



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Consideration of reports submitted by States parties under article 35 of the Convention

Initial report of States parties due in 2015

Bolivarian Republic of Venezuela*, **

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* The present document is being issued without formal editing.
** Annexes can be consulted in the files of the Secretariat.



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I. Introduction

1. Being conscious of the need to take corrective political and social measures to pave the way for lasting, sustainable development, the Bolivarian Republic of Venezuela guarantees quality of life for Venezuelan citizens by implementing public policies with a focus on human rights.
2. Placing human beings at the heart of all its actions, and taking them to be the greatest source of knowledge, the Bolivarian Government led by President Nicolás Maduro Moros accords great importance to providing the best possible conditions for their development, taking account of the specific characteristics of individuals, and especially those of persons belonging to the most vulnerable groups, which include persons with disabilities. Because, in previous decades, this sector of society was discriminated against, ignored and excluded from all development processes, disability came to be closely associated with the most economically disadvantaged sectors. Since Commander Hugo Rafael Chávez Frías assumed the presidency in 1999, the Venezuelan Government has focused its attention on these vulnerable groups, developing public policies designed to ensure that their rights are fully respected, and this has drawn the international community's attention to the humanist principles implemented in the Bolivarian Republic of Venezuela.
3. A foremost example of the Government's commitment to the rights of this sector of the population is provided by the promulgation of the Persons with Disabilities Act in Caracas on 29 December 2006.¹ The Act is designed to ensure that persons with disabilities are able to develop fully and independently, in accordance with their abilities, and to be integrated in family and community life, participating directly, as full legal persons, in social and family affairs.
4. In accordance with the foregoing and in line with its principles and international commitments, the Bolivarian Republic of Venezuela hereby sets out its initial report on the progress it has made in the area of disability with regard to the provisions of the Convention on the Rights of Persons with Disabilities, which it ratified in April 2013.
5. The data used to prepare this report are drawn from national censuses, official documents and the publications of government bodies responsible for monitoring and validating public policies implemented by the Venezuelan State.
6. The reports issued by the National Institute of Statistics up until December 2014 and the reports on the Millennium Development Goals submitted by the Venezuelan State in 2012 and 2015 were particularly important sources of information for this report.
7. The information presented herein follows the guidance set out in the Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties, of 3 June 2009, and the Report on the Working Methods of the Human Rights Treaty bodies relating to the State Party Reporting Process, of 10 May 2010, both issued by the United Nations.
8. The report contains a qualitative and quantitative analysis of the cross-cutting, human rights-based public policies implemented by the Venezuelan State over the last 10 years that have a direct bearing on the exercise of the civil, political, economic, social and cultural rights of persons with disabilities, which are guaranteed under the national and international legal instruments signed and ratified by the Bolivarian Republic of Venezuela. By means of a national workshop coordinated by the National Council for Persons with Disabilities, representatives of social movements and organizations that work to protect persons with disabilities were also consulted in the drafting of the report. At the workshop in question, a review of progress and challenges in the field was given and information on the methodology and deadlines for drafting supplementary reports was provided.

¹ Published in *Gaceta Oficial* No. 38598 on 5 January 2007.

II. Articles 1 to 4

General principles and obligations

9. The Bolivarian Republic of Venezuela uses as its point of reference the definition of disability set out in article 5 of the Persons with Disabilities Act, which states that: “Disability shall be understood as the complex human condition that is composed of biological, psychological and social factors and is characterized by a temporary or permanent reduction or loss of sensory, motor or intellectual capacity manifest as deficiencies, irregularities, impairments, losses or difficulties in perceiving, moving around without support, seeing and hearing, communicating with others or participating in educational or work activities or in family or community life that restrict the exercise of rights, social participation and the enjoyment of a good quality of life or prevent persons from participating actively in family and social activities, even though the person concerned does not necessarily lack the capacity or ability to be integrated in society”.

(a) Article 6 of the above-mentioned Act defines persons with disabilities as: “All persons who have a congenital or acquired impairment or deficiency affecting their physical, mental, intellectual or sensory functions, or some combination thereof, that is temporary, permanent or intermittent and that, in interaction with various barriers, causes disadvantages that hinder or impede their participation, inclusion and integration in family and social life and prevent them from fully enjoying their human rights on an equal basis with others”.

(b) “Persons with disabilities include deaf persons, blind persons, blind-deaf persons, persons with visual, hearing, intellectual or motor impairments of any kind, persons with conditions affecting their cognitive integration and capacity, persons of short stature, autistic persons or persons with any combination of these impairments or deficiencies and those who have any kind of disabling illness or condition that has been scientifically, technically and professionally classified in accordance with the International Classification of Functioning, Disability and Health of the World Health Organization”.

10. As can be seen, Venezuelan law recognizes the existence of conditions characterized by temporary, intermittent and permanent disability, the last of which is defined as a condition that affects an individual on a long-term basis. Since the Constitution entered into force, the human rights of all persons, including those who, because of their condition, are most vulnerable, have been recognized, reaffirmed and guaranteed, the ultimate aim being to ensure their protection and comprehensive development.

11. Article 81 of the Constitution specifically recognizes persons with disabilities as subjects of rights on an equal basis with others, establishing that: “All persons with disabilities or special needs have the right 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 training, education and access to employment appropriate to their condition, in accordance with the law. The right of deaf persons and mute persons to express themselves and communicate through Venezuelan Sign Language is recognized.”

12. This legislation annulled those legal provisions that had formerly violated human and social rights, such as article 410 of the Civil Code of 1982, which had declared persons born with a hearing or visual impairment to be legally incompetent. This abrogation was ratified in accordance with the first derogation provision of the Persons with Disabilities Act, as was the abrogation of all other provisions that ran counter to the content of the Act.

13. The entry into force of the Persons with Disabilities Act also brought about the abrogation of the Integration of Disabled Persons Act of 1993, which, from its name onward, was highly discriminatory.

14. The law in force since 2006 contains legal measures designed to ensure accessibility for persons with disabilities through the elimination of social, structural and communication barriers (art. 9 on social treatment and family protection; art. 14 on assistive devices and assistance; art. 20 on bilingual training and bilingual education; art. 31 on technical

standards and regulations; art. 32 on parking spaces; art. 34 on service animals; art. 35 on preferential treatment; and chapter V of section II on transport and communications, among others). It also establishes punitive measures for individuals who, in contravention of the law, wilfully, repeatedly and continuously violate the rights of persons with disabilities (section IV on punishments).

15. The subject of disability has also been mainstreamed within the legal system, notably through the legislation mentioned below.

16. The Labour and Workers Act, published in the Official Gazette of the Bolivarian Republic of Venezuela No. 6076 of 7 May 2012 (special issue), provides for the legal protection of persons with disabilities and workers who have children with disabilities. The provisions in question are contained in article 21 of chapter II, setting out guiding principles; article 26 of chapter III on the right to work and the duty to work; articles 289, 290, 291 and 292 of chapter VIII on work for persons with disabilities; and article 347, chapter IV, section VI on the protection of the family in the social process of work.

17. The Organic Act on the Social Security System² sets out provisions on the benefits system for persons with temporary or permanent disabilities (arts. 56, 57 and 65).

18. Articles 7 and 9 of the Organic Act on Social Services³ define and regulate the social services benefits system for older persons and other categories of person, including persons with disabilities.

19. The regulations relating to the provision of banking services cover the adaptation of banking facilities for persons with disabilities, older persons and pregnant women.⁴

20. The Organic Act on Workplace Safety, Working Conditions and the Work Environment⁵ provides for implementation of the health and safety at work regime, in the context of the new social security system; the promotion of workers' health; the prevention of work-related diseases and accidents; and the care, rehabilitation and reintegration of workers. The Act includes provisions defining degrees of disability and the applicable labour regimes and establishes the monetary allowances payable for injuries attributable to work-related diseases and accidents.

21. Article 26 of the Education Act⁶ establishes educational alternatives for persons who, because of their specific characteristics and the conditions necessary for their comprehensive cultural, ethnic and linguistic development, require temporary or permanent adjustments to the curriculum to meet their needs at the different levels of education.

22. Article 56 of the Housing Loans Scheme Act⁷ establishes a system of special protection for vulnerable sectors of society, including persons with disabilities.

23. The authorities are also in the process of updating and adapting regional and municipal regulations on comprehensive care for people with disabilities in line with the Convention, and also those regulations that are tailored to the specific needs and characteristics of different jurisdictions.

24. According to the 2011 population and housing census, the total number of persons in Venezuela who have a disability is 1,720,311. Of these, 454,997 persons, or 1.7 per cent of the Venezuelan population, have a visual impairment, 1.1 per cent (285,580 persons) have cardiovascular impairments and 0.9 per cent have musculoskeletal impairments.

25. Although the existing law was passed in 2007, before the Convention was ratified in 2013, all the rights and guarantees enshrined in the Convention are fully protected under the Venezuelan justice system. The Government of Venezuela and its institutions, with the power of the people behind them, are leading a drive to update the regulations on disability that involves significant improvements, adjustments to concepts and definitions and the

² Published in *Gaceta Oficial* No. 39912 of 30 April 2012.

³ Published in *Gaceta Oficial* No. 38694 of 30 May 2007.

⁴ Published in *Gaceta Oficial* No. 39520 of 29 September 2010.

⁵ Published in *Gaceta Oficial* No. 38236 of 26 July 2005.

⁶ Published in *Gaceta Oficial* No. 5929 (special issue) of 15 August 2009.

⁷ Published in *Gaceta Oficial* No. 39945 of 15 June 2012.

implementation of new procedures designed to restore any rights that may be violated as quickly as possible. The aim of this process is to engineer a paradigm shift through training, the sensitization of all Venezuelans to appropriate treatment and the full and effective inclusion of this important sector of the population.

26. Article 15 of the Persons with Disabilities Act establishes the National Council for Persons with Disabilities, which, in line with its aims and scope of action, is responsible for identifying and assessing situations of discrimination on grounds of disability and informing the competent bodies.

27. Supported by a clear and comprehensive regulatory framework and an institutional structure that is strengthened every day, since 2007 the Venezuelan State has been using information campaigns and forums devoted to this issue to promote a positive vision and highlight the capacities and potential of persons with disabilities. These activities are carried out by the National Council for Persons with Disabilities.

28. Specific actions undertaken by the Council include campaigns to prevent disability attributable to accidents and poor lifestyle practices; the family orientation and training programme, which is conducted by a multidisciplinary team of psychologists, social workers and educators; awareness-raising and training workshops about proper and preferential treatment in public and private enterprises; and the “5D challenge”, in which participants experience first-hand the difficulties associated with disability.

29. Attention should also be drawn to the use of cinema and other forums to raise the general public’s awareness of various aspects of disability and related subjects such as sexuality, relationships and social and political participation. Community workshops on comprehensive care have been held in conjunction with other State institutions, including workshops on the registration and certification of disabilities, health care, legal assistance, recreation, sports, culture and the provision of assistive devices.

30. The National Council for Persons with Disabilities also provides advice on accessibility and adaptation based on the universal design model, and on reasonable accommodation. These services are aimed at both workers and employers, and are intended to eliminate any attitudinal barriers and erroneous views of disability that might exist.

31. A final point worthy of note are the various inter-agency cooperation agreements concluded between the National Council for Persons with Disabilities and the different State bodies and institutions. The purpose of such agreements is to nurture and optimize resources and efforts to provide effective support to this important sector of the population, thereby paving the way for the mainstreaming of disability issues at all administrative levels (including governors’ offices, mayors’ offices and ministries).

