



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined twenty-second to twenty-fourth  
periodic reports submitted by the Bolivarian  
Republic of Venezuela under article 9 of the  
Convention, due in 2016\***

[Date received: 30 September 2021]

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\* The present document is being issued without formal editing.



## I. Introduction

1. This document contains the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela under article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination (hereinafter “the Convention”).
2. The Committee on the Elimination of Racial Discrimination (hereinafter “the Committee”) considered the combined nineteenth to twenty-first periodic reports of the Bolivarian Republic of Venezuela, submitted in a single document (CERD/C/VEN/19-21), at its 2241st and 2242nd meetings (CERD/C/SR.2241 and CERD/C/SR.2242), held on 15 and 16 August 2013, and adopted its concluding observations (CERD/C/VEN/CO/19-21) at its 2257th and 2258th meetings (CERD/C/SR.2257 and CERD/C/SR.2258), held on 27 and 28 August 2013.
3. This document 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, as well as various developments that occurred after 2019.
4. For the preparation of the combined twenty-second to twenty-fourth periodic reports, account was taken of both the harmonized reporting guidelines (HRI/GEN/2/Rev.6) and the guidelines for Convention-specific documents (CERD/C/2007/1).
5. Non-governmental organizations (NGOs) active in the field of human rights were consulted during the combined report’s preparation and their concerns are reflected in the text where appropriate.
6. In the period covered by these combined twenty-second to twenty-fourth periodic reports, 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 Convention.<sup>1</sup>
7. This aggression included the adoption of a set of unilateral coercive measures,<sup>2</sup> the impact of which has been documented by the Human Rights Council,<sup>3</sup> the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights,<sup>4</sup>

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<sup>1</sup> Preliminary findings 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 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.”

<sup>2</sup> 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 trading in the Venezuelan “Petro” cryptocurrency; Executive Order 13835, prohibiting transactions related to, the provision of financing for and the purchase or payment of 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.

<sup>3</sup> Resolution A/HRC/RES/42/4, of 3 October 2019.

<sup>4</sup> Report A/HRC/42/46 of 5 July 2019, submitted 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 of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, 12 February 2021.

the Independent Expert on the promotion of a democratic and equitable international order<sup>5</sup> and the United Nations High Commissioner for Human Rights.<sup>6</sup>

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 main needs and ensure the effective operation of the institutions responsible for protecting the rights contained in the Convention.<sup>7</sup>

9. As a result of this aggression, national income has slumped by 99 per cent.<sup>8</sup> As at May 2019, the international financial system was unlawfully withholding 5,470,030,645.29 United States dollars (\$) belonging to the Bolivarian Republic of Venezuela. In addition, the Bolivarian Republic of Venezuela had been stripped of foreign assets worth more than \$30 billion.

10. The prohibition of racial discrimination, a peremptory norm, may be infringed by sanctions imposed on the basis of the country of residence or nationality of targeted populations, violating, inter alia, article 26 of the International Covenant on Civil and Political Rights and articles 1 and 2 of the International Convention on the Elimination of All Forms of Racial Discrimination.

## II. Population data

11. As a multi-ethnic and multicultural nation, the Bolivarian Republic of Venezuela recognizes the existence of a variety of indigenous peoples and a significant number of people of African descent on its territory.

12. The 2011 National Population and Housing Census yielded a total population of 27,227,930 and a projection for 2020 of 32,605,423 inhabitants. It is worth noting that this was the first census to use terms aimed at ethnic self-identification. Of the total registered population, 49.9 per cent self-identified as brown (*moreno*), 42.2 per cent as white, 2.8 per cent as black, 0.7 per cent as being of African descent and 2.7 per cent as indigenous.

13. Thus, 936,867 Venezuelans self-identified as being black or of African descent, with these persons living in the following states of the country: Miranda (137,831), Zulia (90,389), Carabobo (76,085), Capital District (63,595), Aragua (58,934), Bolívar (55,852), Anzoátegui (55,548), Falcón (42,857), Guárico (42,579), Sucre (42,190), Lara (40,542), Monagas (40,147), Portuguesa (30,913), Yaracuy (29,156), Apure (24,472), Barinas (21,400), Vargas (19,696), Cojedes (13,590), Nueva Esparta (12,154), Táchira (9,554), Mérida (9,213), Delta Amacuro (8,706), Trujillo (8,591), Amazonas (2,780) and Federal Dependencies (93).

14. According to data provided by the 2011 Census, 724,592 indigenous inhabitants belonging to 44 indigenous peoples live in the Bolivarian Republic of Venezuela. Of the total number of family households in the country, 2.88 per cent (202,054 households) include at

<sup>5</sup> Report [A/HRC/39/47/Add.1](#) of 3 August 2018 on a visit to Venezuela, submitted at the 39th session of the Human Rights Council.

<sup>6</sup> Oral update on the human rights situation 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".

<sup>7</sup> Preliminary findings 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 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 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."

<sup>8</sup> The country's foreign exchange receipts were \$39.636 million in 2014; \$13.538 million in 2015; \$5.998 million in 2016; \$6.017 million in 2017; \$4.826 million in 2018; \$2.500 million in 2019 and \$743 million in 2020.

least one individual who identified as an indigenous person. The highest percentage of indigenous households with exclusively indigenous inhabitants is found in the State of Delta Amacuro, where the figure is 77.92 per cent, followed by Amazonas (73.69 per cent), Bolívar (72.09 per cent), Apure (68.67 per cent), Sucre (68.56 per cent), Anzoátegui (59.13 per cent), Zulia (57.14 per cent) and Monagas (53.14 per cent).

15. In the 2011 Census, 93.9 per cent of Venezuelans stated that they did not have a disability, while approximately 6 per cent acknowledged having disabilities of the following types: visual (1.7 per cent), hearing (0.4 per cent), neurological (0.4 per cent), musculoskeletal (0.9 per cent), voice and speech (0.2 per cent), cardiovascular (1.0 per cent), mental/intellectual (0.5 per cent), respiratory (0.6 per cent), and mental/psychosocial (0.3 per cent).

16. As for the female population, the 2011 Census indicated a total of 14,218,614 women. According to projections, in 2020 the number of women reached 16,265,484, i.e. 49.88 per cent of the total population.

17. According to the population projections of the National Institute of Statistics, the Bolivarian Republic of Venezuela is in a “demographic dividend” phase, meaning that most of the population is of working age. In 2020, half of all women were between 20 and 54 years of age. Information available from the National Institute of Statistics shows that a third of women work in the public sector.

18. In 2011, the Bolivarian Republic of Venezuela had approximately 8,937,456 children and adolescents (32.8 per cent of the total population), of whom 3.6 per cent self-identified as indigenous, 2.1 per cent as black and only 0.5 per cent as of African descent.

### III. Institutional framework

19. The Racial Discrimination Act<sup>9</sup> provides for the establishment of the National Institute against Racial Discrimination, the aim of which is to create mechanisms to prevent, address, punish and eradicate racial discrimination by any individual, group of individuals, public authority, public or private national institution, or regional or local civil, political, economic, social or cultural institution or organization.

20. The National Institute against Racial Discrimination was established and made fully operational during the period covered by this report. The Institute is divided into four substantive units: (i) a department for preventing discrimination; (ii) a department for defending and guaranteeing the rights of individuals who suffer discrimination; (iii) a department for research and follow-up; and (iv) a department for state administration. It also has 28 state offices spread across the country.

