements are elaborated and supported with documentation and sources, in the preparations of this report, according to the SDG in question.

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a total of 5,851 protests throughout the country during 2015. The economic crisis, institutional weakness, the absence of answers to citizen demands and the pre-electoral context of last year were the main factors that prompted Venezuelans to take to the streets⁵. For the first half of 2016, the number of protests was 3,507 nationwide protests according to the Organization, of which 416 were lootings or attempted lootings due to food shortages, a 2% increase compared to the same period in 2015, and a total of 19 daily protests⁶.

10. This report presents available information and analysis of each of the 17 Sustainable Development Goals; however, we were unable to respond to each of the objectives due to lack of official and unofficial information.

GENERAL CONTEXT

11. Based on figures and data from reliable sources cited herein, and in contrast with those presented by the Venezuelan State in the official report, we present below some insights on compliance by the Venezuelan State with the obligations and targets set by the United Nations Millennium Sustainable Goals.



GOAL 1 END OF POVERTY

12. Poverty rose from 27% to 73% between 2010-2015. Taking into account the obligation of the State concerning the reduction of poverty and inequality in general, according to the Sustainable Development Goals, we can say that Venezuela has failed to consolidate public policies aimed at this goal. The reality is that Venezuelan households have increasingly serious difficulties in the exercise of basic social rights such as food, health, education and housing and civil rights and public safety.

RELIABLE FIGURES

13. Already in 2013, when the latest official data were published, there was the first alert of this increase, when the National Statistics Institute (INE) stated that poverty increased by 6.1%, from 21.2% in 2012 to 27.3% in the second half of 2013. This accounted for a total of 416,326 households—9,174,142 people—falling below the poverty line;

5. Mariel Lozada. 5,851 protests took place in 2015, according to the Observatory on Social Conflict. Published in *Efecto Cocuyo* on Jan. 2, 2016. Available at: <http://efectococuyo.com/principales/5-851-protestas-se-registraron-en-2015-se-gun-observatorio-de-conflictividad-social>

6. Observatory on Social Conflict. Report on social conflict for the first half of 2016. Available at: <http://www.observatorio-deconflictos.org.ve/tag/protestas>

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of these, 2,791,292 people live in extreme poverty according to civil association Provea. This figure was endorsed by the Economic Commission for Latin America and the Caribbean (ECLAC), which pointed out that in Venezuela, the poverty rate increased 6.7 percent between 2012 and 2013 (from 25.4% to 32.1%) and extreme poverty⁷ by 2.7 percent (from 7.1% to 9.8%) in the same period⁸.

14. ECLAC notes that when this increase occurred, the National Statistics Institute decided not to publish more official figures. There are no figures for 2014 and 2015 regarding income-based poverty line. However, according to the agency, according to the Unsatisfied Basic Needs (NBI) method in absolute figures for 2013-2015, there was a 5.13-percent increase, which means that 71,239 households fell below the poverty line.
15. According to the living standards measurement study 2014 (ENCOVI⁹), there is a significant decline in living conditions—i.e. 23.6% of the nearly 1,500 surveyed households were living in extreme poverty, compared to 18.7% in 1998—which was accompanied by an accelerated increase in prices and a decline in purchasing power. For 2015, the same survey revealed that the number increased to 49.9%. In summary, the results of the survey show that Venezuela spiraled back into a cycle of increasing poverty similar to the times of economic adjustment (1989-1996) or social upheaval (1992-2002)¹⁰. To date, an inflation rate of 294% for April 2016¹¹, a decline in productivity, economic contraction, a reduction in formal employment, shortages of food and medicines and terrifying violence, foreshadow a negative outlook regarding poverty in 2016.
16. The following table shows the official information from the National Statistics Institute with the number of poor and extremely poor households from 1998 to 2013. In 2014 and 2015, the public information is the study conducted by three of the most prestigious universities in the country (UCAB-USB-UCV), called ENCOVI.

Poverty	1998	2003	2007	2010	2013	2014	2015
% Poor	46	55	58	27	28	48.4	73
% Extreme poverty	27	30	20	20	18	23.6	49.9
% Non-extreme poverty	19	25	8	7	10	24.8	23.1

7. Provea. Report on the human rights situation in Venezuela in 2015. Contexto. Available at: <http://www.derechos.org/vp/wp-content/uploads/Contexto.pdf>

8. El Universal. CEPAL: Pobreza en Venezuela aumentó 6,7 puntos entre 2012 y 2013. Available at : http://www.eluniversal.com/noticias/economia/cepal-pobreza-venezuela-aumento-puntos-entre-2012-2013_67092

9. Joint study by three national universities: UCV, UCAB and USB.

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

11. Pedro Pablo Carreño. Ecoanalítica: inflación promedio mensual hasta abril fue de 28%. Available at: <http://eltiempo.com.ve/venezuela/economia/econalitica-inflacion-promedio-mensual-hasta-abril-fue-de-28/220069>

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17. The increase in poverty between 1998 and 2014 from 46% to 48.4% and to 73% in 2015 is a result of the weaknesses of the social missions, from their design to implementation, and lack of evaluation and control mechanisms. We must recall that these were the years of greatest economic boom in Venezuelan history. By 2015, Luis Pedro España, former director of the Center for Economic Research of the Andrés Bello Catholic University, said that 73% of households and 76% of Venezuelans are in income-based poverty¹².
18. By July 2015 the UN Committee on Economic, Social and Cultural Rights recommended the Venezuelan State to conduct a thorough and independent evaluation of social programs called “missions” to identify obstacles to progress in the fight against poverty, and consequently, to take the necessary corrective measures, ensuring that such programs and others with similar objectives, include a focus on human rights and have sufficient resources for their implementation, paying due attention to the differences and gaps between urban and rural areas, as well as the needs of the disenfranchised and marginalized groups¹³. We could not obtain any evidence that the State is implementing this recommendation, quite the opposite.
19. Nominal changes: Social Missions are now focusing on the mission bases, which now have a new target: settling in communities with extreme poverty; but there are no known plans, schedules, goals, location, etc. and are permeated by corruption, opacity, cronyism, political control and overall inefficiency. Mission bases have been used by ruling party candidates as a basic resource for electoral campaigns usurping functions and mechanisms of the State without any control or regulation¹⁴.
20. Despite the attempts to concentrate the missions, these are regulated by a law¹⁵, and 22 legal instruments¹⁶, which generate dispersion in state responsibilities and compliance with its accountability obligations. Additionally, a review of the 2016 national budget, the amount allocated to social missions endured a nominal decline of 33.14% and 77% if we account for cumulative inflation in 2015¹⁷.

12. Luis Pedro España, interview by Víctor Salmerón. Available at: <http://prodavinci.com/blogs/la-pobreza-se-disparo-hasta-76-en-venezuela-segun-encovi-ucv-usb-ucab-por-victor-salmeron/>

13. E/C.12/VEN/CO/3/Párr.24.

14. Transparencia Venezuela (2016). Social Mission Bases: An Electoral Strategy.

15. Law on Missions and Great Missions

16. Incl. laws, decrees and resolutions

17. Transparencia Venezuela. Out Budget 2016. Available at: <https://transparencia.org.ve/la-nueva-asamblea-nacional-de-be-aprobar-otro-presupuesto/>

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21. Based on the indivisibility of human rights and as part of monitoring of poverty-related social programs, there have been inconsistencies in the number of homes built. The National Government claims it has surpassed the one million mark¹⁸, but our own research data as those of Provea, and the real estate chamber, estimate the figure at 620,000 homes. As for health programs, by April 2016, 80% of primary health care centers called Barrio Adentro were inoperative after having budget since 2003 amounting to \$34,661,251,312¹⁹.

MISIONES

	2013	2014	2015	2016	Variación Real
Gran Misión Vivienda Venezuela	Bs. 50.567	Bs. 38.809	Bs. 79.730	Bs. 13.651	-95%
En Amor Mayor	Bs. -	Bs. 8.238	Bs. -	Bs. -	-
Misión Alimentación	Bs. 3.318	Bs. 27.602	Bs. 9.073	Bs. 18.707	-36%
Programa de Alimentación Escolar	Bs. 5.089	Bs. 5.094	Bs. 5.584	Bs. 10.189	-44%
Fundación Misión Barrio Adentro	Bs. 2.185	Bs. 5.588	Bs. 4.593	Bs. 11.109	-25%
Misión Ribas	Bs. 4.366	Bs. 4.363	Bs. 4.559	Bs. 4.702	-68%
Fundación Misión Sucre	Bs. 1.034	Bs. 1.564	Bs. 2.350	Bs. 3.743	-51%
Fundación Misión Madres del Barrio "Josefa Joaquina Sánchez"	Bs. 713	Bs. 2.966	Bs. 1.512	Bs. 6.122	-25%
Fundación Misión Negra Hipólita	Bs. 454	Bs. 502	Bs. 1.009	Bs. 1.608	-51%
Subsidio al Pasaje Estudiantil	Bs. 136	Bs. 154	Bs. 7.658	Bs. 5.608	-77%
Fundación Misión Samuel Robinson	Bs. 302	Bs. 332	Bs. 478	Bs. 1.389	-10%
Fundación Misión Identidad	Bs. 134	Bs. 291	Bs. 296	Bs. 720	-25%
Fundación Misión Niño Jesús	Bs. 235	Bs. 235	Bs. 180	Bs. 274	-53%
Misión Nevado	Bs. -	Bs. 200	Bs. 275	Bs. 212	-76%
Fundación Misión Milagro*	Bs. 70	Bs. 90	Bs. 462	Bs. 261	-83%
Fundación Misión "Che Guevara"*** Ahora parte de la Misión Saber y Trabajo	Bs. 69	Bs. 81	Bs. 660	Bs. 341	-84%
Fundación Misión Cultura	Bs. 506	Bs. 664	Bs. 109	Bs. 300	-15%
Misión Hijos de Venezuela	Bs. 1.800	Bs. 1.958	Bs. 936	Bs. 95	-97%
Fundación Misión Barrio Adentro Deportivo	Bs. -	Bs. 113	Bs. 92	Bs. -	-100%
Misión Dr. José Gregorio Hernández	Bs. 29	Bs. 31.9	Bs. 77	Bs. 191	-23%
Misión Hábitat	Bs. 438	Bs. 56.53	Bs. 58	Bs. -	-100%
Gran Misión A Toda Vida Venezuela	Bs. 376	Bs. 1.729	Bs. 6.769	Bs. 2.560	-88%
Fundación Misión Piar	Bs. 6	Bs. 3.40	Bs. 22	Bs. 37	-47%
Misión Niños y Niñas del Barrio	Bs. 267	Bs. 266.9	Bs. -	Bs. -	-
Hogares y Multihogares de Cuidado Diario	Bs. 891	Bs. -	Bs. -	Bs. -	-
Total	Bs. 72.988	Bs. 100.933	Bs. 122.482	Bs. 81.819	-80%

Expresado en MM de Bs
*Incluye Créditos Adicionales

Fuente: Leyes de Presupuesto Nacional y cálculos de Transparencia Venezuela

22. In 11 years, the purchase of domestic food²⁰ dropped from 50.2 to 9.97%²¹, with subsequent shortages²²; meanwhile, no regular official figures have been published. Mission A toda vida Venezuela, responsible for security, implemented the so-called

18. <http://www.correodelorinoco.gob.ve/politica/gmvv-alcanza-hasta-fecha-1-001-627-viviendas-construidas/>

19. http://www.el-nacional.com/caracas/Barrio-Adentro-recursos-llegan-modulos_0_126588099.html

20. Report by Minister of Food, 2015; <https://transparencia.org.ve/en-11-anos-la-adquisicion-de-alimentos-nacionales-bajo-de-502-a-997/?platform=hootsuite>

21. <http://noticiasvenezuela.org/2015/07/20/reportaje-especial-pudreval-2015-la-gran-estafapor-cheo070777/>

22. <http://runrun.es/nacional/246448/protesta-por-ausencia-de-alimentos-en-mercal-colapso-a-los-teques.html>

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People's Liberation Operations (PLO) since July 15, 2015²³, violating the human rights of people in various parts of the country. More than 65 operations were implemented in the country and there are no data on the number of deaths or arrests. While this was happening, 2015 ended with 27,875 violent deaths²⁴; meanwhile, Public Prosecutor Luisa Ortega Díaz claims the total figure is 17,778 homicide²⁵, suggesting that this Mission has no positive impact on the reduction of crime rates in the country.

23. According to the ENCOVI survey, although the Missions were never (much less now) mechanisms to overcome poverty, they also went from being programs to address exclusion, to opportunities to achieve certain aspirations (housing, semi-durable goods, vehicles, pensions, subsidies). The study concludes that in the last 5 years there has been a 20-percent decline in beneficiaries of social programs²⁶.
24. This is all based on unofficial figures because Venezuela has failed to comply with the recommendation made by the United Nations Economic and Social Council in 2015²⁷: there is no systematic quantitative and qualitative publication of disaggregated data on social programs. The official website has no up-to-date information. Although a National Information Service for Socialist Missions and Great Missions was created, it is still not operational. The National Geostatistical System cited by the Venezuelan State in its report has been re-launched several times over the last ten years. On April 19 it presented a good interface, but with little new information, no different from what it had before. Venezuela has yet to present complete and updated data, essential for "planning guidelines for strategic development and optimization of the economic agenda"²⁸.
25. There have been reports of irregularities in the implementation of social missions such as: A 9-percent increase, between 2014 and 2015, of child malnutrition²⁹, programs of the Ministry of Food and 'Mission Food³⁰; inconsistencies in the numbers of homes delivered³¹; conflicts of interest in the selection of beneficiaries of the housing programs;

23. <http://caraotadigital.net/mision-imposible-olp-no-acabo-con-tiroteos-en-la-cota-905/>

24. <http://images.eluniversal.com//2015/12/28/informe-del-observatorio-venez.pdf>

25. <http://www.2001.com.ve/en-la-agenda/123048/luisa-ortega-diaz--en-2015-se-registraron-17-mil-778-homicidios-.html>

26. The ENCOVI survey was a study conducted by Central University of Venezuela, Simón Bolívar University and Andrés Bello Catholic University. Available at: <http://www.rectorado.usb.ve/vida/sites/default/files/pobreza.pdf>

27. E/C.12/VEN/CO/3/Par.15

28. Vice-President for Planning, Ricardo Menéndez, affirmed that this new statistical structure will be online at www.infoplan.mppp.gob.ve and available throughout the country on April 25.

