



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Fifth periodic report submitted by the Bolivarian
Republic of Venezuela under article 40 of the
Covenant, due in 2018***

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* The present document is being issued without formal editing.



I. Introduction

1. The present document constitutes the fifth periodic report submitted by the Bolivarian Republic of Venezuela under article 40 of the International Covenant on Civil and Political Rights (hereinafter “the Covenant”).
2. The Human Rights Committee (hereinafter “the Committee”) considered the fourth periodic report submitted by the Bolivarian Republic of Venezuela (CCPR/C/VEN/4), submitted in December 2012, on 29 and 30 June 2015, during its 114th session, and adopted the concluding observations thereto (CCPR/C/VEN/CO/4) on 20 and 21 July 2015.
3. This fifth periodic report covers developments since the submission of the previous report until the end of 2019 and accords particular attention to the issues highlighted by the Committee in its concluding observations. It therefore includes responses to the Committee’s recommendations. It also covers a number of events that have taken place since 2019.
4. For the preparation of the fifth periodic report, account was taken of both the harmonized reporting guidelines (HRI/GEN/2/Rev.6) and the guidelines for treaty-specific documents (CCPR/C/2009/1).
5. Non-governmental organizations (NGOs) active in the field of human rights were consulted during the report’s preparation and their concerns are reflected in the text where appropriate.
6. In the period covered by this fifth periodic report, the Bolivarian Republic of Venezuela was the object of multifaceted aggression by the Government of the United States of America that has had a negative impact on the enjoyment of human rights by the people of Venezuela, including the rights recognized in the Covenant.¹
7. The form and impact of this aggression have been documented by the Human Rights Council, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights,² the Independent Expert on the promotion of a democratic and equitable international order³ and the United Nations High Commissioner for Human Rights.⁴
8. This aggression has reduced the State’s ability to secure the financial resources, goods and services required to cover and satisfy fully its people’s principal needs and ensure the effective operation of the institutions responsible for protecting Covenant rights.⁵

¹ Preliminary findings of the visit to the Bolivarian Republic of Venezuela by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, 12 February 2021: “The Special Rapporteur concludes that sanctions imposed against Venezuela, its citizens and companies affect people in Venezuela and beyond its territory in both the public and private sectors; third-country nationals and employees of third-country companies affected by secondary sanctions or the fear of them; donors and international humanitarian NGOs; beneficiaries of assistance from international organizations traditionally financed by Venezuela; while low-income people, women, children and people with special needs or chronic or severe diseases are affected most with regard to the whole scope of human rights, including civil, political, economic, social and cultural rights and the right to development.”

² A/HRC/42/46, of 5 July 2019, presented at the forty-second session of the Human Rights Council, para. 6, and Section C, paras. 16–35. Preliminary findings of the visit to the Bolivarian Republic of Venezuela by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, 12 February 2021.

³ A/HRC/39/47/Add.1, of 3 August 2018, report on the visit to the Bolivarian Republic of Venezuela, presented at the thirty-ninth session of the Human Rights Council.

⁴ Oral update on the situation of human rights in Venezuela delivered by the United Nations High Commissioner for Human Rights at the forty-second session of the Human Rights Council, 9 September 2019: “(...) on 8 August, I expressed my concern regarding the potentially severe impact on human rights of the new set of sanctions imposed by the Government of the United States of America”.

⁵ Preliminary findings of the visit to the Bolivarian Republic of Venezuela by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, 12 February 2021: “The Special Rapporteur notes with concern that sectoral sanctions on the oil, gold and mining industries, the economic blockade of Venezuela and the freezing of Central Bank assets have

9. As a result of this aggression, national income has slumped by 99 per cent.⁶ As at May 2019, the international financial system was unlawfully withholding \$5,470,030,645.29 belonging to the Bolivarian Republic of Venezuela. In addition, the Bolivarian Republic of Venezuela had been stripped of assets held overseas worth more than \$30 billion.

II. Information relating to specific articles of the Covenant

Article 1

Right to self-determination

10. The Constitution of the Bolivarian Republic of Venezuela (hereinafter “the Constitution”) provides that national self-determination is one of the inalienable rights of the nation (art. 1); that Venezuelans have a duty to safeguard and protect the self-determination of the nation (art. 130); and that the international relations of the Bolivarian Republic of Venezuela are governed by the principle of respect for sovereignty, the right to self-determination, and non-intervention in the internal affairs of other States (art. 152).

11. The Bolivarian Republic of Venezuela backed Human Rights Council resolution 18/4 on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and has strongly supported the work of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. It has also consistently co-sponsored the annual resolution on the universal realization of the right of peoples to self-determination (A/RES/74/140).

12. In the period under review, the Government approved the special regulations that will govern the election of indigenous representatives to the National Assembly from 2020,⁷ which provide that representatives of indigenous peoples may be elected only from among the indigenous population, taking into account the ancestral customs and practices of each ethnic group. The previous system under which all voters in the states in which indigenous communities live were able to vote in the election of indigenous representatives – a system that diminished the influence of the indigenous population on issues affecting indigenous peoples and communities – was thereby abolished.

13. The election of indigenous authorities and representatives, in accordance with their traditional customs, practices and mores, is key to the recognition of indigenous peoples and their collective right to self-determination, subject to the limits established by law and as enshrined in article 119 of the Constitution. This recognition has also been given tangible form in the demarcation of land for indigenous peoples and communities. The Bolivarian Republic of Venezuela has issued 102 titles for land and habitat, demarcating a total of 3,280,299 hectares, equivalent to 3.22 per cent of the national territory, for 15 indigenous peoples spread across 683 communities.

14. In the period covered by this report, a number of events occurred that violated the right to self-determination of the Venezuelan people, all of them a result of the multifaceted aggression being waged against the country from overseas. Events that should be highlighted include: (i) the attempt to impose a political system and political policies by means of legal instruments drawn up by a foreign government authority; (ii) the implementation of an ever

exacerbated pre-existing economic and humanitarian situation by preventing the earning of revenues and the use of resources to develop and maintain infrastructure and for social support programs, which has a devastating effect on the whole population of Venezuela, especially those in extreme poverty, women, children, medical workers, people with disabilities or life-threatening or chronic diseases, and the indigenous population.”

⁶ The country’s foreign exchange receipts were \$39.636 billion in 2014; \$13.538 billion in 2015; \$5.998 billion in 2016; \$6.017 billion in 2017; \$4.826 billion in 2018; \$2.500 billion in 2019; and \$743 million in 2020.

⁷ Resolution No. 200630-0024 of 30 June 2020.

increasing number of unilateral coercive measures⁸ in a bid to suffocate the population economically; (iii) foreign powers' decision to recognize a so-called "interim presidency", even though this concept does not exist under the Constitution, and the subsequent establishment of a virtual government overseas with the aim of fuelling conflict in the country; (iv) the arbitrary and unlawful surrender to representatives chosen directly by foreign authorities of assets held by the Government of the Bolivarian Republic of Venezuela and the Central Bank of Venezuela in accounts with the Federal Reserve Bank and other federally insured banks in the United States of America;⁹ and (v) the promotion, from outside the country, of attempts at military insurrection and foreign incursion, including the use of mercenaries, with a view to overthrowing by force the legitimately elected Government of Venezuela.¹⁰

15. A specific example of this aggression occurred on 3 May 2020, when a group of mercenaries organized and trained in Colombian territory by a private security company based in the United States disembarked on the coast of Venezuela equipped with weapons of war.¹¹ This armed incursion – the aim of which was to assassinate the country's most senior officials and bring about the dissolution of the Bolivarian Republic of Venezuela – formed part of a series of armed operations targeting Venezuelan institutions that were encouraged and supported from overseas.

Article 2

Measures taken to raise awareness of the Covenant and its applicability in national law by judges, lawyers and prosecutors

16. The Bolivarian Republic of Venezuela has taken steps to raise awareness of the Covenant and its applicability in domestic law. Specific measures have included the country's first National Human Rights Plan, covering the period 2016–2019.¹² The programmes, actions and resources necessary for the Plan's implementation were incorporated into the respective institutional operational plans of the bodies forming part of the different branches of government.

17. The National Human Rights Plan was the object of extensive consultations across the country to which 258,096 persons contributed. It was drawn up with the support and technical assistance of United Nations agencies and programmes with an official presence in Venezuela. One of the Plan's structural components is relations with international human rights bodies and key actions under this component include: (i) raising awareness of the content of the rights enshrined in international human rights treaties and the possibility of

⁸ The unilateral coercive measures adopted by the Government of the United States of America against the Bolivarian Republic of Venezuela are: Executive Order 13692, declaring that the situation in Venezuela continues to pose an unusual and extraordinary threat to the national security of the United States; Executive Order 13808, prohibiting the provision of financing for, and other dealings in the debt of, Petroleos de Venezuela and the Bolivarian Republic of Venezuela; Executive Order 13827, prohibiting transactions related to the Venezuelan "Petro" cryptocurrency; Executive Order 13835, prohibiting transactions related to, the provision of financing for and the purchase or payment of any debt owed by the Bolivarian Republic of Venezuela; Executive Order 13850, prohibiting activity in the gold sector or any other sector of the Venezuelan economy; and Executive Order 13884, imposing secondary sanctions on any persons who provide goods or services to the Bolivarian Republic of Venezuela.

⁹ United States Department of State (29 January 2019). "Protecting Venezuela's Assets for Benefit of Venezuelan People". Available at: [//www.state.gov/protecting-venezuelas-assets-for-benefit-of-venezuelan-people/](https://www.state.gov/protecting-venezuelas-assets-for-benefit-of-venezuelan-people/).

¹⁰ Attempts at military insurrection or foreign incursion include: Attack on the Supreme Court (June 2017); Operation David (August 2017); Operation Genesis (December 2017); Operation David versus Goliath – Attack on the President (August 2019); Operation Aurora (December 2019); Operation Freedom (April 2020); and Operation Gideon (May 2020)

¹¹ For the execution of Operation Gideon, Juan Guaidó, at that time a member of the National Assembly, and other opposition leaders entered into an agreement with Silvercorp, a private security company based in the United States and led by Jordan Goudreau.

¹² Decree No. 2.254. *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 6.218, special edition, of 2 March 2016.

invoking them in court, especially among members of the judiciary and other actors required to apply such treaties; and (ii) ensuring broad dissemination of the texts of the international human rights instruments to which the Bolivarian Republic of Venezuela is a party and the recommendations emanating from within the United Nations system, including by publishing them in accessible formats such as Braille and audio.

18. Within the framework of the National Human Rights Plan, State agencies organized more than 1,290 training and professional development events, seminars and workshops for public servants in which the content of human rights and the Covenant was shared with more than 82,800 public officers, including public sector employees, justice officials and judges, and police and military officers.

19. The Supreme Court has issued diploma certificates to 527 judges who successfully completed the “Human Rights and the Social State” diploma course run by the National Judicial Training School and has trained 1,351 judges and justice officials in the comprehensive protection of children and adolescents. It has also organized human rights training covering the various duties performed by judges and justice officials for 2,268 staff members. In addition, with a view to establishing closer links between the judiciary and local communities, the Court organized 517 justice-related round-table discussions in which 605 judges took part.

20. The National Training School for Prosecutors run by the Public Prosecution Service organized training on human rights for 5,231 officers working for different State agencies and expanded educational programmes focused on the Covenant by establishing a permanent human rights faculty and introducing a course on the defence of women’s rights.

21. In the period 2012–2019, the National Training School for Prosecutors ran 76 training courses on gender-based violence, attended by a total of 3,708 officers of the Public Prosecution Service, throughout the country.

