



General Assembly

Distr.: General
25 July 2011
English
Original: English/Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Twelfth session
Geneva, 3–14 October 2011

**Compilation prepared by the Office of the High
Commissioner for Human Rights in accordance with
paragraph 15 (b) of the annex to Human Rights Council
resolution 5/1**

Venezuela (Bolivarian Republic of)

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	
ICERD	10 Oct. 1967	None	Individual complaints (art. 14):	Yes
ICESCR	10 May 1978	None	-	
ICCPR	10 May 1978	Reservation (art. 14)	Inter-State complaints (art. 41):	No
ICCPR-OP 1	10 May 1978	Same reservation as in ICCPR	-	
ICCPR-OP 2	22 Feb. 1993	None	-	
CEDAW	2 May 1983	Reservation (art. 29)	-	
OP-CEDAW	13 May 2002	None	Inquiry procedure (arts. 8 and 9):	Yes
CAT	29 July 1991	None	Inter-State complaints (art. 21):	Yes
			Individual complaints (art. 22):	Yes
			Inquiry procedure (art. 20):	Yes
CRC	13 Sept. 1990	Declaration (arts. 21, 30)	-	
OP-CRC-AC	23 Sept. 2003	Binding declaration under art. 3: 18 years	-	
OP-CRC-SC	8 May 2002	None	-	

Treaties to which Venezuela is not a party: OP-ICESCR,³ OP-CAT (signature only, 2011), ICRMW, CRPD, OP-CRPD and CED (signature only, 2007).

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	No. Only 1967 Protocol relating to the Status of Refugees
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocol III
ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee on the Elimination of Racial Discrimination (CERD),⁸ in 2005, and the Committee on the Elimination of Discrimination against Women (CEDAW),⁹ in 2006, encouraged the Bolivarian Republic of Venezuela to consider ratifying ICRMW.

2. In 2011, the United Nations country team in the Bolivarian Republic of Venezuela (UNCT) reported that Venezuela was not a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁰

3. The Committee on the Rights of the Child (CRC), in 2007, recommended that Venezuela ratify CRPD and its Optional Protocol.¹¹

4. In 2001, the Committee on Economic, Social and Cultural Rights (CESCR) encouraged Venezuela to ratify the Convention relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons, and the Convention on the Reduction of Statelessness.¹²

B. Constitutional and legislative framework

5. CEDAW welcomed the adoption of the 1999 Constitution, which used non-sexist language, established the equality of rights between women and men in all spheres of life, and included specific provisions that protect the human rights of women.¹³

6. CERD welcomed the rights and principles contained in the Constitution, which established the multi-ethnic and multicultural nature of Venezuelan society and guaranteed the rights of indigenous peoples.¹⁴

7. In 2008, 11 years after his visit to Venezuela, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment expressed his satisfaction at progress in legislation for the protection of human rights, in particular for the prevention and punishment of acts of torture.¹⁵ However, the Special Rapporteur regretted that torture, as defined in article 1 of the Convention against Torture, had still not been defined as a specific crime in Venezuelan law.¹⁶

C. Institutional and human rights infrastructure

8. The Ombudsman's Office of Venezuela was accredited with "A" status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights in 2002, which was reconfirmed in 2008.¹⁷ In 2007, CRC recommended that Venezuela ensure the independence of the Ombudsman's Office in line with the Paris Principles.¹⁸

9. In 2007, CRC noted that Venezuela had established a Special Directorate for Children's and Adolescents' Rights in the Ombudsman's Office, but regretted its lack of presence across the country.¹⁹

10. CERD noted the establishment of specialized institutions to combat racial discrimination.²⁰

D. Policy measures

11. UNCT reported that there was no national plan for human rights, as stipulated by the 1993 World Conference on Human Rights,²¹ and that obstacles still had to be overcome before public policies could fully incorporate a human rights perspective.²²

12. UNCT reported that Venezuela had achieved the Millennium Development Goals relating to reducing extreme poverty and ensuring access to drinking water and sanitation systems, but not yet the goals of universal primary education, gender equality in access to education and a reduction in infant mortality.²³

13. UNCT noted that efforts had been made to improve women's economic rights and their participation in social and political life. It highlighted the establishment of institutions and social programmes such as the Banco Nacional de la Mujer, and the *Vuelvan Caras* and *Madres del Barrio* missions.²⁴ Despite such progress, there was still a long way to go before

the political and legislative measures taken could bring about the conditions necessary for the adequate implementation and evaluation of programmes guaranteeing women the full exercise of citizenship.²⁵ CEDAW appreciated the various measures aimed at the advancement of women to a position of equality with men.²⁶

14. CRC encouraged Venezuela to elaborate a comprehensive national plan of action for children in consultation with civil society and all other sectors concerned. Such a plan should have effective mechanisms for monitoring and the necessary resources.²⁷