32. The development of the social missions has been of particular importance. The missions were established as vehicles for implementing public policies to safeguard fundamental human rights such as the right to education, health, food, identity, work and culture, focusing on the most excluded sectors while maintaining the entitlement of sectors already included. One of the key elements in their implementation has been the active participation and leading role of organized communities.

33. A foremost example is the José Gregorio Hernández Mission, which is tasked with implementing inclusive social policies that foster the design and execution of social programmes targeting the most vulnerable, and promote and safeguard the rights of persons with disabilities living in the Bolivarian Republic of Venezuela, providing free, comprehensive care, on a house-by-house basis, to over 358,000 persons with disabilities.

34. The Negra Hipólita Mission is aimed at people living on the street who are victims of the social exclusion that became entrenched in Venezuela for several decades. After being rescued from the streets, beneficiaries go through a rehabilitation process that will enable them to enjoy decent living conditions.

35. The Milagro (Miracle) Mission is a humanitarian project launched on 8 July 2004 by the Governments of Cuba and Venezuela. Its purpose is to enable persons on low incomes to receive surgical treatment for a number of eye problems. Co-run by the Governments of Cuba and Venezuela, the health plan endeavours to provide solutions for various eye

pathologies affecting the population. It is called the Miracle Mission because it has prevented visual impairment in a large number of people thanks to timely surgical intervention and has restored the sight of persons who were completely blind. The Mission forms part of the Latin America integration plan and is one of the programmes designed to promote unity among the peoples of the Bolivarian Alliance for the Peoples of Our America.

36. Since the Mission's inception, advances in Cuban medicine have made it possible for operations to be performed on thousands of Latin Americans from countries including Argentina, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, the Plurinational State of Bolivia and Uruguay. It is hoped that the programme will be implemented in other countries. As part of the Mission's expansion, ophthalmology centres with Cuban staff, equipment and resources have been established in Venezuela and the Plurinational State of Bolivia.

37. The Madres del Barrio (Neighbourhood Mothers) Mission provides single mothers with financial support and training for home-based employment.

38. Educational missions include the Robinson Mission, whose purpose is to teach people to read and write and thus to guide them towards the world of knowledge and learning, with literacy being the first step in their training. Although, for a long time, illiteracy was closely linked with disability, the Mission has striven to rectify this situation by providing education to this important sector of the public, introducing them to reading and writing with the aim of creating opportunities for personal development.

39. The aim of the Sucre Mission is to address the high cost of university education by establishing university villages around the country, especially in rural and agricultural areas far from cities. Such locations have also been selected for the development of major State-run university complexes such as those of the Bolivarian University of Venezuela.

40. The aim of the "En Amor Mayor" (Greater Love) Mission is to cater for the basic needs of older persons, many of whom were finding themselves ineligible for the benefits provided by the Venezuelan Social Security Institute, by providing financial and other forms of support.

41. The Saber and Trabajo (Knowledge and Work) Mission provides vocational training to persons with disabilities to enable them to join the labour market, either as employees or as self-employed workers who wish to set up community-based productive projects.

42. Another policy that has made a significant impact is the Great Venezuelan Housing Mission, considered the mission of missions. Its aim is to provide decent housing for low-income families and vulnerable groups and promote urban development projects for middle-income persons who lack a home of their own. Families in the latter category have a reasonable period of time in which to find the required funds. As the backbone of society, and the natural environment in which the adults of tomorrow are formed, families must have a secure and stable environment. The Government of Venezuela recognizes this need and has been working steadily to guarantee this right, which is enshrined in article 82 of the Constitution, for persons with disabilities.

43. Through the Great "Hogares de la Patria" (Homes for the Nation) Mission, the Venezuelan Government is redoubling its efforts to ascertain the needs of households, primarily those that include persons with disabilities, with the aim of generating new public policies to benefit them. To this end, a community-based approach is used to ensure that families requiring further support are contacted and put in touch with the various agencies that can respond to the needs identified (in the areas of housing, employment, education, etc.).

44. Through the Hijos de Venezuela (Children of Venezuela) Mission, grants are awarded to persons with disabilities with high levels of dependency and to those who form part of families living in poverty or extreme poverty.

45. In 2015, the People's Government Presidential Council for Persons with Disabilities was established to help draft and implement effective public policies and exercise the power of the people through spokespersons at the state and municipality levels. Through

people's assemblies, these spokespersons gather information on global needs and the approaches required to address and prevent such needs. This information is then presented to ministers and the President of the Republic for discussion.

III. Article 5 Equality and non-discrimination

46. With the adoption of the Constitution any possibility of social inequality was eliminated. Subsequently, the entire legal order has been progressively brought into line with constitutional principles.

47. Article 21 of the Constitution provides that: "All persons are equal before the law. Consequently, no discrimination on grounds of race, sex, belief or social status shall be permitted, nor any other form of discrimination that, in general, has as its aim or effect the denial or impairment of the recognition, enjoyment or exercise, in conditions of equality, of the rights and freedoms of any individual. The law shall ensure the legal and administrative conditions that make equality before the law real and effective; shall provide for the adoption of affirmative measures to support persons or groups who may be discriminated against, marginalized or vulnerable; shall grant special protection to those persons who, because of any of the conditions specified above, are in a situation of manifest weakness; and shall punish any abuses or ill-treatment to which such persons may be subjected. With the exception of diplomatic forms of address, only the term 'citizen' shall be used. Titles of nobility and hereditary distinctions are not recognized".

48. As is clear from the above, distinctions on grounds of disability are not permitted. Compliance with this principle is ensured through the Persons with Disabilities Act, article 1 of which provides that "the purpose of this law is to regulate the means and mechanisms which guarantee that persons with disabilities can develop fully and independently, in accordance with their abilities, and can enjoy their human rights and be integrated in family and community life through their direct participation, as citizens with full legal personality, and with the mutually supportive involvement of families and society. These provisions are a matter of public policy."

IV. Article 8 Awareness-raising

49. Given that social attitudes are one of the main barriers encountered by persons with disabilities, raising awareness of disability constitutes one of the challenges and goals of the Venezuelan State. For this reason, programmes and services developed by the National Council for Persons with Disabilities and the José Gregorio Hernández Mission Foundation are designed to consolidate the paradigm shift in perceptions of disability and ensure that disability is seen from a humanistic and social perspective. To extend the scope of these efforts and reach every possible area, plans are in place to use community-based media to run awareness-raising campaigns aimed at preventing disability, besides ensuring that disability is addressed and perceived in the correct manner.

50. To ensure that these campaigns become a genuine commitment, an amendment has been made to the bill on the protection, care and dignified treatment of persons with disabilities that makes it obligatory for media outlets and social networks to broadcast messages raising awareness of disability throughout the day, and for extended periods of time, so as to progressively break down attitudinal barriers.

V. Article 9 Accessibility

51. With the firm aim of achieving adaptation and accessibility based on universal design principles, the National Council for Persons with Disabilities conducts inspections of public and private premises in accordance with the legally established administrative

procedures. The Council can impose penalties in cases where the party at fault wilfully and repeatedly fails to comply with the accessibility standards set out in current legislation.

52. As a direct measure to ensure compliance with accessibility obligations, and since current legislation contains only one article on this matter, the bill on the protection, care and dignified treatment of persons with disabilities has been amended to include an entire chapter on accessibility in different areas (physical structures, publicly accessible areas, communication, education, work etc.). The aim of the bill is to break down physical and attitudinal barriers in all areas within its scope of application.

53. Created in 2014, the National Accessible Communication Service serves as a forum for the roll-out of measures to enhance the accessibility of information and communication for deaf-blind persons and persons with hearing or visual impairments by increasing the availability of Venezuelan Sign Language interpreters and guides, promoting research and disseminating pertinent information. Although this service was launched only recently, it is expected to yield positive results in the short term.

54. At the same time, the National Council for Persons with Disabilities has begun the steps necessary for Venezuela's accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which will allow for significant progress to be made in the areas of accessibility and full and effective inclusion.

55. With regard to physical barriers, the National Council for Persons with Disabilities carries out regular checks within public and private bodies to determine whether they are making reasonable accommodation to ensure access for persons with disabilities. The Council establishes a reasonable time frame for the implementation of such changes and disciplines those bodies that, without good reason, fail to comply with the standards established under the Convention and by the Venezuelan Commission on Industrial Standards. A total of 148 disciplinary proceedings have been initiated, 47 of which were discontinued after adjustments were made by the party at fault and 12 of which resulted in non-compliance penalties being imposed.⁸

56. Through another initiative led by the Council, the State is working to promote the adoption of municipal ordinances setting out accessibility standards and to ensure that such ordinances stipulate that architectural plans must take account of the need to adapt physical spaces, as an absolute requirement for the issuance of building and renovation permits, and that penalties shall be imposed upon officials who fail to comply with these provisions.

57. The Bolivarian Republic of Venezuela has submitted proposals for bilateral and multilateral cooperation to various international bodies with a view to creating forums for meetings and the exchange of good practices in the area of accessibility. It has also taken steps to develop training courses on universal design and accessibility, the aim being to encourage and implement standardized universal design criteria.

58. The State has also promoted the widespread adoption of accessibility standards and universal design principles with a view to influencing those responsible for building and adapting public spaces, spaces used by the public, buildings and structures, including means of transport, terminuses, stations, ports and airports. It has likewise called for the adaptation of physical environments to forms of communication and technology designed for persons with disabilities.⁹

59. The Ministry of People's Power for University Education, Science and Technology has launched a comprehensive support scheme for students with disabilities at the National Experimental University of the Armed Forces, which encompasses measures to improve accessibility such as the provision of Venezuelan Sign Language interpreters for hard-of-hearing students. In addition, through the Infocentro Foundation, the Ministry has set up information technology centres containing rooms adapted for use by persons with visual impairments that are fitted with closed circuit magnification devices, screen readers, Braille

⁸ *Source*: National Council for Persons with Disabilities.

⁹ Proposals made at the Meeting of High-Level Human Rights Authorities of the Southern Common Market in Brazil in June 2015.

printers, smart reading devices and screen magnifiers. Such rooms will be established across the country in the medium term.¹⁰

60. This Ministry is also rolling out a nationwide “Science in Signs” programme, led by the Francisco J. Duarte Astronomy Research Centre. The aim of the programme is to remove barriers to the academic development of deaf and hard-of-hearing persons in scientific areas of study, such as the lack of sign language vocabulary to describe scientific terms and concepts.¹¹

VI. Article 10 Right to life

61. The right to life is enshrined in article 43 of the Constitution, which states that: “The right to life is inviolable. There shall be no law permitting the death penalty and no authority permitted to apply it. The State shall protect the life of persons who are deprived of liberty, serving in the armed forces or civilian services, or otherwise subject to its authority.”

62. This article provides that the right to life is inviolable for all persons, without distinction of any kind on grounds of race, gender, age or disability. Notwithstanding the wide range of measures provided within the Venezuelan justice system to protect the lives of all citizens (see section on access to justice), taking account of the specific needs of persons with disabilities and the vulnerability of their situation, the Venezuelan State has committed itself to strengthening the guarantees protecting the right to life of persons with disabilities. This is why an entire chapter of the bill on the protection, care and dignified treatment of persons with disabilities is devoted to measures to protect this sector of the population. This legislation will allow for immediate action to be taken to address situations involving physical abuse, harassment and discrimination, inter alia, in which the life of the victim is in danger.