Measures taken to ensure that the Ombudsman’s Office fulfils its mandate to protect and promote human rights effectively and independently

22. The Committee expressed concern about the decision made by the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (now the Global Alliance of National Human Rights Institutions) in respect of the Ombudsman’s Office. The Ombudsman’s Office immediately challenged the Subcommittee on Accreditation’s recommendation that it should be downgraded to B status, and its challenge was supported by abundant documentation demonstrating that the Ombudsman’s Office was working to promote and protect human rights in strict compliance with the Paris Principles. However, the documents submitted and the explanations provided by the Ombudsman’s Office were not taken into consideration.

23. The Ombudsman’s Office is independent of all other government agencies and has organizational, functional, financial and administrative autonomy, as established in article 5 of the Organic Act on the Ombudsman’s Office. Throughout the reporting period, its dicta were clear in calling for objective, independent and impartial investigations into cases of alleged human rights violations. The Office had a key role in investigations into the murder of 12 persons between 16 and 19 October 2016, which resulted in 12 members of the Bolivarian Army being identified as suspects and subsequently accused and charged by the Public Prosecution Service. Similarly, in 2017, the Office immediately called for the removal from duty of law enforcement officers involved in irregularities committed during the public protests that took place that year. The Office also filed a number of applications petitioning the Criminal Chamber of the Supreme Court to agree measures benefiting Venezuelan citizens deprived of their liberty who might be eligible for alternatives to custody.

24. The trust and respect that the Ombudsman’s Office has earned among citizens are evident in the work that it carries out through its 24 regional offices nationwide. Between the start of 2012 and the middle of 2019, it dealt with 69,699 petitions related to the rights enshrined in the Covenant. It initiated its own investigations either in parallel to or as part of the support services it offers, providing both practical and legal information and timely advice. In addition, it carried out: 7,622 inspection visits to prisons, remand centres and socio-educational institutions for adolescents in conflict with criminal law; 468 inspection visits to

residential homes for older persons; and 44 inspection visits to mental health facilities. Recommendations and requests for action to improve protection for human rights were issued after all these inspection visits.

25. Under the terms of a letter of understanding between the Government of the Bolivarian Republic of Venezuela and the Office of the United Nations High Commissioner for Human Rights (OHCHR)¹³ signed in September 2019 and extended in September 2020, the Ombudsman's Office is receiving technical assistance from OHCHR to help it to build capacity for monitoring the human rights of persons deprived of liberty, to upgrade the human rights-related knowledge and understanding of the Office's staff and to improve the system for processing complaints, grievances and petitions.

Efforts to combat stereotypes and prejudices affecting lesbian, gay, bisexual, transgender and intersex persons and to prevent discrimination

26. The Bolivarian Republic of Venezuela has taken steps to prevent and punish discrimination and acts of violence against lesbian, gay, bisexual, transgender and intersex persons. Discrimination on the grounds of sexual orientation is prohibited under article 21 of the Constitution.

27. In 2013, the Ministry of People's Power for Women and Gender Equality put together a basic course entitled "Diversidad Sexual: Luchas y Disputas" (Sexual Diversity: Struggles and Conflicts), which is focused on the elimination of discrimination and hate speech targeting persons of diverse sexuality, that has now been completed by 2,439 persons, and, in 2014, as part of events to mark World Sexual Diversity Day, it launched the "Somos Diversidad" (We are Diversity) training programme.

28. Policy measures targeting law enforcement officers have included the introduction of a study programme at the National Experimental University for Security Services that includes non-discrimination among its subject matter and is now a mandatory part of the training received by all police forces. In addition, the Office of the Deputy Minister responsible for the integrated policing system – the body tasked with ensuring correct conduct in the provision of policing services – has launched training programmes designed to provide police officers, as well as senior officers of the various State agencies, with greater knowledge and a better understanding of the fight against discriminatory practices based on sexual orientation or gender identity. The General Police Council has run a campaign to raise awareness of the different causes and manifestations of violence based on sexual orientation and gender identity or expression.

29. The Advisory Council on Sexual and Gender Diversity was formed in 2015, becoming the Presidential Council on Sexual Diversity in 2018. The Council provides organizations of lesbian, gay, bisexual, transgender and intersex persons with a forum through which to engage with the executive branch and contribute to the development of public policies and government initiatives promoting gender equality and the empowerment of the sexually diverse population.

30. In the legislative sphere, the Organic Act on Labour and Workers' Rights, enacted in 2021, contains provisions intended to ensure that lesbian, gay, bisexual, transgender and intersex persons have access to a discrimination-free workplace and prohibits any distinction, exclusion, preference or restrictions on access and working conditions based on sexual orientation (art. 21). In addition, the Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance,¹⁴ enacted in 2017, prohibits speech excusing discrimination on grounds of sexual orientation and gender identity or expression; establishes the offence of promotion of or incitement to hatred (art. 20), which includes as punishable conduct the

¹³ In September 2019, the Ombudsman's Office and OHCHR signed a letter of understanding to establish terms of cooperation and technical assistance in the field of human rights. In application of this letter, a workplan establishing the technical assistance to be provided to the various State agencies each year was drawn up. It was also agreed that OHCHR human rights officers would be permitted to maintain a presence in the Bolivarian Republic of Venezuela, as necessary to fulfil their mandate. The letter of understanding was renewed and extended in September 2020.

¹⁴ *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 41,276 of 10 November 2017.

promotion or incitement of discrimination or violence against a person or group of persons grounded on their sexual orientation or gender identity or expression; and provides that aggravating circumstances apply to any punishable act committed or aggravated by reason of the victim's sexual orientation or gender identity or expression (art. 21).

31. The Basic Code of Conduct for Public Servants in the Field of Human Rights¹⁵ was approved in 2017 with the aim of establishing the principles and criteria with which public servants must comply in order to enhance respect for guarantees and safeguards of human rights throughout the country. In application of the Code of Conduct, in their actions, all government employees must endeavour to respect, uphold and protect human rights in accordance with the principles of universality, equality, indivisibility, interdependence, progressiveness, inalienability, interculturality and shared responsibility. Consequently, public servants must refrain from engaging in any form of discriminatory act or conduct based on ethnic origin, religion, social status, gender, sexual orientation, gender identity, gender expression, language, political opinion, nationality or origin, age, economic status, disability, health status or any other personal, legal or social circumstance that has the aim or effect of denying or impairing the recognition, enjoyment or exercise of human rights.

32. In one of the most significant advances made in the judicial field, in judgment No. 1187 adopted in 2016, the Constitutional Chamber of the Supreme Court ruled that single-parent families must be recognized as families, interpreting article 75 of the Constitution¹⁶ to mean that single parents can be heads of household and that children born into these families enjoy the protection of the State in the same way that any other child born into a traditional family does. The judgment expressly invokes the provisions of articles 23 and 24 of the Covenant.

33. With regard to regional jurisdictions, in order to combat homophobia in the city of Caracas, by Decree No. 006 of 17 May 2016 the Government of the Capital District prohibited all acts of discrimination based on real or perceived sexual orientation. In compliance with this Decree, the Ministry of People's Power for Culture and the National Public Defence Service have begun displaying information posters in their facilities which state that discrimination against lesbian, gay, bisexual, transgender and intersex persons is prohibited. In 2018, the City Council of Libertador Municipality (Caracas) created an office for sexual diversity, which offers legal assistance, training programmes and social support. In addition, the legislative councils of the states of Bolivar and Carabobo have passed acts outlawing all forms of discrimination that violate the identity of lesbian, gay, bisexual, transgender and intersex persons in the municipalities and communities of their territory, and a number of municipal councils have passed acts specifically aimed at combating discrimination against lesbian, gay, bisexual, transgender and intersex persons.

34. The National Human Rights Plan for the period 2016–2019 provided for the creation of specialized units within the Ombudsman's Office and the Public Prosecution Service to promote and safeguard the right to equality and the right not to be subjected to discrimination on grounds of sexual orientation, gender identity or gender expression. The National Development Plan for the period 2019–2025¹⁷ provides for the comprehensive protection of the lesbian, gay, bisexual, transgender and intersex community.

¹⁵ Decree No. 2.654. *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 41,069 of 6 January 2017.

¹⁶ Article 75 of the Constitution states that: "The State shall protect families as the natural social unit and the basic locus of a person's comprehensive development. Family relationships shall be based on equality of rights and duties, solidarity, joint effort, mutual understanding and reciprocal respect among family members. The State shall guarantee protection to the mother, father or any other person acting as head of household. Children shall have the right to live, be raised and develop within their family of origin. Where this is not possible or contrary to their best interests, they shall have the right to be placed with a foster family, in accordance with the law. Adoption shall be similar to filiation in its effects and shall always be agreed for the benefit of the adopted person, in accordance with the law. Inter-country adoption shall be subsidiary to domestic adoption."

¹⁷ National Economic and Social Development Plan.

35. In November 2020, the Ombudsman's Office created a special ombudsman's office with nationwide responsibility for the protection of persons of diverse sexuality. It is attached to the Directorate for Affairs requiring Special Attention.¹⁸

Article 3

Equal right of men and women to the enjoyment of all civil and political rights

36. Venezuelan women have made great progress in the fight for equal rights. In education, enrolment rates for boys and girls are equal: the gender parity indices for the three levels of basic education are 0.97 in preschool, 0.92 in primary and 1.04 in secondary and diversified education. The 2019 Human Development Report published by the United Nations Development Programme assigns Venezuela a gender development index of 1.013, placing it in the group of countries with the highest levels of equality between women and men in terms of human development achievements.

37. Taking a transformative and liberating new approach to the elimination of gender inequalities, Bicentenary Collection preschool, primary and secondary school textbooks contain subject matter that promotes the values of equality, equity and non-discrimination. Titles in the Collection include: "No somos personas idénticas, pero tenemos mismos derechos" (We are not the same as persons, but we have the same rights); "Mi cuerpo un amigo por conocer" (My body is a friend to get to know); "Esas nuevas sensaciones, sexual identity y de genus" (These new feelings, sexual and gender identity); and "Tus derechos sexuales y reproductivos" (Your sexual and reproductive rights).

38. In the period 2014–2020, 1,280,451 women entered university education. On average, in health-related studies, women account for 71 per cent of all students; in education, 74 per cent; in social sciences, 62 per cent; in agricultural and marine sciences, 62.7 per cent; in basic sciences, 50 per cent; in humanities, languages and arts, 58.96 per cent; and in engineering, architecture and technology, 44 per cent.

39. By ruling No. 738, of 11 August 2016, the Constitutional Chamber of the Supreme Court annulled articles 394 and 395 of the Criminal Code, concerning adultery, ruling that the articles discriminate against women in that they contravene the values and principles of equality, non-discrimination and human dignity enshrined in articles 2, 3 and 21 of the Constitution. The ruling expressly invokes the provisions of the Covenant in which the right to equality is enshrined.

40. The Basic Code of Conduct for Public Officials in the Field of Human Rights, adopted in 2017, contains specific provisions to guarantee equality for women. In application of the Code of Conduct, all State employees are required to ensure equality and equity between men and women in all their acts and actions and to refrain from engaging in, admitting, tolerating or encouraging discrimination based on gender (art. 3).

41. In the area of political rights, in the period 2014–2020, the National Electoral Council used temporary special measures to guarantee women's equal participation. In 2015, by Resolution No. 150605, political organizations were instructed to draw up alternating male-female lists that include equal numbers of men and women for the selection of candidates to stand for election to deliberative bodies. In the 2018 municipal council elections, the candidate selection manual stipulated that alternating lists should again be used, with equal numbers of women and men or at least a 40-to-60 per cent gender breakdown, and that candidates should be registered on a sequential and alternating basis in order to prevent underrepresentation. This measure was again used in 2020, being called for in the plan for equal and alternating representation to guarantee the rights of political participation in the elections to the National Assembly and in the manual for the selection of candidates for public election to the National Assembly in 2020.

42. In the elections held in the period 2014–2020, women constituted the majority on the electoral role, accounting for an average of 51.22 per cent of those eligible to vote. Woman accounted for 35.34 per cent of candidates standing in the 2015 parliamentary elections,

¹⁸ *Gaceta Oficial* No. 37817, 13 November 2003. Resolution No. 2020-062.