15. UNCT noted that the lack of security remained one of the main challenges facing the State, and that rights-based public security policies needed to be developed. In this context, the fact that the executive was promoting police reform was particularly important.²⁸

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body</i> ²⁹	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2004	August 2005	Overdue since 2006	Combined nineteenth and twentieth report overdue since 2008
CESCR	1998	April 2001		- Third report overdue since 2006
HR Committee	1998	April 2001	Responses received in 2002, 2003, 2004 and 2007	Fourth report overdue since 2005
CEDAW	2004	January 2006		- Seventh report overdue since 2008
CAT	2000	November 2002		- Fourth report overdue since 2004
CRC	2006	September 2007		- Third to fifth report overdue since April 2011
OP-CRC-AC	-	-		- Initial report overdue since 2005
OP-CRC-SC	-	-		- Initial report overdue since 2004

16. CRC encouraged the speedy submission of the State's overdue initial reports under both of the Optional Protocols to the Convention, if possible at the same time.³⁰

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	-
<i>Visits agreed upon in principle</i>	Special Rapporteur on the right to food (dates to be agreed).
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (requested visit in 2003 and 2009), Special Rapporteur on extrajudicial, summary or arbitrary executions (requested visit in 2006 and 2008), Special Rapporteur (previously Special Representative of the Secretary-General) on the situation of human rights defenders (requested visit in 2007 and 2010).
<i>Facilitation/cooperation during missions</i>	-

<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 30 communications were sent. The Government replied to 22 communications.
<i>Responses to questionnaires on thematic issues</i>	Venezuela responded to 7 of the 24 questionnaires sent by special procedures mandate holders. ³¹

3. Cooperation with the Office of the High Commissioner for Human Rights

17. Venezuela is covered by the OHCHR Regional Office for South America (Santiago, Chile).³² OHCHR assisted Venezuela in initiating the process for the ratification of CRPD³³ and provided training on the UPR to Government institutions, civil society and UNCT.³⁴

18. Venezuela contributed financially to three humanitarian funds in 2004, 2006 and 2009, and to the United Nations Voluntary Fund for Victims of Torture and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery in 2007.³⁵

B. Implementation of international human rights obligations

1. Equality and non-discrimination

19. While noting the adoption of measures aimed at combating gender-role stereotypes, CEDAW was concerned about the persistence of stereotypical attitudes and patriarchal patterns of behaviour that undermined women's human rights in respect of the roles and responsibilities of women and men in family and in society.³⁶

20. CEDAW recommended that Venezuela distinguish between general social and economic policies and programmes which also benefited women, and temporary special measures which were necessary to accelerate the achievement of de facto equality for women.³⁷

21. CRC welcomed the creation of the Network of Afro-descendant Organizations but noted that there was a lack of reliable statistics related to the situation of the Afro-descendant population. It also noted that there were discriminatory practices against children of Afro-descendants.³⁸

22. CRC recommended that Venezuela: ensure that all children with disabilities receive education and encourage their inclusion in regular schools; undertake an in-depth study on the prevention of disabilities; and promote and expand community-based rehabilitation programmes, including parent support groups.³⁹

23. UNCT noted the lack of norms or policies protecting lesbian, gay, bisexual, transgender or intersexual persons from rejection, discrimination or violations of their human rights.⁴⁰

2. Right to life, liberty and security of the person

24. In 2008 the Special Rapporteur on the question of torture expressed concern at the alleged deaths of children in police custody, and at allegations of extrajudicial executions by State agents in the context of the phenomenon known as "execution of criminals" (*ajusticiamiento de delincuentes*). The Special Rapporteur regretted the apparent failure to carry out immediate and impartial investigations in many of these cases.⁴¹ CRC made similar observations.⁴²

25. In 2011, the ILO Committee of Experts on the Application of Conventions and Recommendations deplored the high number of assassinations of trade union leaders and members and expressed its concern at the fact that the number of alleged assassinations

provided by trade union organizations differed considerably from those emerging from the information provided by the Government.⁴³

26. The Special Rapporteur on the question of torture also expressed concern at alleged cases of torture by members of the security forces.⁴⁴ CAT expressed similar concerns.⁴⁵ The HR Committee was pursuing dialogue with Venezuela on a case of arbitrary detention and ill-treatment during detention.⁴⁶

27. UNCT expressed concern at the situation of persons deprived of their liberty. Despite the Prison System Humanization Plan (2004), there were considerable delays in bringing cases to trial, something which often provoked reactions from inmates. It was vital to establish a policy for prisons and to provide the necessary resources.⁴⁷

