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Venezuela (Bolivarian Republic of)

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I. Methodology and consultation process

1. In preparation for the universal periodic review, the Bolivarian Republic of Venezuela established an inter-institutional working group, composed of representatives of the five branches of government and coordinated by the Ministry of People's Power for Foreign Affairs. The group set up an internal dialogue and a detailed social consultation process, the findings of which were set out in a framework based on the Simón Bolívar National Project 2007–2013.¹ This project establishes national development strategies based on safeguarding the human rights of all persons, as predicated by the Liberator Simón Bolívar, and reinforces a new social structure built on inclusion and participation.

2. Both the Government and Venezuelan society are actively engaged in the pursuit of responsible participation in the drafting, implementation and evaluation of public policies at different levels of government, based on the inclusion of those excluded from the process in the past and on the continued involvement of those who were included in it. Participation in the universal periodic review process of the Human Rights Council has given citizens² an opportunity to express their views on policy principles from a human rights perspective.

3. Meetings, gatherings and training workshops were the main activities conducted by the communal authorities and social organizations and movements, with support from the Office of the United Nations High Commissioner for Human Rights and from other government bodies.

II. Background

4. The Bolivarian Republic of Venezuela is located on the northern coast of South America. It is a secular State with an area of 916,455 km² and a population of 28,384,132. The official language is Spanish; indigenous peoples' languages are also recognized for official purposes.

5. Venezuela is known for its biodiversity, with ecosystems such as beaches on the Atlantic and Caribbean coasts, mountains in the Andes, plains and deserts, as well as forests in the Amazon. It is one of the top six countries in terms of biodiversity on the American continent.

6. Venezuela is a major energy producer and is regarded as the country with the largest oil reserves. It is also home to large stretches of freshwater, gas fields and mineral deposits.

7. Since the adoption of the current Constitution in 1999, Venezuela has undergone a democratic and peaceful revolution on its path towards socialism. The State has committed itself to the social, cultural, economic and political development provided for in the Constitution in accordance with the principles of equality and full respect for human rights.

8. Venezuela is a democratic and social State subject to the rule of law and justice; as the higher values of its legal system and its action, it advocates life, liberty, justice, equality, solidarity, democracy, social responsibility and, in general, the pre-eminence of human rights, ethics and political pluralism.

9. Venezuela is a decentralized federal State, within the terms set forth in the Constitution. Sovereignty rests inalienably with the people, who exercise it directly in the manner provided for in the Constitution and the law, and indirectly, by means of their vote, through government bodies.

10. The State guarantees that the human rights embodied in the Constitution and all those inherent in the human person are promoted and protected through the implementation of public policies.

III. Legislative and institutional human rights framework

11. The Constitution guarantees the principle of the universality and indivisibility of human rights, in line with the latest trends in comparative law and international treaties. In its statement of principles, in Title III, on “Duties, human rights and guarantees”, 111 articles provide for civil, political, economic, social, family, cultural and environmental rights, as well as the rights of indigenous peoples.

12. The promotion and protection of human rights are guaranteed through government bodies which are assigned exclusive functions, which they exercise on the basis of the principles of integrity, participation, promptness, effectiveness, efficiency, transparency, cooperation, accountability and responsibility.

13. Power is shared by municipal, state and national authorities. The national Government is divided into the legislative, executive, judicial, electoral and citizen branches.

14. The citizen branch of government (*poder ciudadano*) is composed of the Ombudsman’s Office, the Public Prosecution Service and the Office of the Comptroller-General of the Republic.

15. The Ombudsman’s Office is responsible for promoting, defending and monitoring the rights and guarantees provided for in the Constitution and in international human rights treaties, as well as the legitimate, collective and broad interests of citizens. The Office is also responsible for ensuring the proper functioning of public services and for bringing actions of unconstitutionality, *amparo*, habeas corpus, *habeas data* and other actions or remedies required for the exercise of its functions.

16. The Office functions in accordance with the principles relating to the status of national institutions.³

17. The functions of the Public Prosecution Service include bringing criminal actions and guaranteeing respect for constitutional rights and safeguards in legal proceedings, as well as for the rights established in international treaties, conventions and agreements signed by the Bolivarian Republic of Venezuela.

18. The Office of the Comptroller-General of the Republic is the body which monitors, supervises and inspects income, expenditure, public and national assets and related operations.

IV. Main advances in the promotion and protection of human rights

A. Eradication of poverty

19. Venezuela is conscious of the social debt owed by former Governments to the excluded population and believes that poverty is one of the main factors responsible for violations of human rights. It has therefore endeavoured to implement public policies aimed at eradicating poverty in accordance with the principles of universality, cost-free status, equality, inclusiveness, solidarity, equity and social justice. These principles have significantly shaped the programmes developed under the public policies.

20. In its approach to the problem, the State has successfully reduced the number of households living in extreme poverty from 21 per cent in 1998 to 7.1 per cent in 2010, according to studies conducted by the National Institute of Statistics.

21. This decrease has been achieved by implementing public policies designed to improve income and wealth distribution, increase the minimum wage and pensions, provide more food vouchers for wage earners and gradually reduce the unemployment rate. This has led to an increase in the purchasing power of members of the aforementioned households and a reduction in inequality.

22. The State has created and implemented “social missions”⁴ on a large scale as part of its strategic plan to ensure that social action is effective and to guarantee human rights.

23. In the last decade, Venezuela has invested a record amount in social programmes. Between 1999 and 2010, accumulated investment increased from US\$ 12,465,054 to US\$ 393,478,011,⁵ with a clear twofold rise between 2007 and 2010.

24. During the first half of 2010, the Gini coefficient for Venezuela stood at 0.3898, making it the country with the lowest level of inequality in Latin America.

25. The Economic Commission for Latin America and the Caribbean has found that Venezuela is one of the countries in the region that has reduced inequality and poverty the most in the last decade, a finding backed up by the United Nations Development Programme (UNDP). The Food and Agriculture Organization of the United Nations (FAO) ranked Venezuela tenth among the best nourished countries in the world.

26. The Venezuelan State, with the power of the people behind it, has achieved the first target of the Millennium Development Goals, to halve the number of persons living in extreme poverty between 1990 and 2015.⁶

B. Civil and political rights

1. Right to life

27. The Venezuelan State guarantees the inviolability of the right to life as the basis for the enjoyment and exercise of other rights; it expressly prohibits the death penalty. The enhanced protection of this right covers conception, pregnancy, and maternal and child health, and extends to the full development of the individual. This has had a positive impact on the newborn mortality rate, which stands at 13.9 per 1,000 live births in 2010, and on life expectancy at birth, which has reached 73.94 years.

28. The Constitution prohibits enforced disappearances, slavery and servitude. Trafficking in persons, including women, children and young people, is a criminal offence in all its forms.

29. The following rights are protected: the right of every person to a name, to the family names of his father and mother and to know the identity of his father and mother; the right to freedom of religion and worship; the right to freedom of conscience; the right to travel freely throughout the national territory and to leave and return to it; the right of association for lawful ends, to meet with others in public or private for peaceful purposes without prior authorization; and the right to petition or make representations before any authority and obtain a timely and adequate response. Citizens advice offices have been set up in public institutions in order to protect these rights.

2. Right to public security

30. Public security is an important factor in the quality of life of the Venezuelan people and it is the State’s duty to guarantee it. In the past, the sense of insecurity felt by the public was mainly related to the presence, activity and general operations of the various police authorities. The Government believed it was a matter of the utmost urgency to reorganize

the police, which former Governments had used as an instrument to suppress and control the most excluded members of society.

31. The National Commission on Police Reform (Conarepol)⁷ was established for this purpose in 2006. Its mandate was to develop a new model for policing in conformity with the Constitution, international human rights principles and the need for an integrated and egalitarian police service.

32. The extensive studies conducted by the National Commission produced a thorough evaluation of police conduct, an analysis of victim surveys and public consultations on what the community wanted of the police, and a set of recommendations which led to the Police Service and Bolivarian National Police Force Act⁸ in 1999 and the code of conduct for civilian officials or military officers carrying out police duties at national, state and municipal levels.⁹

33. At the end of 2009, the State implemented a comprehensive plan for prevention and public security, which builds on the previous public policy and aims to: (1) create a national prevention system; (2) create an integrated police system; (3) establish the Bolivarian National Police; (4) overhaul state and municipal police forces; (5) gradually consolidate the rights-based adversarial criminal justice system and other legislative reforms; (6) fight against illicit drug trafficking; and (7) examine the Prison System Humanization Plan.