46.88 per cent of candidates standing in the municipal council elections in 2018, and 47.23 per cent of candidates standing in the 2020 parliamentary elections.

Efforts to prevent and combat all acts of violence against women

43. With regard to the prevention, investigation, prosecution and punishment of acts of violence against women, the National Assembly adopted an amendment to the Organic Act on Women's Right to a Violence-Free Life¹⁹ in 2014 to incorporate femicide and inducement to suicide as new criminal offences, thereby bringing the total number of forms of violence against women established in the Act to 21 (arts. 14, 15 and 57–59).

44. There are separate courts to address offences involving violence against women in 22 court circuits in 19 states, including 106 specialized courts. In six states, special competence to hear such offences has been given to the municipal procedural courts of first instance. In 2020, the plenary chamber of the Supreme Court established criminal court circuits in the states of Carabobo (Puerto Cabello extension), Portuguesa and Táchira (San Antonio del Táchira extension, border area) and specialized courts of appeal in the states of Falcón, Trujillo and Yaracuy. It also expanded the procedural courts of first instance responsible for hearings, measures, trials and enforcement belonging to the court circuit with jurisdiction over offences involving violence against women in the Caracas Metropolitan Area. The Government is thereby ensuring the administration of gender-sensitive justice throughout its territory as specialized court circuits have been established in 75 per cent of the territory and, in the remaining areas, municipal criminal courts have acquired special jurisdiction over offences involving violence against women.

45. Within the Public Prosecution Service, there is a Directorate General for the Protection of the Family and Women, which encompasses the Directorate for the Defence of Women and 120 prosecutors' offices nationwide specializing in cases of gender-based violence against women, and girls, with the following breakdown: 71 prosecutors' offices around the country, including 2 national prosecutors' offices and 2 national prosecutors' offices specializing in femicide and sex offences; 47 offices for ordinary criminal law offences, 2 of which have national jurisdiction (in cases involving child victims); and 2 special prosecutors' offices that deal with trafficking in women (No. 95) and children and adolescents (No. 96), both established in 2019.

46. In 2012, the Public Prosecution Service set up the National Coordination Office for the Protection of Victims, Witnesses and Other Parties to Judicial Proceedings, whose role is to protect persons involved in criminal proceedings, including children, women victims of violence and survivors of the offence of trafficking. The Office works in conjunction with 35 victim support units around the country. Since 2014, it has been working with the Ministry of People's Power for the Interior, Justice and Peace to ensure that victims are protected by special police brigades for the protection of victims, witnesses and other parties to judicial proceedings. In 2016, pursuant to Decision No. 665, the Comprehensive Assistance Service for Victims of Gender-based Violence of the Directorate for the Defence of Women of the Public Prosecution Service was established. This Service receives and handles complaints and provides counselling to victims.

47. The National Office for the Defence of Women's Rights, attached to the Ministry of People's Power for Women and Gender Equality, ensures that justice is administered from a gender-sensitive perspective by supporting women victims of violence in judicial and extrajudicial proceedings, including by providing them with advice and legal assistance. The Office, which pays particular attention to the most vulnerable, provided support to 133,329 women in the period 2014–2020.

48. In the period 2015–2020, the National Institute for Women, also attached to the Ministry of People's Power for Women and Gender Equality, provided advice and support on gender-based violence to 79,191 persons (70,888 women and 8,303 men). It also organized specific activities for the general public on the prevention of violence against women, reaching a total of 119,000 people (102,000 women and 17,000 men).

¹⁹ *Gaceta Oficial de la República Bolivariana de Venezuela* No. 40.548 of 25 November 2014.

49. The National Training School for Prosecutors run by the Public Prosecution Service holds in-service training activities covering women's rights and gender equality for lawyers, prosecutors and other legal professionals, as well as for police and criminal investigation officers. From August 2017 to August 2020, the School trained 95,525 people, 60 per cent of whom were men and 40 per cent women.

50. At the Ministry of People's Power for the Interior, Justice and Peace, a total of 49,777 State security officers received training on the issue of violence against women and girls in the period 2014–2020. The Ministry also carried out 21 investigations or studies of violence against women and girls and 22 awareness-raising campaigns on preventing violence against women and girls and supporting victims. To help to prevent offences against women and promote peaceful coexistence, a number of community-level training initiatives were implemented, with 485,000 people (343,000 women and 142,000 men) participating in the period 2014–2020.

51. Another measure relevant to the drive to prevent and combat all forms of violence against women was the decision to include representatives of the Ministry of People's Power for the Interior, Justice and Peace on the Gender Equality Council of the public security bodies. This decision was taken with a view to ensuring support, training and technical assistance for the establishment, launch and efficient operation of the gender equality and equity offices within the public security bodies, in accordance with the regulations on women's rights to gender equality and equity issued by the Ministry of People's Power for the Interior, Justice and Peace.²⁰ At the end of 2020, 121 gender equality and equity offices had been set up in police forces at the national, regional and municipal levels.

Article 4

Derogations during a state of emergency

52. In 2016, the Government declared a state of economic emergency²¹ in order to counter the effects of the economic aggression being used against the country and the exceptional circumstances that were endangering the life of the nation as a result. The state of emergency empowered the executive branch to take appropriate measures to address the exceptional and extraordinary conditions temporarily afflicting the Venezuelan economy. These measures enabled the Government to ensure the full enjoyment of rights and unrestricted access to basic goods and services for its people and to mitigate the effects of induced inflation, speculation, an artificially inflated currency, the sabotage of distribution systems for goods and services and the oil price war, which together were fuelling a serious economic crisis.

53. On 13 March 2020, in response to the coronavirus disease (COVID-19) pandemic, an exceptional state of alert²² was declared to allow the executive branch to take the urgent practical measures necessary to protect and preserve the health of the Venezuelan people and mitigate and eradicate the risks associated with COVID-19 and its possible strains, thereby guaranteeing a timely, effective and efficient response to any cases that emerged.

54. The state of economic emergency and the exceptional state of alert were subject to the checks and balances established in the Constitution and were found to be constitutional by the Constitutional Chamber of the Supreme Court. None of the states of emergency implemented have entailed derogations from the obligations set out in the Covenant.

²⁰ Decision No. 160 of 11 November 2016. *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 41.080, 23 January 2017.

²¹ Decree No. 2.184 of 14 January 2016. *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 6.214, 14 January 2016.

²² Decree No. 4.160 of 13 March 2020. *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 6.519, 13 March 2020.

Article 6

Efforts to prevent and combat violent deaths, including increased action to disarm the civilian population

55. Under the Constitution, the right to life is inviolable. No law may provide for the imposition of the death penalty and no authority may apply it (art. 43). The Government places a high priority on ensuring that responsible officials fulfil their obligations to comply with and enforce the law, especially law related to public security, and that they act in accordance with the rules on the progressive and differentiated use of force and the use of potentially lethal force, which provide that firearms may be used only in exceptional circumstances, in accordance with the principles of legality, proportionality and necessity.

56. Further to the information provided in the fourth periodic report (CCPR/C/VEN/4, paras. 65–79), it should be noted that the following instruments were adopted in the period 2012–2019: Manual No. 6 on police action to ensure public order, social peace and peaceful coexistence at public meetings and demonstrations (2012); Ministerial Decision No. 259, rules governing procedures for establishing, disbanding and taking action against a police force (2012); the regulations governing the installation, supervision, evaluation and monitoring of checkpoints staffed by public security bodies and the National Bolivarian Armed Forces (2014); and the protocol on the apprehension, guarding, remand custody and transfer of detainees (2018).

57. Under the terms of the letter of understanding signed between the Government and OHCHR in September 2019, which was renewed in September 2020, OHCHR provided technical assistance to the Ministry of People’s Power for the Interior, Justice and Peace for an update of the police standards applicable to particularly complex operations, including the codes of conduct for special operations units and for controlling public gatherings and demonstrations.

58. From August 2017 until the first quarter of 2020, the Public Prosecution Service made accusations of homicide against 731 members of the security forces and brought charges against 492. A total of 436 were deprived of their liberty. The Service also initiated 4,890 investigations into violent deaths that occurred in the course of public security operations. During this period, 118 security officers were convicted of this offence. In 2020, with the support of OHCHR, work began on the development of a joint protocol for the investigation of cases involving alleged violations of the right to life.

Table I
Officials prosecuted for homicide (Public Prosecution Service)

<i>Year</i>	<i>Charged</i>	<i>Indicted</i>	<i>Convicted</i>	<i>Deprived of liberty</i>
2017	266	361	51	190
2018	130	209	34	156
2019	85	149	31	84
2020 (first quarter)	11	12	1	6
Total	492	731	117	436

59. With a view to preventing violent deaths, the Act on Disarmament and Munitions Control²³ was adopted in 2013 and the regulations implementing the Act²⁴ were issued in 2014. The regulations provided for the establishment of the National Disarmament Service, which has since stepped up efforts to disarm the civilian population. Between 2014 and 2018, the Service deactivated 98,525 firearms and destroyed 127,552 firearms and cold weapons. Some of these weapons were voluntarily surrendered as part of the Voluntary Disarmament Plan while others were recovered by the State security forces. In addition, 20,610 sporting,

²³ *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 40.190, 17 June 2013.

²⁴ *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 6.129, special edition, of 8 April 2014.

cultural and recreational activities were carried out to promote disarmament among the public and 1,045 physical evidence storage rooms were inspected nationwide.

60. At the start of the second half of 2018, the Government established the “Peace Zones” (Cuadrantes de Paz) Great Mission, thereby renewing the public policy on citizen security, which had been implemented by means of the “For all Venezuelan lives” (A Toda Vida Venezuela) Great Mission since 2011. The National Plan for Comprehensive Prevention in Zones of Peace 2019–2025 formulated in line with the new policy incorporates the preventive aspect of risk management as a new area of action and is being implemented in the 23 states and the Capital District through the “Preventive Front for Life and Peace” (Frente Preventivo por la Vida y la Paz) initiative. This initiative provides for educational, recreational, cultural and sporting activities designed to mitigate the factors that give rise to violence and increasing criminality by recovering space for the community and for organized people power.

61. The measures implemented have resulted in a steady decrease in the number of homicides in the Bolivarian Republic of Venezuela. There were 17,407 homicides (56 per 100,000 inhabitants) in 2016; 14,666 (47 per 100,000 inhabitants) in 2017; 10,598 (33 per 100,000 inhabitants) in 2018; and 6,710 (21 per 100,000 inhabitants) in 2019.

62. In the period 2015–2019, the number of violent deaths among prison inmates fell significantly, dropping from 103 in 2015 to 44 in 2019.

Table II

Number of violent deaths in prisons (Ministry of People’s Power for Prison Administration)

<i>Year</i>	<i>Complaints</i>
2015	103
2016	71
2017	66
2018	69
2019	44

63. In the period 2012–2019, the Ombudsman’s Office received a total of 748 complaints of alleged violations of the right to life.

Table III

Complaints of alleged violations of the right to life (Ombudsman’s Office)

<i>Year</i>	<i>Complaints</i>
2012	37
2013	69
2014	73
2015	161
2016	172
2017	127
2018	92
2019	17
Total	748

Article 7

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

64. On 22 July 2013, the Special Act to Prevent and Punish Torture and Other Cruel, Inhuman and Degrading Treatment²⁵ was enacted in compliance with the fourth transitory clause of the Constitution, which required the legislative branch to pass laws relating to this area.

65. The Special Act expressly establishes an absolute prohibition of torture, provides a framework for the protection of the right to physical, psychological and emotional integrity, defines the actions that violate the Special Act as offences and human rights violations and provides for the establishment of cooperation and coordination mechanisms and procedures to ensure that preventive and reparative actions are effective.

