

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review:

2nd Cycle, 26th Session

BOLIVARIAN REPUBLIC OF VENEZUELA

I. BACKGROUND INFORMATION

The Bolivarian Republic of Venezuela (“Venezuela”) has been a party to the *1967 Protocol on the Status of Refugees* since September 1986. It has also ratified an important number of other human rights treaties such as the *International Covenant on Civil and Political Rights (ICCPR)*, the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, the *Convention on the Rights of the Child (CRC)* and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*, that all contribute to the protection of UNHCR’s persons of concern. It has not ratified the *1951 Convention relating to the Status of Refugees (the 1951 Convention)*, the *1954 Convention relating to the Status of Stateless persons (the 1954 Convention)* or the *1961 Convention on the Reduction of Statelessness (the 1961 Convention)*. Even though Venezuela participated in the drafting of the *1984 Cartagena Declaration on Refugees (the Cartagena Declaration)* and takes an active stance in existing regional fora, it has not incorporated the refugee definition as spelled out in the *Cartagena Declaration* into its national legislation. Together with 27 other Latin American and Caribbean countries, in December 2014 Venezuela adopted the *Brazil Declaration and Plan of Action (BPA)*¹ as an important regional framework to strengthen the international protection of refugees, displaced and stateless persons.

As of October 2015, Venezuela has formally recognized 6,694 refugees, majority of whom originate from neighbouring Colombia and as of mid-2015, UNHCR was aware of 704 individuals with pending asylum claims. Forty-four per cent of persons of concern are children and adolescents. Based on a UNHCR study that was carried out in 2007, it is likely that the country hosts many more persons in need of international protection,² who have not (yet) accessed the asylum system due to a variety of reasons, including the lack of awareness of and/or information on the asylum procedure, and lack of means to pay transport to register at one of the four offices of the National Refugee Commission.

¹ Regional Refugee Instruments & Related, *Brazil Declaration and Plan of Action*, 3 December 2014, available at: <http://www.refworld.org/docid/5487065b4.html>.

² Estimated at some 168,500 persons, *UNHCR Mid-Year Trends 2015*, available at: <http://www.unhcr.org/56701b969.html>.

Recent years in Venezuela have been characterized by economic challenges with high inflation rates and restricted access to some basic goods as well as smuggling of subsidized goods into Colombia. Security has also been a challenge. Under the traditionally open and generous migration policies, many Colombian citizens have been living in Venezuela without any documentation. However, in recent years, increased migratory controls have been introduced including deportations of those without legal or migration status. In August 2015, in response to a security incident at the Colombian border, Venezuela declared a state of emergency in six border municipalities in Táchira State, which was later on extended to 17 other border municipalities and closed the entire border between Venezuela and Colombia. The measure was initially accompanied by deportations of Colombian citizens – OCHA Colombia reported 1,950 deportations as of October 2015 and in addition, 22,342 Colombian returned, often due to fear of deportation.³ While Venezuelan authorities are committed to protecting refugees and asylum-seekers, fears amongst the Colombian persons in need of international protection have been widespread following the recent deportations, particularly among those who do not hold valid documentation.

A deteriorating economic situation in Venezuela is adding further hardship to persons of concern due to increased scarcity of goods, rising prices and a reduction in services that were previously available to them. To further promote socio-economic development as well as security in border areas, the Venezuelan Government launched a project called “Borders of Peace” in October 2015. This project is expected to also benefit UNHCR’s persons of concern. In addition, in line with previous UPR recommendations, the Government has designed a National Human Rights Plan, which was approved in February 2016.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 1st cycle UPR recommendations

Linked to 1st cycle UPR recommendation no. 94.69: “Intensify its efforts to provide protection to asylum-seekers and refugees, including through the timely provision of documentation as to their legal status and rights (USA);” and voluntary pledge no. 98 (i): To strengthen the mechanisms to protect the rights of migrants, such as training workshops for members of the Immigration Authorities who perform control checks at entry and departure points;

Recognition of documentation by all authorities and its timely issuance have been one of the most pressing protection challenges for refugees and asylum-seekers in Venezuela. Since 2013, the Ombudsperson, at national level and in border regions, has led roundtables to exchange views with relevant civil and military authorities on the protection of refugees and asylum-seekers. The discussions focused, amongst others, on the recognition by security forces of the asylum-seeker certificate and on the timely issuance of identification documents to refugees. In response to requests by security forces and migration authorities to receive training on refugee issues, in 2013 and 2014, 3,000 officers of national and regional institutions received such training organized by UNHCR. In 2015, as of October 2015, more than 5,000 officers have benefited from similar training initiatives.

³ UNOCHA, *Colombia: Humanitarian Snapshot: Colombian - Venezuelan border* (15 October 2015), available at: <http://reliefweb.int/report/colombia/colombia-humanitarian-snapshot-colombian-venezuelan-border-15-october-2015>.