VII. Article 11 Situations of risk and humanitarian emergencies

63. Persons with disabilities in the Bolivarian Republic of Venezuela benefit from legal and institutional protection in risk situations and emergencies. Through the intermediary of the Venezuelan Seismic Research Foundation, the Government has developing information campaigns on good practice in the event of earthquakes in which persons with disabilities are involved. The campaigns use materials accessible to persons with any form of disability (audiovisual materials with Venezuelan Sign Language interpretation, printed materials in Braille etc.), thereby ensuring that the information reaches everyone. The Fire Service frequently holds workshops on first aid and accident prevention, as strategies to be implemented in emergency situations, for organizations of persons with disabilities and their families.

64. Another State policy to address these issues has been to establish the Office of the Deputy Minister for Risk Management and Civil Protection within the Ministry of People’s Power for Internal Affairs, Justice and Peace. The Office’s mission is to ensure every citizen’s right to emergency care and disaster preparedness services tailored to the geographical, institutional, demographic, social, cultural and economic specificities of each region. The Office supports the institutional framework required for the preventive and corrective management of social, environmental and technological risks in Venezuela by developing policies, plans, programmes and projects that ensure high public service standards, proper implementation of the rules and principles governing citizen security and the sustainability of our development model.

¹⁰ Source: Ministry of People’s Power for University Education, Science and Technology.

¹¹ Source: http://www.cida.gob.ve/cida_home/index.php?option=com_content&id=244&limitstart=1#actividades02.

VIII. Article 12

Equal recognition before the law

65. Article 21 of the Constitution enshrines the equality of all persons before the law, without discrimination on grounds of race, religion or status. Article 81 of the Constitution recognizes the rights of persons with disabilities, notably their right to exercise all their capacities in full.

66. The principle of equality and non-discrimination is enshrined in article 3 of the Child Protection Act, whose provisions apply equally to all children and adolescents without discrimination of any kind on grounds of race, colour, sex, age, language, thought, conscience, religion, belief, culture, political or other opinion, economic status, national, ethnic or social origin, disability, sickness, birth or any other condition pertaining to children or adolescents, or to their parents, representatives, guardians or relatives.

67. In Venezuela, all persons with disabilities have the legal capacity to be a holder of rights and to exercise those rights directly. Only in cases of severe mental or intellectual disability may this legal capacity be exercised through a legal or supervisory guardian. Accordingly, the Civil Code limits the transactional capacity only of persons with intellectual or mental disabilities. Persons with disabilities that are not mental or intellectual enjoy the full exercise of their legal capacity without any restrictions. Two procedures have been established to regulate the legal capacity of persons with a mental or intellectual disability. The first of these is the interdiction process, which is used in cases involving persons with serious mental or intellectual disabilities as well as in cases involving persons who do not have a disability of this kind and are in full possession of their mental capacity but have been convicted of a criminal offence. Interdicted persons remain subject to a declaration of full, comprehensive and uniform transactional incapacity on an ongoing basis.

68. The second procedure is the disqualification process, which involves the restriction of transactional capacity in cases of intellectual disability not sufficiently serious to necessitate interdiction and in cases of spendthrift behaviour. The restriction may be general or partial. Persons subject to a partial restriction may be disqualified from selling, encumbering or mortgaging their assets although other acts of administration and appropriation are permitted. Persons subject to a general restriction may be disqualified from carrying out any transaction that is not purely administrative.

69. In short, the interdiction process deprives individuals of their capacity in full, whereas disqualification merely restricts it. In the latter case, judges are empowered to assess the degree of restriction necessary for the individual in question and thus determine the procedure most appropriate in each case. When a mental condition is temporary, the legal official rules simply that isolated acts performed by an individual while in this condition may be contested. These two legal procedures are for use in exceptional circumstances and are permitted only after medical experts have conclusively demonstrated that the person in question has a mental or intellectual disability that warrants such protection or support.

70. The Civil Code ensures protection (*amparo*) for persons with serious intellectual or mental disabilities by allowing for their right to exercise their legal capacity directly to be transferred to a guardian who represents them, with a guardianship council and the court monitoring and overseeing the guardian's actions. Judicial interdiction is established on behalf of persons with severe, lasting intellectual or mental disabilities who are thus unable to exercise some of their civil rights directly, subject to their condition being generalized and duly verified.

71. Persons with less severe mental or intellectual disabilities are subject to disqualification, which deprives them of the right to perform certain specific acts considered potentially damaging to their own interests. If it is confirmed that the condition at the origin of an interdiction or disqualification has ceased, the persons concerned may, either directly or through their legal representative, request the court overseeing the case to call new proceedings to determine their actual legal capacity.

72. An interdiction can be revoked either on the request of relatives, spouses, the interdicted persons themselves or a municipal legal advocate, or at the judge's own initiative, when it is proven that the cause of the interdiction has ceased to exist (article 407 of the Civil Code).

73. The regulations governing interdiction are provisions of public order. Because legal officials may not unduly deprive a person of the right freely to exercise his or her rights, any judge or municipal legal advocate who becomes aware that the reasons for an interdiction no longer apply are under an obligation to file a motion for revocation.

IX. Article 13

Access to justice

74. Article 26 of the Constitution of the Bolivarian Republic of Venezuela establishes that: "All persons shall have the right to access judicial bodies for the purpose of enforcing their rights and interests, including those of a collective or diffuse nature; to enjoy effective protection for these rights; and to obtain a prompt decision concerning them. The State shall guarantee free, accessible, impartial, appropriate, transparent, autonomous, independent, responsible, fair and prompt justice, without undue delays, formalities or unnecessary repetitions".

75. Accordingly, the Government has taken steps to ensure access to justice for all persons, including persons with disabilities, by establishing public bodies tasked with delivering quality judicial services free of charge.

76. The Public Defence Service is a judicial body whose main purpose is to guarantee effective protection of the constitutional right to free legal counsel, without exception, providing efficient and effective legal guidance, advice, assistance and representation within its sphere of competence and thus contributing to fair, equitable and prompt administration of justice. The Public Defence Service has 24 branches nationwide. This judicial body has a key role in the provision of comprehensive support for persons with disabilities.

77. In conjunction with the National Council for Persons with Disabilities, the Public Defence Service has formulated guidelines for the care for persons with disabilities that have been circulated to all its operational units in order to ensure their full implementation by all public officials responsible for guaranteeing the right to counsel and due process.

78. The National School of the Public Defence Service is currently training public defenders in human rights and people's power. The course includes training on the human rights of vulnerable persons and a module on persons with disabilities.

79. The programme for the fourth trimester of 2015 included discussion-based academic activities focused on issues relating to awareness-raising around disability, accessibility and the appropriate treatment of persons with disabilities, and symposiums on the Disabled Persons Act.

80. Steps have been taken to promote the participation of children and adolescents in the administration of justice by giving them the right to express their opinion and to be heard in judicial and administrative proceedings and thus safeguarding their best interests.¹²

81. The Ombudsman's Office is the body responsible for ensuring the full recognition and protection of the dignity of all persons, especially those who are subject to discrimination, marginalization and vulnerability. It promotes, defends and monitors the rights and guarantees established in the Constitution. The Office includes special multidisciplinary advocacy units, responsible for referral and coordination services, which provide free support and advice to vulnerable persons besides following up on government policies and action. These units have nationwide competence for disability issues.

¹² Circular No. DDPG-2015-015 of 24 August 2015 on the application of the principle of the best interests of the child was published to this effect.

82. The Supreme Court of Justice, through the Executive Directorate of the Judiciary, is currently adapting courts throughout the country to meet the needs of persons with disabilities. In total, 50 per cent, or 15, of the 30 courts scheduled to be in operation from 2014 onwards will be adapted for the needs of this category of citizens. The courts in question are located in the states of Aragua, Barinas, Carabobo, Cojedes, Caracas, Maracaibo, Miranda, Monagas, Portuguesa, Trujillo and Zulia. The work being carried out is described below.

83. The Supreme Court safeguards the rights of persons with disabilities by virtue of its decisions. One particularly important decision in this regard is the Constitutional Chamber's judgement of 13 June 2013, issued by judge Francisco Carrasquero, which, with a view to guaranteeing the right of visually impaired persons to education, reads as follows: "so as to ensure that neither the remedy of *amparo* before this chamber nor the rights of the affected persons are invalidated, [the Court] hereby rules in favour of the following measure: the Faculty of Humanities and Education of the Central University of Venezuela shall establish a procedure and make available the technical and human resources whereby students with duly registered visual impairments shall be able to sit the 2013 entrance examination for the Faculty of Social Sciences. To this end, they shall avail themselves of the procedure established by the Executive Secretary of the Board of the Faculty of Legal and Political Sciences in a memorandum dated 28 May 2013, according to which a person shall be appointed to provide assistance to pupils with such conditions, along with a group of students who shall look after candidates while they sit the exam. A special classroom or other system, such as digital question papers combined with question sheets written in Braille or oral examination, shall be made available for this purpose. The aim shall be to enable such pupils to sit the aforementioned examination within a short and reasonable time frame. It is so ordered."

84. With regard to effective access to justice, the mobile courts programme set up in 2007 helps bring justice to all states, municipalities, parishes, schools, colleges, detention centres, branches of the judicial system and other remote places, providing communities with free legal advice and drafting and certifying various types of documents.

85. Article 154 of the Code of Criminal Procedure¹³ establishes that if a person testifying in court is hard of hearing or does not know how to read or write, two interpreters, preferably chosen from among persons familiar to him or her, shall be appointed to serve as intermediaries for his or her testimony.

86. The provisions of the Prison System Act¹⁴ concerning the treatment of prisoners with mental health disorders are also worthy of mention. Article 14 of the Act provides that if an inmate suffers from serious physical or mental health issues that cannot be treated in the institution where he or she is being held, the prison director must arrange for their immediate transfer to a hospital for treatment and notify the court of enforcement within 24 hours. Similarly, article 77 provides that convicted prisoners suffering from mental illness shall be transferred immediately, subject to the relevant medical report, to the appropriate psychiatric prison unit, where they shall remain throughout and shall be monitored and treated as appropriate to their condition. The Act further provides that, in cases where the mental illness involves lengthy and complex treatment, the prisoner patient shall be transferred to a non-penal psychiatric facility (art. 78); that prisoners suffering from psychological disorders that do not constitute a mental illness as such but entail behavioural disorders incompatible with the internal regime of the institution in which they are serving their sentence shall be transferred to a psychiatric facility (art. 79); and that persons who suffer from maiming or disabling physical conditions shall serve their sentence in an institution suited to their particular condition (art. 80).

87. The law provides for children and adolescents to exercise their rights and enforce their guarantees directly, in accordance with their level of development and on a progressive basis, besides establishing the responsibilities they are required to assume. It likewise establishes that parents and guardians have a right and duty to provide children

¹³ Published in *Gaceta Oficial* No. 6078 (special issue) of 15 June 2012.

¹⁴ Published in *Gaceta Oficial* No. 36975 of 19 June 2000.

and adolescents with guidance as they progressively exercise their rights, enforce their guarantees and assume their responsibilities and thus to contribute to their comprehensive development and assumption of active citizenship. It further recognizes the right of children and adolescents with mental disabilities to exercise their rights to the maximum of their capacities (Child Protection Act, art. 13).

88. The Child Protection Act stipulates that children and adolescents shall participate in administrative and judicial proceedings in the manner most appropriate to their personal situation and level of development. In cases involving children and adolescents with special needs, the presence of persons who, whether because of their profession or due to a special relationship of trust, are able to convey the child or adolescent's opinion objectively must be guaranteed (art. 80, para. 2).

89. In relation to this provision, mention should be made of the commendable initiative of the Supreme Court of the Bolivarian Republic of Venezuela, which, in plenary session, under an agreement dated 25 April 2007, issued general recommendations for judges and other judicial officials on the treatment of children and adolescents in Protection Courts, which include the guidelines set out below.