29. <https://transparencia.org.ve/carne-de-segunda-aceite-y-15-pasteles-de-hojaldre-recibe-semanalmente-un-comedor-escolar/>

30. Transparencia Venezuela <https://goo.gl/kt8ixZ>

31. Transparencia Venezuela <https://goo.gl/DRCduc>

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allegations of diversion of food, and corruption in 53 establishments of Bicentenario supermarkets³² and infrastructure flaws in the buildings built by the Misión Vivienda housing program³³.



GOAL 2 ZERO HUNGER

26. Scarcity Index for April 2016 stood at 80% according to private surveys; 294% inflation for April 2016. Cost of basic goods: Bs.303,615. GDP drop: 8 points. The hassle of buying food in Venezuela is getting worse. The situation has not stabilized in State-owned or private establishments. The food crisis in the country began in 2010 with the discovery of 160,000 tons of decomposed food in thousands of containers of the Venezuelan food distributor PDVAL, under the Ministry of Food (Minppal)³⁴. The policy of food sovereignty has failed to comply with Article 305 of our Constitution, which guarantees food security “defined as the sufficient and stable availability of food within the country, and timely and uninterrupted access thereto for the public consumer.”

RELIABLE DATA

27. In the words of Trino Márquez, director of CEDICE, the situation can be summarized as follows: “The situation of shortages and scarcity of basic products has forced Venezuelans to modify their routines and consumption habits. Misguided economic policies, the paralysis of the productive apparatus, the reduction in the allocation of foreign exchange to import food and an overflowing black market have plunged the country into a serious crisis in the food and agricultural production sectors.”³⁵

28. The new food and nutrition policy in Venezuela can be defined as the absence of products, mainly basic food items. Both in state-owned (which were taken as observation groups) and private establishments in the country, the permanent lack of products is the most recurrent variable. Restrictions to purchase food are increasing, due to both lack of products and inflation, which has shattered the purchasing power of Venezuelans. A new measure was implemented in 2016, whereby lists prepared through community censuses were administered by Local Supply and Production Committees (CLAP), which promise to manage and distribute food bags for every sector, which quickly led to corruption and greater frustration.

32. Transparencia Venezuela <https://goo.gl/cXFge3>

33. <http://www.noticierodigital.com/2013/10/derriban-el-titanic-de-la-gmvv-en-petare-por-peligro-de-colapso/>

34. <http://www.noticias24.com/actualidad/noticia/303524/el-informe-de-las-160-mil-toneladas-de-comida-descompuesta-en-carabobo-ya-esta-en-fiscalia/>.

35. Quoted in: Scarlet Clemente. Violencia y hambre: Críticos impactos sociales del desabastecimiento [Part I]. Available at: <http://www.hinterlaces.com/analisis/economia/violencia-y-hambre-criticos-impactos-sociales-del-desabastecimiento-parte-i#more-40208>

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- 29.** The main problem with this distribution system is the politicization of food delivery, because each community committee is composed of members of the National Women's Union (Unamujer), Bolívar-Chávez Battle Units (UBCH), Francisco de Miranda Front (FFM) and the communal councils of each state, who are endorsed by or rely on funding from the Presidency of the Republic, and are all appointed by the government. In addition, the bags of food assigned monthly to each family—those who manage to get one—contain 2 packs of black beans (beans), 2 packs of rice, 2 packs of sugar, 1 kg of pasta, 2 packs of cornmeal, and 2 packs of coffee.
- 30.** According to Provea, Venezuelan families ended up buying fewer food and hygiene products either because they cannot find them or because they cannot afford them³⁶. Since early this year a marked increase in shortages of food and other basic products and long lines at supermarkets, combined with some violence, resulted in more hardship, especially for women and elderly people in the poorest sectors of the population. In this situation was exacerbated by the lack of announcements by the government for much of the year offering clarity on policies to be implemented to reverse this infringement of the right to food.
- 31.** Based on the analysis of the national budget for 2016, made by Transparencia Venezuela, the amount allocated to Food was increased nominally by 116.38%. However, taking into account the total inflation for 2015 (185%), this results in an actual decrease by 34%³⁷. This means a budget deficit that is far from a monetary policy aimed at minimizing the problems in Venezuela, as it is not enough to consolidate an efficient public policy.
- 32.** In addition, and according to the study entitled Evaluation of the Venezuelan agricultural food system, conducted by the Center for Agrifood Studies at the University of Los Andes (ULA), Venezuela has a critical dependence on imports, because by 2007, 43.7% of the calories available in the country came from abroad, according to data from the National Institute of Nutrition (NIN)³⁸.
- 33.** This situation was also the subject of concern of the United Nations Committee on Economic, Social and Cultural Economic and Social Council in its concluding observations on the third periodic report of the Bolivarian Republic of Venezuela,

36. With information from: Carmen Rodríguez: Las colas se convierten en epicentro del descontento en Venezuela. El Universal (online) (http://www.eluniversal.com/noticias/politica/las-colas-convierten-epicentro-del-descontento-venezuela_34238)

37. Transparencia Venezuela. Our Budget 2016. Available at: <https://transparencia.org.ve/la-nueva-asamblea-nacional-de-be-aprobar-otro-presupuesto/>

38. Quoted by Angie Contreras in: Venezuela, Alimentos y dependencia de las importaciones. Available at <http://prodavinci.com/2011/06/29/economia-y-negocios/venezuela-alimentos-y-dependencia-de-las-importaciones-por-angie-contreras/>

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because the Venezuelan government has increased its reliance on food imports, which has in part led to serious shortages of food and basic products³⁹, taking into account the dwindling activity of the main driver of economy in the country: the oil industry.

- 34.** According to official figures in the Food and Nutritional Profile 2013-2014 published by the National Nutrition Institute (NIN) in 2015⁴⁰ and the Annual Report of the People's Ministry of Food (Minppal) in 2015⁴¹ the dietary structure of Venezuelans includes access to a greater number of meals per day compared to 1998, i.e. 95.4% of the population eats three meals or more per day; and that nutrients such as calories, protein and iron content in foods are adequate as energy requirements and in relation to age and gender groups.
- 35.** However, according to the survey on living conditions in 2014, Venezuela is a country with a double burden of malnutrition: malnutrition and obesity. In the survey, 11% of respondents are in the hunger category, and 39% of those who eat less than three meals a day are in the poorest sectors. The basic diet is a low quality diet. The food purchased by the poor have more calories by weight, are cheaper, and price-regulated⁴². By 2016 several private pollsters confirmed the trend: Datos found that 90% say they buy less food, Venebarómetro estimated that 31% claim they eat less than three times a day, and ENCOVI 2015 found that 15% believe their diet is monotonous or nutritionally poor⁴³. This is an obstacle for the achievement of Goal 1.
- 36.** The latter of the studies (ENCOVI 2015) found that 87% of respondents claim their income is not enough to buy food, and that food purchases in 2015 dropped to critical levels, to the point that 12.1% do two meals a day or less⁴⁴.
- 37.** According to the Center for Documentation and Social Analysis of the Venezuelan Federation of Teachers (Cendas-FVM, the standard food basket for December 2015 totaled Bs.93,600, a 443.2-percent increase over 2014. For April 2016 it stood at Bs.184,906.35. By May 2016, it was estimated at Bs.226,462.17, which accounts for a 22.5% increase compared to April and 817.1% since May 2015. This puts the basic monthly cost at Bs.303,615⁴⁵.

39. E/C.12/VEN/CO/3/Par.26.

40. National Nutrition Institute. Nutritional Profile 2013-2014. Available at: <http://www.inn.gob.ve/innw/wp-content/uploads/2015/06/Perfil-Alimentario-y-Nutricional-2013-2014.pdf>

41. Available at: http://www.asambleanacional.gob.ve/uploads/documentos/doc_a25f279654e41ef2f24b23c31b992098e117a220.pdf

42. Available at: http://www.rectorado.usb.ve/vida/sites/default/files/UCV_UCAB_USB_2015_alimentacion.pdf

43. Daniel Pardo. ¿Cuánta hambre hay realmente en la Venezuela de la “emergencia alimentaria”? Available at: http://www.bbc.com/mundo/noticias/2016/04/160412_venezuela_hambre_escasez_dp

44. Maritza Landaeta-Jiménez (Fundación Bengoa), Marianella Herrera Cuenca (CENDES-UCV), Guillermo Ramírez and Maura Vásquez (UCV). Survey on living conditions in Venezuela (ENCOVI 2015). Available at: http://www.rectorado.usb.ve/vida/sites/default/files/alimentacion_2015.pdf

45. Pedro Pablo Carreño. “Cendas dice que canasta básica subió a Bs 303.615.” Published on 0 July 2016. Available at: <http://13eltiempo.com.ve/venezuela/consumo/cendas-dice-que-canasta-basica-subio-a-bs-303615/222625>

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On the other hand, the minimum wage Bs.15,051 + socialist food tickets for Bs. 18,585. The latter does not apply to pensioners or self-employed workers. Otherwise, the total monthly income averages Bs.33,636.

- 38.** There is still an intermittent absence of official figures on shortage. In addition, the Central Bank of Venezuela amended in January 2016 the scarcity index, renaming it the “hoarding impression index,” which by then was 87%⁴⁶. However, Datanalisis estimates this figure for June 2015 at around 58.9%⁴⁷ and for 2016, shortages of basic foods at around 80% of supermarkets and 40% of households⁴⁸. Meanwhile, pollster Hinterlaces affirms that the general shortage index at point of sale stands at 74.20% (April 2016) and 61.79% in households (May 2016). Noteworthy is the shortage index in state-owned establishments, estimated at 92.4%, and 71.6% in private food stores⁴⁹. This confirms the low levels of production and distribution, as purchases of domestic products account for only 9.97% of the total food marketed by the State, an appalling figure if we consider that 40% of national food production is in the hands of the state⁵⁰.
- 39.** On public policy regarding food implemented by the People's Ministry for Food, there is clear noncompliance with the goals set by the Ministry itself, as stated in its 2015 annual report; of the 25 projects undertaken by the Ministry, none of them was completed, or there is no information on the progress of any of them, which demonstrates the poor quality of oversight by the Ministry of Food. In addition, 92% of the approved budget of those 25 projects was not utilized⁵¹.
- 40.** In total, the Ministry of Food met only 38% of its planned targets for 2015. In this regard, the highest rate of efficiency in 2015 was held by the Office of Communication Management, with 86%. According to the Annual Report of the Ministry of Food, the Directorate General of the Agrifood System only carried out half of their projects, while the Directorate General of Food Marketing showed only 11% of efficiency and the Directorate General for Productive Development showed 0%.

46. Central Bank of Venezuela. Results of the National Consumer Price Index, Gross Domestic Product and Balance of Payments. Q3 2015. Available at: <http://www.bcv.org.ve/Upload/Comunicados/aviso150116.pdf>

46. Provea. Informe sobre la situación de Derechos Humanos en Venezuela 2015. Capítulo Derecho a la Alimentación. Available at: <http://www.derechos.org.ve/pw/wp-content/uploads/Derecho-a-la-Alimentaci%C3%B3n.pdf>

48. Globovisión. Datanálisis: Escasez de alimentos en Venezuela supera el 80. Available at: <http://globovision.com/article/datanalisis-escasez-de-alimentos-en-venezuela-supera-el-80>

49. Study available at: <http://www.hinterlaces.com/analisis/politica/oscar-schemel-61-de-los-venezolanos-hoy-apoya-el-revocatorio>

50. Transparencia Venezuela. Alimentos: Estado productor, Estado importador. Available at: <https://transparencia.org.ve/alimentos-estado-productor-estado-importador/?platform=hootsuite>

51. Op. Cit. 43

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41. The annual report also shows inadequate planning because of budget deficits in 10 of the 15 agencies under the Ministry⁵², which required additional budget for actions or projects in 2015. In addition, and contrary to the effort to minimize the food crisis, the largest budget increase went to operating expenses within the Ministry (centralized action), instead of prioritizing the execution of projects that contribute to solving the shortages of staple foods for consumption by the population.
42. This situation has led to social unrest, as reported by the Venezuelan Observatory of Social Conflict in its May 2016 report, which notes 254 acts of looting or looting attempts in the first 5 months of 2016 and a 320% increase in social protests related to the right to food, compared to May 2015⁵³.



GOAL 3

HEALTH AND WELFARE

43. **Maternal mortality 130.70 maternal deaths per 1,000, neonatal mortality 18.61 per 1,000, an increase of 47,037 in malaria cases between 2014 and 2015.** In Venezuela, the absence of measures to correct structural problems and disinvestment in the sector have led to extreme backwardness in the right to health, which is visible since 2014 as a massive shortage of medicines, medical supplies and materials, and the collapse of public health services and in general noncompliance with the targets set for the sustainable development goal No. 3.

RELIABLE DATA

44. Access to public information on health, including epidemiological statistics, is not guaranteed. The epidemiological bulletin, a historical reference for the design of public policies, is published intermittently, hindering evaluation of policies undertaken by the State. This is in addition to the constant changing of ministers: 15 health ministers since 2003, including three military officers. In fact, while Colonel Jesus María Mantilla led Mission Barrio Adentro (health) the “silence of epidemiological information” became a policy, i.e. citizens were no longer informed about public health in the country⁵⁴. Again in November 2014, the publication of this bulletin was discontinued, and has not been issued for 15 months. We must emphasize that these periods of “silence” have

52. The report makes reference 10 entities attached to the People’s Ministry of Food; therefore the target progress for 5 entities is unknown.