34. This plan led to the establishment of the National Experimental University for Security Services (UNES)¹⁰ under the Alma Mater mission. Some 4,222 UNES graduates have successfully joined the National Bolivarian Police Force,¹¹ bringing the number of police officers per capita into line with international standards (3.6 per 1,000 inhabitants).

35. The Bicentennial Public Security Programme (Dibise) was implemented nationwide in 2010, on the basis of the national crime map. It involves the participation of national, state and local police officers, as well as local communities, with the backing of the Bolivarian National Armed Forces.

36. Attention is drawn to programmes to deal with civilian disarmament¹² and the fight against drug trafficking. In 2009, the *Sembrando Valores para la Vida* (“values for life”) programme provided 106,000 community advisers with training in the prevention of drug abuse.¹³ In 2011, under the *Dibise va a las escuelas* (“taking Dibise to the schools”) programme, prevention workshops are being held to help reduce drug abuse and issue an early warning in all schools.

37. According to the Seventh National Urban Survey on Public Security,¹⁴ in 2010 the number of households that had been victims of crime decreased by 15.9 per cent as compared with 2009. At the same time, the percentage of persons who had noticed an increase in crime in the country declined by 18.5 per cent.

3. Protection from natural disasters

38. Since 1950, urban development in Venezuela has been characterized by accelerated and unplanned growth, sustained by income from the petroleum industry. Migration from the countryside has led to countless homes being built around cities and this fact, associated with a half-century absence of effective and efficient public housing policies, has meant that hundreds of families see their right to life and integrity under constant threat.

39. Since the end of 2010, the entire country has been experiencing one of the heaviest rainy seasons of the last decade. Added to soil saturation, which is a product of environmental problems, this has led to landslides, rivers breaking their banks and flooding, chiefly affecting those same family groups, many of whom have been made homeless.

40. In the face of this emergency, and with the intention not merely of implementing stopgap measures but of finding an overall structural solution, the national executive requested an enabling act, thanks to which the Venezuelan State has been able to guarantee the immediate fundamental needs of this group, passed appropriate domestic legislation and launched the “Great Venezuelan Housing Mission”.

41. At the same time, citizens have acquired a right which, though not expressly mentioned in the Constitution, according to article 22 thereof is inherent to every person: the right to decent shelters, especially designed for the population in emergencies and regulated by a special law.¹⁵

4. Right to freedom of expression and information

42. The Constitution guarantees freedom of expression and expressly prohibits any form of censorship. Anyone exercising their right to freedom of expression assumes full responsibility for everything they say. The Constitution likewise recognizes the right to receive timely, truthful, impartial and uncensored information.

43. In order to guarantee the exercise of such rights, the State has created supervisory and regulatory bodies¹⁶ and has passed a number of laws, chief among them the Act on Social Responsibility in Radio and Television.¹⁷ This Act seeks to ensure that, in the broadcasting and reception of messages, radio and television service providers, suppliers of electronic media, advertisers, independent national producers, and users demonstrate social responsibility. The aim is to encourage a democratic balance between duties, rights and interests, to promote social justice and to contribute to the education of citizens, democracy, peace, human rights and the nation’s social and economic development.

44. Within this legislative framework, the Venezuelan State has managed to promote these rights and ensure they are exercised effectively. It has done so by: (1) creating 1,225 alternative and community-based media outlets which coexist alongside the commercial and public channels; (2) creating 244 community-based broadcasters throughout the country; (3) granting 139 FM broadcast franchises to entrepreneurs in the social communications sector, thus raising the number of such broadcasters in the country to 469; (4) increasing franchises to State FM broadcasters by 10 per cent;¹⁸ (5) granting 32 franchises to commercial television stations; and (6) creating 37 community-based television stations throughout the country.¹⁹

5. The right of citizens to participate in public life and the right to vote

45. Venezuela experienced a crisis in the system of representative democracy established by the 1961 Constitution. This democracy was, in fact, characterized by what was effectively a monopoly exercised by political parties and by their anachronistic inability to allow citizens to participate in the running of public affairs.

46. The 1999 Constitution established a transversal model of participatory democracy in which the people share responsibility and participate actively, and which has led to substantial changes in electoral practice, ranging from the concept of suffrage as a right to the creation of new forms of participation in political, social and economic life. The changes included the establishment of a new branch of government, the *poder electoral* (electoral power),²⁰ which is responsible for ensuring the effective exercise of those rights.

47. The Venezuelan people participated in 15 elections between 1999 and 2010,²¹ proof of their commitment to democracy and a reaffirmation of sovereignty and self-determination through free, secret and universal suffrage. The elections are a clear sign of political plurality and the full exercise of political rights which Venezuelans enjoy, a fact recognized by the Carter Center, the Organization of American States (OAS) and the hundreds of national and international social organizations which acted as observers.²²

48. Another striking feature has been the level of popular participation in 41,235 community councils, a like number of financial administrative areas (formerly known as community banks), 319,290 registered cooperatives and 52 communal banks. Moreover, there have been countless public consultations, street parliament debates, citizens' assemblies and discussions in the people's legislature.

49. It should also be noted that the right of citizen participation is a motif running through the entire corpus of domestic legislation.²³

6. Access to justice

50. The system of justice in Venezuela²⁴ is made up as follows: the Supreme Court; 1,179 courts throughout the country; the Public Prosecution Service, with 1,852 prosecutors in its various offices; 873 public defenders; criminal investigation agencies, with their support agencies and officials; the prison system; alternative means of justice; citizens who participate in the administration of justice; and lawyers authorized to practise.²⁵

51. The Venezuelan State guarantees that all its citizens shall, free of charge, have right of access to the courts in order to ensure the enforcement and effective protection of their rights and interests, including collective or diffuse ones.²⁶

52. The judiciary interprets access to justice not only in a strictly procedural sense, but as the basis for a public policy of inclusion which seeks to create new social jurisdictions. These are characterized by immediacy, a principle that breaks with the extreme and depersonalizing formalism of written procedures.

53. These new social jurisdictions include that of children and young people, which has a total of 164 courts;²⁷ a jurisdiction to protect women and ensure they can live lives free from violence, with 38 courts; a jurisdiction for agrarian law, with 21 courts; and another for workers, which currently has a total of 335 courts. Conciliation is not just a technique, but a fundamental principle for achieving peace in this sector.

54. In 2007, the Supreme Court began implementing the Mobile Courts Programme, which includes visits to various communities in Venezuela. It also involves studies to determine the existence of a system of laws in local neighbourhoods which may facilitate an understanding of the social context, and of primitive forms of law, the principle of equity being immediately applicable. In 2010, the programme had a total of 10,773 advice centres.

55. From a strictly legal perspective, access to justice is often reflected in calls for constitutional reform, demands for collective rights and diffuse interests, and applications for constitutional protection; as well as in the important decisions taken by the Supreme Court to guarantee the exercise of human rights.²⁸

56. In order to guarantee the right of access to justice, the judiciary has begun a process of restructuring, evaluation and training. It is currently composed of 1,910 judges;²⁹ in other words, 6.6 judges for every 100,000 inhabitants.

57. The judiciary also has a technological capability which guarantees the efficiency and transparency of trials. Thanks to this capability, Venezuela has become the second most modern and technologically advanced country in Latin America.³⁰

58. The Public Prosecution Service, for its part, has set up offices specialized in gender violence, prison inspectors whose job is to guarantee respect for the human rights of people deprived of their liberty, and municipal offices to encourage closer contact and more communication with communities, among other things.

C. Social, cultural and environmental rights

1. Right to food

59. According to FAO,³¹ Venezuela was the fifth country in the world to include explicit recognition of the right to food in its domestic law.³²

60. In order to guarantee this right, the Venezuelan State has promoted food programmes and nationwide distribution networks of reasonably priced foodstuffs, through Producer and Distributor of Foods (Pdval), the Venezuelan Food Corporation, Bicentenario markets, Food Markets (Mercal) and the Food Staples Programme (Fundaproal).

61. The implementation of these policies over the course of the decade has meant that 5 million Venezuelan citizens, including children, elderly people and the homeless, have had access to free daily nourishment thanks to the school meals programme,³³ soup kitchens and other initiatives. Likewise, subsidies provided by the countrywide Mercal network have reached 12 million inhabitants.

62. Thanks to these measures, the daily food intake of Venezuelan citizens has reached 2,790 kilocalories per head, an increase of 40 per cent with respect to 1998.

63. The 58 per cent drop in the level of infant malnutrition, which fell from 7.7 per cent in 1990 to 3.2 per cent in 2009,³⁴ puts Venezuela among the five Latin American States with the lowest levels of malnutrition among children under 5 years of age.