90. *Decent and compassionate treatment: All children and adolescents should be treated respectfully and sensitively throughout the judicial proceedings, taking into consideration their personal situation and immediate needs, their age, gender, state of health, disability and level of maturity, fully respecting their physical, mental and emotional integrity.*

91. *Simplification of legal language: All judges and other judicial officials shall simplify the legal language, using simple terminology that is appropriate for the age and maturity of the child or adolescent, especially those with some form of disability.*

92. *Protection from discrimination: Children and adolescents must have equal access to justice, free from any form of discrimination based on race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, financial situation, state of health, disability or any other condition of the child or adolescent or their parents or guardians or members of their family. Therefore, judges and other judicial officials must avoid and prevent any discriminatory treatment in their interaction with the children or adolescents throughout their appearance in court.*

93. *Minimum waiting times: Judges shall take all necessary measures to ensure that children appearing before a Protection Court wait as short a time as possible for any judicial proceeding. The hearing of the child or adolescent must be scheduled in advance, making all arrangements necessary for their appearance before the court to be as brief as possible. While waiting, the child or adolescent shall remain in the children's waiting room of the Child and Adolescent Protection Court in order to provide them with a safe, warm and educational environment in conformity with applicable regulations.*

X. Article 14

Liberty and security of person

94. The State of Venezuela respects personal liberty at all times, as set forth in article 44 of the Constitution of the Bolivarian Republic of Venezuela as follows: "1. No person may be arrested or detained except by virtue of a court order, unless caught in flagrante delicto. In such cases, the person shall be brought before a judicial authority within 48 hours of the time of arrest. All persons shall be tried while at liberty, except on grounds determined by law and assessed by the judge in each case. The bail deposit required by law in order to release the person detained shall not give rise to tax of any form."

95. No person may be deprived of their liberty on grounds of disability. Accordingly, the Criminal Code of Venezuela¹⁵ provides that persons who are not conscious of their acts because of a mental disability that renders them incapable of acting with due discernment,

¹⁵ Published in *Gaceta Oficial* (special issue) No. 5768 of 12 April 2005.

i.e. persons suffering from serious mental illness, are exempted from criminal liability (Criminal Code, art. 62).

XI. Article 15 Freedom from torture or cruel, inhuman or degrading treatment or punishment

96. Recognizing the need to broaden the legal and institutional safeguards protecting persons from all forms of torture or treatment that undermine their dignity, and especially the safeguards protecting persons who, because of their age, sex or disability, are most vulnerable, the Government of Venezuela adopted the Special Act on the Prevention and Punishment of Torture and Other Cruel, Inhuman and Degrading Treatment,¹⁶ which regulates the prevention, penalization and punishment of such acts and provides for the compensation of victims. In addition, the Act established the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment, tasked with extending protection across the national territory and thus ensuring effective prevention of the offences defined therein.

97. The responsibilities of the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment include: disseminating the content of the relevant provisions and the penalties for failure to respect them; raising awareness of crimes involving torture and other cruel, inhuman or degrading treatment across society as a whole and, in particular, among public officials, in education and health facilities and within the military; and monitoring compliance with human rights norms, especially those set forth in the aforementioned Special Act. For additional information, please refer to the fourth periodic report of the Bolivarian Republic of Venezuela under the Convention against Torture, submitted in 2012.

XII. Article 16 Freedom from exploitation, violence and abuse

98. The State of Venezuela has established mechanisms to prevent and eradicate any form of exploitation, abuse and violence, especially against the most vulnerable population groups. It has set up specialized advocacy services on disability, special prosecutor's offices catering for women and children, and child protection councils. As the guarantor of human rights in Venezuela, the Ombudsman's Office accords particular attention to the situation of persons with disabilities and liaises directly with NGOs in order to obtain first-hand information about possible violations of their human rights.

99. The National Council for Persons with Disabilities, in cooperation with the competent authorities, provides legal advice services to help victims of violence or abuse obtain compensation for damages and the restitution of their rights. It has dealt with over 3,742 cases to date.

XIII. Article 17 Protecting the integrity of the person

100. Protecting the integrity of persons with disabilities is a challenge for Venezuela as there are no preventive measures in place to protect and guarantee this right in a timely manner. The National Council for Persons with Disabilities has an office in each state, which is competent to receive complaints of violations and bring them before the administrative courts, highlighting the need for measures to ensure immediate protection and the restitution of rights. In mid-2014, work commenced on a bill for the protection, care and dignified treatment of persons with disabilities, which includes a chapter on special protection measures for persons with disabilities.

¹⁶ Published in the *Gaceta Oficial* No. 40212 of 22 July 2013.

101. The bill is currently being reviewed and discussed by the People's Government Presidential Council for Persons with Disabilities with a view to incorporating all real needs of this segment of the population. Once the new law has entered into force, persons with disabilities will have access to national and local-level multidisciplinary teams that can order preventive and protective measures in cases where integrity of the person, including psychological and emotional health, is being violated.

102. In order to protect the physical and mental integrity of persons with disabilities undergoing medical treatment, article 46 (3) of the Constitution of the Bolivarian Republic of Venezuela provides that: "All persons shall be entitled to respect for their physical, mental and emotional integrity. [...] 3. No person shall be subjected without his or her freely given consent to scientific experiments or medical or laboratory examinations, except when such person's life is in danger, or in other circumstances determined by law".

103. In Venezuela, no person with a disability is subjected to medical treatment without being informed by medical professionals about their state of health, the risks and consequences, the treatment to be used and anything the procedure entails that might put their life at risk, especially in the case of children and adolescents and persons with cognitive and mental disabilities.¹⁷

104. In the interests of developing measures to protect women from forced sterilization, without distinction as to age or disability, the Government of Venezuela has promulgated the Act on Women's Right to a Life Free from Violence.¹⁸ The Act seeks to raise awareness among all sectors of the country to the fact that the violation of women's human rights is a serious problem for society as a whole and thus to ensure prompt and effective protection for the physical and psychological integrity of women and their families. Article 15 (14) of the Act establishes the prohibition of forced sterilization, as follows: "Forced sterilization means performing on a woman, or intentionally submitting a woman to, a medical or surgical treatment or other act that results in her sterilization or disables her biological and reproductive capacities without providing due information, without her free and informed consent and without any justification".

XIV. Article 18

Liberty of movement and nationality

105. Article 32 of the Venezuelan Constitution provides that: "The following are Venezuelan by birth:

- Any person born within national territory;
- Any person born in foreign territory whose father and mother are both Venezuelans by birth;
- Any person born in foreign territory whose father or mother is Venezuelan by birth, provided that he or she has established residence within national territory or declared his or her intention to obtain Venezuelan nationality;
- Any person born in foreign territory whose father or mother is Venezuelan by naturalization, provided that he or she establishes residence in national territory before reaching the age of 18 and declares an intention to obtain the Venezuelan nationality before reaching the age of 25."

106. Article 33 provides that: "The following are Venezuelan by naturalization:

- Foreign nationals who obtain a naturalization letter. In order to do so, they must have at least 10 years of uninterrupted residence immediately preceding the application date. The period of residence shall be reduced to 5 years in the case of foreign nationals whose original nationality is that of Spain, Portugal, Italy, or a country of Latin America or the Caribbean.

¹⁷ Source: Ministry of People's Power for Public Health.

¹⁸ Published in *Gaceta Oficial* No. 40551 of 28 November 2014.

- Foreign nationals who marry a Venezuelan, upon declaring their wish to adopt Venezuelan nationality, provided at least five years have passed since the date of marriage.
- Minors of foreign nationality, on the date of naturalization of their father or mother, provided he or she exercises parental authority and the minor declares his or her intention to adopt Venezuelan nationality before reaching the age of 21 years and has resided in Venezuela without interruption throughout the 5-year period preceding such declaration.

107. In compliance with constitutional provisions on nationality and article 18 of the Convention on the Rights of Persons with Disabilities, the Identification, Migration and Alien Affairs Service affords priority treatment to persons with disabilities at the time of issuing identity documents and passports in order to facilitate their exercise of the right to liberty of movement. The same is true for procedures relating to the acquisition or change of nationality.

XV. Article 19

Living independently and being included in the community

108. In order to promote the full enjoyment and exercise of the rights of persons with disabilities, in particular the right to live independently and be included in the community, the Government of the Bolivarian Republic of Venezuela provides medical and rehabilitation services to persons with disabilities through the National Health Care Programme for Persons with Disabilities, attached to the Ministry of People's Power for Public Health, which promotes care within the community.

109. In order to facilitate care for persons with disabilities with high levels of functional dependency, the Ministry of Health, through the National Health Care Programme for Persons with Disabilities, is currently formulating a national policy to promote quality of life and personal autonomy for these persons through residential, non-residential and in-home support programmes. The policy is at the design stage, and is being developed with the active involvement of community organizations in cross-sectoral government working groups. The policy's implementation constitutes a huge challenge for Venezuela.

110. The Persons with Disabilities Act provides for the establishment of community committees for persons with disabilities, tasked to ensure comprehensive care within the community for this segment of the population and improve their living conditions (art. 49). At present, there are 23,935 community committees in the country.¹⁹

XVI. Article 20

Personal mobility

111. The measures adopted by the State to facilitate the mobility of persons with disabilities include: article 32 of the Persons with Disabilities Act, on priority parking for vehicles carrying persons with motor disabilities; article 34 on service animals; article 37 on priority seating on public transport; article 38 on the adaptation of public transport vehicles; article 39 on travel discounts; and article 41 on accessibility in bus and rail stations, ports and airport terminals.

112. The Ministry of Transport and Public Works has incorporated adaptations to ensure ease of access and movement for persons with disabilities in new subway stations and overland passenger transport services. It has also introduced a system of free tickets, as on national airlines. These measures are subject to ongoing monitoring in order to ensure their implementation and improvement.

113. The National Council for Persons with Disabilities and the José Gregorio Hernández Mission Foundation are in charge of supplying technical aids for improved personal

¹⁹ Source: National Council for Persons with Disabilities.

development (wheelchairs, walking sticks, prostheses, etc.). These institutions alone provided approximately 900,000 aids between 2007 and 2015.²⁰

114. The José Gregorio Hernández Mission Foundation has set up 11 prosthetics and orthotics laboratories, 3 of which are located in Caracas, 1 in Miranda, 1 in Carabobo, 1 in Anzoátegui, 2 in Lara, 1 in Mérida, 1 in Zulia and 1 in Nueva Esparta. Another laboratory is due to open shortly in Sucre state. These laboratories provide free health-care services associated with the provision of orthotics and prosthetics and produce the orthopaedic devices free of charge.²¹

XVII. Article 21 Freedom of expression and opinion, and access to information

115. In December 2004, the National Assembly adopted the Act on Social Responsibility in Radio and Television.²² The overall objectives of this Act include guaranteeing the right to information of hard-of-hearing persons, in the following terms: “To provide the facilities to enable hard-of-hearing persons to benefit to a greater extent from the broadcasting of messages” (art. 3 (8)). This legal provision is implemented in all informational programmes and some opinion-based programmes; efforts are under way to expand services to all programmes. Since 2006, television has incorporated sign interpreters.

116. The aforementioned Act also stipulates that television broadcast messages must have subtitles, Venezuelan Sign Language interpretation or other measures necessary to ensure accessibility for hard-of-hearing persons, placing special emphasis on cultural, educational and information programmes (art. 4).