53. National Observatory of Social Conflict. Conflictividad Social en Venezuela en mayo de 2016. Available at: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2016/06/Conflictividad-social-en-Venezuela-en-mayo-2016.pdf>

54. Transparencia Venezuela. Misiones Transparentes, bulletin No. 13. Misión Barrio Adentro. Available at: http://transparencia.org.ve/wp-content/uploads/2014/11/Misiones-Transparentes-N%C2%BA13-Misi%C3%B3n-Barrio-Adentro_.pdf

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coincided with outbreaks of dengue, chikungunya, malaria, to such extents that an epidemic alarm was clearly required, and some local governments took measures in view of the outbreaks by fumigating cities. In the case of malaria, a total of 54,529 cases were recorded in the first 14 weeks of 2016, a 52.6% increase compared to the same period in 2015, when 35,740 people were infected⁵⁵.

45. The health crisis in Venezuela is a consequence of deficiencies in the design and implementation of public policies by the State as part of its obligations to guarantee this right. In that sense, most public healthcare centers do not currently have the conditions that guarantee adequate healthcare⁵⁶ due to the decline of about 70% of its resources for diagnose, treatment and surgery, a loss of more than 50% of medical staff and the precarious conditions of their infrastructure and equipment, and 60% of stoppage of diagnostic and treatment equipment, as well as constant water cuts and power failures⁵⁷. According to official figures, the infant mortality rate by May 2016 stood at 18.61 per 1,000 live births⁵⁸, i.e. up 3.82 points⁵⁹, which puts us back in the 1950s⁶⁰.
46. According to the analysis of the National Budget Law for 2016⁶¹, the amount allocated for the health sector for 2016 was decreased by 62% compared to 2015, which had already been decreased by 59%. This runs counter to the recommendation of the Committee on Economic, Social and Cultural Rights to allocate adequate resources for the health sector and urging the State party to implement urgently the necessary measures to ensure the availability and quality of health services⁶², as well as target 17 of the relevant SDG.
47. In this regard, it is important to note that health sector budgets are traditionally based on a historical share of the national budget that reproduces inequalities and deficiencies, founded on status-quo criteria, not on studies or assessments of reality.

55. El Nacional Web. Más de 54 mil casos de malaria se han registrado en 2016. Published on 3 May 2016. Available at: http://www.el-nacional.com/salud_y_bienestar/duplican-casos-malaria-Venezuela_0_841115885.html

56. Do not meet adequate health or accessibility conditions, such as the healthcare facility Barrio Castillito in the state of Bolívar and Hospital Binacional de la Guajira, in the state of Zulia.

57. Codevida and Provea. Report on the situation of the right to health – March 2016. Available at: <https://coalicinporlavida.files.wordpress.com/2016/04/informe-codevida-provea-marzo-2016-1.pdf>

58. As an average, 194 deaths per week, 28 per day have occurred, with an upward trend.

59. In a letter sent by four former ministers of health to the Inter-American Commission on Human Rights on 12 June 2016. Available at: <http://runrun.es/nacional/venezuela-2/266468/ex-ministros-de-salud-envian-carta-a-la-cidh-sobre-situacion-de-mortalidad-infantil-en-el-pais.html>

60. Julio Castro. Venezuela: 4 datos alarmantes según la Memoria y Cuenta del Ministerio de Salud. Published on Prodavinci. Available at: <http://prodavinci.com/blogs/venezuela-4-datos-alarmantes-segun-la-memoria-y-cuenta-del-ministerio-de-salud-por-julio-castro-m/>

61. Transparencia Venezuela. Our budget 2016. Available at: <https://transparencia.org.ve/la-nueva-asamblea-nacional-de-be-aprobar-otro-presupuesto/>

62. E/C.12/VEN/CO/3/Par.27.

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The upshot is that the budget is always insufficient and ultimately covered through additional appropriations, which entails a discretionary management of funds with little transparency and accountability, hindering also citizen oversight⁶³.

48. Between 2000 and 2012, Venezuela reduced its total health spending by over 95%, the last year of the period being the lowest in the region, equivalent to 4.7% of GDP, of which public investment accounts for merely 34%. In 2015, 74 percent of this expenditure had to be funded by additional appropriations, leaving the health budget in extremely vulnerable conditions and paving the way for sources of corruption due to the difficulty of monitoring and overseeing this appropriation scheme⁶⁴.
49. An example is the funds allocated to strengthen the National Immunization Scheme (Vaccines) and the implementation of the strategy for prevention and control of HIV/AIDS, Tuberculosis, Asthma and COPD, whose budgetary allocations for 2016, Bs.485,856,607 and Bs.959,649,929 respectively, remained unchanged from the previous year (the same figure in bolivars), despite official annual inflation rate of 185% for 2015⁶⁵.
50. In fact, according to information from the Pan-American Health Organization (PAHO), the Ministry of Health belatedly signed purchase orders of antiretroviral drugs for 2016 to the PAHO Strategic Drug Fund, jeopardizing the supply of antiretrovirals for nearly 62,000 people living with HIV for the second half of 2016, according to information from CODEVIDA presented at the 158th hearing of the IACHR in Santiago de Chile in June 2016.
51. Specifically in the area of pharmaceuticals and medicines, the amount considered is Bs.2,624 million, which represents a real change of -49% compared to the amount allocated last year for the same sector. In the national budget, the Autonomous Pharmacological Service (SEFAR), under the People's Ministry for Health, was allocated a budget called Production, storage, distribution and regulation of essential medicines and medical supplies, to guarantee supply to the Venezuelan population and was allocated a total of \$30,901,667 (calculated at the official rate

63. Transparencia Venezuela. Risks of corruption in the health sector. Available at: <http://transparencia.org.ve/wp-content/uploads/2014/02/Riesgos-de-Corrupci%C3%B3n-Sector-Salud.pdf>

64. Provea. Annual report on the situation of human rights in Venezuela 2015. Chapter on Right to Health. Available at: <http://www.derechos.org.ve/pw/wp-content/uploads/Derecho-a-la-Salud.pdf>

65. National Budget Law 2016

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for medicines, Bs10:\$), which means a decrease compared with the total spent during 2015 and amounted to \$78,848,381 (calculated at the official rate for medicines of Bs6.3:\$ in 2015), including additional appropriations⁶⁶.

- 52.** The production of medicines, reagents and medical supplies in Venezuela is very low. According to the Annual Report of the Ministry of Health⁶⁷, SEFAR manufactured in 2015 just 714,000 units out of a target of 20,550,000 – i.e. 3% of the target — due to the lack of raw materials, and spare parts and machinery in the country. Because of the reduced domestic production capacity, more than 90% of medicines, reagents and medical supplies available to the population rely on imports and foreign exchange managed and authorized by the government.
- 53.** In January 2016, drug stores claimed that they could only supply 7 out of every 100 medicines required. In February this year, the president of the Venezuelan Chamber of Drug Stores reported that there was a crisis of drug inventories; in January 2014 there were 40 million units; in the same month of 2015, 20 million, and by 2016, there was only 8 million. In March 2016, CIFAR reported in a public statement that inventories of many plants were enough to cover until April, and if they did not have access to foreign currency, they would have to close down their operations.
- 54.** As for its actual availability, the Venezuelan Pharmaceutical Federation (FEFARVEN), an institution under the Association of Pharmacists of Venezuela, reported in January 2016 that the shortage of medicines stood at 80% nationwide. Similarly, public capabilities to deliver medicines to some 200,000 people in chronic health conditions such as cancer, hemophilia, lymphomas, renal failure, transplant, schizophrenia, epilepsy, among others, decreased from intermittent failures to utter depletion of some drugs, as reflected in the reduction in delivery statistics from the High Cost Drugs Pharmacies and the Venezuelan Institute of Social Security (IVSS), as stated in their Annual Reports for 2014 and 2015. The reduced availability of these drugs, mainly access to chemotherapy, also affects about 5,000 women with breast cancer⁶⁸.

66. Sánchez Lozada Karylim, Escasez de materia prima limitó producción de medicamentos. Published in El Mundo Economía y Negocios on 9 March 2016. Available at: <http://www.elmundo.com.ve/noticias/actualidad/noticias/escasez-de-materia-prima-obstaculizo-la-produccion.aspx>

67. Available at: http://www.asambleanacional.gob.ve/uploads/documentos/doc_db0708f9142d7bfa91a0ef6e219e0c5f99ea6680.pdf

68. Codevida and Provea. Report on the situation of the right to health – March 2016. Available at: <https://coalicionporlavida.files.wordpress.com/2016/04/informe-codevida-provea-marzo-2016-1.pdf>

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- 55.** According to CIFAR, the Venezuelan government owes them a total of \$657 million since 2012, while the debt with the National Chamber of Generic Drugs amounts to \$710 million, which hinders the payment of international suppliers of raw material and finished products. By April 2016 they received merely \$75 million in foreign currency from the National Foreign Trade Center (CENCOEX), a government body responsible for processing, allocating and granting foreign currency to individuals and businesses⁶⁹. This agency confirmed through its Department of Statistics and Strategic Analysis a decrease in the assignment of foreign currency for the health sector equivalent to 30.79% between 2014 and 2015.
- 56.** Public health care in Venezuela relies heavily on imports. Purchases from abroad cover between 70% and 85% of the needs for finished drugs, and more than 90% of basic supplies and accessories, medical supplies and surgical instruments, laboratory reagents, medical equipment and spare parts. Since 2010 the national government began to reduce foreign currency allocations, mainly affecting private institutions without considering the limited capacities of domestic production. This led to an accumulation of debts with international suppliers and closing of credit lines. Until March 2016, the debt to international suppliers was estimated at \$6 billion.
- 57.** The pharmaceutical industry in Venezuela has recently indicated that despite its willingness to work jointly with the Venezuelan government to solve the problem of shortage, they have not been invited by the government for the design of public policies. One example is the recent approval by the State, of foreign exchange for the purchase of 708 of the 7000 molecules necessary for the production of medicines, generating lack of necessary raw materials and duplication of others⁷⁰.
- 58.** The shortage and scarcity not only compromises the availability of services, but also affordability, due to the large number of people who must buy supplies and medicines at high prices to be admitted and treated in healthcare centers, regardless of their condition.

GASTOS EN SALUD

2014*	2015	2015*	2016	Variación Real	¿Cuánto se destinará a la compra de medicamentos?			
97.572	54.462	119.159	109.03	-62%				
					2014	2015	2016	Variación Real
					2.013	1.820	2.624	-49%
					Productos Farmaceuticos y Medicamentos (en MM de Bs)			

69. El Universal. Pharmaceutical Chamber: Inventarios de medicinas se agotarán en abril. 16.03.2016. Available at: http://www.eluniversal.com/noticias/economia/camara-farmaceutica-inventarios-medicinas-agotaran-abril_194016

70. Rodríguez, Dulce María. Gobierno elaboró unilateralmente lista de medicinas prioritarias, published in El Nacional on 1.04.2016. Available at: http://www.el-nacional.com/economia/Gobierno-elaboro-unilateralmente-medicinas-prioritarias_0_821318118.html

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59. Accordingly, during 2015 the Venezuelan Program of Education and Action in Human Rights (PROVEA), recorded 3,719 complaints about deficiencies in the health system, representing a 40% increase compared to the previous year. 52% of complaints were related to high levels of shortages of medicines, 47% with shortage of staff, supplies and equipment, weak physical infrastructure and closing down or suspension of services in public hospitals and clinics, including Mission Barrio Adentro facilities⁷¹.
60. For its part, CECODAP has documented between April 24 and June 5, 2016, 74 cases of children and adolescents from 10 states, with difficulties in access to medicines. Noteworthy among these figures is: 68.9% (51 cases) were children under 12, and 29.72% (22 cases) were adolescents. Also, 66.21% (49 cases) has been trying to find some type of medication for more than two months, and 28.37% (21 cases) for more than one month. The most sought after medicines include: folic acid, vaccines, antibiotics, analgesics and anticonvulsants.
61. According to the Office of the Comptroller General in its annual report for 2015⁷² (in reiteration of statements of its special report of 2010⁷³), audits to 11 companies hired for the purchase of medicines for the National Public Health System found administrative and internal control weaknesses related to compliance monitoring of contracts (8 of 11 companies with contracts did not delivered all the drugs) with the Health Ministry, which in turn failed to apply the punitive measures, performance bonds, or corporate responsibility commitments, and failed to follow procedures under the Public Procurement Act. This creates a hotbed for corruption due to the opacity in the selection of suppliers, purchase (import), and distribution of supplies and medicines.



GOAL 4

QUALITY EDUCATION⁷⁴

62. **Decrease in school enrollment rate of 141,823 students between 2005 and 2015, and no data on dropout rates.** Based on overall target, of ensuring inclusive and high-quality education, and promoting learning opportunities for life for all, we found that

71. Provea. Annual report on the situation of human rights in Venezuela 2015. Chapter on Right to Health. Available at: <http://www.derechos.org.ve/pw/wp-content/uploads/Derecho-a-la-Salud.pdf>

72. General Comptroller of the Republic. Management Report 2015. Available at: http://www.cgr.gob.ve/site_informes_management.php?Cod=026

73. General Comptroller of the Republic. Special report on the Autonomous Pharmaceutical Service (SEFAR). Available at: http://www.cgr.gob.ve/site_informes_special.php?Cod=028

74. Prepared by Olga Villasmil. Researcher of the Chapter on Right to Education for the Annual report on the situation of human rights in Venezuela 2015.

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in Venezuela, the situation of the right to education is also affected by the generalized crisis in the country, with overall backwardness in social rights. There are situations that suggest non-compliance with the targets set for the SDGs, such as a reduction in primary education enrollment, or budget cuts in higher education, which undermines the autonomy, infrastructure, quality of services and a brain drain of teachers due to low wages.