64. In its 2010 report, FAO included Venezuela in category two of countries with the highest levels of food security. This reflects the success of national policies on food access and distribution. Venezuela has reached the Millennium Development Goal target in this area, and is currently working on strategies to eradicate hunger altogether.

2. Right to education

65. In Venezuela, education is a human right and a duty.³⁵ The State, sharing responsibility with families and with society, considers education at all levels to be an inalienable and vitally important function and a way to achieve scientific, humanistic and technological knowledge in order to realize national goals.

66. During the past decade, the State has undertaken a number of policies and actions to guarantee equality of opportunity in access to education. The most important of them are: (1) eliminating tuition fees in State education centres of all levels and kinds, up to undergraduate level; (2) building new facilities and maintaining existing ones,³⁶ as well as providing comprehensive care for students, with a full eight-hour day, medical care and dietary supervision; (3) increased investment in education; in 1999 it accounted for less than 3 per cent of GDP while in 2011, adding together the budget allocations for the Ministry of People's Power for Education and the Ministry of People's Power for University Education, it stood at more than 6.1 per cent;³⁷ (4) strengthening the curriculum by incorporating such key subjects as environment and overall health, interculturality, work as emancipation, information technology and communication, language, human rights, a culture of peace, and sovereignty and the defence of the nation; (5) encouraging teachers to undertake advanced training and update their knowledge, and offering them job security; (6) including people with disabilities by creating infrastructures to offer them equal opportunities; (7) decentralizing university education and recognizing the autonomy of universities; and (8) developing science and technology, as well as sports and recreation, as part of an education and public health policy.

67. These policies have made it possible to break the mould of social inequality and establish a milestone in the development of a new education system³⁸ which includes

standard and non-standard programmes³⁹ and increases educational opportunities of all levels and kinds.

68. In this context, particular attention should be given to an alternative form of adult education being implemented under the Robinson I and II, Ribas and Sucre programmes. Literacy levels in Venezuela currently stand at 95 per cent of the adult population,⁴⁰ making it one of the group of illiteracy-free countries.

69. The data on school enrolment show a positive trend, with school enrolment up or steady at all levels. The number of children and adolescents enrolled in school increased by 24 per cent between 1998 and 2010, standing at 7.7 million in the academic year 2009/10. Net enrolment rates increased by 28 per cent in nursery education, 7 per cent in primary education, 24 per cent in secondary education and 98 per cent in the sciences and humanities at secondary level. The school dropout rate for primary education stood at an average of 2 per cent between 1998 and 2010, as against an average of 5 per cent in the previous decade, an improvement of 3 percentage points. Over the same period, dropout rates for secondary education fell by 7 percentage points.⁴¹

70. Another important policy in this sector has been the Canaima Education Project,⁴² which, in its first phase, has distributed 743,000 computers to State and private schools, a fundamental step towards achieving computer literacy. As part of the same process, 2,250 computer and telecommunication centres have been created, benefiting more than 6 million students throughout the national education system.

71. The Venezuelan Government has recognized the strategic importance of university education, as a lifelong learning opportunity open to all, in guaranteeing the public's participation in the social, political, economic and cultural transformation of the country. It therefore established the Ministry of Higher Education in 2002. With the adoption of the Education Act in 2009, this became known as the Ministry of People's Power for University Education.

72. To achieve universal access to university education, the Government has decided to bring it under municipal ownership, in close cooperation with communities. Municipalization is in line with the search for territorial equilibrium⁴³ and is one of the guiding principles behind the Government's policy on universal university education, in pursuit of supreme social happiness and *buen vivir* ("good living").

73. The idea is to bring universities closer to where people live, so as to open their doors to everyone regardless of age, family circumstances, financial resources or employment situation. Universities are getting closer to communities so that they will be accessible to anyone who is working, looking after children, unable to travel far from home or living far from the big towns, thus guaranteeing the right to education for all.

74. The closeness of universities to communities opens up a real possibility of making university education universal and thus ensuring that everyone can participate in the generation, transformation and social ownership of knowledge, which is key to building a socialist society characterized by ethics, solidarity, proactive democracy, a new model of production and respect for human rights.

75. In 2010, the United Nations Educational, Scientific and Cultural Organization (UNESCO) reported that Venezuela was the country with the fifth-highest gross university enrolment rate in the world (85 per cent) and the second-highest in Latin America and the Caribbean.

76. As of 2010, there are 172 university institutions, 77 of them State-run and 95 private. A total of 2,293,914 students are enrolled in them (2,184,327 undergraduates and 109,587 postgraduates).⁴⁴ Of these, 70.3 per cent are enrolled in State-run institutions and 29.7 per cent in private ones.

3. Right to health

77. Venezuela's health policies are based on the principles of universality, equity, solidarity, free treatment, participation and recognition of ethnic diversity and multiculturalism. The following strategies have been used to put these policies into practice: (1) expand and consolidate timely and free health services; (2) reduce maternal and infant mortality and mortality among children under 5 years of age; (3) strengthen the prevention and control of disease; (4) promote pharmaceutical security and sovereignty; (5) improve the prevention of accidents and violence; and (6) optimize efforts to prevent drug use and provide treatment and rehabilitation for the individuals concerned.

78. The *Barrio Adentro* mission⁴⁵ was set up in 2003 to meet the primary social and health-care needs of the population in working-class neighbourhoods and inaccessible rural areas where residents had previously been unable to exercise the right to health.

79. This mission brings together the philosophy and goals of primary health care and is currently operating on several levels: Barrio Adentro I, which covers primary health care; Barrio Adentro II, which expands medical and diagnostic services through diagnostic centres, rehabilitation centres and high-technology centres; and Barrio Adentro III, which aims to strengthen the hospital network.

80. Barrio Adentro IV was established in 2006 with the inauguration of specialized centres such as a child cardiology hospital, which considerably increased the country's capacity to deal with child cardiology cases, from 141 cases in 1998 to the current rate of 600 cases per year. The hospital also treats children from other countries in the region.

81. Under Barrio Adentro I and II, 6,172 people's dispensaries, 533 diagnostic centres, 570 rehabilitation centres, 31 high-technology centres (for free, highly complex medical examinations), 4,781 dentist's surgeries and 459 people's optician's have been established in Venezuela. By 2010, thanks to these programmes, 284 million consultations had been held and there were 60 doctors per 100,000 inhabitants.

82. Under Barrio Adentro III, more than 7 million patients have been treated in hospital emergency rooms and 6 million in outpatient clinics, and more than 300,000 surgeries have been performed, thus improving the health of the general population.

83. Another important policy has been the expansion of care for persons living with HIV/AIDS.⁴⁶ This includes the involvement of social and community groups; free universal access to antiretroviral treatment⁴⁷ and medication for opportunistic infections; breast-milk substitutes for children up to 1 year of age; free access to safe blood transfusions; and up-to-date care standards. Under this policy, 37,825 people have been treated, 1,250 work accidents dealt with and 85 prevention campaigns carried out. The budget for these programmes has also been increased.

84. The following achievements should be flagged: (1) free vaccinations, particularly for children; (2) the establishment of the José Gregorio Hernández mission to provide health care to people with disabilities, which has provided in-home services to 13,072 people and equipment to 16,672; and (3) the establishment of the *Milagro* ("miracle") mission, which provides eye care and in the past five years has performed 1,247,125 operations, or an average of 249,543 operations per year.⁴⁸

85. At the time of writing, 24 million Venezuelans, or 80 per cent of the population, have been treated free of charge in 13,150 public health centres.

4. Right to culture

86. A decade ago, the Venezuelan Government initiated a dialogue in which the most diverse cultural sectors participated. The right to culture, once invisible because it was

reserved for the elite, is now exercised by all Venezuelans, as they have become aware of the leading creative and patriotic role played by culture. The strengthening of cultural institutions⁴⁹ allowed projects to be consolidated, institutions reshaped and venues democratized.

87. The outcomes of these policies can be seen in: (1) the 10,118 cultural events that took place in 2010, staged by 63,112 popular artists and attended by 782,127 citizens, making it the most successful cultural programme in Venezuelan history;⁵⁰ (2) the establishment of 24 printing works, with the objective of democratizing the book as a tool for the transformation of Venezuelan consciousness; (3) the creation of the *Villa del Cine* film and television studio;⁵¹ (4) the opening of 144 regional and institutional community movie theatres; (5) the opening of 52 Sur bookshops and the holding of international book fairs; and (6) the creation of the Liberator's Prize for Critical Thinking of the National History Centre.