21. Between 2015 and 2017, the Government allocated the National Institute against Racial Discrimination a total of 435,115,600 bolívares for project development and institutional strengthening, broken down as shown in the table below.

Table 1

#### Resources allocated to the National Institute against Racial Discrimination

<i>Year</i>	<i>Amount in bolívares</i>
2015	65 425 281
2016	178 413 206
2017	191 277 113
<b>Total</b>	<b>435 115 600</b>

<sup>9</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 39,823, 19 December 2011.

22. The National Council of Communities of African Descent was established in 2012<sup>10</sup> to promote equality, inclusion, justice, equity, full social integration and the comprehensive development of communities of African descent through projects and public policies. The Council is composed of representatives of the Office of the Vice-President of the Republic; the Ministry of People's Power for Communes and Social Movements; the Ministry of People's Power for Culture; the Ministry of People's Power for Tourism; the Ministry of People's Power for Public Health; the Ministry of People's Power for Agriculture and Land; the Ministry of People's Power for Communication and Information; the Ministry of People's Power for Science and Technology; the Ministry of People's Power for University Education; the Ministry of People's Power for Women and Gender Equality; the Ministry of People's Power for Youth and Sports; the Presidential Commission for the Prevention and Eradication of all forms of Racial Discrimination and other Discrimination in the Education System; and the Network of Afro-Venezuelan Associations.

23. The National Institute of Indigenous Languages, established in application of the Indigenous Languages Act, became fully operational during the period covered by these combined reports. This Institute, which is attached to the Ministry of People's Power for Education, is a decentralized academic entity with legal personality and its own assets, which implements policies and activities aimed at the protection, defence, promotion, preservation, development, study, research, dissemination and proper use of indigenous languages.

24. The Institute is composed of an Executive Directorate and the Indigenous Languages Council. The Indigenous Languages Council is the consultation body for policies, plans, projects, programmes and activities aimed at fulfilling the objectives contained in the Indigenous Languages Act. According to the Government's linguistic policy, teaching in indigenous languages is mandatory in all public and private schools in indigenous areas. In urban and rural areas inhabited by indigenous people, both indigenous education and the national education system are guaranteed under the principle of interculturality.

25. In 2014, the People's Government Presidential Council for Indigenous Peoples was set up to strengthen the participation mechanisms of this sector of the population. In order to establish the Council and elect its spokespersons, 325 assemblies were held, in which 15,985 representatives of the different indigenous peoples participated. In 2015, the People's Government Presidential Council for Persons with Disabilities was set up as a mechanism for the exercise of political co-responsibility, which is based on the complementarity of the Government and social sectors within the framework of participatory and proactive democracy.

## **IV. Information relating to the articles of the Convention**

### **Article 1**

#### **Definition of Racial Discrimination**

26. The Constitution of the Bolivarian Republic of Venezuela (hereinafter "the Constitution") provides that all persons are equal before the law. Thus, discrimination on grounds of race, sex, creed or social status is prohibited, as is any other form of discrimination in general that has the intent or effect of nullifying or undermining the recognition, enjoyment or exercise, on equal terms, of the rights and freedoms of any individual. Moreover, the Constitution states that "the law shall guarantee legal and administrative conditions such as to make equality before the law real and effective; shall provide for the adoption of affirmative measures for the benefit of any individual or group that may be discriminated against, marginalized or vulnerable; shall protect in particular those persons who, due to any of aforementioned circumstances, are in a manifestly weak position; and shall punish those who abuse or mistreat such persons" (art. 21).

<sup>10</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 39,893 of 28 March 2012. Decree No. 8.860 of 27 March 2012.

27. The Racial Discrimination Act defines racial discrimination as any distinction, exclusion, restriction, preference, action or omission based on racist ideologies and on grounds of ethnic origin, national origin or genetic traits, that has the aim of undermining the recognition, enjoyment and exercise, on equal terms, of the human rights and freedoms of any individual or group of individuals (art. 10).

28. In response to the Committee's concluding observations, the State is working to revise the definition of racial discrimination in the Racial Discrimination Act to ensure its full compatibility with the Convention. In the period 2016–2020, the contempt<sup>11</sup> of the National Assembly for the decisions of the Supreme Court hindered progress in the implementation of the Committee's recommendation.

## Article 2

### Policies to eliminate racial discrimination in all its forms

29. In parallel with the development of an institutional framework for guaranteeing the rights enshrined in the Convention, various public policies aimed at eliminating all forms of discrimination were developed during the period covered by this combined report.

30. In 2012, the executive branch submitted the Second Socialist Plan for the Economic and Social Development of the Nation 2013–2019, which was enacted into law by the National Assembly.<sup>12</sup> One of the objectives of this Plan is to promote the creation of a fairer and more egalitarian society. The Plan includes the following goals: (i) to improve indigenous peoples' living environments and infrastructure; (ii) to speed up the territorial demarcation of indigenous spaces by issuing land titles to indigenous communities and providing decent housing to all indigenous families in vulnerable situations, respecting their cultural preferences; and (iii) to expand the presence of the Socialist Missions and Great Socialist Missions in indigenous communities, recognizing and respecting their culture and traditions.

31. In 2019, the Third Socialist Plan for the Economic and Social Development of the Nation (National Plan 2019–2025) was adopted. Its aim is to promote awareness and appreciation of different cultures and recognition of the cultural contributions made by different sectors of the Venezuelan population through the establishment of a legal framework for the eradication of sexism, racism, xenophobia and all forms of discrimination based on social origin, political position or disability.<sup>13</sup>

32. Another goal of the National Plan 2019–2025 is to adapt teacher training, curriculum content and pedagogical practices in the basic education system to include a decolonizing approach, the eradication of all forms of discrimination, a critical appropriation of historical memory and territory, and intercultural coexistence. Another focus of the Plan is the establishment of regulations to foster the production and ensure the dissemination, in all mass media and in the education system, of content that affirms the Venezuelan identity, promotes knowledge and appreciation of the country's human and natural diversity, and raises awareness of its cultural assets and values and of the contributions made in all areas by the different sectors of Venezuelan society, especially the indigenous and Afrodescendent populations, and thus to promote gender equity and encouraging positive attitudes towards persons with disabilities.

<sup>11</sup> In 2016, the National Assembly swore in three deputies who had been banned by the Supreme Court, thereby failing to comply with the decision adopted by the Electoral Chamber of the Supreme Court on 30 December 2015. From that date on, the National Assembly remained repeatedly in contempt of Supreme Court decisions. For this reason, the Constitutional Chamber of the Supreme Court declared unconstitutional, and thus lacking in all legal validity and force, all acts of the National Assembly, including the laws it enacted, for as long as the latter remained in contempt of the Electoral Chamber of the Supreme Court.

<sup>12</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 6,118, special edition, 4 December 2013.

<sup>13</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 6,446, special edition, 8 April 2019.

33. The Plan highlights the need to incorporate a gender equality perspective in public policies designed to safeguard women's rights, prevent discrimination and protect socially vulnerable groups.

34. The Bolivarian Republic of Venezuela has taken steps to raise awareness about the Convention and its applicability across the national territory. Specific measures include the adoption of the country's first National Human Rights Plan 2016–2019<sup>14</sup> and the incorporation of the programmes, actions and resources necessary for the Plan's implementation into the respective operating plans of institutions from the different branches of government.