Centralization of document issuance in Caracas had been one of the main challenges for the timely issuance of IDs to refugees. In April 2014, the Administrative Service of Identification, and Migration Affairs (Servicio Administrativo de Identificación, Migración y Extranjería, SAIME) issued an important administrative instruction in this regard. According to the instruction, local SAIME offices can receive ID applications from refugees, send them to the central office in Caracas for ID card issuance, and refugees can pick them up at local SAIME offices, without having to travel to the capital. This will allow refugee families, many of whom live outside of Caracas, to avoid having to travel to the capital to obtain their ID cards and visas.

The recent adoption of the *National Human Rights Plan 2016-19* is also seen as a very important step with the potential to significantly strengthen the protection of refugees, asylum-seekers and other persons in need of international protection. The Plan foresees, *inter alia*, the design and implementation of an interinstitutional plan to strengthen the protection of persons in need of international protection, taking into account the *Brazil Declaration and Plan of Action*, the strengthening of the National Commission for Refugees, the adoption of specific measures with a view to guaranteeing respect for human rights in migratory processes and accession to additional international human rights conventions.

Linked to 1st cycle UPR recommendation no. 94.45: “Continue its efforts to achieve equitable socio-economic development, to further address social disparity and equal opportunity of people through its overarching objective according to its current policies and Action Plans (Cambodia).”

Venezuela has continued to offer social welfare programmes in order to increase access to services and rights by the most vulnerable groups of the population. Refugees have also benefited from these programmes. Examples include the so-called “Gran Misión Vivienda” aimed at the provision of housing, the “Misiones Mercal” and “Productora y Distribuidora Venezolana de Alimentos (PDVAL)”, offering subsidized basic goods to ensure that these are accessible to all, the “Misiones Barrio Adentro” and “Milagro” designed to provide health services to vulnerable communities, and the “Misión Amor Mayor” that makes available support to those who have retired and do not have sufficient means to sustain themselves.

Linked to 1st cycle UPR recommendation no. 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).”

Venezuela has continued to offer primary and secondary education free of charge to Venezuelan citizens, refugees and asylum-seekers. It implemented school food programmes as well as special programmes to provide access to tablet computers at school that benefited all school children without discrimination.

Access to education had sometimes posed a challenge for asylum-seeking children whose asylum-seeker certificates could not be used for registration in education databases. In order to address this situation, in 2013, the Ministry of Education issued an internal note titled “*Identification of students*”, instructing all education authorities in the country to accept foreign identification documents, including passports and other documents such as asylum-seeker certificates, as valid documentation for enrolling students. In 2014, the regional education authorities in the States of Zulia, Táchira y Merida issued additional regional internal notes

specifically recognizing the asylum-seeker certificates as valid documentation to obtain school certification.

In a memorandum of understanding with UNHCR signed in January 2013, the Venezuelan National System of Orchestras and Choirs for Children and Youth (“Fundamusical”, also known as “El Sistema”) committed to foster the enrolment of refugee and asylum-seeking children in its musical schools. As a result, as of November 2015, 135 refugee and asylum-seeking children had benefited from this opportunity. In 2014, with the support of UNHCR, “El Sistema” performed three music concerts in Caracas, Táchira and Zulia.

Linked to 1st cycle UPR recommendation no. 94.19: “Continue to cooperate with the UN and other international organizations to develop its legal and institutional framework with respect to promoting and protecting human rights in Venezuela (Lao’s People Democratic Republic).”

Venezuelan authorities and UNHCR have cooperated closely over the past years as evidenced, amongst others, in the signing of multiple cooperation agreements with a variety of actors involved in refugee protection. Cooperation has been particularly close with the Ministry of Foreign Affairs, the migration authorities and the Ombudsperson’s Office. In addition, UN agencies including UNHCR have been invited to comment on the National Human Rights Plan developed by Venezuela. UNHCR provided suggestions, several of which were accepted and reflected in the final Plan.

Linked to 1st cycle UPR recommendation no. 94.28: “Increase the efforts towards fighting against human trafficking, including by considering the possibility of the development of state programs and plans of action in this area (Belarus).”

In 2014 and 2015, the National Office against Organised Crime and Funding of Terrorism and UNHCR signed joint work plans. Its main objectives have been to raise awareness among authorities on issues of human trafficking and smuggling; and to carry out needs assessments in the three States bordering Colombia (Zulia, Táchira and Apure) in order to design strategies to prevent human trafficking and smuggling as well as to enhance protection of UNHCR’s persons of concern.

Additional achievements and positive developments

In July 2013, prompted by social unrest, approximately 300 individuals were displaced from Catatumbo in the State of Norte de Santander, Colombia, to La Guacamaya (Zulia State). Venezuela rapidly activated a temporary protection scheme to provide immediate protection based on Chapter VII of the national *2001 Statutory Law on Refugees* which is designed to respond to situations of mass influx. Displaced persons were returned to Colombia after a two-week period, once the situation in Colombia had calmed down.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 1st cycle UPR recommendations

Issue 1: Fair and efficient asylum procedures and documentation

Linked to 1st cycle UPR recommendation no. 94.69: “Intensify its efforts to provide protection to asylum-seekers and refugees, including through the timely provision of documentation as to their legal status and rights (USA).”