28. The Special Rapporteur on the question of torture expressed concern at the apparent lack of criteria in the separation and classification of persons deprived of their liberty, which was related to the overcrowding and poor conditions in places of detention.⁴⁸ In 2001, the Human Rights Committee had expressed similar concerns⁴⁹ and had received comments in reply from the Government.⁵⁰ In 2010, the Special Rapporteur drew attention to the increase of 25 per cent in deaths (352) and of 31 per cent in injuries (736) in Venezuelan jails as compared with 2009. The Special Rapporteur added that he had received information about fights between prisoners in the Centre-West Regional Penitentiary which had taken place in the presence of the institution's law enforcement officers.⁵¹

29. CRC noted programmes on violence against children but was concerned about allegations of ill-treatment, reported substandard conditions of prisons, and reports of children dying in custody.⁵²

30. The HR Committee was concerned about the level of violence against women, and at the many allegations of rape or torture of women in custody by members of the security forces.⁵³

31. CEDAW called upon Venezuela to ensure that perpetrators of violence against women were prosecuted and punished. It encouraged Venezuela to enhance effective access to legal aid for women from all regions, including indigenous women and women of African descent.⁵⁴

32. CERD noted that in the centres of illegal gold prospecting in the upper Orinoco and the Casiquiare and Guainia-Río Negro basins there was evidence that indigenous children and adolescents were subjected to labour exploitation and the worst forms of child labour, including servitude and slavery, child prostitution, trafficking and sale.⁵⁵

33. In 2007, the ILO Committee of Experts noted the enactment of various provisions penalizing the trafficking in persons and requested the Government to provide information on the effect given to them.⁵⁶ CRC recommended that Venezuela establish mechanisms that facilitate the implementation and monitoring of plans and programmes on the subjects of trafficking, sexual exploitation and sale of children.⁵⁷ While noting the establishment of the National Programme of Protection of Child Workers, CRC was concerned about allegations that children were involved in the worst forms of child labour in slavery-like conditions.⁵⁸

34. CRC urged Venezuela to conduct awareness-raising campaigns against corporal punishment.⁵⁹

35. CRC recommended that Venezuela ensure that street children were provided with adequate nutrition, shelter, health care and educational opportunities as well as adequate protection and assistance.⁶⁰

3. Administration of justice and the rule of law

36. UNCT pointed out that the provisional status of judges was a constraint that could affect their independence. One challenge facing the State was to reinforce the independence of the judiciary by increasing institutional and material support for the justice system and putting an end to the provisional nature of judicial appointments.⁶¹ In 2001, the Human Rights Committee had expressed similar concerns.⁶²

37. In 2009, the Special Rapporteur on the independence of judges and lawyers twice drew the Government's attention to a ruling of the Constitutional Division of the Supreme Court which declared a ruling of the Inter-American Court of Human Rights to be "unenforceable". Among other things, the ruling ordered the reinstatement of various provisional judges of the First Administrative Court. The ruling also called on the executive branch to renounce the American Convention on Human Rights. The Special Rapporteur recalled that the principle of judges' security of tenure and irremovability also had to be applied to provisional judges. The Special Rapporteur had also received information about provisional public prosecutors who could be dismissed without any kind of hearing.⁶³ In 2010, the new Special Rapporteur thanked the Government for its reply but said she was still concerned at the vulnerability of provisional public prosecutors and judges.⁶⁴

38. CRC recommended that Venezuela consider raising the age of criminal responsibility, and take all necessary measures to ensure that children be held in detention only as a last resort, as briefly as possible and separately from adults; that they not be subject to ill-treatment; and that the deprivation of liberty be reviewed on a regular basis.⁶⁵

39. In September 2010, the Working Group on Arbitrary Detention issued Opinion No. 20/2010 concerning Judge María Lourdes Afiuni Mora, who, in December 2009, had ordered the release on bail of a detainee who was the subject of another Opinion of the Working Group.⁶⁶ Judge Afiuni was arrested by the Intelligence and Prevention Services and accused of crimes of corruption, abuse of power, criminal conspiracy and being an accessory to an escape. The Working Group considered that the deprivation of liberty of Judge Afiuni was arbitrary and it called upon the Government either to release her immediately or to free her on bail, in accordance with due process of law.⁶⁷ The Government responded by indicating, among other things, that Judge Afiuni had disregarded a decision of the Constitutional Court, and that the alleged attempts to kill her had not in fact taken place.⁶⁸ Other special procedures mandate holders have also expressed concern that the arrest and detention of Judge Afiuni was carried out in reprisal for her legitimate exercise of her constitutional functions, and that this represented an attempt to suppress the independence of judges and lawyers in the country.⁶⁹

40. CERD noted with interest the existence of special courts to settle conflicts in accordance with the traditions and customs of indigenous peoples.⁷⁰

4. Right to marriage and family life

41. CRC was concerned about the difference between the minimum age of marriage for girls (14 years) and boys (16 years) and recommended establishing the same minimum age and considering raising it to 18 years.⁷¹ CEDAW⁷² and the HR Committee⁷³ made similar recommendations.

