

**Universal Periodic Review**  
**(26<sup>th</sup> session, October-November 2016)**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

**The Bolivarian Republic of Venezuela**

**I. BACKGROUND AND FRAMEWORK**

**Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	State party to this Convention (ratification 16/12/1968)	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	30/10/1990 accession	NA	N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	12/04/2007 acceptance	NA	N/A	Right to take part in cultural life
Convention on the Protection and		NA	N/A	Right to take part in cultural life

Promotion of the Diversity of Cultural Expressions (2005)	28/05/2013			
	acceptance			

## **II. INPUT TO PART III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW TO ITEMS F, J, K, AND P**

### **Right to education**

#### **1. NORMATIVE FRAMEWORK**

##### **1.1. Constitutional Framework**

1. The 1999 Constitution<sup>1</sup> of the Bolivarian Republic of Venezuela<sup>2</sup> contains several provisions regarding education. The right to education is enshrined in articles 102 and 103.
2. **Article 102** provides that “**Education is a human right** and a fundamental social duty; it is **democratic, free of charge and obligatory**. The State assumes responsibility for it as an irrevocable function of the greatest interest, at all levels and in all modes, as an instrument of scientific, humanistic and technical knowledge at the service of society. Education, is a public service, and is grounded on the respect for all currents of thought, to the end of developing the creative potential of every human being and the full exercise of his or her personality in a democratic society based on the work ethic value and on active, conscious and joint participation in the processes of social transformation embodied in the values which are part of the national identity, and with a Latin American and universal vision. The State, with the participation of families and society, promotes the process of civic education in accordance with the principles contained in this Constitution and in the laws.”
3. **Article 103** adds that “**every person has the right to a full, high-quality, ongoing education under conditions and circumstances of equality**, subject only to such limitations as derive from such persons own aptitudes, vocation and aspirations. **Education is obligatory at all levels from maternal to the diversified secondary level. Education offered at State institutions is free of charge up to the undergraduate university level.** To this end, the State shall make a priority investment in accordance with United Nations recommendations. The State shall create and sustain institutions and services sufficiently equipped to ensure the admission process, ongoing education and program completion in the education system. The law shall guarantee equal attention to persons with special needs or disabilities, and to those who have been deprived of liberty or do not meet the basic

---

<sup>1</sup>

<http://www.tsj.gov.ve/legislacion/constitucion1999.htm><http://www.unesco.org/education/edurights/media/docs/160f60bf2f8196eda7f1987c5fcedcc69056f904.pdf>

<sup>2</sup> [http://www.analitica.com/bitbliblioteca/venezuela/constitucion\\_ingles.pdf](http://www.analitica.com/bitbliblioteca/venezuela/constitucion_ingles.pdf)

<http://www.unesco.org/education/edurights/media/docs/9ca31d9163bf6a67ec91154d5b744de2cf404b20.pdf>

conditions for admission to and continuing enrolment in the education system. The contributions of private individuals to public education programs at the secondary and university levels shall be tax deductible in accordance with the pertinent law.”

4. Following **article 3**, “the essential purposes of the State are the protection and development of the individual and respect for the dignity of the individual, the democratic exercise of the will of the people, the building of a just and peace-loving society, the furtherance of the prosperity and welfare of the people and the guaranteeing of the fulfilment of the principles, rights and duties established in this Constitution. **Education and work are the fundamental processes for guaranteeing these purposes.**”
5. Freedom of religious education is guaranteed by **article 59**.
6. The right to education for persons with disabilities or special needs is provided for in **article 81**, which states that “any person with disability or special needs has the right to the full and autonomous exercise of his or her abilities and to its integration into the family and community. The State, with the solidary participation of families and society, guarantees them respect for their human dignity, equality of opportunity and satisfactory working conditions, and shall promote their training, education and access to employment appropriate to their condition, in accordance with law. It is recognized that deaf persons have the right to express themselves and communicate through the Venezuelan sign language.”
7. **Article 86:** All persons are entitled to Social Security as a non-profit public service to guarantee health and protection in contingencies of maternity, fatherhood, illness, invalidity, catastrophic illness, disability, special needs, occupational risks, loss of employment, unemployment, old age, widowhood, loss of parents, housing, burdens deriving from family life, and any other social welfare circumstances. The State has the obligation and responsibility of ensuring the efficacy of this right, creating a universal and complete Social Security system, with joint, unitary, efficient and participatory financing from direct and indirect contributions. The lack of ability to contribute shall not be ground for excluding persons from protection by the system.
8. Social Security financial resources shall not be used for other purposes.
9. The mandatory assessments paid by employees to cover medical and health care services and other Social Security benefits shall be administered only for social purposes, under the guidance of the State.
10. Any net remaining balances of capital allocated to health, education and Social Security shall be accumulated for distribution and contribution to those services. The Social Security system shall be ruled by a special organic law.
11. **Article 104** contains provisions regarding the teacher’s position: “Persons of recognized good moral character and proven academic qualifications shall be placed in charge of education. The State shall encourage them to remain continuously up to date, and shall guarantee stability in the practice of the teaching profession, whether in public or private institutions, in accordance with this Constitution and the law, with working conditions and a standard of living commensurate with the importance of their mission. Admissions, promotion and continued enrolment in the education system shall be provided for by law,