The National Refugee Commission has put effort into reaching out to the approximately 168,500 persons in need of international protection in Venezuela who have not accessed the asylum system, to enable them to access the asylum procedure, including through the creation of three offices in border States and through joint registration missions with UNHCR. However, this process is time-consuming and has – despite all efforts and good will - only led to the recognition of 6,694 refugees since the Commission’s creation in 2003. It is therefore considered that innovative solutions have to be explored to provide solutions to persons in need of international protection who have not accessed the asylum procedures so far. In addition, the human and financial resources allocated for the National Commission for Refugees need to be reinforced. Additional resources would enable the National Commission for Refugees to efficiently schedule eligibility interviews, issue decisions in a timely manner and to liaise with other State actors in order to enhance public policy on refugee protection.

In addition, the fact that Venezuela’s national legislation does not explicitly include the refugee definition as contained in the *Cartagena Declaration* puts individuals at risk of not being recognized as refugees despite their international protection needs.

Refugees who are recognized are currently provided with one-year renewable residence permits. This document, however, does not enable refugees to register in the social security system which is a prerequisite for accessing the formal labour market. In addition, a one year permit does not properly reflect the protection needs of refugees and leads them to have uncertain status in the host country. The issuance of a one year permit to refugees and the lack of specifications on how to access long-term residency permits has also hindered refugees’ access to naturalization since holders of a one-year permit cannot fulfil all requirements needed to apply for naturalization (the required declaration of willingness to obtain the Venezuelan nationality is usually only issued to individuals holding a long-term residency permit). This procedure undermines the possibility of durable solutions and is at odds with Venezuelan refugee legislation that stipulates that refugees’ access to naturalization should be facilitated.

Despite the issuance of an administrative instruction enabling local SAIME offices to receive individuals’ documentation for purposes of issuing ID cards, this process is still facing significant delays. As of September 2015, to UNHCR’s knowledge, 148 cases were awaiting issuance or renewal of IDs or visas. Some of these cases had been pending for several months, or in a few cases, years. In light of increased migratory controls in recent years, this has placed refugees at increased risk of detention on account of lack of valid documentation. In this regard UNHCR intervened in 152 detention cases in 2015, up from 43 detention cases in 2014.⁴

Recommendations:

UNHCR recommends that the Government of Venezuela:

- a. Consider accession to the *1951 Convention relating to the Status of Refugees*;
- b. Include the refugee definition contained in the *Cartagena Declaration* in its national legislation;

⁴ Numbers as of 16th December 2015.

- c. Assign increased human and financial resources to the National Commission for Refugees, as envisaged in the National Human Rights Plan, with a view to further enhancing the RSD process;
- d. Carry out a survey to establish how many individuals in need of international protection have not been able to access the asylum system and take legislative and administrative measures to find them comprehensive solutions that reflect their protection needs;
- e. Address delays in issuance of documentation to refugees and improve administrative practices in this regard;
- f. Consider issuing long-term resident visas to recognised refugees to ensure that refugees have access to the wide range of public services offered by Venezuela and can fully exercise their fundamental rights, including the right to work;
- g. Ensure that national security bodies and immigration officials are properly trained on the rights of refugees and asylum-seekers by, *inter alia*, including a module on refugee law in the curricula of relevant educational institutions that these professionals attend and requiring or encouraging continued learning on the subject throughout their careers;
- h. In accordance with the recently adopted National Human Rights Plan, adopt a national implementation plan that reflects relevant provisions of the *Brazil Declaration and Plan of Action*, including provisions on fair and efficient asylum procedures, the enhancement of referral mechanisms in border and transit areas, and the promotion of durable solutions.

Issue 2: Access to food

Linked to 1st cycle UPR recommendation no. 94.45: “Continue its efforts to achieve equitable socio-economic development, to further address social disparity and equal opportunity of people through its overarching objective according to its current policies and Action Plans (Cambodia).”

Asylum-seekers have recently faced challenges with accessing subsidized goods as their asylum-seeker certificates are not recognized as valid documents for purchasing subsidized basic food items. The costs of these basic goods have risen to a level that most asylum-seeker families cannot afford.

Recommendations:

UNHCR recommends that the Government of Venezuela:

- a. Recognize the validity of the asylum-seeker certificate as a valid document for purchasing subsidized goods in Government-run markets (Productora y Distribuidora Venezolana de Alimentos or PDVAL Mercal) and ensure that asylum-seekers can access these markets.

Issue 3: Access to education

Linked to 1st cycle UPR recommendation no. 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).”

Despite the existence of specific instructions that should enable asylum-seeking children to access education, in certain areas a lack of awareness among officials regarding asylum-seeker certificates still presents an obstacle for asylum-seeking children attempting to register for

school. Similarly, some asylum-seekers have continued to face challenges in obtaining certification of studies they have completed.