42. CRC welcomed the various initiatives and achievements made in facilitating registration of children at birth, such as the National Plan for Identity entitled "*Yo Soy*".⁷⁴

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

43. In 2009 the Special Rapporteur on freedom of religion or belief brought to the attention of the Government information regarding acts of religious intolerance and violence against members of the Catholic and Jewish communities.⁷⁵ The Government sent a reply.⁷⁶

44. In 2011, the United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that the situation of the right to freedom of expression had deteriorated over the last years.⁷⁷ It noted that the Constitution recognized freedom of expression (arts. 57 and 58) but also established a number of prerequisites (art. 58) that were incompatible with the international human rights instruments.⁷⁸ Other legislation could also restrict the right to freedom of expression:⁷⁹ the Penal Code was reformed in 2005 to broaden the scope of the norms protecting the honour and reputation of State officials from the broadcasting of critical expressions that might be considered offensive (arts. 147 and 148);⁸⁰ the Law on Social Responsibility in Radio and Television provided for seven restrictions on information that could be considered to “incite or promote hatred”, “foment anxiety in the citizenry” or “ignore the authorities”.⁸¹ UNESCO recommended that Venezuela: reassess media legislation provisions to guarantee that it is not in contradiction with the Government’s expressed commitment to defend freedom of expression; improve the safety of journalists; and investigate the crimes against media workers, and report on those investigations to counter impunity.⁸²

45. Between 2009 and 2010, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent seven communications to the Government.⁸³ In July 2009, he sent an urgent appeal concerning the withdrawal of State licences from 285 radio and television stations⁸⁴ and in January 2010 he sent another urgent appeal concerning the blanket closure of cable television channels.⁸⁵ In August 2009, he sent an urgent appeal concerning the Special Bill on Media Offences.⁸⁶ In January 2010, he sent an urgent appeal concerning harassment, intimidation and threats against Globovisión.⁸⁷ The Special Rapporteur thanked the Government for its response to this appeal but regretted that he had received no reply to various communications sent between 2004 and 2010.⁸⁸

46. UNESCO noted that the National Sovereignty and Self-Determination Law, reformed in December 2010, established that political freedom and national self-determination should be protected from any foreign interference, such as financial support, that might be intended to undermine the stability and functioning of democratic institutions. The Law instituted that political organizations, organizations for the defence of political rights or persons involved in political activities could only receive donations or contributions from national individuals or corporations. UNESCO noted that those limitations could affect the stability of NGOs that received international funds and that did not have any other income.⁸⁹ CEDAW was concerned that the requirement of double registration with civil and institutional entities, by sector, might constitute an obstacle for NGOs.⁹⁰

47. UNCT reported that the participation of women in political life had progressed in some respects but gone backwards in others. When in 2008 the National Electoral Council approved gender parity on lists of candidates, women obtained almost 50 per cent of elective offices; however, in the most recent elections to the National Assembly — in which there was no such parity mechanism — female representation was under 20 per cent.⁹¹

48. CRC welcomed that young adolescents could vote at the municipal level at the age of 15 and the general practice that children were heard in judicial and administrative

proceedings. It remained concerned that the creation of space for children to be heard was not stimulated sufficiently.⁹²

49. CRC noted that the legislation guaranteed the right to information but was concerned about the quality of the television and radio programmes and their compatibility with a child rights approach. It was also concerned that indigenous children and children of Afro-descendants did not receive sufficient information relevant to their needs. It encouraged Venezuela to ensure that public programmes were consistent with children's rights in all sectors of the population.⁹³

50. CERD noted progress in the interaction between the Government and NGOs representing Afro-descendants and the designation of 10 May as Afro-Venezuelan Day.⁹⁴

6. Right to work and to just and favourable conditions of work

51. The ILO Committee of Experts noted the various provisions of the reformed Penal Code and other legislation which restricted the exercise of the rights to demonstrate and to strike, and which criminalized legitimate trade union activities, as well as the allegations that a climate of intimidation was being intensified towards workers and employers organizations and leaders which did not support the Government.⁹⁵ The HR Committee raised similar concerns in 2001.⁹⁶

52. Furthermore, the ILO Committee of Experts urged Venezuela to take all necessary measures to protect workers in both the public and private sectors from discrimination on the grounds of political opinion, in accordance with Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation.⁹⁷ UNCT considered that important progress had been made with the automatic nullification of any discriminatory acts or measures implemented by an employer for reasons of HIV/AIDS.⁹⁸

53. The ILO Committee of Experts regretted, also, that nine years after its finalization, the bill to reform the Basic Labor Act to eliminate restrictions on the rights granted by Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise, had still not been adopted by the National Assembly, despite enjoying tripartite consensus.⁹⁹

54. CEDAW was concerned about the persistent wage differential between women and men and about the insufficient understanding of the principle of equal pay for work of equal value.¹⁰⁰