35. The National Human Rights Plan 2016–2019 was subject to extensive consultations across the country in which 258,096 individuals participated. The consultation process included specific forums for the participation of indigenous peoples, Afrodescendent communities, women and people in need of international protection. The consultations were carried out 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 invoking them in court, especially among members of the judiciary and others responsible for applying 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.

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

37. The National Institute against Racial Discrimination has designed and implemented educational, training, information and awareness-raising programmes, plans, projects and activities aimed at preventing racial discrimination by increasing knowledge and sensitivity among the general population. One of the programmes is a strategic plan for comprehensive prevention called the "Route of the Drum", which promotes Afro-Venezuelan traditions as cross-cutting principles of the cultural battle to achieve an anti-colonial ethos. The programme has been implemented in various educational institutions.

38. As part of the information dissemination strategy for promoting respect for human rights and the elimination of all forms of discrimination, the National Institute against Racial Discrimination has provided advisory services to public and private institutions throughout the country on matters relating to the principles established in the Racial Discrimination Act. In 2019, the Institute approved procedures for the formation of local committees against racial discrimination.<sup>15</sup> These committees are forums that foster full participation and proactivity among citizens. They liaise with the competent State institutions in order to address, prevent and eliminate racial discrimination, racism, internalized racism and xenophobia through coordination and follow-up mechanisms.

39. In order to guarantee the right of access without discrimination to all places and services intended for public use, the National Institute against Racial Discrimination continually supervises public and private commercial premises to ensure compliance with the obligations contained in the Racial Discrimination Act. In July 2018, the National Institute against Racial Discrimination issued guidance for the design of posters drawing attention to the prohibition of all acts of racial discrimination in the Bolivarian Republic of

<sup>14</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 6,218, special edition, 2 March 2016. Decree No. 2.254.

<sup>15</sup> Administrative Ruling No. CD-001–2019 of 12 July 2019, establishing the mechanisms for the formation of the committees against racial discrimination, published in the Gaceta Oficial de la República Bolivariana de Venezuela, No. 41.701, 23 August 2019.

Venezuela.<sup>16</sup> Under article 20 of the Racial Discrimination Act, these posters must be displayed in commercial and recreational premises, entertainment venues, bars, restaurants, and all public or private establishments that are publicly accessible.

40. Within the framework of policies to promote social participation in the fight against racial discrimination, in 2016 a chapter of persons of African descent was established within the National Congress. This was done with a view to creating a forum for dialogue and exchange around measures to promote the recognition of individuals of African descent as a form of appreciation of identity, and thus counteracting racism, internalized racism, racial discrimination, xenophobia and other related forms of intolerance, in accordance with the principle of multiculturalism enshrined in the Constitution.

### **Article 3**

#### **Undertaking to prevent, prohibit and eradicate all practices of racial segregation and apartheid**

41. The information provided in the combined nineteenth to twenty-first periodic reports of the Bolivarian Republic of Venezuela (CERD/C/VEN/19-21) continues to be applicable. The Bolivarian Republic of Venezuela condemns racial segregation and apartheid. All practices of this nature are prohibited in the country. During the period covered by this report, no practices of racial segregation or apartheid were recorded.

### **Article 4**

#### **Immediate and positive measures designed to eradicate the dissemination of ideas based on superiority, hatred, or racial discrimination, and prevent all acts of violence**

42. In accordance with the Committee's concluding observations, the Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance<sup>17</sup> came into force in November 2017. 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). In accordance with the Act, private sector radio and television broadcasters must engage in activities designed to combat hate speech (art. 12), such as advertising and promoting the content of the Racial Discrimination Act.

43. The Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance prohibits the creation of political parties, political organizations, private legal entities and social movements and organizations whose policy statements, charters, programmes for political action, statutes or activities are founded on or promote fascism, intolerance or hatred based on nationality, race, ethnicity, religion, political or social factors, ideology, gender, sexual orientation, gender identity, gender expression or any other basis that constitutes incitement to discrimination, intolerance or violence (art. 11).

44. Article 21 of the Constitutional Act against Hatred considers as an aggravating circumstance to any punishable act the fact that it is committed or exacerbated by reason of the actual or presumed membership of the victim to a particular racial, ethnic, religious or political group or the fact that it is committed on grounds of gender, sexual orientation, gender identity, gender expression or any other discriminatory motive. In these cases, the sanction imposed is the maximum penalty prescribed for the corresponding punishable act. The Act establishes a penalty of imprisonment for any police or military officer who, in the

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<sup>16</sup> Administrative Ruling No. 001–2018 of 17 July 2018, issuing regulations for the publication of posters to illustrate the prohibition of all acts of racial discrimination in the national territory, published in the Gaceta Oficial de la República Bolivariana de Venezuela, No. 41,491, 27 September 2018.

<sup>17</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 41,276, 10 November 2017.

exercise of their duties, deliberately refrains from, avoids or delays intervening to prevent the commission of any of the offences set out in the Act or to arrest the person responsible. A penalty of imprisonment is also established for health personnel who, in the exercise of their duties in public or private institutions, voluntarily refrain from, avoid or delay caring for a person for reasons of hatred, discrimination, contempt or intolerance (art. 24).

45. The Basic Standards of Conduct for Public Officials in the Field of Human Rights<sup>18</sup> were adopted in 2017. These standards set out the main human rights-based duties and guidelines for action to be observed by all public officials with a view to strengthening respect, safeguards and protection for human rights in the country.

46. Accordingly, 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 intent or effect of nullifying or undermining the recognition, enjoyment or exercise of human rights (art. 3). The institutions of the executive branch must adopt appropriate measures for the implementation of these standards, while the agencies that perform personnel supervision functions must ensure that they are respected and enforced.

47. In response to the Committee's concluding observations regarding the Yanomami and Yukpa indigenous peoples, the national strategic development region known as "Arco Minero del Orinoco" was established in 2016 through Decree No. 2.248.<sup>19</sup> The Decree contains dedicated strategies for developing and protecting the environment and indigenous communities throughout the region, promoting eco-socialist conservation, and preserving indigenous traditions and customs while respecting requirements relating to the prior and informed consultation of indigenous peoples and communities.

48. The Presidential Commission for Eco-Socialist Development and the Protection of the Rights of Indigenous Peoples in Mining Activities<sup>20</sup> was created to advise the State on decisions regarding the preservation of bodies of water and areas of special ecological importance and thus to promote the harmonious development of mining.

49. The creation of the Caura National Park in the Caura River basin was announced in 2017 with a view to conserving the hydroelectric potential of the river, protecting the biodiversity of the area, and promoting clean-up activities to counter the negative effects of illegal mining. This protected zone covers a multi-sided area of 7.5 million hectares, including 4 million hectares that are recognized as being home to the Sanemá, Hoti and Yekwuana indigenous peoples and the Afrodescendent population of Aripao.

50. During the period covered by this report, the Comprehensive Plan for the Defence, Development and Consolidation of the Border Municipalities of Machiques de Perijá, Rosario de Perijá and Jesús María Semprum (Yukpa indigenous communities) was created. From there, the "Yukpa Plan" was created with the aim of strengthening the institutional and logistical platform available for the State and community to jointly defend, develop and reinforce the rights of the indigenous peoples living in these border municipalities.

## Article 5

### **Duty to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone to equality before the law**

51. The Government of the Bolivarian Republic of Venezuela is committed to the prohibition and elimination of racial discrimination in all its forms as well as to guaranteeing the right of everyone to equality before the law, without distinction as to race, colour, or national or ethnic origin.