66. The Act also provides for the establishment of the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment, which is made up of representatives of the Ombudsman's Office, the Supreme Court, the Public Defence Service, the Public Prosecution Service, the National Assembly and the Ministries of People's Power responsible for the prison service, internal affairs, justice and peace, communes, defence, health, and indigenous peoples, together with a representative of grass-roots organizations appointed to sit on the Federal Council of Government.

67. This Commission is empowered to conduct visits to prisons, remand centres, police institutions, psychiatric institutions, drug detoxification centres and transit zones in international ports, among other places. During these visits, representatives of the Commission may conduct face-to-face interviews with persons deprived of their liberty without a witness being present – if necessary, with the help of an interpreter or any other person who can provide assistance or act as a mediator – and may also receive complaints.

68. Article 31 of the Special Act establishes that any public official who witnesses or becomes aware of acts that may constitute offences of torture or other cruel, inhuman or degrading treatment must file a report. Once this report has been submitted, the officials concerned must take the measures set out in national law, which include informing the Ombudsman's Office within 48 hours. The Public Prosecution Service must be informed as soon as the complaint is received by the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment so that it can initiate the relevant proceedings and ask for the necessary victim protection measures to be adopted.

69. When the Special Act became law, article 181 of the Criminal Code, which set penalties of 3 to 6 years' imprisonment for offences against physical, psychological and emotional integrity (which is protected under article 46 of the Constitution), was repealed and custodial sentences of 15 to 25 years, 13 to 23 years, and 3 to 6 years were established for torture, cruel treatment, and inhuman or degrading treatment, respectively. Equivalent penalties were also established for officials who collaborate with, or cover up for, the direct perpetrators of such offences and a custodial sentence of 8 to 12 years was established for any doctor who issues a false forensic medical or psychological report or who omits to mention signs of torture or ill-treatment.

70. Within the framework of the letter of understanding signed between the Government and OHCHR, the latter provides technical assistance to the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment, notably to build the capacity of mechanisms that monitor the human rights of persons deprived of their liberty.

71. Between 2016 and 2019, the Ombudsman's Office organized a total of 316 training activities on the prevention of torture and other cruel, inhuman or degrading treatment in which 10,453 persons participated. Between 2012 and the first quarter of 2019, the Ombudsman's Office conducted 7,622 visits to prisons, 468 visits to homes for older persons and 44 visits to mental health facilities.

²⁵ *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 40.212, 22 July 2013.

72. Preventive action has been taken to foster a culture of respect for the right to personal integrity and the prohibition of torture among law enforcement officers and prison staff. These actions include 15 training courses delivered by the Office of the Deputy Minister responsible for the integrated policing system in which 2,690 officers of the Bolivarian National Police Force (specifically, the Special Action Forces) participated. The prohibition of torture is also covered in the study programme of the National Experimental University for Security Services, which is a requirement for entry to the Bolivarian National Police Force.

73. The Government has been fulfilling its obligation to investigate alleged violations of the prohibition of torture and other cruel, inhuman or degrading treatment. Between 2017 and the first quarter of 2020, 401 law enforcement officers were charged with violations of this kind, 325 were indicted and 26 were convicted. In 2020, with the support of OHCHR, work began on the development of a joint protocol for the investigation of cases involving alleged violations of personal integrity.

Table IV

Officials prosecuted for torture or cruel, inhuman or degrading treatment (Public Prosecution Service)

<i>Year</i>	<i>Charged</i>	<i>Indicted</i>	<i>Convicted</i>	<i>Deprived of liberty</i>
2017	259	325	5	102
2018	67	90	6	25
2019	69	79	15	28
2020 (1st quarter)	6	23	0	12
Total	401	517	26	167

Article 8

Prohibition of slavery and forced or compulsory labour

74. Article 54 of the Constitution²⁶ prohibits slavery and related practices such as servitude and trafficking in persons. These practices are also prohibited in national laws.

75. Under the Act on Organized Crime and the Financing of Terrorism, enacted in 2012, any person who employs threats, force, coercion, deception, abuse of authority or fraudulent means of payment to promote, facilitate or execute the offence of trafficking in persons is liable to 20 to 25 years' imprisonment and must pay compensation to cover the cost of the victim's recovery and social reintegration. The offences covered by the Act include any use of authority to coerce a person into engaging in begging, forced labour or services, debt bondage, irregular adoption or any form of sexual exploitation, including forced or coerced prostitution, pornography, sex tourism and servile marriage, even with the consent of the victim. If the victim is a minor, the penalty will be 25 to 30 years' imprisonment (art. 41).

76. Under the 2014 Act on Women's Right to a Violence-Free Life, any person who commits the offence of smuggling women or girls is liable to 10 to 15 years' imprisonment (art. 55) while any person who commits the offence of trafficking in women or girls is liable to 15 to 20 years' imprisonment (art. 56). Similarly, the 2015 Child and Adolescent Protection Act protects children against sexual abuse and exploitation (art. 33), slavery, servitude and forced labour (art. 38), and unlawful transfer (art. 40), and establishes custodial sentences for the perpetrators of these offences.

77. Judgment No. 1378 of the Constitutional Chamber of the Supreme Court established that judges specializing in offences involving violence against women should be appointed to hear all cases involving the offence of trafficking in persons, as defined in article 41 of the Act on Organized Crime and the Financing of Terrorism, when the victim of the offence is a

²⁶ Article 54 of the Constitution provides that: "No person shall be subjected to slavery or servitude. Trafficking in persons and, in particular, in women, children and adolescents, in all its forms, shall be subject to the penalties provided for by law".

woman or a child of either sex. However, when the victim of trafficking is an adult male, a judge with competence in ordinary criminal matters is appointed to hear the case.

78. The various State agencies have implemented the National Training Plan for Combatting Trafficking in Persons so as to be able to provide comprehensive support for all victims and to combat the exploitation of children and all other persons who, after leaving the country, are deceived and then subjected to labour or sexual exploitation. This training plan is also intended to raise awareness of the plight of victims of trafficking in persons and the need to protect their rights.

79. As part of the National Training Plan for Combatting Trafficking in Persons, 72-hour courses were delivered to 4,123 participants, including officers of the Bolivarian National Police, the State and municipal police forces, the National Bolivarian Armed Forces and the Scientific, Criminal and Forensic Investigation Unit. Training in the prevention of trafficking in persons was also provided to 1,655 officials of the Public Prosecution Service.

80. The Public Prosecution Service recorded a total of 176 complaints of trafficking in persons in the period 2016–2019, resulting in 80 indictments and 14 convictions.

Table V

Cases of trafficking in persons (Public Prosecution Service)

<i>Year</i>	<i>Cases</i>	<i>Indictments</i>	<i>Convictions</i>
2016	62	32	9
2017	58	25	4
2018	39	14	1
2019	17	9	-
Total	176	80	14

81. A protocol for the repatriation of Venezuelan victims of trafficking in persons has been rolled out, in application of which care and support has been provided to Venezuelan victims in other countries, thereby enabling them to exercise their right to return to their country voluntarily.

82. The Ministry of People's Power for Foreign Affairs refers requests and reports regarding Venezuelan victims of trafficking in persons issued by diplomatic missions and consular offices to the competent authority. There were a total of 11 such cases between March 2017 and June 2019, in 5 of which the victims were successfully repatriated to Venezuela from Brazil, Equatorial Guinea, Italy and Panama.

83. The Ministry has developed a multidimensional data-collection tool to promote joint decision-making by central government agencies and bodies dealing with suspected cases of trafficking in persons and people smuggling referred to them by the competent authority of the receiving State or reported by Venezuelan citizens at a consular office.

84. In addition, guidelines on the steps to take when faced with a suspected case of trafficking in persons or people smuggling have been drawn up for all Venezuelan missions abroad. Among other requirements, the guidelines establish that victims must be advised of the importance of filing a complaint with the competent authorities of the receiving State. Missions are also instructed to follow each reported case closely.

85. With the assistance of United Nations agencies, the Government has run a programme of training and education on the protection of migrant children who are in transit, have been abandoned or are unaccompanied for officials of the Ministry's Consular Relations Office, the consular sections in Argentina, Bolivia, Brazil, Chile, Ecuador and Peru and the consulates in Guayaquil, Manaus and Boa Vista. Key topics covered in the training sessions included the trafficking and smuggling of migrant children, international and regional child protection systems, national protection systems in countries of the region and consular measures to ensure protection for migrant children.

Article 9

Right to personal liberty

86. The right to personal liberty is protected by article 44 of the Constitution. In accordance with articles 44 and 49 of the Constitution, arrests require a court order issued by the case judge and must comply with due process. Arrests without a court order are lawful only when a person is caught in the act of committing an offence. Whatever the circumstances, all persons deprived of their liberty have the right to communicate immediately with their lawyer, family members or another trusted person and to be brought before a court within 48 hours of arrest so that the court may decide whether they should remain in detention or may be released.

87. Article 45 of the Constitution protects the right to personal liberty by prohibiting all public authorities from practising, permitting or tolerating the enforced disappearance of persons, including during states of emergency. Furthermore, all officials are required to disregard orders to carry out enforced disappearance and must report the commission of such acts to the competent authorities.

88. In accordance with the Basic Code of Conduct for Public Officials in the Field of Human Rights adopted in 2017, public officials are prohibited from ordering, carrying out, allowing, tolerating or promoting threats to or violations of human rights, irrespective of whether they are acting on the orders of a superior. Any persons who engage in such conduct incur criminal, civil, administrative or disciplinary responsibility in accordance with the law. Public officials who, in the exercise of their duties, become aware of threats to or violations of human rights must make every possible effort, to the extent of their powers, to end the conduct in question as soon as possible and report it to the competent authorities so that the criminal, civil, administrative or disciplinary responsibility of the perpetrators may be established.

Efforts to reduce the number of persons in pretrial detention

89. Measures taken to reduce the number of persons in pretrial detention include the establishment of a high-level coordination committee, made up of senior State officials, to promote the use of alternatives to imprisonment. In October 2019, this committee authorized 577 non-custodial preventive measures, 10 unconditional releases and 19 humanitarian measures to be granted to persons held in pretrial detention centres belonging to the different police forces and in the facilities of the Bolivarian National Guard.

90. In August 2018, the Supreme Court adopted Decision No. 2018–11 pursuant to which court activities ceased to be suspended from 15 August to 15 September every year and regulations were introduced to ensure that criminal courts throughout the country continue to administer justice during this period. Another joint measure taken by the judiciary, the Ministry of People’s Power for the Interior, Justice and Peace and the Public Prosecution Service was the formulation of the Plan to Expedite Cases Pending Preliminary Hearings and the Start of Trials. In addition, the Supreme Court, working in conjunction with the Public Defence Service and the Public Prosecution Service, implemented the “Single Agenda” project to expedite criminal trials and the Supreme Court adopted the judicial circuit model to increase the speed and efficiency with which incoming cases are processed.

91. OHCHR cooperates with the Government and is providing technical assistance with a view to identifying and resolving issues affecting the country’s pretrial detention centres. To this end, it put together a diagnostic study that has resulted in a series of recommendations to address the situation.

Article 10

Efforts to improve the conditions of detention of persons deprived of their liberty

92. The Prisons Code²⁷ was enacted in 2015 to bring the existing prison regulations (the Regulations on Prisons, the Prison System Act, the Act on Sentence Reduction through Work and Study) into compliance with the prison model established in article 272 of the Constitution²⁸ and the international legal framework governing the area, especially with regard to the humanization of criminal justice and the protection of human rights.

93. The measures taken by the Ministry of People's Power for Prison Administration to monitor the application of domestic legislation on trafficking in persons and respect for the dignity of all persons deprived of their liberty, of which the Committee has been informed, remain in place. See paragraphs 55, 56, 57, 59, 61 and 84 of document A/HRC/44/20 for information on this subject.

