



# International Human Rights Instruments

Distr.: General  
22 February 2013  
English  
Original: Spanish

---

## Core document forming part of the reports of States parties

**Bolivarian Republic of Venezuela<sup>\*,\*\*</sup>**

[5 July 2011]

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* This updates the core document submitted by the State in 2000 (HRI/CORE/1/Add.3/Rev.1).

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. General information on the Bolivarian Republic of Venezuela .....	1-12	3
II. Demographic, social and economic characteristics of the State .....	13-63	5
A. Demographic and social indicators .....	13-46	5
B. Economic indicators .....	47-63	12
III. Constitutional, political and legal structure of the Bolivarian Republic of Venezuela .....	64-109	16
A. Historical summary .....	64-74	16
B. Form of government .....	75-80	18
C. Executive branch .....	81-87	19
D. Legislative branch .....	88-90	21
E. Judiciary .....	91-95	22
F. Civil branch .....	96-103	23
G. Electoral branch .....	104-106	25
H. Legislative framework .....	107-109	25
IV. General framework for the protection and promotion of human rights .....	110-218	25
A. Acceptance of international human rights norms .....	110-116	25
B. Legal framework for the protection of human rights .....	117-159	29
C. Framework within which human rights are promoted .....	160-218	38
V. Sources .....	219-220	50
<b>Annexes***</b>		
I. List of laws enacted by the National Assembly, 2000-2010 .....		
II. Summary of labour agreements and treaties .....		

---

\*\*\* The annexes may be consulted in the Secretariat files.

## I. General information on the Bolivarian Republic of Venezuela

1. The Bolivarian Republic of Venezuela is located in the north of South America. It has an area of 916,455 km<sup>2</sup> and is the sixth largest country in South America by territory. In the north, north-east and north-west, it borders the political units of the Caribbean Sea and the Atlantic Ocean; to the east lies the Republic of Guyana, to the south and south-east the Federative Republic of Brazil and to the west and south-west the Republic of Colombia.
2. The preamble to the Constitution of the Bolivarian Republic of Venezuela stipulates “the universal and indivisible guarantee of human rights” and article 2 states that “Venezuela is a democratic and social State governed by the rule of law and justice, which holds life, freedom, justice, equality, solidarity, democracy, social responsibility and generally the pre-eminence of human rights, ethics and political pluralism to be the highest values of its legal system”.
3. Human rights thus constitute the fundamental component of the Constitution, from the preamble to the interim provisions. The legal framework is based on the promotion of the necessary conditions for social and spiritual development, working for equal opportunities for all citizens, so that they can freely develop their personality, direct their own destiny and enjoy human rights.
4. The country’s constitutional process, which was initiated in 1999, following appropriate consultations on the basis of a national referendum, resulted in the election by the public of their representatives and the subsequent establishment of the Constituent National Assembly. This political development laid the ground for the collective construction and progressive formation of a new national legal order that set the country on the path to new paradigms of social, economic and political well-being, both individually and collectively. The process of discussion, consultation, participation and consensus reached into every area of national life and elicited suggestions from very important sectors, such as workers, students, businesspeople, religious groups, indigenous peoples, persons of African descent, young people, children and adolescents, older adults, persons with disabilities and people from rural communities, among others, but also social organizations and movements, professional associations, trade unions, colleges and universities, among others.
5. Following this process, the Venezuelan State introduced policies<sup>1</sup> to guarantee the social inclusion of sectors that are traditionally excluded. This has involved enormous efforts to construct a new system of public institutions and a new model of public participation that has enabled the people to enjoy the rights set out in the Constitution of the Bolivarian Republic of Venezuela. To that end, social justice has been promoted through the progressive and inclusive incorporation of social sectors that have historically been excluded from the enjoyment of proper welfare conditions, guaranteeing social rights on a universal and equitable basis, improving income and wealth distribution, promoting political and social participation across the board and fostering joint responsibility in the implementation of human rights

---

<sup>1</sup> Set out in the General Outline of the National Economic and Social Development Plan 2001-2007 and the National Simón Bolívar Project 2007-2013.

and the transfer of power to the citizen in order that it may be exercised in matters of public interest, with a view to attaining the highest possible degree of happiness, along with a decent standard of living throughout a person's life.

6. Venezuela has signed and ratified the core human rights agreements and has also promoted regional integration mechanisms aimed at the realization of social, cultural and economic rights, jointly with other countries in Latin America having large sectors of the population in situations similar to our own. International cooperation has ceased to be a duty and become a freely chosen activity based on mutual agreement and non-interference, as needs and conditions may require.

7. Committed in its domestic and foreign politics, the Venezuelan State has set out consistent public policies with an integrated human rights approach in such areas as civil, political, economic, social and cultural rights and the right to development. Examples include areas relating to legislation on the national police and the various regulations applying to it, the Ombudsman's Office Act, the Supreme Court Organization Act, the Justice System Act, the Electoral Process Act and the Prison System Act, and also the areas of social security, the right to education and culture, family protection, protection for women and especially vulnerable populations, such as indigenous peoples, children and adolescents, persons with disabilities and older persons.

8. Of particular significance is the introduction of legislation to protect the public, such as the Education Organization Act, the Social Security System Organization Act, the Indigenous Peoples and Communities Organization Act, the Prevention, Working Conditions and Working Environment Organization Act and the Women's Right to a Life Free of Violence Organization Act, among others, which prioritize respect for the public's social rights in order to attain higher levels of quality of life.

9. The historical, political, social and economic conditions prevailing since 1999 have been such as to encourage the Venezuelan State to act on its convictions and comply with international human rights treaties and conventions, as set out in title III, chapter I, article 23, of our Constitution: "Human rights treaties, covenants and conventions signed and ratified by Venezuela shall have constitutional status and take precedence in domestic law, insofar as they contain provisions concerning the enjoyment and exercise of such rights that are more favourable than those established by this Constitution and the laws of the Republic, and shall be immediately and directly applicable by the courts and other public bodies."

10. Similarly, article 27 of our Constitution stipulates: "Every person shall be entitled to the protection of the courts in the enjoyment and exercise of constitutional rights and guarantees, including those which, although inherent in the individual, are not expressly mentioned in this Constitution or the international human rights instruments ...". Meanwhile, article 29 states: "The State shall have the obligation legally to investigate and punish human rights offences committed by its authorities. Action to punish crimes against humanity, serious human rights violations and war crimes shall not be time-barred."

11. Since 2000, regional mechanisms for union, integration, dialogue and political cooperation in Latin America and the Caribbean have sought to include the social, political, respect/solidarity and human rights dimensions in the unity and integration agenda. These topics have been gradually developed in political and legally binding

agreements within the framework of the Southern Common Market (MERCOSUR), the Bolivarian Alliance for the Peoples of Our America — Peoples' Trade Agreement (ALBA-TCP), the Union of South American Nations (UNASUR) and the recently established Community of Latin American and Caribbean States (CELAC).

12. The Venezuelan State is aware of the importance of promoting the protection of the human rights of all the citizens of our country and the world. Having established our Constitution accordingly and consolidated our public policies with a human rights approach, the State is submitting an update of its core document to the various treaty bodies of the United Nations system.

## **II. Demographic, social and economic characteristics of the State**

### **A. Demographic and social indicators<sup>2</sup>**

13. In 2010, the population of the Bolivarian Republic of Venezuela was more than 28 million inhabitants, 88.1 per cent of whom lived in urban populated centres, with a density of 31.5 people per km<sup>2</sup>.

14. Annual natural growth was estimated in 2010 as 15.45 per 1,000 inhabitants, as the result of a birth rate of 20.61 per 1,000 inhabitants and a mortality rate of 5.16 per 1,000 inhabitants.

15. A breakdown of numbers by sex shows that the numbers of men and women are more or less equal: there are 100.5 men per 100 women.

16. A breakdown by age indicates that the Bolivarian Republic of Venezuela is a young country, with 50 per cent of the population having an average age of 26 or less. However, population projections indicate that the percentage of people aged 60 or more in 2010 represented over 9 per cent of the total population. This shows that the population aging process has started and will gather speed over the coming decades.

17. Another consequence of the changes in the population's age structure has been a fall in the number of dependent relationships. Thus, in 2010, there were 54 persons of dependent age per 100 of working age. According to United Nations benchmarks, Venezuela in 2010 found itself in a particular demographic situation known as the "demographic dividend", which is characterized by an increase in the percentage of people of working age.

---

<sup>2</sup> Indicators provided by the National Institute of Statistics, 2010.

Table 1  
**Population, growth rates, density, dependent relationships and sex ratios**

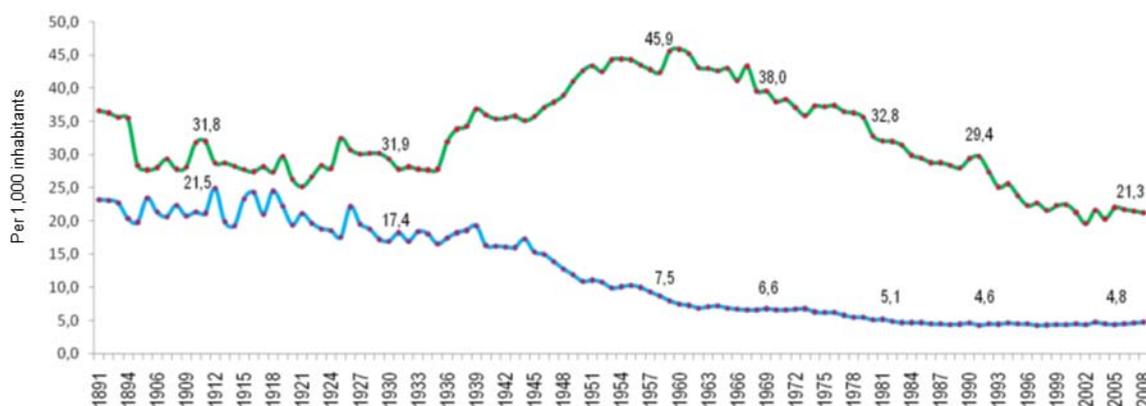
Census	Population	Annual geometric rate (%)	Population density	Dependent relationship	Ratio of men to women
1873 (7 Nov.)	1,732,411	–	1.9	–	99.6
1881 (27 Apr.)	2,005,139	2.0	2.2	–	94.6
1891 (15 Jan.)	2,221,572	1.1	2.5	–	95.8
1920 (1 Jan.)	2,479,525	0.4	2.8	–	92.3
1926 (31 Jan.)	2,814,131	2.1	3.1	73.1	95.8
1936 (26 Dec.)	3,364,347	1.7	3.7	75.1	96.5
1941 (7 Dec.)	3,850,771	2.8	4.3	77.1	98.3
1950 (26 Nov.)	5,034,838	3.0	5.6	80.9	102.8
1961 (26 Feb.)	7,523,999	4.0	8.4	93.6	103.2
1971 (2 Nov.)	10,721,522	3.4	11.9	92.8	99.9
1981 (20 Oct.)	14,516,735	3.1	16.2	76.9	100.0
1990 (21 Oct.)	18,105,265	2.5	20.1	70.2	99.3
2001 (30 Oct.)	23,232,553	2.3	25.7	61.5	97.9

Source: National Institute of Statistics.

Note: It is not possible to calculate dependent relationships for the censuses of 1873, 1881, 1891 or 1920.

18. The process of demographic transition that Venezuela has been undergoing since the middle of the twentieth century is the main reason for the population growth and structure. The country has been progressing in that direction since the 1950s, as shown initially by a fall in mortality rates and subsequently, from the 1970s onwards, a gradual fall in the birth rate.

Figure 1  
**Trends in registered birth and mortality rates, 1891-2008**



Source: Ministry of People's Power for Public Health; National Institute of Statistics.

19. The mortality rate has been falling steadily in the Bolivarian Republic of Venezuela since the middle of the past century. The factors that have contributed to this decrease are the health improvements introduced in the 1950s, the acceleration in the rate of urbanization and improved social development.

Table 2  
**Life expectancy: infant mortality rates and overall fertility rates, 2000-2010**

Year	Infant mortality rate <sup>a</sup>	Overall fertility rate <sup>b</sup>	Life expectancy (total) <sup>b</sup>	Life expectancy (men) <sup>b</sup>	Life expectancy (women) <sup>b</sup>
2000	17.72	2.83	72.4	69.5	75.4
2001	17.66	2.79	72.5	69.7	75.6
2002	18.16	2.76	72.6	69.8	75.7
2003	18.49	2.72	72.8	69.9	75.8
2004	17.48	2.69	73.0	70.1	76.0
2005	15.53	2.65	73.2	70.3	76.2
2006	14.22	2.62	73.4	70.5	76.4
2007	14.07	2.58	73.6	70.7	76.6
2008	13.98	2.55	73.8	70.9	76.8
2009	–	2.52	73.9	71.0	77.2
2010	–	2.49	74.1	71.2	77.2

<sup>a</sup> Ministry of People's Power for Public Health.

<sup>b</sup> National Institute of Statistics: Population projections.

20. A Venezuelan person's life expectancy in 2010 was 74.1 years, which breaks down as 71.2 years for men and 77.2 years for women.

21. As regards different mortality rates, the figures for 2008, according to information provided by the Ministry of People's Power for Public Health, were 13.98 deaths per 1,000 live births, as against 17.7 deaths per 1,000 live births reported in 2000.

22. Meanwhile, the modernization of Venezuelan society has generated new opportunities for women, enabling them gradually to integrate into the labour market and the educational system. The consequence is that the birth rate is falling inexorably. The birth rate in 2010 was estimated to be 20.11 births per 1,000 inhabitants.

23. Moreover, the overall fertility rate — that is, the average number of children that a woman of child-bearing age may expect to have — fell from 2.83 children per woman of child-bearing age in 2000 to 2.49 per woman of child-bearing age in 2010.