88. In addition, 25 museums and art galleries, 3 archaeological parks, and 11 cultural diversity centres have been opened. Together with the implementation of the Culture Mission, the introduction of a degree in education specializing in cultural development has produced graduates who promote cultural activities in 98 per cent of municipalities, including in indigenous communities and communities of African descent.

89. The National Youth and Children's Orchestra scheme deserves a special mention as one of the Bolivarian Government's biggest social inclusion projects. Committed to the pedagogical, vocational and ethical development of children and young people, it uses group instruction and the practice of music to help educate, protect and rehabilitate youth from the most vulnerable sectors of Venezuelan society. In the past decade, it has grown to the point where it runs 11 orchestras around the country and 13 centres where thousands of children and young people from every part of the country have participated in the scheme.

5. Access to science and technology

90. The Venezuelan State has strongly promoted the widespread dissemination and use of information and communication technology at all levels of society, particularly among the most excluded groups. Strategies and policies in this domain have led to the establishment of the National Scheme for Science, Technology and Innovation and to the reinforcement of scientific culture in accordance with article 110 of the Constitution.

91. The Simón Bolívar satellite marked a great achievement for the Venezuelan State in the area of science and technology. The launch of Venesat-1 into orbit was a landmark in the development of telecommunications in Venezuela, since, in addition to the leap forward represented by having its own satellite, the use of the satellite for telemedicine and teleducation purposes ties in with the concept of technological development with a social component, as proposed in the National Development Plan 2007–2013.

92. Also worthy of mention is the work done by the Infocentro foundation, which has taught more than 1 million Venezuelans how to read. There are 737 Infocentros⁵² operating in all parts of the country; 434 of them are connected to Venesat-1. The foundation received the UNESCO Hamad Bin Isa Al-Khalifa prize for social inclusion in 2010.

93. The statistics on telecommunications growth and access compiled by the National Telecommunications Commission (Conatel) show that 31 out of every 100 residents, which represents about 8.8 million people, have access to the Internet. In 2000, there were 273,534 Internet subscriptions, whereas by the fourth quarter of 2009 there were 2,033,858 Internet users, an increase of 600 per cent. The statistics also show that the biggest increase in telecommunications usage was in the use of mobile phones; there are 28.2 million mobile phone connections in Venezuela, serving 95 per cent of the population.

6. Right to a healthy environment

94. The State's public environmental policy has been to apply the constitutional principles in that area by enacting various legal instruments⁵³ to promote, protect and enforce environmental rights. This legal framework has made Venezuela one of the leading investors in this area in South America.

95. Some 66.2 per cent of Venezuela's territory is considered a protected natural area, with national parks, forest wildlife reserves and other reserves accounting for 16 per cent of that area. These figures and the protection of natural areas against incompatible usage show the importance that the State accords to biodiversity, the protection of natural resources, environmental heritage, scientific research, healthy and eco-conscious recreation activities, and other values.

96. Conservation societies have carried out 4,951 projects in Venezuela since the establishment in 2006 of the Socialist Tree Mission, which has planted more than 42.5 million trees.

97. Another policy which has had a big impact on the lives of people is the State's explicit recognition of the right to water as an autonomous, separate right that is essential for an adequate quality of life.⁵⁴

98. Former Governments traditionally considered it too difficult and costly to provide drinking water and sanitation services to rural areas and working-class neighbourhoods. At the turn of the decade, the State made huge investments in water and sanitation infrastructure throughout the country and was able to quickly provide a water supply and sanitation services to a large number of Venezuelans previously deprived of clean water.

99. The result of this sizeable investment was the expansion of access to mains water to 84.8 per cent of the population between 1999 and 2001, well ahead of the target set in the Millennium Development Goals of halving by 2015 the proportion of the population that had no access to safe drinking water in 1990. Over 90 per cent of the population now has access to drinking water.

7. Right to social security

100. The right to social security is a fundamental and inalienable human right, guaranteed by the Venezuelan State to all Venezuelan nationals in the country and also to foreign nationals legally residing there, in accordance with the principles of social justice and progressiveness.

101. Comprehensive social security protection is guaranteed by a set of laws on the subject,⁵⁵ which include provisions for retirement and other pensions, such as old-age, incapacity, invalidity and survivor's pensions.

102. The State has taken a number of measures to ensure that groups normally excluded from coverage, such as fishermen,⁵⁶ peasants⁵⁷ and housewives,⁵⁸ benefit from social security. Some 70,000 people in these occupations receive a monthly pension equivalent to the minimum wage. The measures include exceptional payments of 60 per cent of the minimum wage to 100,000 Venezuelans who never paid social security contributions⁵⁹ and allowing anyone who has paid the required contributions within a certain period to receive a pension, which has benefited 42,994 Venezuelans.

103. The Venezuelan Social Security Institute listed 1,804,087 pensioners in 2010, a considerable increase from 1998, when there were 191,187 pensioners. The total number of people insured is 12,157,710, of whom 7,188,203 are men and 4,969,507 women.

8. Access to public transport

104. The Venezuelan State has put considerable effort over the past decade into guaranteeing the right to freedom of movement of both people and goods within national territory, boosting economic activity in the transport sector and related services, and devising a new geopolitical policy to divide the country into multimodal infrastructure corridors.

105. The Caracas Metro, which has been operating for 28 years, is the primary mass transit system in the capital and connects with the State-run rail networks. It is complemented by the Metrobus, a surface transportation system which links with the underground network. At the moment, 2 million passengers are transported daily. The Los Teques Metro began operating in 2006 and has transported over 41 million passengers, changing their lives forever. A metro service is also now available in other big cities like Valencia and Maracaibo.

106. The main line of the Ezequiel Zamora central rail network, between Caracas and Cúa, transported 56,042,037 passengers from the suburbs between 2006 and 2010, and has greatly improved their quality of life.

107. The Simón Bolívar rail network, with its main line running from Puerto Cabello to Acarigua, links the north to the coast. It is a modern, multimodal transport system, quick and affordable, and can transport over 400,000 passengers and 2 million tonnes of cargo per year. Currently it is only being used for freight transport.

108. The Trolmérida is a mass transit system inaugurated in 2007 which consists of two trolleybus lines and a cable-car line known as the *Trol-cable*. At the moment, the first two lines are operational and the third is under construction. It is the first such system to be introduced in a Latin American city with less than 500,000 residents.

109. The Metrocable San Agustín is a cable-car transport system inaugurated in 2010 and is the first high-technology mass transit system in a working-class neighbourhood. It is used daily by about 15,000 people, and is accessible to 40,000 residents in the San Agustín area, who used to travel to the city centre by conventional means of transport that took longer and were more expensive. There are 51 cable cars, designed to be comfortable, safe and accessible for persons with disabilities.

V. Protection for specific groups

A. Women

110. Venezuela has a regulatory framework for the promotion and protection of women's rights: the Constitution; the Act on Women's Right to a Life Free from Violence;⁶⁰ the Child Protection Act;⁶¹ the Family and Parenthood Act;⁶² the Act amending the Criminal Code;⁶³ the Equal Opportunities for Women Act;⁶⁴ and the Act on the Promotion of Breastfeeding.⁶⁵

111. All the institutions of the Venezuelan State have drawn up policies based on these laws to support the effective exercise of the rights of women by ensuring that women receive the same training as men, taking affirmative action to avoid discrimination against them and eliminating the obstacles and prohibitions that are the product of deep-rooted sociocultural behaviours.

112. In 2008, the Ministry of People's Power for Women and Gender Equality was set up.⁶⁶ It oversees the National Institute for Women (Inamujer) and its regional branches, the National Office for the Defence of Women's Rights,⁶⁷ the Women's Development Bank

(Banmujer), the foundation *Misión Madres del Barrio* (“neighbourhood mothers mission”), offices providing assistance for women, and women’s shelters.⁶⁸

113. Regarding the exercise of women’s political rights, it is important to note: (1) the alternation in the lists of candidates for public office;⁶⁹ (2) the Inamujer meeting points;⁷⁰ (3) the citizenship training centre; and (4) the subcommittee on gender at the National Institute of Statistics, which includes women from indigenous groups and women of African descent.

114. Parity has been reached in the workforce,⁷¹ with more and more women being employed in non-agricultural sectors.⁷² The unemployment rate for women dropped from 12.5 per cent to 8 per cent in 2009.