<sup>18</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 41,069, 6 January 2017.

<sup>19</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 40,972, 24 February 2016.

<sup>20</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 40,862, 4 March 2016.

## **A. The right to equal treatment before the tribunals and all other organs administering justice**

### **1. Indigenous peoples**

52. The Bolivarian Republic of Venezuela recognizes the existence of the original or pre-Hispanic law of its indigenous peoples (customary and ancestral law), as set out in the law on special indigenous courts, which must be applied within the parameters established in article 260 of the Constitution.

53. Article 48 of the Public Prosecution Service Act provides for the establishment of prosecutor's offices responsible for indigenous affairs, which must be staffed by prosecutors who have sufficient knowledge of indigenous matters and are of indigenous origin. Their primary function is to implement the corresponding measures or remedies whenever the constitutional rights and safeguards enjoyed by members of the indigenous peoples and communities have been violated in the course of administrative, civil or labour proceedings.

54. The Ombudsman's Office includes a special ombudsman for indigenous peoples who has nationwide responsibility for safeguarding the rights of indigenous peoples and taking the necessary actions to guarantee and effectively protect them (article 281.8 of the Constitution).

55. The Public Defender's Office has indigenous defenders who are responsible for providing technical and legal assistance, as well as free legal representation, to indigenous persons and enjoy operational autonomy and technical independence in the performance of their duties. Articles 77 and 78 of the Public Defender's Office Act establish that, among other characteristics, public defenders working on indigenous matters should preferably be speakers of the language of the indigenous people in question.

56. In addition, the Public Defender's Office has public defenders responsible for the protection of indigenous children and adolescents. Through their work, these defenders have been able to guarantee that the rights of indigenous children are upheld and their cultural identity is taken into account, all with the aim of ensuring support for children who sometimes find themselves in a defenceless position within their own indigenous communities.

57. The Supreme Court has issued various rulings that recognize the traditional justice systems of indigenous peoples, in accordance with international standards.

58. The adoption of the law on special indigenous courts was one of the programme activities of the National Human Rights Plan 2016–2019. The purpose of this law was to regulate and harmonize the functions, powers and responsibilities of the indigenous peoples' justice system and those of the national judicial system. However, the National Assembly's contempt for the Supreme Court's rulings has made it difficult to make progress in implementing this recommendation of the Committee.

59. Regarding the protection provided to indigenous peoples in connection with illegal mining in the states of Amazonas, Bolivar and Zulia, the responsibilities of the Presidential Commission for Eco-Socialist Development and the Protection of the Rights of Indigenous Peoples in Mining Activities, which was created in 2016, include safeguarding the rights of indigenous peoples and ensuring that their protection is a substantive component of all plans for the eco-socialist development of mining activity and any other relevant spatial and sectoral plans.

60. The Public Prosecution Service has charged 97 people in 41 cases involving illegal mining activities in the states of Amazonas and Bolivar. In addition, the Public Prosecution Service has petitioned the courts of the states of Amazonas, Bolivar and Delta Amacuro to approve environmental precautionary measures to prohibit mining activities and to authorize the Bolivarian National Armed Forces to destroy the mining camps as a means of protecting the rivers. As a result, 72 people have been charged and 69 have been formally indicted for the offences of carrying out unauthorized activities and contravening land-use plans.

## 2. Women

61. As at December 2020, there are separate courts to address offences involving violence against women in 22 court circuits in 19 states. There are 106 specialized courts, and in all states special jurisdiction to hear such offences has been granted to the municipal procedural courts of first instance pursuant to binding judgment No. 815 of 29 November 2018, issued by the Constitutional Chamber of the Supreme Court. On 4 November 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.

62. 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 in respect of offences involving violence against women.

63. The judiciary's National Commission on Gender Justice and the National Judicial Training School ensure that continuous training on gender issues is provided for judges and judicial personnel of the specialized court circuits and the municipal criminal courts. In 2020, the profile of the team of judges assigned to the special courts for offences involving violence against women, disaggregated by sex, was as follows: 97 tenured female judges and 31 tenured male judges, for a total of 128; and 86 female and 20 male itinerant and alternate judges, for a total of 106. Thus, a total of 234 judges are available to deal with cases of gender violence.

64. The Public Prosecution Service's Directorate for the Defence of Women currently has at its disposal:

(a) 72 prosecutor's offices throughout the country, of which 4 have national scope, namely: 2 specializing in the investigation of femicides and crimes against women's sexual freedom (64th and 47th); 1 with full competence (82nd); and 1 specializing in the offence of trafficking in women (95th);

(b) A comprehensive assistance service for victims of gender-based violence.

65. To support child and adolescent victims, in the area of ordinary criminal law the Public Prosecution Service's Directorate for the Comprehensive Protection of the Family of the currently has at its disposal:

(a) 55 prosecutor's offices throughout the country, 3 of which have national scope, namely: 1 specializing in offences against children and adolescents (96th), and 2 with full competence (66th and 79th);

(b) Family care areas in offices of the Public Prosecution Service that are specialized in dealing with cases involving violence against women, girls and adolescents and providing psychosocial care for child and adolescent victims of sexual abuse and cruel treatment.

66. The Scientific, Criminal and Forensic Investigations Unit has 93 municipal offices in the interior of the country and 9 municipal offices in the Caracas Metropolitan Area. It also has a specialist division for offences of violence against women, named the Division for the Investigation of Offences against Women, Children and Adolescents.

67. The 0800-Mujeres (0800-6853737) telephone hotline provides legal advice and general information, especially to female victims of violence. In the period 2014–2018, it received 42,240 calls. In 2019 and 2020, the service was affected by the serious damage caused to the national electricity system by terrorist actions and also by the impossibility of accessing replacement parts as a result of the unilateral coercive measures. However, the service was able to resume operations fully in November 2020.

68. The National Office for the Comprehensive Care of Victims of Violence,<sup>21</sup> created in 2016, offers free legal and psychological assistance to victims of violence and trafficking against women, girls and adolescents and organizes awareness-raising and training activities on the prevention of violence against women and girls and provision of support for victims.

69. Between January 2014 and September 2020, a total of 399,742 cases of gender-based violence, as defined in various laws, were received by the Public Prosecution Service's Directorate General for the Protection of the Family and Women.

70. The Public Prosecution Service and the Scientific, Criminal and Forensic Investigations Unit authorized 57,727 protection and security measures in respect of offences of gender-based violence between January 2014 and September 2020. These were imposed in response to physical violence in 35 per cent of cases, psychological violence in 29 per cent of cases, threats in 18 per cent of cases, and harassment or stalking in 13 per cent of cases.

71. The National Office for the Defence of Women's Rights provides support, advice and legal assistance to female victims of violence in judicial and extrajudicial proceedings, paying particular attention to the most vulnerable. Between 2014 and 2020, it provided services to 133,329 women.

72. In 2013, the Ministry of People's Power for Women and Gender Equality created the Women's Rights Community Advocates programme. The aim of this programme is to promote community participation in preventive and training activities addressing gender-based violence and the provision of care and support for victims. A total of 54,272 women took part in awareness-raising and training processes during the period 2013–2019, including 5,817 community advocates specializing in cases of obstetric violence.