24. According to the country's "Income Line", 58.4 per cent of the population in Venezuela in 2000 were considered not poor, while 41.6 per cent were poor. Of those 41.6 per cent, 17 per cent were considered extremely poor: that is, their average incomes did not stretch to paying for the cost of a basket of food. In the first six months of 2009, 73.6 per cent were not poor and 26.4 per cent were considered poor. Of the 26.4 per cent poor people, 7.3 per cent were extremely poor. These statistics point up an extremely significant decrease in poverty, which is mainly due to the implementation of social and economic policies aimed at guaranteeing the population's human right to food, by providing subsidies, price cuts and easy access to food through the social missions<sup>3</sup> — the national Mercal

<sup>3</sup> Social missions came into being as bodies implementing public policies aimed at guaranteeing people's basic rights, such as education, health, food, identity, work and culture, among others,

network and the Productora y Distribuidora Venezolana de Alimentos (Venezuelan Food Producer and Distributor) (PDVAL), from which over half the population benefits — and the growth in purchasing power, which improves the quality of life in nominal terms by sustaining the level of the minimum wage and thus pushing other wages higher.

25. Another way in which it is possible to measure poverty is through the unmet basic needs (NBI) method. This is based on a combination of needs that are considered fundamental to a household's welfare, the principle being that a household is considered poor to the extent that it is not capable of meeting one or more of the needs in question.

26. On the basis of this methodology, 69.9 per cent of households in Venezuela in 2000 were considered not poor: that is, they could meet the basic needs considered for the study. The remaining households — 30.1 per cent — could not satisfy at least one of the basic needs and were therefore classified as poor households. This category was made up of households that were extremely poor and those that were not extremely poor: 10.5 per cent were considered to live in extreme poverty because they could not satisfy two or more basic needs, while the rest — representing the remaining 19.6 per cent of poor people — were considered not to be living in extreme poverty. In 2010, 76.5 per cent of households were considered not poor, while the remaining 23.5 per cent were poor. The poor were then divided into two categories, those living in extreme poverty and those not in extreme poverty, constituting 7.7 per cent and 15.7 per cent of poor households, respectively.

27. In practice, it may arise that a household is considered poor according to NBI, because it is not capable of satisfying one of the listed needs, but may be in receipt of an average income exceeding the value of the basic basket, thus coming under the definition of not poor, according to the Income Line. In view of this, an indicator has been developed that integrates both methods to describe poverty in greater detail, known as the integrated method.

28. The integrated application of NBI and the Income Line produces four possible categories into which a household may be placed:

(a) Household not living in poverty: this applies to a household classified as not poor according either NBI or to the Income Line;

(b) Structurally poor household: this applies to a household with an income exceeding the value of the basket (not poor by income) but with at least one basic need unmet (poor under NBI);

(c) Circumstantially poor household: this applies to a household whose basic needs are considered to be met (not poor, according to NBI) but whose income is not high enough to afford the basket (poor according to Income Line);

---

with the focus on the sectors that were most excluded historically but without overlooking those already included. The missions are provided with special resources from the national budget, they engage in inter-agency and interministerial coordination and one of the basic elements of their creation and implementation is the active participation or leading role of the organized communities.

(d) Household in chronic poverty: this applies to a household in which at least one basic need is unmet (poor under NBI) and which has an income lower than the cost of the basket (poor under the Income Line).

29. In the first six months of 2002, 49.3 per cent of households in Venezuela were considered not poor under the integrated approach; 20.1 per cent of households were circumstantially poor: that is, they could afford all their basic needs but their average income was below the value of the basic basket; 10.4 per cent suffered from structural poverty (poor under NBI but not poor according to the Income Line); and 20.2 per cent were in the chronic poverty category, that is, they could not meet at least one basic need and their average income was lower than the value of the basic basket.

30. In the first six months of 2010, households considered not poor constituted 61.6 per cent of all households; 15.2 per cent were circumstantially poor; 11.6 were categorized as structurally poor; and 11.46 per cent suffered from chronic poverty.

31. A circumstantially poor household is defined as one in which all the basic needs are satisfied but the average income is less than the value of the food basket. Such households tend to respond more quickly to economic policies such as the introduction of the Mercal, PDVAL and other networks providing subsidized food. The same applies to the continuing rise in the minimum wage and price controls on certain foods and strategic products. The impact of such public policies has been immediate and may be observed in the short run, when the number of households placed in the circumstantial poverty category diminishes within a relatively short period of time, unlike households in structural poverty, where the effects are felt only in the medium or long term, owing to the fact that Government policies aimed at improving this kind of poverty take much longer to take effect: more time has to be invested in changing structural housing conditions or providing new housing. For this reason, it may be seen that the number of households in circumstantial poverty has fallen more sharply than that of households in structural poverty.

32. Trends in activity rates in every branch of the economy remained stable over the period 2000-2010. The majority of the active population is concentrated in the community, social and personal service categories and trade, restaurants and hotels, whereas the minority of the active population is engaged in unspecified and/or undeclared activities, the oil industry, mining or quarrying and electricity, gas and water operations. The economic sector that shows the most variation in the activity rate comprises trade, restaurants and hotels.

33. On average, 52 per cent of the working population was engaged in the formal sector of the economy and 48 per cent in the informal sector in the period under consideration. The percentage of the population employed in the formal sector has shown an upward trend since the middle of 2004. Meanwhile, the percentage of workers in the informal sector has been falling since the second half of 2004.

34. A breakdown of employment rates in the formal sector by sex shows that numbers remained steady from 2002 to 2007. It may, however, be noted that in the period between 2001 and 2005 the proportion of men employed in the formal sector was greater than that of women and that, from 2008 to 2010, the percentage of women employed in this sector was greater than that of men.

35. In the period between 2001 and 2005, the proportion of women working in the informal sector was greater than that of men in the sector, although the pattern followed was similar, in that, from 2007, the percentage of men employed in the sector was greater than the percentage of women employed.

36. In the period under consideration, the unemployment rate averaged 11.44 per cent, reaching its highest point (19.2 per cent) in 2002 and subsequently showing a falling trend in the following years. In 2009, the unemployment rate reached 7.5 per cent.

37. During the period under consideration, the proportion of unemployed women was greater than that of unemployed men. The pattern of unemployment was very similar for the two sexes. From the second half of 2001 to the first half of 2003, the figures show a pattern of growth, with the unemployment rate for men reaching a maximum of 17.5 per cent and the rate for women 21.8 per cent for the period under consideration. In the following years, up to 2009, unemployment rates for both sexes showed a decline.

38. The average economic dependence rate for the period 2004-2009 was 79.4 per cent. This figure remained constant in the period from the second half of 2005 to the second half of 2006, then decreased, then increased and then remained constant in 2008, subsequently decreasing.

39. The participation rate was higher for the 25 to 44 age group and, to a lesser extent, the 45 to 64 age group. It was lower for the 15 to 24 age group and those aged 65 and above.

40. The minimum monthly wage in Venezuela, as of 2011, is approximately 1,584.21 bolívares (US\$ 368). It is one of the highest in Latin America. Annual increases in the minimum wage come into effect in our country on 1 May, when Labour Day is commemorated. Policies on wage and salary increases are all part of the effort to decrease poverty in the country.

41. The Gini coefficient in Venezuela was 0.4772 in 2000 and 0.3898 in 2010. It reached its lowest value at this period, since inequality had decreased over the years under consideration. This should be viewed as an improvement in income distribution.

42. An analysis of income quintiles shows that, in 2000, the first quintile received 4 per cent of income, whereas by 2010, it was receiving 5.7 per cent. On the other hand, the proportion of income of the fifth quintile — the fifth of the population that received higher incomes — constituted 52.3 per cent in 2000, falling to 44.8 per cent by 2010.

43. The first quintile — the poorest fifth of the population — increased its share of income distribution by 1.7 percentage points between 2000 and 2010, while the fifth quintile saw its contribution to income distribution fall by 47.5 percentage points over the same period. This indicates a significant change in income distribution and thus a trend towards equality among the quintiles.

44. The Human Development Index (HDI) has maintained a generally upward trend. Between 1990 and 2001, there was no significant reduction in development levels. In the following years (2001-2003), however, the level dropped appreciably,

falling from 0.7958 in 2001 to 0.7880 in 2003.<sup>4</sup> From that year onwards, there was a notable increase in HDI, which moved from 0.7880 in 2003 to 0.8277 in 2008, thus bringing Venezuela into the category of high human development country.

45. International migration has also made a contribution to the dynamism of the Venezuelan people. Its influence has been determined by the economic and social situation, both nationally and internationally. Since 1970, the country has been the destination of very considerable migratory flows, mostly made up of people coming from other Latin American countries, particularly neighbouring ones. The table below shows the migratory movement of foreigners by type of visa.

Table 3  
**Migratory movement set, 2000-2006**

	2000	2001	2002	2003	2004	2005	2006*
Entry	1 200 013	1 438 031	1 217 358	897 935	1 132 965	1 322 396	1 313 595
Resident travellers <sup>a</sup>	861 584	994 077	884 055	655 399	772 339	889 790	878 590
Non-resident travellers <sup>b</sup>	326 121	429 827	318 030	230 444	348 434	420 742	424 441
Other travellers <sup>c</sup>	12 308	14 127	15 273	12 092	12 192	11 864	10 564
Departure	1 362 629	1 503 597	1 194 304	940 433	1 230 151	1 548 507	1 281 916
Resident travellers <sup>a</sup>	982 894	1 043 346	855 053	676 931	846 990	1 034 771	847 665
Non-resident travellers <sup>b</sup>	363 828	444 208	319 242	248 039	364 407	494 392	423 912
Other travellers <sup>c</sup>	15 907	16 043	20 009	15 463	18 754	19 344	10 339

\* Provisional figures.

<sup>a</sup> Includes the categories of Venezuelan, resident and transit passengers.

<sup>b</sup> Includes the categories of tourist passengers.

<sup>c</sup> Includes the categories of transit, diplomatic and courtesy passengers.

Source: Migration Office, National Identification and Aliens Office (ONIDEX), Simón Bolívar International Airport of Maiquetia.

46. The official language is Castilian. The indigenous languages are also in official use for the indigenous populations and must be respected throughout the territory of the Republic, since they constitute the cultural heritage of the nation and all humanity.

<sup>4</sup> All the indicators fell between 2001 and the beginning of 2003 owing to the country's growing political instability, caused by an opposition encouraged by external factors to repudiate the legitimate Government of the current President of the Republic, Commander Hugo Chávez Frías. This situation led to a coup d'état in April 2002 and the subsequent oil sabotage. A consequence of this situation was that the country suffered economic losses estimated at over US\$ 15 billion.

## B. Economic indicators<sup>5</sup>

47. Venezuela's economy has, since the 1920s, been dependent on revenue from the oil industry. This revenue consists mainly of income derived from international land occupation thanks to State ownership of the oilfields. The distribution model of the revenue, which arose from the historical development of Venezuela, has had variable results over the past 10 years, having gone through periods of crisis for a wide range of reasons.

48. Thus, rather than experiencing a phase of expansion over five years, the Venezuelan economy registered a 3.3 per cent contraction in 2009. The decline in productive activity was particularly serious in the oil sector, where the aggregated value fell at an annual rate of 7.2 per cent, primarily as a consequence of the cutbacks in production agreed by the Organization of the Petroleum Exporting Countries (OPEC). Although the non-oil sector shrank at a slower pace, by 2 per cent, it was nonetheless affected by the weakening of aggregate demand, restricted supplies of foreign currency for imports and its links with the oil sector.

49. The effects of the global economic crisis on the Venezuelan economy manifested themselves in 2009 through its trading activities, in which oil played a leading role. Thus, despite the recovery in the price of crude oil in February, the average price of the Venezuelan oil basket fell by 34.1 per cent, dropping from US\$ 86.49 per barrel in 2008 to US\$ 57.08 per barrel in 2009.

50. When conditions are difficult, as in the period 2009-2010, it is worth emphasizing the sustained growth maintained by such sectors as communications, electricity and water and by community, social and personal services. However, the performance of general Government services should also be noted: growth slowed down, in connection with the fall in tax revenues over that period.

51. The non-oil activities that slowed their pace included the manufacturing industry, whose decline accentuated the downward trend illustrated by its showing in the country's gross domestic product (GDP) over the past few years. Trade also suffered, as did transport and warehousing services, activities that saw production decrease at rates even higher than in the oil sector. Meanwhile, the added value of the financial institutions and the mining sector dropped for a second consecutive year, especially mining, which had an impact on related activities, such as construction.

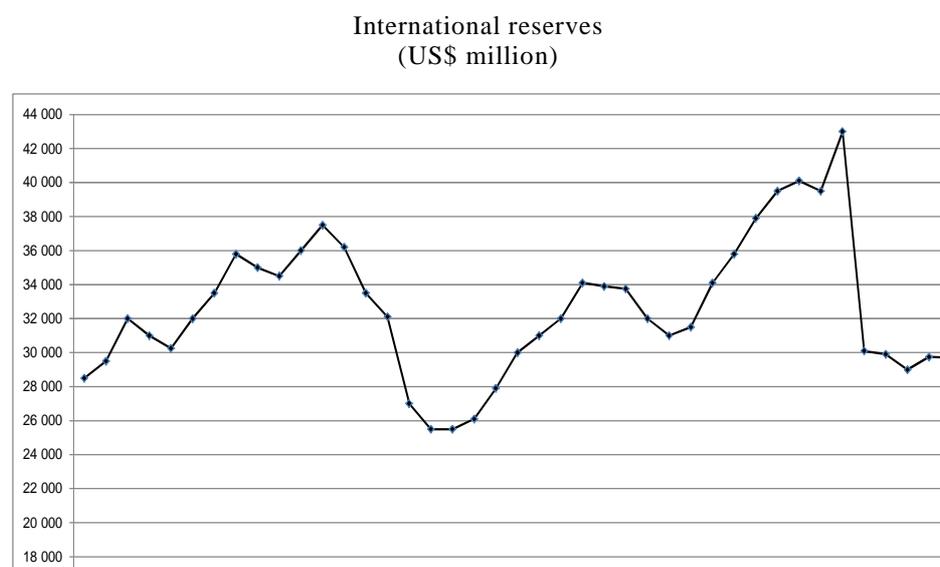
52. The gross international reserves held by the Central Bank of Venezuela in 2009 amounted to US\$ 35,000 million, at their highest point in the course of that year, after having fallen to their lowest value of the year at the end of March. With the deduction of reserve liabilities of US\$ 241 million, net reserves amounted to US\$ 34,579 million.

