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the annex to Human Rights Council resolution 16/21\***

**Bolivarian Republic of Venezuela**

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\* The present document is being issued without formal editing.



## I. Methodology and consultation

1. The present document is the third national report submitted under the universal periodic review process by the Bolivarian Republic of Venezuela in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 and Human Rights Council decision 17/119.
2. The Bolivarian Republic of Venezuela accepted 193 recommendations during its second universal periodic review in 2016 and made 24 voluntary commitments, which attest to the State's unwavering commitment to the promotion and protection of human rights.
3. The National Human Rights Council led the inter-agency, participatory and inclusive mechanism established to follow up on the implementation of the recommendations<sup>1</sup> and organize the consultation process necessary for the preparation of the national report.
4. The five branches of government (the executive, legislative, judicial, citizens' and electoral branches) took part in the consultations, each providing updated information on compliance with the recommendations. Civil society organizations and movements active in the country were also consulted, and their concerns were reflected where appropriate. The report was also informed by the outcomes of consultations conducted in 2020 and 2021 prior to the submission of the country's periodic reports to the treaty bodies that monitor progress in respect of persons with disabilities, migrant workers, women, children, racial discrimination, and civil and political rights.
5. In July 2021, a round-table discussion about the universal periodic review process and the preparation of the national report to which State institutions contributed was organized with assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR).

## II. Country context

6. The Bolivarian Republic of Venezuela continues its democratic and peaceful efforts to build Bolivarian socialism within the framework of the democratic and social state of law and justice envisaged in its Constitution.
7. In the period covered by this report (2016–2021), the Bolivarian Republic of Venezuela was the object of multifaceted aggression by the Government of the United States of America that had a negative impact on the enjoyment of human rights by the Venezuelan people. The methods used to attack Venezuela included a series of unilateral coercive measures, the impact of which has been documented by the Human Rights Council,<sup>2</sup> the United Nations High Commissioner for Human Rights and various special procedure mandate holders of the Human Rights Council.<sup>3</sup> After visiting the country in 2021, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights stated that the unilateral coercive measures had had a "devastating effect" on the human rights of the Venezuelan people.<sup>4</sup>
8. The unilateral coercive measures adopted by the Government of the United States of America against the Bolivarian Republic of Venezuela include: Executive Order 13692, declaring that the situation in Venezuela continues to pose an unusual and extraordinary threat to the national security of the United States; Executive Order 13808, prohibiting the provision of financing for and other dealings in the debt of Petroleos de Venezuela and the Bolivarian Republic of Venezuela; Executive Order 13827, prohibiting trading in the Venezuelan "Petro" cryptocurrency; Executive Order 13835, prohibiting transactions related to, the provision of financing for and the purchase or payment of debt owed by the Bolivarian Republic of Venezuela; Executive Order 13850, prohibiting activity in the gold sector or any other sector of the Venezuelan economy; and Executive Order 13884, imposing secondary sanctions on any persons who provide goods or services to the Bolivarian Republic of Venezuela. The United States Office of Assets Control has adopted 352 restrictive or punitive measures related to the Bolivarian Republic of Venezuela.
9. The unilateral coercive measures and other restrictive or punitive measures have reduced the State's ability to secure the financial resources, goods and services required to

cover and fully satisfy its people's principal needs and ensure the effective operation of the institutions responsible for safeguarding human rights. As a result of the unilateral coercive measures, national income has slumped by 99 per cent. In addition, as at May 2019, the international financial system was unlawfully withholding \$5,470,030,645.29 belonging to the Bolivarian Republic of Venezuela and the country had been stripped of assets held overseas worth more than \$30 billion. In 2020, the Bolivarian Republic of Venezuela submitted a referral to the Office of the Prosecutor of the International Criminal Court regarding crimes against humanity resulting from the application of the unilateral coercive measures.

10. In addition, with support from foreign governments, national political actors in Venezuela have engaged in acts that undermine the country's democratic institutions, notably refusing to recognize the State's constitutional representatives. In 2013, 2014, 2017 and 2019, they instigated violent street protests in various states of the country that resulted in loss of life, injury and serious damage to public and private property.

11. In the period 2016–2020, the *de facto* situation in the National Assembly and its contempt for the decisions of the Supreme Court prevented progress in the implementation of several of the recommendations that were accepted.<sup>5</sup> However, a new legislature was installed in January 2021, following parliamentary elections, and several laws governing key areas of human rights have since been passed.<sup>6</sup>

12. In September 2019, the Bolivarian Republic of Venezuela and OHCHR signed a letter of understanding providing for the establishment of an official OHCHR presence in the country to develop a cooperation and technical assistance agenda. The letter of understanding was renewed and extended in 2020 and 2021.

13. The first case of coronavirus disease (COVID-19) in the Bolivarian Republic of Venezuela was reported in March 2020. The Bolivarian Republic of Venezuela immediately took the preventive measures necessary to address and contain the pandemic and mitigate its impact on the people, with advice and technical assistance from the World Health Organization (WHO) and international cooperation partners. Venezuela has one of the lowest rates of COVID-19-related deaths in the region, despite the adverse effects of the unilateral coercive measures on its health system.

### **III. Implementation of recommendations**

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination<sup>7</sup>**

14. The realization of the right to equality and non-discrimination recognized in article 21 of the Constitution requires the State to adopt positive measures and actions to assist discriminated and vulnerable groups. The Bolivarian Republic of Venezuela guarantees equality and non-discrimination by means of a broad legislative framework<sup>8</sup> and has created institutions to design and implement public policies to ensure respect for this right.

15. The Basic Standards of Conduct for Public Officials in the Field of Human Rights were issued in 2017.<sup>9</sup> These standards set out the main duties in the area of human rights and the guidelines for action that are to be observed by all public officials with a view to strengthening respect, safeguards and protection for human rights in the country.

16. In accordance with these standards, public officials must refrain from engaging in any type of discriminatory act or conduct based on ethnic origin, religion, social status, gender, sexual orientation, gender identity, gender expression, language, political opinion, nationality or origin, age, economic status, disability, health status or any other personal, legal or social circumstance, which has the aim or effect of denying or impairing the recognition, enjoyment or exercise of human rights.

17. The Constitutional Act against Hatred, for Peaceful Coexistence and Tolerance entered into force in 2017.<sup>10</sup> This law categorically prohibits propaganda and messages promoting war and any defence of hatred based on nationality, race, ethnicity, religion,

political opinion, social group, ideology, gender, sexual orientation, gender identity, gender expression or any other kind of hatred that constitutes incitement to discrimination, intolerance or violence. It also criminalizes promotion of or incitement to hatred.

18. In 2018, the Presidential Council for Sexual Diversity was established as a space where lesbian, gay, bisexual, transgender and intersex organizations could meet with representatives of the executive branch to develop public policies to promote gender equality and the advancement of the country's sexually diverse population. In 2016, the Constitutional Chamber of the Supreme Court<sup>11</sup> recognized the families of same-sex parents, establishing that same-sex parents could act as head of household and that children born in such families enjoy State protection without any discrimination.

19. The Government of the Capital District passed a decree<sup>12</sup> prohibiting any act of discrimination based on actual or perceived sexual orientation. In 2018, the mayor's office in the municipality of Libertador created the Office for Sexual Diversity, which provides legal support and social assistance services. In addition, the legislative councils of the states of Bolívar and Carabobo, and various municipal councils, made statements rejecting all types of discrimination against the lesbian, gay, bisexual, transgender and intersex community.<sup>13</sup>

20. In November 2020, the Ombudsman's Office created the Office of the Special Deputy Ombudsman for the Protection of Sexually Diverse Persons.<sup>14</sup> The National Assembly agreed to declare 17 May the National Day against Hatred, Discrimination based on Sexual Orientation, Gender Identity and Gender Expression.<sup>15</sup>

## 2. Access to justice<sup>16</sup>

21. During this period, the independence and impartiality of the judiciary and the Public Prosecution Service were strengthened pursuant to the provisions of the Constitution and national law. The Standards for Evaluation and Competitive Examinations for Entry and Promotion in the Judiciary, issued by the plenary chamber of the Supreme Court, were published in 2016.<sup>17</sup> These standards regulate and organize the entry, promotion and career progression of the country's judges through public competitive examinations and performance evaluations.<sup>18</sup>

22. As at March 2020, there were a total of 2,059 courts, including 492 municipal courts with jurisdiction over civil and criminal matters, 1,323 courts of first instance with jurisdiction over various matters, 185 courts of higher jurisdiction and 59 courts of appeal. Between 2014 and 2018, a yearly average of 638,766 cases were brought before the courts and 1,302,425 judgments were handed down over this period. The judiciary established mobile courts, which issued a total of 2,420,033 rulings and, following the outbreak of the COVID-19 pandemic, the "Virtual Office" system was implemented.