73. From 2015 to 2020, protection and shelter were provided to 180 people (65 women, 61 girls and 54 boys) in the shelters run by the aforementioned Ministry. These shelters offer private, safe accommodation that provides temporary homes, protection, care and support for female victims and survivors of gender-based violence and also to their children, if under 12 years of age. The guidelines for the operation of these shelters, which were drawn up in 2016, contain guidance for action under the programme including assessments, response, protection, safety, security, confidentiality and psychological and legal care for victims of extreme forms of gender-based violence. Four shelters were operating during the period under review. As at December 2020, one shelter is still operating and the other three are being upgraded.

### **3. Children and Adolescents**

74. The Constitution establishes the bases for the nation's child protection policies in article 78, chapter V, Title III, which calls for the creation of a national supervisory system for the comprehensive protection of children and adolescents. In article 117 of the Child Protection Act, the National System is conceived as a set of organs, entities and services that work together to ensure the effective enjoyment of rights and safeguards through the design, coordination, integration, oversight, supervision, evaluation and control of all child-protection policies, programmes and measures of public interest at the national, State and municipal levels, as well as to monitor compliance with the duties established under the Act.

75. As specified in article 19 of the Child Protection Act, the State bodies and entities and social organizations constituting the National System are: the Ministry of People's Power with Responsibility for the Comprehensive Protection of Children; the Children's Rights Councils; the Child Protection Councils; the Child Protection Tribunals; the Social Appeal Tribunal of the Supreme Court; the Public Prosecution Service; the Ombudsman's Office; the Public Defender's Office; offices for the care and defence of children, communal councils and other forms of popular organization; and the Neighbourhood Mothers Mission established in 2008.

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<sup>21</sup> Official Gazette of the Bolivarian Republic of Venezuela, No. 41,023 of 3 November 2016. Decree No. 2,531.

## **B. Right to security of person**

76. The Law for Disarmament and Munitions Control<sup>22</sup> was adopted in 2013 and the regulations implementing the Act<sup>23</sup> 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, cultural and recreational activities were carried out to promote disarmament among the public and 1,045 physical evidence storage rooms were inspected nationwide.

77. 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 that 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, which encompasses 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.

78. 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.

## **C. Political rights, in particular the right to take part in elections, to vote and to stand for election**

79. 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.

80. 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 the Constituent National Assembly election (2017). In the Bolivarian Republic of Venezuela, voting is a right, not a duty, and is therefore entirely voluntary.

81. 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.

82. All these means of verification allow for results to be compared, and thus serve 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 codes for the voting machines, the files uploaded to the system and the technology 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.

<sup>22</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 40,190, 17 June 2013.

<sup>23</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 6,185, special edition, 8 April 2014.

## 1. Indigenous peoples

83. Indigenous leaders have the right to stand in elections for members of parliament, councillors and other offices as established by law. In the elections for members of the Constituent National Assembly in 2017, eight indigenous representatives were elected, in accordance with their ancestral customs.

84. 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.<sup>24</sup> These provide that only members of the indigenous population may vote in elections for representatives of indigenous peoples, 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.

85. The promotion of political rights and participation has led to the creation of a greater number of polling stations in ancestral territories in order to guarantee the political and civic participation of indigenous peoples. This has led to a considerable increase in the number of voters in electoral districts with a greater indigenous presence.

86. In order to directly involve citizens in democratic management processes at the local and municipal levels, the Constitution provides for civic participation in all areas of public life. This has allowed for the development of new means of participation and the creation of bodies such as community councils, civilian police oversight committees, health committees and education councils, which have had a direct impact on public policies in the areas concerned.

87. 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 nationwide, of which 58.43 per cent were occupied by women and 41.57 per cent by men. This figure includes 1,569 indigenous spokespersons.

## 2. People of African descent

88. The creation of the National Council for the Development of Communities of African Descent marked an important advance for the protection of the human rights of the population of African descent. The National Council has developed a series of activities aimed at facilitating the proactive involvement of Venezuelans of African descent, through its organized communities, collectives and social organizations, which have been consulted at various times, with a view to formulating relevant public policies and promoting political participation.

89. During 2017, the National Council placed an emphasis on encouraging the appointment of spokespersons of African descent in community councils and communes in the seven states with the highest numbers of persons self-identifying as ethnically Afro-Venezuelan, namely, Aragua, Guárico, Miranda, Sucre, Vargas, Yaracuy and Zulia. The main task of these spokespersons is to facilitate the development of alliances that promote and advance human rights and the active participation of persons and communities of African descent.

90. Also in 2017, the National Council developed a strategy that combined training with the political participation of young persons from prioritized communities. The aim was to promote peace and peaceful coexistence, in a year in which the country was experiencing a wave of political violence, by organizing nationwide training activities that addressed topics such as self-recognition, socio-productive development, culture for life, Afro-Venezuelan music and cultural activities, human rights in Robinson educational programmes and Afro-Venezuelan identity. All these activities were supported by partnerships with institutions working to promote and safeguard human rights, the goal being to encourage active political

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<sup>24</sup> Resolution No. 200630–0024 of 30 June 2020 issued by the National Electoral Council.

participation conducive to the emergence of leaders and the exercise of civil rights among young Afro-Venezuelans.

#### D. Civil rights

91. The right to freedom 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.

92. 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 licences 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.<sup>25</sup>

93. 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.

94. 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).<sup>26</sup> 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.

95. 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 2

**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

<sup>25</sup> Order 2019-5-5 (15 May 2019). “Suspension of air service to and from Venezuela”. United States Department of Transportation.

<sup>26</sup> 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.

<i>Country</i>	<i>Returnees</i>
Uruguay	1
<b>Total</b>	17 785

96. 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.

97. The National Electoral Council, as the oversight body of the national civil registration system, oversees the work of the civil registrars, who provide services to the entire population without distinction or discrimination of any form. The cultural identity of indigenous peoples and communities is respected, taking into account their ancestral customs and traditions, to which end records are recorded bilingually wherever possible, preserving ancestral and traditional first and family names at all times, without qualifying relationship or kinship. Members of indigenous communities may be registered in the civil registry even after they have reached 18 years of age upon presentation of a statement from the person who, according to their customs, represents the indigenous people or community to which they belong and provided that they fulfil the requirements established in the legislation in force.

98. The principle of non-discrimination guides the operations of the civil registry from a broad perspective that includes extending civil registries throughout the national territory and ensuring that the entire population, without distinction on the basis of social class, origin or educational level, is able to access them. There are currently 335 municipal civil registry offices, 643 parish units, 215 units in health-care establishments and 6 temporary units, of which 5 are located in the indigenous communities of Gran Sabana, in Bolívar state, and the other in the Bello Monte forensic medicine office in the Capital District.

99. Similarly, in order to ensure access to civil registration for the entire population, registrars have engaged in extraordinary operations throughout the country in which offices have travelled directly to the communities in order to serve populations at risk for reasons related to their civil registration status.

100. In order to guarantee the right to identity, in 2014, the Identification, Migration and Foreign Nationals Service opened the National Coordination Office for the Identification of Indigenous Peoples with the aim of serving and issuing identity cards to indigenous persons registered in the civil registry.

101. The mechanisms in place to ensure that all indigenous persons are able to obtain an indigenous identity card have been enhanced in line with the provisions of the regulations implementing the Identification Act. These identity cards help to uphold indigenous peoples' rights to maintain their ethnic and cultural identity and to self-identification, attesting individually and collectively to their identity as members of an indigenous people or community.<sup>27</sup> They are issued directly in indigenous communities in the states of Amazonas, Anzoátegui, Apure, Bolívar, Delta Amacuro, Monagas and Zulia, where there are settlements of indigenous peoples or communities such as the Yanomami, Jivi, Piaroas, Waraos, Kariña, Yekuana and Wayuu, among many others.