94. The new prison regime entails the implementation of rules of conduct grounded in discipline, study and work, the aim being to transform persons deprived of their liberty into better versions of themselves, and the construction of new facilities or conversion of existing facilities to provide spaces suitable for activities that foster enjoyment of the rights to work, study, culture, health, sport and leisure, among others. Its roll-out has reduced the number of incidents of prison violence, by breaking down the culture of negative leadership, drugs, weapons and idleness, in 100 per cent of prisons for women and adolescents in conflict with the law and 98 per cent of prisons for men.

95. In the period 2013–2019, a total of 48 prison facilities were inaugurated, increasing national prison capacity for prisoners of both sexes by 39,056 places.

96. In 2020, there were 53 health-care facilities in men's and women's prisons and 29 in centres for adolescents in conflict with the law. In addition, there are 24 dental units operating nationwide. There are also seven mobile medical and dental units equipped to treat persons deprived of their liberty, one in each of the country's prison districts.

97. A range of health programmes with a focus on the national, regional and local epidemiological situations are being implemented in prisons, covering topics such as sexual and reproductive health, immunization, environmental health, integrated tuberculosis surveillance, sexually transmitted diseases, HIV/AIDS, cardiovascular health, endocrinology, metabolism, kidney disease, cancer and tobacco use, mental health, oral health, and care of children and adolescents (in the case of children in group homes).

98. The Ministry of People's Power for Prison Administration, through an agreement with the Ministry of People's Power for Health, provides regular treatment to persons deprived of their liberty who have chronic medical issues, including psychiatric, endocrine, cardiovascular, digestive, immunological and kidney disorders. In addition, treatment for diseases such as tuberculosis, HIV/AIDS, malaria and sexually transmitted infections is provided by the relevant district health services.

99. As at April 2020, the total number of persons deprived of their liberty under the responsibility of the Ministry of People's Power for Prison Administration was 39,723, of whom 37,482 were men and 2,241 women. Of this total, 24,577 (62 per cent) were facing trial and 15,146 (38 per cent) had been convicted. Of the 27,707 adults benefiting from an

²⁷ *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 6.207, special edition, 28 December 2015.

²⁸ Article 272 of the Constitution establishes that: "The State guarantees a prison system that ensures the rehabilitation of prisoners and respects their human rights. Prisons therefore have work, study, sports and recreation areas; they are run by professional prison staff with university qualifications; they are governed by a decentralized administration that is answerable to state or municipal governments and may be privatized. In general, preference is given to an open regime and to a system of prison farms. Non-custodial sentences are applied in preference to terms of imprisonment. The State establishes post-prison assistance institutions to enable former prisoners to reintegrate into society and encourages the establishment of autonomous prisons with an exclusively technical staff."

alternative non-custodial sentence, 25,827 were men and 1,880 were women. There were 5,216 adolescents in conflict with the law, of whom 4,060 were boys and 1,156 girls.

100. Among other measures taken during the reporting period, 4,816 persons serving a sentence were transferred from pretrial detention centres to prisons, thus reducing the number of convicts held in these centres. Convicted prisoners now account for no more than 10 per cent of the total number of persons being held in such centres. Furthermore, in the context of the COVID-19 pandemic, in 2020, 283 non-custodial measures and 382 partial, supervised releases were authorized as preventive measures to reduce the risk of infection in prisons. In addition, a special protocol was adopted to safeguard the rights of persons deprived of their liberty, including their right to receive visits from and have contact with their relatives, during the pandemic.

Article 11

Right not to be imprisoned for failure to fulfil a contractual obligation

101. The information provided to the Committee in the fourth periodic report (CCPR/C/VEN/4, para. 113) regarding the impossibility of being imprisoned for non-fulfilment of contractual obligations remains current.

Article 12

Liberty of movement, freedom to leave the country and right to enter the country

102. The right to liberty of movement throughout the country, as enshrined in article 50 of the Constitution, is enjoyed without restriction in the Bolivarian Republic of Venezuela. Regarding the freedom to leave the country, the State has fulfilled its obligation to issue individuals with the necessary travel documents within a reasonable period of time.

103. In the period 2012–2018, the authorities issued 10,492,265 passports, a figure equivalent to roughly 34 per cent of the Venezuelan population at the time. However, the imposition of unilateral coercive measures on the Bolivarian Republic of Venezuela has had a negative impact in this area, impeding access to the materials needed to produce passports. Land and air connections have also been affected. Specifically, since 15 May 2019, the United States Department of Transportation has made the issuance of authorizations and licenses to operate flights to and from the United States of America contingent upon carriers not transporting passengers or cargo to or from any Venezuelan airport.²⁹

104. The Bolivarian Republic of Venezuela has taken steps to guarantee the right of its nationals to enter the country, including by adopting the “Return to the Homeland” (Vuelta a la Patria) Plan under which 17,785 Venezuelans have voluntarily returned to the country since February 2020. Another 100,426 Venezuelans living abroad are registered with the programme. In addition, 72,517 people returned to Venezuela through land borders between April and July 2020.

105. The execution of the “Return to the Homeland” Plan has been affected by the imposition of unilateral coercive measures against the Venezuelan Consortium of Aeronautical Companies and Air Services (CONVIASA).³⁰ On 7 February 2020, the United States Department of the Treasury placed the company on the Specially Designated Nationals and Blocked Persons List of the Office of Foreign Assets Control, in application of Executive Order No. 13884, issued on 5 August 2019 by the President of the United States of America.

²⁹ Order No. 2019-5-5, 15 May 2019, Suspension of air service to and from Venezuela, United States Department of Transportation.

³⁰ The State-owned airline CONVIASA has provided air transport between other countries and Venezuela for migrants registered under the “Return to the Homeland” Plan. As at February 2020, CONVIASA had operated 97 flights that had carried, at no charge and on a voluntary basis, 5,513 Venezuelan migrants back to the Bolivarian Republic of Venezuela.

106. Under the measures mentioned above, companies and individuals worldwide are prohibited from engaging in commercial transactions with and providing services to CONVIASA, and this is hindering the Plan's execution. For example, it is impossible to purchase fuel or have aircraft serviced in airports in the countries where the Venezuelan migrants covered by the Plan are located.

Table VI

Migrants repatriated under the "Return to the Homeland" Plan, disaggregated by country of departure, as at 20 February 2020

<i>Country</i>	<i>Returnees</i>
Brazil	7 285
Peru	4 491
Ecuador	3 247
Colombia	764
Dominican Republic	366
Argentina	434
Chile	1 162
Panama	35
Uruguay	1
Total	17 785

107. There are no general restrictions on the freedom of movement of foreign nationals who are lawfully present in the country nor any limits on their right to freely choose their place of residence.

Article 13

Prohibition of arbitrary expulsion

108. The core legislation and regulations concerning refugees and asylum seekers described in the fourth periodic report of the Bolivarian Republic of Venezuela (CCPR/C/VEN/4, paras. 114–123) remain in force. In the period under review, the Bolivarian Republic of Venezuela maintained its existing policy, which ensures that the principles of non-refoulement, non-discrimination and family unity and guarantees of due process are respected in the refugee status determination process. Persons with refugee status thus enjoy the same rights as foreign nationals, within the limits established under the Constitution and in legislation, and may therefore engage in any gainful activity, access the social security system and the social welfare programmes of the national Government, and, in the case of children and teenagers, attend educational institutions at the appropriate level.

109. Additional advances since the submission of the fourth periodic report include the roll-out of the Integrated Refugee Management System (SIGESREF), which has minimized response times for applications for refugee status and allowed for the temporary identity cards previously issued to applicants for refugee status to be replaced by more robust and secure identity cards that meet the standards set in international refugee law. In addition, the Bolivarian Republic of Venezuela is actively working to build a database of refugees and applicants for refugee status that will enhance the technical, administrative and operational capacity of the National Refugee Commission (CONARE). Furthermore, a CONARE office has been opened in the border state of Bolivar with a view to expanding the channels through which persons looking to obtain refuge and protection from the Government of Venezuela can seek assistance.

110. As a COVID-19 prevention measure, CONARE decided that the validity period of the provisional refugee application documents issued through its offices would be automatically extended until the state of alert decreed by the national Government came to an end.

111. Since 2013, refugee identity card issuance and renewal services, which were previously available only in Caracas, have been decentralized, thereby facilitating access to identity documents for the refugee population. In the same year, the Ministry of People's Power for Education issued instructions stipulating that temporary identity cards should be accepted for the purpose of issuing educational certificates to refugees.

112. With a view to improving the training provided to public officials attached to the Ministry of People's Power for Foreign Affairs and police bodies who work with persons in need of international protection, asylum seekers and refugees, the Ombudsman's Office ran a diploma course on the human rights of refugees that was completed by 442 public officials, who thus furthered their studies and strengthened their skills in the area of refugee rights.

113. Article 28 of the Organic Act on Labour and the Rights of Workers, enacted in 2012, reinforced the domestic legal framework for refugee protection, benefiting the refugee population by excluding them from the scope of the regulations that establish a maximum percentage threshold for the number of foreign workers that employers are permitted to engage and those that establish that only Venezuelan nationals may occupy senior positions.

114. In accordance with the Basic Code of Conduct for Public Officials working in the Field of Human Rights adopted in 2017, all State employees are required to accord special protection to persons in situations of vulnerability, discrimination, poverty or social exclusion, including persons in need of international protection (art. 3).

115. In December 2019, 8,712 persons were benefiting from the protection afforded by refugee status and 142 asylum applications were being processed. The number of complaints relating to the right to asylum and refuge is relatively low; the Ombudsman's Office received 66 complaints in the period 2012–2018 and none of them involved the execution of mass deportations or expulsions.

116. Statistics show that only a small number of foreign nationals are deported or expelled. In the period 2012–2018, 1,017 persons were deported, most of them because they had entered or remained in the country without the correct visa (62 per cent) and the rest because they had failed to renew their visa before the legally established deadline (38 per cent). In the same period, 639 persons were expelled, 67 per cent of them for having fraudulently obtained or renewed visas and 33 per cent for drug smuggling.

117. Socioeconomic data, including figures for the number of foreign families that have benefited from the "Great Venezuelan Housing Mission" public policy, attest to the absence of discrimination between foreign nationals and Venezuelan citizens in the application of measures to enhance the enjoyment of human rights.³¹ As at June 2019, housing had been allocated to 438,110 foreign families, including families protected by refugee status, who represented 17 per cent of the total number of beneficiary families.

Article 14

Administration of justice

118. Advances made in the judicial field since the submission of the last periodic report have reinforced guarantees of effective judicial protection for victims, due process and the right to a defence, as well as the right to obtain reparation for injury caused from the parties responsible, as enshrined in articles 26, 49 and 30 (last paragraph) of the Constitution, respectively.

119. In August 2012, the Constitutional Chamber of the Supreme Court established that, in criminal proceedings conducted under the special procedure provided for in the Organic Act on Women's Right to a Violence-Free Life, both direct and indirect victims may bring a private suit against the accused before the Procedural Court, irrespective of whether the

³¹ The Great Venezuelan Housing Mission is a public policy for guaranteeing the right to housing, through which the Bolivarian Republic of Venezuela ensures decent housing and living conditions for the country's population.

Public Prosecution Service takes action, if the Prosecution Service fails to conclude the investigation within the deadline established in the special law regulating such suits.

120. The Constitutional Chamber extended this condition to apply also to ordinary criminal proceedings and to the special procedure for less serious offences in December 2018. Its ruling establishes that, irrespective of whether the Public Prosecution Service takes action, direct and indirect victims of punishable acts investigated in such proceedings may initiate their own private suits against the accused if the Prosecution Service fails to file the corresponding indictment by the deadline set by the Procedural Court, as established in the Code of Criminal Procedure.