RELIABLE FIGURES

63. Investment in education for 2016 fell 84% compared to 2015 according to the Budget Act:

Gastos en educación					
Expresado en MMBs	2014*	2015	2015*	2016	Variación
Integral	126.840.70	55.827.45	169.184	104.777	-78%
Universitaria	36.033.66	39.361.97	39.361	108.094	-4%
TOTAL	162.874	95.189	208.546	212.872	-64%

*Incluye créditos Adicionales

64. According to figures from the Annual Report of the People's Ministry for Education (MPPE) for the period 2014-2015⁷⁵, overall student enrollment in Venezuela was 10,662,641, broken down as follows: 1,597,521 children in early childhood education, 3,449,592 in primary education, 2,301,822 in secondary education, 295,325 in special education, 140,365 in education of young people and adults, 256,003 in Missions Robinson and Rivas, and 2,622,013 in universities. An analysis of the Annual Report 2015 of the Ministry of Education shows that primary education in 2005 – a peak enrollment year – there was a reduction of 71,547 children. After secondary education enrollment peak year 2013, there was a decrease of 70,276 students. In other words, between primary and secondary education, enrollment declined by 141,823 students⁷⁶.
65. Reviewing the statistics provided by the MPPE for the basic education subsystem, there is gender equity in Venezuela, albeit not fully, with 49% female and 51% male students. If we break this down by levels, however, in early childhood education, for instance, the gap is 2% in favor of women; in primary education, the gap is 1% and in secondary education the gap is greatest, at 7.9%.

75. http://www.asambleanacional.gob.ve/uploads/documentos/doc_e93959323fe1bea215d539a4317d94e751c3fcec.pdf

76. With information from the Chapter Right to Education of the Annual report on the human rights situation in Venezuela 2015. Available at: <http://www.derechos.org.ve/pw/wp-content/uploads/Derecho-a-la-Educaci%C3%B3n.pdf>

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- 66.** Also noteworthy: in 2015 the population of non-enrolled children and adolescents from ages 3 to 16 is: 785,187 (10%), down 0.19% from 2014, distributed as follows: 259,955 (33.11%) in ages 3 to 5, 124,606 (15.87%) in ages 6 to 11, and 400,626 (51.02%) in ages 12 to 16. As noted, the non-enrolled population is mostly in ages 12 to 16 years.
- 67.** During 2015 and 2016, worsening shortages of basic products and insecurity increase poverty levels in the country, jeopardizing school enrollment. Many families do not send their children to school because they prioritize the search for food, or because the limitations to feed their children prevent them from sending them to school. In a May study conducted by the government of the state of Miranda, 69% of children in the sample had to reduce the number of meals at home, and 50% went to bed hungry. The Educación Miranda survey portrays the magnitude of the problem: 86% of school-age children are afraid of running out of food at home, and 86% would like to have access to breakfast during the holidays. In addition, 55% admitted to having missed school to accompany their parents to buy food⁷⁷.
- 68.** Regarding adult education and missions, enrollment rates have dropped significantly for both systems; according to Robert Rodríguez, in adult education and young people studying at night, there are 15,176 fewer students. In special education, there are 38,000 fewer children. Educational missions – arguably the government's flagship program – have seen their enrollment rates reduced by 438,000 students⁷⁸.
- 69.** Regarding teachers, in the period 2014-2015, there were 553,948, of which 26,035 (4.7%) does not have a teaching degree, a significant drop since the previous period, when it stood at 15%. This figure had decreased in previous years, but climbed back up. Hopefully this time there will be a consistent policy by the Ministry. There are states, however, where the situation with teachers who have no degree is extremely worrying. In Amazonas, 43% of teachers do not have a teaching degree; in Delta Amacuro, 20.3%, In Nueva Esparta, 12%; and in Vargas, 16.4%.
- 70.** During the period 2014-2015, there were 27,626 schools in the country. However, although there was an increase in the number of institutions, this number does not cover the needs for inclusion of all students. Therefore, a comprehensive analysis of existing educational institutions in the country calls for a deeper analysis. For instance, there are significantly fewer schools for secondary education than for primary education,

77. http://www.miranda.gob.ve/educacion/index.php?option=com_content&view=article&id=2518

78. Statements by Robert Rodríguez in March 2016. Available at: <http://www.noticierodigital.com/2016/03/robert-rodri-guez-memoria-y-cuenta-del-ministerio-de-educacion-revela-que-la-educacion-esta-en-decadencia/>

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even though in accordance with the Constitution education is compulsory from initial through secondary education. This generates the traditional drawbacks when the students finish primary school and try to access secondary education. While there are 18,704 institutions in primary education, there are only 5,981 for secondary education, i.e. there is 212.7% more schools for primary education. Therefore, measures should aim at ensuring more classrooms and/or more facilities.

- 71.** In addition, official figures of the Ministry since 2005 show a decrease in the construction of new municipal and state schools, suggesting a centralization of education. According to the Director of Education of the Government of the State of Miranda, Juan Maragall, a total of 2,500 new schools now need to be built to serve the school population in the country, in addition to maintaining, restoring and expanding the existing infrastructure. The ministry itself, however, claims to have built 27 schools in 2015 and 17 in 2014. But the situation is even worse when we check the number of schools in 2005: today we have 2,432 fewer schools⁷⁹. In spite of this, there is no plan or sufficient budget to cover the deficit.

Construcción de Escuelas	2014	2015	2015*
Construcción de Escuelas Básicas (Número de escuelas)	23	14	15
Mejoras de planteles de educación básica (Número de escuelas)	216	157	272

- 72.** A negative consequence of public policies is found in the illiteracy rate in Venezuela. While illiteracy stood at 7.02% in the 2001 census, despite Venezuela being declared as illiteracy free in 2005, according to the National Statistics Institute based on the 2011 census, illiteracy rate is currently 5.23%⁸⁰. This official figure represents an increase compared to the declaration endorsed by UNESCO⁸¹ in 2005.
- 73.** Unfortunately, little can be said for promoting learning opportunities throughout life, because the current government is implementing measures only to tackle specific situations that are ultimately not sustainable or generate overall positive impact. An example for moving towards quality education was the National Consultation

79. Juan Maragall. ¿Tenemos menos escuelas? ¿Qué dice la Memoria y Cuenta del Ministerio de Educación? Published in Prodavinci in March 2016. Available at: <http://prodavinci.com/2016/03/15/actualidad/tenemos-menos-escuelas-que-dice-la-memoria-y-cuenta-del-ministerio-de-educacion-por-juan-maragall/>

80. Analysis made by the Education Observatory of Venezuela on illiteracy. Available at: <http://prodavinci.com/2013/07/26/actualidad/hay-analfabetismo-en-venezuela/>

81. UNESCO establishes that a country is considered illiteracy-free when less than 4 % of the population is illiterate.

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for Quality Education⁸² held in 2014, which produced 3 key areas, namely: the laws derived from the Education Act, the national curriculum and the ten-year education plan, which will set the educational lines to be developed over the next 10 years. To date, there are no developments by the MPPE aimed at the implementation of the above key areas.

74. The university crisis due to insufficient funds has kept national universities on tenterhooks in 2016, with regular and recurring strikes.



GOAL 5

GENDER EQUALITY⁸³

75. Venezuela ranks 103rd in the Gender Inequality Index. The current situation of Venezuelan women and progress towards gender equality in the country show discouraging signs, since the actions of the Venezuelan State for women's rights and equality are welfare-based and maternalistic in nature, focusing on a notion of women mainly associated with their status as mothers. The results of these policies are reflected in the **Gender Inequality Index (GII)** of Venezuela for 2015, leaving it in 103rd place, as one of the five countries in the region with the worst performance in this ranking.⁸⁴

RELIABLE DATA

76. **With respect to targets 5.1 and 5.2**, the implementation of the Organic Law on the Right of Women to a Life Free of Violence was been not only slow in time, but limited in areas and impact. A clear example is **the lack of effective access to justice for women victims of violence**. According to Amnesty International, with reference to official statistics, only 1% of the more than 70,000 complaints of violence against women reported in 2014 came to trial, while 96% of cases that made it to court did not end in conviction⁸⁵. The Annual Report of the Public Prosecutor for 2015 does not specify the number of complaints received by the competent bodies in connection with cases of violence against women; however, **it admits that it was second most recurring crime during 2015** (17.8 %), above others such as vehicle theft, injury, extortion and homicide.

82. <http://www.educalidadparatodos.org.ve/web/wp-content/uploads/Presentaci%C3%B3n-de-la-Consulta-Nacional-por-la-Calidad-Educativa.pdf>

83. Prepared by Magdymar León Torrealba, Director of AVESA, based on 2nd report of the Universal Periodic Review cycle "SEGUIMIENTO A LAS RECOMENDACIONES HECHAS AL ESTADO VENEZOLANO EN RELACION CON LA DESIGUALDAD Y DISCRIMINACIÓN POR RAZONES DE GÉNERO EN CONTRA DE LAS MUJERES" prepared by AVESA-CEPAZ-GENDHU and FREYA.

84. Index available at: http://hdr.undp.org/sites/default/files/2015_human_development_report_overview_-_es.pdf

85. Available at: <https://www.amnesty.org/es/countries/americas/venezuela/report-venezuela/>

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Despite this, **the State has not approved plans or comprehensive programs to address violence against women** nor does it have a statistical data collection system, organized by type of violence and that reflects the relationship between perpetrators and victims, the number of complaints, prosecutions, convictions and sentences imposed on perpetrators and reparations to the victims.

- 77. With regard to target 5.5. Legislative participation of women in Venezuela remains below the regional and world average.** In 2015, the National Electoral Council (CNE) approved by a 50/50 vote a resolution applicable only for the legislative elections that year, but the result was precarious for women as they only reached a 20% turnout. Venezuela has an important policy, public and legal deficit regarding the participation of women in internal elections, appointment of authorities and related issues in political parties and constituencies, which are free to set their own rules. This is defectively reflected in **the participation of women in decision-making within and outside political parties**. There are no initiatives by public authorities to ensure equal representation of women and men in the executive and judicial branches of government. There is no citizen participation initiative for women.
- 78. On target 5.6,** we find that Venezuela shows the highest rate of **teenage pregnancies** in the region, according to the Report on the State of World Population 2015 presented by the United Nations Population Fund (UNFPA), which indicates that between 1999 and 2014 the pregnancy rate among adolescents aged 15 to 19 was 101 per thousand, exceeding the average for Latin America and the Caribbean (estimated at 76 pregnancies per thousand teenagers)⁸⁶. Most of these teenage girls come from resource-poor sectors, rural areas and impoverished areas where early pregnancy is a mechanism for intergenerational reproduction of poverty.
- 79.** Since 2013, there is a persistently high **maternal mortality** rate, with 406 deaths at the end that year, 432 at the end of 2014 and 195 at the end of June 2015, according to the Epidemiological Bulletins of the People's Ministry of Health⁸⁷. By May 2016, the rate stood at 130.7 maternal deaths per 100,000 live births is located⁸⁸. Although **there are no official figures**, unsafe abortion is thought to be associated with a high percentage of these maternal deaths. One of the recommendations made to the Venezuelan State by the UPR (2011) and human rights committees has been to effectively and

86. Available at: http://www.unfpa.org/sites/default/files/sowp/downloads/State_of_World_Population_2015_SP.pdf

87. Epidemiological bulletins of the Ministry of Health No.53 of years 2013 and 2014, and No.26 of 2015

88. According to Epidemiological bulletin (unpublished) there are currently 14 deaths per week, 2 per day in the country.

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efficiently address the problems of maternal mortality, infant mortality, unsafe abortion and teenage pregnancy. In view of this, the State has developed a **National Plan for the Protection of Sexual and Reproductive Rights and a Safe, Desired and Happy Motherhood Program**, both approved in March 2015, but figures indicate that they have not yielded effective results. State plans and programs are based on a populist, welfare and maternalistic approach, similar to that of the “social missions,” launched by the then President Hugo Chavez in 2003, which rather than favoring the empowerment and independence of women in the full exercise of their rights, have favored care and reproductive functions. Also, no steps have been taken to decriminalize abortion, an issue that remains invisible both in political discourse and in the health and social development agendas.

80. Since February 2016, we have a **humanitarian crisis in the country**⁸⁹ affecting especially and severely women, because i) it restricts the free exercise of their reproductive rights by limiting the possibilities of access to contraceptive methods (85% shortage)⁹⁰, which directly results in an increase in teenage pregnancies and unsafe abortions associated with unwanted pregnancies; ii) it restricts the free exercise of their sexual rights, because the shortage of condoms, with shortage index similar to that of contraceptives, puts them at increased risk of sexually transmitted infections, including HIV/AIDS⁹¹, in a clear contradiction of target 3 of SDG 3; iii) it restricts their right to health and to life as there is a serious decline in access to drugs for breast cancer, which is the leading cause of death for women in Venezuela⁹²; iv) the search for medicines and food, for which people must stand in long queues for several hours, and/or go to different stores, affects especially women.

81. In relation to Goal 5.7, the State has not developed a labor regulation with a gender equality perspective, and the Labor Law does not include a focus on gender equality and combating explicit discrimination in the workplace. The publication of the indicators related to economic empowerment by the INE (employment and/or underemployment rates, among others), is not regular, and not always shows disaggregated data.

89. Available at: http://www.asambleanacional.gob.ve/uploads/documentos/doc_c454694fb4c5d9c0c052307a4a0d-18c53d330925.pdf. See also El Tiempo: <http://eltiempo.com.ve/venezuela/investigacion/asamblea-nacional-declara-cri-sis-humanitaria-por-falta-de-alimentos/210645>

90. <http://www.noticiasbarquisimeto.com/2015/07/136569/el-desabastecimiento-de-anticonceptivos-supera-el-80/>

91. Various non-governmental organizations working on HIV/AIDS have denounced the shortage of condoms. See <http://www.eluniversal.com/vida/150226/stop-vih-denuncia-que-la-escasez-de-preservativos-es-nacional>

92. <http://www.derechos.org.ve/2015/10/23/amnistia-venezuela-cancer-de-mama-es-la-primera-causa-de-muerte-en-mujeres-venezolanas/>

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- 82.** The economic situation is affecting women more severely and puts them in an extremely vulnerable position, jeopardizing their economic freedoms and guarantees. **Unemployment among women increased three times more than among men** between December 2014 and December 2015 (4.5% vs 1.5%).
- 83. The wage gap between men and women** in Venezuela is 18% on average, according to the Gender Indicators Bulletin of INE (2013)⁹³. Research shows that the higher the level of education, the lower the wage gap. In the case of people with university education, the gap is 4%, while among the illiterate population is 60%.