Recommendations:

UNHCR recommends that the Government of Venezuela:

- a. Issue a national circular confirming that the asylum-seeker certificate is a valid document for the purposes of registration in public schools and for obtaining certification of completed studies; and
- b. Implement comprehensive and systematic information campaigns on asylum-seeking children's right to access education.

Issue 4: Trafficking in persons

Linked to 1st cycle UPR recommendation no. 94.28: “Increase the efforts towards fighting against human trafficking, including by considering the possibility of the development of state programs and plans of action in this area (Belarus).”

National institutions responsible for addressing migrant smuggling and trafficking in persons have been organizing trainings with relevant authorities on these issues and have partnered with UNHCR since 2014 to increase awareness towards the risks of refugee to become victims of trafficking in persons and persons subject to migrant smuggling could also be refugees. UNHCR believes that these trainings should be further expanded to include other relevant States such as Amazonas, Nueva Esparta and Bolivar.

Recommendations:

UNHCR recommends that the Government of Venezuela:

- a. Further expand awareness raising activities and training initiatives on trafficking in persons to other key border-States such Amazonas, Nueva Esparta and Bolivar.

Issue 5: Statelessness

Linked to 1st cycle UPR recommendation no. 95.4: “Ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness (Slovakia).”

Venezuela has not ratified the *1954* and *1961 Conventions* related to statelessness and the national legislation on nationality and citizenship would need the following changes in order to comply with the international standards as contained in the *1954* and the *1961 Conventions*: inclusion of a definition of who is a stateless person in national legislation, establishment of a statelessness determination procedure, clarification on the rights of stateless persons including access to naturalization proceedings and clarification on the nationality to be obtained by foundlings.

Recommendations:

UNHCR recommends that the Government of Venezuela:

- a. Consider accession to the *1954 Convention relating to the Status of Stateless Persons* as well as the *1961 Convention on the Reduction of Statelessness*; and
- b. Adopts new legal provisions creating a statelessness determination procedure, laying down the rights of stateless persons including their access to naturalization proceedings and clarifying the nationality to be obtained by foundlings.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
March 2016**

ANNEX

Excerpts of Recommendations from the 1st cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedure mandate holders

Universal Periodic Review:

VENEZUELA

We would like to bring your attention to the following excerpts from the 1st cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Venezuela.

I. Universal Periodic Review

Recommendation ⁵	Recommending State	Position ⁶
Ratification of the OP-CAT, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness		
95.4. Ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness;	Slovakia	Noted ⁷
95.2. Consider the possibility of ratifying or acceding, as appropriate, to ICRMW, CED, OP-CAT and CRPD;	Uruguay	Supported ⁸
Refugees and asylum seekers		
94.69. Intensify its efforts to provide protection to asylum-seekers and refugees, including through the timely provision of documentation as to their legal status and rights;	USA	Supported

⁵ All recommendations made to Venezuela during its 1st cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review: Venezuela," (7 December 2011) [A/HRC/19/12](#).

⁶ Venezuela's views and replies can be found in: *Addendum* (16 February 2012) [A/HRC/19/12/Add.1](#).

⁷ *Addendum*: "Recommendations 95.3 and 95.4 are rejected in accordance with the sovereign right of any State to ratify or not to ratify international treaties, in the light of the national policy regarding ratification of international treaties, which in the case of Venezuela requires a comparative internal analysis to make sure that the international instrument awaiting ratification is compatible with domestic legislation and institutional requirements. This implies the obligation, under the Constitution and by law, to consult all the State bodies concerned. It is therefore premature for the Republic to undertake a firm commitment to ratify the few human rights instruments which are not yet part of the Republic's domestic legislation."

⁸ *Addendum*: "Recommendations 95.1 and 95.2 are accepted, in view of the fact that the State of Venezuela anticipated such action, by signing the Convention for the Protection of All Persons from Enforced Disappearance in October 2008, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, both signed at the United Nations in New York on 4 October 2011, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed on 31 July 2011."

Discrimination against Indigenous minorities		
94.11. Continue to consolidate the rights of women and people belonging to vulnerable groups, including indigenous peoples and persons of diverse sexual orientation and gender identity, both within its legal framework and in practice;	Canada	Supported
94.25. Further enhance effective access to legal aid for women from all regions, including indigenous women and women of African descent;	Sri Lanka	Supported
94.66. Continue carrying out its sound public policies from the Ministry of Popular Power for Indigenous Peoples, to guarantee the respect and observance of the rights of Indigenous Peoples and Afro-descendant Communities;	Bolivia	Supported
94.67. Intensify efforts to improve the literacy rate among indigenous peoples and those living in the rural areas;	Qatar	Supported
94.68. Expedite and systematize the process of demarcation of indigenous collective lands and habitat, and update the census data of indigenous communities and peoples, ensuring the participation of communities in this process;	Ecuador	Supported
Gender Based Violence		
94.21. Intensify efforts to promote and protect women's rights, particularly in regard to gender based violence;	Indonesia	Supported
96.11. Take all the necessary measures to eliminate violence against women, also by ensuring that perpetrators of such violence are prosecuted and punished, as well as by abolishing the stereotypical attitudes and patriarchal patterns of behaviour that undermine women human rights;	Slovenia	Noted
Trafficking		
94.28. Increase the efforts towards fighting against human trafficking, including by considering the possibility of the development of state programs and plans of action in this area;	Belarus	Supported
94.29. Continue to take further action as appropriate to combat trafficking in women and children;	Sri Lanka	Supported
96.6. Urge the National Assembly to adopt the draft legislation on trafficking in persons;	United States of America	Noted
96.12. Take all the necessary legal and policy measures to prevent children and adolescents, from being subjected to labour exploitation and the worst forms of child labour, such as servitude, slavery, prostitution and trafficking;	Slovenia	Noted