and shall be responsive to evaluation criteria based on merit, to the exclusion of any partisan or other non-academic interference.”

12. **Article 106** allows for the establishment of private educational institutions under the supervision of the State.
13. **Article 107** provides that “environmental education is obligatory in the various levels and modes of the education system, as well as in informal civil education. Spanish, Venezuelan geography and history and the principles of the Bolivarian thought shall be compulsory courses at public and private institutions up to the diversified cycle level.”
14. The use of media and technologies to contribute to education and to be incorporated into education is guaranteed by **article 108**.
15. **Article 109** recognizes the autonomy of universities.
16. Sports and recreational activities are provided for in **article 111**.
17. Regarding native peoples, **article 121** guarantees their “right to their own education”, and obliges the State “to promote an education system of an intercultural and bilingual nature, taking into account their special social and cultural characteristics, values and traditions.”
18. **Article 156**: Is of the competence of the National Public Power:
19. (24) National education and health policies and services.
20. **Article 178**: A Municipality has competence to govern and administrate its interests, as well as over the management of those matters which are assigned to it by this Constitution and national laws as regards local life, in particular the ordering and promotion of economic and social development, the equipping and providing of household public utility services, the application of policy with respect to these matters on a basis of fairness, justice and social interest content, according with delegation established on law related to this matter, the promotion of participation and improvement, in general, of living conditions in the community, in the following areas:
  - i. (5) (...); preschool education;
21. **Article 274**: The organs exercising Citizen Power are charged, in accordance with this Constitution and with the law, (...) to promote education as a process that helps create citizenship, together with solidarity, freedom, democracy, social responsibility and work.
22. **Article 311** provides, inter alia, that “any revenues generated by exploiting underground wealth and minerals, in general, shall be used to finance real productive investment, education and health.”