GOAL 6

CLEAN WATER AND SANITATION

- 84.** The importance of water for life is undeniable, indivisible and inexorable. Life depends on it, on water quality. It is impossible to understand, much less imagine, the rest of the Sustainable Development Goals being met if we have no water quality. For the same reason, water is directly linked to the enjoyment of the following rights: life, health, development, peace, self-determination of peoples, food, access to justice, information and right to a healthy environment.

RELIABLE DATA

- 85.** According to the Constitution of the Bolivarian Republic of Venezuela (Art. 304)⁹⁴ and the Water Act (Art. 5)⁹⁵, water is a human right recognized by the state, which reserves certain obligations to guarantee it; however, despite regulatory development, the reality is far from effective enforcement.
- 86.** Importantly, Venezuela is a country rich in water resources; the main source of power in the country is hydroelectric. Currently, the country shows evidence of:
- Neglect of watersheds.
 - Logging and forest destruction.
 - Pollution of natural and artificial sources.
 - Deterioration of water treatment plants due to lack of maintenance.
 - Lack of treatment plants –those that ever existed were shut down due to lack of maintenance.

93. http://www.ine.gov.ve/documentos/Boletines_Electronicos/Estadisticas_Sociales_y_Ambientales/Indicadores_de_Genero/pdf/201407.pdf

94. Published in Official Gazette Extraordinary No. 5.453 of 24.03.2000

95. Published in Official Gazette No. 35.595 of 2.01.2007

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- f) Absolute lack of information about the state of the water.
- g) Silence about the real situation in the Guri hydroelectric plant.
- h) Little or no government information on the state of pollution of watersheds and water sources, where scholars and civil society have demonstrated the presence of mercury, aluminum, persistent organic contaminants, pesticides, chemical waste as well as fecal matter.

- 87.** Another characteristic of our country is that we are a mega-biodiverse territory with 43 national parks and 22 natural monuments, 18 of which provide 83% of the water we consume. An emblematic example is the Canaima National Park, the origin of the Caroni River, which provides the water flow to generate almost 70% of the hydropower that should drive Venezuela's development. It is therefore impossible to address the current situation on the right to water without mentioning **goals 7, 13 and 15**.
- 88.** Indeed, the National Institute of National Parks (INPARQUES) is being dismantled, its technicians removed, and does not have the necessary budget to monitor 15 percent of the national territory protected under this designation, as opposed to provisions of Article 327 of the Constitution.
- 89.** Since 2013, environmental organizations have denounced the contamination in distribution centers of water for human consumption, particularly in the state of Carabobo.
- 90.** There is currently a major issue with water throughout the country, apart from the lack of public information and the absence of official figures to monitor the situation effectively. The State blames El Niño Southern Oscillation (ENSO) as one of the causes of the problem, but without any study or previous monitoring, or implementation of public policies to minimize adverse effects, even as these natural phenomena are well known and warned about by the international community, specialized agencies and civil society organizations in the country.
- 91.** Since 2015 the entire country has water supply problems, which have worsened in 2016 with nationwide rationing. The government only blames El Niño as the cause, and has not implemented policies to solve the problem.

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- 92. Water and sanitation in urban areas.** Geographically, the largest amount of fresh water is in the south of the country, while the most populated areas are in the north. The great distances and differences in altitude require major engineering work and considerable expenditure in terms of energy. This technical effort of building aqueducts, water treatment plants, sanitation facilities for the most populated cities was made by the now defunct Instituto de Obras Sanitarias *1943†1994. The plants were built for the type of raw water available at the time. This type of raw water could be rendered drinkable by conventional treatment⁹⁶. The current situation is different. Even if the plants had proper maintenance, they could not handle the pollutants in the raw water today. This is the result of a lack of comprehensive water management.
- 93.** According to the Chunikai Civil, Ecological and Social Association, the construction of four water treatment plants should have begun by 2015, according to the new investment plan by the Inter-American Development Bank (IDB) for stage IV of the sanitation of the Guaire River (Caracas). But the 31 urban relocation works were not carried out, and the necessary five pumping stations were not built in 2014 or 2015. Of the 66 required inspections, only three were performed in 2015. Not one meter of pipe was laid during the year, although the project requires more than 32 kilometers.
- 94.** Another example of incomplete projects is the work of reinforcement of the diversion tunnel for the Yacambu-Quíbor Hydrological System and the construction of the diversion tunnel intake at the Yacambú dam, which showed a meager 0.23% progress by 2015, according to Provea.
- 95.** Additionally, there is a lack of integrated management of natural resources, particularly for water; on the contrary, the State ignores the contamination of some natural and artificial sources; there is lack of maintenance on water treatment plants, misinformation about the condition of the water for human consumption, the situation of watersheds, and opacity on the situation of the Guri hydropower plant. Overall, there is a clear deterioration of the hydrological cycle of our water bodies nationwide.
- 96.** The organization also notes that during the last year of the National Water Plan 2013-2015 Hidroven met 15% of the water quality management optimization in towns with more than 5,000 inhabitants, 38% of rehabilitation and optimization of major water purification plants, working on only three of them, and 40% rural aqueduct program

96. Ample jurisprudence and technical parameters specify the various indicators to be taken into account. Including Decree 883 which establishes the type of raw water that should be treated for human consumption. <http://www.aguaclara.org/talcul/ambiente20120319.pdf>

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and for towns with less than 5,000 inhabitants—Phase II. In addition, it completed only 11.27% of the planned rationalization of potable water consumption and sanitation in urban and rural areas as part of a national campaign of saving water resources.

97. As contrary to the protection of our natural heritage and hydrological cycle of our water sources, an area of almost 112 km², adjacent to the south bank of the Orinoco, the country's main river, is being auctioned off to 150 foreign companies for mining gold, coltan, diamonds, and other minerals⁹⁷. The project, which the government has called Arco Minero⁹⁸, is in clear opposition of target 6 of SDGs 6. Although the project has recently been rejected by the plenary session of the National Assembly, the government has created for its development a new entity attached to the Ministry of Defense (**Compañía Anónima Militar de Industrias Mineras Petroleras y de Gas, CAMIMPEG**) and a new Ministry of **Mining and Ecology**, ignoring the powers of the Ministry of Ecology and Waters on this subject⁹⁹, which regulates and controls water sources, management of watersheds, the Office for Biological Diversity and the National Institute of National Parks -INPARQUES.
98. The Supreme Court has also contributed to the deterioration of ecosystems and water resources, through the judgment issued on 6 May 2013¹⁰⁰, which affects 3 million people in the states of Carabobo and Aragua, in response to the lawsuit against the state filed by the Movimiento por la Calidad del Agua¹⁰¹ due to damages to collective interests, seeking an injunction to prevent the diversion of water from Lake Valencia to the Pao-Cachinche water reservoir, caused by the changing of the course of a polluted river to flow into the lake to raise its level. In addition to wastewater from nearby towns and industries, this caused flooding in towns close to the lake and the transfer of these contaminated waters to the reservoir that supplies the aqueduct for this part of the country, whose water treatment plants receive no maintenance and are practically dismantled.

97. Francisco Olivares. Arco Minero y Ambiente. Published in El Universal on 03.04.2016. Available at: http://www.eluniversal.com/noticias/economia/arco-minero-ambiente_247568

98. The area under auction is separated from oil belt by the Orinoco River, i.e. the river will likely receive the waste of oil companies on the north bank and the waste of mining operations on the south bank. This geographic location is important because downstream, at the mouth of the river, is home to the Warao indigenous people, which are already affected by pollution from the basic industries in the state of Bolívar.

99. The Ministry of Ecosocialism and Water is the institutional remains of the now defunct Ministry of Environment, an institution founded in 1976, the first Ministry of Environment of Latin America. After being renamed several times, first demoted to Vice-Ministry under the Ministry of Housing and Habitat and then back as Ministry of Ecosocialism and Water, with little or no competence in protecting the natural heritage of a mega-biodiverse country.

100. Judgment available at: <http://historico.tsj.gob.ve/decisiones/scon/mayo/433-6513-2013-12-0340.html>

101. : <http://movimientoporlacalidaddelagua.blogspot.com/p/juicio-del-agua.html>

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- 99.** The current situation of Lake Valencia and others is deteriorating as shown by official figures of HIDROCENTRO on water quality parameters¹⁰², which shows alterations in the levels of aluminum and chloride, as well as in turbidity and water color, as stated by the Chunikai Civil Ecological and Social Association in a study conducted for the Annual Report on the situation of human rights in Venezuela during 2015. This was also shown by figures provided in the annual report of the Ministry of Ecosocialism and Water for 2015¹⁰³.
- 100.** Another emblematic case is the Calabozo dam (Guárico), built in 1957 in order to assuage the floods of the Guárico River, provide water to the inhabitants of the area and create the country's largest area of irrigation for agriculture. Currently the water levels of the dam are far below normal. In fact, it can only supply water for human consumption and is not supplying water to irrigate the rice producing areas. One of the gates has been out of service for more than four years. As a result, water cannot be retained. Another characteristic of the area is that farmers have used pesticides, contaminating settlements downstream, without any control by the government. The first academic studies on contamination were conducted in the 1980s and the levels of persistent organic matter and its effects on the people's health have not been re-measured.
- 101. South of the Orinoco**, the degradation of water resources is also severe. Gold mining is releasing mercury and cyanide into the atmosphere and rivers, felling trees and washing out the fragile soils of the forest. The rivers of the Amazon rainforest, habitat of ancestral ethnic groups such as the Yekuanas, Yanomame, Sanema, among others, are already contaminated and hence, so are their livelihoods¹⁰⁴. Mining also creates unhealthy conditions that can lead to outbreaks of malaria, dengue, chikungunya, zika and contaminates the atmosphere, soil and water with mercury and cyanide, perpetuating destruction. The threat of "mining arc" will surely exacerbate the damage that is already devastating the remaining mega-biodiverse ecosystems, as recently stated by the former Minister of Environment, Ana Elisa Osorio¹⁰⁵, and violates the rights of indigenous peoples in the region¹⁰⁶, not to mention the decree¹⁰⁷ that prohibits and penalizes the exercise of the rights to assembly, peaceful demonstration and strike.

102. Available at: <https://www.hidrocentro.gob.ve/hc/sispro/calidadAgua/>

103. Available at: <http://www.minea.gob.ve/wp-content/uploads/2015/09/MEMORIA-2015-MIN-ECOSOCIALIS-MO-Y-AGUAS.pdf>

104. <https://mail.google.com/mail/u/0/?tab=wm#search/informe+kuyujani+mercurio/1392bb066fa92ffb?projector=1>

105. Remarks by Ana Elisa Osorio for newspaper 2011. Available at: <http://www.2001.com.ve/en-la-agenda/128568/osorio--explotacion-del-arco-minero-no-es-sustentable.html>

106. Remarks by Coordinator of Indigenous Organizations in the Amazon Basin (COICA). Available at: <http://www.coica.org.ec/index.php/noticias/item/326-lideres-indigenas-rechazan-activacion-del-arco-minero-del-orinoco>

107. Published in the Official Gazette 40.855 of 24 February 2016

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102. This situation reveals that despite being a territory rich in water resources, people go several days straight without water, which led to 28% of the 523 protests that took place in February 2016¹⁰⁸ and 22% in May of the same year¹⁰⁹, due to water that is unfit for human consumption; scheduled and unscheduled power cuts. In short, lack of water and power brings serious consequences for the country's development: hospitals shutting down operating rooms and wards, increase of hygiene-related and water-transmitted diseases, increased vector-borne diseases; closed schools, government offices working part time, only two days a week, water shortages for farmers.



GOAL 7

AFFORDABLE AND CLEAN ENERGY

103. Despite being a commitment of the Venezuelan State for compliance with the SDGs, the reality in the country is far from what the government claims in its voluntary report. The situation during 2016 regarding this goal has focused on encouraging the use of fossil fuels, power outages, scheduled or not, while the country is on the brink of a new energy crisis.¹¹⁰

RELIABLE DATA

104. The government's voluntary report cites the increase in gasoline prices as a factor that discourages excessive use of transport and combustion engines which pollute the environment. It should be clarified that the increase, although seemingly significant, is far from encouraging a reduction of wasteful consumption or promoting the use of other, clean energy sources. Fact: a gas tank of a standard family vehicle cost before the increase US\$0.006; after the increase in 2016, the cost is now US\$0.6 for a full tank of gas.

105. The energy crisis has become more acute since the crisis of 2009, when the electrical emergency was declared and had required a huge investment in different power generation mechanisms. Blackouts and scheduled power outages occurred throughout the country, except in Caracas during 2015. But in 2016, the crisis has been so severe that the government took measures such as limiting working hours

108. National Observatory of Social Conflict. Report on protests for February 2016.

109. National Observatory of Social Conflict. Report on protests for May 2016. Available at: <http://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2016/06/Conflictividad-social-en-Venezuela-en-mayo-2016.pdf>

110. Prodavinci. ¿Qué está pasando con el sistema eléctrico? ¿Por qué hay una crisis eléctrica? Published on 25 February 2016. Available at: <http://prodavinci.com/2016/02/25/actualidad/venezuela-que-esta-pasando-con-el-sistema-electrico-por-que-hay-una-crisis-electrica/>

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for several months (by the time of this report the working hours are still limited) for the public sector, working only two days a week from 8 am to 1 pm; schools closed on Friday; hotels and shopping centers with power usage restrictions, etc.