117. Article 44 of the Persons with Disabilities Act sets forth the duty to provide telecommunication services accessible to this segment of the population. As mentioned earlier, the Government of Venezuela is currently engaged in the formalities necessary for accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled administered by the World Intellectual Property Organization, which will mark another important step towards ensuring access to information for the Treaty’s beneficiaries.

118. The National Council for Persons with Disabilities, through the National Accessible Communications Service, runs a programme that aims to ensure access to information using guides, Venezuelan Sign Language interpreters and translators and guide dogs, and issues service-related recommendations to the media. Its level of organization reaches that of a national network.

119. The bill on the protection, care and dignified treatment of persons with disabilities includes provision for Venezuelan Sign Language to be taught from an early age in all public and private schools and for the design of a university course on the subject.

XVIII. Article 22 Respect for privacy

120. Article 28 of the Constitution establishes the following guarantees of privacy:

“All persons may obtain access to the information and data about themselves or their property contained in official or private records, with such exceptions as are established by law; learn what use is being made of the information and data and the purpose of such use; and file a request to the relevant court for the update, correction or destruction thereof if the information and data are erroneous or unlawfully affect

²⁰ Source: National Council for Persons with Disabilities and José Gregorio Hernández Mission Foundation.

²¹ Source: José Gregorio Hernández Mission Foundation.

²² The latest amendment to which was published in *Gaceta Oficial* No. 39610 of 7 February 2011.

their rights. All persons may also obtain access to documents of any nature that contain information that is of interest to communities or groups. Exceptions include the confidentiality of journalists' sources and the information particular to other professions specified by law."

121. All persons enjoy this right without distinction, from a standpoint of respect for dignity and the protection of privacy. Accordingly, Venezuela has a range of legal instruments reaffirming this constitutional right. These include the Criminal Code, the Code of Criminal Procedure, the Special Act to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment, the Act on Women's Right to a Life Free from Violence and the Cybercrime Act. These laws safeguard the confidentiality of the medical and personal information of all persons with or without disabilities in all respects.

XIX. Article 23 Respect for home and the family

122. Article 75 of the Constitution states as follows: "The State shall protect families as a natural social unit and the basic locus of a person's development. Family relationships are based on equality of rights and duties, solidarity, joint effort, mutual understanding and reciprocal respect among family members. The State shall likewise guarantee protection to the mother, father or other person acting as head of household."

123. Article 9 of the Persons with Disabilities Act states that:

"No person shall be subjected to discriminatory treatment on the grounds of disability or neglected, abandoned or left unprotected by his or her family members or relatives for reasons having to do with his or her disability. Lineal ascendants and descendants up to the second degree and collateral relatives up to the third degree of consanguinity have an obligation to meet the needs of persons with disabilities who are unable to protect, care for or feed themselves or are unable to ensure on their own that they are provided with shelter, clothing, education and medical, social and community assistance. Persons with disabilities must be attended to in the family home. Any institutional care shall be provided only after a review of its compatibility with the law. The State shall help institutions provide this care in conditions that ensure respect for human dignity and personal liberty."

124. To ensure that the principals in parent-and-child relationships shoulder their responsibilities, the National Council for Persons with Disabilities has a family orientation and training programme led by a multidisciplinary team of psychologists, social workers and teachers. A new model, involving a humanistic and social approach centring on the potential of persons with disabilities and ensuring that the family acts to integrate its members, is thus promoted. As part of the programme, parents, other family members and representatives of persons with disabilities are provided with the technical, legal and emotional tools to raise their self-esteem, build capacity for interpersonal relations and interact more confidently with others.²³

XX. Article 24 Education

125. Including persons with disabilities by developing facilities and creating conditions which ensure that they are provided with equal education opportunities is one of the most important policy measures taken by the State in the past 10 years to guarantee equality of access to education. An overhaul of the special education system has been under way since 2011. It involves a comprehensive redesign of the approach to students with disabilities in educational institutions — an approach that, informed by the view of persons with disabilities as little other than passive recipients of assistance, previously marginalized such persons and involved practices incompatible with the public policies adopted by the State,

²³ Source: National Council for Persons with Disabilities.

the educator of all, and with the development of Venezuelan society and the socialist model that promotes social inclusion.

126. The Ministry of People's Power for Education is setting in motion a thorough overhaul of educational institutions, working in partnership with groups from the special education system and from the various educational levels, students, representatives, leaders, inter-agency bodies and spokespersons of communities whose theoretical and practical inputs have contributed to the design of the new educational model. The Ministry is also conducting various outreach, collectivization and consultation campaigns at the national level. There are three phases to the conception and implementation of the new model.

127. The first phase involves developing a public educational policy in which special educational institutions and services (child development centres and vocational education workshops) are transformed into early education centres, Bolivarian schools and Robinsonian and Zamorana technical schools for persons with disabilities which incorporate the principles of the Bolivarian national curriculum and use teaching strategies whose development was informed by situations commonly affecting families and communities.

128. Changes have been made to promote the educational inclusion of students and ensure that they pursue and finish their basic education. Similarly, children, adolescents and adults with some form of disability, who are considered full subjects of rights to whom the State must provide a comprehensive, inclusive and high-quality education, are guaranteed equal rights and conditions.

129. In 2013, there were 44 early education centres for persons with disabilities nationwide, 341 Bolivarian schools for persons with intellectual disabilities, 45 Bolivarian schools for hard-of-hearing persons, 19 Bolivarian schools for persons with motor disabilities, 6 Bolivarian schools for persons with visual impairments, 126 Robinsonian and Zamorana technical schools for persons with disabilities and 52 educational areas in hospitals. A total of 40,296 students were enrolled at these schools.²⁴

130. To cement this process, inspections are conducted and teaching support sessions are held. Their purpose is to guide and train institutional collectives so that public educational policy is made a reality in a State, responsible for educating all its citizens, that acts as regulator and supervisor, the aim being to improve the quality of education and have public policy reflected in the changes made in special education schools. The educational institutions themselves promote the active participation of their students, as equals, in the School Sports Games, the Student Meeting on Cultural Knowledge and Actions and educational councils.

131. As it pertains to special education, the second phase of the overhaul of public education policy — the innovation phase — involves the establishment of educational centres for the diagnosis, orientation, training and follow-up of students with disabilities. The centres are responsible for ensuring that such students, who are assessed by an interdisciplinary team, are provided with comprehensive educational follow-up. The teams take students' potential into account in developing an immediate educational plan, monitoring the results, formulating guidance and providing it to teachers, families and the community, thereby enabling students with disabilities to acquire the knowledge they need to continue their education. The country currently has 153 such centres, with the goal being to have one in every municipality (335 nationwide) or, in the Capital District and Vargas State, one in every parish.²⁵

132. The third phase of the overhaul is the consolidation of the public educational policy. This phase involves including children, adolescents and adults in the educational institutions of the Basic Education Subsystem (early education, primary education and general or technical secondary education) by creating appropriate educational spaces in the institutions described above.

²⁴ National Directorate of Special Education of the Ministry of People's Power for Education.

²⁵ National Directorate of Special Education of the Ministry of People's Power for Education.

133. In 2012, President Hugo Rafael Chávez Frías approved the construction of 1,235 classrooms as part of the Education without Barriers Project. The classrooms are being built in coordination with the Sixth Corps of Engineers of the Bolivarian National Armed Forces at the national level and the Ministry of People's Power for Communes.

Table 1
Literacy rate of Venezuelans with disabilities by type of disability, 2011 survey²⁶

Type of disability	Can read and write		Total	Literacy rate	Illiteracy rate
	Yes	No			
Visual	384 603	57 034	441 637	87.1	12.9
Auditory	75 171	27 825	102 996	73.0	27.0
Neurological	138 998	38 780	177 778	78.2	21.8
Musculoskeletal	206 906	32 916	239 822	86.3	13.7
Voice and speech	28 075	23 493	51 568	54.4	45.6
Cardiovascular	241 694	36 683	278 377	86.8	13.2
Mental/intellectual	47 442	65 654	113 096	41.9	58.1
Respiratory	115 657	12 321	127 978	90.4	9.6
Mental/psychosocial	45 748	6 256	72 004	63.5	36.5

134. All students have the right to enter and stay in school and pursue and complete the studies that, by means of the Bolivarian national curriculum and the educational plans, programmes and projects making up the Learning Resources System, form the citizens the nation needs. Plans, programmes and projects include the Canaima Education Project, the Bicentennial Collection (an educational reader), the magazine *Tricolor*, Internet radio programmes, talking books (already included in the Bicentennial Collection to ensure its accessibility for students with disabilities) and material in Braille, such as the “Yo, sí puedo” (Yes, I can) reader and a number of other readings and stories.

135. As of 2010, services had been provided for 7,154 people with auditory, visual, motor or cognitive disabilities. The Robinson Mission successfully taught persons with Down syndrome and other learning difficulties to read and write by tailoring programme contents to individual needs and using the most appropriate teaching resources to provide personalized support.²⁷

136. The developments mentioned above have led to a significant increase in the enrolment of persons with disabilities in university education. In addition, the National Enrolment Programme for Persons with Disabilities, run by the Ministry of People's Power for University Education, Science and Technology, ensures that appropriate changes are made to admission and enrolment mechanisms to accommodate students with disabilities. Currently, there are approximately 4,516 persons with disabilities in universities around the country. Their chances of attaining a quality of life that meets their physical, psychological and social needs will thus increase.

²⁶ Source: National Institute of Statistics, 2011 disability survey.

²⁷ Source: National Directorate of Special Education of the Ministry of People's Power for Education.

Table 2
Admission of persons with the disabilities to official Venezuelan universities²⁸

<i>Year</i>	<i>Number of students</i>
2009	868
2010	926
2011	1 309
2012	1 413
Admitted	4 516

Table 3
Venezuela: persons with disabilities by type of disability and educational level, 2011 survey²⁹

<i>Type of disability</i>	<i>Educational level</i>							<i>Total</i>
	<i>Unknown</i>	<i>None</i>	<i>Early education</i>	<i>Primary education (1–6)</i>	<i>Secondary education (1–5), (6)</i>	<i>Higher technical education</i>	<i>University education</i>	
Visual	17 306	57 089	2 801	163 213	139 068	17 087	56 783	453 347
Auditory	7 581	27 165	1 157	40 325	21 885	2 232	6 921	107 266
Neurological	10 653	40 018	2 048	71 087	46 752	4 096	12 302	186 956
Musculoskeletal	11 256	34 454	1 985	96 904	75 557	912	20 135	247 203
Voice and speech	4 883	23 737	1 950	18 417	7 931	518	1 616	59 002
Cardiovascular	12 223	37 845	1 655	119 867	80 371	7 895	23 937	283 793
Mental/intellectual	12 485	60 419	3 533	36 380	12 545	631	2 023	128 016
Respiratory	4 769	17 462	10 511	58 887	48 326	4 329	13 346	157 630
Mental/psychosocial	7 233	23 881	891	24 948	15 093	1 018	3 083	76 147
Total	88 339	322 070	26 531	630 028	447 528	44 718	140 146	1 699 360

137. In 2014, at the request of President Nicolás Maduro, the Ministry of People's Power for Education conducted a broad and inclusive national consultation on the quality of education, a political and educational undertaking that involved 7,233,489 persons, including teachers, students, family members and members of communities, collectives and social movements who, in a proactive demonstration of democracy, expressed their views on and provided input for the development of an inclusive, high-quality model of education.

138. The 10 most significant outcomes of the consultation touched on such topics as: inclusion as educational policy; the pedagogy of love, curiosity and teaching by example; teacher training; schools as territories of democracy and peace; a system that provides children and young people with protection and guidance; pedagogical relationships linking school, family and community; better general and technical secondary education; appropriate school buildings; evaluations of the quality of the education on offer; and a reconfiguration of the Ministry.