7. Right to social security and to an adequate standard of living

55. CRC welcomed State efforts to reduce poverty through its social programmes, especially through the missions, but remained concerned that children continued to be most affected by poverty.¹⁰¹

56. The United Nations Development Assistance Framework (UNDAF) 2009–2013 reported that, despite inclusion policies, significant disparities persisted in Venezuela.¹⁰² CERD reiterated its concern at the persistence of profound structural inequalities which affected Afro-descendants and indigenous peoples.¹⁰³

57. UNCT reported that the goals of reducing extreme poverty and improving access to drinking water and sanitation systems had been achieved. However, the questions of institutional sustainability and improving service quality had yet to be resolved.¹⁰⁴

58. UNCT reported that efforts to improve people's access to sufficient food had improved nutritional standards, although these standards were not necessarily the most suitable for a balanced diet.¹⁰⁵

59. On the subject of health, UNCT explained that the absence of a unified system for the universal application of Government policies in this area was one of the obstacles hindering full enjoyment of the right to health.¹⁰⁶

60. CRC recommended that Venezuela strengthen its efforts to reduce neonatal and maternal mortality throughout the country by providing quality care and facilities; continue to address the problem of malnutrition and low vaccination rates; and integrate the Barrio Adentro health mission and the public health network so they complement each other.¹⁰⁷

61. CEDAW urged Venezuela to ensure effective access of women to sexual and reproductive health services, particularly to young women, women from rural areas, indigenous women and women of African descent.¹⁰⁸ The HR Committee expressed concern about the criminalization of all non-therapeutic abortion, particularly in the light of unchallenged reports that many women were undergoing life-threatening illegal abortions.¹⁰⁹

8. Right to education

62. UNESCO stated that Venezuela recognized education as one of the basic human rights and a fundamental social obligation of the State. The existing constitutional and legal framework provided for quality education, respect for the principles of non-discrimination, cultural diversity, participation, inclusiveness, the best interest of the child and social justice.¹¹⁰ UNCT reported that the literacy rate had risen considerably.¹¹¹

63. UNCT said that, notwithstanding the gains made, attention should be given to remedying the unequal distribution of educational opportunities, which continued to affect the poorest population groups.¹¹²

64. CRC welcomed that children's education was a top priority of the Government's policies and that progress was evident. It remained concerned however that enrolment rates were still not satisfactory; dropout was high after the first grade; enrolment rates for indigenous children, Afro-descendants and children living in rural areas were low; refugee and asylum-seeking children faced obstacles in continuing their education; and that the quality of education was unsatisfactory.¹¹³

9. Minorities and indigenous peoples

65. UNCT recognized that indigenous peoples enjoyed specific rights which aimed to repay the historical debt of colonization and discrimination. At the same time, important institutional steps had been taken, such as the establishment of the Ministry of People's Power for Indigenous Peoples. Nonetheless, progress in implementing the rules had been limited and the practical results equivocal because of difficulties in framing policies with an intercultural focus and the lack of a platform for ongoing dialogue between the State and indigenous peoples.¹¹⁴

66. UNCT added that it was important to implement policies to consolidate intercultural bilingual education and human rights education in indigenous languages. It also said that educational campaigns on sexual and reproductive health which took account of gender and intercultural issues needed to be extended to rural and indigenous peoples and people of African descent.¹¹⁵

67. CERD requested Venezuela to take efficient and urgent measures to end violence related to land conflicts, which mainly affected indigenous peoples and Afro-descendants, including the establishment of an independent monitoring mechanism to investigate such incidents to ensure that they do not go unpunished.¹¹⁶ Furthermore, CERD took note of the efforts made by Venezuela to demarcate indigenous lands, but remained concerned that the

effective ownership of indigenous lands and resources continued to be threatened and restricted by repeated aggression from individuals and private groups.¹¹⁷

68. CERD noted that the identity document issued to indigenous persons included the name of the ethnic group, the people and community to which such persons belonged, and requested Venezuela to ensure that the identity document for indigenous persons be based upon self-identification.¹¹⁸

69. UNCT said that recognition of the identity of people of African descent in Venezuela in the 2011 population and housing census, on the basis of self-identification, was an important step forward.¹¹⁹

10. Migrants, refugees and asylum-seekers

70. UNCT reported that delay in approving the Regulations of the Foreign Nationals and Migration Act, which were supposed to make clear reference to refugees and asylum-seekers, was hindering the adequate implementation of the Act.¹²⁰ Moreover, there was no public policy document dealing with the situation of people in need of international protection¹²¹ and domestic law had not adopted the broader definition of refugee contained in the Cartagena Declaration on Refugees (1984). As a consequence, many people in need of international protection after fleeing widespread violence or human rights violations had no access to State protection.¹²²

71. Asylum-seekers and refugees in Venezuela had limited access to education and the labour market because they did not have the necessary documentation, which can only be obtained in Caracas. Irregular migrants' enjoyment of these rights is also restricted by their lack of documentation.¹²³