53. Operating reserves decreased by US\$ 14,895 million, falling from US\$ 32,177 million in 2008 to US\$ 17,282 million in 2009. With the addition of the Macroeconomic Stabilization Fund, which amounted to US\$ 830 million, the country's net reserves totalled US\$ 35,589 million.

---

<sup>5</sup> Central Bank of Venezuela. The economic indicators given in this section are taken from the Bank's Annual Report for 2009.

Figure 2  
International reserves



	<i>J</i>	<i>F</i>	<i>M</i>	<i>A</i>	<i>M</i>	<i>J</i>	<i>J</i>	<i>A</i>	<i>S</i>	<i>O</i>	<i>N</i>	<i>D</i>
2000	16 127	15 964	16 847	17 632	17 079	18 234	18 933	19 341	20 338	20 977	22 091	21 510
2001	22 403	21 842	22 056	21 539	21 259	21 099	20 116	19 304	19 090	19 554	19 583	18 523
2002	16 922	15 468	15 029	15 339	15 351	15 142	15 253	15 007	14 826	15 530	15 842	14 860
2003	13 898	14 251	15 142	15 652	16 758	17 959	18 917	17 737	19 184	20 418	21 332	21 366
2004	22 324	22 631	23 262	24 294	24 156	23 226	24 011	21 455	21 841	22 680	23 907	24 208
2005	24 533	24 773	25 646	27 341	28 010	28 790	30 420	32 111	30 667	30 526	29 615	30 368
2006	28 729	29 627	32 097	31 229	30 472	31 917	33 481	35 684	35 088	34 684	36 205	37 440
2007	36 392	33 344	32 299	27 175	25 242	25 213	26 345	27 901	29 954	30 970	32 254	34 286
2008	33 869	33 192	31 946	31 131	31 448	34 335	35 421	37 763	39 206	40 220	39 218	43 127
2009	30 322	29 795	28 992	29 532	29 431	30 750	31 100	34 008	33 697	33 456	34 312	35 830

54. In 2010, the official exchange rate had a parity of Bs. 4.30 for United States dollar purchase transactions.

55. The weakening of aggregate domestic demand resulted in a lower inflation rate, which ended the year at 25.1 per cent, 5.8 percentage points lower than that obtaining in 2008.

56. These factors meant that fiscal, exchange and trade policies were adjusted. The National Executive changed its budget proposals. Specifically, it reduced the reference price of the Venezuelan basket from US\$ 60 per barrel to US\$ 40 per barrel and the production of crude from 3.6 to 3.2 million barrels a day. It also offset the drop in oil tax revenue by increasing domestic taxation and long-term public debt. These measures were adopted in line with a decision to pursue a

countercyclical policy to lessen the negative impact of the crisis on domestic economic activity.

57. Another reason for the slowdown was the Government's food security policies and the favourable climatic conditions that prevailed during part of the year. These factors together limited the rise in food prices.

58. As part of its strategy to keep economic policy under constant review, the Central Bank of Venezuela positioned monetary policy to adjust to liquidity levels in the banking system so as to ensure the normal functioning of payment systems and provide greater stimulus to credit brokerage and the financing of the country's productive sectors.

59. The aim of the economic policy measures put in place in 2009 was to mitigate the effects of the world economic and financial crisis, ensure the normal functioning of the financial system and continue providing incentives for the country's productive activities. All this was carried out in a context in which the national economy entered a phase of contraction and inflation slowed down somewhat by comparison with that in 2008. The Central Bank also acted in coordination with the National Executive in planning and following up the economic measures announced at the end of 2009.

60. In the area of fiscal policy, the National Executive found itself having to rethink the national budget and implement taxation and financial changes aimed at partially offsetting the fall in oil income. These amendments notably included an increase in value-added tax (VAT) from 9 per cent to 12 per cent and an increase in the country's debt limit.

61. At the same time, with a view to limiting upward pressure on prices, official action was taken to lessen the number of price rises for controlled goods. A 20 per cent rise in the minimum salary was also introduced and action was taken to promote and support the basic sectors of the economy, especially manufacturing and agriculture. All this took place within the framework of a larger role for the State in the economy, with a view to diversifying and energizing the country's system of production.

62. Meanwhile, imports contracted by 19.6 per cent. One of the main factors influencing the behaviour of imports was the contraction in currency exchange settlements, which was due to a more stringent policy on the administration of foreign resources, in view of the decline suffered by the country's export revenues. Another important factor was the fall in consumption and investment, the weakening of which led to lower demand for foreign goods. The only area where growth was registered was in capital goods imported by the public sector.

Table 4  
GDP and population

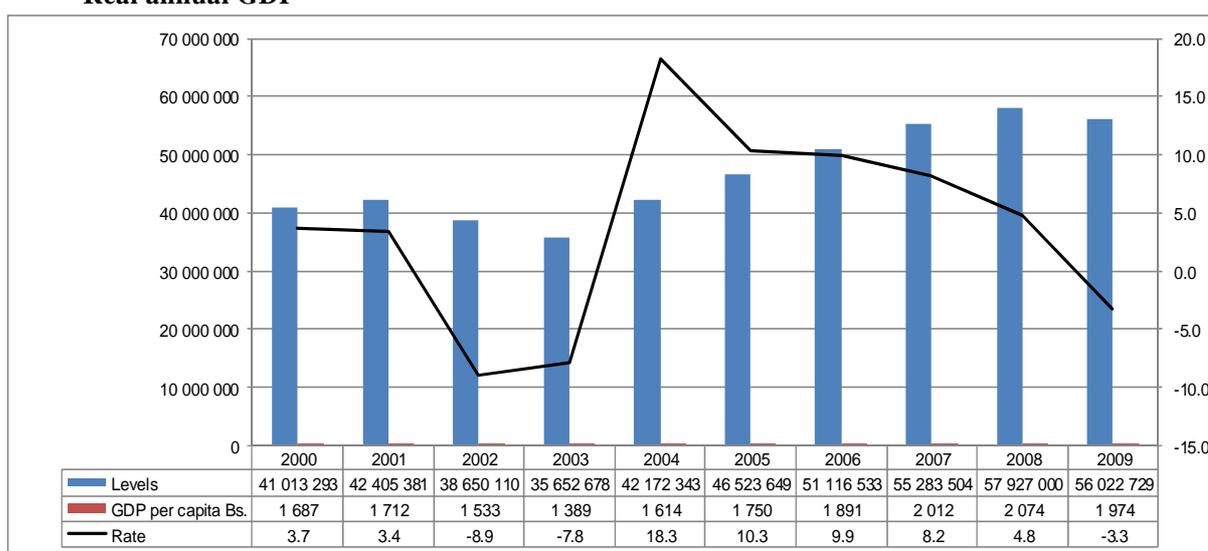
Year	GDP (1997 values, thousands Bolívares <sup>a</sup> )	Population <sup>b</sup>	Per capita GDP (Bolívares)
2000	41 013 293	24 310 896	1 687
2001	42 405 381	24 765 581	1 712
2002	38 650 110	25 219 910	1 533
2003	35 652 678	25 673 550	1 389
2004	42 172 343	26 127 351	1 614
2005	46 523 649	26 577 423	1 750
2006	51 116 533	27 030 656	1 891
2007*	55 283 504	27 483 208	2 012
2008*	57 927 000	27 934 783	2 074
2009*	56 022 729	28 384 132	1 974

<sup>a</sup> Central Bank of Venezuela.

<sup>b</sup> National Institute of Statistics.

\* Provisional figures.

Figure 3  
Real annual GDP



63. During the course 2009, the Bolivarian Republic of Venezuela carried out a number of major projects to increase medium-term production potential by registering, quantifying and developing the resources of the Orinoco Oil Belt. Part of that process was the mobilization by *Petróleos de Venezuela Sociedad Anónima (PDVSA)*, through the *Corporación Venezolana del Petróleo*, of joint enterprises with foreign oil companies, as part of the energy cooperation agreements signed with such countries as the Russian Federation, China, Spain and Japan.

### **III. Constitutional, political and legal structure of the Bolivarian Republic of Venezuela**

#### **A. Historical summary**

64. The process of the formation of Venezuela as an independent State began with two interrelated events: the incidents of 19 April 1810 when colonial ties were broken off with the metropolitan country, Spain; and the Declaration of Independence by the 1811 Congress on 5 July 1811. The period between 19 April 1810 and late July 1812 was known as the First Republic. This came to an end when the republican territory was reconquered by Spanish forces and was re-established in August 1813 by Simón Bolívar when he entered Caracas as the victor following the Admirable Campaign.

65. The period from August 1813 to December 1814 was known as the Second Republic, which ended with the events that occurred from the Emigración de Oriente (Eastern Emigration) in mid-1814 until the battles of Urica and Maturín in December 1814. The Third Republic covered the period from 1817 to 1819, during which Bolívar and the other patriotic authorities referred officially to the Republic of Venezuela.

66. The period 1820 to 1958 was a time of political transition, in which military or civilian-military Governments held sway. This was followed by the democratic era, when political parties were formed and alternated in holding power. That was the start of the democratic era in Venezuela and the Fourth Republic, which was in force from 31 October 1958, with the conclusion of the Punto Fijo Pact agreed between the political parties Acción Democrática, Comité de Organización Política Electoral Independiente (COPEI) and Unión Republicana Democrática, but excluding the Communist Party of Venezuela, until 1999, when a new Constitution came into force.

67. In the presidential election held in December 1998, Lieutenant Colonel Hugo Rafael Chávez Frías was elected by a large majority, in accordance with the electoral procedures in use at previous elections. During his period in office, the Government has promoted far-reaching political, economic, cultural and social changes. One example of these changes was the convocation in 1999 of a National Constituent Assembly and the entry into force of a new Constitution, approved by the public through a referendum held in December 1999, under which the Fifth Republic was formed.

68. On 11 April 2002, democracy in Venezuela came under attack from a coup d'état promoted by the Government of the United States of America, the business community and all the opposition parties, as well as the senior members of the Venezuelan Church. The coup succeeded in overthrowing the legitimate President, Hugo Rafael Chávez Frías, for the space of 48 hours. The President was returned to power, thanks to the intervention of the people and the armed forces. Similarly, on 2 December 2002, businessmen from the Federation of Chambers of Commerce and Production organized a general strike. Many of the staff of the oil company Petróleos de Venezuela later joined them, triggering a national oil strike. They admitted defeat on 2 February 2003. The country suffered economic losses estimated at US\$ 15 billion. The Venezuelan State was strengthened.

69. On 15 August 2004, the Venezuelan opposition called an unprecedented election, the recall referendum on President Hugo Rafael Chávez Frías, which confirmed the President in power.

70. These events put Venezuelan democracy to the test, but the people and the armed forces chose the path of democracy. The way that the business-trade union coup d'état turned out, and the way that the political parties of the Fourth Republic developed, showed that Government policies aimed at respecting, promoting and implementing human rights were extraordinarily effective. The long months of unrest, openly instigated by businessmen owners of communication media for the purpose of repudiating and attacking the National Constitution, saw incident after incident, which cumulatively put all the country's institutions under great strain. Attempts to destabilize the country and its democratically elected Government did not work. On the contrary, they proved beneficial to democracy, to the existing leaders holding positions of State authority and, in particular, to the observation and implementation of human rights.

71. Since 1999, the country has undergone a process of democratic and peaceful revolution and the Venezuelan State has, through its National Executive and other branches of public power, implemented a series of public policies based on the five cardinal elements of balance: the political, the social, the economic, the territorial and the international.

72. The State has taken on a commitment to the social, cultural, economic and political development guaranteed under the Constitution and to legislative and legal reforms and changes in accordance with the principles of equality and full respect for human rights, dignity and human integrity. Policies have accordingly been pursued to improve the management of public institutions and systems with a view to making them more accessible and responsive to the needs of every person. In order to eliminate discrimination, poverty and exclusion and in the interest of equity, the Venezuelan State has, over the past 10 years, steadily introduced public policies that have had visible results, including:

(a) Ensuring that persons living in poverty have access to loan funds, urban or rural land to produce food, decent housing, the opportunity to acquire property individually or collectively, education, free, compulsory good-quality health care, training in arts and crafts, access to technology, knowledge and information, universal access to good-quality public services and participation in decision-making with shared responsibility;

(b) Establishing policies, structures, objectives and benchmarks to ensure gender equity in the decision-making process, extending political, social, economic and cultural opportunities for women and empowering organizations made up of a wide variety of groups, particularly indigenous women, communities, persons of African descent, persons with disabilities and children and adolescents;

(c) Extending the legal framework of equality and equity between the sexes, with a view to respecting, promoting and realizing all human rights, justice and fundamental freedoms and ultimately eliminating all forms of discrimination;

(d) Guaranteeing the right of indigenous peoples to retain and develop their identity, culture and interests, supporting their aspirations to justice and providing an environment conducive to their social, economic and political participation;

(e) Guaranteeing that any person suffering from any level of disability has access to work, rehabilitation and other services;

(f) Fostering a stable and just society based on the promotion and protection of human rights, non-discrimination, tolerance, respect for diversity, equality, solidarity, security and participation;

(g) Promoting policies and changes in attitudes, structures and legislation with a view to eliminating discriminatory practices;

(h) Promoting and mobilizing, through the continuous exercise of participatory and proactive democracy, a State governed by the rule of law, pluralism and diversity, tolerance and joint responsibility, non-violence and solidarity and encouraging social integration in educational systems, communication media and communities.

73. Such policies have correspondingly made it possible to develop them further within the framework of joint responsibility between the State and civil society, since article 62 of the Constitution clearly provides for the participation of all citizens in public affairs. Participation aimed at developing a participatory democracy and the institutional development of a Venezuelan State that respects human rights thus prompted the formation of the bodies known as community councils, which act as associations of organized communities, guaranteeing that policies are followed up and successfully implemented.

74. Community councils are “forums for participation, coordination and integration between the various community organizations, social groups and citizens, enabling the people to engage directly in the management of public policies and projects aimed at meeting the needs and aspirations of communities in building a society of equity and social justice”.<sup>6</sup> Moreover, their work on supervising the functioning and results of social missions and programmes enables communities and the Government authorities with which they deal to assess such programmes directly with a view to determining their quality and relevance and their full observance of human rights.