139. As part of the process, 11,033 persons, including students, teachers, families and representatives of the relevant sectors, took part in a consultation specifically on special education, which was held in the country's 24 states in June and July 2014. This consultation generated conclusive findings that, as mandates of the people, are challenges that the Bolivarian Government must address to ensure that persons with special educational needs and/or disabilities can exercise their right to education. The findings

²⁸ Source: Ministry of People's Power for University Education, Science and Technology.

²⁹ Source: National Institute of Statistics.

show that the special education policy should be updated, made more comprehensive and revitalized. Coverage should also be expanded.³⁰

140. Finally, to build the capacity of teaching staff with regard to the human rights of persons with disabilities, the Ombudsman's Office has offered training programmes including a course on improved teaching for children and adolescents with disabilities and a certification course on human rights for children and adolescents with disabilities, both organized in 2014.³¹

XXI. Article 25 Health

141. With regard to the right to the best possible health, the Venezuelan State has created a number of legal and technical mechanisms and programmes for persons with disabilities, such as the Health Care for Persons with Disabilities Programme of the Ministry of People's Power for Public Health and the José Gregorio Hernández Mission, comprising the National Council for Persons with Disabilities and the José Gregorio Hernández Mission Foundation. The latter is authorized to make home visits to persons with disabilities from vulnerable sectors during which comprehensive health assistance is provided.

142. The aim of the Health Care for Persons with Disabilities Programme is to bring together and coordinate policies, plans, programmes, projects and activities for the comprehensive care of persons with disabilities. The Programme is run by the Directorate of Health Care for Persons with Disabilities, which is responsible for carrying out activities that promote human functioning and launching initiatives that make it possible to promote health and prevent disability, strengthen the network of habilitation and rehabilitation services, encourage training and coordinate efforts to ensure equality of opportunity.

143. The Health Care for Persons with Disabilities Programme and the Ministry of People's Power for Public Health have been responsible for the development and implementation of policies for persons with disabilities, including work to make hospitals accessible to persons with disabilities and efforts to provide sensitivity training to health-care personnel.

144. Six hundred public rehabilitation service centres and a service for the advancement, promotion and advocacy of habilitation and rehabilitation in rural communities have been established. Community care strategies, which have a component centring on rehabilitation in the community, are also being pursued. Sixteen laboratories for the design and manufacture of hearing aids have been set up as well.

145. Basic courses on Venezuelan Sign Language have been given to staff working in rehabilitation centres, health centres and the headquarters of the Ministry of People's Power for Public Health. In addition, medical personnel have received training on disability matters at scientific workshops and technical conferences.

146. The National Public Health System has People's Power Social Monitors and Accessibility Supervisors whose aim is to ensure that persons with disabilities enjoy the right to the best possible health.

147. In addition, the José Gregorio Hernández Mission Foundation has a team of doctors and experts in the area of genetic and comprehensive medicine who perform the studies necessary to determine the causes of people's disabilities, whether they are genetic/hereditary or the result of an accident. These people and their family members are then provided with care according to the relevant standards and protocols. The National Dr. José Gregorio Hernández Centre for Medical Genetics treats genetic illnesses and disabilities in a holistic manner and offers pre- and post-conception counselling and care. The Centre has assisted more than 27,500 people and carried out more than 2,443 genetic

³⁰ *Source:* National Directorate of Special Education of the Ministry of People's Power for Education.

³¹ *Source:* Ombudsman's Office.

studies. In addition, the Foundation has attended to more than 336,490 people in 335 municipalities, visited more than 1.2 million households, delivered more than a million technical aids and essentials and produced more than 1,996 prostheses and more than 2,839 orthotic braces free of charge.³²

148. These orthotic braces and prostheses come from 11 already operational laboratories; 5 more such laboratories are currently being set up, taking the total to 16. The third national “house-to-house” survey took place in 2014, involving a genetic, medical and social study of the entire population of persons with disabilities. The study was conducted with the support of Cuban and Venezuelan doctors (Cuba-Venezuela Agreement), teams of properly trained brigade members (mission members) and more than 34,000 volunteers, and will provide accurate information for the development of public policies in this area.³³

XXII. Article 26

Habilitation and rehabilitation

149. As it is important to have access to trained personnel with the expertise to attend to persons with disabilities, postgraduate programmes in physical medicine, rehabilitation and speech therapy are offered in the Bolivarian Republic of Venezuela. Initial training in habilitation and rehabilitation is also promoted, as are national training programmes in areas involving such topics as physiotherapy, occupational therapy, orthotic braces and prostheses, phonoaudiology, speech therapy, spatial education and the education of deaf children and children with speech disorders.

150. Health programmes have been rolled out in every community in the country in order to ensure greater coverage and better accessibility for persons with disabilities. Furthermore, all services are provided free of charge. The State has provided for the care of persons with musculoskeletal disabilities in comprehensive diagnosis centres. These physical medicine and rehabilitation centres offer 600 comprehensive rehabilitation rooms and 240 physical medicine and rehabilitation units in public hospitals. These units, which operate in coordination with organized people’s power in communities, the Barrio Adentro Mission, the José Gregorio Hernández Mission Foundation and the National Council for Persons with Disabilities, were set up on 12 June 2005 and provide comprehensive care to this sector of the population.

151. For the care of persons who are hard of hearing, there is, as mentioned in the previous section, a network of hearing aid laboratories made up of speech therapy and audiology units, where hearing aids, in addition to being provided free of charge, are adjusted, checked, repaired and reset.

152. The Autism Unit of the Concepción Palacios Maternity Hospital takes a multidisciplinary approach to the treatment of children and adolescents with the developmental disorders referred to as autism spectrum disorders, including Asperger syndrome and pervasive developmental disorders not otherwise specified.

153. The measures taken to promote international exchanges of assistive technologies, including the conclusion of agreements with Cuba for the care of persons with disabilities and the improvement of habilitation and rehabilitation techniques, should also be mentioned. Similarly, Venezuela has participated in the Moto Méndez solidarity mission, which brings together the countries of the Bolivarian Alliance for the Peoples of Our America, such as Bolivia and Cuba, in a strategic health partnership in the neighbourhoods and communities of Tarija, Bolivia, and involves a genetic clinical study, addressing persons with disabilities, that also looks into biological, psychological and social factors.

³² Source: Cuba-Venezuela Agreement.

³³ Source: José Gregorio Hernández Mission Foundation.

XXIII. Article 27

Work and employment

154. Special protection is afforded to workers with disabilities in Venezuela; their rights are effectively safeguarded. Article 87 of the Constitution states that all persons, with or without disabilities, have the right to work according to their capacities and skills and to take up a productive occupation, duly remunerated, that enables them to lead a decent and dignified life:

(a) Article 290 of the Labour and Workers Act states that: “Workers with disabilities may not be excluded from employment under any circumstances and such workers, assigned to tasks according to their skills and abilities, should account for at least 5 per cent of an employer’s payroll”;

(b) Article 28 (1) of the Persons with Disabilities Act states that: “No valid argument may be made for discriminating against persons with disabilities, making their employment conditional or attempting to prevent them from being employed. The duties that persons with disabilities are assigned should not be such as to hinder their performance, constitute an obstacle to their accessing the workplace or exceed their capacity to carry them out. Workers with disabilities are not obliged to take on tasks that, because of their particular disability, are dangerous.”

155. Article 29 guarantees the labour rights of persons with cognitive disabilities, stating that they should be hired for tasks that they are able to carry out, under supervision. The Labour and Workers Act, for its part, has a chapter on assistance for persons with disabilities. A highlight of this chapter is the protection — in the form of permanent job security — afforded to parents whose children, as a result of their disabilities, find it difficult to provide for themselves.

156. By law, non-compliance with the quota for the employment of persons with permanent disabilities is punishable by fines of 100 to 1,000 tax units.

157. Under article 505 (2) of the Labour and Workers Act, the authority to match jobless workers, in particular young people, older workers and workers with disabilities, with opportunities for decent, productive and rewarding work is delegated to the Employment and Education Meeting Centres, which seek to introduce such people to the social environment of work and provide the necessary educational support. These centres are to be found in most of the country’s municipalities, and information on each jobseeker is processed using a technological system that operates nationwide. Employment and social counselling are offered at the centres, and jobseekers may register for educational and employment opportunities.

158. In addition, the National Council for Persons with Disabilities has a unit devoted to promoting the inclusion of persons with disabilities in society and the labour market by referring them to potential employers and providing employers with information on disabilities in order to familiarize them with the relevant legal framework, types of disability, the prevention of disability and the capacities and skills of persons with disabilities. A link to a database of jobs reserved for persons with disabilities, where interested employers post job offers with a view to meeting the quota for the employment of such persons, was added to the Council’s web portal in 2014 to promote employment opportunities and career advancement for persons with disabilities and help them look for, find and maintain or return to employment.

159. In order to ensure appropriate working conditions and a healthy work environment for persons with disabilities, article 59 (1) of the Organic Act on Workplace Safety, Working Conditions and the Work Environment states that workers are entitled to the best possible physical and mental health in the workplace and that children, adolescents and persons with disabilities or special needs should be afforded appropriate protection.

160. Similarly, article 56 of the aforementioned Act states that it is the employer’s responsibility to make use of the technological advances that allow for work to be done in conditions tailored to the physical and mental capacities of workers, their habits and cultural beliefs and their human dignity. Employers are also expected to refrain from

engaging personally, or through their representatives, in any offensive, malicious or threatening behaviour and from any acts psychologically or morally detrimental to workers. In addition, they are required to prevent harassment in the form of a deterioration in working conditions or the working environment, physical or psychological violence, isolation or a failure to provide workers with a reasonable occupation suited to their abilities and background.

Table 4

Companies registered with the National Council for Persons with Disabilities and number of persons placed in employment, 2007–2012³⁴

<i>Year</i>	<i>Companies registered with the National Council for Persons with Disabilities</i>	<i>Persons placed in employment</i>
2007	150	160
2008	-	2 263
2009	776	1 928
2010	293	4 598
2011	1 578	2 558
2012	1 668	6 347
2013
2014	3 661	10 063
2015	1 597	9 376
Total	9 723	37 293

XXIV. Article 28

Adequate standard of living and social protection

161. The Venezuelan State has set up a number of missions and social programmes, which have been described above, to ensure that persons with disabilities have an adequate standard of living and are afforded social protection.

162. Workers employed by private and public companies that make contributions to the Venezuelan Social Security Institute and persons covered by the optional insurance system may receive the disability benefits granted by the Institute. Under article 13 of the Social Security Act, a person who is assumed to have lost, permanently or for the long term, more than two thirds of his or her ability to work as a result of illness or accident is deemed unable to work.³⁵

163. Persons who have made no fewer than 100 weekly contributions over the three years prior to having been granted disability status and 250 such contributions in total are eligible for disability payments. For persons under the age of 35, the 250-contribution requirement is relaxed by 20 weekly contributions for every year until that age is reached, without thereby leading to a relaxation of the requirement to have made 100 weekly contributions over the three previous years (Social Security Act, art. 14).

164. Persons whose disability is a result of an accident at work or an occupational illness are entitled to disability benefits regardless of their age and contribution history. When their disability is caused by an accident unrelated to work, they are also entitled to benefits, provided that on the day of the accident they are covered by the compulsory social security system (Social Security Act, art. 15).

165. According to the unsatisfied basic needs method, most persons with disabilities (1,178,130) can be considered “not poor”, whereas 452,678 are affected by the states of deprivation gauged by the method. It can therefore be concluded that the objective

³⁴ Source: National Council for Persons with Disabilities.