23. In late 2019, there were 7 prosecutors attached to the Public Prosecution Service per 100,000 inhabitants and 847 prosecutor's offices in the country. In 2021, the Public Prosecution Service created a unit specializing in the investigation of alleged human rights violations. As part of the partial reform of the Act on the Protection of Victims, Witnesses and Other Parties involved in Judicial Proceedings authorized by the National Assembly in 2021,<sup>19</sup> the Support Office for Victims of Human Rights Violations was set up within the Public Prosecution Service.

24. Cases of human rights violations have been investigated by the Public Prosecution Service with a view to determining criminal responsibility. Between August 2017 and May 2021, charges were brought against 716 State security officials as alleged perpetrators and against 40 citizens who had participated in these acts. A total of 540 public officials and 31 private individuals were also arrested. During this period, charges were brought against 1,064 public officials and 136 citizens, and 153 State security officials were convicted of human rights violations.

25. As at 2021, the Public Defence Service employs 1,358 public defenders nationwide; these public defenders are responsible for providing free legal assistance in various fields. The Public Defence Service employs indigenous public defenders who, preferably, should speak the language of the indigenous people concerned. Between 2016 and September 2021,

the National School of the Public Defence Service conducted 197 human rights training activities for the institution's staff, in which 12,393 persons participated.

26. In 2021, the National Assembly adopted the Act on the Partial Reform of the Code of Military Justice,<sup>20</sup> under which military courts are expressly prohibited from trying civilians. The courts have continued to protect the privacy of personal communications, in accordance with the law.

### **3. Sustainable economic development<sup>21</sup>**

27. During the reporting period, the Bolivarian Republic of Venezuela made a major commitment to protecting the rights of the people and the national economy, especially in the face of the negative consequences of economic aggression perpetrated from abroad.

28. In 2019, the Assistance Plan for Victims of the Economic War was launched to mitigate the effects of the unilateral coercive measures and to guarantee the human rights of the population, especially those of vulnerable groups. The Constitutional Anti-Blockade Act for National Development and the Safeguarding of Human Rights,<sup>22</sup> whose main aim is to establish a regulatory framework that provides the Government with legal tools to counteract the harmful effects of the unilateral coercive measures, was adopted in 2020.

29. At the same time, the National Executive took measures to stimulate sustainable economic growth by raising national productivity levels in the public and private sectors. Efforts to implement the Plan for Recovery, Growth and Economic Prosperity, by means of activating various national production sectors, began in 2018.

30. Over the period 2016–2021, the National Authority for the Defence of Socioeconomic Rights received and processed a total of 208,826 complaints of violations of such rights from 77,458 persons covered by the applicable legislation. During the same period, 283,351 interventions, 90,643 inspections and 81,878 monitoring exercises were carried out to protect socioeconomic rights.

### **4. National dialogue<sup>23</sup>**

31. The State has made consistent use of dialogue to promote the settlement of disputes within society and to reach satisfactory agreements for the welfare of the people. The Head of State made more than 500 public calls for dialogue during the reporting period. With the assistance of the Kingdom of Norway, forums for dialogue with different sectors of the opposition were set up in 2019 and 2021. In August 2021 a memorandum of understanding<sup>24</sup> was signed between the Government of the Bolivarian Republic of Venezuela and the Venezuelan opposition.

32. As part of the policy to promote national re-engagement and reconciliation, in 2020, the Head of State pardoned 110 persons prosecuted for their participation in acts that went against the democratic stability of the country. The judicial authorities ordered alternatives to imprisonment for 193 people, pursuant to the proposals made by the Truth, Justice, Peace and Public Tranquillity Commission.<sup>25</sup>

33. The National Dialogue Forum, in which a sector of the opposition participated, was established in 2019. During its first session of 2021, the National Assembly created the Special Commission for Dialogue, Peace and National Reconciliation.

### **5. Fight against corruption<sup>26</sup>**

34. The Bolivarian Republic of Venezuela has launched a head-on battle against the scourge of corruption. The Office of the Comptroller General of the Republic instituted 10,236 sets of administrative proceedings under the Anti-Corruption Act, which resulted in penalties being imposed on 5,109 public officials.

35. Over the period 2016–2021, the Public Prosecution Service opened an investigation into 50,143 cases, took 20,347 final decisions and sentenced persons for corruption-related offences in 3,515 cases.

## **B. Civil and political rights**

### **1. Right to life and to protection by the State<sup>27</sup>**

36. The Constitution provides that the right to life is inviolable. There may be no law permitting the death penalty and no authority may be permitted to apply it. The Bolivarian Republic of Venezuela attaches high importance to ensuring that public officials responsible for observing and enforcing the law comply with their obligation to act in accordance with the rules on the progressive and differentiated use of force.

37. As part of their professional training programmes, police bodies and the Bolivarian National Guard have handbooks based on the rules on the progressive and differentiated use of force.<sup>28</sup> In 2020, the handbooks of the Bolivarian National Police for tactical groups and for the control of public gatherings and demonstrations were revised and updated with the support of OHCHR.

38. From August 2017 until the first quarter of 2020, the Public Prosecution Service launched 4,890 investigations into the conduct of citizen security operations. In 2020, work to devise a joint investigation protocol for cases involving an alleged violation of the right to life began with the support of OHCHR. In 2021, the National Human Rights Commission was established by law<sup>29</sup> to conduct disciplinary investigations into reports of human rights violations involving police bodies.

39. In 2018, the Bolivarian Republic of Venezuela updated the public policy on citizen security known as “A Toda Vida Venezuela” Great Mission, renaming it the Great Mission on Peaceful Neighbourhoods.<sup>30</sup> The National Comprehensive Prevention Plan for Peaceful Neighbourhoods 2019–2025 was implemented under this new policy. The National Disarmament Service destroyed 135,928 firearms between 2016 and July 2021.

40. The measures taken have led to a steady reduction in the number of homicides. A total of 17,407 homicides (56 per 100,000 inhabitants) were recorded in 2016; 14,666 (47 per 100,000 inhabitants) were recorded in 2017; 10,598 (33 per 100,000 inhabitants) were recorded in 2018, 6,710 (21 per 100,000 inhabitants) were recorded in 2019 and 4,382 (13 per 100,000 inhabitants) were recorded in 2020.

41. In August 2017, the Truth, Justice, Peace and Public Tranquillity Commission<sup>31</sup> was established to investigate politically motivated acts of violence and intolerance, contribute to the establishment of the truth and ensure that victims received adequate comprehensive care. The Commission provided comprehensive care to 228 direct and indirect victims.

42. The National Office for the Comprehensive Care of Victims of Violence<sup>32</sup> was created in 2016. OHCHR provides technical assistance to strengthen this office.

### **2. Right to personal liberty<sup>33</sup>**

43. The right to personal liberty is protected by article 44 of the Constitution. An arrest may only be carried out by means of a warrant issued by a competent judge or in flagrante delicto, during the commission of a punishable act. Any person deprived of his or her liberty has the right to communicate immediately with his or her lawyer, relatives or trusted individuals and to be brought before a court within 48 hours of his or her arrest.

44. In 2021, the National Assembly adopted the Organic Act on the Protection of Personal Liberty and Security,<sup>34</sup> under which the safeguards accompanying the right to liberty are strengthened by means of expedited proceedings before a specialized court. It also approved a partial reform of the Code of Criminal Procedure,<sup>35</sup> under which the principle of the presumption of innocence and the rights of the accused in criminal proceedings are strengthened and the nullity of any arrest made in violation of the Constitution and the law is confirmed.

45. During the reporting period, efforts to build and adapt prisons and to implement the new prison regime<sup>36</sup> continued; 98 per cent of prisons for adult men and 100 per cent of prisons for women and facilities for adolescents in conflict with the law are now accounted for. The policies implemented have made it possible to eradicate overcrowding and to reduce violence in prisons.

46. In 2021, the National Assembly approved the partial reform of the Prisons Act,<sup>37</sup> under which judicial oversight of respect for the human rights of persons deprived of their liberty is increased and a judicial review mechanism for disciplinary measures is introduced. Decree No. 4.610<sup>38</sup> by which the Bolivarian National Intelligence Service and the Directorate General of Military Counter-intelligence were ordered to transfer the functions of holding persons deprived of their liberty to the Ministry of People's Power for Prison Administration was likewise issued in 2021.

47. In 2020, OHCHR provided technical assistance to the Bolivarian Republic of Venezuela to help it identify and overcome the factors negatively influencing the situation in the country's pretrial detention centres in the form of an analytical study devised for that purpose.

48. As part of the response to the COVID-19 pandemic, a special protocol was adopted to guarantee the rights of persons deprived of their liberty, including the right to receive visits and to have contact with their families.

### **3. Right to personal integrity<sup>39</sup>**

49. The highest authorities of the State are committed to preventing and punishing torture. Since the last report, efforts to strengthen the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment have continued. The Commission receives technical assistance from OHCHR, particularly in the area of strengthening mechanisms for monitoring the human rights of persons deprived of their liberty.