72. CRC recommended that Venezuela establish institutional agreements between the National Commission for Refugees and the child protection institutions and that it ensure rapid access to age-sensitive refugee status determination procedures and assistance for unaccompanied children.¹²⁴

III. Achievements, best practices, challenges and constraints

73. CERD noted with satisfaction that indigenous peoples were represented in the National Assembly with deputies elected by indigenous peoples in keeping with their traditions and customs.¹²⁵

74. UNCT reported that access to HIV/AIDS treatment was universal, free of charge, guaranteed and non-discriminatory.¹²⁶

75. UNCT reported that inflation, a drop in gross domestic product and high levels of unemployment were affecting the economic rights of the population, which had to cope with price increases and too few employment opportunities. In addition, the floods of late 2010 had affected more than 100,000 people and the many needs created by the emergency threatened to displace other priorities on the national agenda.¹²⁷

76. UNCT stated that, although considerable efforts had been made to guarantee access to public information, national registers and statistics needed to be improved and made available to the public.¹²⁸

77. CRC recommended that Venezuela seek technical assistance and cooperation from the Interagency Panel on Juvenile Justice.¹²⁹

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

78. CERD requested Venezuela to inform it within a year of the implementation of its recommendations contained in paragraphs 14 (disaggregated statistical data on the Afro-descendants), 18 (indigenous individuals or Afro-descendants murdered in land conflicts) and 19 (indigenous peoples of the upper Orinoco and the Casiquiare and Guainia-Río Negro) of the concluding observations.¹³⁰

79. The HR Committee requested Venezuela to furnish, within one year, information on, inter alia, actions taken on recommendations related to torture (para. 8 of the concluding observations), police detention (para. 9), prisons (para. 11) and the status of the judiciary and due process (12–14).¹³¹ Four replies were received.¹³²

80. UNCT made the following recommendations, among others:

(a) Strengthen information systems, produce adequate statistics and establish monitoring mechanisms for action in the areas of gender equality, food security, childhood and adolescence, the environment, indigenous peoples and people of African descent, people in need of international protection, the administration of justice, and public security, in order to improve accountability and policy design;¹³³

(b) Pass a law to reform the Civil Registry, as well as anti-discrimination legislation and a law recognizing same-sex couples;¹³⁴

(c) Adopt the Regulations of the Act on Women's Right to a Life Free from Violence and introduce the corresponding amendments to the Civil Code and the Criminal Code;¹³⁵

(d) Make the human rights training programme for judges a requirement for entry to the profession and the pursuit of a judicial career;¹³⁶

(e) Formulate and implement, with the help of UNCT and OHCHR, policies and programmes to facilitate access to justice, especially for people deprived of their liberty;¹³⁷

(f) Create spaces for dialogue with all civil society organizations, irrespective of their political leanings;¹³⁸

(g) Improve mechanisms to ensure and increase the participation of Venezuelan women in political life;¹³⁹

(h) Adopt the proposed Health Organization Act aimed at creating a national public health-care system;¹⁴⁰

(i) Issue documents to all asylum-seekers and refugees on Venezuelan soil, guaranteeing the principle of non-refoulement and other international norms.¹⁴¹

V. Capacity-building and technical assistance

N/A.

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009*

(ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/VEN/CO/18), para. 23.

⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/VEN/CO/6), para. 38.