121. With regard to civil proceedings, the Civil Cassation Chamber of the Supreme Court issued regulations for the streamlined civil procedure in August 2019. In application of the new provisions, a single oral hearing is held, deadlines are shortened and notification formalities are simplified. The aim is to ensure swift and easy access to justice by means of a procedure governed by the principles of expeditiousness, fairness, transparency and probity that guarantees the right to a defence and the right to due process. The new procedure constitutes progress towards overcoming a range of obstacles that previously restricted access to justice for certain sectors of the population owing to the high cost, in terms of both time and money, that disputes brought before the civil courts could entail for the parties.

122. The principles of judicial independence and impartiality, effective judicial protection and due process were also reinforced in the period covered by this report, in this case by means of the Constitutional Chamber's decision, in July 2017, to suspend, as a precautionary measure, the application of the procedure established in article 305 of the Code of Criminal Procedure. Under the now suspended provision, criminal procedural courts of first instance were under an obligation to issue dismissal orders when so requested by the representatives of the Public Prosecution Service, and were permitted only to reserve judgment, a situation that stripped criminal court judges of their functional autonomy.

123. The regulations governing appraisals and competitive examinations for admission to and promotion within the judiciary agreed by the plenary chamber of the Supreme Court were published in 2016.³² They establish regulatory and organizational procedures for the appointment, promotion and continuing service of the country's judges by means of public competitive examinations and performance appraisals.

124. The procedures established guarantee the principles of equal treatment, transparency and public participation, among others, and designate the Supreme Court's Judicial Commission as the body responsible for organizing and overseeing the competitive recruitment process, in which candidates are invited to submit their application forms along with details of how they meet the requirements for participation. A list of full and alternate assessors from which the members of the appraisal panel are to be selected is then drawn up, and the choice is made by the plenary chamber and the Judicial Commission. With the support of the Judicial Commission, the appraisal panel checks the application forms and documents submitted by candidates and ensures that the relevant medical, psychological and psychometric skills and knowledge tests are carried out. Once these checks are completed, the appraisal panel, in conjunction with the Judicial Commission, moves on to the assessment stage, in which public and civic participation is encouraged, and candidates are selected to fill the vacant positions. Candidates are then assessed over a six-month probationary period at the end of which those who have successfully completed the trial are appointed as full judges.

125. The competitive examination process described above began with a call for applications issued to 273 judges from the Capital District and the states of Miranda and La Guaira. Of this number, 65 per cent advanced to the next stage of the recruitment process.

126. During the reporting period, the Supreme Court extended the criminal courts' working hours the 118 non-working days and holidays provided for in the calendar. In addition, 11 special courts were created in the states of Zulia, Falcón, Sucre and Táchira to deal with

³² *Gaceta Oficial de la República Bolivariana de Venezuela*, No. 40,972 of 23 August 2016.

financial and cross-border crimes and a national office responsible for coordinating the juvenile criminal justice system was established.

127. As at March 2020, there were a total of 2,059 courts in the country, breaking down as follows: 492 municipal civil and criminal courts; 1,323 courts of first instance competent to hear criminal cases, cases involving violence against women, cases involving juveniles with criminal responsibility, civil cases, child protection cases and cases under labour, agricultural and maritime law; 185 higher courts competent to hear civil cases, child protection cases, cases under labour, agricultural and maritime law and administrative and tax-related litigation; and 59 appeal courts competent to hear administrative litigation, criminal cases, offences involving violence against women and cases involving juveniles with criminal responsibility.

128. In the period 2014–2018, an annual average of 638,766 cases were registered and 1,302,425 sentences were handed down by the courts of the Bolivarian Republic of Venezuela, with courts hearing socially-sensitive cases, such as those involving offences of violence against women, child protection and juvenile criminal responsibility, dealing with especially large numbers.

129. The judiciary has public service and information units and citizen support offices that make it easier for lawyers and the general public to obtain information about their cases and legal advice. There are also various services through which the parties involved in trial proceedings can obtain information, including online search engines that enable them to consult the status of cases on the web page of the Supreme Court and the Supreme Court's statistics site, TSJ-Regiones, which publishes case management details including statistical data on rulings and orders, notifications of decisions, the results of hearings and hearing schedules, among others. The Supreme Court also runs a strategic "Mobile Court" programme, through which the most vulnerable population groups that are unable to travel to court can obtain free legal assistance, thus facilitating access to justice.

130. One of the greatest challenges facing the judicial branch is how to ensure the continued operation and efficiency of its courts and related services in the face of the significant reduction in available resources caused by the unilateral coercive measures imposed by the Government of the United States, which have had a significant impact on the planning and implementation of the programmes envisaged in the strategic plan. The unilateral coercive measures have impeded the expansion and acquisition of the state-of-the-art technology needed to strengthen the justice system, and some states in the country still do not have a technology platform. The measures have also caused a decline in the total number of public officials employed within the judicial branch.³³

131. In the Public Defence Service, the number of public defenders tasked with guaranteeing the right to a defence has risen since the fourth periodic report was submitted. At the end of 2018, there were 1,340 public defenders spread across the 1,192 offices nationwide, which between them provided support for 820,522 persons requiring due legal assistance in that year.

132. In the Public Prosecution Service, at the end of 2019 there were seven prosecutors for every 100,000 inhabitants and 847 prosecutor's offices nationwide. Specifically in the area of human rights protection, since mid-2017, specialized prosecutors have been involved in a total of 84,016 court proceedings. With regard to the offences of robbery and homicide, a

³³ Preliminary findings of the visit to the Bolivarian Republic of Venezuela by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights 12 February 2021: "Despite the periodic review and increase of wages in Venezuela, the average public-sector salary is estimated at US \$2–3 per month, covering less than 1 per cent of the basic food basket and making people increasingly dependent on social support by the Government in the form of CLAP (food) and regular money transfers via the 'Carnet de la Patria', multiple subsidies for public servants, as well as foreign humanitarian aid. The Special Rapporteur notes that this increases the level of migration, facilitates the involvement of people in the gray economy, affecting on the first hand high-level public sector specialists, including doctors, nurses, teachers, university professors, engineers, police officers, judges, technicians and many others, violating their economic rights including the rights to work, to decent labor, to social security, including social insurance, and to an adequate standard of living. The number of vacancies among personnel necessary to guarantee the normal functioning of public services has reportedly reached 1/3 to 1/2".

total of 41,589 charges were brought before the courts in 2018 and 2019 combined, and a total of 22,372 convictions were obtained for the two offences.

133. The Public Prosecution Service has processed all complaints of human rights violations with a view to determining the corresponding criminal liability. Since August 2017, 603 State security officers have faced charges as alleged perpetrators of human rights violations and 35 civilians have been implicated as accomplices in such acts. In addition, 452 public officials from different agencies and 24 private individuals have been arrested. A total of 811 public officials and 129 civilians were charged during this period, and convictions were obtained in 127 cases involving State security officials and 13 cases involving civilians.

134. The Public Prosecution Service has also stepped up efforts to investigate and punish prosecutors accused of dereliction of duty or abuses and irregularities in the exercise of duty. From August 2017 to the end of 2019, the Inspections and Discipline Directorate investigated 218 incidents of this kind.

135. Since 2012, there have been six calls for applications to participate in merit-based selection processes and competitive examinations for prosecutorial positions in the Public Prosecution Service, all of them aimed at lawyers of the Bolivarian Republic of Venezuela, without exclusion, who have successfully completed the training programme for admission to the prosecution service or specialization in prosecution services run by the Public Prosecution Service's National Training School for Prosecutors. The calls for applications were published in various media with nationwide coverage, in conformity with the provisions of article 146 of the Constitution concerning public competitive examinations for admission to the State administration.

136. The adverse effects of the unilateral coercive measures on the national budget have created various obstacles and challenges for the Public Prosecution Service, mainly affecting access to the state-of-the-art technology required to establish the best possible platform for the creation of a single, centralized database, the budget allocated to the Service and the completion of the work necessary to optimize its performance, among other areas.

137. Between 2012 and the first quarter of 2019, the Ombudsman's Office received 701 complaints of alleged violations of the right of access to justice.

Table VII

Complaints of alleged violations of the right of access to justice (Ombudsman's Office)

<i>Year</i>	<i>Complaints</i>
2012	126
2013	106
2014	66
2015	118
2016	101
2017	118
2018	57
2019	9
Total	701

Article 18

Freedom of conscience and religion

138. The right to freedom of religion and worship is recognized in article 16 of the Constitution. In the Venezuelan legal system, this right encompasses: (i) the right to profess the religious beliefs chosen by the individual or group and the right to choose not to practice any religion; (ii) the right to change religion or to cease to practice a former religion; (iii) the right freely to profess religious beliefs or to refrain from exercising them; (iv) the right to perform acts of worship and take part in religious services specific to their faith; (v) the right

to give and receive religious instruction, provided that it is in line with their own beliefs; and (vi) the right to assemble and engage in public protests for religious reasons. The same article of the Constitution establishes that religious beliefs may not be invoked as a justification for failing to comply with the law or preventing others from exercising their rights.

139. The increasing number of organizations that hold religious services throughout the country are a testament to the freedom of religion and worship that exists in the Bolivarian Republic of Venezuela. At the end of 2019, there were 18,224 such organizations representing the various different religions and faiths. In addition, these religious organizations were between them operating 271 foundations, schools and seminaries.

140. The right to freedom of conscience is protected under article 61 of the Constitution, although conscientious objection is subject to two restrictions, specifically: (i) when it affects the personal integrity of the right holder; and (ii) when it prevents others from complying with the law. Accordingly, although freedom of conscience and freedom of religion are considered manifestations of a person's conscious activity, it is vital that the external expression of this activity does not affect others.

141. Between 2012 and the first quarter of 2019, the Ombudsman's Office received 12 complaints of alleged violation of the rights to freedom of conscience and religion.

Table VIII

Complaints of alleged violation of the right of access to justice (Ombudsman's Office)

<i>Year</i>	<i>Freedom of religion and worship</i>	<i>Freedom of conscience</i>
2012	1	-
2013	2	3
2014	2	-
2015	1	-
2016	1	2
2017	-	-
2018	-	-
2019	-	-
Total	7	5

Article 19

Freedom of expression

142. The Constitution of the Bolivarian Republic of Venezuela recognizes and protects the right to freedom of expression for all persons (article 57) and the Government respects this right in practice.

143. In 2019, there were 934 frequency modulation (FM) radio stations broadcasting in the Bolivarian Republic of Venezuela. Of this total, 535 (57 per cent) were private radio stations, 308 (33 per cent) were community radio stations and 91 (10 per cent) were public radio stations. There were also 182 amplitude modulation (AM) radio stations, of which 171 (94 per cent) were privately owned and 11 (6 per cent) were public. In addition, 343 free-to-air television channels were broadcasting, of which 160 (47 per cent) were privately owned television channels, 160 (47 per cent) were community channels and 23 (7 per cent) were public – a breakdown that demonstrates clearly the extent to which the broadcast spectrum has been democratized and the importance of the mass media as a means of communication with the population.

144. At the end of 2018, there were an estimated 1,519,849 cable television subscribers and 3,103,968 satellite television subscribers. In addition, there were 18,526,584 Internet service subscribers (99 per cent of them broadband subscribers) and 12,005,316 mobile phone subscribers (using smartphones). These figures show that the people of the Bolivarian Republic of Venezuela have ample means to access information from various sources as well

as the means to express opinions in an autonomous and independent manner. However, the unilateral coercive measures imposed on the country by the Government of the United States of America have had a negative impact on progress in this area and thus on the enjoyment of the right to freedom of expression.³⁴

145. The right to receive information is protected under article 58 of the Constitution and, in accordance with articles 101 and 108, the State must establish, promote and guarantee measures that afford the possibility of more extensive and more effective universal access to information and the media with a view to facilitating the exercise of the right to communication for all members of society.