50. Between 2016 and 2021, the Public Prosecution Service handled 513 cases involving offences under the Special Act to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment. Between 2017 and the first quarter of 2020, 401 law enforcement officers were charged under the Act. A total of 517 were accused and 26 were convicted. In 2020, work to devise a joint investigation protocol for cases involving an alleged violation of the right to personal integrity began with the support of OHCHR.

51. Between 2016 and 2019, the Ombudsman's Office conducted 316 training activities on the prevention of torture and other cruel, inhuman or degrading treatment, in which 10,453 persons participated. Similarly, up until the first quarter of 2019, the Ombudsman's Office had conducted 7,622 visits to prisons, 468 visits to nursing homes and 44 visits to mental health facilities. From September 2019 onwards, OHCHR has been carrying out regular visits to detention centres, including those belonging to intelligence agencies, and has been holding confidential interviews with persons deprived of their liberty. It also conducted human rights training activities for officials of the Directorate General of Military Counter-intelligence.

52. Measures to prevent and punish human trafficking were strengthened during the reporting period. An inter-agency committee on trafficking in women, children and adolescents and smuggling of migrants was established in 2017. In 2021, the National Plan to Combat Trafficking in Persons 2021–2025<sup>40</sup> was adopted with the aim of developing a comprehensive policy in this area.<sup>41</sup> In 2020, the Ombudsman's Office created the Office of the Special Deputy Ombudsman for the Protection of Migrants, Refugees and Victims of Human Trafficking.<sup>42</sup>

### **4. Freedom of expression, access to information and the right of assembly<sup>43</sup>**

53. The Bolivarian Republic of Venezuela recognizes and guarantees the right of everyone to freedom of expression. In 2019, 934 FM radio stations were operating in the Bolivarian Republic of Venezuela, of which 535 were private (57 per cent), 308 were community-owned (33 per cent) and 91 were public (10 per cent). A total of 182 AM radio stations were also operating, of which 171 were private (94 per cent) and 11 were public (6 per cent). In addition, there were 343 free-to-air television stations, of which 160 were private (47 per cent), 160 were community-owned (47 per cent) and 23 were public (7 per cent).

54. Between 2020 and the first quarter of 2021, 10 new AM radio stations (100 per cent of which were private), 70 FM radio stations (of which 67 per cent were public, 24 per cent were private and 8 per cent were community-owned) and one free-to-air television station were authorized.

55. In Venezuela, journalists carry out their work on a daily basis with no limitations other than those established in the Constitution, national law and the international treaties ratified by the country. The State recognizes the important role that journalists play in the functioning of democracy.

56. All State security agencies have been specifically instructed to step up measures to protect journalists as they perform their work in the context of public gatherings and demonstrations.

57. In late 2018, there were 1,519,849 cable television subscribers and 3,103,968 satellite television subscribers in the country. There were also 18,526,584 Internet service subscribers (99 per cent of whom were subscribed to broadband services) and 12,005,316 mobile telephone subscribers with smartphones. In 2020, 66.05 per cent of the population had access to mobile telephone services.

58. In 2021, the National Assembly adopted the Act on Transparency and Access to Information of Public Interest,<sup>44</sup> under which the legal framework for guaranteeing the right of access to information is established.

59. Article 68 of the Constitution enshrines the right of citizens to demonstrate peacefully and unarmed, with no other requirements other than those established by law. It also enshrines the prohibition of the use of firearms and toxic substances in controlling demonstrations.

60. Between 2017 and September 2021, 30,191 public demonstrations took place, which is evidence that the rights of assembly and demonstration are being fully exercised in the country. On many occasions, these demonstrations were violent in nature, which led to State security agencies taking enforcement action. In cases where excesses by security agencies were reported, investigations have been opened and proceedings have been instituted to establish responsibility. OHCHR provided technical assistance to the Bolivarian Republic of Venezuela to help it to update its protocols for controlling public gatherings and demonstrations.

## **5. Right of association and participation<sup>45</sup>**

61. The right of association is recognized and protected in the Bolivarian Republic of Venezuela. Of the 898 trade union organizations registered between 2012 and 2021, 852 are company trade unions, 32 are professional trade unions, 5 are industry trade unions, 8 are sectoral trade unions and 1 is a workers' confederation. In addition, a total of 1,017 social movements, representing 25 sectors and 23,052 socioproductive organizations, were registered with the Ministry of People's Power for Communes and Social Movements. As at 2021, there are 3,437 communes and 48,991 communal councils registered throughout the national territory.

62. Five electoral processes took place over the 2016–2021 period, including a presidential election in 2018, a parliamentary election in 2020, a regional election in 2017, a municipal election in 2018 and an election to the National Constituent Assembly in 2017.

63. The Special Regulations for the Election of Indigenous Representatives to the National Assembly 2020<sup>46</sup> were adopted during this period. These regulations provide that representatives of indigenous peoples are to be elected solely by the indigenous population, taking into account the ancestral traditions and customs of each ethnic group.

## **C. Economic, social, cultural and environmental rights**

### **1. Poverty reduction<sup>47</sup>**

64. Combating inequality and reducing poverty are among the main objectives of Venezuelan State policy. The investment of budgetary resources in social protection continued to increase and, as at 2020, stood at 76.4 per cent. Despite the drastic fall in State revenue caused by the unilateral coercive measures, the National Executive continues to subsidize public services such as transport, electricity, telephony, fuel and water, while health



care and public education are totally free. The unilateral coercive measures have reduced the availability of essential public services.

65. In 2017, the “Carnet de la Patria” (Card for the Nation) system was created to increase the efficiency and coverage of social protection policies for the population, focusing on the most vulnerable groups. More than 21 million people are registered in the system. On average, 14 million people receive monthly cash benefits through the system. At the same time, greater use has been made of the various Missions and Great Missions as tools for human rights-based social action by the State. As at October 2021, the Great Venezuelan Housing Mission has provided 3,700,000 homes. Cash transfers from the State paid through the “Carnet de la Patria” system, the system of Missions and Great Missions and subsidies to public services equate to 80 per cent of the income of Venezuelan households.

66. As at 2018, the country’s human development index was 0.726, placing it in the higher human development range. The percentage of households living in extreme structural poverty, as measured by unsatisfied basic needs, fell to 4.04 per cent in 2019. Overall poverty reached 17.03 per cent.

67. Data on poverty reduction policies, including in the areas of health and food, are available for consultation by any member of the population, courtesy of the Ministry of People’s Power for Planning.

## 2. Right to health<sup>48</sup>

68. Despite the negative impact of the unilateral coercive measures, access to health-care services is still universal and free. In 2020, there were 13,617 people’s dispensaries, 572 comprehensive diagnosis centres, 586 comprehensive rehabilitation centres, 35 high-technology centres, 421 specialized outpatient clinics and 294 hospitals across the country. Between 2018 and 2020, 304 community pharmacies dispensing medicines free of charge were opened. In 2020, 78,201,099 medical consultations and 191,403 surgical interventions were carried out in the public system. The unilateral coercive measures reduced the availability of medicines, supplies, specialized equipment and health-care staff.

69. During the period under review, international cooperation was increased to ensure access to the medicines, supplies, equipment and vaccines needed to guarantee the population’s right to health, especially in the face of the obstacles to vaccine acquisition created by the unilateral coercive measures. With the support of the Pan American Health Organization (PAHO) and the United Nations Children’s Fund (UNICEF), four national vaccination campaigns were carried out. Under these campaigns, 10,800,716 doses were administered for 11 diseases, making it possible to control outbreaks of measles and diphtheria. As a result of the unilateral coercive measures, at least 1,764,018 children under 1 year of age were not vaccinated in a timely manner and outbreaks of measles and diphtheria resulted in preventable child deaths.

70. Malaria mortality fell thanks to the increased number of diagnosis and treatment delivery points, especially in border areas. The comprehensive approach taken to waterborne diseases, which included an educational campaign on handwashing and improving the water supply, led to an 80 per cent reduction in cases of Hepatitis A.

71. In 2020, 113,558 people diagnosed with COVID-19 were treated free of charge, including more than 10,000 Venezuelans who had returned to the country. A mass screening programme, which entailed house-to-house visits, was implemented to ensure timely diagnosis and treatment.

### (a) *Sexual and reproductive health and early pregnancy*<sup>49</sup>

72. One of the negative impacts of the unilateral coercive measures was the significant decrease in the availability of contraceptives, which affected the recorded birth rate. Between 2018 and 2019, the Plan for Immediate Contraception Post Obstetric Event and Manual Intrauterine Aspiration was activated in 14 priority states and in 35 facilities across the country. Under this plan, 25,362 women in the immediate post-partum period received contraception on the basis of free and informed consent.

73. Family planning services are provided in outpatient and inpatient facilities throughout the country. Between 2016 and 2019, 4,867,386 women of childbearing age attended a family planning consultation. Of these women, 60 per cent received free contraception, of which 51 per cent were oral contraceptives. In 2020, the number of contraceptives distributed and prescribed increased from 174,966 in the first half of 2019 to 439,002 in the first half of 2020.