- ¹⁰ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 5.
- ¹¹ Concluding observations of the Committee on the Rights of the Child (CRC/C/VEN/CO/2), para. 57.
- ¹² Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.56), para. 21.
- ¹³ CEDAW/C/VEN/CO/6, para. 5.
- ¹⁴ CERD/C/VEN/CO/18, para. 4.
- ¹⁵ A/HRC/7/3/Add.2, para. 816. See also the concluding observations of the Committee against Torture (CAT/C/CR/29/2), para. 6.
- ¹⁶ A/HRC/7/3/Add.2, para. 820. See also the concluding observations of the HR Committee (CCPR/CO/71/VEN), para. 8.
- ¹⁷ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/16/77 of 3 February 2011, annex. See also the report and recommendations of the Subcommittee on Accreditation (A/HRC/10/55), annex II, para. 3.8.
- ¹⁸ CRC/C/VEN/CO/2, para. 17.
- ¹⁹ *Ibid.*, para. 16.
- ²⁰ CERD/C/VEN/CO/18, paras. 5–6.
- ²¹ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 8.
- ²² *Ibid.*, para. 10.
- ²³ *Ibid.*, para. 12.
- ²⁴ *Ibid.*, para. 58.
- ²⁵ *Ibid.*, para. 59.
- ²⁶ CEDAW/C/VEN/CO/6, para. 7.
- ²⁷ CRC/C/VEN/CO/2, para. 11.
- ²⁸ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 34.
- ²⁹ The following abbreviations have been used for this document:
- | | |
|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
- ³⁰ CRC/C/VEN/CO/2, para. 82.
- ³¹ The questionnaires referred to are those reflected in an official report by a special-procedure mandate holder issued between 1 January 2007 and 1 June 2011. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) A/HRC/6/15, para. 7; (b) A/HRC/7/6, annex; (c) A/HRC/7/8, para. 35; (d) A/HRC/8/10, para. 120, footnote 48; (e) A/62/301, paras. 27, 32, 38, 44 and 51; (f) A/HRC/10/16 and Corr.1, footnote 29; (g) A/HRC/11/6, annex; (h) A/HRC/11/8, para. 56; (i) A/HRC/11/9, para. 8, footnote 1; (j) A/HRC/12/21, para. 2, footnote 1; (k) A/HRC/12/23, para. 12; (l) A/HRC/12/31, para. 1, footnote 2; (m) A/HRC/13/22/Add.4; (n) A/HRC/13/30, para. 49; (o) A/HRC/13/42, annex I; (p) A/HRC/14/25, para. 6, footnote 1; (q) A/HRC/14/31, para. 5, footnote 2; (r) A/HRC/14/46/Add.1; (s) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ContributionsPSP.aspx; (t) A/HRC/15/32, para. 5; (u) A/HRC/16/44/Add.3; (v) A/HRC/16/48/Add.3, para. 5, endnote 2; (w) A/HRC/16/51/Add.4; (x) A/HRC/17/38, see annex I.
- ³² OHCHR, *High Commissioner's Strategic Management Plan 2010–2011* (Geneva), p. 89.
- ³³ *Ibid.* and OHCHR, *2010 Report*, p. 165.
- ³⁴ OHCHR, *2010 Report*, p. 165.
- ³⁵ OHCHR, *2009 Report: Activities and Results*, pp. 190 and 217.
- ³⁶ CEDAW/C/VEN/CO/6, paras. 23–24.
- ³⁷ *Ibid.*, para. 16.
- ³⁸ CRC/C/VEN/CO/2, paras. 80–81.
- ³⁹ *Ibid.*, para. 57.
- ⁴⁰ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 47.
- ⁴¹ A/HRC/7/3/Add.2, para. 818.
- ⁴² CRC/C/VEN/CO/2, paras. 35–36.

- 43 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2011, Geneva, doc. No. (ILOLEX) 062011VEN087, twenty-seventh paragraph.
- 44 A/HRC/7/3/Add.2, para. 818.
- 45 CAT/C/CR/29/2, para. 10. See also CAT/C/21/D/110/1998.
- 46 CCPR/C/27/D/156/1983 and *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 40*, vol. I (A/59/40 (Vol. I)), pp. 149 and 157.
- 47 UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 38.
- 48 A/HRC/7/3/Add.2, para. 819.
- 49 CCPR/CO/71/VEN, para. 11.
- 50 CCPR/CO/71/VEN/Add.1.
- 51 A/HRC/16/52/Add.1, para. 246.
- 52 CRC/C/VEN/CO/2, paras. 43–44.
- 53 CCPR/CO/71/VEN, para. 17.
- 54 CEDAW/C/VEN/CO/6, paras. 25–26.
- 55 CERD/C/VEN/CO/18, para. 19. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008VEN182, twelfth paragraph.
- 56 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Forced Labour Convention, 1930 (No. 29), 2007, Geneva, doc. No. (ILOLEX) 062007VEN029, second and third paragraphs.
- 57 CRC/C/VEN/CO/2, para. 75.
- 58 *Ibid.*, paras. 70–71.
- 59 *Ibid.*, para. 55.
- 60 *Ibid.*, para. 73.
- 61 UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 36.
- 62 CCPR/CO/71/VEN, para. 13. For the Government response, see CCPR/CO/71/VEN/Add.5.
- 63 A/HRC/14/26/Add.1, paras. 1169–1188.
- 64 *Ibid.*, para. 1208; see also paras. 1220–1229, and CCPR/CO/71/VEN, para. 14.
- 65 CRC/C/VEN/CO/2, para. 77.
- 66 Opinion 10/2009. See A/HRC/13/30/Add.1.
- 67 A/HRC/16/47/Add.1, pp. 92–101, paras. 4, 7, 12, 49 and 50.
- 68 *Ibid.*, para. 25.
- 69 See A/HRC/16/44/Add.1, paras. 2417–2434; A/HRC/16/52/Add.1, para. 245; A/HRC/14/26/Add.1, paras. 1230–1235.
- 70 CERD/C/VEN/CO/18, para. 8.
- 71 CRC/C/VEN/CO/2, paras. 27–28.
- 72 CEDAW/C/VEN/CO/6, paras. 33–34.
- 73 CCPR/CO/71/VEN, para. 18.
- 74 CRC/C/VEN/CO/2, para. 39.
- 75 A/HRC/13/40/Add. 1, paras. 248–250.
- 76 *Ibid.*, paras. 251–257.
- 77 UNESCO submission to the UPR on the Bolivarian Republic of Venezuela, para. 17.1.
- 78 *Ibid.*, para. 17.3.
- 79 *Ibid.*, para. 17.4.
- 80 *Ibid.*, para. 17.7.
- 81 *Ibid.*, para. 17.5.
- 82 *Ibid.*, para. 31.
- 83 A/HRC/14/23/Add.1.
- 84 *Ibid.*, paras. 2606–2611.
- 85 *Ibid.*, paras. 2623–2626.
- 86 *Ibid.*, paras. 2612–2615.
- 87 *Ibid.*, paras. 2627–2635.
- 88 *Ibid.*, para. 2636.