115. The national public health system now covers women’s overall, sexual and reproductive health at all stages of their lives. The *Madre* project, set up in 2006,⁷³ offered further assistance under the slogan “healthy mothers, healthy children”. Now known as the *Niño Jesús* mission, it has 16 maternity shelters.

116. Banmujer has trained women to work in the manufacturing, agricultural, commercial and service sectors with the goal of improving their economic development. For the period from 2000 to 2010, it also provided them with credit.

117. Regarding access to justice, 38 special courts for the protection of women and gender equality have been established, as well as 59 special prosecutor’s offices for violence against women.⁷⁴ Special technical units have also been established to provide comprehensive care to women, children and teenagers who are victims of violence, and victim care units have been set up in each state.

B. Children and young people

118. The National Child Protection System, which is overseen by the Autonomous Institute of the National Council for Children’s and Adolescents’ Rights (Idena), has become more effective since the promulgation of the Child Protection Act.⁷⁵

119. Public policies on children and young people are based on a set of legal provisions,⁷⁶ decisions, agreements and actions implemented by the Government in conjunction with organized society to ensure that the rights of children and young people, especially those in situations of vulnerability and social risk, are fully realized.

120. Attention is drawn to the Neighbourhood Children Mission, which was established by the Government in 2008 with a view to quickly providing comprehensive protection for children and youngsters living on the street, at risk, in institutions⁷⁷ or working. The National Plan for Family Inclusion, which is being implemented within the framework of the mission, promotes the use of foster families as a way of ensuring the all-round development of children and young people in care, whether they have been placed in a family or adopted.

121. There are three types of strategy for executing plans and programmes, namely: (1) *Prevention*: comprehensive protection community centres, which work with children up to the age of 12 who are at social risk, providing them with comprehensive protection so that they can fully exercise their rights; and the Programme for the Dignity of Young People at Work; (2) *Protection*: the Comprehensive Protection Units Programme, which has 33 protection units and 4 specialized protection units; integrated care centres; and the Community Shelters Programme; and (3) *Participation and organization*: promotion and support of the children’s organization Semillero de la Patria Simón Bolívar, in order to give effect to the right of children between the ages of 6 and 17 to active and proactive participation.

122. Protection for this rather sensitive age group is supplemented by: 164 specialized courts; public prosecutor's offices; 275 public defender's offices; administrative defence services; and the Intersectoral Commission on the Sexual Abuse and Exploitation of Children and Adolescents, which coordinates action to progressively eliminate all forms of abuse and exploitation of children and young people.

C. Indigenous people and people of African descent

123. Addressing a long-standing situation, the Constitution establishes an effective system of protection for indigenous peoples and fosters a sense of national belonging, by recognizing the contribution made by indigenous and Afro-Venezuelan communities in shaping our national identity and founding social institutions. Venezuela is part of the international movement that recognizes these peoples' rights as specific and original rights under the Constitution, and recognizes the multi-ethnic, multicultural and multilingual characteristics that make us a democratic society.

124. This has led to profound political and cultural changes over the past decade, and these have required changes in the design and execution of public policies to ensure that such rights are observed and exercised effectively. Indigenous peoples are no longer merely the object of these policies, but active participants in formulating and implementing them.

125. In laying claim to these rights, the National Commission on the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities has begun delimiting indigenous lands and habitat. A special law on this matter was passed,⁷⁸ as was the Indigenous Peoples and Communities Act;⁷⁹ and the Ministry of People's Power for Indigenous Peoples was established in 2007.⁸⁰

126. These rights are also reflected in the current legal system, with 46 laws giving effect to the obligations established in international conventions and agreements.

127. State institutions have specific departments providing advocacy and prosecution services to deal with various aspects of the realities facing indigenous peoples, in all their complexity. Furthermore, indigenous representatives now serve as members of the National Assembly and on State and municipal deliberative bodies.

128. The Government has implemented mechanisms to promote intercultural, multilingual training and education, guaranteeing access to the education system by providing textbooks translated into the languages of the Bari, Punme, Baniva, Warekena and Wayuu indigenous peoples from the states of Amazonas, Apure and Zulia, with the help of UNDP.

129. The Indigenous University of Venezuela, the University of Indigenous Peoples and Amazonas University have been established, as well as the Bolivarian University of Venezuela campuses in the Pemón villages of Pendare and Gran Sabana in Bolívar state.

130. The establishment of the Indigenous Health Directorate in 2004 under the Ministry of People's Power for Public Health has ensured the right to health and *buen vivir* of the 40 indigenous peoples living on national territory. This right has been reinforced with the establishment of the community doctors training programme of the Latin American School of Medicine in Havana,⁸¹ which has already produced more than 21 graduates from the Wayuu, Pemón, Kariña and Barí, Warao, Añu, Yekwuana and Yeral ethnic groups.

131. The establishment of indigenous assistance and guidance offices, spread throughout the eight states of the country that have indigenous populations, has guaranteed continued access and quality of care combined with an intercultural approach. Furthermore, 1,583 community workers in primary care, 310 indigenous health advocates, 48 vaccination

personnel and 95 cultural paramedics have joined the national public health system since 2007.

132. The Presidential Commission for the Prevention and Elimination of All Forms of Discrimination and Other Distinctions in the Venezuelan Education System was established in 2005,⁸² as was the Subcommittee on Legislation, Participation, Guarantees, Duties and Rights of People of African Descent, within the Standing Committee on Indigenous Peoples of the National Assembly, in 2008. The Commission drafted the Racial Discrimination Act, which was unanimously adopted at first reading by the National Assembly in 2011.

VI. International obligations and regional integration and unity

133. In pursuing its domestic policies and regional cooperation, Venezuela has transformed its approach to international affairs, promoted inter-State initiatives and fostered the emergence of innovative mechanisms. Venezuela is inspired by the principles of sovereignty and self-determination of peoples, and is creating mechanisms that States can use to eliminate the social divides caused by the long-standing exploitation and colonial and neocolonial domination that still exist in the region.

134. Accordingly, Venezuela has developed rights-based public policies. Since 2000, mechanisms for union, integration, dialogue and regional political cooperation in Latin America and the Caribbean have sought to include the social, political, respect/solidarity and human rights dimensions in the unity and integration agenda. These topics have been gradually developed in political and legally binding agreements within the framework of the Southern Common Market (MERCOSUR), the Bolivarian Alliance for the Peoples of Our America – Peoples' Trade Agreement (ALBA-TCP),⁸³ the Union of South American Nations (UNASUR) and the Community of Latin American and Caribbean States (CELAC).

135. Venezuela has strengthened its ties with the universal system of human rights and is working to improve cooperation through UNDP, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and the representative of the International Committee of the Red Cross in Venezuela, among others. Meetings have taken place at the highest level, allowing a better flow of information and assistance in this area, showing the Government's commitment to, observation of, and respect for human rights, as well as its willingness to learn and to provide appropriate information on progress in the field of human rights in Venezuela. Venezuela is gradually building a relationship with all the special procedure mandate holders and human rights treaty bodies.

VII. Obstacles and constraints

136. Since the adoption of the current Constitution, Venezuela has been undergoing a peaceful and democratic revolution based on the teachings of the Liberator Simón Bolívar; respect for sovereignty and self-determination; the active involvement of the people; the promotion, protection and realization of human rights; the consolidation of a multipolar world; and the search for greater happiness, a better quality of life and *buen vivir* for Venezuelans. In light of this, the people have defended and supported the Bolivarian revolution against threats of domestic instability and interference from any foreign power.

137. It has not been easy to implement public policies on inclusion, thanks especially to a political opposition that has shamefully persisted not only in defending the economic

interests of foreign powers, certain social elites and the private production sector, but also in placing these interests above the rights of the Venezuelan people.

138. Thus, in April 2002, democracy in Venezuela came under attack from a coup d'état promoted by the Government of the United States of America, business and trade-union elites and all the opposition parties, as well as some senior members of the Catholic Church in Venezuela. The coup managed to overthrow the legitimately elected president, Hugo Chávez Frías, for 48 hours, but he was returned to power thanks to the intervention and determination of the people and the patriotic armed forces. In December 2002, businessmen from the Federation of Chambers of Commerce and Production organized an illegal general strike with the support of the Confederation of Workers of Venezuela. Many of the staff of the oil company *Petróleos de Venezuela* later joined them, triggering a national oil strike that ended in February 2003, when they admitted defeat. The country suffered economic losses estimated at \$15 billion.

139. On 15 August 2004, the Venezuelan opposition called an unprecedented election, the so-called recall referendum on President Hugo Chávez Frías, in which the majority of the people backed the President.