74. Between 2014 and 2017, the adolescent fertility rate decreased from 95.1 to 85.8 per 1,000, mostly in the 17 to 19 age group. This decrease is the result of interventions targeting this population group, such as the acquisition and distribution of subdermal implants, especially among adolescents with an obstetric history in 2016/17, as part of the National Sexual and Reproductive Health Programme. During this period, the National Plan for the Prevention and Reduction of Early and Teenage Pregnancy 2017–2021 was designed and implemented with the support of the United Nations Population Fund (UNFPA).<sup>50</sup>

75. The Ministry of People’s Power for Education updated the teaching guidelines and curriculum on sexual and reproductive health from preschool to university level. It also put into effect the Subcommittee on Early and Teenage Pregnancy Statistics and designed an awareness-raising campaign on teenage pregnancy for adolescents and their families.

(b) *Maternal mortality*<sup>51</sup>

76. The unilateral coercive measures led to an upward trend in maternal mortality, which had been stable prior to 2014. From 2018 onwards, maternal mortality has fallen as a result of actions taken by the State with the support of international partners, including the adoption of the Concerted Strategy for the Reduction of Maternal and Neonatal Mortality.

77. Efforts to implement the National Humanized Childbirth Plan began in 2017. In 2018, the Constituent Decree for the Promotion and Protection of Childbirth and Humanized Birth<sup>52</sup> was adopted to create a legal framework designed to reduce maternal mortality. Between 2017 and August 2020, a total of 18,101 women were trained as community-based humanized childbirth advocates, responsible for supporting pregnant women, in 54 per cent of parishes and in 77 per cent of municipalities across the country.

78. Among the strategies adopted to combat maternal mortality is the “Patria” system, whereby pregnant women receive monthly cash benefits. Between 2019 and September 2021, a total of 1,666,769 pregnant women received assistance in the form of cash benefits. In addition, in 2020, the National Nutrition Institute, through the Nutritional Protection Plan for Pregnant and Breastfeeding Women, provided nutritional protection to 272,201 pregnant and breastfeeding women.

(c) *HIV/AIDS and other sexually transmitted infections*<sup>53</sup>

79. The Bolivarian Republic of Venezuela provides free antiretroviral treatment to people living with HIV. Antiretroviral treatment is procured through the strategic public health supplies fund or the PAHO Strategic Fund. Since 2017, this treatment has been difficult to come by owing to the unilateral coercive measures imposed. The Master Plan for Strengthening the Response to HIV, Tuberculosis and Malaria from a Public Health Perspective was developed in June 2018. This plan made it possible to obtain resources from the Global Fund to Fight AIDS, Tuberculosis and Malaria, all of which were earmarked for the purchase of antiretroviral treatment.

80. The Bolivarian Republic of Venezuela has laboratories where free HIV antibody testing can be carried out. From 2016 onwards, the country’s ability to perform HIV diagnostics has been significantly affected by the unilateral coercive measures imposed, which have hindered the regular procurement of a sufficient quantity of the reagents needed for testing.

81. HIV testing is free and compulsory for all pregnant women. The first test is performed upon first contact with the health-care system so that pregnant women who are HIV-positive can be identified in a timely manner and begin to undergo treatment and properly manage their pregnancy before 36 weeks of gestation. In the Bolivarian Republic of Venezuela, antiretroviral treatment is provided to all infected pregnant women from the fourteenth week

of gestation onwards, regardless of the results of any immunological or virological tests performed.

### 3. Right to education<sup>54</sup>

82. Article 102 of the Constitution enshrines education as a human right and a fundamental social duty. Despite the negative impact of the unilateral coercive measures, investment in education has continued to increase. In 2019/20, there were 31,552 educational establishments. In Venezuela, 84 per cent of educational establishments are public and free to attend. The School Meals Programme, which ensures the provision of at least two meals a day for 5,357,383 children and adolescents, operates in 93 per cent of public schools. The unilateral coercive measures have had a negative impact on this programme.

83. During the reporting period, school enrolment continued to increase, reaching 8,763,066 students in preschool, primary and secondary education in 2020. The enrolment rate is 99.8 in preschool education, 95.7 in primary education and 84.3 in secondary education. The number of years of schooling has increased from 7.45 years to 9.97 years over the last decade. The percentage of households with children aged between 7 and 12 years who do not attend school decreased from 0.64 per cent in 2016 to 0.55 per cent in 2019.

84. The Bolivarian Republic of Venezuela continued to provide students with free textbooks, laptops and tablets. As at 2020, a cumulative total of 6,550,027 computers and tablets had been provided to students. The unilateral coercive measures have hindered the continued operation of this policy.

85. The educational model of the Bolivarian Republic of Venezuela includes, as a cross-cutting theme, respect for human rights, equality and non-discrimination, and the promotion of active citizen participation. During this period, efforts to implement the recommendations flowing from the national consultation on quality of education continued.

86. The national admission system ensures access to university-level education based on the criteria of justice and equity.<sup>55</sup> One per cent of the places allocated through this system are for persons with disabilities. In 2020, 1,231,142 undergraduate and postgraduate students were awarded scholarships through the National Scholarship System. Students are provided with free health care. Nine higher education institutions have student halls of residence. These halls of residence have a total of 3,189 places, benefiting a total of 2,059 students.<sup>56</sup>

### 4. Right to food<sup>57</sup>

87. In 2016, the local supply and production committee initiative was launched to ensure that all persons had access to food. This initiative includes the monthly delivery of non-perishable foods, with a subsidy of more than 99 per cent of their value, to more than 7,000,000 families. Between 2016 and 2021, 7,518,861 metric tons were distributed nationwide. The imposition of the unilateral coercive measures reduced food imports by up to 88.7 per cent and had a negative impact on the country's undernourishment rates.

88. The Bolivarian Republic of Venezuela deployed a contingent of food distribution staff (*Estado Mayor de Alimentación*) to expedite the delivery of food to families. In the country, more than 15 social programmes designed to guarantee the right to food are being carried out based on the nutritional needs of each target group. An average of US\$ 348,246,848 per month is currently invested in these programmes. Food programmes other than the local supply and production committee initiative delivered a total of 72,095 metric tons of food free of charge across the country, benefiting a total of 7,703,436 people.

89. The Ombudsman's Office created the Office of the Special Deputy Ombudsman for the Care and Protection of Field Workers.

### 5. Environmental rights and risk management<sup>58</sup>

90. Protecting the environment remains a top priority for the country. The Plan for the Economic and Social Development of the Nation (2019–2025 National Plan), includes, as a historic objective, contributing to the preservation of life on the planet and the salvation of the human race.

91. In February 2016, the national strategic development region, known as Arco Minero del Orinoco, was created to assist in regularizing mining activities and in protecting nature.<sup>59</sup> The Ministry of People's Power for Eco-socialism devised a comprehensive plan for cleaning up refuse disposal sites in the seven main cities of the country to generate and promote environmental management practices.

92. Between 2016 and 2021, the Public Prosecution Service has charged 24,146 people with alleged environmental crimes. The Bolivarian National Guard has 24 state coordinating bodies for environmental protection activities and provides special administrative police and criminal investigation services in this area. During the reporting period, the Ombudsman's Office processed a total of 139 complaints of environmental rights violations.

93. Since the submission of the country's previous national report, the institutions responsible for dealing with crises, catastrophes and natural disasters have increased their capacities to be better able to protect the human rights of the population.

## **D. Rights of specific persons and groups**

### **1. Women**

#### *(a) Gender equity and equality<sup>60</sup>*

94. For 2019, the Bolivarian Republic of Venezuela was assigned a gender development index of 1.013, which placed it in the group of countries with a high level of equality between women and men in terms of human development achievements.

95. The 2013–2019 “Mama Rosa” Gender Equality and Equity Plan was updated and expanded in 2018 for implementation in the period 2019–2025 and the Ministry of People's Power for Defence has established gender equality and equity committees<sup>61</sup> in the different sections of the Bolivarian National Armed Forces.<sup>62</sup>

96. For 2018, the gender parity index for the three levels of education was 0.97 for preschool, 0.92 for primary and 1.04 for secondary and diversified education. Levels of schooling are generally equal and equitable. Bicentenary Collection school textbooks for the preschool, primary and secondary levels include subject matter that promotes equality and equity, and, in the period 2014–2020, 1,280,451 women entered the university system. On average, women account for 71 per cent of students in health-related studies and 74 per cent of students in education-related studies. Women also account for 50.47 per cent of researchers working in institutions attached to the Ministry of People's Power for Science and Technology, giving a gender parity index of 1.02.

97. In 2020, 80.46 per cent of houses built under the Great Venezuelan Housing Mission were allocated to female heads of household and 81.5 per cent of housing loans allocated under the Mission were awarded to women.

98. The period covered by this report saw a democratization of access to credit for women and, since 2017, at least 45 per cent of public sector bank loans have been awarded to female entrepreneurs. As a result of the policies adopted, women are now the main beneficiaries of loans granted to small and medium-sized businesses by public sector banks.