## **B. Form of government**

75. Government is made up of municipal authorities, State authorities and national authorities. The national authorities are made up of the legislative branch, the executive branch, the judiciary, the civil branch and the electoral branch. Each of these branches of government has its own functions, but the bodies responsible for exercising those functions cooperate with one another in attaining the ends of the State.<sup>7</sup>

76. Executive power is exercised by the President of the Republic, who is elected to a six-year term of office, the Executive Vice-President, the Cabinet ministers and other officials, as determined by this Constitution and by law.<sup>8</sup>

---

<sup>6</sup> Community Councils Act, *Official Journal* No. 38,416, 10 April 2006.

<sup>7</sup> Constitution of the Bolivarian Republic of Venezuela, art. 136.

<sup>8</sup> Constitution of the Bolivarian Republic of Venezuela, art. 225.

77. Legislative power is exercised by the National Assembly, elected every five years, which consists of one chamber, the Chamber of Deputies. Deputies are elected in each of the federal entities by universal, direct, personal and secret ballot on the basis of proportional representation, using a constituency base of 1.1 per cent of the total population of the country.<sup>9</sup>

78. The judiciary is composed of the Supreme Court of Justice and such other courts as may be determined by law, the Public Prosecution Service, the Public Defender Service, the criminal investigation bodies, court officers and officials, the prison system, alternative forms of justice, citizens who take part in the administration of justice in accordance with the law and lawyers authorized to practise.<sup>10</sup>

79. The authority of the civil branch is exercised by the Republican Moral Council, which is composed of the Ombudsman, the Attorney-General and the Comptroller-General of the Republic,<sup>11</sup> one of whom is appointed chair of the Republican Moral Council.

80. The authority of the electoral branch is exercised by the National Electoral Council, as the governing body, and the National Electoral Board, the Civil and Electoral Register Commission and the Political Participation and Finance Commission as subordinate bodies.<sup>12</sup>

### **C. Executive branch**

81. The executive branch is headed by the President of the Republic, the Executive Vice-President, the Cabinet ministers and officials determined by the Constitution. The President of the Republic is Head of State and of the National Executive and, as such, directs the Government's activities.

82. The President of the Republic is responsible for his or her actions and for fulfilling the obligations inherent in his or her office. He or she is required to safeguard the rights and freedoms of Venezuelans and the independence, integrity, territorial sovereignty and defence of the Republic.<sup>13</sup>

83. The functions of the President are, among others, to comply with and ensure compliance with the Constitution and the law, to direct the Government's activities, to appoint and dismiss the Executive Vice-President, to appoint and dismiss ministers, to conduct the foreign affairs of the Republic and conclude and ratify international treaties, conventions and agreements, to lead the armed forces in his or her capacity as Commander-in-Chief, exercising supreme authority over them and determining their size, to act as Commander-in-Chief of the armed forces, promote officers above the rank of colonel or naval captain and appoint them to posts at his or her discretion, to declare states of emergency and decree any restriction or

---

<sup>9</sup> Constitution of the Bolivarian Republic of Venezuela, art. 186.

<sup>10</sup> Constitution of the Bolivarian Republic of Venezuela, art. 253.

<sup>11</sup> Constitution of the Bolivarian Republic of Venezuela, art. 273.

<sup>12</sup> Constitution of the Bolivarian Republic of Venezuela, art. 292.

<sup>13</sup> Constitution of the Bolivarian Republic of Venezuela, arts. 226-232.

suspension of guarantees in the cases provided for by the Constitution and to perform other functions enshrined in the Constitution and the law.<sup>14</sup>

84. The Executive Vice-President is the direct and immediate associate of the President of the Republic in his or her capacity as head of the National Executive. The Executive Vice-President has to meet the same requirements as the President of the Republic and may not be related to him or her by blood or marriage.<sup>15</sup>

85. The functions of the Executive Vice-President are, among others, to collaborate with the President of the Republic in conducting Government activities, to coordinate the national public administration in accordance with the instructions of the President of the Republic, to propose the appointment and dismissal of ministers to the President of the Republic, to preside over the Council of Ministers with the authorization of the President of the Republic, to coordinate relations between the National Executive and the National Assembly and to perform other functions enshrined in the Constitution and the law.<sup>16</sup>

86. Ministers are directly answerable to the President of the Republic and, together with him or her and the Executive Vice-President, form the Council of Ministers. The ministries<sup>17</sup> of the Bolivarian Republic of Venezuela are:

- Ministry of People's Power for Agriculture and Land
- Ministry of People's Power for Food
- Ministry of People's Power for the Environment
- Ministry of People's Power for Basic Industries and Mining
- Ministry of People's Power for Science, Technology and Intermediate Industries
- Ministry of People's Power for Communication and Information
- Ministry of People's Power for Culture
- Ministry of People's Power for Defence
- Ministry of People's Power for Communes and Social Protection
- Ministry of People's Power for Education
- Ministry of People's Power for Sport
- Ministry of People's Power for University Education
- Ministry of People's Power for Energy and Oil
- Ministry of People's Power for Planning and Finance
- Ministry of People's Power for Housing and Habitat

---

<sup>14</sup> Constitution of the Bolivarian Republic of Venezuela, art. 236.

<sup>15</sup> Constitution of the Bolivarian Republic of Venezuela, art. 238.

<sup>16</sup> Constitution of the Bolivarian Republic of Venezuela, art. 239.

<sup>17</sup> Since January 2006, all ministries of the executive branch are known as ministries of people's power in order to highlight the fact that the only power in Venezuela — the constituent power — is held by the people, the Venezuelans. It is therefore important to deepen the relationship that each ministry has with its popular base.

- Ministry of People's Power for Trade
- Ministry of People's Power for Internal Affairs and Justice
- Ministry of People's Power for Women and Gender Equality
- Ministry of People's Power for Transport and Communications
- Ministry of People's Power for Health
- Ministry of People's Power for Foreign Affairs
- Ministry of People's Power for Work and Social Security
- Ministry of People's Power for Tourism
- Ministry of People's Power for Indigenous Peoples
- Ministry of People's Power for Electric Power
- Ministry of People's Power for the Office of the President

87. The Office of the Counsel-General of the Republic advises on, defends and represents, judicially and extrajudicially, the financial interests of the Republic and is consulted on the approval of contracts in the national public interest. The Office is headed by the Counsel-General of the Republic, with the collaboration of such other officials as its organization act may determine.

#### **D. Legislative branch**

88. National legislative power is exercised by the National Assembly, which is made up of deputies elected in each of the federal entities by universal, direct, personal and secret ballot on the basis of proportional representation, using a constituency base of 1.1 per cent of the total population of the country. Each federal entity also elects three deputies. The indigenous peoples of the Bolivarian Republic of Venezuela elect three deputies, in accordance with the Electoral Act and in keeping with their traditions and customs.

89. The National Assembly comprises 165 deputies, including the three indigenous deputies elected by proportional representation. One feature of the Venezuelan legislative branch is that the National Assembly has almost equal numbers of men and women. This shows that participation by women has grown substantially.

90. The functions of the National Assembly include the following: to legislate on national issues and the functioning of the various branches of national Government, to propose amendments and reforms to the Constitution, as provided for therein, to monitor the Government and the national public administration, as provided for in the Constitution and the law, to organize and promote citizen participation in matters within its jurisdiction, to issue general pardons, to debate and adopt the national budget and any bill on the system of taxation and public funding and to perform any other function enshrined in the Constitution or the law.

## E. Judiciary

91. The power to administer justice derives from the people and is exercised on behalf of the Republic by authority of the law. It is the responsibility of the judiciary to hear cases and matters within its jurisdiction by means of procedures established by law and to enforce or ensure the enforcement of its judgements.<sup>18</sup>

92. The system of justice is composed of the Supreme Court, such other courts as may be established by law, the Public Prosecution Service, the Public Defender Service, the criminal investigation bodies, court officers and officials, citizens who take part in the administration of justice in accordance with the law and lawyers authorized to practise. Article 254 of the Constitution provides that the judiciary shall be independent and that the Supreme Court shall enjoy functional, financial and administrative autonomy.

93. Admission to a judicial career and the promotion of judges are determined by public competitive examination to ensure the suitability and excellence of candidates, who are selected by panels from circuit courts in the form and under the conditions laid down by law. The appointment and swearing-in of judges is the responsibility of the Supreme Court. The law guarantees the participation of the public in the selection and appointment of judges. Judges may be removed or suspended from their posts only under procedures specifically provided for by law. The law encourages the professionalization of judges and universities cooperate in this regard by organizing the relevant judicial specialization in university law studies.

### Supreme Court

94. The work of the Supreme Court is carried out by its Plenary Division and by the Constitutional, Political and Administrative and Electoral Divisions and the Civil, Criminal and Social Appeals Divisions, the personnel and jurisdiction of which are specified in its organization act. The Social Appeals Division deals with appeals on agricultural, labour and juvenile matters.

95. The functions of the Supreme Court include the following: to exercise constitutional jurisdiction; to declare whether or not there is a case for the prosecution of the President of the Republic and, if so, to continue hearing the case, with the authorization of the National Assembly, until the final sentence is handed down; to settle adjudication disputes that may arise between the Republic, a federal state, a municipality or another public body when the other party is one of those entities, except in the case of disputes between municipalities in the same state, in which case the law may assign the case to another court; to declare regulations or other general or individual administrative acts by the National Executive totally or partially null and void, where appropriate; and to perform other functions assigned to it by law.<sup>19</sup>

---

<sup>18</sup> Constitution of the Bolivarian Republic of Venezuela, art. 253.

<sup>19</sup> Constitution of the Bolivarian Republic of Venezuela, art. 266.

## **F. Civil branch**

96. The civil branch exercises its authority through the Republican Moral Council, which is composed of the Ombudsman, the Attorney-General and the Comptroller-General of the Republic. In accordance with the Constitution and the law, civil branch bodies are responsible for the prevention, investigation and punishment of acts contrary to public ethics and administrative morals, for ensuring good management and legality in the use of public assets, for compliance with and the implementation of the principle of legality in all State administrative activity and for the promotion of education as the creative force behind citizenship, solidarity, freedom, democracy, social responsibility and employment.<sup>20</sup>

### **1. Office of the Ombudsman**

97. The Office of the Ombudsman, which is the national human rights institution of the Bolivarian Republic of Venezuela, is the product of an unprecedented constitutional procedure that took place on 15 December 1999, namely the adoption of a new, innovative basic text recognizing and guaranteeing human rights in a way that transcended the classic trilogy of executive, legislative and judicial public authority by introducing two new concepts, civil power and electoral power.

98. The Office of the Ombudsman is responsible for the promotion, defence and monitoring of the rights and guarantees provided for in the Constitution and international human rights treaties and the legitimate, collective and broad interests of citizens. The Office functions in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights,<sup>21</sup> which gives it the institutional legitimacy to defend human rights at the international level, in coordination with the relevant international mechanisms and bodies. Against that background, the Office of the Ombudsman follows up recommendations by international human rights bodies.

99. The Ombudsman, who is appointed for a single seven-year term, is in charge of and responsible for the Ombudsman's Office. Among the Ombudsman's functions are to ensure full respect for and guarantees of the human rights provided for in the Constitution and the international human rights treaties, conventions and agreements ratified by the Republic; to investigate, officially or at the request of another party, complaints brought to his or her attention; to ensure the proper functioning of public services by supporting and protecting the rights and legitimate, collective and broad interests of individuals; to bring actions of unconstitutionality, amparo, habeas corpus, habeas data and other actions or remedies required for the exercise of his or her functions; to urge the Attorney-General of the Republic to bring such actions or remedies as may be necessary in respect of public officials responsible for any violation or impairment of human rights; to request the competent body to apply the appropriate corrective measures and penalties for violations of the rights of the consumer and user public,

<sup>20</sup> Constitution of the Bolivarian Republic of Venezuela, art. 274.

<sup>21</sup> Commission on Human Rights resolution 1992/54 of 3 May 1992. Accredited to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

in accordance with the law; and to promote and implement policies for the dissemination and effective protection of human rights,<sup>22</sup> among others.

## **2. Public Prosecution Service**

100. The Public Prosecution Service is under the direction and responsibility of the Attorney-General of the Republic, who performs his or her duties with the direct assistance of such officials as the law may determine. The Attorney-General of the Republic must meet the same eligibility requirements as Supreme Court judges. The Attorney-General of the Republic is appointed for a seven-year term.<sup>23</sup>

101. The functions of the Public Prosecution Service are to guarantee, in legal proceedings, respect for constitutional rights and safeguards and for the international treaties, conventions and agreements signed by the Republic; guarantee the prompt and smooth functioning of the administration of justice, pretrial proceedings and due process; order and conduct criminal investigations of punishable acts in order to record any circumstances of their commission that may affect the classification and responsibility of the offenders and other participants and secure any material evidence relating to the commission of such acts; bring criminal actions on behalf of the State in cases in which the request of a party is not required, with such exceptions as may be provided for by law; and perform other functions enshrined in the Constitution or the law.<sup>24</sup>

## **3. Office of the Comptroller-General of the Republic**

102. The Office of the Comptroller-General of the Republic is the body that monitors, supervises and inspects income, expenditure, public and national assets and related operations. It enjoys functional, administrative and organizational autonomy and conducts its activities on the basis of inspections of the bodies and entities under its control. The Office is under the direction and responsibility of the Comptroller-General of the Republic, who must be of Venezuelan nationality and over 30 years of age and have experience and proven ability for the post. The Comptroller-General of the Republic is appointed for a seven-year term.<sup>25</sup>

103. The Office of the Comptroller-General of the Republic includes the following functions: monitoring, supervising and inspecting income, expenditure and public assets and related operations, without prejudice to the powers that may be assigned to other bodies in the case of states and municipalities, in accordance with the law; monitoring the public debt, without prejudice to the powers that may be assigned to other bodies in the case of states and municipalities, in accordance with the law; inspecting bodies, entities and legal persons in the public sector subject to its control; urging the Attorney-General of the Republic to bring lawsuits as necessary in connection with breaches and offences against public assets of which he or she may be informed in the performance of his or her duties.<sup>26</sup>

---

<sup>22</sup> Constitution of the Bolivarian Republic of Venezuela, art. 281.

<sup>23</sup> Constitution of the Bolivarian Republic of Venezuela, art. 284.

<sup>24</sup> Constitution of the Bolivarian Republic of Venezuela, art. 285.