- 106.** Regarding thermal energy, Victor Poleo, a former deputy minister of energy and professor at the Central University of Venezuela, warns that the deficit of available capacity dates back to 2007. Already in 2014 there was 11,000 megawatt of thermal energy unavailable, which accounts for almost half of the thermal energy installed capacity. In this connection, Barbara Lira believes that “We have a high dependence on hydroelectric generation and thermal energy facilities that are not able to generate the amount of electricity to supplement the hydropower system.”¹¹¹
- 107.** However, the government blames the power generation problem on external factors, and has failed to implement policies to address the problems; meanwhile, we are still dependent on fossil fuels and hydropower, which puts us in a vulnerable situation and has caused related problems such as power rationing plans including unscheduled outages and reduced working hours in the public administrative sector to only two days a week, half a day, closing of shopping centers, among others.



GOAL 8

DECENT WORK AND ECONOMIC GROWTH

- 108.** Venezuela went from having **672,642 companies to 324,732 companies in January 2016. Unemployment rate 7.3%.** To evaluate the results obtained in Venezuela in meeting the targets of this SDG, we must establish a framework on economic performance of the country, specifically on issues related to poverty and inequality in society.

RELIABLE DATA

- 109.** The only sustained policy of the Venezuelan state for the past ten years has been expropriations, confiscations, control over the productive sector as a monopoly; arbitrary practices and constant changes in the rules on capital, investment, production and the private sector as a whole. Consequences include the closing of 28,000 companies by 2015¹¹². Despite not having an official figure, the behavior of recent years gives us an idea for this year in terms of closure of companies; 52 percent of companies operating by 2001 shut down. Venezuela went from having 672,642 companies to only 324,732 companies in January this year.

111. Ibidem

112. <http://confirmado.com.ve/venezuela-termina-2015-con-cierre-de-28-mil-empresas/>

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110. Moreover, expropriated or confiscated businesses drastically reduced their production, and in other cases, closed down. State-owned enterprises for production of coffee, oil, milk, fruit juices, yogurt, cement, steel bars, etc, have limited capacities, and are part of the problem of food shortages. Even oil production, gas refining, and gasoline, have dropped to levels of ten years ago. Investment in Venezuela has been negative for several years, according to ECLAC data.

111. In accordance with the latest measurements which indicate that poverty in the country for 2015 affects 76% of the population¹¹³, minimum wage in Venezuela (Bs.15,051.11) is equivalent to USD 0.81 per day at the DICOM official exchange, used for the vast majority of goods and services in the country, to represent the lowest income level in the region, as seen below:



112. Since 2014 the contraction of the productive apparatus and low oil prices exacerbated the decline in economic activity by -4% and -5.8% in 2015¹¹⁴, contravening good practices and recommendations established to meet the Millennium Development Goals in this regard. The IMF and the World Bank estimate an 8-point drop in Venezuela's GDP for 2016¹¹⁵.

113. According to information published by INE¹¹⁶, unemployment rate for April 2015 was 7.1%. It is important to note that due to changes in the data collecting methodologies, any citizen who is part of any transfer by the State through social assistance programs it is technically considered employed for the purpose of this estimates; but estimates of international agencies¹¹⁷ place the unemployment rate in Venezuela for 2016 at 17% of the economically active population.

113. <http://prodavinci.com/blogs/la-pobreza-se-disparo-hasta-76-en-venezuela-segun-encovi-ucv-usb-ucab-por-victor-salmeron/>

114. <http://informe21.com/economia/bcv-publica-cifras-de-inflacion-y-pib-de-venezuela-al-cierre-de-2015>

115. El Mundo. FMI endurece proyecciones económicas para Venezuela en 2016. Published on 13 April 2016. Available at: <http://www.elmundo.com.ve/noticias/economia/internacional/fmi-endurece-proyecciones-economicas-para-venezuel.aspx>

116. http://www.ine.gov.ve/index.php?option=com_content&view=category&id=103&Itemid=40

117. <http://runrun.es/nacional/265241/revista-semana-el-desastre-de-venezuela-en-cifras.html>

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- 114.** Other labor-related consideration to take into account is that according to the latest official public information in 2013, INE¹¹⁸ reported that 42% of the population is in the informal sector of the economy, with consequences on the decline in total productivity of the economy and the deterioration of working conditions of the population that is not protected by labor regulations. Currently, the unemployment rate is at 7.3% according to the INE report of April 2016¹¹⁹. Noteworthy here is that INE redefined the employment rate to include anyone who receives any benefit from the so-called social missions, but who does not necessarily have formal or informal employment; this results in ignorance and opacity on the actual number of people who are currently employed.
- 115.** The critical situation in terms of labor rights led it to become the main demand of protesters during 2015, with 1,910 protests. The figure increased by 35% compared to 2014, with 1,415 demonstrations for this reason. Most labor-related protests were for payment of debts, but job security, collective agreements and poor wages are also key issues¹²⁰.
- 116.** Another area where Venezuela is lagging in relation to the targets set in SDGs, are environmental issues where no significant progress has been made to decouple economic growth from the exploitation of mineral resources and environmental degradation; on the contrary, dependence on these resources, especially oil, has increased in recent years, to the point that it represents almost all foreign currency received by the country¹²¹.



GOAL 9

INDUSTRY, INNOVATION AND INFRASTRUCTURE

- 117. The State has a debt of USD 12 billion with international suppliers.** Regarding building of resilient infrastructure, promoting inclusive and sustainable industrialization and promoting innovation, the Venezuelan case shows signs of backwardness or no progress in meeting this goal.

118. <http://www.eluniversal.com/economia/130120/42-de-la-poblacion-ocupada-esta-en-el-sector-informal>

119. National Statistics Institute. Household survey. Situation of the work force in Venezuela. Monthly Report for April, 2016. Available at: <http://www.ine.gov.ve/documentos/Social/FuerzadeTrabajo/pdf/Mensual201604.pdf>

120. Mariel Lozada. 5,851 protests took place in 2015, according to Observatory of Social Conflict. Published in Efecto Cocuyo on 02/01/2016. Available at: <http://efectococuyo.com/principales/5-851-protestas-se-registraron-en-2015-se-gun-observatorio-de-conflictividad-social>

121. <http://www.noticias24.com/venezuela/noticia/318629/faria-la-an-ha-asumido-una-politica-de-obstruccion-y-confrontacion-desde-que-asumieron/>

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- 118.** Infrastructure is one of the pillars of sustainable development of a society, with significant multiplier effects reflected in the increase of direct and indirect employment, increased demand for related goods and services, and positive externalities that allow the rest of society to have the necessary tools for the development of their individual projects in a context of collective and inclusive opportunities.
- 119.** At this point the country has a long way to go to meet the target set in this goal, especially with the provision of basic services that provide a platform for the rest of the activities of the economy. The energy sector is in a deep structural crisis that has resulted in daily power rationing in most of the country¹²². There is a five-year delay in mass public transport projects in major cities¹²³, problems of access to sanitation, hygiene and water.
- 120.** A sustainable industry is a reflection of a healthy and productive economy, so one of the goals to monitor is the contribution of such sector to the rest of the economy in order to determine the level of industrialization of a nation. In the Venezuelan case, manufacturing accounts for 13.46%¹²⁴ of total goods and services produced in the system of national accounts for Q3 2015 (date of the last official publication), a figure below the industrial potential and installed capacity.
- 121.** Small and medium industries are a driving force in terms of employment and wealth creation in a nation, but more than large industries, they require a stable environment with clear rules that contribute to the strengthening and improvement of business conditions. Economic policy of Venezuela runs against the fulfillment of this goal. One the most revealing facts is the debt with international suppliers, for USD 12 billion according to estimates by the Venezuelan Confederation of Industrialists¹²⁵, causing the closure of lines credit and access to international financing, inability to join production processes and regional value chains, and to overcome difficulties to meet domestic demand for products and services.
- 122.** The last major category in this SDG deals with research and innovation in industrial production processes, which is highly correlated with the aggregate results of the economy. One of the initiatives promoted by the State under the Law on Science,

122. <http://prodavinci.com/2016/02/25/actualidad/esta-es-la-gaceta-oficial-40-855-donde-se-indica-el-nuevo-horario-de-las-oficinas-publicas-monitorprodavinci/>

123. <http://sumarium.com/corrupcion-el-responsable-del-retraso-de-la-linea-5-del-metro/>

124. <http://www.bcv.org.ve/c2/indicadores.asp>

125. http://www.el-nacional.com/economia/Conindustria-Deuda-proveedores-internacionales-millones_0_798520271.html

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Technology and Innovation was the creation of a para-fiscal fund to retain contributions of 0.5% to 2% of gross revenues for companies with revenues over 100,000 tax units¹²⁶. There are no details available about the funds collected and the results of projects, because despite being public funds, there is no access to official information on the use of the fund.



GOAL 11

SUSTAINABLE CITIES AND COMMUNITIES

123. The government tackled the housing issue, without dealing with the issue of habitat, which has worsened the problem of public safety, health, utilities, primary health care, education, transportation, wastewater, corruption, etc. Housing construction by the Venezuelan State, through the so-called Gran Misión Vivienda Venezuela, has become in recent years the flagship policy of the current administration; nevertheless, it does not escape political, social and economic reality of the country; allegations of corruption and irregularities regarding policy efficiency, and general questions about the guarantee of the right to adequate housing according to international standards established in the General Observation No. 4 of the United Nations Committee on Economic, Social and Cultural Rights.

RELIABLE DATA

124. In July 2015 the United Nations Committee on Economic, Social and Cultural Rights expressed concern regarding the housing policy, specifically on the persistence of informal settlements and the persistent housing deficit in the State party, and the information about the shortcomings of the homes built and the deterioration of the urban environment¹²⁷. In this regard, it recommended the definition of a comprehensive strategy based on the right of everyone to adequate and affordable housing, and to develop well defined rules in terms of quality and living standards; to avoid segregation based on criteria that have to do with economic or social conditions or political opinion, or any other reason for discrimination prohibited under the Covenant.

125. Regarding the budget for public housing policy, an amount of Bs.13,651 million was allocated, down 90-percent from 2015 in real terms¹²⁸. This cut was made in the context of a institutional weakness in the Housing Ministry, which was modified 3 times in the last two years.

126. <https://www.pwc.com/ve/es/actualizacion-tributaria/assets/boletin-actualidad-corporativa-no21.pdf>

127. E/C.12/VEN/CO/3/Párr.25

128. Transparencia Venezuela. Our Budget 2016. Available at: <https://transparencia.org.ve/la-nueva-asamblea-nacional-de-be-aprobar-otro-presupuesto/>

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- 126.** On public policy, Transparencia Venezuela has warned through a comparative study of eight indicators and an evaluation of social policies such as the “Gran Misión Vivienda Venezuela”¹²⁹, about irregularities that generate corruption and focus on: Discretion in the selection of beneficiaries, which leads to benefitting individuals or families who may not be priority or are not part of the object of the program. **Weakness or absence of control systems and accountability.** There is no access to public information and there are no regulations. With respect to registration in the system, we found that there is no formal public procedure for applicant data processing and verification, or for selection and training of verifiers; in terms of management, irregularities were observed: There are no official statements on corroborated citizen complaints, unjustified evictions without compensation, homes built without utilities and delivery of unfinished homes, among others.
- 127.** The study, completed in 2014, also found corruption risk in indicators on deliveries and transfers, with absence of regulations for deliveries, and the use of the delivery of homes as partisan political propaganda, little or no access to public information, and lack of minimum standards for accountability, inconsistency between data and statements from official spokespersons and difficulties for verification and monitoring of homes delivered/built. Irregularities are also common in the review of the indicators of accountability, monitoring and follow-up, and complaints.
- 128.** According to official figures from the Ministry including all weekly announcements, home deliveries from 2011 to 2015, press releases from the Ministry and other agencies, as well as estimates of the construction chamber and the real estate chamber, housing figures are shy of 500,000 homes; however, official propaganda boasts 1 million homes built by the housing mission in the same period. There is no data to confirm this information, since there is no disaggregated data of any kind in the announcements.
- 129.** However, this figure has been questioned by Provea, which has pointed out methodological inconsistencies in measurement. According to this organization, the Minister of Housing and Habitat reported in October 2015 that the housing mission had built 753,163 homes, in contrast with figures reported by the same agency, that 673,693 homes were built between 2011-2014, which means 79,470 houses were built in the country between January and October 2015. This means that between November and December 2016 the government built 246,853 homes, which means that in 60 days it built more homes than in each of the previous years. A rate of construction

129. Transparencia Venezuela. Análisis de Riesgos de Corrupción e Integridad en la Gran Misión Vivienda Venezuela. Available at: <http://transparencia.org.ve/wp-content/uploads/2013/01/Informe-Transparencia-GMVV2013.pdf>

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and delivery of houses so hectic—4,114.2 houses a day; 171.4 per hour—would have been obvious to anyone and would have impacted favorably official economic statistics¹³⁰.

- 130.** In addition, Provea said, the economic statistics from the Central Bank of Venezuela reported a 20.2% decline in the construction sector, from July to September 2015, which remained for the last quarter of the year. This contradicts the high construction figures claimed by the Housing Ministry. Another fact that contradicts the official figures is the inability to disaggregate the number of homes built, for example those built by the private sector and the so-called People's Power self-management, in the Annual Report of the People's Ministry for Housing and Habitat¹³¹.
- 131.** Provea also reports that, on the one hand, unemployment rate in the construction sector is between 70% and 74%, according to the National Federation of Construction Workers. Also, the shortage of construction materials in the country for several years which cannot be quantified due to the lack of official figures by the national government on the price index of construction supplies since 2013, but which can be inferred from the shutdown of 80% of construction work due to shortage of materials in the first quarter of 2015, according to statements by Orlando Chirinos, Coordinator of the National Alliance of Cement Workers¹³², and smuggling to other countries of 34% of building materials produced in the country, as stated by the Minister of Planning and Development, Ricardo Melendez in assessing the level of compliance with the ICESCR.
- 132.** As for the living conditions of housing, ENCOVI states that 62% of the structures of homes in the country are vulnerable to earthquakes, while the rest, 38%, have a structure that could be affected quakes. According to the collected data, 13.5% of Venezuelan homes are at high risk, 23% have cracks in their structure; 13.4% are on unstable landfills; 10.5% in areas prone to landslides, and 15.7% are at risk of flooding¹³³. This study also reported that the increase in structural poverty was mainly due to a deterioration in services to households (decline from 83.6% to 81.3% of piped water service) and increase of inadequate housing to 10.33%¹³⁴.