140. Attempts to destabilize the country have not worked. To the contrary, the democratic system, its institutions and leaders have been strengthened. A solid foundation has been laid for a strong social alliance with the people, which has enabled the Government to implement public policies that promote, protect and apply human rights and focus on the people who have been most excluded in the past, through programmes and social missions.

141. Internationally, Venezuela has asserted its position as an autonomous, sovereign and independent State, and has asserted the principles of non-intervention and self-determination of peoples in the face of the hegemonic, colonialist and neocolonialist positions still found in some countries. These positions have resulted in a freeze on Venezuela's international holdings, media attacks on Venezuela in certain countries, and reports and decisions by regional bodies such as the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights Court that consistently fail to reflect the true human rights situation in Venezuela.

VIII. Challenges

142. The fight against poverty is threatened by the so-called process of globalization, neoliberal policies and high food prices worldwide. But eliminating poverty is not an impossible task, which is why the Government has specifically designed, implemented and followed through on a set of public policies designed to constantly improve the standard of living and *buen vivir* of the Venezuelan people, and invested the necessary resources in social programmes.

143. Fully guaranteeing the right to life, and specifically the right to public security, continues to be a challenge, but work is continuing to design and implement public policies that tackle the problem from an essentially scientific perspective.

144. We must continue to improve the promotion and protection of human rights through awareness-raising and training for the police, judges, prosecutors and public defenders. We have therefore established or expanded the National School of Prosecutors, the National School of the Judiciary and the National Experimental University for Security Services, all of which include human rights as a cross-cutting theme in their curricula to ensure that these rights are effectively realized.

145. The right to decent housing is guaranteed under the Constitution. However, the lack of public policies in this area for more than a half a century, combined with the effects of

climate change, have meant that the Government policies launched over the past decade have not been sufficient to meet the needs of the growing number of families struggling to find decent housing. The Great Venezuelan Housing Mission due to be rolled out in the coming years represents a huge effort by the Government to find a definitive structural solution to the housing shortage in the country.

146. Promoting, defending and monitoring human rights, particularly the rights of Venezuelans of diverse sexual orientation and gender identity, is still a challenge. The Ombudsman's Office has worked especially hard on this issue, but its efforts so far have fallen short. The Ministry of People's Power for Communes has therefore held awareness seminars for its employees so that they can assist this community in an appropriate and responsible manner.

147. The state of prisons is a problem in Venezuela as in the rest of the world. Guaranteeing the rights of the prison population poses a significant challenge for the Government, which continues to tackle this issue seriously and forcefully, since it is having to combat the violent legacy of more than half a century of a mafia culture behind bars.

148. The Higher Council for Prisons, established in 2008 to coordinate all the bodies in the justice system, has submitted a draft prison code to the National Assembly. Likewise, the criminal and procedural status of prisoners has been assessed and analysed; inter-agency commissions have been established to make prisons more humane; new legislation and a ministry have been established; and the public defender service has been granted more resources and autonomy. Similarly, possible measures have been proposed to optimize and speed up criminal court proceedings.

149. Guaranteeing the right to asylum and refuge poses a challenge for the State, mainly because of the movement on the border between Colombia and Venezuela. Further measures are needed to process asylum applications efficiently.

150. Venezuela is improving its statistical system so that it can better monitor and assess its human rights policies and programmes.

151. Training and educating all our people to take a hand in their own development remains a challenge in our efforts to build a better country.

IX. Conclusion: human rights and living life

152. In submitting this report, the Bolivarian Republic of Venezuela reiterates its willingness to maintain a dialogue and cooperate with the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights. Human rights is a vast subject that is difficult to address fully in this sort of document, but this exercise has been an excellent opportunity to mobilize Government departments and society in general and to seek their views on the exercise and enjoyment of human rights. We are strongly committed to protecting and promoting these rights, and recognize the importance of this mechanism in producing exchanges of views and ongoing consultations and in examining a country's historical and political approach to human rights. We reaffirm the importance of consensus between the Venezuelan State, the people and social movements and organizations for the present and future universal periodic reviews, as such cooperation has ensured that the process was interactive and comprehensive at every level.

Notes

¹ El Proyecto Nacional Simón Bolívar-Primer Plan Socialista establece los principales lineamientos de

- una democracia profunda en el país y el desarrollo económico y social de la Nación en el período 2007–2013. Las líneas programáticas que integran este plan son: I. Nueva Ética Socialista. II. Suprema Felicidad Social. III. Democracia Protagónica Revolucionaria. IV. Modelo Productivo Socialista. V. Nueva Geometría Nacional. VI. Venezuela: Potencia Energética Mundial. VII. Nueva Geopolítica Internacional.
- ² Por las limitaciones establecidas en el número de palabras para la elaboración de este documento, no será posible aplicar un enfoque de género a cada artículo, sustantivo y adjetivo, no obstante está expresamente consagrado en la Constitución de la República Bolivariana de Venezuela.
 - ³ Resolución 1992/54 de la Comisión de Derechos Humanos, del 3 de mayo de 1992. Acreditada ante el Comité Internacional Coordinador de Instituciones Nacionales de Promoción y Protección de Derechos Humanos.
 - ⁴ Las Misiones sociales nacieron como órganos de ejecución de las políticas públicas dirigidas a garantizar los derechos fundamentales de la población, como educación, salud, alimentación, identidad, trabajo, cultura, entre otros, con énfasis en los sectores más excluidos históricamente sin desconocer los ya incluidos. Éstas cuentan con recursos extraordinarios del presupuesto nacional, su coordinación es interinstitucional e interministerial y uno de los elementos fundamentales para su creación e implementación es la participación activa y protagónica de las comunidades organizadas. Ver anexo descriptivo.
 - ⁵ Lo que incluye el gasto acordado entre la administración central, gobernaciones, alcaldías, inversión social de Pdvsa y el Fonden. Ver anexo.
 - ⁶ República Bolivariana de Venezuela. *Cumpliendo las metas del milenio 2010*. Caracas, septiembre 2010. ISBN 980-6456-12-2.
 - ⁷ Instalada mediante Resolución del Ministerio del Interior y Justicia, del 10 de abril de 2006.
 - ⁸ Publicada en la Gaceta Oficial 5.940 del 7 de diciembre de 2009. Esta Ley derogó el Decreto con Rango, Valor y Fuerza de Ley Orgánica sobre el Servicio de Policía y Cuerpo de Policía Nacional, publicada en la Gaceta Oficial Extraordinario N° 5.880 del 9 de abril de 2008, la cual también fue producto del trabajo realizado por la Conarepol.
 - ⁹ Resolución N° 364 del Ministerio del Poder Popular para las Relaciones Interiores y Justicia del 21 de septiembre de 2006.
 - ¹⁰ Según consta en la Gaceta Oficial N° 39.120 del 13 de febrero de 2009. Decreto N° 6.616.
 - ¹¹ Otro órgano de gran importancia para la implementación de este nuevo modelo policial es el Consejo General de Policía, que tiene como función el deber de diseñar las políticas públicas que en materia policial sean necesarias de cara a la reforma policial y la implementación de la Ley Orgánica del Servicio de Policía y del Cuerpo de Policía Nacional.
 - ¹² Durante 2011 se conformó la Comisión Presidencial para el Desarme y se discutió en la Asamblea Nacional el Proyecto de Ley Penal para el Desarme y control de Municiones, el cual tiene como objeto establecer las normas que lo deben regir, así como la recuperación y control de las armas y municiones que lícita e ilícitamente se encuentren en el territorio nacional.
 - ¹³ Para 2010, se incautaron 63.820 kilogramos de diferentes drogas; se detuvieron 12 mil 955 personas en 9.890 procedimientos; y se han entregado en estos años, a las autoridades de países extranjeros 17 jefes de organizaciones criminales dedicados al tráfico internacional de drogas. En el mismo sentido, se implementó en 2010, el Plan Nacional Contra el Microtráfico de Drogas, incautando 12.182.550 dosis, lo cual significa que más de 12 millones de dosis dejaron de llegar a los consumidores finales.
 - ¹⁴ Realizada por el Ministerio del Poder Popular para las Relaciones Interiores y el Instituto Nacional de Estadística.
 - ¹⁵ Decreto con Rango, Valor y Fuerza de Ley Especial de Refugios Dignos para proteger a la población, en casos de emergencias o desastres. Gaceta Oficial 39.599 del 21 de enero de 2011, el cual tiene por objeto regular la acción corresponsable del pueblo y del Gobierno de la República Bolivariana de Venezuela, en el marco del Estado democrático y social de derecho y de justicia, para la construcción, habilitación, acondicionamiento, organización, atención integral y gestión de los refugios en todo el territorio nacional, a fin de proteger a la población en casos de emergencias o desastres.
 - ¹⁶ Ministerio del Poder Popular para la Comunicación y la Información y la Comisión Nacional de Telecomunicaciones (CONATEL).
 - ¹⁷ Ley de Responsabilidad Social en Radio, Televisión y Medios Electrónicos. Publicada en la Gaceta Oficial N° 38.081 del 7 de diciembre de 2004 y su reforma publicada en la Gaceta Oficial N° 39.579 del 23 de diciembre de 2010, reimpressa por error material, en la Gaceta Oficial N° 39.610 del 7 de