<sup>25</sup> Constitution of the Bolivarian Republic of Venezuela, arts. 287 and 288.

<sup>26</sup> Constitution of the Bolivarian Republic of Venezuela, art. 289.

## **G. Electoral branch**

104. The authority of the electoral branch is exercised by the National Electoral Council, the functions of which include formulating rules to give effect to electoral laws, resolving any doubts to which they may give rise and making good any shortcomings that they may contain; drawing up its budget, which it negotiates directly with the National Assembly and administers independently; issuing binding guidelines on political and electoral finance and publicity and applying penalties in the event of non-compliance; declaring elections totally or partially invalid; organizing, administering, managing and monitoring all acts relating to the election of representatives of the people to public posts or referendums; organizing the elections of trade unions, professional associations and political organizations as provided for by law; and performing other functions provided for by law.

105. The bodies of the electoral branch guarantee the equality, reliability, impartiality, transparency and efficiency of elections, the entitlement to vote and proportional representation.<sup>27</sup>

106. A number of indicators of the political system and the administration of justice may be found in the annexes to this report.

## **H. Legislative framework**

107. The collective, diverse, consultative and representative nature of the legislative branch gives it the basic responsibility to reflect the aspirations of ethnic majorities and minorities and provides an area of tolerance for negotiation and reconciliation of interests. It gives a legitimate voice to the forces of opposition to correct and improve the policies of the executive branch.

108. The legislative branch has stood shoulder to shoulder with democracy at various stages of its mission to be the voice of the people. Since 2000, the deputies of the National Assembly have had the difficult but honourable task of redeeming their position in the Republic and our history, making it more accessible to the public and organized communities.

109. In that connection, the annex to this report lists and describes the various legislative instruments adopted during the period 2005-2010 within the all-important framework of the 1999 Constitution, which established the pre-eminence of human rights, and the agreements approved and ratified by the Republic in that regard.

## **IV. General framework for the protection and promotion of human rights**

### **A. Acceptance of international human rights norms**

110. The Constitution attaches particular importance to the international human rights treaties. Provided that such covenants and conventions have been ratified by

<sup>27</sup> Constitution of the Bolivarian Republic of Venezuela, art. 293.

Venezuela, article 23 of the Constitution gives them constitutional status and stipulates that they take precedence in domestic law, insofar as they contain provisions on the enjoyment and exercise of such rights that are more favourable than those established by the Constitution and the laws of the Republic. Furthermore, as a matter of policy, they may be immediately and directly applied by the courts and other public bodies.

#### **1. Main international conventions and protocols on human rights that have been ratified**

111. The following should be noted:

- International Convention on the Elimination of All Forms of Racial Discrimination. Place and date of adoption: New York, 7 March 1966. Date of signature: 21 April 1967. Date of ratification: 10 October 1967
- International Covenant on Economic, Social and Cultural Rights. Place and date of adoption: New York, 16 December 1966. Date of signature: 24 June 1969. Date of ratification: 10 May 1978
- International Covenant on Civil and Political Rights. Place and date of adoption: New York, 16 December 1966. Date of signature: 24 June 1969. Date of ratification: 10 May 1978
- Convention on the Elimination of All Forms of Discrimination against Women. Place and date of adoption: New York, 18 December 1979. Date of signature: 17 July 1980. Date of ratification: 2 May 1983
- Convention on the Rights of the Child. Place and date of adoption: New York, 20 November 1989. Date of signature: 26 January 1990. Date of ratification: 13 September 1990
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Place and date of adoption: New York, 10 December 1984. Date of signature: 5 February 1985. Date of ratification: 29 July 1991
- First Optional Protocol to the International Covenant on Civil and Political Rights, which establishes an individual complaints mechanism. Place and date of adoption: New York, 16 December 1966. Date of signature: 15 November 1976. Date of ratification: 10 May 1978
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to abolish the death penalty. Place and date of adoption: New York, 15 December 1989. Date of signature: 7 June 1990. Date of ratification: 22 February 1993
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women concerning individual complaints and inquiry procedures. Place and date of adoption: New York, 6 October 1999. Date of signature: 17 March 2000. Date of ratification: 13 May 2002
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Place and date of adoption: New York, 25 May 2000. Date of signature: 7 September 2000. Date of ratification: 23 September 2003

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Place and date of adoption: New York, 25 May 2000. Date of signature: 7 September 2000. Date of ratification: 8 May 2002

## 2. Other human rights conventions and related United Nations conventions

112. The State has signed:

- Convention on the Prevention and Punishment of the Crime of Genocide. Place and date of adoption: New York, 9 December 1948. Date of accession: 12 July 1960
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Place and date of adoption: Lake Success, New York, 21 March 1950. Date of accession: 18 December 1968
- Protocol relating to the Status of Refugees. Place and date of adoption: New York, 31 January 1967. Date of accession: 19 September 1986
- Rome Statute of the International Criminal Court. Place and date of adoption: Rome, July 1998. Date of signature: 14 October 1998. Date of ratification: 7 June 2000
- United Nations Convention against Transnational Organized Crime. Place and date of adoption: New York, 15 November 2000. Date of signature: 14 December 2000. Date of ratification: 13 May 2002
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. Place and date of adoption: 15 November 2000. Date of signature: 14 December 2000. Date of ratification: 19 April 2005
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Place and date of adoption: New York, 15 November 2000. Date of signature: 14 December 2000. Date of ratification: 13 May 2002

## 3. International Labour Organization conventions ratified by the Bolivarian Republic of Venezuela<sup>28</sup>

113. Venezuela has ratified 54 International Labour Organization (ILO) conventions and 50 are in force. Venezuela has ratified all eight of the conventions considered fundamental by the ILO. We have ratified three of the four conventions considered priority instruments by the ILO:

(a) Fundamental conventions:

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargain Convention, 1949 (No. 98)

<sup>28</sup> See the listed summary of ILO conventions ratified by the Bolivarian Republic of Venezuela.

- Forced Labour Convention, 1930 (No. 29)
  - Abolition of Forced Labour Convention, 1957 (No. 105)
  - Minimum Age Convention, 1973 (No. 138)
  - Worst Forms of Child Labour Convention, 1999 (No. 182)
  - Equal Remuneration Convention, 1951 (No. 100)
  - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- (b) Priority conventions:
- Labour Inspection Convention, 1947 (No. 81)
  - Labour Inspection (Agriculture) Convention, 1969 (No. 129) (Venezuela has not ratified this Convention)
  - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
  - Employment Policy Convention, 1964 (No. 122)

**4. Conventions of the United Nations Educational, Scientific and Cultural Organization**

114. The State has signed the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Place and date of adoption: Paris, 14 December 1960. Date of ratification: 16 December 1968.

**5. Conventions of the Hague Conference on Private International Law**

115. The State has signed:
- Convention on the Civil Aspects of International Child Abduction. Place and date of adoption: The Hague, 25 October 1980. Date of signature: 16 October 1996. Date of ratification: 16 October 1996
  - Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Place and date of adoption: The Hague, 29 May 1993. Date of signature: 10 January 1997. Date of ratification: 10 January 1997

**6. Geneva Conventions and other treaties of international humanitarian law**

116. The State has signed:
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention). Place and date of adoption: Geneva, 12 August 1949. Date of ratification: 13 February 1956
  - Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention). Place and date of adoption: Geneva, 12 August 1949. Date of ratification: 13 February 1956

- Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention). Place and date of adoption: Geneva, 12 August 1949. Date of ratification: 13 February 1956
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). Place and date of adoption: Geneva, 12 August 1949. Date of ratification: 13 February 1956
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). Place and date of adoption: Geneva, 10 June 1977. Date of ratification: 6 July 1998
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Place and date of adoption: Geneva, 10 June 1977. Date of ratification: 6 July 1998
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention). Place and date of adoption: Oslo, 18 September 1997. Date of ratification: 14 April 1999

## **B. Legal framework for the protection of human rights**

117. In the drafting of the 1999 Constitution, the full protection of human rights was considered a fundamental issue. The Constitution stipulates that every person, in accordance with the principle of progressiveness and without any discrimination, is guaranteed the irrevocable, indivisible and interdependent enjoyment and exercise of human rights. Public bodies are required to respect and guarantee these rights in accordance with the Constitution, the human rights treaties signed and ratified by the Republic and the laws giving effect to them.<sup>29</sup>

118. The Constitution states that the highest values underpinning the legal system of the State and of its actions are life, freedom, justice, equality, solidarity, democracy, individual and social responsibility, the pre-eminence of human rights, public ethics and political pluralism.

119. Title III of the Constitution provides for the rights established for the construction of the new model of the nation, based on respect for human rights. Thus, chapter I of the General Provisions sets out the following points.

120. Article 19 guarantees respect for human rights in accordance with the principle of progressiveness and without discrimination, which is mandatory for public bodies, in line with the Constitution and the human rights treaties signed and ratified by the Republic.<sup>30</sup>

121. Access to justice, effective court protection and the obligation of timely sentencing are mechanisms intended to guarantee the true exercise of rights. The State guarantee of a truly independent judicial system that is free, accessible and

<sup>29</sup> Constitution of the Bolivarian Republic of Venezuela, art. 19.

<sup>30</sup> See more detail on this principle at the end of this section.

prompt, without undue formalities or unnecessary reconsideration of cases, was thus established (art. 26).

122. Article 28 includes the innovative habeas data provision: the right to obtain information about the data held by the State on individuals and their property, and the right to demand correction or deletion thereof, where such data are erroneous or damaging.

123. Within the framework of the protection of human rights, the Venezuelan State has an obligation to punish crimes against humanity and war crimes, which are not time-barred and cannot be subject to pardon or amnesty. Likewise, the Constitution enshrines the responsibility of the State to compensate victims of human rights violations (arts. 29 and 30).

124. The Constitution enshrines the right to present petitions to international human rights organizations, on the basis of the presumption of innocence and the extension of judicial guarantees to all types of proceedings.

125. The right to life, as well as the rights to integrity of the person, due process and personal freedom are confirmed and expanded; with regard to the latter, deprivation of freedom is within the exclusive jurisdiction of the courts. Other rights, such as the right to asylum, the right to conscientious objection and the absolute prohibition of slavery, torture and enforced disappearance, are also included.

126. The Constitution for the first time includes the topic of public safety, the right to information and the right to freedom of expression.

127. Equal rights for men and women in all areas of life — family, work, politics, society, community and economic participation, among others — are established. The Constitution treats women as full members of society, and gender-neutral wording is used throughout the text, from the preamble through to the final provisions.

128. The Constitution recognizes children, adolescents, women, young people, the elderly, people with disabilities and indigenous peoples as subjects of law and justice. They are fully protected and their status as human beings is respected.

129. At the same time, it enshrines social, cultural, educational and economic rights, the right to develop an ethnic or cultural identity and the rights of indigenous peoples to receive comprehensive health care and to determine their own economic practices.

130. Environmental rights are recognized: the State is responsible for protecting the environment, biodiversity, genetic resources and ecological processes and guaranteeing that the people can live their lives in an environment free of pollution.

131. Mechanisms ensuring the political, economic and social participation of the population, including the rights of people with disabilities and of indigenous peoples, are being strengthened through legislation and many other benefits are being introduced.

132. The State guarantees a prison system that ensures the rehabilitation of prisoners and respects their human rights. For that reason, prisons are equipped with work, study, sports and recreation areas; they are run by professional prison staff

with university qualifications; they are governed by a decentralized administration that is answerable to state or municipal governments and may be privatized. In general, preference is given to an open regime and to a system of prison farms. Non-custodial sentences are in any case applied in preference to terms of imprisonment. The State establishes post-prison assistance institutions to enable former prisoners to reintegrate into society and encourages the establishment of autonomous prisons with an exclusively technical staff.<sup>31</sup>

133. Public bodies are of vital importance for the Venezuelan legal system as the country aims to rebuild the legitimacy of the State and its institutions, regain public confidence and improve administrative efficiency. First and foremost, the vertical distribution of public bodies has been established: in order of proximity to the citizen, these are municipal authorities, state authorities and national authorities. Horizontally, as well as the executive branch, the legislative branch and the judiciary, the Constitution introduces two new branches of Government, known as the electoral and civil branches. This innovation is borne of a social and political context where a clear signal must be sent that the functional independence and autonomy required by bodies responsible for discharging public functions are respected.

134. One element of the system for protecting human rights in Venezuela is the Ombudsman's Office, which has been created as a body within the civil branch. It is responsible for the promotion, defence and monitoring of the rights and guarantees established in the Constitution and in international human rights instruments, as well as for defending the collective or implicit interests of citizens. Within the Ombudsman's Office, there are advocacy services to help sectors of the population including women, children and adolescents, indigenous peoples and people with disabilities deal with such issues as public services, health care and prisons.

135. The Ombudsman's Office acts under the direction and responsibility of the Ombudsman, in accordance with article 280 of the Constitution and the provisions of article 3 of the Ombudsman's Office Organization Act. Chief responsibility for the actions of the institution lies with the Ombudsman.<sup>32</sup>

136. As a constituent body of the civil branch, the Ombudsman's Office is independent of the other branches of the State and enjoys organizational, functional and administrative autonomy. It is thus free to exercise its constitutional and legal powers at its own discretion. This means that it cannot be coerced, impeded or prevented from performing the duties required of it, as it is not subject to any binding terms of reference or to instructions from any authority.

137. In its activities, it adheres to the norms for cooperation required of public bodies. In this regard, article 69 of the Ombudsman's Office Organization Act provides as follows: "Article 69. Cooperation between authorities. In the exercise of its functions, the Ombudsman's Office shall act in cooperation with other public authorities, in accordance with the following procedures, among others: 1. Where a matter is under consideration by another authority, the Ombudsman's Office shall have access to the relevant information and documents and may contribute the results of its investigation; 2. Where the Ombudsman's Office requires other

---

<sup>31</sup> Constitution of the Bolivarian Republic of Venezuela, art. 272.

<sup>32</sup> *Official Journal* No. 37,995, 5 August 2004.

authorities to take over certain activities within its jurisdiction, those authorities shall keep it informed of proceedings regarding the matter in question and, failing this, the Ombudsman's Office shall be able to request the relevant information; 3. Where the Ombudsman's Office undertakes proceedings related to the administration of justice, it shall notify the Supreme Court of Justice; it may also initiate proceedings before the competent courts responsible for discipline within the judiciary."