II. Treaty Bodies

Committee on the Elimination of Discrimination against Women

Concluding Observations, 59th session (14 November 2014) [CEDAW/C/VEN/CO/7-8](#)

Violence against women

18. The Committee notes the adoption of the Act on Women's Right to a Life Free from Violence. It is deeply concerned, however, that violence against women and girls is widespread and on the rise. It is particularly concerned about:

- (a) The lack of information regarding the forms, prevalence and root causes of violence against women and the absence of a system for collecting disaggregated data;
- (b) The insufficient implementation of the Act;
- (c) The lack of effective access to justice for all women victims of violence throughout the territory of the State party, as a result of the insufficient structures and inadequate functioning of the justice system, in particular considering the low number of cases prosecuted, and the fact that specialized courts have been established in only 16 states;
- (d) The insufficient number of shelters available for victims, with only six shelters having been established thus far, while the Act requires one in each state.

19. **The Committee urges the State party:**

- (a) **To accord priority to the full implementation of the Act on Women's Right to a Life Free from Violence, including by adopting the necessary regulations and protocols, and to reconsider the definition of femicide in the reform of the Act in order to ensure that it is in accordance with international standards;**
- (b) **To adopt a national action plan on addressing violence against women and include specific measures to address all forms of violence, including the emerging violence that women experience online. The plan should also provide for a national violence coordination and monitoring mechanism, specific indicators and a clear time frame, as well as sufficient budget allocations, and ensure that all relevant stakeholders are specifically targeted;**
- (c) **To establish a regular system for the collection of statistical data on violence against women, disaggregated by form of violence and the relationship between the perpetrator and the victim, and on the number of complaints, prosecutions, convictions and sentences imposed on perpetrators, as well as on reparations provided to victims;**
- (d) **To ensure that women, including refugee and migrant women, have effective access to justice throughout the State party, by establishing specialized courts on violence against women in all states, including in rural areas and border zones, strengthening gender-sensitive complaints mechanisms, strengthening legal aid programmes, prosecuting and adequately punishing perpetrators of violence against women and compensating victims;**
- (e) **To take measures to improve support services for women and girls who are victims of violence, including by establishing sufficient shelters throughout the territory and strengthening the psychosocial rehabilitation and reintegration programmes available;**
- (f) **To continue to provide capacity-building programmes on combating gender-based violence to relevant professional groups and to conduct awareness-raising campaigns among children, teachers, women, men, the media and the population at large, including, but not exclusively, through the Internet and other information and communications technologies.**

Trafficking and exploitation of prostitution

20. The Committee is concerned at the prevalence of trafficking in women and girls, in particular in border areas, and about reports that women and girls are sexually exploited in tourist areas in the State party. It particularly regrets the delay in adopting comprehensive legislation to prevent and assist victims of trafficking in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol). The Committee remains concerned that the State party has not adopted a comprehensive strategy to address the phenomenon of women and girls in prostitution.

21. **The Committee recommends that the State party:**

- (a) Conduct a study to investigate the extent and root causes of trafficking in women and girls as well as their forced prostitution, including through the collection and analysis of data on trafficking and exploitation of women and girls in prostitution;**
- (b) Expediently adopt the draft comprehensive legislation on trafficking in persons, ensure that it is gender-sensitive, in accordance with the Trafficking in Persons Protocol, and take effective measures to prevent trafficking, including through early identification and warning systems, prosecution and conviction of perpetrators. The State party should provide free legal and psychological support for girls and women who are victims and dedicated shelters for them;**
- (c) Review legislation with a view to ensuring that all aspects of child prostitution, including the demand for adolescents in prostitution, are prohibited and duly sanctioned;**
- (d) Adopt measures to address the exploitation of women and girls in prostitution, including through the Internet and the media, provide assistance and rehabilitation to victims and provide women with economic alternatives to prostitution while empowering them to make their own choices concerning their lives.**

Committee on the Elimination of Racial Discrimination

Concluding Observations, 83rd Session (23 September 2013) [CERD/C/VEN/CO/19-21](#)

People of African descent

12. The Committee appreciates the State party's efforts to take people of African descent into account in its social policies, but nevertheless finds that this population group is still at a disadvantage, including in participatory political and social bodies. The Committee is also concerned about the lack of specific indicators that could provide a clearer picture of the current situation of this population group (art. 1).