- febrero de 2011.
- ¹⁸ Las concesiones de radiodifusión sonora en Frecuencia Modulada (FM) en 1998 estaban en un 97% en manos de empresas privadas de comunicación social, y sólo el 3% pertenecía al sector público. Además no existían medios comunitarios.
- ¹⁹ La situación de las concesiones de TV abierta era la siguiente para 1998: se entregaron 31 concesiones a TV comerciales; no había televisoras comunitarias.
- ²⁰ Son medios de participación y protagonismo del pueblo en ejercicio de su soberanía: la elección de cargos públicos, el referendo, la consulta popular, la revocatoria del mandato, las iniciativas legislativa, constitucional y constituyente, el parlamentarismo social de calle; el cabildo abierto y la asamblea de ciudadanos, cuyas decisiones tienen carácter vinculante. Igualmente, resalta el desarrollo de mecanismos de autogestión y cogestión, los consejos comunales; las comunas, cajas de ahorro; cooperativas; y empresas de producción socialistas; así como la conformación de los comités de postulaciones y de evaluación para la conformación de los órganos del Poder Público, y el sistema de administración de justicia.
- ²¹ Ver anexo.
- ²² Si bien estas organizaciones han hecho recomendaciones y sugerencias a los órganos del Poder Electoral venezolano, también los han felicitado por los avances, la transparencia y la pluralidad característica de los referidos procesos.
- ²³ Ver anexo.
- ²⁴ Regulado en la Ley del Sistema de Justicia. Publicada en la Gaceta Oficial N° 39.276 del 1° de Octubre de 2009.
- ²⁵ A este sistema el Estado venezolano le asigna por mandato constitucional, una partida variable no menor del 2% del presupuesto anual ordinario.
- ²⁶ La justicia en Venezuela es gratuita. El Poder Judicial no está facultado para establecer tasas, aranceles, ni exigir pago alguno por sus servicios, de conformidad con el artículo 254 constitucional.
- ²⁷ Hay 37 Coordinaciones de protección de niños, niñas y adolescentes a nivel nacional, 12 juzgados superiores, 76 juzgados de sustanciación, mediación y ejecución y 39 juzgados de juicio.
- ²⁸ Ver anexo.
- ²⁹ Destaca en este aspecto que en 2009, las políticas judiciales se enfocaron en un juez nuevo y se implementó el *Programa en Gerencia Judicial*, a través de la Escuela Nacional de la Magistratura, logrando brindar formación especializada en materia judicial vinculada a la administración de justicia, entre ellos abogados de la Universidad Bolivariana de Venezuela.
- ³⁰ Según el estudio comparado sobre la e-justicia publicado en la XIII Cumbre Judicial de Países Iberoamericanos.
- ³¹ FAO. Informe Anual.
- ³² Artículo 305 de la Constitución de la República Bolivariana de Venezuela y Decreto 6.071 con rango, valor y fuerza de Ley Orgánica de Seguridad y Soberanía Agroalimentaria, publicado en la Gaceta Oficial Extraordinaria N° 5.889 del 31 de julio de 2008.
- ³³ En el ámbito educativo este derecho está plenamente garantizado, beneficiando a más de 3.971.885 niños y niñas a través del Programa de Alimentación Escolar (PAE).
- ³⁴ Según estimaciones del Instituto Nacional de Nutrición, ente rector en la materia y de la FAO.
- ³⁵ Es democrática, pluricultural, gratuita hasta el pregrado universitario, obligatoria en todos sus niveles, integral, de calidad, permanente, e igualitaria. Los venezolanos ejercen este derecho, sin más limitaciones que las derivadas de sus aptitudes, vocación y aspiraciones.
- ³⁶ Para 2010, se crearon 4.500 nuevas instituciones educativas y se restauraron 2.400 centros educativos mediante la participación de las comunidades organizadas de padres, representantes y consejos comunales.
- ³⁷ Ministerio del Poder Popular para la Educación Universitaria.
- ³⁸ Regulado entre otras por la Ley Orgánica de Educación, publicada en la Gaceta Oficial Extraordinario N° 5.929 del 15 de agosto de 2009.
- ³⁹ Destacan de modo particular en las modalidades de atención: 1° Simoncito (educación inicial al niño en dos períodos, maternal de 0 a 3 años y el segundo, al niño de 4 a 6 años aproximadamente). 2° Escuelas bolivarianas (educación al niño entre seis o siete años y los once a doce años aproximadamente). 3° Liceos bolivarianos (educación al adolescente y joven entre los 12 o 13 y los 18 o 19 aproximadamente). 4° Escuela Técnica Robinsoniana (educación media profesional al joven y adulto), cumpliendo con el precepto constitucional de educación integral y de calidad para todos.

- ⁴⁰ Informe EPT. Pág. 348.
- ⁴¹ Presentación Nacional Voluntaria de la República Bolivariana de Venezuela ante el Consejo Económico y Social (ECOSOC) sobre la Aplicación de los Objetivos y compromisos convenidos internacionalmente con respecto a la educación, Julio de 2011.
- ⁴² Se desarrolla conforme al acuerdo firmado entre Portugal y Venezuela.
- ⁴³ Contenido en el Plan Nacional de Desarrollo Económico y Social (2001–2007).
- ⁴⁴ Las cifras de pregrado incluyen la matrícula de Misión Sucre.
- ⁴⁵ En el marco del Convenio Venezuela-Cuba.
- ⁴⁶ El Programa Nacional de SIDA ETS, está adscrito a la Dirección de Programas del Viceministerio de Redes de Salud Colectiva del Ministerio del Poder Popular para la Salud, y tiene por objeto planificar, establecer normas, acompañar y dirigir el financiamiento de la respuesta multisectorial del VIH y otras ETS. Además brinda gestión, vigilancia y atención epidemiológica. Este programa representa la respuesta política y programática en la atención integral del VIH. En éste destacan las Áreas de Educación y Prevención en sus 4 ejes: Programa Nacional Integrado de Control de la Tuberculosis (identifica y maneja las coinfecciones VIH y TB). Programa Nacional de Bancos de Sangre, Programa Nacional de Salud Reproductiva, Dirección Nacional de Epidemiología (Vigilancia Epidemiológica de las ETS).
- ⁴⁷ Terapias antiretrovirales.
- ⁴⁸ Igualmente, el Estado a través del Instituto Venezolano de los Seguros Sociales (IVSS) adelanta programas de asistencia a nivel nacional, en los que destacan: atención a pacientes renales, contando con 137 unidades de hemodiálisis con capacidad para 10.541 personas; servicios farmacéuticos, con cobertura especial de medicamentos de alto costo, garantizando tratamiento a enfermedades degenerativas; una red de 68 clínicas para pacientes que ameritan largos períodos de hospitalización, con cupo para 4.455 personas; atención educativa y terapéutica mediante la modalidad de convenio, a personas con necesidades especiales de carácter auditivo y motora; así como amplios servicios de laboratorios clínicos y odontología totalmente gratuitos.
- ⁴⁹ Entre ellos su órgano rector: Ministerio del Poder Popular para la Cultura y sus 33 entes adscritos.
- ⁵⁰ Ministerio del Poder Popular para la Cultura. Memoria y Cuenta 2010.
- ⁵¹ La Villa del Cine ha realizado 378 largometrajes y cortometrajes y 303 películas financiadas.
- ⁵² Como programa, Infocentro se inicia en septiembre de 2000 con la puesta en marcha del primer Infocentro piloto ubicado en el Parque del Este de Caracas. En 2001 el Estado puso en funcionamiento 240 infocentros en todo el territorio nacional, para sustentar el decreto 825, el cual oficializa el uso de Internet como prioritario para el desarrollo cultural, económico, social y político de la República Bolivariana de Venezuela. La inversión inicial fue de 17 millardos de bolívares, destinada fundamentalmente a la democratización de la Internet, de manera gratuita.
- En mayo de 2007 se crea la Fundación Infocentro como ente rector del programa, adscrito al Ministerio del Poder Popular para Ciencia y Tecnología. La fundación debe proveer la infraestructura física (infocentros, infomóviles, infopuntos), la infraestructura tecnológica (computadores y otros dispositivos, conectividad, y aplicaciones de software), el capital humano (personal de la fundación, coordinadores, supervisores y facilitadores de la red social), redes que articulan el engranaje de la fundación y la comunidad para la formación socio-tecnológica. Todo ello enmarcado en un plan que integre y articule los diferentes proyectos que expresan las políticas de la fundación, con miras a lograr sus objetivos fundamentales. En febrero de 2010 en el marco del reimpulso del proyecto Infocentro, se inicia una nueva etapa signada por la transferencia de la gestión de los infocentros a las comunidades organizadas.
- ⁵³ Ver anexo de Leyes Ambientales.
- ⁵⁴ Es definido como *“el derecho de todos a disponer de agua suficiente, salubre, aceptable, accesible y asequible para el uso personal y doméstico”*. A través de esta definición, se incorporan los principios de equidad, sostenibilidad, participación y solidaridad, elementos indispensables tanto para la conservación del recurso, como para la salvaguarda de la dignidad humana.
- ⁵⁵ Ley del Seguro Social, publicada en la Gaceta Oficial Extraordinario N° 5.891 del 31 de Julio de 2008. Ley de Reforma parcial de la Ley del Estatuto sobre el régimen de jubilaciones y pensiones de los funcionarios o empleados de la administración Pública Nacional, de los estados y de los municipios, publicada en la Gaceta Oficial N°. 38.426 del 28 de abril de 2006.
- ⁵⁶ Decreto N° 7.402. Publicado en Gaceta Oficial N° 39.414 del 30 de abril de 2010.
- ⁵⁷ Idem.