130. Provea. Annual Report on the Human Rights Situation 2015. Chapter on Right to Housing. Available at: <http://www.derechos.org/ve/pw/wp-content/uploads/Derecho-a-la-Vivienda.pdf>

131. Ibidem.

132. Quoted in: Anabella Abadi. Todo lo que debe saber sobre la actualidad del sector construcción en Venezuela. Published on 02 April 2015. Available at: <http://prodavinci.com/blogs/breve-radiografia-del-sector-construccion-por-anabella-abadi-m/?output=pdf>

133. Op. Cit. 113

134. Available at: http://www.rectorado.usb.ve/vida/sites/default/files/2015_pobreza_misiones.pdf

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- 133.** According to the same study (ENCOVI) conducted in 2015, 86% of households in the country has no water service through pipes and in 38.4% of households with access to it, water supply is not continuous. It also states that these flaws in service severely affect living conditions, and improper water storage causes waterborne diseases. With respect to electricity, blackouts and outages affect 86.4% of households; whereas, while 78.5% of households have urban waste management service, the frequency of garbage collection and disposal is in question, which causes environmental and health problems¹³⁵.
- 134.** An emblematic case, the Socialist City Hugo Chávez Frias, in the Marizapa sector, Acevedo municipality in Miranda, stands as an ambitious urban project—made up of four stages of 2,200 homes each: 111 buildings, 20 apartments per building, designed to give home to about 44,000 people— where people are grateful to have a roof over their heads, but regret and suffer daily the deficiencies of the housing complex, as they have no elementary schools or high schools (the resident population is characterized by the lack of education of children and illiteracy), no healthcare centers, no food stores, power outages for 4 hours a day and water supply interruptions for up to six hours, difficulty accessing public transport, no sports, culture or recreation facilities, and in many cases without household appliances for everyday life, insecurity and fear due to the presence of military officers as part of a security operation (OLP), and generally without any deed of property of their homes to give them legal reassurance.
- 135.** Importantly, there is no data on the beneficiaries of social programs, and the granting of homes award has been found to be made, in most cases, only by delivering the key to the home, without registration of a formal document confirming the legality of the occupants. There are no documents that certify them as owners, tenants, awardees, lessees. Nothing.



GOAL 16

PEACE, JUSTICE AND STRONG INSTITUTIONS

- 136. 97.73% of impunity in corruption cases.** While the rights of access to public information and justice, as well as the consolidation of Venezuela as a state with a rule of law that promotes transparency and the fight against corruption, are guaranteed by the Constitution, the Venezuelan State has set numerous legal obstacles and discriminatory practices that contradict these principles.

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- 137.** Regarding institutional structure, in the Venezuelan context, we witness circumstances that undermine the **independence of the judiciary and the rule of law**, creating conditions for the violation of rights. One example, on December 23, 2015, after the election of new deputies to the National Assembly, but before they took office, the old parliament elected 13 chief justices of the Supreme Court (TSJ), including their alternates, violating the appointment procedure established by law¹³⁶. The appointees are people with ties to the ruling party, PSUV, and some held public office representing the party, such as current Justice Calixto Ortega, a deputy of the ruling party appointed Judge¹³⁷, who voted for himself, through mechanisms that violated the Constitution and laws¹³⁸.
- 138.** As expected, the Supreme Court has ruled in favor of Executive Branch and Public Administration in 93% of cases¹³⁹. Transparencia Venezuela systematized a total of 102 rulings, where the TSJ has: i. Declared states of emergency requested by the government, and extensions thereto, ii. Limited the powers of parliamentary control of the National Assembly, restricting it to the Executive Branch and exceptionally the Judiciary, only with regard to prior scrutiny of the selection of judges, iii. Denied the right of access to public information, iv. Endorsed refusal of national public agencies to account for their actions, including the Central Bank of Venezuela; the Ministry of Health, among others.
- 139.** In addition, since the election of the 167 members of the Venezuelan Parliament in December 2015, the Supreme Court has handed down 14 judgments against the new legislature. Twelve decisions have been signed by the Constitutional Court, while the other two have been issued by the Electoral Court¹⁴⁰. The first ruling was issued before the inauguration of the elected deputies, with judgment 260 of the Electoral Court dated 30 December 2015. It ordered to suspend the proclamations of the four deputies elected for the state of Amazonas. This resolution has left the 160,548 people of that state with no representation at parliament.

136. Organic Law of the Supreme Court of Justice, Article 38

137. Christian Tyrone Zerpa, Electoral Court; Calixto Ortega, Constitutional Court.

138. Final report of the Special Commission for the study of the appointment process of official and alternate Justices of the Supreme Court of Justice, National Assembly, 3 March 2016. Available at: <http://goo.gl/e8z11X>

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

140. Transparencia Venezuela. TSJ dictó 14 sentencias contra la Asamblea Nacional. Available at: <https://transparencia.org.ve/tsj-dicto-14-sentencias-contra-la-asamblea-nacional/>

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- 140.** Another issue regarding rule of law is the endorsement of the state of emergency declared in January 2016¹⁴¹, which in the view of Transparencia Venezuela is a recognition of the structural crisis in the country and the inoperability of the State in providing a solution to the current economic recession in place since 2013. After 5 months of this declaration, except for a unilateral budgetary allocation, no public policy was implemented in the country that was not already within the powers and responsibility of the Executive Branch¹⁴². This situation led 125 recognized organizations with ample experience in the struggle for human rights, to express their opposition and demand its annulment¹⁴³ including the Inter-American Commission on Human Rights¹⁴⁴.
- 141.** For Transparencia Venezuela, extending the measure through the declaration of a new State of Economic Emergency¹⁴⁵ continues to give power to the Executive Branch for the suspension of constitutional guarantees and represents a flagrant violation good administrative practices of transparency and management of public resources, and eliminates de facto the control of the National Assembly oversight on government, as contravenes the fiscal control and accountability system established in the legal code of the Republic, creating incentives for corruption and diversion of funds at a time of contraction of the national productive apparatus.
- 142.** On the fight against corruption as one of the targets established for this goal, we find that in Venezuela, the development of human rights is marked by a widespread and profound atmosphere of corruption, with presence of all the evil elements of the formula: concentration of power/monopoly + discretion + impunity - (accountability + opacity + control systems). No wonder, then, that Venezuela ranks among the last ten places in the Transparency International Corruption Perceptions Index, with 19 points out of 100¹⁴⁶. Part of it is evident in the concentration of the national budget around the Executive Branch, which encumbers transparency and counterweight between branches.

141. Published in Official Gazette 40.828 of 14 January 2016

142. Transparencia Venezuela. Economic Emergency Decree. Available at: <https://transparencia.org.ve/decreto-de-emergencia-economica/>

143. PanAm Post. 125 ONGs de DD.HH. exigen revocar estado de excepción. Available at: <https://es.panampost.com/ysol-delgado/2016/06/07/venezuela-125-ongs-ddhh-revocar-estado-de-excepcion/>

144. Statement by IACHR, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2016/071.asp>

145. Published in Official Gazette Extraordinary 6.227 of 16 May 2016

146. Transparency International. Corruption Perceptions Index 2015. Available at: <http://www.transparency.org/cpi2015#results-table>

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¿Cuánto del presupuesto es administrado por el Poder Ejecutivo Central?

	2015	% del presupuesto	2015*	% del presupuesto	2016	% del presupuesto
Poder Ejecutivo	564.032	76.0%	1.770.373	82.3%	1.154.358	74.5%
Poder Legislativo	2.600	0.4%	4.722	0.2%	5.100	0.3%
Poder Judicial	9.681	1.3%	23.498	1.1%	21.461	1.4%
Poder Electoral	2.680	0.4%	13.674	0.6%	5.011	0.3%
Poder Ciudadano	4.120	0.6%	13.733	0.6%	9.117	0.6%
Consejo Federal de Gobierno	30.288	4.1%	73.124	3.4%	68.702	4.4%
Estados y municipios (Situado + FCI)	128.306	17.3%	250.827	11.7%	284.825	18.4%
Total	741.708	100.0%	2.149.951	100.0%	1.548.574	100.0%

Expresado en MM de Bs.

*Incluye Créditos Adicionales

*From the total spent in 2015

- 143.** Thus, we can affirm that **Venezuela does not have an anticorruption program**. The fight against corruption has been a constant government slogan in times of political tension and election campaigns, but with no implementation of a purpose-specific program backed by national institutions. To date, no reforms have been approved to enhance transparency, judicial independence, the fight against impunity, control and transparency in spending public funds, or the implementation of public policies related to social programs.
- 144.** In recent years, enormous resources were received and handled with distribution criteria but without planning or control. The budget and debt law is modified so often throughout the year that it doubled spending in 2014, based on additional appropriations¹⁴⁷. But neither the National Treasury Office or the National Budget Office, or the relevant Ministries, have published expense reports since December 2010.
- 145.** In addition, in terms of social policies, there are perverse incentives created by the state, through obvious areas of discretion and arbitrariness in the investment and implementation of state resources in large-scale social programs, which create corruption risks. The lack of standards, systems, procedures and criteria for the design,

147. The same trend in use of the national budget is taking place in 2016.

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execution, allocation of benefits, and people responsible of preventing, restricting and punishing these abuses results in impunity in face of breach and violation of rights¹⁴⁸. In fact, Transparencia Venezuela, have received, between 2015 and 2016, 961 reported cases of corruption, mostly regarding the use of public resources and entities for electoral propaganda, with 388 cases reported¹⁴⁹.

- 146.** An example of this is the currency exchange control in place since 2003. The price controls and import controls have become incentives for government corruption. This has created a cumbersome bureaucracy that allocates in a discretionary manner foreign currency at a preferential exchange rate. Since its creation, it has operated under 35 agreements¹⁵⁰, which instead of containing capital flight, have promoted public sector corruption. A prominent case is the statements by important ministers of the Chavez administration on the assignment of US\$25 billion to shell companies, for which no official is being prosecuted. On this, the then chairman of the Standing Committee on Finance of the National Assembly, for the United Socialist Party of Venezuela (PSUV), stated “(...) there was (...) a scam to the country with imports by obtaining preferential foreign currency.
- 147.** In addition, we witness **impunity in cases of corruption**, which has directly impacted the enjoyment and exercise of the rights of Venezuelans. Among many others, there is the the case i) 400,000 kilos of expired drugs abandoned from 2010 to 2014, which were never distributed to hospitals throughout the country; ii) irregularities in the School Food Program¹⁵¹ managed by the Ministry of Education, which operated without minimum fiscal controls; iii) The complaint made by former Minister of Planning on the “disappearance” of US\$25 billion through the Foreign Currency Administration Commission (CADIVI)¹⁵² and iv) Irregularities in government food purchases between 2007 and 2008 and the refusal of the General Prosecutor of the Republic to act in this regard¹⁵³.

148. Transparencia Venezuela. Report to the United Nations Committee on Economic and Social Rights, on the Third Period Report of the Venezuelan State during the 55th session of the International Covenant on Economic, Social and Cultural Rights. June 2015. Available at: <http://www.examenonuvenezuela.com/web/wp-content/uploads/2015/06/Informe-Alternativo-Corrupci%C3%B3n-y-DESC-Transparencia-Venezuela-PIDESC.pdf>

149. Complaints received through Transparencia Venezuela’s mobile app “Dilo Aquí”.

150. Information available at: <http://www.bcv.org.ve/ley/convenio35.pdf>

151. Available in digital version at: <https://transparencia.org.ve/impunidad/>

152. David González, ¿Y qué pasó con el caso Cadivi?, Misión Impunidad – Transparencia Venezuela, 25 November 2015. Available at: <http://transparencia.org.ve/y-que-paso-con-el-caso-cadivi/>

153. Fernando Tineo, De PDVAL a Pudreval, Misión Impunidad – Transparencia Venezuela, s.f. Available at: <http://transparencia.org.ve/wp-content/uploads/2015/03/PDVAL-Fernando-Tineo.pdf>

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- 148.** One of the most obvious elements in these cases of systemic corruption is the absence of a serious state policy for investigation of obvious and serious corruption cases¹⁵⁴. Impunity is essential as part of the policy of opacity, which enables corruption, and impinges on the enjoyment and exercise of rights for political reasons. This situation, coupled with the lack of independence of the justice system regarding corruption, was seen as a source of concern by the United Nations Economic and Social Council in 2015
- 149. As for target 1 of the goal**, on the reduction of violence and violence-based mortality, data are more discouraging. Despite the absence of official figures from the government on the issue since 2013, when the figure stood at 11,342 violent deaths throughout the country, according to the Venezuelan Violence Observatory, the number of violent deaths in the country has significantly increased in recent years, as can be seen in the following table¹⁵⁵.

	2012	2013	2014	2015
Deaths	21.692	24.763	24.980	27.875
Rate x every 100,000 inhab.	73	79	82	90

- 150.** Also on the issue of violence, specifically violence caused directly by state institutions through different policies during 2015, Provea recorded a total of 143 complaints including 18,184 cases of violation of the right to personal integrity with 969 individual victims. Compared with the previous period, when a total of 2,015 cases of violations of the right to personal integrity were recorded, the data saw a 902.43% increase in the number of violations¹⁵⁶.
- 151.** In the case of torture, the Ombudsman's Office recorded officially in its annual report 2015¹⁵⁷ a total of 99 cases of torture during that year, processed by its branches throughout the country. In the case of cruel, inhuman or degrading punishment, the number rose by 25.6% compared to 2014, with 793 identified victims, 162 more than in the previous study. Noteworthy in this regard is the cases involving groups of more

154. C. Nash, et. Al. *Corrupción y Derechos Humanos en la Jurisprudencia de la Corte Interamericana de Derechos Humanos*. Human Rights Center, University of Chile. 2014. Chapter 2.