102. Regarding efforts to guarantee the right to identity and the right to be registered in the civil registry for the population of African descent, it is noteworthy that civil registry offices or units have been established in communities that self-identified as Afro-Venezuelan in the 2011 Census conducted by the National Institute of Statistics. These civil registry offices are staffed by personnel belonging to the communities in question, so guaranteeing both a service free from racial discrimination and the effective exercise of community and/or local power by this population group.

103. The right to freedom of religion and worship is recognized in article 59 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

<sup>27</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 37,817 of 13 November 2003.

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.

104. 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.

105. 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.

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

Table 3

**Complaints of alleged violations of the rights to freedom of conscience and religion  
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	-	-
<b>Total</b>	<b>7</b>	<b>5</b>

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

108. 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.

109. 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.

110. 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.

111. 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 fundamental rights to life, health, education and even freedom of movement.

112. 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 4

**Complaints of alleged violations of the rights to assemble and 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
<b>Total</b>	<b>10</b>	<b>43</b>

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

114. 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.

Table 5

**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	-
<b>Total</b>	<b>13</b>

## **E. Economic, social and cultural rights**

115. During the reporting period, the Government of the Bolivarian Republic of Venezuela adopted various measures to guarantee the enjoyment of economic, social and cultural rights without distinction as to race, skin colour or national or ethnic origin.

### **1. Right to housing**

116. To guarantee the right to housing, the Government, through the Great Venezuelan Housing Mission, has so far delivered 3,595,587 homes at subsidized prices. Homes have been allocated without discrimination as to race, sex, creed or social status.

117. As part of the Great Venezuelan Housing Mission, homes have been built for indigenous persons in accordance with their customs and traditions. Of the total number of homes built as part of the Housing Mission, 2.3 per cent have been allocated to indigenous persons. The Government has guaranteed the right to decent housing for a total of 438,110 migrants, corresponding to 16.84 per cent of the homes delivered.

### **2. Right to health**

118. In 2017, Venezuela and other South American countries participated in consultations to review the Policy on Ethnicity and Health drafted by the Pan American Health Organization and the World Health Organization. The Policy's aims are to promote intercultural health models that incorporate ancestral and spiritual knowledge and practices; strengthen institutional and community capacity in the member States; and broaden the social participation of indigenous and Afrodescendent groups, communities, peoples and nations in public health policies.

119. The Government of the Bolivarian Republic of Venezuela promotes the elimination of all forms of racial or ethnic discrimination in the enjoyment of the right to public health and medical care. To this end, the Directorate General for Indigenous and Intercultural Health and Complementary Therapies was created within the Ministry of People's Power for Health with the aim of guaranteeing high-quality health services for indigenous and Afro-Venezuelan peoples and communities.

120. The work of the Directorate General is divided into two areas, namely the Indigenous Health Directorate and the Afro-Venezuelan Health Directorate. Their objectives are to design strategies to implement and evaluate public health policies in indigenous and Afro-Venezuelan communities, respectively, with the aim of incorporating an intercultural approach into all the plans, programmes and projects run by all the national health services that make up the National Public Health System.

121. Through its 38 Indigenous Care and Counselling Services, the Bolivarian Republic of Venezuela has promoted an intercultural approach in the National Public Health System in 11 states that have an indigenous population. The Indigenous Care and Counselling Services have used a cross-cutting approach at the different levels of care, providing guidance, counselling and support to indigenous patients and family members.

122. Through the Cacique Nigale project, a scheme has been set up to enable indigenous students to study general medicine. Under an agreement between the Ministry of People's Power for Health and Rómulo Gallegos University in the State of Guárico, 49 doctors have graduated and are now working in their communities of origin.

123. The Ministry of People's Power for Health has also implemented the Yanomami Health Plan and the Apure Health Plan, the aim of which is to guarantee access to priority programmes for hard-to-reach indigenous communities. As part of the first, 37 Yanomami Community Officers for Primary Health Care have been trained to provide care to indigenous communities in the hard-to-reach and border areas of Alto Orinoco municipality in the State of Amazonas.

124. The Afro-Venezuelan Health Directorate has two divisions that develop mechanisms designed to guarantee respect for the rights to non-discrimination, public health, medical assistance and social services for Afro-Venezuelan peoples and communities.

125. The first of these, named the Division of Afro-Venezuelan Health Plans and Projects, is responsible for formulating plans and projects that are compatible with the geographic and environmental conditions and the worldview of the Afro-Venezuelan peoples, with the aim of improving the quality of the services provided to Afro-Venezuelan communities. This work is conducted in accordance with the policies, strategies and legal regulations in place, and in coordination with community organizations and the various governmental and non-governmental institutions in each region. The implementation and impact of the projects are subject to evaluation, follow-up and monitoring processes.

126. The second division, named the Division for Sociocultural Relevance and Research on Afro-Venezuelan Ancestral Medicine, is responsible for designing and providing support for actions and strategies that promote respect and the adoption of an intercultural approach with sociocultural and ethnic relevance. This work is guided by the needs of the communities, so ensuring that health policies are mainstreamed and given effect in health plans, programmes and projects. This Division also provides support for research into and the revival of Afro-Venezuelan wisdom and therapeutic practices, which are a source of knowledge that can be used to improve the documentation and collection of information on ancestral medicine, best practices, lifestyles and behaviour relating to social determinants.

127. As a result of the social protection policies in place, life expectancy for women has continued to increase, rising from 76.58 years in 2014 to 78 years in 2020.

128. In 2014, a participatory and democratic approach was used in the design of the first National Plan for the Protection of Women's Sexual and Reproductive Rights 2014–2019. The National Plan for Humanized Childbirth and the National Plan for the Prevention of Early and Teenage Pregnancies are derived from this plan. During 2020, a new public consultation was launched to determine the content of the Plan for the coming years.

129. The unilateral coercive measures applied against the country since 2014 have had a negative impact on maternal mortality, causing an increase in what had previously been a stable indicator.<sup>28</sup> However, since 2016, the maternal mortality indicator has trended downwards as a result of State actions, including the adoption, in 2018, of the Coordinated Strategy for the Reduction of Maternal and Neonatal Mortality,<sup>29</sup> through which the actions of the Ministry of People's Power for Health and the Ministry of People's Power for Women and Gender Equality are coordinated with international cooperation agencies such as the Pan American Health Organization, the United Nations Population Fund and the United Nations Children's Fund (UNICEF) and non-governmental organizations.

130. The policies adopted to ensure women's access to health care have also been affected by the unilateral coercive measures taken against the country, given the difficulties in acquiring specialized equipment and medicines, maintaining infrastructure and ensuring the availability of health personnel to which the measures give rise.