## **1.2. Legislative Framework**

23. “The **Organic Law of Education Law** of 15 August 2009<sup>3</sup> (*Ley orgánica de educación*) is the main source (along with the Constitution) for fundamental provisions regarding education. This new Law abolishes the former **Organic Law of Education**, which had been adopted on July 28<sup>th</sup>, 1980<sup>4</sup>,<sup>5</sup> (which in turn had repealed the 1955 Law of Education. The 1980 Law had its corresponding regulation: **Decree No. 313/1999 (*Reglamento General de la Ley Orgánica de Educación. Decreto N° 313/1999*)**<sup>6</sup>.) In August 2010, decrees to implement the law had not been adopted yet.<sup>7</sup> **Article 3** recognizes, inter alia, participatory and protagonist democracy, social responsibility, citizens’ equality, human rights respect, social inclusion, gender equality, and sustainable development as principles of education. **Article 5** provides that “the State teachers body is the expression of the Venezuelan state leadership in education, in compliance with its undeniable role of the greatest interest, which is embodied in the policies governing education as a universal human right and fundamental social duty, inalienable, indispensable, and as public good[...]”<sup>8</sup>. The Law enshrines **the principle of gender equality in education (Article 8)**: “The State, in accordance with the gender equality perspective that is sanctioned by the Constitution, guarantees equality of conditions and opportunities in order for children, adolescents, men, and women to be able to exercise their right to an integral and qualitative education.”<sup>9</sup>
24. “The **Law of Universities (*Ley de Universidades*)**<sup>10</sup>, adopted by the National Congress on the 8<sup>th</sup> of September 1970, establishes the guidelines, the purposes and organization of universities [...]”<sup>11</sup> **Article 8** establishes that “universities can be either national or private. National Universities are created by a National Executive Decree [...]. Private Universities need to be authorized by the State, in accordance with the provisions of Articles 173, 174, 175 and 176 of this Law.”<sup>12</sup> **Article 173** establishes that the National Council of Universities can authorize by Decree the establishment and functioning of Universities founded by natural or legal private persons. **Article 9** bestows autonomy to universities. They have organizational, academic, administrative, and economic autonomy. **Article 11** establishes that regular studies are free of charge; however, students that fail and must repeat the course must pay the fee as established by the pertinent Regulation. **Article 13** stipulates that in the Budget Law an amount of no less than 1.5 percent of the total budget as declared by that same Law will be destined to National Universities.
25. In 1990 was adopted a Law approving the UN Convention on the Rights of the child (*Ley Aprobatoria de la Convención sobre los derechos del Niño*)<sup>13</sup>. Thus articles 28 and 29 of the Convention on the right to education were integrated into domestic order.

---

<sup>3</sup> <http://media.noticias24.com/0908/LeyOrganicadeEducacion.pdf>

<http://www.unesco.org/education/edurights/media/docs/6a63a62ba6439cec544ea6c9bcf1da889c0b5180.pdf>

<sup>4</sup> [http://www.oei.es/quipu/venezuela/Ley\\_Org\\_Educ.pdf](http://www.oei.es/quipu/venezuela/Ley_Org_Educ.pdf)

<sup>5</sup> IBE, World Data on Education, 7<sup>th</sup> ed., 2010-2011, Venezuela, p. 3,

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf)

<sup>6</sup> [http://www.oei.es/quipu/venezuela/Reglamento\\_ley\\_org\\_educ.pdf](http://www.oei.es/quipu/venezuela/Reglamento_ley_org_educ.pdf)

<sup>7</sup> Gustavo Méndez, *Asamblea en deuda con leyes especiales del sector educativo*, El Universal, 17 Agosto 2010,

[http://www.eluniversal.com/2010/08/17/pol\\_art\\_asamblea-en-deuda-co\\_2008221.shtml](http://www.eluniversal.com/2010/08/17/pol_art_asamblea-en-deuda-co_2008221.shtml)

<sup>8</sup> Unofficial translation

<sup>9</sup> Unofficial translation

<sup>10</sup> <http://www.unesco.org/education/edurights/media/docs/b092a7413aaa54d28caaf6baf469205d53063526.pdf>,

<http://www.mppeu.gob.ve/web/uploads/documentos/marcolegal/5.pdf>

<sup>11</sup> IBE, World Data on Education, 7<sup>th</sup> ed., 2010-2011, Venezuela, p. 4,