In light of the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent, the Committee reiterates its request that the State party provide disaggregated data in its next periodic report on the geographical distribution and the social and economic circumstances of people of African descent, including from a gender perspective. The Committee invites the State party to consider extending constitutional recognition to people of African descent as members of

the Venezuelan population and to include them and consult them when adopting programmes to promote their rights and when drawing up public policies. The Committee strongly recommends that the State party take steps to ensure the participation of people of African descent in political and public life.

Definition of racial discrimination

13. The Committee is concerned about the definition of racial discrimination set forth in article 10 of the Organic Act on Racial Discrimination and about the way in which the offence of racial discrimination is defined in article 37 of the Act, as these legal provisions do not contain all the elements of the definition of racial discrimination set out in the Convention (art. 1).

The Committee, bearing in mind its general recommendation No. 14 (1993) on article 1, paragraph 1, of the Convention, recommends that the State party bring the current definition of racial discrimination and the definition of the offence of racial discrimination into line with the definition contained in article 1 of the Convention. The Committee recommends that the State party introduce provisions on the establishment of responsibility in cases of racial discrimination into its criminal, civil and administrative laws.

Consultation with indigenous peoples

19. Although the State party has made efforts to ensure the participation of the indigenous peoples and has recognized, in the Organic Act on Indigenous Peoples and Communities, their right to prior consultation, the Committee is concerned about the lack of information on how this right has been implemented (art. 5 (c)).

Bearing in mind its general recommendation No. 23 (1997) on indigenous peoples, the Committee recommends that the State party redouble its efforts to ensure the full participation of indigenous people — especially women — in all decision-making bodies, particularly in representative institutions and in public affairs, and that it take effective measures to ensure that all indigenous peoples participate at all levels of the public administration. The Committee recommends that the State party implement special measures (affirmative action), as described in the Convention and the Committee's general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.

Multiple forms of discrimination

21. The Committee welcomes the adoption of the Organic Act on the Right of All Women to a Life Free from Violence and the establishment of such bodies as the Coordinating Office for Women of African Descent and the Coordinating Office for Indigenous Women. However, the Committee remains concerned that women belonging to indigenous, Afro-Venezuelan, migrant and refugee communities continue to encounter multiple forms of discrimination and gender violence in all areas of social, political, economic and cultural life (art. 5).

The Committee recommends that the State party take into account the Committee's general recommendation No. 25 (2000) on the gender-related dimensions of racial discrimination and that it incorporate a gender perspective in all policies and strategies

for combating racial discrimination, so as to address the multiple forms of discrimination that affect women. The Committee urges the State party to continue its efforts to support women victims of racial discrimination and to improve their access to justice. The Committee requests that information be provided in the State party's next report on the progress of cases involving domestic violence and racial discrimination targeting women who are protected under the Convention.

Situation of migrants

22. The Committee is concerned at the situation of migrants and refugees, most of whom come from Colombia or Haiti, in particular with regard to their vulnerability to such hazards as smuggling and trafficking of persons, exploitation, violence and discrimination (art. 5 (d) and (e)).

Bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take the necessary measures to protect migrants and their rights. The Committee invites the State party to include information in its next periodic report on the progress made with regard to the situation of migrant workers in the State party.

Ratification of other treaties

24. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider acceding to the Convention relating to the Status of Refugees and to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Committee on the Rights of the Child

Concluding Observations, 67th session (13 October 2014) [CRC/C/VEN/CO/3-5](#)

Non-discrimination

27. The Committee notes with satisfaction the adoption of the Law against Racial Discrimination, in 2011, and other laws aimed at protecting the rights of indigenous peoples. It also welcomes the adoption of the Education Act, in 2009, which includes a provision on non-discrimination. However, the Committee is concerned at reports that those legal advances have not been translated into greater protection of children from discrimination. It also regrets 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 is 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 is also concerned at reports of cases of bullying and discrimination against children because of their sexual orientation or gender identity.

28. **The Committee recommends that the State party undertake all necessary measures to:**

- (a) Translate the legal and political advances for combatting racial and ethnic discrimination into greater protection of children's rights, and conduct an**

- evaluation of the implementation of laws, policies and programmes, including indicators, to measure the achievements;
- (b) **Eliminate patriarchal attitudes and gender stereotypes that discriminate against girls, including through the implementation of educational and awareness-raising programmes;**
 - (c) **Prevent all forms of discrimination, including discrimination based on sexual orientation, gender identity and disability, and ensure, in law and in practice, that such discrimination is prohibited and adequately sanctioned;**
 - (d) **Establish an efficient complaints mechanism that tracks and addresses cases of discrimination in educational establishments, juvenile detention centres, alternative care institutions and any other setting.**

29. **The Committee reiterates its recommendation (CRC/C/VEN/CO/2, para. 63) that the State party ensure that all forms of discrimination against children living with HIV/AIDS are eliminated.**

Birth registration

36. The Committee welcomes the legal and policy measures taken by the State party to ensure the registration of all children, including indigenous children, in particular Decree No. 2890 of 2009, which provides for the registration of new-born children whose parents are undocumented and the establishment of the “Yo soy” and “Misión Identidad” programmes. However, the Committee expresses its concern at the lack of information regarding the approximate number of children who are not registered as well as the reasons and/or causes for that. It also regrets the lack of evaluation of the “Yo soy” and “Misión Identidad” programmes.