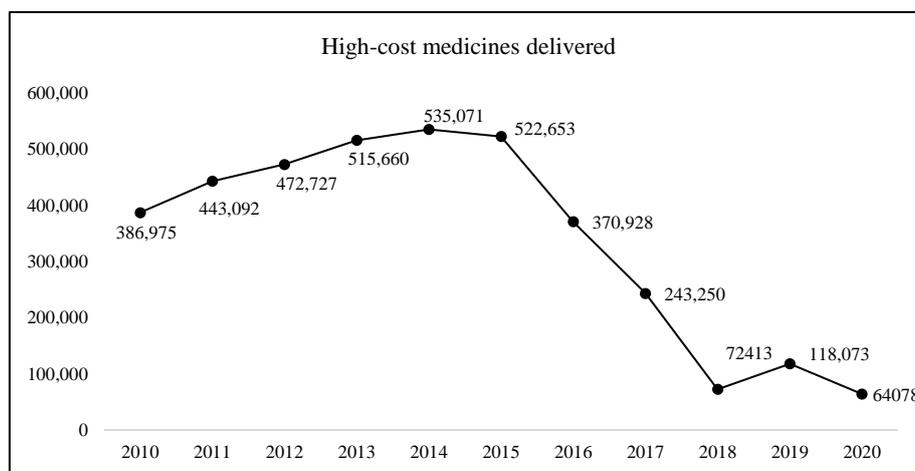
131. The number of health-care interventions provided to women by the Venezuelan Social Security Institute dropped from 11,953,339 in 2014 (before the adoption of the unilateral coercive measures) to 3,700,097 in 2020 (after the adoption of the unilateral coercive measures).

132. One area that has been particularly impacted is the Institute's programme to provide high-cost medicines completely free of charge to persons with chronic diseases or illnesses that require prolonged treatment, including breast cancer and cervical cancer. Between 2014 and 2020, the programme reached a total of 1,926,466 women. However, while the programme distributed 515,660 medicines in 2013 and 535,075 in 2014 prior to the adoption of the unilateral coercive measures, after the "sanctions" were imposed, distribution dropped

<sup>28</sup> Preliminary findings of the visit to the Bolivarian Republic of Venezuela of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, 12 February 2021: "The Special Rapporteur also notes the reported growth of neonatal and maternal mortality since 2013, with a slight improvement in 2019, when humanitarian cooperation with UNICEF, PAHO, church and other humanitarian organizations was activated."

<sup>29</sup> The strategic areas of the Coordinated Strategy are: (a) strengthening information and organizational systems; (b) strengthening the "Ruta Materna" programme; (c) facilities and supplies; (d) strengthening sexual and reproductive health; and (e) safe and timely contraception.

to 370,928 in 2016, 243,250 in 2017 and 72,413 in 2018. It then rebounded slightly in 2019, before falling to its lowest point, in the second decade of the twenty-first century, with 64,078 medicines delivered.



### 3. Right to education

133. Education is a human right and is guaranteed by the State. In 2018, the Gender Parity Index in education was 0.97 at the basic level, 0.92 at the primary level and 1.04 at the middle and secondary levels. Levels of schooling are generally equal and equitable.

134. The Constitution enshrines the development of an educational system that views interculturality as the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect, without distinction or discrimination. The design of the basic education curriculum expressly incorporates interculturality, which is understood as recognizing, valuing and respecting the diverse cultures that coexist in Venezuela, under the inviolable principle of equality, with a view to ensuring that the culture of indigenous peoples, Venezuelans of African descent and other groups is taken into account in the educational system.

135. At the end of 2019, there were 1,426 intercultural schools across the country, in which 14,381 teachers provided bilingual intercultural education to more than 240,000 students, taking into account the specific culture of each indigenous people.

136. In the Venezuelan educational system, the “Encounters with Ancestral Knowledge and Practices” initiative is embedded in the framework of the Decade for People of African Descent and the commemoration of important national, historical and school dates. Musicians and artists, social leaders, teachers, educational establishments and the community as a whole participate and contribute their knowledge, customs and ancestral traditions, as preserved through the oral tradition.

137. The Presidential Commission for the Prevention and Elimination of All Forms of Racial Discrimination and Other Distinctions in the Education System was established in 2005. The Commission is a standing body made up of various institutions and members of organizations of Venezuelans of African descent. Its objectives include the development, formulation, coordination, monitoring and evaluation of programmes, methodologies and public policies for the education sector that guarantee equal opportunities and treatment for all persons in the enjoyment and effective exercise of the right to education, with the aim of promoting interculturality, inclusion, respect and recognition of the historical, cultural, economic, technological, social and religious contributions of Venezuelans of African descent, indigenous peoples and other groups living in the country.

138. In 2011, the Centre for African, American and Caribbean Knowledge was created with the aim of offering studies, training, knowledge and informational materials contributing to the research, analysis and dissemination of issues related to Africa and the African diaspora in the Americas. The Centre focuses its efforts on training a corps of researchers dedicated to this topic, which is becoming increasingly important both nationally and internationally.

**Migrant workers**

139. Article 21 of the Constitution protects the right to equality and non-discrimination. The article prohibits discrimination on grounds of race, sex, creed or social status, as well as any other form of discrimination in general that has the intent or effect of nullifying or undermining the recognition, enjoyment or exercise, on equal terms, of the rights and freedoms of any individual.

140. Article 87 of the Constitution recognizes every person's right and duty to work and, at the same time, establishes the State's obligation to take the necessary measures to ensure that all persons can obtain productive employment that allows them to lead a decent and dignified life and guarantees them the full exercise of this right.

141. In addition, article 89 of the Constitution describes work as a social activity that deserves the State's full protection and requires it to take the necessary steps to improve material, psychological and intellectual conditions for workers.

142. The promotion of the right to non-discrimination at work is a guiding principle of the Labour and Workers Act<sup>30</sup> (art. 18.7). In addition, article 21 of the Act prohibits any distinction, exclusion, preference or restriction in access to work or conditions of work on the basis of race, sex, age, marital status, unionization, religion, political opinion, nationality, sexual orientation, disability or social origin.

143. The Labour and Workers Act guarantees equality and equity between women and men in the exercise of the right to work. Under the Act, employers must apply equality and equity criteria in hiring, training, promotions, job security, professional development and pay, and are under an obligation to promote the equal representation of women and men in managerial positions (art. 20).

144. The Act establishes rules that guarantee the pay and working conditions of Venezuelans and foreign nationals under equal conditions (arts. 3 and 109). In addition, the illegal and clandestine employment of migrant workers is punishable under articles 52 to 59 of the Foreign Nationals and Migration Act.

145. Under the Foreign Nationals and Migration Act, foreign nationals present in the country have the same rights as Venezuelan nationals, subject only to the limitations set out in the Constitution and in law.

146. A State plan for the regularization of migrants has been in place since 2004, pursuant to the provisions of Decree No. 2823.<sup>31</sup> The plan grants all foreign nationals who meet the requirements the possibility of applying for Venezuelan residency or nationality, as the case may be.

147. Under article 16 of the Foreign Nationals and Migration Act, a work permit must be obtained for any person who enter the Bolivarian Republic of Venezuela for the purposes of employment. The Act also sets out the exceptions where such a permit is not required.

148. Similarly, under article 24 of the Act, employers must ask foreign workers to present their identification documents and must notify the National Foreign Nationals Registry, in writing, of the terms and conditions of the employment relationship.

149. To combat the exploitation of migrant workers in both regular and irregular situations, the Ministry of People's Power for the Social Process of Labour provides guidance and advice to foreign workers on the formalities and procedures related to the work permit requirement and the exceptions thereto. These activities are conducted through inter-institutional interaction and coordination between the domestic bodies responsible for migration, foreign and domestic policy and defence and the entities of the civil branch of government.