³⁵ Published in *Gaceta Oficial* No. 4322, 3 November 1991.

conditions necessary for the majority of persons with disabilities to exercise their rights, have their most pressing needs met and thus to be increasingly included in society are in place.

Table 5

Persons by type of disability and by degree of poverty (unsatisfied basic needs), 2011 survey³⁶

<i>Type of disability</i>	<i>Household poverty according to unsatisfied basic needs</i>		
	<i>Not poor</i>	<i>Non-extreme poverty</i>	<i>Extreme poverty</i>
Visual disability	326 209	82 240	26 458
Hard of hearing	72 138	21 466	7 441
Neurological disability	130 598	36 264	12 427
Musculoskeletal disability	174 922	46 484	15 460
Voice and speech disability	35 768	13 800	6 679
Cardiovascular disability	206 415	51 012	15 282
Mental/intellectual disability	82 351	28 351	12 263
Respiratory disability	102 264	38 047	17 637
Mental/psychosocial disability	47 465	15 270	6 097
Total	1 178 130	332 934	119 744

XXV. Article 29

Participation in political and public life

166. The Electoral Process Act³⁷ contains a specific section on voters with disabilities. It establishes the political rights of this sector of the population, stipulating in article 187 the duty of the National Electoral Council and its subordinate and auxiliary bodies to guarantee the full exercise of political rights, without discrimination, in accordance with the provisions of the Constitution and other legislation.

167. With regard to the measures taken to guarantee all persons with disabilities the right to vote, article 128 of the Act establishes that persons who have a visual impairment or other disability shall be able to exercise their right to vote while accompanied by a person of their choosing, although no person shall be permitted to act as a companion more than once. Article 188 of the Act states that the information pertaining to a voter with a disability who is on the electoral register must identify the person's condition so that the physical space and voting equipment at the corresponding polling station may be adapted accordingly.

168. In 2011, the National Council for Persons with Disabilities and the National Electoral Council established a voting-facilitation mechanism for persons with disabilities whereby dedicated polling facilities identified as Station 1 are located on the ground floor of all voting centres. A mechanism is currently being implemented that will enable persons with a visual impairment to cast their ballots using a special Braille-based device.

169. Legislative provisions help to ensure the full accessibility of voting procedures, facilities and materials. Articles 189 and 190 of the Electoral Process Act establish the obligation of the corresponding governing body to ensure that voting tools are designed to be accessible to voters with disabilities and that voters with disabilities are thus able to exercise their right to vote without intermediation. Said articles also establish the obligation of the governing body to ensure that information and educational campaigns are accessible to voters with disabilities. Consequently, audiovisual messages must include simultaneous

³⁶ Source: National Institute of Statistics.

³⁷ Published in *Gaceta Oficial* No. 5928 (special issue) of 12 August 2009.

interpretation into sign language and informational material on ballot choices must be provided in Braille.

170. The Ombudsman's Office is carrying out a series of measures to ensure that persons with disabilities have access to service, housing and accessibility programmes, which are detailed below.³⁸

171. On 15 July 2015, a national meeting was held between social organizations and the Ombudsman's Office in order to advance public policies which safeguard human rights and promote respect, non-discrimination and full participation and inclusion in all areas of life (education, work, health, housing, and so on). Another aim of the meeting was to stimulate national debate and thus raise awareness of the issue of accessibility. The meeting also strove to promote measures for progressively improving accessibility, involving social and institutional actors at the various levels, namely, national, regional, state, municipal, and local.

172. An expert legislative committee was set up to redefine and examine proposals for discussion of the bill on the protection, care and dignified treatment of persons with disabilities on 23 July 2015. Subsequently, a workplan was drawn up to establish mechanisms for inter-agency relationships between the Ombudsman's Office and public and private institutions at the national, state, municipal, and local levels.

173. The various sectors of Venezuelan society were called together for a public consultation on the National Human Rights Plan 2015–2019. One of the plan's priorities is the amendment of the Persons with Disabilities Act.

XXVI. Article 30 Participation in cultural life, recreation, leisure and sport

174. With regard to steps taken to recognize and promote the right of persons with disabilities to take part in cultural life on an equal basis with other persons, pursuant to article 24 of the Persons with Disabilities Act, it is the responsibility of the State to formulate public policies and develop programmes and measures to advocate for and support persons with disabilities. The aim of such advocacy and support is to ensure that persons with disabilities have access to and enjoy cultural, recreational, artistic and leisure activities, and that their skills and abilities and artistic, creative and intellectual potential are utilized and developed.

175. In the cultural sphere, the National Council for Persons with Disabilities and the Casa del Artista (House of the Artist) Foundation, which is affiliated with the Ministry of People's Power for Culture, signed an inter-agency cooperation agreement in 2015. The purpose of this agreement is to consolidate the efforts and actions of State agencies so as to enable artists, craftspeople and artisans with disabilities to develop their skills and abilities and artistic, creative and intellectual potential on an equal basis with others. This initiative has given rise to a variety of measures, including the official registration of artists with disabilities with a view to facilitating their inclusion in cultural activities. The aim of such measures is to establish a space for interaction in an authentic environment, strengthening and fostering skills and talents.

176. As part of its policy of comprehensive services for vulnerable persons, the State guarantees the legal framework and physical and financial platform for the development of sports organizations which implement plans, programmes and projects designed for persons with disabilities. A number of private organizations, which are nationwide in their scope, have been set up to promote sports and physical activity, carrying out their sports-administration mandate with funding provided exclusively by the State. The organizations in question are the Venezuelan Federation of Wheelchair Sports, the Venezuelan Multisport Federation for Deaf Persons, the Venezuelan Multisport Federation for Persons with Intellectual Disabilities, the Venezuelan Multisport Federation for Persons with Cerebral

³⁸ Source: Ombudsman's Office.

Palsy and the Multisport Federation for Blind Persons of Venezuela. They are covered in the corresponding articles of the Sport, Physical Activity and Physical Education Act.

177. The umbrella agency for these federations is the Venezuelan Paralympic Committee, which is a not-for-profit social organization created under private law. It promotes, develops and disseminates the values, principles and technical regulations of the World Paralympic Movement and represents the country's Paralympic movement internationally.

178. The number of high-performance competitive athletes has been gradually increasing in recent years. In 2003, there were approximately 100 such athletes on the national shortlisted team. By 2013, roughly 800 sportspersons comprised what had become an active and growing population sustained over time.

179. All the members of the national shortlisted team are high-performance athletes with disabilities who are dedicated to their respective disciplines and who regularly participate in national, and sometimes international, events. Currently their number stands at 780. Their distribution by sport is shown in the table below.

Table 6
National shortlisted team athletes³⁹

<i>Sports</i>	<i>National shortlisted team</i>
Chess	6
Athletics	226
Badminton	4
Basketball	84
Boccia	40
Cycling	9
Wheelchair fencing	5
Football	112
Football 7-a-side	24
Football 5-a-side	48
Goalball	12
Judo	24
Karate	20
Wrestling	4
Swimming	58
Powerlifting	20
Rowing	8
Taekwondo	6
Table tennis	22
Wheelchair tennis	5
Archery	5
Shooting	2
Volleyball	24
Sitting volleyball	12
Total	780

The breakdown of athletes selected for inclusion on the national team, grouped by disability, is detailed in the table which follows.

³⁹ Source: Ministry of People's Power for Sports.

Table 7
National team athletes⁴⁰

<i>Disability group</i>	<i>No. sponsored</i>
Physical disability	48
Disability due to cerebral palsy	32
Visual disability	44
Intellectual disability	35
Hearing disability	81
Total	240

180. The Bolivarian Republic of Venezuela thus ranked highly in the biennium 2012–2013, following the completion of the Paralympic and Deaflympic cycle. It has been on the podium at both games on more than one occasion and its athletes have garnered a vast number of Paralympic and Deaflympic diplomas.

181. In addition, Venezuelan athletes have acquitted themselves masterfully and demonstrated great team spirit in world-class high-performance sports competitions for persons with disabilities. They have been awarded 15 gold medals, 7 silver medals, 16 bronze medals and 49 diplomas at a variety of events, including the 2012 Paralympic Games (London, United Kingdom of Great Britain and Northern Ireland), the 2012 World Deaf Martial Arts Championships (Nueva Esparta, Bolivarian Republic of Venezuela), the 2013 Deaflympic Games (Sofia, Bulgaria) and the 2013 IPC Athletics World Championships (France).

182. Over the past two years, the Bolivarian Republic of Venezuela scored a historic 38 podium finishes, 15 of which were first place, 7 second place, and 16 third place. Furthermore, its athletes ranked among the top eight in the world on 49 different occasions, testifying to their high degree of technical achievement. With a view to ensuring the accessibility of sports and culture venues, the inspectors of the National Council for Persons with Disabilities conduct visits through which they issue recommendations. In certain cases, penalties are imposed on centres which do not comply with the accessibility standards in force in the country.

XXVII. Article 31 Statistics and data collection

183. Since 1990, the National Institute of Statistics has collected data on persons with disabilities residing in Venezuela as part of the general population census. The 2011 census asked the question: “Do you have one of the following impairments, conditions or disabilities?”. The answer options were based on the definitions stipulated in the Persons with Disabilities Act. The census was intended to produce information relating to compliance with article 68 of the Act, which provides that: “For purposes of planning, implementing, following up and monitoring public policies, the National Council for Persons with Disabilities, in collaboration with the national bodies and agencies responsible for health, statistics, social services and social security, shall maintain a national register of persons with disabilities, organized according to state, municipality, parish and community”.

184. The question allowed for more than one answer from the persons concerned (i.e. the answer options were not mutually exclusive). This made it possible to quantify and qualify the resident population with having at least one disability and the population which, by its own account, has no disability condition.

⁴⁰ Source: Ministry of People’s Power for Sports.

Table 8
Population by condition: 2011 census⁴¹

<i>Type of disability</i>	<i>Population</i>	<i>Percentage</i>
Visual	454 997	1.7
Hearing	107 803	0.4
Neurological	189 034	0.7
Musculoskeletal	249 378	0.9
Voice and speech	59 756	0.2
Cardiovascular	285 580	1.1
Mental/intellectual	130 731	0.5
Respiratory	166 175	0.6
Mental/psychosocial	76 857	0.3

185. The National Council for Persons with Disabilities certifies the condition of persons with disabilities, recognizing and validating the assessments and reports issued by specialists. Certification is a requirement in order to be considered eligible for disability benefits, and is also a key tool for collecting disaggregated data on types and degrees of disability.

186. With regard to the dissemination of statistical information, in December 2013 the National Institute of Statistics published a demographic bulletin on the Venezuelan population with disabilities, based on 2011 census data. The bulletin examined fundamental aspects of the country's sociodemographics with a view to identifying the characteristics of the population with some form of disability and was designed to provide timely and high-quality statistical information for the purposes of designing and implementing public policies, action plans and projects which make it possible to meet the specific requirements and needs of this sector of the population.

187. As regards measures taken to ensure the full participation of persons with disabilities in data-collection and research processes, it should be noted that the National Council for Persons with Disabilities consults with organizations of and for persons with disabilities on matters such as recommendations and opinions on bills (through public consultations, the Presidential Council for People with Disabilities and assemblies involving various people's organizations, *inter alia*).

188. Article 72 of the corresponding law stipulates that, twice a year, employers must notify the National Council for Persons with Disabilities and the National Institute of Statistics of the number of persons with disabilities in their employ, including their names and the nature of their disability. This makes it possible to keep an up-to-date nationwide register of workers with disabilities.