99. In the period 2014–2020, the number of women benefiting from long-term cash allowances awarded by the Venezuelan Social Security Institute rose from 1,545,044 to 2,752,825. They now account for 59.9 per cent of the total number of beneficiaries.

100. The Constitutional Chamber of the Supreme Court has annulled the articles of the Criminal Code related to adultery, ruling them to discriminate against women in that they contravene the values and principles of equality and non-discrimination enshrined in the Constitution.<sup>63</sup>

101. In the elections held in the period 2014–2020, women constituted the majority on the electoral role, accounting for an average of 51.22 per cent of those registered to vote. Progress towards political parity was also achieved, following National Electoral Council resolutions requiring political organizations to have equal numbers of men and women on their lists of

candidates for election. Women accounted for 47.23 per cent of candidates standing in the 2020 parliamentary elections.

102. The position of Executive Vice-President is currently held by a woman. In the period 2015–2019, women’s representation within the Bolivarian National Armed Forces rose from 11 per cent to 15 per cent. In 2021, 15 of the Supreme Court’s 32 judges were women. At the end of 2020, 53.37 per cent out of the 112,748 registered community council spokespersons were women. Currently, women account for 79 per cent of the 42,145 persons forming part of the local supply and production committees that distribute food throughout the country.

103. In 2017, the Ministry of People’s Power for Women and Gender Equality established three dedicated coordination units, responsible for issues affecting women of African descent, indigenous women, and sex, gender and diversity, respectively.

(b) *Stereotypes*<sup>64</sup>

104. The Supreme Court has issued a resolution promoting the use of inclusive, non-sexist language in all documents and resolutions issued by the Supreme Court and other courts,<sup>65</sup> and, in 2019, the Ministry of People’s Power for Defence issued resolution No. 029635 promoting the use of non-sexist language within the Bolivarian National Armed Forces.<sup>66</sup> These measures were reinforced by the National Assembly in 2021, when it adopted the Act on the Promotion and Use of Gender-Sensitive Language, which stipulates that all public authorities must use gender-sensitive, inclusive and non-sexist language in their activities.

105. Since the country’s second universal periodic review, the Ministry of People’s Power for Women and Gender Equality has expanded the “Carmen Clemente Travieso” Media Observatory and set up the Women’s Documentation and Information Centre to monitor the use of gender stereotypes and create specialist forums for discussion of these issues. State communication media continue to broadcast six nationwide radio programmes that cover women’s affairs and promote feminism.

(c) *Right to a violence-free life*<sup>67</sup>

106. Efforts to combat all forms of violence against women and ensure the implementation of the Organic Act on Women’s Right to a Violence-Free Life were reinforced during the period under review. In 2021, the National Assembly adopted on first hearing a draft amendment to the Organic Act that strengthened its provisions.

107. Since 2019, the High People’s Authority for Gender-Sensitive Justice – the body that coordinates the activities of all institutions with responsibilities in this area – has been working throughout the country, in conjunction with civil society, to guarantee women’s right to a violence-free life.

108. During the period covered by this report, the resources of the courts and prosecutors’ offices that specialize in cases involving violence against women were expanded and strengthened. Gender-sensitive justice can now be accessed throughout the country, either through the specialized court circuits that provide cover in 75 per cent of the national territory or, in the 25 per cent of the country where specialized courts have not yet been established, through the municipal criminal courts that have assumed special jurisdiction over offences involving violence against women. Nationwide, there are also 120 prosecutors’ offices specializing in cases of gender-based violence against women and girls.

109. The Public Prosecution Service and the Bureau for Scientific, Criminal and Forensic Investigations have continued to issue protection and safety orders against suspects in offences involving violence against women. The orders were issued in response to physical violence in 35 per cent of cases, psychological violence in 29 per cent of cases, threats in 18 per cent of cases and harassment or stalking in 13 per cent of cases. The National Office for the Defence of Women’s Rights provided comprehensive assistance and support for 133,329 women between 2014 and 2020 and, in the same period, there were four shelters providing protection for women facing the more extreme forms of violence.

110. The psychological, psychiatric and social services available through the National Women’s Institute help women victims to deal with the consequences of violence. To strengthen the care policy, in 2016, the Public Prosecution Service created a comprehensive

support service for victims of gender-based violence.<sup>68</sup> The services accessible through the VEN911 and 0800MUJERES toll-free hotlines for reporting complaints of violence against women were extended in 2017.

111. In 2021, with a view to ensuring the correct application of the Organic Act on Women's Right to a Violence-Free Life, the Ministry of People's Power for Internal Affairs, Justice and Peace issued guidance for police and criminal investigation officers on providing immediate and timely support for victims of gender-based violence, processing the corresponding complaints and conducting investigations.<sup>69</sup> The Ministry of People's Power for Women and Gender Equality, the Ministry of People's Power for Internal Affairs, Justice and Peace, the Public Prosecution Service and the Office of the Director of Public Prosecutions have stepped up their efforts to ensure that officers are properly trained to deal with complaints of violence against women.

112. In November 2018, the plenary chamber of the Supreme Court issued resolution No. 0014, establishing the electronic file system for judicial proceedings related to violence against women.<sup>70</sup> The implementation of this resolution was prioritized during the COVID-19 pandemic as a special measure to guarantee access to justice.

## 2. Children and adolescents<sup>71</sup>

113. The Bolivarian Republic of Venezuela has extensive legislation encompassing the comprehensive protection of children and adolescents.<sup>72</sup> The National Committee for the Protection of Child and Adolescent Migrants was established in June 2017 to serve as a forum for coordination between State institutions and civil society in the implementation of strategies for addressing the problems affecting child migrants and their families.<sup>73</sup>

114. Children's right to an identity is guaranteed. The Bolivarian Republic of Venezuela keeps a central register of births, in which the births of 3,040,117 children were registered in the period 2016–2020. In the same period, identity cards were issued for the first time to 2,793,841 children and adolescents, including 12,167 indigenous children.

115. The Public Prosecution Service has designated 55 prosecutors' offices to respond to acts of violence committed against children. It also has a special unit providing comprehensive care for child victims of sexual offences and/or cruel treatment.<sup>74</sup> In 2021, the National Assembly passed the Act on the Prevention and Elimination of Sexual Abuse against Children and Adolescents, which raised the minimum age for marriage.

116. In 2017, in partnership with UNICEF, the Ombudsman's Office drafted protocols for guaranteeing early detection and timely intervention in cases of violence against children and for understanding, preventing and reducing peer violence in schools. The Ombudsman's Office and the Ministry of People's Power for Health, in cooperation with UNFPA, WHO and UNICEF, have developed an institutional care pathway for children exposed to sexual abuse and a protocol for providing support in cases of sexual violence.

117. The criminal justice system for juveniles in conflict with the law has been further strengthened to ensure that human rights are respected. In 2017, the Supreme Court created the National Coordination Unit for the Juvenile Criminal Justice System to assume responsibility for designing and developing judicial policies to optimize the system for the administration of juvenile justice.<sup>75</sup>

## 3. Persons with disabilities<sup>76</sup>

118. During the third universal periodic review cycle, there were no changes to the policies and action plans in place to ensure that persons with disabilities are able to use their abilities independently and to the full and are integrated within their families and communities.

119. In the period 2016–2021, the National Council for Persons with Disabilities issued disability certificates to 419,714 persons. During this period, under the "Carnet de la Patria" system, 2,144,457 persons with disabilities received special social security cash allowances. In addition, 58,713 technical aids were distributed to help to increase the personal autonomy of persons with disabilities. There are 12 orthotics and prosthetics laboratories in the Bolivarian Republic of Venezuela, although their operation has been affected by the unilateral coercive measures.

120. In the period 2016–2018, the number of children enrolled in all levels and modalities of special and inclusive education combined rose to 171,398. In addition, 5,385 new staff were hired to work either as teachers or as support staff in special education. In 2018, the Advanced Training Programme for Special Education, aimed at teachers specializing in this area, was launched.

121. The Autonomous Institute and National Council for Children’s Rights has created specialized comprehensive protection units to provide specialist protection and comprehensive care to children with disabilities.

122. The Simon Bolivar Braille printing press continues to operate, producing accessible materials for persons with disabilities.<sup>77</sup> The Infocentro Foundation has rooms fitted with equipment that digitizes printed texts and transforms them into digital audio formats for the use of people with visual impairments.

123. The Ombudsman’s Office continues to develop training programmes that enhance teaching for children with disabilities, including a diploma in Venezuelan Sign Language, a diploma in comprehensive knowledge of the Braille system and a diploma in orientation and mobility techniques.

#### **4. People of African descent<sup>78</sup>**

124. During the period covered by this report, the National Institute against Racial Discrimination became fully operational, and the resources of the National Council of Communities of African Descent were strengthened.

125. In July 2018, the National Institute against Racial Discrimination issued guidance for the design of posters drawing attention to the prohibition of all acts of racial discrimination in the Bolivarian Republic of Venezuela.<sup>79</sup> It also engages in continuous monitoring to verify that the prohibition is respected. In 2019, it approved procedures for the formation of local committees against racial discrimination.