37. **The Committee recommends that the State party:**

- (a) **Step up its efforts to design a national disaggregated data collection system for birth registrations;**
- (b) **Conduct evaluations of the “Yo soy” and “Misión Identidad” programmes and of similar initiatives and use them as the basis for developing a strategy to ensure universal birth registration, and allocate adequate human, technical and financial resources for the implementation of the strategy;**
- (c) **Enhance efforts to automatize civil registration processes and digitalize civil certificates;**
- (d) **Continue seeking technical assistance from UNICEF and the Office of the United Nations High Commissioner for Refugees (UNHCR), among others, for the implementation of these recommendations.**

Education, including vocational training and guidance

64. The Committee notes the progress made by the State party in ensuring the right to education for children and adolescents, including the adoption of the 2009 Law on Education, the expansion and consolidation of school enrolment, including preschool education, and the increase in the number of schools and teachers. However, the Committee remains deeply concerned about:

- (a) The persistent challenges for children from rural areas, indigenous and afro-descendant children, as well as refugee and asylum-seeking children in accessing quality education;
- (b) The high incidence of adolescent mothers not attending school;

- (c) The military approach which permeates the educational programmes of regular schools (See CRC/C/OPAC/VEN/1, paras. 22 and 23).

65. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee reiterates its previous recommendations (CRC/C/VEN/CO/2, para. 67) and recommends that the State party:**

- (a) **Undertake all necessary measures to ensure school enrolment and prevent dropout of children in rural areas, indigenous and Afro-descendant children, children with disabilities, as well as pregnant girls and adolescent mothers;**
- (b) **Facilitate the enrolment of refugee and asylum-seeking children by removing administrative obstacles to their inclusion in the educational system;**
- (c) **Promote the quality of education through the reform of curricula and the introduction of instruction and teaching methods which stimulate the active participation of children;**
- (d) **Strengthen its efforts to provide quality training to teachers;**
- (e) **Include human rights education in the curriculum at all levels;**
- (f) **Ensure that the military approach is eliminated from the curricula of regular schools;**
- (g) **Provide vocational education and training.**

Asylum-seeking and refugee children

68. The Committee is concerned about the lack of information on the number of asylum-seeking children in the State party and that the delays in determining refugee status have a negative impact on the enjoyment of rights by asylum-seeking children and their families. The Committee is further concerned about the lack of programmes addressing the particular needs of asylum-seeking and refugee children that have been involved in armed conflicts in neighbouring countries.

69. **The Committee recommends that the State party:**

- (a) **Collect disaggregated data on asylum-seeking children;**
- (b) **Ensure that all children and their families in need of international protection receive appropriate and fair treatment at all stages, and that decisions on refugee status are dealt with expeditiously;**
- (c) **Provide adequate assistance and psychosocial support to children who have been involved in armed conflicts abroad;**
- (d) **Consider ratifying the Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Human Rights Committee

Concluding Observations, 114th session (2015) [CCPR/C/VEN/CO/4](#)

Igualdad de género

7. El Comité nota con satisfacción las medidas adoptadas por el Estado parte en materia de igualdad de género, incluyendo a nivel legislativo tales como las que se desprenden de las decisiones del Tribunal Supremo de Justicia respecto de los artículos 46 y 57 del Código Civil y 393 del Código Penal. Sin embargo, le preocupan los informes de que aún continúan vigentes

disposiciones legislativas que discriminan contra las mujeres, como aquellas contenidas en el Título VIII del Código Penal relativas al adulterio (arts. 2, 3 y 26).

El Comité recuerda su Observación general N° 28 (2000) y recomienda que el Estado parte intensifique sus esfuerzos con miras a garantizar la igualdad *de jure* y *de facto* entre hombres y mujeres en todas las esferas. En particular, le recomienda que adopte las medidas necesarias para garantizar que no persistan disposiciones legales que sean discriminatorias contra la mujer. Asimismo, le recomienda que intensifique sus esfuerzos con miras a eliminar los estereotipos de género sobre el papel y las responsabilidades de los hombres y de las mujeres en la familia y en la sociedad.