[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf),

<sup>12</sup> Unofficial translation

<sup>13</sup> <http://fpantin.tripod.com/index-57.html>

26. In **2002** was adopted the National Law of Youth (*Ley Nacional de la Juventud*<sup>14</sup>) which contains provisions regarding the right to education. (Article 1, 8, 9, 26, 27, 28, 29)
27. “The Organic Law on Indigenous People and Communities (*Ley Orgánica de Pueblos y Comunidades Indígenas*) of the 8<sup>th</sup> of December 2005 establishes that the State guarantees those Indigenous People and Communities the right to their own education as a process of socialization and to an educative regime of bilingual intercultural character [...]”<sup>15</sup>
28. “The Law on persons with disabilities (*Ley para Personas con Discapacidad*) of the 5<sup>th</sup> of January 2007 establishes that every person with a disability has a right to attend an educative institution or centre to obtain an education, a training or a qualification.”<sup>16</sup>
29. **The Law Against Racial Discrimination**<sup>17</sup> of **22 August 2011** “aims to establish mechanisms to prevent, respond to, punish and eradicate racial discrimination in all its manifestations, guaranteeing any person and group of people the enjoyment and exercise of the rights and duties consecrated in the Constitution, laws, treaties, and international instruments relative to human rights, signed and ratified by the Republic” (**article 1**).<sup>18</sup>
30. “**Decree No. 1292 of 14 January 1969** on recognition of diplomas and equivalence of studies (*Reglamento de Reválida de Títulos y Equivalencias de Estudios*) establishes a general basis for the recognition and equivalence of studies, indicating [...] the need to special facilities for Latinos students and those who study in priority areas for the development of the country.”<sup>19</sup>
31. **Decree 283 of 1979**, establishes the Bilingual Intercultural Education in the areas of the country with indigenous population. It also creates a Language Commission under the Office of Indian Affairs of the Ministry of Education.<sup>20</sup>
32. “A **Decree on teachers’** status (*Reglamento del Ejercicio de la Profesión Docente*), adopted in 1991, establishes the norms and procedures regulating the exercise of the teacher’s profession”.<sup>21</sup>

---

<sup>14</sup> <http://www.gobiernoonlinea.ve/docMgr/sharedfiles/LeyNacionaldeJuventud.pdf>

<sup>15</sup> IBE, World Data on Education, 7<sup>th</sup> ed., 2010-2011, Venezuela, p. 4, [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf), unofficial translation

<sup>16</sup> IBE, World Data on Education, 7<sup>th</sup> ed., 2010-2011, Venezuela, p. 5, [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf), unofficial translation

<sup>17</sup> [http://www.asambleanacional.gov.ve/index.php?option=com\\_docman&task=doc\\_view&gid=3217&tmpl=component&format=raw&Itemid=185&lang=es](http://www.asambleanacional.gov.ve/index.php?option=com_docman&task=doc_view&gid=3217&tmpl=component&format=raw&Itemid=185&lang=es), <http://www.unesco.org/education/edurights/media/docs/72a536c6f05af100e8f88cf7355cfba7325ac1be.pdf>,

<sup>18</sup> Unofficial translation

<sup>19</sup> IBE, World Data on Education, 7<sup>th</sup> ed., 2010-2011, Venezuela, p. 4, [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Venezuela.pdf), unofficial translation

<sup>20</sup> [http://www.aulainterultural.org/IMG/pdf/Informe\\_20final\\_20educacion\\_20indigena\\_20Venezuela.pdf](http://www.aulainterultural.org/IMG/pdf/Informe_20final_20educacion_20indigena_20Venezuela.pdf)

<sup>21</sup> Ibid, p. 4

33. **Decree 1795 of 2002** provides for the compulsory use of indigenous languages in all public and private schools located in indigenous habitats, including inhabited areas by rural and urban Indians.<sup>22</sup>
34. **Decree 1796 of 2002** creates the National Council of Education, Indigenous Cultures and Languages, composed by two representatives from each tribe, which is an advisory body to the Ministry of Education, Culture and Sports.<sup>23</sup>
35. **Decree 2601 of 2003**<sup>24</sup> establishes the Presidential Commission on Community involvement for the incorporation and appropriate performance in Higher Education of excluded Bachelors from the system, which will aim to study, formulate, coordinate, monitor and evaluate the Special Plan Mariscal Antonio Jose de Sucre, called 'Mission Sucre'.
36. In **2007**, an organic law on the protection of the child and the adolescent (*Ley Orgánica para la Protección del Niño y del Adolescente*)<sup>25</sup> was adopted, which contains provisions regarding the right to education (notably in its **article 53**).