126. In 2016, a chapter of persons of African Descent was established within the National Congress with a view to creating a forum for the elimination of discrimination and promotion of the rights of Afrodescendent communities. In March 2018, Decree No. 3.335, recognizing the National Decade for People of African Descent, was issued.

127. The National Institute against Racial Discrimination designed and implemented educational, training, information and awareness-raising programmes, plans, projects and activities aimed at preventing racial discrimination by increasing knowledge and sensitivity among the population in general.

#### **5. Indigenous peoples<sup>80</sup>**

128. The National Institute of Indigenous Languages, established in application of the Indigenous Languages Act, became fully operational during the period covered by this report. Its remit is to implement policies designed to protect, defend, promote, preserve, develop and raise awareness of indigenous languages and to encourage their study and research.

129. In 2019, 1,426 intercultural schools were registered nationwide, in which 14,381 teachers were providing intercultural bilingual education to more than 240,000 students. In 2019, the Convention on the Rights of the Child was published and distributed in the three main indigenous languages, with support from UNICEF. Under the Great Venezuelan Housing Mission, housing has been built for indigenous persons that is in line with their customs and traditions. Of the total number of homes built by the Housing Mission, 2.3 per cent have been allocated to indigenous persons.

130. The Bolivarian Republic of Venezuela recognizes the customary law of indigenous peoples, which is administered through special indigenous courts. The Supreme Court has issued various rulings that recognize the traditional justice systems of indigenous peoples, in accordance with international standards.

131. Criminal procedural legislation establishes that indigenous persons involved in procedural or administrative processes must be assigned an interpreter, thereby guaranteeing that they can communicate in their first language. The right to the assistance of a translator

or interpreter, when required, is also guaranteed for indigenous persons facing charges before ordinary courts.

132. The Presidential Commission for Eco-Socialist Development and the Protection of the Rights of Indigenous Peoples in Mining Activities was established to advise on decision-making in this area, including in connection with the right to prior consultation in mining projects.<sup>81</sup>

## **6. Migrants and refugees<sup>82</sup>**

133. The Bolivarian Republic of Venezuela has taken steps to guarantee the right to return for its nationals, notably through the “Return to the Homeland” Plan, under which the State offers Venezuelan migrants, free of charge, the means to return voluntarily by air or land. As at 5 October 2021, 26,733 Venezuelans had returned under the Plan, with children accounting for 29 per cent of this number, although the Plan’s execution has been affected by the unilateral coercive measures imposed against the State-owned airline, Venezuelan Consortium of Aeronautical Companies and Air Services (CONVIASA).<sup>83</sup>

134. In the period 2016–2018, 10,492,265 passports were issued, a number equivalent to 34 per cent of the country’s average population over this period.

135. In 2021, 11,417 persons were protected by refugee status. Through the Comprehensive Refugee Management System operated by the National Commission for Refugees, applicants for refugee status are issued with temporary identity cards that meet the standards of international law. The validity of the cards issued to applicants for refugee status was extended during the COVID-19 pandemic. The Ministry of People’s Power for Education has issued instructions stating that temporary refugee identity cards are to be accepted for the purposes of issuing educational certificates to refugees.

136. As at June 2019, 438,110 foreign families, 82 per cent of them of Colombian nationality, had been allocated housing. In prison facilities, foreign nationals are guaranteed access to consular visits, as required under the Constitution and international treaties.

## **E. National mechanisms for the promotion and protection of human rights**

### **1. National human rights institution<sup>84</sup>**

137. The Ombudsman’s Office continues to fulfil its mandate to promote, defend and monitor human rights in accordance with the Paris Principles. The Office is independent from the other branches of government and has organizational, functional, financial and administrative autonomy. The Office’s input has been crucial in shedding light on situations in which human rights violations are thought to have occurred.

138. The Ombudsman’s Office carries out its activities through 24 regional offices across the country. Since the last universal periodic review, it has established 14 municipal ombudsmen’s offices to facilitate access to its services. OHCHR provides technical assistance to help the Office to build its capacity to monitor the human rights of persons deprived of their liberty, to update staff on human rights issues and to improve the system for processing complaints, grievances and petitions.

139. The Ombudsman’s Office held meetings and maintained dialogue with more than 465 civil society organizations and movements with a view to promoting human rights and strengthening their human rights monitoring capacities.

### **2. Human rights plans and policies<sup>85</sup>**

140. With the support of United Nations agencies present in the country, the National Human Rights Council, as the body responsible for coordinating and promoting national human rights policies, continued working to ensure that all actions of the State take a human rights approach and that civil society organizations and movements are actively involved.

141. The Bolivarian Republic of Venezuela recognizes and protects the activities of non-governmental organizations working to promote and protect human rights, as well as the



work of human rights defenders. The annual human rights congress provides a forum for ongoing exchange and dialogue on human rights with civil society organizations and movements.<sup>86</sup>

142. The National Human Rights Plan 2016–2019 was implemented during the period covered by this report under the leadership of the National Human Rights Council and with the involvement of civil society organizations and movements. In 2016, 545 indicators were formulated to monitor the success of the Plan. The projects, actions and resources necessary for its implementation were incorporated into the respective operating plans of the different State agencies. A comprehensive assessment of compliance with the National Human Rights Plan carried out in 2020 found that 93 per cent of the 213 actions envisaged thereunder had been fully or partially implemented.<sup>87</sup> With support from UNICEF, an adjustment was made to the components of the Plan that involved children and adolescents. Work is currently under way on the design of the consultation process for the second National Human Rights Plan, with technical assistance from OHCHR.

143. Within the framework of the National Human Rights Plan, State institutions organized more than 1,290 training events, forums and workshops for public servants, in which human rights content was shared with more than 82,800 public servants, including public sector employees, justice officials, police officers, military personnel and judges.<sup>88</sup>

144. Human rights training is offered as an in-service, postgraduate option by the Bolivarian Military University of Venezuela, the Experimental University for Security Services, the National Training School of the Public Defence Service, the National Training School for the Judiciary, the National Training School for Prosecutors, the National School for Human Rights Training attached to the Ombudsman's Office, the National Training School for Prison Officers and the Argelia Laya Feminist School of the South. Approximately 168,000 persons, most of them public servants, take part in these human rights education and training activities annually.

145. The national system for following up on the implementation of international human rights instruments was completed and launched in 2019, with the support of the United Nations Development Programme.<sup>89</sup>

146. During the period covered by this report, the Bolivarian Republic of Venezuela began work on the formulation of a national plan on business and human rights. The Public Prosecution Service has submitted a bill on corporate responsibility in the area of human rights for consideration by the National Assembly.

## **F. Enhancement of international cooperation in the field of human rights**

### **1. Ratification of treaties<sup>90</sup>**

147. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is in force in the Bolivarian Republic of Venezuela, having been ratified in 1991.

148. On 25 October 2016, the Bolivarian Republic of Venezuela deposited its instrument of ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. On 26 September 2019, it signed the instrument of accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled,<sup>91</sup> and deposited the relevant instrument with the World Intellectual Property Organization.<sup>92</sup>

149. With support from OHCHR, a round-table discussion on the International Convention for the Protection of All Persons from Enforced Disappearance was organized as an opportunity to study the possibility of ratifying this human rights treaty.

150. In the period covered by this report, the Bolivarian Republic of Venezuela carried out a review of reservations and interpretative declarations entered to the human rights treaties ratified by the country, including to the International Covenant on Civil and Political Rights.

## 2. Cooperation with the Human Rights Council and other United Nations bodies<sup>93</sup>

151. The Bolivarian Republic of Venezuela has cooperated extensively with the Human Rights Council and other United Nations human rights mechanisms. As a member of the Human Rights Council, it has continued to support initiatives promoting and protecting human rights, adhering strictly to the principles of objectivity, impartiality, non-selectivity, non-politicization, constructive dialogue and cooperation.

152. In the period 2016–2021, the Bolivarian Republic of Venezuela submitted the relevant reports to treaty bodies in compliance with its international obligations.<sup>94</sup> With technical assistance from OHCHR, it moved forward with the development of a permanent mechanism for following up on the implementation of the recommendations made by the Human Rights Council and the United Nations treaty bodies.<sup>95</sup>

153. The Bolivarian Republic of Venezuela has received visits from two of the Human Rights Council's special procedure mandate holders, namely, the Independent Expert on the promotion of a democratic and equitable international order and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. It has also extended an invitation to visit the country to the Special Rapporteur on the right to development. In addition, it has responded to urgent appeals and requests for information issued by special procedures.

154. The United Nations High Commissioner for Human Rights made an official visit to the country in 2019, paving the way for increased cooperation with OHCHR. OHCHR staff present in the country have unrestricted access to the entire country, including to detention centres.

## 3. International cooperation<sup>96</sup>

155. The State has continued to promote regional integration and cooperation mechanisms including: the Community of Latin American and Caribbean States; the Union of South American Nations; the Bolivarian Alliance for the Peoples of Our America; and the Petrocaribe Energy Cooperation Agreement.