138. The Ombudsman's Office is authorized to approach bodies and employees of the State and request information that it considers relevant to the performance of its activities as a defender. It may ask these parties to cooperate as required, since their failure to respond could lead to disciplinary action for disobedience. "Article 67, Ombudsman's Office Organization Act: Provision of information. For the purposes of the provisions of article 4 of the present Act, all organizations and persons referred to in article 7, and their representatives, shall have an obligation to allow preferential and prompt access to the information and documentation contained in reports, records or documents of any kind that may be required by the Ombudsman's Office. They must also ensure the prompt and preferential provision of any copies thereof that may be requested and may not express any objections."

#### **1. Non-discrimination and equality**

139. The right to equality and non-discrimination is a human right that is recognized in article 21 of the Constitution, which states that all persons are equal before the law. The article places an obligation upon the State to fulfil, respect and guarantee the rights recognized by the legal system, regardless of race, colour, sex, language, religion, political opinion, ethnic or social origin, economic status, birth or any other social attribute of persons within its jurisdiction. It should be noted that legislative initiatives and the revision of draft legislation are the most effective mechanisms for the protection of this right, since they make it possible to identify potential violations of this right and prevent formal legal discrimination.

140. The Venezuelan legal system views the right to equality and non-discrimination both as a self-contained right and as a guide to the interpretation of all the human rights recognized under the Constitution and under international human rights instruments ratified by the Republic. It is a common thread running through the whole legal system. Furthermore, the rules governing the adoption of policies for promoting this right are constitutional and legal in nature. Therefore, while not explicitly mentioning the right, they imply that the adoption of such policies is mandatory, while others directly stipulate the duty of the State to promote human rights.

141. All legislation must fundamentally discourage the development of any form of discrimination; the Education Organization Act, the Equal Opportunities for Women Act and the Protection of Children and Adolescents Organization Act all explicitly recognize the right to equality. A ruling of the Constitutional Division of the Supreme Court of 17 October 2000 states that the right to equality is understood "as the duty of public bodies to treat those in analogous or similar situations equally. That is to say, this right presumes that all citizens have the right on principle to be treated in an egalitarian manner by the law and that discrimination is, as such, prohibited." At the same time, the ruling sets out instances where an individual or group may be treated unequally, provided that one or more of the following

conditions is met: that the unequal treatment has a specific objective, that the individuals in question are in different situations, that the objective sought is reasonable and that any difference in treatment is proportionate. The ruling states that in such cases, the unequal treatment, being a legal consequence, should be commensurate with the circumstances and with the purpose that justifies it. Where the aforementioned conditions are met, unequal treatment is permitted and, therefore, constitutionally lawful.<sup>33</sup>

## **2. Institutions having jurisdiction on human rights**

### **(a) Institutions of the executive branch**

142. Recognizing the need for the establishment, existence and activities of national institutions for promoting and protecting human rights, the Bolivarian Republic of Venezuela has actively promoted the emergence and strengthening of institutions of various kinds, having a variety of origins, purposes and scope. These include:

#### *Human Rights Department of the Ministry of People's Power for Internal Affairs and Justice*

143. During 2000, 2001 and the start of 2002, a human rights department operated under the auspices of the Office of the Deputy Minister for Public Safety within the Ministry for Internal Affairs and Justice. The department aimed to promote programmes to raise awareness of human rights, particularly in penal establishments. It was closed during the restructuring and reorganization of the Ministry as a result of various changes to the legislation regulating the issue. However, during ministerial restructuring in 2003, the department was reopened. It now operates as a mechanism for receiving complaints under the auspices of the Office of the Deputy Minister for Legal Security. Its main function is to promote and monitor respect for human rights and the implementation of measures to guarantee individual rights. It also coordinates measures and activities with national and international organizations in order to ensure the effective implementation of programmes and policies for the protection of human rights. All of its activities take place in accordance with the Constitution and international conventions.

#### *State Representative for Human Rights of the Ministry of People's Power for Foreign Affairs to the Inter-American System and the International Community*

144. The Office of the State Representative for Human Rights represents the State within the inter-American system and the international community on human rights issues. It also participates in the formulation and implementation of human rights policies; coordinates and develops the reports that the Venezuelan State is required to submit to United Nations committees in accordance with the obligations that it has assumed; defends such reports before the various United Nations committees; manages inter-agency cooperation between public bodies for the purpose of defending the State in human rights matters; plans strategy and defends the State against accusations of alleged human rights violations before the inter-American system and the international community; and cooperates in the development and implementation of the National Human Rights Plan. It also deals with requests for information from international organizations and complaints before international

<sup>33</sup> Supreme Court. Constitutional Division Decision 1197, Case No. 00-1408.

forums of alleged human rights violations, in coordination with the Department of Multilateral Affairs and Integration of the Ministry of People's Power for Foreign Relations. The Office also maintains contact with national and foreign human rights non-governmental organizations (NGOs) and publicizes at the national level the international commitments assumed by the Republic.

*Department of Human Rights and International Law of the Ministry of People's Power for Defence*

145. This Department was established by Decision No. DG-98818 of 17 October 1997 of the Ministry of Defence (now the Ministry of People's Power for Defence) by order of the President of the Republic. It has its basis in articles 133 to 136 of the National Bolivarian Armed Forces Organization Act, in accordance with the guiding principles of the Constitution. The Department is attached to the Office of the Inspector-General of the National Bolivarian Armed Forces in accordance with Decision No. DG-002936 of 8 August 2007. The Department's remit is to manage, coordinate and implement activities related to human rights and international humanitarian law that are planned, decided or ordered by the Inspector-General of the National Bolivarian Armed Forces. This takes place in accordance with current legislation, in order to promote, facilitate, protect and guarantee those rights within the military and the defence sector and to provide technical assistance to such military and civilian personnel as may require it. It also acts as a body for receiving individual complaints.

**(b) Institutions of the judicial branch**

*Supreme Court*

146. The Supreme Court rules on cases of amparo and has the power to declare legislation and other administrative acts unconstitutional. Paragraphs 1, 5, 6 and 8 of article 266 of the Constitution establish the following responsibilities of the Supreme Court: to exercise constitutional jurisdiction in accordance with title VIII of the Constitution; to declare regulations and other general or individual administrative acts by the National Executive totally or partially null and void, where appropriate; to hear motions on the interpretation of the content and scope of legal texts, as provided for by law; and to hear appeals.

**(c) Institutions of the civil branch**

147. The main responsibilities of the civil branch include preventing, investigating and punishing offences that contravene public ethics and administrative morals; ensuring the proper management and legitimate use of public assets; monitoring compliance with and the application of the principle of legality in all administrative activities of the State; and promoting education as the creative force behind citizenship, solidarity, freedom, democracy, social responsibility and employment. The authority of the civil branch is exercised by the Republican Moral Council, which is composed of the Ombudsman, the Attorney-General and the Comptroller-General of the Republic.

*Ombudsman's Office*

148. The Ombudsman's Office is responsible for promoting, defending and monitoring the rights and guarantees established in the Constitution and international human rights treaties and the legitimate, collective and broad interests of citizens. The Office is regulated under articles 280, 281, 282 and 283 of the Constitution and its key responsibilities are to:

- Ensure full respect for and guarantees of the human rights provided for in the Constitution and the international human rights treaties, conventions and agreements ratified by the Republic and to investigate, at its own initiative or at the request of a party, complaints brought to its attention
- Ensure the proper functioning of public services by supporting and protecting the rights and legitimate, collective and broad interests of individuals against arbitrary acts, abuses of power and errors committed in providing such services, taking legal action, where necessary, to obtain compensation from the State for any loss or injury caused by the operation of the services in question
- Bring actions of unconstitutionality, amparo, habeas corpus, habeas data and other actions or remedies required for the exercise of its functions
- Urge the Attorney-General of the Republic to bring such actions or remedies as may be necessary in respect of public officials responsible for any violation or impairment of human rights
- Request the Republican Moral Council to adopt such measures as may be necessary in respect of public officials responsible for any violation or impairment of human rights
- Request the competent body to apply the appropriate corrective measures and penalties for violations of the rights of the consumer and user public, in accordance with the law
- Submit bills and other initiatives to municipal, state and national legislative bodies for the progressive protection of human rights
- Ensure that the rights of indigenous peoples are respected and take the measures necessary to guarantee their effective protection
- Visit and inspect offices and establishments belonging to State bodies in order to prevent violations and protect human rights
- Make recommendations and observations to the relevant bodies for the fuller protection of human rights, for which purpose it will establish permanent machinery for communication with national and international public and private human rights bodies
- Promote and implement policies for the publicization and effective protection of human rights

*Public Prosecution Service*

149. The functions of the Public Prosecution Service include guaranteeing, during legal proceedings, respect for constitutional rights and safeguards and for the international treaties, conventions and agreements signed by the Republic; and

bringing such actions as may be appropriate to implement such civil, labour, military, criminal, administrative or disciplinary responsibility as may be incurred by public officials in the performance of their duties.

150. The general objective of the Department for the Protection of Fundamental Rights attached to the Public Prosecution Service is to act in the defence and protection of the guarantees and fundamental rights enshrined in national and international legislation aimed at defending such rights. The Department should do so by coordinating, supporting, monitoring and overseeing the activities of specially assigned prosecutors.

151. The Department achieves its stated objective primarily by taking action in the following areas. First, criminal proceedings are initiated against civil servants. This involves receiving, analysing and processing complaints of human rights violations that constitute publicly actionable offences committed by public servants. Secondly, as regards the international protection of fundamental rights, the Department receives complaints of human rights violations made by international organizations, where such complaints pertain to publicly actionable offences committed by public servants. It also enforces criminal penalties; this entails guaranteeing respect for the provisions of national prison legislation and the relevant international treaties in such a way as to comply with the requirements for a progressive regime by applying alternative penalties and protective measures to individuals serving fixed-term sentences. Lastly, the Department is responsible for copyright issues and deals with complaints pertaining to violations of the freedoms protected by the right to invest in, produce and disseminate creative, scientific, technological and humanistic works.

#### *Office of the Comptroller-General of the Republic*

152. Article 289, paragraphs 3 and 4, of the Constitution establishes the following functions of the Office of the Comptroller-General of the Republic: inspecting bodies, entities and legal persons in the public sector subject to its control; conducting inspections, arranging for investigations into irregularities in respect of public assets and ordering measures, formulating objections and imposing administrative penalties as necessary, in accordance with the law; and urging the Attorney-General of the Republic to bring lawsuits as necessary as a result of breaches and offences against public assets of which he or she may be informed in the performance of his or her duties.

### **3. Other institutions created for the protection of children, adolescents, women and persons with disabilities**

153. Title III, chapter V, article 78 of the Constitution provides for the creation of a National System for the Comprehensive Protection of Children and Adolescents. This provision is then enacted through article 117 of the Protection of Children and Adolescents Organization Act, which defines the system as follows: “The National System for the Comprehensive Protection of Children and Adolescents comprises all the bodies, entities and services that draw up, coordinate, integrate, direct, supervise, evaluate and monitor policies, programmes and initiatives in the public interest at the national, state and municipal level. These policies, programmes and initiatives aim to protect and provide health care for all children and adolescents. They also establish the means to ensure that children and adolescents may

effectively enjoy their rights and guarantees and provide for the fulfilment of the duties established in the Act.”

154. The System operates through a coordinated set of intersectoral public service initiatives carried out by bodies and entities of the State and by civil society. In accordance with article 119 of the Protection of Children and Adolescents Organization Act, the National System for the Comprehensive Protection of Children and Adolescents is made up of:

- (a) The Ministry of People’s Power for the comprehensive protection of children and adolescents;
- (b) Councils for Children’s and Adolescents’ Rights and Children’s and Adolescents’ Rights Protection Councils;
- (c) Courts for the Protection of Children and Adolescents and the Social Court of Cassation of the Supreme Court;
- (d) The Public Prosecution Service;
- (e) The Ombudsman’s Office;
- (f) The Public Defender’s Office;
- (g) Health-care entities;
- (h) Offices of the Children’s and Adolescents’ Ombudsman;
- (i) Commune Councils and other forms of grass-roots organization.

155. The rights of women and the introduction of a cross-cutting gender approach within the political and institutional structure have been guaranteed during the past 12 years of revolution. This has taken place through the application of an advanced legal framework, including the enactment of the Women’s Right to a Life Free from Violence Organization Act in 2007, which has allowed for the implementation of guarantees for women in the judicial and legal contexts in conditions of equality, parity, non-discrimination, sisterhood, gender mainstreaming, solidarity, inclusion, material (practical) justice, participation in public life, shared responsibility in the community, equality in difference, equity, love of country, recognition of knowledge and recovery of the collective memory. All this has made possible the empowerment of women and their increased participation in the various spheres of our society.

156. One demonstration of the commitment of the Venezuelan State to the attainment of gender equality was the foundation in 2008 of the Ministry of State for Women’s Affairs (subsequently known as the Ministry of People’s Power for Women and Gender Equality). Its objective is the real, effective implementation of policies, programmes, plans and projects for awareness-raising through effective gender mainstreaming in public administration and a talent base is being built up to that end.

157. National programmes have been launched to defend and realize women’s rights and gender equality in all areas of life, whether political, economic or social. This has been seen, since 2000, in the strengthening of the National Institute for Women and the establishment of offices providing assistance for women and the Argelia Laya and Elisa Jiménez women’s shelters. The State also attaches importance to the empowerment of women, making sure that they are aware of their

rights and duties as regards democracy, leadership and participation. This was embodied by the creation, in 2001, of the Eumelia Hernández Citizenship Training Centre, and the Ana María Campos Gender Equality Socialist Training Centre, as well as the foundation of the National Office for the Defence of Women's Rights, the regional branches of the National Institute for Women (2001), and the Women's Ombudsman (2004).

158. The 1999 Constitution of the Bolivarian Republic of Venezuela recognizes the rights of people with disabilities. Article 81 states: "All persons with disabilities or special needs shall be entitled to the full and autonomous exercise of their capacities and to integration within their family and the community. The State, with the mutually supportive participation of families and society, shall ensure respect for their human dignity, equal opportunities and satisfactory working conditions and shall promote their education, training and access to employment as appropriate to their condition, in accordance with the law. The right of the deaf and speech-impaired to express themselves and communicate through Venezuelan sign language is recognized." The National Assembly passed the Persons with Disabilities Act on 15 November 2006.