- ⁵⁸ Decreto N° 5.370. Publicado en la Gaceta Oficial N° 38.694 del 30 de mayo de 2007.
- ⁵⁹ Decreto N° 5.316. Publicado en la Gaceta Oficial N° 38.673 del 30 de abril de 2007.
- ⁶⁰ Publicada en la Gaceta Oficial N° 38.668 del 20 de abril de 2007.
- ⁶¹ Publicada en la Gaceta Oficial Extraordinario N° 5.859 de fecha 10 de diciembre de 2007.
- ⁶² Publicada en la Gaceta Oficial N° 38.773 del 20 de septiembre de 2007.
- ⁶³ Publicada en la Gaceta Oficial Extraordinaria N° 5.768 del 13 de abril de 2005.
- ⁶⁴ Publicada en la Gaceta Oficial Extraordinaria N° 5.398 del 26 de octubre de 1999.
- ⁶⁵ Publicada en la Gaceta Oficial N° 38.763 del 6 de septiembre de 2007.
- ⁶⁶ Decreto N° 6.663 del 2 de abril de 2009, publicado en la Gaceta Oficial N° 39.156 del 13 de abril de 2009.
- ⁶⁷ En 2010, se atendieron por vía de la Defensoría de los Derechos de la Mujer a 10.574 usuarias, a las cuales se proporcionó asistencia legal gratuita, redacción de documentos jurídicos y asistencia psicológica.
- ⁶⁸ A nivel nacional se cuenta con dos casas de abrigo, destinadas al albergue de las mujeres, en los casos que su permanencia en el domicilio o residencia implique amenaza inminente a su integridad. En 2007 se atendieron cien mujeres amenazadas de vida y a sus menores dependientes.
- ⁶⁹ Elemento que ha permitido en sucesivos procesos electorales, tales como las elecciones parlamentarias de 2010, que 29 mujeres resultaran electas, significando que en las instituciones del poder público nacional sean las mujeres quienes se hayan empoderado de altos cargos para efectuar la toma de decisiones.
- Dentro del Poder Público Nacional se evidencian en:
- *Rama Judicial*: compuesta por 32 magistrados, de los cuales 13 son mujeres y 19 hombres. Siendo una mujer la presidenta del máximo órgano de justicia (TSJ).
 - *Rama Ciudadana*: de las tres instituciones que conforman el Consejo Moral Republicano, dos mujeres se ubican una en el Ministerio Público y otra en la Defensoría del Pueblo, respectivamente.
 - *Rama Electoral*: constituido por 5 rectores donde: cuatro son mujeres y uno es hombre, siendo una de ellas, la presidenta del Consejo Nacional Electoral.
 - *Rama Ejecutiva*: constituido por el presidente, vicepresidente y ministros y ministras, quienes en estos últimos cinco años han liderado diferentes gabinetes ministeriales.
- ⁷⁰ Son organizaciones comunitarias de mujeres, creadas bajo el auspicio del INAMUJER, cuyo papel fundamental es defender los derechos de las mujeres dentro del Poder Popular reflejado este último en los consejos comunales. Los Puntos de Encuentro de alguna manera son como réplicas del Inamujer en cuanto a que su objetivo primordial es luchar por el adelanto de las mujeres desde la base democratizando el conocimiento acerca de sus derechos.
- ⁷¹ En los últimos veinte años, la fuerza de trabajo de las mujeres ha crecido un 150% y de manera relevante en los últimos diez años, que en promedio representaban casi 150 mil mujeres por año. De las 1.991.086 mujeres (34,5% de las mujeres entre 15 y 64 años) que formaban parte de la población activa en el año 1989, pasó a 4.818.948 (49,7% de las mujeres entre 15 y 64 años) en 2008, estabilizándose alrededor de 50% desde el año 2005.
- ⁷² El resultado de este indicador evidencia la mayor participación de la mujer en la actividad económica y su importante contribución en el proceso productivo, distinto de actividades económicas consideradas tradicionales.
- ⁷³ Surge con especial interés en los municipios de la geografía nacional con mayor índice de decesos por enfermedades endémicas, inmunoprevenibles así como, trastornos maternos asociados al embarazo, parto, puerperio y afecciones ginecológicas.
- ⁷⁴ De conformidad con las obligaciones internacionales contraídas a través de la Convención Internacional sobre la Eliminación de todas las Formas de Discriminación contra la Mujer (Cedaw) y la Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra las Mujeres (Convención Belem Do Pará).
- ⁷⁵ Este instrumento legal tiene como objeto fundamental garantizar a todos los niños, niñas y adolescentes que se encuentra en el territorio nacional, el ejercicio y el disfrute pleno y efectivo de sus derechos y garantías, a través de la protección integral que el Estado, la sociedad y la familia deben brindarles desde el momento de su concepción. Como principio de aplicación de la ley, está “El

Interés Superior del Niño”, el cual es de obligatorio cumplimiento en la toma de decisiones concernientes a éstos, ello a los fines de garantizar su desarrollo integral.

⁷⁶ Entre los instrumentos legales promulgados, destacan la Ley Orgánica de Registro Civil, que hace efectiva la garantía constitucional del Derecho de toda persona a la identificación y a estar inscrita en el Registro Civil de forma gratuita, garantizando la inclusión social de los niños y niñas; la Ley para la Protección de Niños, Niñas y Adolescentes en Salas de Uso de Internet, Videojuegos y Otros Multimedia, y Ley para la Prohibición de Videojuegos Bélicos y Juguetes Bélicos.

⁷⁷ Es decir los que se encontraban en el antiguo Instituto Nacional del Menor.

⁷⁸ Publicada en la Gaceta Oficial N° 38.344 del 27 de diciembre de 2005.

⁷⁹ Publicada en la Gaceta Oficial N° 37.118 del 12 de enero de 2001.

⁸⁰ Para 2009, el Ministerio del Poder Popular para los Pueblos Indígenas han identificado 2856 comunidades en todo el territorio venezolano y más de 800 mil indígenas de los diferentes pueblos, como producto del proceso de identificación y dignificación de los pueblos indígenas, que han elevado la cantidad de población, cifra que será validada en el próximo censo oficial del país a realizarse en octubre de 2011.

⁸¹ En el marco del Convenio Cuba-Venezuela.

⁸² Decreto N° 3.645. Publicado en la Gaceta oficial N° 38.182 del 9 de mayo de 2005.

⁸³ En 2004, se fundamenta y crea la Alternativa Bolivariana para los Pueblos de Nuestra América-Tratado de Comercio para los Pueblos (ALBA-TCP), alianza que surge como contrapropuesta y proyecto geopolítico y económico, que otorga primacía a la dimensión social, en consonancia con el mundo pluripolar que se está gestando.