### 1.3. Policy Framework

#### i) General information

37. According to Venezuela's government, the objectives for 2030 are:
38. “[Meta 1](...) alcanzar una cobertura del 100 por ciento de la educación preescolar y maternal que les permita a todos los niños y niñas entre 0 y 6 años contar con las condiciones necesarias para su incorporación plena a educación plenaria (...) [Meta 2]: Alcanzar para el 2030 el acceso universal de todos los niños y niñas en edad escolar a la primaria y el bachillerato, que son de carácter obligatoria en Venezuela (...) [Meta 3]: Mantener a Venezuela como territoria libre de analfabetismo (...) [Meta 7]: Mantener e incrementar los niveles de financiamiento público a la educación comprometiéndonos a sostener a través del tiempo (2015-2030) un mínimo del 7% del PIB y de 15% del gasto público en educación”<sup>26</sup>.
39. -Programa de Alimentación Escolar
40. “Al Programa de Alimentación Escolar el gobierno bolivariano lo considera una inversión social cuyo propósito consiste en garantizar una adecuada atención alimenticia y nutricional a la población escolar en los niveles de educación preescolar, primaria y en la educación media, tanto en Simoncitos, Educación Especial, Rural e Indígena y Plan Emergente Bolivariano en los llamados espacios no convencionales.”<sup>27</sup>.

<sup>22</sup> <http://www.politicaspUBLICAS.net/panel/conv169/informesoit/294-ceacr169/640-ceacr-venezuela-c169.html>

<sup>23</sup> [http://www.aulaintercultural.org/IMG/pdf/Informe\\_20final\\_20educacion\\_20indigena\\_20Venezuela.pdf](http://www.aulaintercultural.org/IMG/pdf/Informe_20final_20educacion_20indigena_20Venezuela.pdf)

<sup>24</sup> <http://www.mes.gov.ve/documentos/marcolegal/7.pdf>

(accessed 21/01/2011)

<sup>25</sup> <http://www.unesco.org/education/edurights/media/docs/2299c0fa162d193e1f1c54f8607595117b31ddec.pdf>, Accessed on 11/02/2014

<sup>26</sup> [Education For All 2015 National Review Venezuela](#), p. 106 (Information only available in Spanish).

<sup>27</sup> [Education For All 2015 National Review Venezuela](#), p. 31 (Information only available in Spanish).

41. Este programa procura contribuir al ingreso, permanencia, prosecución y rendimiento escolar de los y las estudiantes, garantizando una alimentación balanceada, que se corresponda a la edad de la matrícula por nivel o modalidad, el turno y/o régimen escolar y a las características socioculturales de su entorno<sup>28</sup>.

## ii) Inclusive Education

42. The Committee on the Rights of the Child noted the adoption of the Law against Racial Discrimination, in 2011, and other laws aimed at protecting the rights of indigenous peoples. It also welcomed the adoption of the Education Act, in 2009, which includes a provision on non-discrimination. However, the Committee was concerned at reports that those legal advances had not been translated into greater protection of children from discrimination. It also regretted the lack of information on the measures taken to combat discrimination based on sex, sexual orientation, gender identity and disability, as well as against children living with HIV/AIDS. In that regard, the Committee was particularly concerned at the persistent patriarchal attitudes and gender stereotypes that discriminate against girls and the lack of adequate measures to address this situation. The Committee was also concerned at reports of cases of bullying and discrimination against children because of their sexual orientation or gender identity »<sup>29</sup>.

## iii) Quality education

43. In 2014, the government declared wanting to: “impulsar un gran consulta sobre la calidad de la educación » (...) Este esfuerzo se concerta en la creación del Sistema Nacional de la Calidad educativa, de un mínimo de 601.861 nuevos cupos para la educación universitaria en 2019”<sup>30</sup>

44. According to the Venezuela’s perspectivas to the period post-2015:“ Ratificar la decisión y vocación del Estado venezolano de trabajar para alcanzar la erradicación de todo tipo de injusticias sociales, expresadas en desigualdades y pobreza en cuya estrategia la educación de calidad con pertinencia tiene un papel de primer oder”<sup>31</sup>.

## iv) Higher education

45. The government created the « Biblioeca Digital ‘Aristides Rojas’ (Bibliodar), with free access and free of charge, in order to facilitate the academic researches. The objective is to enhance social transformation and inclusion.

## 2. COOPERATION

---

<sup>28</sup> [Education For All 2015 National Review Venezuela](#), p. 32 (Information only available in Spanish).

<sup>29</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVEN%2fCO%2f3-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVEN%2fCO%2f3-5&Lang=en)

<sup>30</sup> [Education For All 2015 National Review Venezuela](#), p. 27 (Information only available in Spanish).