156. The Bolivarian Republic of Venezuela views the promotion and protection of human rights as a cross-cutting element of multilateral and bilateral cooperation and readily shares its successful experiences in fighting poverty, eliminating illiteracy and improving education and housing, among other areas.

## IV. Challenges

157. Continuing to protect the human rights of the Venezuelan people despite the devastating impact of the unilateral coercive measures on the national economy is the main domestic challenge. The reduction in foreign currency receipts and the impossibility of accessing goods and services overseas are generating major challenges that call for international cooperation as well as a profound adjustment of the country's economic and productive model.

158. Maintaining and consolidating the peace achieved in 2017 and increasing suffrage as a means to overcome differences and advance dialogue and national reconciliation are essential for the country's continued progress towards the full realization of all human rights for all persons.

159. Strengthening coordination between the institutions responsible for the promotion and protection of human rights while improving channels of communication with civil society is an immediate challenge for overcoming the circumstances that continue to undermine the human rights of the Venezuelan people, especially those of the most vulnerable groups, namely, children, women, indigenous peoples, persons of African descent and persons with disabilities.

160. Continuing to extend the full protection of human rights to historically excluded sectors, with respect for equality and without discrimination, is a challenge for the country

that makes deepening cultural change and overcoming social stigmas and stereotypes imperative.

### Notes

- <sup>1</sup> Recomendación 133.73.
- <sup>2</sup> Resolución A/HRC/RES/42/4, de fecha 3 de octubre de 2019.
- <sup>3</sup> Actualización oral sobre la situación de los derechos humanos en Venezuela por parte de la Alta Comisionada en la 42<sup>o</sup> sesión del CDH, 9 de septiembre de 2019.
- <sup>4</sup> Conclusiones preliminares de la visita a la República Bolivariana de Venezuela de la Relatora Especial de las Naciones Unidas sobre el impacto negativo de las medidas coercitivas unilaterales en el disfrute de los derechos humanos. 12 de febrero 2021.
- <sup>5</sup> Recomendación 133.19.
- <sup>6</sup> Entre las leyes sancionadas se encuentran: Ley Orgánica de Atención y Desarrollo Integral de las Personas Adultas Mayores; Ley Orgánica de Reforma del Código Orgánico de Justicia Militar; Ley de Reforma a la Ley de Idiomas Indígenas; Ley de Transparencia y Acceso a la Información de Interés Público; Ley Orgánica de Amparo a la Libertad y Seguridad Personal; Ley de Prevención y Erradicación del Abuso Sexual contra Niños, Niñas y Adolescentes; Ley para la Promoción y Uso del Lenguaje con Enfoque de Género; Ley Orgánica de Reforma al Código Orgánico Penitenciario; Ley de Reforma a la Ley de Protección de Víctimas, Testigos y demás Sujetos Procesales; Ley Orgánica de Reforma del Código Orgánico Procesal Penal; Ley de Reforma a la Ley del Estatuto de la Función Policial y Ley de Reforma a la Ley del Estatuto de Policía de Investigación.
- <sup>7</sup> Compromiso voluntario 12 (s) y recomendaciones 133.35, 133.101, 133.102, 133.104, 133.108, 133.109 y 133.263.
- <sup>8</sup> La Ley Orgánica para la Protección de Niños, Niñas y Adolescentes (LOPNNA), la Ley Orgánica sobre el Derecho de las Mujeres a un Vida Libre de Violencia (LOSDMVLV), Ley para las Personas con Discapacidad (LPcD), Ley Orgánica contra la discriminación Racial (LOCDRA), Ley Orgánica de Pueblos y Comunidades Indígenas (LOPCI), Ley para la Promoción y Protección del Derecho a la Igualdad de las Personas con VIH o Sida y sus Familias (LPPDIPVSF), la Ley Constitucional Contra el Odio, por la Convivencia Pacífica y la Tolerancia (LCOCPT), la Ley de Responsabilidad Social en Radio, Televisión y Medios Electrónicos (LRSRTME), entre otras.
- <sup>9</sup> Gaceta Oficial de la RBV N° 41.069 del 6 de enero de 2017.
- <sup>10</sup> Gaceta Oficial de la RBV 41.276 del 10 de noviembre de 2017.
- <sup>11</sup> Sentencia N° 1.187 de fecha 15 de diciembre de 2016.
- <sup>12</sup> Decreto N°006 del 17 de mayo de 2016.
- <sup>13</sup> Compromiso voluntario 12 (s).
- <sup>14</sup> Gaceta Oficial de la RBV N° 42.007 publicada el 13 de noviembre de 2020.
- <sup>15</sup> Gaceta Oficial de la RBV N° 42.126 del 13 de mayo de 2021.
- <sup>16</sup> Compromiso voluntario 12 (e) y recomendaciones 133.63, 133.133, 133.154, 133.155, 133.156, 133.158, 133.159, 133.164, 133.166, 133.167, 133.168, 133.169, 133.170, 133.171, 133.172, 133.173, 133.174, 133.75, 133.182 y 133.218.
- <sup>17</sup> Gaceta Oficial de la RBV N° 40.972 del 23 de agosto de 2016.
- <sup>18</sup> Compromiso voluntario 12 (e).
- <sup>19</sup> Gaceta Oficial de la RBV N° 6.645 del 17 de septiembre de 2021.
- <sup>20</sup> Gaceta Oficial de la RBV N° 6.646 Extraordinario del 17 de septiembre de 2021.
- <sup>21</sup> Compromiso voluntario 12 (l) y recomendaciones 133.31, 133.32, 133.35, 133.41 y 133.223.
- <sup>22</sup> Gaceta Oficial Extraordinaria de la RBV N° 6.583 del 12 de octubre de 2020.
- <sup>23</sup> Recomendaciones 133.28, 133.29, 133.30, 133.44, 133.45, 133.46, 133.49 y 133.218.
- <sup>24</sup> Gaceta Oficial de la RBV N° 6.637 del 17 de agosto de 2021.
- <sup>25</sup> Creada por la Asamblea Nacional Constituyente mediante la Ley Constitucional de la Comisión para la Verdad, la Justicia, la Paz y la Tranquilidad Pública. Gaceta Oficial 6.323 Extraordinario del 8 de agosto de 2017.
- <sup>26</sup> Recomendación 133.25.
- <sup>27</sup> Compromisos voluntarios 12 (b) y 12 (c), así como recomendaciones 133.114, 133.116, 133.117, 133.118, 133.119, 133.120, 133.121, 133.124, 133.154 y 133.168.
- <sup>28</sup> “Normas y Principios para el Uso Progresivo y Diferenciado de la Fuerza Policial por parte de los funcionarios y las funcionarias de los Cuerpos de Policía en sus diversos ámbitos político territoriales” (2010); “Manual N° 6 sobre actuación de los cuerpos de policía para garantizar el orden público, la paz social y la convivencia ciudadana en reuniones públicas y manifestaciones” (2012); “Normas relativas a la instalación, supervisión, evaluación y seguimiento de los puntos de control de los órganos de Seguridad Ciudadana y la Fuerza Armada Nacional Bolivariana” (2014); y “Protocolo de Aprehensión, resguardo, custodia preventiva y traslado de personas detenidas” (2018).