159. The National Council for Persons with Disabilities is a body attached to the Ministry of People's Power for Communes and Social Protection. Its function is to implement the guidelines, public policies, plans and strategies designed by its governing board in respect of persons with disabilities. The National Council on Integration of Persons with Disabilities was created by decree law on 3 September 1993, following the enactment of the Integration of Disabled Persons Act.

### **C. Framework within which human rights are promoted**

160. The promotion of human rights is a challenge assumed by public bodies in all the branches of people's power. Therefore, in recent years, the ministries and the various agencies have implemented initiatives focusing on the defence and promotion of human rights. The following paragraphs describe the main activities being carried out by public bodies, and by the Ombudsman's Office in particular.

161. The Ombudsman's Office of the Bolivarian Republic of Venezuela has a constitutional mandate to promote human rights.<sup>34</sup> One of the major tasks undertaken by the Office in our country is, therefore, human rights-related training, outreach and promotion among civil servants, national institutions, organized communities and citizens concerned with the topic.

162. Since its foundation, the Office has developed policies to raise awareness among the Venezuelan people of the content of the Constitution, institutional powers and fundamental rights. Its basic strategy is to improve the ability of citizens themselves to defend their human rights through an understanding of the laws that uphold and protect those rights. It also aims to bolster the social and political involvement of the most excluded groups in our society.

---

<sup>34</sup> *Translator's note:* the text of the note is missing in the original Spanish.

163. In recent years, the Ombudsman's Office and other public administration bodies have been developing and implementing a series of programmes and activities aimed at promotion, outreach and training, taking into consideration the needs and particular features of each region, the interests of the population and the recommendations of the United Nations human rights treaty monitoring bodies.

#### **1. Dissemination of international human rights instruments**

164. The Venezuelan State has ratified a broad range of international human rights instruments at both the international and the inter-American level. The Ombudsman's Office has engaged in promotion and outreach activities to further the cause of human rights by such means as publicizing the standards for the protection of human rights enshrined in the Constitution and in the international agreements, treaties, pacts and conventions ratified by the Republic.

165. The Office is also undertaking a series of initiatives to promote and raise awareness among national public bodies of observations and recommendations made by the human rights treaty bodies of the United Nations.

166. In order to help strengthen a culture of respect for human rights within the country, the Ombudsman's Office has encouraged the various bodies that make up the National Executive and other public bodies to gain a wider understanding of international human rights instruments, particularly the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child, the procedure entailed under the Universal Periodic Review.

167. The Office has also publicized concluding observations regarding the Venezuelan State issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women.

#### **2. Raising awareness of human rights through educational programmes**

168. The Ombudsman's Office has developed and implemented a series of policies aimed at ensuring that the general public are aware of what their human rights are. This highlights the Office's role as an institution for the promotion, defence and monitoring of the rights and fundamental freedoms of human beings.

169. In order to accomplish this task, the Ombudsman's Office has developed various programmes aimed at different sectors of the population and at State bodies, taking into account the human rights provisions contained in the Constitution and the international instruments ratified by the Republic, the needs and particular features of each region, the interests of the population and the rights that are most violated (based on how frequently complaints are submitted). The programmes thus focus on providing information, training, civic education and activities for public institutions.

170. *Information programme.* The information programme was set up to underpin the activities carried out by the other programmes. Its function is to design and develop printed and audiovisual material on the Ombudsman's Office, human rights and related topics. It also allows for contact to be established through all social communication media so that facilities can be arranged to provide access to radio, television and cinema for the promotion and dissemination of human rights.

171. *Mobile cinema club.* The Ombudsman's Office used cinema to launch a new strategy to facilitate large-scale awareness-raising campaigns on human rights and thus encourage citizens to enjoy and exercise their cultural and recreational rights. As part of this strategy, a mobile cinema club was founded to provide opportunities for reflection on the topic of human rights. Films focusing on human rights are shown throughout the country on a regular basis through the cinema club, in cooperation with staff from the Cinema Beneath the Stars programme of the National Cinematographic Foundation, an institution operating under the auspices of the Ministry of People's Power for Culture.

172. *Training programme.* The training programme was set up with the aim of forming voluntary groups from different sectors that could then share their knowledge with others, promoting human rights in the course of their everyday lives. In order to do this, it uses a methodology based on systematic training in human rights, as well as providing tools and strategies for publicizing information.

173. *Civic education programme.* The civic education programme was conceived with the goal of spreading the democratic values of solidarity, tolerance, equality, justice and full respect for human rights. The programme aims to bring the Ombudsman's Office closer to the people by identifying the target groups within communities and carrying out various educational initiatives with these groups.

### **3. Raising awareness of human rights through public information programmes**

174. *Educational and research programmes.* In recognition of the fact that the educational system as a whole should retain at its heart an awareness of the importance of human rights and the need to respect and exercise them, the Ombudsman's Office has, along with other public institutions, launched the following initiatives in accordance with its constitutional and legal mandate to promote human rights.

175. The Ministry of People's Power for Education was urged to incorporate human rights training into the curriculum at every level and in every category of the Venezuelan education system. In response, the Office then received an invitation from the authorities to participate in the reworking and adaptation of the educational programmes. The Ministry also called for proposals for open lectures, elective courses, model extension courses and taught modules to be incorporated into university education.

176. Through Decision No. 447 of 6 November 2001, the Ministry of People's Power for Education set up Education Ombudsman's Offices, whose main function is to promote and defend the rights of children and adolescents within Venezuela. The legal basis for the Offices is established in article IV of the Convention on the Rights of the Child Enabling Act and in article 201 et seq. of the Protection of Children and Adolescents Organization Act. Currently, 525 Education

Ombudsman's Offices are registered nationwide and 120 are in the process of being registered by the legal departments of municipal councils.<sup>35</sup>

177. Furthermore, educational legislation states that in order to obtain a bachelor's degree or vocational technical qualification, students must undertake work that benefits their educational institution or community. In view of this, the Ombudsman's Office suggested to the Ministry of People's Power for Education that human rights promotion and dissemination activities should be considered an option when students select their social projects.

178. At the same time, the Office developed an educational proposal entitled "Human rights in the classroom for a future of solidarity", which was presented to the Ministry at the 17th National and 3rd International Meetings of Educators. Its aim was to raise participants' awareness of the importance of human rights education and to develop a methodological toolkit to enable teachers to teach and practise human rights in the classroom, with outreach into the community.

179. The public information policies being implemented within this programme include initiatives for the use of educational centres and official educational institutions for basic and university education at every level and in every category. Technical advice on human rights topics and associated issues is available on a permanent basis to students at all levels and in every category of the Venezuelan education system.

180. Through a cooperation agreement signed with the Republican Moral Council on 14 February 2006 for the period up to 2010, the Ministry of People's Power for Education launched a civic education project to foster positive moral values. This took the form of a strategy called "the instructional kit", which aimed to promote participative, proactive democracy and civic education on moral values in 15,368 schools, or 59 per cent of the country's 25,845 educational institutions, during the academic year 2008-2009.

181. In 2009, in the context of improvements and challenges related to the rights of children and adolescents, the Ministry of People's Power for Education signed a workplan for 2009-2011 with the United Nations Children's Fund (UNICEF). The plan included a range of activities focusing on the topic of human rights, starting within schools.

182. During 2010, nine regional technical meetings were held to prepare, revise, assess and finalize a document on curriculum-based strategic directions and educational guidelines on values and human rights within the basic education system. The key subject of human rights and the culture of peace was incorporated into Venezuelan curriculum development plans, covering the various levels and categories of basic education, with the goal of ensuring that all children, adolescents and young people received an education in social values such as freedom, solidarity, cooperation, justice, equity, integration and the common good.

183. The Ombudsman's Office urged the heads of various public and private universities to include compulsory courses, open lectures, seminars, and extension activities related to human rights education in the design of their curricula. Success was achieved in university education with the agreement by the Gervasio Rubio

---

<sup>35</sup> *Official Journal* No. 34,541, 29 August 1990.

Rural Teacher Training Institute, located in Táchira State, and the Bolivarian University of Venezuela to hold open lectures on human rights as an optional subject for undergraduate students and to consider the possibility of creating a research and archive centre.

184. Promotion and public information events focusing on higher education institutions have been held at establishments including the Central University of Venezuela, Simón Bolívar University, the Bolivarian University of Venezuela, the Jesús Obrero University Institute, Simón Rodríguez University, the Rodolfo Loero Arismendi Institute of Industrial Technology, Monte Ávila University, the National School of Public Finance, Fermín Toro University College, Santa Rosa University, the Higher Institute of Marketing and the Monsignor Rafael Arias Blanco University Teacher Training Institute in Valencia.

185. It is important to note that the national bodies responsible for higher education in Venezuela, namely the Ministry of People's Power for Education and the National Council of Universities, have approved a specialization in human rights. This represents a major achievement for the Ombudsman's Office and for the country as a whole.

186. Also worthy of note is the Ombudsman's action to sign an agreement for institutional cooperation with the Experimental Polytechnic University of the Armed Forces on educating and training human resources. This is to be implemented through the promotion of educational, training and professional development programmes and activities and through research into legislative and administrative management, communication, human rights, public services, security and civic participation. The Ombudsman's Office also suggested to the educational bodies responsible for police and armed forces training institutions that they should include human rights education in their curricula.

187. A department responsible for the safety of the public and the Bolivarian national armed forces was set up to provide information to staff of the various operational units of the armed forces, in order to raise their awareness and improve systems, plans and mechanisms for the protection of human rights.

188. With regard to public safety bodies, relations were established with the education department of the Autonomous Institute of Transport and Public Security in the town of Libertador and workshops were held for management and administrative personnel of the Caracas police force. Agreements were also established with the Directorate-General and the education department of the Metropolitan Police to implement a programme aimed at the management and administrative police personnel and police officers who make up the operational units of the force, as well as students at the Police Training Academy and the Metropolitan Police University Institute.

189. *The Ombudsman's Office Foundation.* On 17 November 2001, the Ombudsman's Office took the decision to establish a private foundation, named the Ombudsman's Office Foundation, possessing legal personality and its own assets. Its nature, lifespan, objective, assets and administrative department were regulated under its constitutive act, which served as its statute.

190. The Foundation was placed under the auspices and stewardship of the Ombudsman's Office. Its lifespan was set at seven years. Its main goal was to

promote, publicize and implement human rights and also to provide such training and education in the subject as might be requested by members of public bodies, civil society, private institutions and any other body involved with human rights and related issues.

191. The Juan Vives Suriá Foundation is another institution operating under the auspices of the Ombudsman's Office. The Foundation implements education, research and public information strategies based on a critical approach to human rights. It works with individuals, communities, organizations, social movements and State institutions of all kinds in order to contribute, by creating opportunities for people to have memorable experiences, to social transformation based on the values of social justice, equity, equality, freedom, cooperation, solidarity, honesty and shared responsibility.

192. The Juan Vives Suriá Foundation is committed to the self-determination of peoples, gender equity, a healthy environment, social justice and the building up of the capacity of the people to defend human rights proactively and collectively. The Foundation's strategic goal is to promote human rights to individuals and groups, focusing on social and community movements and on civil servants whose roles directly involve human rights. This approach, which is based on critical theory, is realized through public education on the topic of human rights. Further, it seeks to encourage reflection and the development of ideas about human rights from a critical, liberating and emancipating perspective, through research processes that prioritize participative methodologies.

193. The Foundation also contributed through its Building a Community for Human Rights programme, offering training to members of Councils for the Defence of Human Rights assembled in Caracas. With the support of staff from the Office for the Defence of Human Rights for the Caracas metropolitan area, the Foundation organized and held the first day-long basic training session for the Councils. The goal of the session was to provide the participants with a basic understanding of human rights from a critical viewpoint, as well as mechanisms for the defence, monitoring and promotion of those rights, such as complaints, petitions and conflict resolution mechanisms.

194. At the end of 2010, the Ombudsman's Office founded the first School of Human Rights, which aims to enhance academic training and research by professionals of various kinds in the promotion and defence of human rights, based on a critical and progressive approach. The School operates under the auspices of the Juan Vives Suriá Foundation.

195. The curriculum design was developed in collaboration with the Ministry of People's Power for University Education. The first qualifications to be issued will be diplomas in human rights and in human rights defence. A total of 25 law graduates from the Bolivarian University of Venezuela are currently enrolled on the programmes, which last for nine months.

#### **4. Promotion of human rights via the media**

196. The Venezuelan State, through the Ministry of People's Power for Communications and Information, sets out in its Strategic Plan its aim that the Plan "should be the central pillar of Government policy on communications, information and publicity with a view to ensuring that all Venezuelans have access to timely,

true, impartial and uncensored information” by strengthening the public communication platform, consisting of the National System of Public Media of Venezuela, State media and the National System of Public, Alternative and Community Communications, so that the public becomes the prime source of information.

197. It should be pointed out that popular, alternative and community media provide the most legitimate evidence of the exercise of freedom of expression in the defence of human rights.

198. Guided by this State policy, the editorial line of the Venezuelan News Agency (VNA) is to raise awareness of and promote human rights, reflecting the essential values of the Constitution of the Bolivarian Republic of Venezuela, namely the promotion of a participatory and proactive democracy, the building of social justice, the defence of the right to the self-determination of peoples, respect for human rights, freedom of expression, the right to accurate and timely information, the pluralism of ideas and freedom of religion. Also, jointly with other State institutions, the Ministry has published information on the progress and achievements of Government social programmes that aim to promote the greatest possible happiness of the population by guaranteeing the principles of human rights.

#### **5. Joint efforts coordinated by the Ombudsman’s Office and social organizations on the promotion and protection of human rights**

199. The Ombudsman’s Office is headed by a single person. The choice of Ombudsman involves the wide participation of different sectors of society, as well as a favourable vote by the National Assembly. This ensures that the Office is the responsibility of an individual who has been widely accepted and is therefore representative of the majority of social forces.