146. On 22 May 2020, the Supreme Court admitted the lawsuit filed by the Users Committee of the Metropolitan Area of Caracas after Galaxy Entertainment de Venezuela S.C.A., the operator of DirecTV's satellite television services in Venezuela, abruptly and unilaterally shut down the satellite television signal, affecting the right of access to information, freedom of expression and communication of 2,300,000 subscribers, representing an estimated 10,000,000 users. Previously, on 19 May 2020, the company had announced in a press release that the decision had been taken because of the impact of the unilateral coercive measures adopted by the government of the United States of America on its commercial operations in Venezuela.

147. After the Supreme Court decision of 14 August 2020, it was possible to restore the service previously provided, using DirecTV's installed infrastructure in Venezuela. This decision was particularly important because the television signal was shut down during the COVID-19 lockdown, that is, precisely at a time when the country's population needed timely access to information on the effects of the disease and the progress that scientists were making in their efforts to contain it.

Article 20

Prohibition of advocacy of national, racial or religious hatred

148. The Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance came into force in November 2017. Under this Act, the State has a binding obligation to develop public policies to promote and ensure peaceful coexistence.

149. The Act establishes an outright ban on propaganda and messages in favour of war and on any advocacy of hatred based on nationality, race, ethnicity, religion, political or social factors, ideology, gender, sexual orientation, gender identity, gender expression or any other factor that constitutes incitement to discrimination, intolerance or violence (art. 13). The Act also establishes promotion of or incitement to hatred as an offence punishable by 10 to 20 years' imprisonment (art. 20).

150. The Act states that private radio and television broadcasters must participate in activities designed to combat hate speech (art. 12).

Article 21

Right of peaceful assembly

151. Article 68 of the Constitution establishes the right of all citizens to demonstrate peacefully and without weapons, subject only to the requirements laid down by law. This

³⁴ Preliminary conclusions of the visit to the Bolivarian Republic of Venezuela by the United Nations Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. 12 February 2021: "The Special Rapporteur underlines that low salaries, the absence or insufficiency of school supplies, school uniforms and food at school, which used to be provided by the Government, transportation problems, the absence of electricity, and reduced Internet and mobile phone coverage endanger the exercise of the right to education. The above reasons, as well as the reported impossibility to use online resources with Venezuelan IP addresses, affect access to information and the freedom of expression."

article also prohibits the security forces from using firearms and toxic substances to control demonstrations.

152. According to the 2010 Act Partially Amending the Act on Political Parties, Public Meetings and Demonstrations, parties, political organizations and individuals who decide to hold public meetings or demonstrations must seek authorization from the highest civil authority of the relevant judicial district at least 24 hours in advance. This authorization includes the time and place of the activity and the way in which it may be carried out.

153. Under the Act, those applying for authorization may appeal against any decision made by the highest civil authority of the relevant judicial district that they consider to be unjustified. Such appeals must be decided upon within 48 hours. Applicants may petition the Political and Administrative Chamber of the Supreme Court for annulment of the resulting decision.

154. The Act also states that it is up to the highest civil authorities to establish periodically, by means of decisions published in the relevant official gazettes, the places where public meetings and demonstrations may not be held, taking into account the views of the parties and applying the provisions of the Organic Act on the Electoral Process in preference to other provisions during election periods.

155. In April 2014, the Constitutional Chamber of the Supreme Court responded to a request for interpretation of article 68 of the Constitution and articles 41, 43, 44, 46 and 50 of the Act Partially Amending the Act on Political Parties, Public Meetings and Demonstrations. The Supreme Court ruled that the right to demonstrate is a right that may be restricted in order to protect other rights such as the rights to life, health, education and even freedom of movement.

156. In the period 2012–2018, the Ombudsman’s Office received 53 complaints of alleged violations of the rights to assemble and to demonstrate peacefully.

Table IX

Complaints of alleged violations of the right to assemble and the right to demonstrate (Ombudsman’s Office)

<i>Year</i>	<i>Right to assemble</i>	<i>Right to demonstrate</i>
2012	3	5
2013	2	1
2014	-	6
2015	-	6
2016	2	2
2017	2	21
2018	1	2
Total	10	43

Measures to effectively prevent and eliminate the excessive use of force by law enforcement officers, especially in the context of demonstrations

157. The current regulations on public order and the control of meetings and demonstrations clearly specify the criteria that should guide police and military action aimed at maintaining public order and ensuring peaceful coexistence. These regulations are in line with article 68 of the Constitution on the right to demonstrate peacefully and without weapons. They also reflect the principles set out in the Covenant, among other relevant international instruments.

158. Both the police forces and the Bolivarian National Guard have procedural handbooks on public order that are in line with the relevant standards. These handbooks are used as part of the vocational training delivered at the National Experimental University for Security Services and the Bolivarian Military University of Venezuela. In 2020, the police handbooks

on controlling public meetings and demonstrations were revised and updated with the technical support of OHCHR.

159. The training programmes of the National Experimental University for Security Services have been designed to promote the public safety model within a framework of respect for and protection of human rights. They include workshops on the progressive and differentiated use of force and the use of potentially lethal force, and training sessions on policing tactics that are in line with human rights principles.

Observance of human rights in the context of demonstrations

160. In the period 2013–2019, the right to demonstrate was exercised extensively in the Bolivarian Republic of Venezuela. A total of 38,196 public demonstrations were recorded. Most of these took place in the Caracas Metropolitan Area or in major cities elsewhere in the country. A large number of demonstrations were held in places that have not traditionally been used for protests, such as middle-class housing developments and around military and police facilities. In many cases, the demonstrators failed to comply with their duty to refrain from using violence and this resulted in the State security agencies taking action to control the demonstration.

161. There were four periods in which the incidence of violent demonstrations was particularly high: April 2013; February to April 2014; April to July 2017; and January to April 2019. During these periods, demonstrations in favour of social causes linked to the enjoyment of economic and social rights were replaced by political demonstrations.

162. In 2013, the political demonstrations were prompted by the refusal of one sector of the opposition to accept the outcome of the presidential election of 14 April 2013. This decision triggered a series of attacks against people who were celebrating the election victory. Eleven people were killed, including a girl and a boy who were with their parents when a driver rammed his vehicle into a group of people in the city of Maracaibo. The demonstrators also attacked health centres, the headquarters of the National Electoral Council and other public property and buildings in various cities.

163. In 2014, several opposition leaders organized demonstrations in an attempt to bring down the recently elected Government. The demonstrations were extremely violent and often caused disruption to everyday life and created an atmosphere of social intimidation. They were organized in 27 municipalities around the country, all of which were high-income municipalities with very low levels of poverty. In the course of these demonstrations, 43 people were killed, including a young motorcyclist whose throat was cut by a steel cable that had been strung across a street by demonstrators, and 878 people were injured. In April 2014 in the Chacao Municipality, 89 children aged 3 years and under had to be evacuated by the authorities from a preschool that had been set on fire by a group of violent demonstrators.

164. In 2017, some sectors of the opposition launched another wave of demonstrations in an attempt to force the President to either stand down or call presidential elections before the end of his constitutional term of office. Over the course of four months of violence, 121 people died and 1,958 were injured. There is testimonial, documentary and audiovisual evidence that the demonstrators routinely used firearms, set up roadblocks as death traps for motorcyclists and pedestrians trying to pass through, deployed home-made weapons, and made and used explosive weapons such as mortars and rocket launchers and other highly lethal devices and materials.

165. The violent demonstrators attacked hospitals, schools, food collection and distribution centres, residential areas, private businesses, facilities providing basic services, military and police bases and NGO headquarters, among other places. During the protests, children and adolescents were used to prepare firebombs, guard roadblocks and assault members of the security forces.

166. A number of hate crimes were committed during the violent protests of 2017. Two people were attacked and three were killed by demonstrators on account of their affiliation with the ruling party. Among those who were killed, one was burned alive and another was set on fire while lying on the ground after being attacked with a home-made mortar. In addition, the Ombudsman's Office recorded 23 cases in which violent crowds that had

gathered in public spaces assaulted people because they were wearing a police or military uniform, were mistaken for public officials or were thought to support the Government.

167. In 2019, a group of opposition leaders again organized violent demonstrations in order to force the President to resign. On this occasion, the demonstrations were linked to an uprising by a group of Bolivarian National Guard officers in January 2019, an attempted invasion via the southern and south-western borders of Venezuela in February 2019 and an attempted military coup in April 2019.

168. Throughout these years, in the face of escalating violence, the Bolivarian Republic of Venezuela remained committed to ensuring the human rights of all persons under its jurisdiction. The State's institutions focused on taking all the measures necessary to ensure the rights to life and integrity of the person, health, education and free transit and movement and the right of children and adolescents to protection, in the context of demonstrations.

169. In all cases in which excessive force was said to have been used by the State security agencies, investigations were opened and proceedings were initiated in order to establish the truth and determine criminal liability for the acts committed. As at March 2020, 496 cases were under investigation by the Public Prosecution Service's Directorate for the Protection of Human Rights. The Directorate has brought charges in 42 of these cases and has made arrests in another 13.

170. In August 2017, the Constituent National Assembly set up the Commission for Truth, Justice, Peace and Public Tranquillity³⁵ to conduct in-depth investigations into acts of political violence and violence motivated by intolerance, to help establish the truth and determine legal liability where necessary, and to ensure the provision of appropriate and comprehensive support to victims. The Commission includes representatives of victims' associations and human rights organizations.

171. As at May 2020, the Commission for Truth, Justice, Peace and Public Tranquillity had granted comprehensive support measures for a total of 107 people who are the immediate relatives of an initial group of 50 people who lost their lives as a result of the political and related violence that occurred in Venezuela in 2017. The comprehensive support measures were granted in accordance with articles 11.6 and 17 of the Constitutional Act on the Commission for Truth, Justice, Peace and Public Tranquillity and include: cash allowances, including a lifetime allowance for heads of households and allowances for school-age children and adolescents; legal support; psychological and/or psychiatric care; health care; and social protection measures such as housing, social security allowances, employment and education grants.

172. In 2019, the Commission for Truth, Justice, Peace and Public Tranquillity granted comprehensive support measures for another 112 people, including the relatives of 38 people who died during the events of 2017 and the relatives of 17 people who died during the events of 2002, 2013 and 2014, as well as 7 people who have severe disabilities as a result of those events. These measures are in the process of being implemented.

Article 22

Right to freedom of association

173. The information provided in the fourth periodic report (CCPR/C/VEN/4) concerning freedom of association remains valid, with the following update: between 2012 and 2019, 849 trade union organizations were registered in the country, of which 820 were enterprise trade unions, 26 were professional trade unions and 3 were industrial trade unions.

174. As at May 2019, a total of 1,017 social movements, grouped into 25 sectors, and 23,052 socioproductive organizations (social production enterprises, cooperatives and others) were registered with the Ministry of People's Power for Communes and Social Movements.

175. Between 2012 and the first quarter of 2019, the Ombudsman's Office received 13 complaints of alleged violations of the right to freedom of association.

³⁵ Constitutional Act on the Commission for Truth, Justice, Peace and Public Tranquillity. *Gaceta Oficial de la República Bolivariana de Venezuela* No. 6.323, special edition, 8 August 2017.

Table X
Complaints of alleged violations of the right to freedom of association (Ombudsman's Office)

<i>Year</i>	<i>Complaints</i>
2012	1
2013	2
2014	2
2015	3
2016	2
2017	3
2018	-
2019	-
Total	13

Article 24

Right of children and adolescents to protection

176. The second amendment to the Child and Adolescent Protection Act, which relates solely to the provisions on adolescents in conflict with the law, came into force on 8 June 2015.³⁶ This legal amendment introduced major substantive and procedural changes relating to the protection of the rights of such adolescents. These changes included: (i) raising the age of criminal responsibility from 12 to 14 years; (ii) strengthening coordination between the relevant public institutions; (iii) extending safeguards to ensure that adolescents are not detained during criminal proceedings; (iv) extending procedural safeguards relating to appeals against judicial decisions concerning adolescents; and (v) increasing the participation of indigenous peoples in proceedings involving indigenous adolescents in conflict with the law.