- <sup>29</sup> Ley de Reforma a la Ley del Estatuto de la Función Policial y Ley de Reforma a la Ley del Estatuto de Policía de Investigación.
- <sup>30</sup> Compromiso voluntario 12 (c).
- <sup>31</sup> Ley Constitucional de la Comisión para la Verdad, la Justicia, la Paz y la Tranquilidad Pública. Gaceta Oficial 6.323 Extraordinario de 8 de agosto de 2017.
- <sup>32</sup> Gaceta Oficial de la RBV N° 41.023 del 3 de noviembre de 2016. Compromiso voluntario 12.b.
- <sup>33</sup> Compromiso voluntario 12 (a) y recomendaciones 133.124, 133.126, 133.127, 133.128, 133.129, 133.130, 133.133, 133.164 y 133.202.
- <sup>34</sup> Gaceta Oficial de la RBV N° 6.651 Extraordinario del 22 de septiembre de 2021.
- <sup>35</sup> Gaceta Oficial de la RBV N° 6.644 Extraordinario del 17 de septiembre de 2021.
- <sup>36</sup> Compromiso voluntario 12 (a).
- <sup>37</sup> Gaceta Oficial de la RBV N° 6.647 del 17 de septiembre de 2021.
- <sup>38</sup> Gaceta Oficial de la RBV N° 42.125 del 12 de mayo de 2021.
- <sup>39</sup> Compromiso voluntario 12 (v) y recomendaciones 133.121, 133.123, 133.151, 133.152 y 133.153.
- <sup>40</sup> Gaceta Oficial de la RBV N° 42.173 del 21 de julio de 2021.
- <sup>41</sup> Compromiso voluntario 12 (v).
- <sup>42</sup> Gaceta Oficial de la RBV N° 42.007 del 13 de noviembre de 2020.
- <sup>43</sup> Recomendaciones 133.181, 133.182, 133.185, 133.186, 133.187, 133.189, 133.190, 133.193, 133.194, 133.195, 133.197, 133.199, 133.201, 133.202, 133.207, 133.208, 133.209, 133.210, 133.211 y 133.212.
- <sup>44</sup> Gaceta Oficial de la RBV N° 6.649 Extraordinario del 20 de septiembre de 2021.
- <sup>45</sup> Compromiso voluntario 12 (o) y recomendaciones 133.202 y 133.220.
- <sup>46</sup> Resolución N° 200630-0024 del 30 de junio de 2020 emanada del Consejo Nacional Electoral.
- <sup>47</sup> Recomendaciones 133.38, 133.224, 133.225, 133.226, 133.227, 133.228 y 133.254.
- <sup>48</sup> Recomendaciones 133.227, 133.231, 133.233, 133.234, 133.236, 133.237, 133.239, 133.240, 133.241, 133.242, 133.248 y 133.260.
- <sup>49</sup> Compromiso voluntario 12 (m) y recomendaciones 133.10, 133.244, 133.245, 133.246, 133.247 y 133.262.
- <sup>50</sup> Compromiso voluntario 12 (m).
- <sup>51</sup> Compromiso voluntario 12 (n) y recomendación 133.244.
- <sup>52</sup> Gaceta Oficial de la RBV N° 41.376 del 12 de abril de 2018.
- <sup>53</sup> Recomendaciones 133.248 y 133.249.
- <sup>54</sup> Compromisos voluntarios 12 (q) y 12 (r), así como recomendaciones 133.219, 133.227, 133.234, 133.250, 133.251, 133.252, 133.253, 133.255, 133.256, 133.257, 133.259, 133.260 y 133.261.
- <sup>55</sup> Compromiso voluntario 12 (q).
- <sup>56</sup> Compromiso voluntario 12 (r).
- <sup>57</sup> Compromiso voluntario 12 (p) y recomendaciones 133.225, 133.227, 133.228, 133.229, 133.230 y 133.231.
- <sup>58</sup> Recomendaciones 133.64, 133.66, 133.271 y 133.222.
- <sup>59</sup> Gaceta Oficial de la RBV N° 40.855 del 24 de febrero de 2016.
- <sup>60</sup> Compromiso voluntario 12 (u) y recomendaciones 133.102, 133.103, 133.105, 133.107, 133.143, 133.171 y 133.214.
- <sup>61</sup> Resolución N° 023383 del 12 de marzo de 2018.
- <sup>62</sup> Ejército Bolivariano, Armada Bolivariana, Aviación Militar Bolivariana, Guardia Nacional Bolivariana y Milicia Bolivariana.
- <sup>63</sup> Sentencia N° 738, de fecha 11 de agosto de 2016.
- <sup>64</sup> Recomendación 133.106.
- <sup>65</sup> Resolución N° 2017-0014. Gaceta Oficial de la RBV N° 41.421 del 18 de junio de 2018.
- <sup>66</sup> Resolución N° 029635 de fecha 08 de abril de 2019.
- <sup>67</sup> Compromiso voluntario 12 (t) y recomendaciones 133.21, 133.22, 133.23, 133.52, 133.67, 133.139, 133.140, 133.141, 133.142, 133.143, 133.144, 133.145, 133.146, 133.171 y 133.172.
- <sup>68</sup> Gaceta Oficial de la RBV N° 40.906 del 18 de mayo de 2016.
- <sup>69</sup> Resolución N° 0026. Gaceta Oficial de la RBV N° 42.076 del 26 de febrero de 2021.
- <sup>70</sup> Gaceta Oficial de la RBV N° 41.620 del 25 de abril de 2019.
- <sup>71</sup> Recomendaciones 133.55, 133.60, 133.61, 133.146, 133.147, 133.148, 133.177 y 133.178.
- <sup>72</sup> Ley Orgánica de Identificación; Ley de Protección de Niños, Niñas y Adolescentes en salas de uso de Internet, videojuegos y otros multimedia; Ley de Protección de Víctimas, Testigos y demás Sujetos Procesales; Ley Orgánica sobre el Derecho de las Mujeres a una Vida libre de Violencia; Ley de Promoción y Protección de la Lactancia Materna; la Ley de Protección a la Familia, Maternidad y Paternidad; Ley para la Prohibición de Videojuegos Bélicos y Juguetes Bélicos; Ley Orgánica de Educación; Ley Orgánica de Registro Civil; Ley para el Poder Popular de la Juventud; Ley Orgánica de Deporte, Actividad Física y Educación física y Ley Orgánica del Trabajo, los Trabajadores y las Trabajadoras. Ley Orgánica de Identificación; Ley de Protección de Niños, Niñas y Adolescentes en

- salas de uso de Internet, videojuegos y otros multimedia; Ley de Protección de Víctimas, Testigos y demás Sujetos Procesales; Ley Orgánica sobre el Derecho de las Mujeres a una Vida libre de Violencia; Ley de Promoción y Protección de la Lactancia Materna; la Ley de Protección a la Familia, Maternidad y Paternidad; Ley para la Prohibición de Videojuegos Bélicos y Juguetes Bélicos; Ley Orgánica de Educación; Ley Orgánica de Registro Civil; Ley para el Poder Popular de la Juventud; Ley Orgánica de Deporte, Actividad Física y Educación física y Ley Orgánica del Trabajo, los Trabajadores y las Trabajadoras.
- <sup>73</sup> Gaceta Oficial de la RBV N° 42.040 del 5 de enero de 2021.
- <sup>74</sup> Unidad Técnica Especializada para la Atención Integral de Mujeres, Niños, Niñas y Adolescentes del Ministerio Público.
- <sup>75</sup> Resolución 2017-010 del 3 de mayo de 2017.
- <sup>76</sup> Compromiso voluntario 12 (x) y recomendaciones 133.261, 133.264, 133.265 y 133.266.
- <sup>77</sup> Compromiso voluntario 12 (x).
- <sup>78</sup> Recomendaciones 133.109, 133.110 y 133.111.
- <sup>79</sup> Gaceta Oficial de la RBV N° 41.491 del 27 de septiembre de 2018.
- <sup>80</sup> Recomendaciones 133.267, 133.268, 133.269, 133.270, 133.271 y 133.272.
- <sup>81</sup> Gaceta Oficial de la RBV N° 40.866 del 10 de marzo de 2016.
- <sup>82</sup> Recomendaciones 133.273 y 133.274.
- <sup>83</sup> La empresa estatal Consorcio Venezolano de Industrias Aeronáuticas y Servicios Aéreos, S.A (CONVIASA) realiza el transporte aéreo desde los territorios de otros países hacia Venezuela de los migrantes inscritos en el programa Vuelta a la Patria. Hasta el 5 de octubre de 2021 la empresa CONVIASA ha efectuado 152 vuelos, repatriando gratuita y voluntariamente a 17.931 migrantes venezolanos.
- <sup>84</sup> Recomendaciones 133.50, 133.51 y 133.65.
- <sup>85</sup> Compromisos voluntarios 12 (d), 12 (f), 12 (h), 12 (i) y 12 (j), así como recomendaciones 133.24, 133.29, 133.33, 133.34, 133.36, 133.37, 133.42, 133.43, 133.47, 133.51, 133.53, 133.54, 133.56, 133.57, 133.58, 133.62, 133.65, 133.67, 133.68, 133.71, 133.72, 133.75, 133.76, 133.77 y 133.216.
- <sup>86</sup> Compromiso voluntario 12 (f).
- <sup>87</sup> Compromiso voluntario 12 (h).
- <sup>88</sup> Compromiso voluntario 12 (d).
- <sup>89</sup> Compromiso voluntario 12 (i).
- <sup>90</sup> Compromiso voluntario 12 (w) y recomendaciones 133.2, 133.7, 133.8 y 133.12.
- <sup>91</sup> Gaceta Oficial de la RBV N° 41.275 del 02 de octubre de 2019.
- <sup>92</sup> Compromiso voluntario 12 (w).
- <sup>93</sup> Compromisos voluntarios 12 (g) y 12 (k), así como recomendaciones 133.17, 133.73, 133.74, 133.75 y 133.97.
- <sup>94</sup> Hasta la fecha se han consignado los siguientes informes ante los órganos de tratado de la ONU: Informe de la Convención sobre la protección de los derechos de todos los trabajadores migratorios y de sus familiares; informe sobre la Convención Internacional sobre todas las Formas de Discriminación Racial; informe sobre el Pacto Internacional de Derechos Civiles y Políticos; informe de la Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer y respuesta a la Lista de Cuestiones de la Convención sobre los Derechos de las Personas con Discapacidad.
- <sup>95</sup> Compromiso voluntario 12 (g).
- <sup>96</sup> Recomendación 133.48, 133.69, 133.70 y 133.258.