200. Citizen participation constitutes a fundamental pillar of the Constitution. In addition to this, a number of legal instruments have been developed to promote and implement citizen participation in all areas of national life. In this context, it is the duty of the Ombudsman to promote, defend and monitor human rights, which entails establishing dynamic relations with different social groups, particularly with the most excluded or vulnerable sectors of society.

201. These relations are discussed in the yearbooks of the Ombudsman’s Office and also in its special reports. In this connection, we may note the relations established with such groups as victims of the Caracas riots, people from rural communities and relatives of victims of contract killings, indigenous peoples and communities, workers, associations of women prisoners and their relatives, consumers, disabled persons, persons living with HIV/AIDS, persons with chronic kidney problems, persons with drug abuse issues, persons living in poverty, persons with a different sexual orientation (identity and gender), persons of African descent, committees of users of public services, committees of health service users, public policy planning councils, community councils, excluded communities in the Capital District and the other states of the Republic, children and adolescents, teenage mothers, cultural groups and craft groups, homeless persons, educational communities, the Bolivarian University, the National Open University, the Simón Rodríguez University, the Centre for Women’s Studies of the Central University of Venezuela, educational

institutes, groups of Catholics, Anglicans, Evangelicals, Christians, Jehovah's Witnesses and others.

202. As regards the Ombudsman's Office and NGOs, links are established on the basis of human rights work and are mutually supportive, respectful and independent in nature. Accordingly, any NGO, social collective, individual or group is able to approach the Ombudsman's Office and raise any issues, worries, complaints or requests that they may have.

203. In dealing with cases, problems, training programmes or awareness-raising campaigns, the Ombudsman's Office has thus established links with such NGOs as the Foundation for Human Rights and Social Development (Fundalatín), the Community Learning Centre for Children's and Adolescents' Rights, the Support Network for Justice and Peace, the Women's Movement Group, the Women's Association for Welfare and Mutual Assistance (AMBAR), the Caracas Children's Foundation, Pro-adoption, the Children's Parliament for Children and Adolescents, the Bolívar Indigenous Federation, the Ocibochinche Indigenous Organization, the Indigenous Organization of Community Members of the Immaculate Conception of Píritu, the Regional Organization of Indigenous Peoples, the Warao Women's Network, the Society of Friends of the Blind, the Foundation of Parents and Friends of Deaf-Blind Children (Fundapaz), the Venezuelan Federation for Intellectual Disability (Fevedi), the Deaf Sports Federation, the Federation of Environmentalist Organizations and Associations (FORJA), Solidarity Action, the Council for the Defence of Warao Human Rights with a Vision of the Future, the Community Council of Janokojido, the National University Institute of Prison Studies, youth recreational groups in San Juan, the Improvised Sexual Theatre Group, technical committees on water, the Bolivarian Congress, community councils and the Maritime University, among others.

204. The Ombudsman's Office also works with various sexual movements, networks and collectives, including Divas de Venezuela, Contranatura, Lesbianas y ya (Lesbians Now), the Josefa Camejo Feminist Collective, Las Deseantes (Women Who Desire), Las Tertulias de Diversidad Sexual (Salons of Sexual Diversity), the Venezuelan Diversity Organization, Transvenus, the Lesbian, Gay, Bisexual and Transgender (LGBT) Network, the Alternative Union, the United Socialist Block of Homosexual Liberation, the Nicaraguan Transgender Association, the Lambda Alliance of Venezuela, Friends of the Past, Present and Future, the Revolutionary Sex-Gender Diversity Alliance, the LGBT South East Civil Pride Association, the Venezuela Galician A.C. Feminist Diversity Network, the Carapita Human Rights Defence Council, the Caricuao I Human Rights Defence Council, the New Horizon I Human Rights Defence Council, the La Vega Human Rights Defence Council and the El Rosario Human Rights Defence Council.

**6. Budget trends set out in the draft developed by the Ombudsman's Office, with regard to State fulfilment of human rights obligations**

205. See the table below:

<i>Year</i>	<i>Type</i>	<i>Description</i>	<i>Amount (Bs.)</i>	<i>Currency</i>
2005	Programme	Promotion, defence and monitoring of the rights and guarantees of citizens, enshrined in the constitution and international treaties in the field of human rights	31,804,900,000	Bolívar <sup>36</sup>
2006	Project 1	Promotion, defence and monitoring of human rights and awareness-raising, educational programmes and training in the field of human rights	23,742,300,000	Bolívar
		Centralized activities	400,000,000	Bolívar
	Project 2		8,387,100,000	Bolívar
	NGO			
		TOTAL	32,529,400,000	Bolívar
2007	Project 1	Promotion, defence and monitoring of human rights, contributions, donations and transfers for the financing of projects organized by decentralized agencies of the Republic	27,055,064,717	Bolívar
	Project 2	Centralized activities	506,025,946	Bolívar
	NGO		13,136,309,338	Bolívar
		TOTAL	40,697,400,001	Bolívar
2008	Project 1	Promotion, defence and monitoring of human rights	33,689,188	Bolívar fuerte
	Project 2	Contributions from the Juan Vives Suriá Foundation	690,000	Bolívar fuerte
		Centralized activities		
	NGO		14,298,012	Bolívar fuerte
		TOTAL	48,677,200	Bolívar fuerte

<sup>36</sup> Bolívares: a process of monetary reconversion took place on 1 January 2008. After that date, the country's currency became known as the bolívar fuerte (strong bolívar).

<i>Year</i>	<i>Type</i>	<i>Description</i>	<i>Amount (Bs.)</i>	<i>Currency</i>
2009	Project 1	Promotion, defence and monitoring of human rights, with a special focus on the human rights of women, children and adolescents	48,539,409	Bolívar fuerte
	Project 2	Contributions from the Juan Vives Suriá Foundation	2,648,692	Bolívar fuerte
		Centralized activities	700,000	Bolívar fuerte
	Project 3 NGO		27,110,099	Bolívar fuerte
		TOTAL	78,998,200	Bolívar fuerte
2010	Project 1	Monitoring and defence of human rights, education, training, research and awareness-raising on human rights	40,187,661	Bolívar fuerte
	Project 2	Building a community for the achievement of human rights	5,507,946	Bolívar fuerte
	Project 3	Juan Vives Suriá Foundation	3,309,256	Bolívar fuerte
		Centralized activities	700,000	Bolívar fuerte
	Project 4 NGO		24,515,955	Bolívar fuerte
		TOTAL	74,220,818	Bolívar fuerte
2011	Project 1	Promotion, defence and monitoring of the human rights of individuals and vulnerable groups Education, promotion, research and awareness-raising on human rights	65,501,704	Bolívar fuerte
	Project 2	Contributions from the Juan Vives Suriá Foundation	8,105,312	Bolívar fuerte
	Project 3 NGO	Centralized activities	700,000	Bolívar fuerte
			39,113,634	Bolívar fuerte
		TOTAL	113,420,650	Bolívar fuerte

## 7. Cooperation and assistance with international institutions

206. The Bolivarian Republic of Venezuela has historically had a policy of giving consideration to the budgetary needs of bodies engaged in promoting human rights. It has therefore contributed to the promotion and protection of human rights in the international arena, making donations to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Organization for Migration (IOM), UNESCO, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the

Convention on the Prevention, Punishment and Eradication of Violence against Women, the United Nations Voluntary Fund for Indigenous Populations, the United Nations Voluntary Fund for Victims of Torture, the United Nations Development Fund for Women (UNIFEM), UNICEF, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, the Trust Fund for Publicity against Apartheid, the United Nations International Research and Training Institute for the Advancement of Women and the UNESCO World Heritage Fund, among others.

207. In particular, the Venezuelan State, via the Ombudsman's Office and the Ministry of People's Power for Education, has established a range of working relations with United Nations international cooperation agencies in the field of human rights, especially with UNICEF, the United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP) and OHCHR.

208. At the same time, the Ombudsman's Office has established academic agreements with the University of Alcalá de Henares in Spain, jointly with the European Commission and the Spanish Agency for International Development Cooperation.

#### *Ombudsman's Office*

209. The technical cooperation agreement with UNICEF is included in the Master Plan of Operations 2002-2007 signed by the Ministry of People's Power for Planning and Finance and UNICEF. This facilitates the coordination of human rights projects launched by the Venezuelan State through its various bodies and organizations.

210. The Agreement follows the general principles of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. It should be noted that its aims are in line with the subsequent recommendations made by the Committee on the Rights of the Child in its General Comment No. 2 of 15 November 2002, entitled "The role of independent national human rights institutions in the promotion and protection of the rights of the child". These recommendations correspond closely with the promotion and protection of the rights of the child and the adolescent as set out in the Convention.

211. In this regard, the Ombudsman's Office accepted the Committee's recommendation contained in paragraph 23 of its General Comment, which emphasizes, among other points, that "[t]he United Nations Children's Fund (UNICEF) also offers expertise and technical cooperation in this area". The basic purpose of the agreement with UNICEF was to train and raise awareness among officials of the Office concerning the promotion and protection of the rights of the child and of the adolescent.

212. UNFPA. The general aim of cooperation relations with UNFPA is to of train and raise awareness among officials of the Office on the promotion and protection of sexual and reproductive health rights. Project activities are aimed at:

- (a) Training officials about sexual and reproductive health;
- (b) Developing tools for assessing the situation of the reproductive rights of adolescents;

- (c) Assessing the situation of guarantees for the sexual and reproductive rights of adolescents;
- (d) Implementing campaigns on sexual and reproductive rights;
- (e) Publishing materials on sexual and reproductive rights.

213. UNDP. In implementation of the project entitled “Support for the Institutional Strengthening of the Ombudsman’s Office”, signed by the Office and UNDP in 2001, an awareness-raising campaign was conducted on the instruments that make up the international legal framework on human rights, especially the Convention on the Rights of the Child. In addition, the Rómulo Gallegos International Seminar on Human Rights was held on 11-13 March 2002.

214. Moreover, in order to provide continuity for the project entitled “Support for the Institutional Strengthening of the Ombudsman’s Office”, the Embassy of the United Kingdom, the Ombudsman’s Office and UNDP signed the Agreement on Advisory Services for Development, aimed at providing human rights training for 270 officials. This constituted the continuation of the project through the implementation of its final phase, entitled “Training for officials of the Ombudsman’s Office”.

215. In conjunction with OHCHR, the Office launched the Education and Training Project on Indigenous Issues in the framework of the grant programme on racial discrimination. This meant that training workshops on the rights of indigenous peoples could be held, with the participation of a total of 132 officials from the Ombudsman’s Office, local authorities, governors’ offices, universities, the Public Prosecution Service, the Ministry of People’s Power for the Environment, the Ministry of People’s Power for Education, the National Assembly, the courts, the State Council for the Rights of the Child and the Adolescent and representatives of Bari, Wayúu, Yaruro, Cuiba, Yucpa, Pemón, Yekuana and Kariña ethnic groups, including children and adolescents who participated in the workshops.

#### *Ministry of People’s Power for Education*

216. Since 2003, the Ministry of People’s Power for Education has implemented a number of workplans with UNFPA, all related to sex education in the educational system. The first plan covered the period 2003-2007 under a project entitled “Education on sexual reproductive health and gender equality in educational centres and school communities”, which focused on developing strategies and activities to teach knowledge, ability and skills with regard to sexuality and gender equality and thus also cultivating the formation of attitudes and values that promote a healthy sexuality on a basis of equity in educational environments. This project was implemented in eight states in the northern, southern and eastern regions of the country.

217. In 2008, the project was extended, with the objective of supporting the education of adolescents and young people on sexual and reproductive health in daily life taking gender considerations into account. The aim was to consolidate educational programmes that would enable adolescents to explore their identity, values and critical thinking, in the interests of exercising their rights, and specifically their sexual and reproductive rights, as part of their human rights.

218. In 2009, the Ministry continued the cooperation process by signing a workplan entitled “Education on sexuality and sexual reproductive health in the national educational system, with the focus on gender, sociocultural background, ethnicity and human rights on the basis of national principles and values”. This plan sought to strengthen the proposed curriculum on civic education of the Bolivarian Republic of Venezuela relating to human sexuality, with the emphasis on sexual and reproductive health as a fundamental human right. Consequently, a document entitled “Strategic guidelines for the curriculum on sex education in the basic education system” was issued, with a view to providing tools for training teachers on tackling the topic with students and the educational community. This involved the active participation of various governmental and non-governmental institutions specializing in this field.

## V. Sources

219. This document was produced by means of a broad consultation process involving various Government bodies and also by collating official documents relating to human rights. The following were used as key sources of information:

- Central Bank of Venezuela, Annual Report 2009
- Constitution of the Bolivarian Republic of Venezuela, *Official Journal* No. 5,453 (special issue), Friday, 24 March 2000
- Ombudsman’s Office, Management Reports 2001-2010
- National Institute of Statistics, social and demographic information 2000-2010
- Ministry of People’s Power for Foreign Affairs. Legal consultancy. Status of human rights agreements and conventions, September 2009

220. The organizations consulted include:

(a) Executive branch

- Ministry of People’s Power for Agriculture and Land
- Ministry of People’s Power for Food
- Ministry of People’s Power for the Environment
- Ministry of People’s Power for Communications and Information
- Ministry of People’s Power for Culture
- Ministry of People’s Power for Defence
- Ministry of People’s Power for Communes and Social Protection
- Ministry of People’s Power for Education
- Ministry of People’s Power for Sport
- Ministry of People’s Power for University Education
- Ministry of People’s Power for Planning and Finance
- Ministry of People’s Power for Housing and Habitat

- Ministry of People’s Power for Internal Affairs and Justice
  - Ministry of People’s Power for Women and Sexual Equality
  - Ministry of People’s Power for Transport and Communications
  - Ministry of People’s Power for Health
  - Ministry of People’s Power for Foreign Affairs
  - Ministry of People’s Power for Employment and Social Security
  - Ministry of People’s Power for Tourism
  - Ministry of People’s Power for Indigenous Peoples
  - Ministry of People’s Power for the Office of the President
  - National Institute of Statistics
- (b) Legislative branch
- National Assembly
- (c) Judiciary
- Supreme Court
- (d) Civil branch
- Office of the Attorney-General of the Republic
  - Ombudsman’s Office
- (e) Electoral branch
- National Electoral Council
- (f) Central Bank of Venezuela
-