177. The “Homeland” system, which is a State initiative for the provision of social protection to vulnerable persons and persons living in poverty, including children and adolescents, was launched in January 2017. Under this initiative, a computerized system is used to grant cash allowances to certain families who have been registered in the system on the basis of a socioeconomic assessment and in a fully transparent manner. These allowances are provided in addition to social security benefits. More than 6 million families are currently registered in the system, which accords particular attention and more generous benefits to families with a large number of children, persons with disabilities, and pregnant and breastfeeding women.

178. The Constituent National Assembly has passed the Constituent Decree for the Promotion and Protection of Childbirth and Humanized Birth,³⁷ which recognizes the rights of pregnant women, mothers, fathers and children to comprehensive, humanized care during pregnancy, childbirth and the post-partum period. In addition to recognizing the right to humanized birth, this legal text contains important provisions on the following issues: paid leave for prenatal consultations; the right of women to make decisions about pregnancy and labour; decent treatment in health-care facilities during pregnancy, childbirth and the post-partum period; support for women during childbirth; the practice of keeping mothers and newborns together after birth; skin-to-skin contact immediately after birth and during breastfeeding; and the protection of mothers with HIV/AIDS.

179. The National Committee for the Protection of Child and Adolescent Migrants was established in June 2017 to ensure the comprehensive protection of child migrants. It serves as a forum for inter-agency coordination and includes representatives of the judiciary, the

³⁶ *Gaceta Oficial de la República Bolivariana de Venezuela* No. 6.185. special edition.

³⁷ *Gaceta Oficial de la República Bolivariana de Venezuela* No. 41.376, 12 April 2018.

Public Prosecution Service, the Ombudsman's Office, the executive branch and civil society. The National Committee develops strategies to address problems that affect child migrants, including abduction and wrongful detention, migrant smuggling, trafficking in persons and the situation of child migrants who have been placed under protective measures in other countries, especially those who are unaccompanied. It has undertaken various initiatives to standardize criteria and regulate the granting of authorizations to travel and to live abroad, the issuance of passports and the situation of children who are left behind in the Bolivarian Republic of Venezuela in the care of their extended family. It also deals with cases involving the repatriation of child victims of abduction and wrongful detention and the repatriation of unaccompanied child migrants who have been placed in institutions in other countries as a protective measure.

180. In November 2019, the Social Cassation Chamber of the Supreme Court established procedural guidelines for granting judicial authorization for children and adolescents to travel abroad. These new guidelines are intended to underline the duty of judges to ensure that children and adolescents are comprehensively protected in such situations; that parents fulfil their obligation to inform the court of their strict compliance with the relevant preventive measures and judgments; and that proceedings for the return of the child or adolescent are automatically initiated in the event of non-compliance with the relevant judgment and wrongful retention of the child or adolescent abroad, in accordance with the Child and Adolescent Protection Act and the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980.

181. On 16 October 2014, the Constitutional Chamber of the Supreme Court handed down a final judgment in case No. 10-0161 whereby it raised the minimum age for marriage or cohabitation in a stable *de facto* union to 16 years for both men and women. In this judgment, which is based on the right to equality, the Court decided that the minimum age for marriage applicable to teenage boys should apply to teenage girls as well. It also recognized that setting a very low minimum age for marriage had a negative impact on the incidence of teenage pregnancy, sexual abuse and forced marriage and urged the National Assembly to amend the Civil Code in order to raise the minimum age for marriage to 18 years, in line with the recommendations of the Committee on the Rights of the Child in its concluding observations on the combined third to fifth periodic reports of the Bolivarian Republic of Venezuela, dated 13 October 2014 (CRC/C/VEN/CO/3-5).

182. The Basic Code of Conduct for Public Officials Working in the Field of Human Rights (2017) ensures that children are treated as a priority. These regulations state that action taken by public officials with respect to children should be based on and guided by the child's best interests, the duty to accord them absolute priority, the fundamental role of families in their upbringing and the principle of shared responsibility for their comprehensive protection. In this context, it is vital that children are able to exercise the right to express their views and to be heard in all matters affecting them.

Article 25

Participation in public affairs

183. Article 62 of the Constitution states that all citizens have the right to participate freely in public affairs, either directly or through their elected representatives.

184. In the period 2012–2020, 10 countrywide elections were held, including 3 presidential elections (2012, 2013 and 2018), 2 parliamentary elections (2015 and 2020), 2 regional elections (2012 and 2017), 2 municipal elections (2013 and 2018) and 1 Constituent National Assembly election (2017). In the Bolivarian Republic of Venezuela, voting is a right, not a duty, and is therefore entirely voluntary.

185. The Venezuelan voting system is fully automated and can be audited at all stages. The following measures are used to verify the transparency of the process: (i) a physical receipt is printed on security paper; (ii) a backup of electronic votes is stored on a flash drive in encrypted form; (iii) a backup of electronic votes is stored in the fixed memory of the voting machine, also in encrypted form; (iv) there is one tally sheet per polling station; (v) this tally

sheet is transmitted to the vote counting centre; (vi) an electronic record of votes is transmitted directly to the vote counting centre; and (vii) a final tally sheet is used to record the votes again, with their digital serial numbers.

186. All these means of verification allow for results to be compared in order to ensure that votes are being recorded accurately. There are also inspections of voting equipment such as voter lists, the electoral register, flash drives, the source code for the voting machines, the files that are uploaded to the system and the technology that is used to transfer electoral data to the vote counting centre on election day. Inspection protocols linked to the integrated system, such as audits of the biometric system, audits of the fingerprint database set up by the National Electoral Council and reviews of reports of electoral fraud, are also carried out.

187. Between the 2015 and 2020 parliamentary elections, the number of seats in the parliament increased by 66 per cent, from 167 to 277. Of the 277 deputies, 144 are elected through party lists, while 133 are elected individually. The aim of this increase in the number of seats was to achieve a balance between proportional representation and the direct election of candidates, with 52 per cent of the members of the National Assembly now being elected through party lists and the remaining 48 per cent elected individually. In addition, 251,398 new voters registered to take part in the 2020 parliamentary election.

188. In order to ensure the direct involvement of citizens in democratic decision-making at the local and municipal levels, the Constitution provides for participation in areas such as public safety (art. 55), policies for promoting the right to health (art. 83) and the promotion of education (art. 102). This has allowed for the development of new means of participation and the creation of bodies such as civilian police oversight committees, health committees and education councils, which have had a direct impact on public policies in the areas concerned.

189. Similarly, article 70 of the Constitution recognizes various means of participation in the economic sphere, including self-management; joint management; cooperatives of all kinds, including financial cooperatives; savings banks; community enterprises; and other types of association guided by the values of mutual cooperation and solidarity.

190. The broad legal framework that expands on the provisions of the Constitution relating to participation covers various forms of citizen participation, including community councils which liaise with government bodies and entities regarding the formulation, execution, monitoring and evaluation of public policies and participatory plans and projects.

191. The number of spokespersons elected to each community council depends on the number of community organizations active in the community. These organizations may include a health committee, an urban land committee, a housing and habitat committee, a local economy committee, a security and comprehensive defence committee, an alternative community-based media committee, a recreation and sports committee, a food and consumer protection committee, a technical water committee, an technical energy and gas committee, a committee on the social protection of children and adolescents, a local committee for persons with disabilities, a committee on education, culture and civic education and a committee on family and gender equality.

192. In 2019, there were 47,917 community councils across the country, of which 2,626 represented indigenous peoples and communities. In total, there were 678,720 spokesperson positions, of which 58.43 per cent were occupied by women and 41.57 per cent by men. Community councils can band together to form a commune as a means of bringing together neighbouring communities with a shared historical memory and cultural traits, customs and traditions that are reflected in the land they occupy and the productive activities on which they depend and in which they play an active role. By the end of 2020, around 55 per cent of community councils had grouped together to form a total 3,111 communes.

193. Between 2012 and May 2019, a total of 1,214,139 spokespersons and community leaders received training through the community training system run by the Ministry of People's Power for Communes and Social Movements. The training was designed to equip them with skills that would facilitate their participation in public affairs.

Article 27

Right of ethnic minorities to enjoy their own culture, to profess and practise their own religion and to use their own language

194. The minorities living in the Bolivarian Republic of Venezuela comprise 53 culturally and linguistically distinct indigenous peoples and communities. They are distributed across eight states: Anzoátegui, Apure, Bolívar, Monagas, Sucre, Zulia, Delta Amacuro and Amazonas. According to the most recent census, which was carried out in 2011, the number of indigenous persons in Venezuela (724,592) has gradually increased. They accounted for 2.7 per cent of the population in 2011, compared with 2.2 per cent in 2001. The majority of them live in the border areas.

195. In the preamble to the Constitution, Venezuela is defined as a multi-ethnic society, and the Constitution includes a chapter devoted to indigenous peoples and communities. The legal and institutional framework governing recognition of the right to identity of indigenous peoples was covered in paragraphs 164 to 168 of the fourth periodic report (CCPR/C/VEN/4).

196. The Indigenous Languages Act, which has been translated into 13 indigenous languages, states that all public and private schools in indigenous areas must provide teaching in indigenous languages, both spoken and written. At the end of 2019, there were 1,426 intercultural schools across the country, in which 14,381 teachers provide bilingual intercultural education to more than 240,000 students, taking into account the specific culture of each indigenous people. In 2019, the Convention on the Rights of the Child was published and distributed in the three main indigenous languages, with the support of the United Nations Children's Fund (UNICEF).

197. The official recognition of indigenous languages in the Constitution and the introduction of bilingual intercultural education show that the notion of a culturally, ethnically and linguistically homogeneous nation, which was present in Venezuelan political culture until the last decade of the twentieth century, has been dispelled.

198. Another measure taken to ensure the rights of indigenous peoples was the adoption of the Basic Code of Conduct for Public Officials Working in the Field of Human Rights (2017). These regulations state that action taken by public officials with respect to indigenous peoples and communities should be based on and guided by recognition of their existence, their forms of social, political and economic organization, their cultures, customs, traditions, languages and religions, their habitat and their indigenous rights over the lands that they have ancestrally and traditionally occupied and that are essential to the preservation of their ways of life. With that in mind, public officials must respect indigenous peoples' right to express themselves and communicate in their own indigenous language in connection with any requests, applications or administrative procedures.

199. The process of recognition of indigenous peoples' land rights is protected by the Indigenous Peoples and Communities Act (2005) and the Act on the Demarcation and Preservation of the Habitat and Lands of Indigenous Peoples and Communities (2001), which gave rise to Presidential Decree No. 1.392 on the establishment of the National Commission on the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities (*Gaceta Oficial de la República Bolivariana de Venezuela* No. 37.257, 9 August 2001).

200. As the lead agency for indigenous matters, the Ministry of People's Power for Indigenous Peoples provides wide-reaching support in this area and helps to drive the changes that are occurring in the recognition of the right of collective ownership. The Ministry assists with the requests submitted by indigenous peoples and the subsequent delivery of property titles to each, in accordance with a human rights-based approach. Any projects involving the exploitation of natural resources in indigenous areas are subject to consultation with the relevant indigenous peoples and communities.

201. In the Bolivarian Republic of Venezuela, the social and religious practices of all indigenous communities are recognized and respected.

202. Between 2012 and the first quarter of 2019, the Ombudsman's Office received 13 complaints of alleged violations of the right of indigenous peoples to recognition of their existence.

Table XI

Complaints of alleged violations of the right of indigenous peoples to recognition of their existence (Ombudsman's Office)

<i>Year</i>	<i>Complaints</i>
2012	8
2013	11
2014	10
2015	8
2016	8
2017	6
2018	25
2019	1
Total	77