- ⁸⁹ UNESCO submission to the UPR on the Bolivarian Republic of Venezuela, para. 17.10.
- ⁹⁰ CEDAW/C/VEN/CO/6, para. 19.
- ⁹¹ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 42.
- ⁹² CRC/C/VEN/CO/2, para. 37.
- ⁹³ *Ibid.*, paras. 41–42.
- ⁹⁴ CERD/C/VEN/CO/18, para. 13.
- ⁹⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2010, Geneva, doc. No. (ILOLEX) 062011VEN087, sixth and eighth paragraphs.
- ⁹⁶ CCPR/CO/71/VEN, para. 27.
- ⁹⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 062010VEN111, eighth paragraph.
- ⁹⁸ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 33.
- ⁹⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2011, Geneva, doc. No. (ILOLEX) 062011VEN087, thirty-seventh paragraph.
- ¹⁰⁰ CEDAW/C/VEN/CO/6, para. 29.
- ¹⁰¹ CRC/C/VEN/CO/2, para. 64.
- ¹⁰² The Bolivarian Republic of Venezuela, UNDAF 2009-2013, para. 24. Available from www.undg.org/docs/9751/MANUD-DOCUMENTO-COMPLETO.doc.
- ¹⁰³ CERD/C/VEN/CO/18, para. 17.
- ¹⁰⁴ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 12.
- ¹⁰⁵ *Ibid.*, para. 18.
- ¹⁰⁶ *Ibid.*, para. 23.
- ¹⁰⁷ CRC/C/VEN/CO/2, para. 59.
- ¹⁰⁸ CEDAW/C/VEN/CO/6, para. 32.
- ¹⁰⁹ CCPR/CO/71/VEN, para. 19.
- ¹¹⁰ UNESCO submission to the UPR on the Bolivarian Republic of Venezuela, para. 7.1.
- ¹¹¹ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 27.
- ¹¹² *Ibid.*, para. 30.
- ¹¹³ CRC/C/VEN/CO/2, para. 66.
- ¹¹⁴ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 43. See also CCPR/CO/71/VEN, para. 28.
- ¹¹⁵ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 45.
- ¹¹⁶ CERD/C/VEN/CO/18, para. 18.
- ¹¹⁷ *Ibid.*, para. 20. See also A/HRC/12/34/Add.1, paras. 448–465 and E/C.12/1/Add.56, para. 12.
- ¹¹⁸ CERD/C/VEN/CO/18, para. 15. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Indigenous and Tribal Peoples Convention, 1989 (No. 169), 2010, Geneva, doc. No. (ILOLEX) 092010VEN169, para. 1.
- ¹¹⁹ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 45.
- ¹²⁰ *Ibid.*, paras. 60–61.
- ¹²¹ *Ibid.*, para. 67.
- ¹²² *Ibid.*, para. 64.
- ¹²³ *Ibid.*, para. 65. See also E/C.12/1/Add.56, para. 11.
- ¹²⁴ CRC/C/VEN/CO/2, para. 69.
- ¹²⁵ CERD/C/VEN/CO/18, para. 7.
- ¹²⁶ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 25.
- ¹²⁷ *Ibid.*, para. 14.
- ¹²⁸ *Ibid.*, para. 11.
- ¹²⁹ CRC/C/VEN/CO/2, para. 77.
- ¹³⁰ CERD/C/VEN/CO/18, para. 25.
- ¹³¹ CCPR/CO/71/VEN, para. 30.
- ¹³² CCPR/CO/71/VEN/Add.1, CCPR/CO/71/VEN/Add.2, CCPR/CO/71/VEN/Add.3,

CCPR/CO/71/VEN/Add.5.

¹³³ UNCT submission to the UPR on the Bolivarian Republic of Venezuela, para. 73.

¹³⁴ Ibid., para. 69.

¹³⁵ Ibid., para. 70.

¹³⁶ Ibid., para. 78.

¹³⁷ Ibid., para. 85.

¹³⁸ Ibid., para. 74.

¹³⁹ Ibid., para. 79.

¹⁴⁰ Ibid., para. 71.

¹⁴¹ Ibid., para. 92.