155. See reports of the Venezuelan Violence Observatory, available at: <http://observatoriodeviolencia.org.ve/category/informes/>

156. Provea. Report on the Human Rights Situation in Venezuela 2015. Chapter on right to personal integrity. Available at: <http://www.derechos.org.ve/pw/wp-content/uploads/Derecho-a-la-Integridad-Personal.pdf>

157. Ombudsman's Office. Management Report 2015. Available at: http://www.defensoria.gob.ve/images/informes_anuales/INFORME_ANUAL_2015.pdf

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than ten victims, which occurred in prisons or during the so-called Operation for the Liberation and Protection of the People (OLP). In this connection, the Ombudsman's Office stated in its Annual Report that it received and responded to 625 such complaints. The Public Prosecutor did not provide official figures for none of those cases.

- 152.** The right to life¹⁵⁸ has also been severely affected during 2015. During the OLP operations, there was a total 270 victims, up 22.73% of people who died in these conditions the previous year. This figure shows that 20,40% (55 deaths) occurred in the framework of the OLP, and the number increases to 24.07% (65 deaths) if we account for all deaths that occurred in specific operations of security forces: checkpoints, other security tactics deployed by police and military forces in public security tasks. Meanwhile, the Public Prosecutor noted in its annual report 2015¹⁵⁹ that 245 deaths occurred in the context of OLP between July and December 2015.
- 153.** According to research conducted by Provea, considering the pattern of violation, with a behavior consistent with previous years, in 2015, "executions" continued to account for most of the deaths, with 88.89% of the total, followed by deaths resulting from "indiscriminate use of force" by state security forces (3.70%), "excessive use of force" (2.96%), "wrongful death" (2.59%), and finally the "deaths as a result of torture or cruel, inhuman or degrading punishment," which account for 1.85% of all known victims.
- 154.** Regarding the right to personal freedom, Provea recorded a total of 17,337 alleged violations of the right to personal freedom, up 496% from 2014; and up 161% compared with the overall average of the last 18 years. The most alarming increase was in the number of mass arrests in 2015, a total of 17,071 people, which accounts for 96.3% of all alleged violations of personal freedom in 2015; and a 494% increase compared to 2014, and 144% over the average mass arrests recorded since 1999. A similar situation occurs with collective arrests, which increased 226% over the previous year and 206% above the overall average of the last 6 years. What is relevant of these figures, besides the increase is that 92% of these arbitrary arrests were made in the context of the public policy on citizen security called "Operation for Liberation and Protection of the People" (OLP)¹⁶⁰.

158. Provea. Report on the Human Rights Situation in Venezuela 2015. Chapter on right to life. Available at: <http://www.derechos.org/ve/pw/wp-content/uploads/Derecho-a-la-Vida.pdf>

159. Public Prosecutor. Management Report 2015. Available at: http://www.mp.gob.ve/c/document_library/get_file?uuid=-010ba734-247c-4da1-859f-1ae55772d7b5&groupId=10136

160. Provea. Report on the Human Rights Situation in Venezuela 2015. Chapter on Personal Freedom. Available at: <http://www.derechos.org/ve/pw/wp-content/uploads/Derecho-a-la-Libertad-Personal.pdf>

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- 155.** On access to public information, Transparencia Venezuela has identified 475 legal instruments of various kinds adopted between 1999 and 2014, 60 of them contain provisions that establish restrictions on access to public information. These rules allow public officials to refuse requests for information to which citizens are entitled according to the Venezuelan Constitution and the American Convention on Human Rights.
- 156.** The legalization of opacity has been endorsed by the Supreme Court of Justice, which in different rulings¹⁶¹ has used the following arguments to limit access to information that can be summarized as follows:
- Lack of legitimacy of organizations to request information¹⁶², i.e. the Supreme Court requires proof of legitimate interest, contrary to the guarantee of the right,
 - Disproportional use of the public information requested regarding time and human resources invested by the state to “provide explanations”¹⁶³.
 - Lack of justification of the “intended control” or the use for such information ¹⁶⁴.
 - The Supreme Court invalidates the use of constitutional protection as a defense mechanism of the right of Access to Public Information¹⁶⁵,
 - Referral to more cumbersome processes that limit the right of access to information¹⁶⁶.
- 157.** This analysis of the Venezuelan legal framework has been published by Transparencia Venezuela in *Es legal pero injusto*¹⁶⁷. The report presents a detailed analysis of the Venezuelan legal framework and the obstacles it has created for access to public information. This contradicts the fulfillment of target 10 of SDG 16.



GOAL 17

PARTNERSHIPS FOR THE GOALS

- 158.** It refers to the collaboration to be developed by States with other governments, the private sector and civil society, which in the Venezuelan case it has focused on the opacity and lack of information that would enable citizen oversight to the status of conventions established with other governments with an emblematic lack of participation or partnerships with civil society and private companies.

161. Information available at: <https://supremainjusticia.org/category/tema/derecho-de-acceso-a-la-informacion/>

162. Judgment No. 2015-0784 of the 2nd Administrative Court of 12 August 2015, available at: <http://goo.gl/icPOJE>

163. Judgment of the Political-Administrative Chamber No. 1736 of 17 December 2014. Available at: <http://goo.gl/s8Tfm7>

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165. Judgment of the Constitutional Court No. 805 of 18 June 2012. Available at: <http://goo.gl/8UswOj>

166. Judgment of the Constitutional Court No. 679 of 23 May 2012. Available at: <http://goo.gl/G2n2hO>

167. Civil Association TRANSPARENCIA, *Es Legal Pero Injusto* (Caracas, Venezuela: Transparencia Venezuela, 2014).

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RELIABLE DATA

- 159.** Regarding international alliances with other governments, there are notable cases of alliances to build houses with countries such as Belarus, China and Russia, import of food with Uruguay or Argentina and mining on the Orinoco with Russia and China. Opacity prevails as a fundamental rule of these alliances, while the terms and conditions of such agreements are unknown.
- 160.** A notable fact about the development of this goal is that there is no partnership with the private sector, including civil society, which means that to some extent all alliances with foreign governments have an international focus which does not include the input of domestic stakeholders with recognized experience in certain issues. This creates difficulties in contextualizing practices and standards brought from outside and cannot be easily adapted to the Venezuelan context. The case of housing construction is an emblematic case for this issue.
- 161.** Conclusions and Recommendations: Upon review of the report submitted by the Venezuelan State to the United Nations High Level Political Forum on Sustainable Development, we find that it lacks updated facts, figures and indicators to account or respond to the reality of the country and the progress regarding the goals set out in Agenda 2030 for Sustainable Development. On the contrary, the official information provided is based on an earlier historical period marked by enormous oil revenues which facilitated the implementation of social policies that are unsustainable today, as reflected in this report.
- 162.** Similarly, according to the analysis of data and figures presented in this report, we can conclude that the Venezuelan state is far from meeting the targets set for the achievement of the Sustainable Development Goals, including the serious difficulties to public access to information, and therefore, to the exercise of citizen oversight, the absence of concrete action plans, the budget deficit for the support of social programs, little attention to existing sources of corruption and the questionable independence of branches of government in the nation.
- 163.** The voluntary report of Venezuela aims to hide the negative results of government today, in alarming issues such as public safety, for example, which despite being one of the core issues, is not mentioned in the voluntary report. There is also a clear failure of public policies, as shown by: insufficient formal structure of the Mission Bases,

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discrimination and militarization of CLAPs, failures in the delivery of high-cost medicines and contraceptives, increase of poverty and maternal and neonatal deaths, inconsistencies in the fight against corruption and strengthening and independence of public institutions, difficulties in access to official information, deficiencies in the quantity and quality of housing and habitat, failures in access to basic utilities such as electricity and drinking water, lack of effective access to justice for women, opacity and lack of clarity in the design and implementation of policies, among other examples that have a real impact on the exercise of rights of all Venezuelans.

- 164.** The report of the Venezuelan State contains deceptive elements, e.g. when it says that the portal of the National Geostatistical System is available, when it is not, or by making reference to promotion of productivity when the GDP has fallen consistently in recent years and projections point at a 8.3-point drop in 2016; misrepresentation and hiding of information behind ideological rhetoric, such as the repeated reference to an “economic war” in an attempt to evade the responsibility of the State in the dramatic levels of shortages of food and medicines, to the point that propaganda cannot be distinguished from information. This means the death of transparency, and shows an erratic intention to truly advance the targets required by the Sustainable Development Goals.
- 165.** We believe that no public policies designed and implemented by the Venezuelan government today have a real structural impact on minimizing the problems in the country and on meeting the SDGs. On the contrary, they are conceived as mitigating practices that affect citizens in many ways, in contrast to the information provided by the State in its voluntary report.

Accordingly, we recommend the Venezuelan State:

On legislation:

- I. To repeal regressive rules and practices that restrict the delivery of public information. Among others, Articles 40, 42 and 87 of Law of the Central Bank of Venezuela, 58, 60 and 61 of the Organic Law of Citizen Power, 33 paragraphs 4 and 6 of the Statute of the Civil Service, 79 of the Ombudsman Law, 120 of the Organic Law of Public Prosecution, 1, 13, 14, 15, 16 and 17 of the Rules of Classification and Processing of Public Administration Information, 126 of the Law on Drugs, 108 of the Law of Electric Service and System, 5 paragraph 3, 8 paragraph 2 and 5, 13 and 15 of the

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Law of Social Comptrolling, 16 and 66 the Internal and Debate Rules of the National Assembly, 3, 4, 5 and 8 the Law on defense of political sovereignty and national self-determination, 24 of the Organic Law on Emoluments, Pension and Retirement of Senior Public Officials, 47 of the Law on Telecommunications, 14 of the Law of Gaseous Hydrocarbons, 89 of the Organic Law of Railway Transport, 159 of the Law of Public Administration; 9 and 10 of the Establishment of Strategic Security and Protection Center of the Nation.

- II. Approval and implementation of the Law on Transparency, Disclosure and Access to Public Information.
- III. To reform the law against corruption to include control systems and sanctions for cases of nepotism; to prevent the “revolving door” between public and private positions, among other crimes.
- IV. To reform the Procurement Law, eliminating exclusions and reducing exceptions with regard to execution of works, procurement of goods and services.
- V. To reform the Law of the Comptroller General to strengthen the prevention system; the comptrolling obligation on the entire structure of the state; to ensure the independence of fiscal control entities; to harmonize with the laws of Public Auditing and Financial Management of the Public Sector.

On the justice and comptrolling system

- VI. To apply the mechanisms and best practices to ensure the autonomy and independence of the judiciary from any other political, economic, ideological, cultural power.
- VII. To ensure autonomous and independent judges who meet constitutional requirements.
- VIII. To implement an urgent plan to reduce impunity.
- IX. To accept the visit to Venezuela of representatives of international and regional organizations for protection of human rights, and particularly the rapporteurs responsible for monitoring the right to freedom of expression and information.
- X. To regulate an effective system of prevention of conflicts of interest and to publish sworn statements of assets and interests.

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On Education

- XI. To enact laws due since 2009, which still need to be developed and complement the current Law on Education
- XII. To invest primarily in: A) The precarious situation of salaries and wages paid to teachers in order to improve their quality of life, and to encourage new graduates to become teachers. B) Infrastructure (repairs, new schools)
- XIII. To address the situation of insecurity still occurring in educational institutions.
- XIV. To implement the recommendations issued by the National Consultation for Quality Education and to establish a participatory monitoring and evaluation mechanism to take full advantage of this initiative.
- XV. To continue implementing plans and projects to tackle dropout and repetition.

On the environment

- XVI. Compliance with and implementation of ratified international conventions and the immediate ratification of the Minamata Convention and Regional Principle 10.
- XVII. Urgent restoration of the institutions in environmental matters.
- XVIII. To reject destructive mining and the Orinoco mining project
- XIX. To manage water from an integrated approach of the resource, taking into account water security as a public good
- XX. To take watersheds as working units and develop reforestation plans.
- XXI. To conduct and observe environmental impact studies for development projects
- XXII. Development of new plants and urgent maintenance to all existing water purification and treatment plants
- XXIII. Maintenance of dams.
- XXIV. Maintenance and development of sanitation
- XXV. To stop mercury and cyanide contamination in waters of the Amazon
- XXVI. To allow support of civil society organizations and citizens in integrated water management.
- XXVII. Water distribution stations should report on the quality and quantity of water they distribute, as well as the quality of the water returning to the water bodies.

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On gender equality

- XXVIII. To require the Executive Branch to undertake urgent actions regarding the humanitarian crisis in Venezuela, to reverse its serious consequences especially on women, teenage and small girls, caused by severe shortages. Also, to ensure access to contraceptives and condoms.
- XXIX. To require the State to enable urgent legislative changes to ensure gender equality and to adjust their programs with openly androcentric and sexist criteria.
- XXX. To undertake urgent action aimed at reducing teenage pregnancy and maternal mortality, which are increasing at an alarming rate.

Equality in social programs

- XXXI. To include funds allocated to missions and other social programs in the budget law each year, indicating source of funding.
- XXXII. To publish complete, verifiable and clear information on resources for the design and development of social programs, including selection criteria, the list of beneficiaries, contracts for utilities, construction work, and procurement.
- XXXIII. To publish public policies on social programs under standards of planning, control and accountability, according to compliance with defined goals.
- XXXIV. To reorganize the management structure of social programs promoting the monitoring, evaluation and uniqueness of accountability, eliminating areas of discretion and arbitrariness.
- XXXV. To conduct and publish a process audit and risk assessment for corruption and inefficiency in social programs.
- XXXVI. To invest planned and sufficient funds to ensure the implementation of social programs that demonstrate progressive development of rights.
- XXXVII. Publication of selection criteria for beneficiaries of social programs, means for receiving benefits, resources allocated to them, publication of contract templates.
- XXXVIII. To create a website with complete, updated and clear information on all public funds allocated to social programs in an open data format, which will allow citizens to know easily and promptly the available services in different states, with information concerning the budget, origin of funds, responsible for implementation, project goals, details of monthly execution by public body.



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