<sup>31</sup> [Education For All 2015 National Review Venezuela](#), p. 103 (Information only available in Spanish).



46. The Bolivarian Republic of Venezuela **is party** to the 1960 UNESCO Convention against Discrimination in Education since 16/12/1968.
47. The Bolivarian Republic of Venezuela **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:
- i. **Sixth Consultation** of Member States (covering the period 1994-1999),
  - ii. **Seventh Consultation** of Member States (covering the period 2000-2005),
  - iii. **Eighth Consultation** of Member States (covering the period 2006-2011).
48. The Bolivarian Republic of Venezuela did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:
- i. **Fourth Consultation** of Member States (covering the period 2005-2008),
  - ii. **Fifth Consultation** of Member States (covering the period 2009-2012).
49. The Bolivarian Republic of Venezuela reported to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:
- i. the **First Consultation** of Member States (1993)
  - ii. the **Second Consultation** of Member States (2011).
50. The Bolivarian Republic of Venezuela is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

### **Freedom of opinion and expression**

#### 1. Constitutional and Legislative Framework:

51. The Constitution of Venezuela provides for the protection of freedom of expression as well as freedom of the press, according to Article 57 and Article 58, with the provision that a person affected by inaccurate or offensive information has the right to reply and correction.<sup>32</sup> Article 57 also guarantees freedom of information and declares that censorship restricting the ability of public officials to report on matters for which they are responsible is prohibited.

---

<sup>32</sup> [https://www.constituteproject.org/constitution/Venezuela\\_2009.pdf?lang=en](https://www.constituteproject.org/constitution/Venezuela_2009.pdf?lang=en)

52. Even with a constitutional protection of freedom of expression, the legal framework imposes several restrictions upon the media. The Law on Social Responsibility in Radio and Television and Digital Media<sup>33</sup> from 2010 attributes extensive governmental control over the media which incite hatred or intolerance for reasons related to religion, politics, gender differences, racism or xenophobia; incite the promotion or vindication of crime; constitute propaganda of war; foster distress between the citizens, or disrupt public disturbance; disregard the established authorities, induce homicide; or incite a violation of the juridical system, Article 27).
53. Media is further regulated through the government-owned telecommunications agency CONATEL, which issues licenses to media organizations. For example, the license of Radio Caracas Televisión Internacional (RCTV Internacional) was not renewed in 2007, after which RCTV continued as a cable/satellite-only network.
54. Defamation is regarded as a criminal offence and can lead to imprisonment of up to five years (The Criminal Code, Article 241). The penalty for offences against the President provides for imprisonment of up to 30 months and could be increased if the offence was made publicly (Article 148).<sup>34</sup>

## 2. Media Self-Regulation:

55. There is no Press Council in Venezuela. There are two main journalist unions in Venezuela: Colegio Nacional de Periodista de Venezuela and Sindicato Profesional de Trabajadores de Radio, Cine, Tv y Afines. The first union has a press Code of Ethics.<sup>35</sup>

## 3. Safety of journalists:

56. UNESCO counted the killing of three journalists in Venezuela since 2006. The authorities have replied to UNESCO official inquiries about the judicial follow up to these killings.

## **III. RECOMMENDATIONS**

### **Right to education**

---

<sup>33</sup> <http://www.nci.tv/archivos/Ley-de-Responsabilidad-Social-en-Radio-Television-y-Medios-Electr%C3%B3nicos.pdf>

<sup>34</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=235415](http://www.wipo.int/wipolex/en/text.jsp?file_id=235415)

<sup>35</sup> [http://cdn1.cnpven.org/archivos/80/original\\_codigoeticafinal.pdf](http://cdn1.cnpven.org/archivos/80/original_codigoeticafinal.pdf)

57. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following [web site:](http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx) <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

58. Latest observations reported on December 2011 - [view](#)

59. The following recommendations enjoy the support of the Bolivarian Republic of Venezuela, which considers that they are already implemented or in the process of implementation:

- i. 94.9. Continue implementing the policies and programmes aimed at guaranteeing the rights to education, health and food, in addition to combating poverty (Lebanon);
  - ii. 94.12. Continue with the policies and programs confronting crime that emphasize on an educational and preventative approach (Cuba);
  - iii. 94.46. Continue to ensure the enjoyment of the rights to education, health and culture to all its citizens, supporting the existing projects and programs that are successful (Cuba);
  - iv. 94.51. Continue to work towards reaching the MDGs of universal primary education, gender equality in access to education, and further reduction in infant mortality (Sri Lanka);
  - v. 94.56. Continue the implementation of the national plans and programs related to the comprehensive protection and education of children and adolescent, in particular those who are homeless (Belarus);
  - vi. 94.57. Continue increasing investment in primary, secondary and university education; as it has progressively done so in recent years (Iran);
  - vii. 94.59. Continue carrying out its sound public policies for literacy and use of technological education, recognized and awarded by UNESCO; which benefit especially low economic income populations (Bolivia);
  - viii. 94.60. Continue promoting the expansion of educative opportunities, particularly in its alternative models (DPRK);
  - ix. 94.61. Continue increasing educational enrollment at all its levels (DPRK);
  - x. 94.62. Continue to deep the existing policy on democratization of access to higher-education and implement measures envisaged to strengthening the autonomy of universities, through the active participation of the university community' s member (DPRK);
  - xi. 94.63. Continue its efforts to fight unequal access to education (Iran);
  - xii. 94.64. Consider adopting measures to ensure education for all children with disabilities (Bangladesh);
  - xiii. 94.67. Intensify efforts to improve the literacy rate among indigenous peoples and those living in the rural areas (Qatar);
- 60.98. The Bolivarian Republic of Venezuela undertook commitments with regard to the following issues

- i. (g) To strengthen public policy in education at all levels and modalities, especially those aimed at the promotion, dissemination and respect for human rights;

61. **Analysis:**

The Bolivarian Republic of Venezuela ensures in its Constitution free and compulsory education as a human right. The Bolivian Republic of Venezuela has taken additional financial steps regarding higher education. In addition, legislative action was taken toward a more inclusive education through the Law against Racial Discrimination that protects children from discrimination (especially children from indigenous peoples) and the « Programa de Alimentación Escolar » (School Feeding Programme) by which a balanced feeding is ensured to the students contributing to their school attendance. Moreover, to the extent of our knowledge, boys' attendance in the secondary education has increased.

Nevertheless, it appears, according to available information, that Venezuela has not taken further steps toward the eradication of illiteracy among indigenous peoples as well as ensuring access to education for children with disabilities and toward the eradication of gender stereotyped practices.

62. **Specific Recommendations:**

- i. The Bolivian Republic of Venezuela should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
- ii. The Bolivian Republic of Venezuela should be encouraged to continue implementing the policies and programmes aimed at guaranteeing the rights to education for disadvantaged groups, especially children with disabilities;
- iii. The Bolivian Republic of Venezuela could be encouraged to continue increasing investment in education;
- iv. 9. The Bolivian Republic of Venezuela could be encouraged to intensify its efforts toward the eradication of discrimination against girls and gender stereotypes.

### **Cultural Rights**

63. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>36</sup>, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>37</sup>, and the Convention on the Protection and Promotion of the Diversity of

---

<sup>36</sup> The Periodic Reports on the implementation of the 1972 Convention in Latin America and the Caribbean can be found at: <http://whc.unesco.org/archive/2013/whc13-37com-10A-en.pdf>.

<sup>37</sup> The Periodic Report on Venezuela's implementation of the 2003 Convention can be found at: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00707>.

Cultural Expressions (2005), the Bolivarian Republic of Venezuela is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Bolivarian Republic of Venezuela is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of opinion and expression**

64. The Bolivarian Republic of Venezuela is recommended to decriminalize defamation and place it within a Civil Code that is in accordance with international standards.<sup>38</sup>
65. The Bolivarian Republic of Venezuela is recommended to facilitate the introduction of self-regulatory mechanisms among media professions.
66. The Government is urged to continue to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

67. The Bolivarian Republic of Venezuela, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. Following-up to its 2011-2012 report on the implementation of the 1974 Recommendation, in providing a progress report in 2015-2017 on this matter, the Bolivarian Republic of Venezuela is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation.

---

<sup>38</sup> See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87<sup>th</sup> Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.