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<sup>30</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 6,076, special edition, 7 May 2012.

<sup>31</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 37,871, 3 February 2004, in which the Regulations on the Regularization and Naturalization of Foreign Nationals in the National Territory were issued.

150. Workplaces and contracting entities are subject to oversight for the purposes of checking and monitoring workplaces that are authorized by the Labour Migration Directorate to hire skilled foreign staff. At certain times, temporary exceptions are made to the percentage of foreign workers with work permits that can be employed by the relevant public, private or mixed entities. In such cases, the percentage of foreign migrant workers permitted to be hired is increased by 10 per cent. This occurs mainly in the oil sector.

151. Inter-institutional cooperation between the Ministry of People's Power for the Social Process of Labour and the Ministry of People's Power for Foreign Affairs has been strengthened through the development of a module in the consular management system for work permits for foreign workers. This module is designed to facilitate the issuance of temporary work visas by linking Venezuelan consulates abroad, the Identification, Migration and Foreign Nationals Service and the Labour Migration Directorate.

152. The Ministry of People's Power for the Social Process of Labour and the bodies under its authority, which include the Venezuelan Social Security Institute and the National Institute for Occupational Risk Prevention, Health and Safety, are in charge of the Labour Inspection and Social Security System, which checks and verifies the working conditions and social security situation of all workers, in both urban and rural areas. In rural areas, these checks are carried out through the Integrated Programme for Agrarian Inspection.

153. Under this Programme, interdisciplinary inspections are carried out to verify compliance with legislation applicable to production and working conditions, social security, occupational health and safety, labour migration and the promotion of labour rights. These efforts are aimed at verifying whether workplaces are complying with the law and at providing advice and assistance to workers in the agricultural, poultry, livestock, forestry, aquaculture, small-scale fishing and agro-industrial sectors.

154. By way of example, in May 2019, 202 agricultural production units in the State of Mérida were inspected and 737 workers were recorded, 4 of whom were foreign nationals.

## Article 6

### **Effective protection and remedies through the competent national tribunals and other State institutions against acts of racial discrimination**

155. During the reporting period, advances made in the judicial field 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 from the parties responsible for any injury caused, as enshrined in articles 26, 49 and 30 (last paragraph) of the Constitution, respectively.

156. 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 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.

157. In December 2018, the Constitutional Chamber extended the scope of application of this process to include ordinary criminal proceedings and the special procedure for less serious offences. The Chamber's 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.

158. With regard to civil proceedings, in August 2019 the Civil Cassation Chamber of the Supreme Court issued regulations for the streamlined civil procedure. Under 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.

159. The principles of judicial independence and impartiality, effective judicial protection and due process were also reinforced during the reporting period by 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.

160. The regulations governing appraisals and competitive examinations for admission to and promotion within the judiciary, as agreed by the plenary chamber of the Supreme Court, were published in 2016.<sup>32</sup> They establish regulatory and organizational procedures for the appointment, promotion and tenure of the country's judges by means of public competitive examinations and performance appraisals.

161. The procedures established guarantee the principles of, inter alia, equal treatment, transparency and public participation 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 and 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 support from 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.

162. During the reporting period, the Supreme Court extended the working hours of the criminal courts on the 118 non-working days and holidays provided for in the calendar.

163. As at March 2020, there were a total of 2,059 courts in the country, including 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 brought under labour, agricultural and maritime law; 185 higher courts competent to hear civil cases, child protection cases, cases brought 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.

164. Between 2014 and 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.

165. 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, the TSJ-Regiones web page, which publishes case management details including, inter alia, statistical data on rulings and orders, notifications of decisions, the results of hearings and hearing schedules. The Supreme Court also runs a strategic "Mobile

<sup>32</sup> Gaceta Oficial de la República Bolivariana de Venezuela No. 40,972, 23 August 2016.

Court” programme, through which the most vulnerable persons who are unable to travel to court can obtain free legal assistance, thus facilitating access to justice.

166. 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 of America, 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.<sup>33</sup>

167. In the Public Defender’s Office, the number of public defenders tasked with guaranteeing the right to a defence has risen in recent years. 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.

168. In the Public Prosecution Service, at the end of 2019 there were 7 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.

169. 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, inter alia, 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.

170. 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 6

**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

<sup>33</sup> Preliminary findings of the visit to the Bolivarian Republic of Venezuela of 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 ‘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 grey 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 labour, 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.”

<i>Year</i>	<i>Complaints</i>
2018	57
2019	9
<b>Total</b>	<b>701</b>

## Article 7

### **Immediate, effective measures in the areas of teaching, education, culture and information to combat the prejudices that lead to racial discrimination**

171. One of the objectives of the Third Socialist Plan for the Economic and Social Development of the Nation 2019–2025, which was approved in 2019, is to promote knowledge and appreciation of cultures and the recognition of the cultural contributions made by different sectors of the Venezuelan population through the establishment of a legal framework for the eradication of sexism, racism, xenophobia and all forms of discrimination based on, inter alia, social origin, political position or disability.<sup>34</sup>

172. The Plan's goals include the adaptation of teacher training, curriculum content and pedagogical practices in the basic education subsystem to include a decolonizing approach, the eradication of all forms of discrimination, a critical appropriation of historical memory and territory, and intercultural coexistence. Another focus is the establishment of regulations to promote the production and guarantee the dissemination, in all mass media and in the educational system, of content that affirms the Venezuelan identity, promotes knowledge and appreciation of the country's human and natural diversity and raises awareness of its cultural assets and values and the contributions made in all areas by the different sectors that make up Venezuelan society, especially the indigenous and Afrodescendent populations, and thus to promote gender equity and encourage positive attitudes towards persons with disabilities.

## V. Other concluding observations of the Committee

173. In response to the Committee's concluding observations ([CERD/C/VEN/CO/19-21](#)), the Bolivarian Republic of Venezuela implemented various measures related to the ratification of international human rights treaties and the Durban Declaration and Programme of Action.

### A. Ratification of other international treaties

174. In May 2014, the National Assembly passed legislation approving the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>35</sup> The instrument of ratification was deposited on 25 October 2016.

### B. Durban Declaration and Programme of Action

175. On 24 March 2018, Decree No. 3.335 recognizing the National Decade for People of African Descent was issued. By means of the Decree, Venezuela adheres to the United Nations resolution proclaiming the International Decade for People of African Descent, with the aim of repudiating discrimination and segregation and promoting the full enjoyment of economic, social, cultural, civil and political rights for Venezuelans of African descent.

<sup>34</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 6,446, special edition, 8 April 2019.

<sup>35</sup> Gaceta Oficial de la República Bolivariana de Venezuela, No. 40,405, 6 May 2014.

176. The signing of the Decree was accompanied by a proposal for the design of a global plan to restore the rights of Afrodescendent and African peoples, who have been subjected to slavery and racism for 500 years.

177. On 9 and 10 May 2018, delegates from 27 countries in Africa, Latin America, North America, Europe and the Caribbean met in Caracas to discuss common strategies for action to advance the issue of reparations for slavery and colonization, within the framework of the Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001) and in adherence with the International Decade for People of African Descent (2015–2024).

178. During the International Meeting on Reparations in 2018, a final declaration was issued, in which it was determined that it was essential to promote the inclusion of reparations in public policies in Latin America and the Caribbean. The declaration set out three main areas for action: the establishment of a legal commission, the promotion of discussion of the issue in multilateral forums and the creation of a research centre.

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