189. Lastly, the National Council for Persons with Disabilities, with assistance from the National Institute of Statistics, developed a series of data-collection tools that were distributed to the various ministries of people's power in the course of 2015. Their purpose was to facilitate the compilation of accurate information on the support provided to persons with disabilities. These tools will be redistributed each year with a view to keeping an up-to-date register on the subject.

XXVIII. Article 32

International cooperation

190. Recognizing the importance of international partnerships in redoubling efforts to recognize all the human rights of persons with disabilities, Venezuela has actively participated in the meetings of the Southern Common Market (MERCOSUR).

⁴¹ *Source:* National Institute of Statistics.

MERCOSUR is both a trade area and a forum for the exchange of ideas, the sharing of successful experiences and the discussion of proposals for improving the living conditions of the peoples of MERCOSUR member and associate countries. It fosters sustainable development and ensures a level playing field for all stakeholders.

191. The twenty-fourth Meeting of High Authorities on Human Rights took place in Brazil in June 2017. At the meeting, the working group on the protection and promotion of the rights of persons with disabilities discussed possible disability-focused projects that could be financed by the Central American Monetary Stabilization Fund. In that connection, the Venezuelan delegation proposed presenting two projects, one of them involving the creation of a company, possibly with bilateral or multilateral participation, to manufacture technical aids such as orthotic and prosthetic devices and wheelchairs, and the other involving the construction of integrated humanistic centres for the delivery of assistance to persons with disabilities and their families.

192. At the aforementioned meeting, the Venezuelan State submitted to MERCOSUR two major proposals designed to benefit persons with disabilities in all MERCOSUR States. One proposal addressed disability prevention and was focused on awareness-raising (art. 8 of the Convention), early identification and prevention of disability (art. 25 of the Convention) and the standardization of criteria among MERCOSUR countries with a view to minimizing the risk of disability. The second proposal addressed accessibility and was focused on creating accessibility standards based on the perspective and requirements of the South American region. The standards would be used in the development of MERCOSUR-funded actions to meet the principal needs of persons with disabilities.⁴²

193. Within the framework of international cooperation, the Cuba-Venezuela Comprehensive Agreement on Health was concluded with the firm intention of ensuring comprehensive health care for the Venezuelan people and, consequently, the timely detection of illness, treatment for debilitating illnesses and the prevention of disability. Under this agreement, Venezuela has implemented new mechanisms for the development of vaccines, the setting up of laboratories and health centres, the promotion of preventive medicine, and the training of more specialists in debilitating illnesses. In 2013, this joint endeavour between the two nations made it possible to deliver free health care to 58,000 Venezuelans, including persons with disabilities whose medical treatment is provided in Cuba.⁴³

194. Since its inception, the Bolivarian Alliance for the Peoples of Our America-Peoples' Trade Treaty (ALBA-TCP) has been working to achieve development that is in harmony with the environment, sustainable over time, in line with the region's potential, non-discriminatory, and geared primarily towards social equality. ALBA-TCP is underpinned by the principle of multipolarity, encourages South-South dialogue and operates on the political, economic, cultural and military planes. Foremost among its strategies is the promotion of Latin American and Caribbean integration in order to address the social inequalities and high levels of poverty affecting the countries of the region more effectively.

195. The goal of ALBA-TCP is to transform Latin American societies, fostering the development of societies based on social justice, education and culture in which Latin American peoples play a lead role in forging their own destiny, on the basis of solidarity and integration. The resultant joining of forces is central to the elimination of social inequalities. ALBA-TCP provides an international stage on which human rights are realized through the strengthening of cross-border exchanges of knowledge, technology, services, products and programmes which benefit all sectors of the population, including persons with disabilities.

196. This framework of cooperation and solidarity has given rise to special plans for the less developed countries in the region, including a continental plan to fight illiteracy, which uses modern technology already implemented in Venezuela and Cuba through its social missions.

⁴² Source: National Council for Persons with Disabilities.

⁴³ Source: <http://www.venezuela.gov.ve/> Convenio de Salud Cuba-Venezuela.

197. ALBA-TCP provides a free health-care plan for Latin American citizens who lack such services, which encompasses measures to stabilize debilitating illnesses, prevent disabilities and, in sum, ensure healthier lifestyles. It also provides a regional scholarship plan for areas targeted for economic and social development.

198. Another aspect of this framework is the inclusive development of communications and transport between Latin American and Caribbean countries. This includes joint plans for roads, railways, shipping lines and airlines, telecommunications and other infrastructural elements, which will have a significant effect on the advancement of the region's nations.⁴⁴

199. Since the outset, ALBA-TCP has accorded particular attention to persons with disabilities through programmes aimed at both disability prevention and health care for persons with disabilities. Many of its achievements in the social sphere are worthy of note: thanks to Operation Miracle, 3 million people in 10 countries have recovered their eyesight; since the launch of a genetic and psychosocial clinical study centred on persons with disabilities, 1 million patients have been diagnosed and treated; the "Yo, sí puedo" (Yes, I Can) literacy method has enabled 5 million citizens from 18 countries in the region to read and write; through programmes developed by ALBA-TCP, 23,944 doctors of comprehensive community medicine from Latin America and the Caribbean have obtained their degrees, including 10,228 doctors from ALBA member States.⁴⁵

200. The Union of South American Nations (UNASUR) is another strategic alliance supported by Venezuela that fosters integration among nations. UNASUR has promoted the inclusion of various sectors of the population through the Forum for Citizen Participation, which is held regularly, at the same time as the summits of UNASUR heads of State. The Venezuelan Government has made special efforts to ensure the democratic participation of everyone involved, conducting countrywide consultative workshops and selection processes involving more than 900 social organizations for women, indigenous peoples, campesinos, the elderly, persons with disabilities and persons across the spectrum of sexual orientation.

201. Through the aforementioned processes, NGOs elected 129 spokespersons to be representatives at the second UNASUR Forum for Citizen Participation, at which the views and needs of the various sectors of the population would be discussed. The forum is another dynamic space in which persons with disabilities can raise issues directly and make proposals relevant to the situation in South America. The delegations representing Venezuelan social movements and NGOs are elected every year in order to ensure regular alternation.⁴⁶

XXIX. Article 33

National implementation and monitoring

202. As part of measures taken to assign specific government bodies to take charge of matters related to implementation of the Convention, the Venezuelan Government created the Office of the Deputy Minister for the Supreme Social Happiness of the People, which falls under the Office of the President and Oversight of Government Administration within the Ministry of People's Power.⁴⁷ The Office's strategic objective is to formulate and integrate prevention, protection, care, recreation and social inclusion policies for the benefit of families, children and adolescents, persons living in street situations, the elderly, persons with disabilities and socially vulnerable persons in general.

203. Both the National Council for Persons with Disabilities, which is the sectoral coordinating body, and the José Gregorio Hernández Mission Foundation form part of the

⁴⁴ Source: http://www.pdvsa.com/index.php?tpl=interface.sp/design/salaprensa/readesp.tpl.html&newsid_obj_id=214&newsid_temas=58.

⁴⁵ Source: <http://www.embajadacuba.com.ve/noticias/en-alba-se-concilian-posiciones-audaces-y-revolucionarias/>.

⁴⁶ Source: <http://www.telesurTV.net/news/Juramentaran-delegacion-venezolana-a-foro-ciudadano-de-Unasur-20150821-0021.html>.

⁴⁷ Published in *Gaceta Oficial* No. 40280 of 25 October 2013.

aforementioned Office of the Deputy Minister. As previously stated, the José Gregorio Hernández Mission was created to support comprehensive care for persons with disabilities, the prevention of disability and the promotion of cultural change. It is involved in the development of guidelines, policies, plans, projects and strategies concerning comprehensive care for persons with disabilities and is responsible for submitting the drafts thus produced to the ministry responsible for social development for consideration. It is also responsible for issuing recommendations to the bodies and agencies of national, state and municipal administrations and to individuals and private-law organizations whose work is focused on persons with disabilities.

204. The José Gregorio Hernández Mission Foundation is in charge of designing, establishing and developing national policies, plans, programmes and projects dealing with disability prevention and social care for persons with some form of disability. It was founded in 2008, as a programme providing a mechanism for the social inclusion of the sector of the population considered one of the most vulnerable in the country. However, it was not until 2013 that it acquired legal personality and its own resources.

205. Besides counting on the aforementioned three institutions dedicated to the welfare of this population group, as provided under the Persons with Disabilities Act, and since disability is a cross-cutting issue, the Government of Venezuela delegates powers to various ministries including those responsible for sport, labour, culture and education.

206. With regard to the budget allocation for national implementation and monitoring, the table below details the social investment made by the Bolivarian Government through the institutions discussed.

Table 9
Investment in disability⁴⁸

<i>Institution</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
José Gregorio Hernández Mission	...	\$16 966 355.15	\$26 999 190.02
<i>Institution</i>	<i>Year</i>	<i>Investment in Bs</i>	<i>Investment in \$</i>
	2007	13 700 213	6 372 192
	2008	28 429 202	13 222 884
National Council for Persons with Disabilities	2009	34 920 314	16 242 006
	2010	28 015 253	6 515 175
	2011	35 160 774	8 176 924
	2012	70 419 968	16 376 736
	2013	80 660 000	12 803 174
	2014	81 689 000	6 807 416
	2015	91 975 376	6 812 990

207. One issue that poses a challenge for Venezuela is the strengthening of the measures needed to achieve a paradigm shift in the understanding of disability and thus to build an inclusive society in which everyone has the chance to develop themselves fully under conditions of equal opportunity. The shift itself poses a series of challenges for the Government in that the changes to be achieved in society must be deep-seated, and manifest in the behaviour and perceptions of each and every individual in society, so paving the way for the open-minded thinking that will make it possible to ensure accessibility for all people, regardless of their condition, in a multitude of contexts, including public spaces and services, education and work environments.

⁴⁸ Investment is not limited to the amounts indicated here, as assistance and services are provided by the entire public administration. *Source:* National Council for Persons with Disabilities and the José Gregorio Hernández Mission Foundation.

208. Accordingly, all Venezuelan State policies are designed to be relevant to daily life, thereby ensuring people's autonomy — that most valuable of assets — to the greatest degree possible, and always take into account people's specific characteristics and particular circumstances.

209. A national strategic plan for an inclusive society will be developed and implemented in due time. It will provide for the deployment of strategies and mechanisms to meet the relevant objectives and must involve all the players on the national stage, including the public and private sectors and civil society. Development of the plan is expected to be complete by mid-March 2016. The plan will make it possible to establish concrete actions in all the spheres relevant to disability (including health, education, legislation, labour, transport, technology, habilitation and rehabilitation); it will also enable the setting of estimated short-, medium- and long-term time frames for the implementation of these actions, based on their respective complexity. The ultimate goal of all these endeavours is to ensure the greatest possible happiness for the Venezuelan people.

210. The strategic plan will give particular importance to socio-productive considerations, both in the allocation of resources for projects and in the pursuit of full employment, as part of the wider drive to ensure greater equality of opportunities for persons with disabilities, so making twenty-first century socialism attainable.

211. Against this backdrop, it is necessary to reinforce the political participation of persons with disabilities and ensure their empowerment vis-à-vis national government. At the same time, it must be borne in mind that this challenge is framed within a continuous ongoing organizational process that is rooted in people's power. Ever stronger engagement of community committees of persons with disabilities throughout the country is vitally important. Also crucial to overcoming the attendant challenges is the kind of mainstreaming we have seen thus far, one in which all levels of government participate and help to safeguard the rights of persons with disabilities.