Presuntos actos de discriminación y violencia por motivos de orientación sexual o identidad de género

8. El Comité reconoce la labor de la Defensoría del Pueblo en relación con los derechos de las personas lesbianas, gais, bisexuales, transgénero e intersexuales (LGBTI). Sin embargo, le preocupan las informaciones sobre la discriminación y los actos de violencia, incluyendo asesinatos, que sufren estas personas debido a su orientación sexual o identidad de género (arts. 2, 6, 7 y 26).

El Estado parte debe redoblar sus esfuerzos para combatir los estereotipos y prejuicios contra las personas LGBTI y garantizar que se prevengan los actos de discriminación y se investiguen, procesen y sancionen con penas apropiadas a quienes sean responsables de los actos de violencia en su contra de manera eficaz. Asimismo, el Estado parte debe examinar la posibilidad de adoptar una legislación amplia e integral de lucha contra la discriminación que la prohíba y prevea una definición que contenga una lista comprensiva de motivos de discriminación, incluyendo la orientación sexual y la identidad de género.

Violencia contra la mujer

9. El Comité, mientras valora los esfuerzos del Estado parte para combatir la violencia contra la mujer, observa con preocupación los informes que señalan que este fenómeno continúa representando un serio problema (arts. 3, 6 y 7).

El Estado parte debe redoblar sus esfuerzos para prevenir y combatir todos los actos de violencia contra la mujer e investigar, procesar y sancionar con penas apropiadas a quienes sean responsables de tales actos. Asimismo, debe garantizar que todas las víctimas obtengan sin demora una reparación y medios de protección adecuados, entre otras cosas poniendo a su disposición un número suficiente de casas de abrigo en todo el país.

Derechos de los pueblos indígenas

21. El Comité observa con satisfacción el amplio desarrollo normativo en materia de derechos de los pueblos indígenas en el Estado parte, incluyendo el reconocimiento del derecho a ser consultados. Sin embargo, el Comité lamenta no haber recibido suficiente información acerca de la aplicación en la práctica del derecho a la consulta previa en relación con el otorgamiento de licencias de exploración o explotación en sus territorios. Asimismo, mientras toma nota de la información proporcionada por el Estado parte de que se han otorgado títulos

de propiedad colectiva en relación con un porcentaje significativo del total de las solicitudes de demarcación, el Comité observa que el proceso de demarcación avanza muy lentamente. El Comité además expresa su preocupación por la información según la cual algunos pueblos indígenas habrían sido víctimas de actos de violencia por parte de actores estatales y no estatales (arts. 1, 2, 6, 7 y 27).

El Estado parte debe adoptar las medidas necesarias a fin de:

- a) **Garantizar la celebración de las consultas previas necesarias con los pueblos indígenas a fin de obtener su consentimiento libre, previo e informado antes de adoptar y aplicar cualquier medida que pueda incidir sustancialmente en su modo de vida y su cultura, en particular en relación con proyectos que puedan tener un impacto sobre sus tierras o territorios y otros recursos, tales como proyectos de explotación y/o exploración de recursos naturales. El Estado parte debe agilizar la aprobación del Proyecto de Reglamento de Consulta previa e informada y asegurar la participación activa de los pueblos indígenas en su elaboración;**
- b) **Acelerar y completar a la mayor brevedad posible el proceso de demarcación de las tierras indígenas;**
- c) **Proteger de manera efectiva a los pueblos indígenas contra todo acto de violencia, y velar por que los autores de tales actos sean llevados ante la justicia y debidamente sancionados, y por que las víctimas obtengan una reparación adecuada.**

Committee against Torture

Concluding Observations, 53rd session (12 December 2015) [CAT/C/VEN/CO/3-4](#)

Violencia de género

17. Preocupa al Comité que pese al incremento progresivo de casos de violencia contra las mujeres, en particular de feminicidios, y el elevado número de denuncias, el porcentaje de acusaciones presentadas por la Fiscalía es reducido, y la aplicación de las medidas de protección es insuficiente. El Comité se muestra asimismo preocupado ante el escaso número de casas de abrigo y la falta de información sobre la asistencia y reparaciones integrales otorgadas a las víctimas (arts. 2, 12, 13, 14 y 16).

El Comité insta al Estado parte a:

- a) **Velar por que todos los actos de violencia contra las mujeres sean investigados sin demora y de manera eficaz e imparcial, y por que los autores sean enjuiciados y sancionados de conformidad con la gravedad de sus actos;**
- b) **Reforzar y extender los tribunales especializados en violencia contra la mujer a todos los estados del país;**
- c) **Garantizar que las víctimas obtengan con celeridad acceso a medidas de protección, asistencia jurídica gratuita y una reparación adecuada, así como acceso a casas de abrigo que estén disponibles en todos los estados del país;**
- d) **Incorporar la figura del feminicidio en la legislación y garantizar su aplicación plena y efectiva, dotándola de los recursos necesarios y adoptando una reglamentación y un plan nacional que la desarrolle;**
- e) **Reforzar las actividades de concienciación y educativas sobre la violencia de género, dirigidas tanto a funcionarios que tengan contacto directo con las víctimas como al público en general.**