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Replies of the Bolivarian Republic of Venezuela to the list of issues in relation to its fifth periodic report*

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* The present document is being issued without formal editing.



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1. The present document contains replies to the list of issues adopted by the Human Rights Committee in relation to the fifth periodic report of the Bolivarian Republic of Venezuela ([CCPR/C/VEN/Q/5](#)).

Constitutional and legal framework within which the Covenant is implemented (arts. 1 and 2)

2. A total of 45 institutions implemented the actions entrusted to them under the National Human Rights Plan 2016–2019. These institutions reported on 2,290 training events held for communities, social organizations and the general public, with more than 99,900 participants overall. As mentioned in the fifth periodic report (para. 18), these institutions also organized more than 1,290 training events in which 82,800 public officers, including public sector employees, workers, justice officials, police, military officers and judges, participated. The topics covered were human rights, support for persons with disabilities, prevention of violence against women, rights of lesbian, gay, bisexual, transgender and intersex persons, comprehensive protection of children and adolescents, community justices of the peace, and the environment.

3. A comprehensive assessment of the execution of the National Human Rights Plan undertaken in 2020 found that 93 per cent of the 213 actions envisaged under the Plan have been fully or partially implemented. With support from the United Nations Children's Fund (UNICEF), a children's version of the Plan was produced. A consultation process for the second National Human Rights Plan is currently being developed, with technical support from the Office of the United Nations High Commissioner for Human Rights (OHCHR).

4. The International Covenant on Civil and Political Rights can be applied directly by Venezuelan courts and other authorities, in accordance with article 23 of the Constitution. The provisions of the Covenant may be invoked, as indeed they are, before the courts and other authorities responsible for applying the law. The judgment of the Constitutional Chamber of the Supreme Court of Justice of 16 March 2023, which found article 565 of the Organic Code of Military Justice to be unconstitutional and thus null and void, made explicit reference to the provisions of the Covenant.

5. On 29 April 2022, Venezuela withdrew the reservation to article 14 of the Covenant that it had entered at the time of ratification.

6. The Ombudsman's Office takes into account the principles relating to the status of national institutions for the promotion and protection of human rights. The Ombudsman's Office is independent and has organizational, functional, financial and administrative autonomy. This independence and autonomy are enshrined in the Constitution and in the law establishing the Office. The institution is free to address any human rights concern that may arise.

7. Work is currently under way, with support from OHCHR, to strengthen the capacities of the Ombudsman's Office. The Office is also taking appropriate action to regain A status within the Global Alliance of National Human Rights Institutions.

Fight against corruption (arts. 14, 25 and 26)

8. In the period 2015–2022, the Office of the Comptroller General of the Republic carried out 1,045 asset verification procedures, as provided in the Anti-Corruption Act (art. 29). In the course of these procedures, the Office found 2,909 individuals and 7 legal entities to be administratively liable; 2,916 individuals were fined, and 757 individuals and 3 legal entities were required to pay compensation.

9. In tax administration proceedings between 2015 and 2022, the Office of the Comptroller General found 89 officials to be administratively liable, imposed 89 fines, found 13 officials to be civilly liable (compensation) and barred 12 officials from public office.

10. In the field of public procurement, 249 individuals were found to be administratively liable, 249 fines were imposed, 34 individuals were found to be civilly liable (compensation) and 264 were barred from office.

11. As a result of the proceedings conducted by the Office of the Comptroller General vis-à-vis members of the Bolivarian National Armed Forces in the period 2015–2022, 21 individuals were found to be administratively liable, 21 fines were imposed and 15 individuals were barred from public office.

12. Also between 2015 and 2022, the Office found 118 officials of the State security forces to be administratively liable, imposed 118 fines, found 57 officials to be civilly liable (compensation) and barred 42 officials from public office.

13. By virtue of decision No. 2.377 of 26 December 2019, published in Official Gazette No. 41.788, the Public Prosecution Service upgraded the Anti-Corruption Directorate to the Anti-Corruption Directorate General and modified its organizational structure and functions in order to keep up the fight against this scourge.

14. Between 2017 and 2021, the Public Prosecution Service implemented a total of 39,089 measures to punish acts of corruption, which resulted in 12,703 charges, 3,565 indictments and 2,444 convictions for corruption offences.

15. By the end of 2021, the Public Prosecution Service had prosecuted 277 prosecutors for irregular conduct and corruption offences, 125 of whom were charged and 24 convicted.

16. In April 2023, the Organic Act on Asset Forfeiture¹ was promulgated, with the aim of building the capacities of the State to address corruption effectively by equipping the Venezuelan legal system with a criminal policy instrument for asset forfeiture to complement the set of institutional and legal measures taken in this area.

States of emergency (art. 4)

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

18. The state of alert declared to address the COVID-19 pandemic and the state of economic emergency instituted to counter the impact of the unilateral coercive measures on the country's economy are based on the provisions of articles 337, 338 and 339 of the Constitution. None of these measures involved a restriction of the rights recognized in the Covenant.

Non-discrimination (arts. 2, 19, 20 and 26)

19. In 2017, the Ministry of People's Power for Women and Gender Equality created a sexual diversity workstream with a feminist, human rights-based perspective to promote comprehensive support, training, active participation and research, in cooperation with the sexually diverse population.

20. In November 2020, the Ombudsman's Office created the Office of the Special Deputy Ombudsman for the Protection of Sexually Diverse Persons.²

¹ Official Gazette No. 6.745 of 28 April 2023.

² Official Gazette No. 42.007 of 13 November 2020.

21. In May 2021, the National Assembly proclaimed 17 May as the National Day against Hatred and All Forms of Discrimination Based on Sexual Orientation, Gender Identity and Gender Expression.³ It also announced the establishment of a subcommittee for LGBTIQ+ issues under the National Assembly committee on comprehensive social development.

22. In June 2022, the Public Prosecution Service established a specialized prosecutor's office for the protection of human rights and gender diversity. As of 2022, 44 cases have been filed, most of which concern offences against persons (homicide and injury). In 21 cases arrest warrants were issued, 8 persons were charged and 5 persons were formally indicted and are currently in the trial phase and awaiting verdicts.

23. Between August 2017 and August 2021, the Public Prosecution Service, through the comprehensive support service for victims of gender-based violence, assisted 10,691 persons and granted 21,382 protection measures.

24. In August 2022, the Public Defence Service set up units for the protection and defence of the human rights of persons who identify with the LGBTIQ+ community.

25. In November 2022, at the request of social organizations, the National Assembly, together with the National Electoral Council and the Identification, Migration and Foreign Nationals Administration, began to develop an administrative procedure to enable persons to change their name for reasons of gender identity, in line with the provisions of article 146 of the Civil Registry Act.

26. On 16 March 2023, the Constitutional Chamber of the Supreme Court declared admissible the application filed by the Ombudsman for the repeal of article 565 of the Organic Code of Military Justice on grounds of unconstitutionality.⁴ The Chamber gave the decision retroactive effect, since it repeals the provision and thus works for the benefit of the defendant. The ruling was published in the Official Gazette, the Judicial Gazette and the website of the Supreme Court with the remark "Judgment repealing article 565 of the Organic Code of Military Justice for lack of a clear definition of the punishable act".

Gender equality (arts. 3 and 26)

27. As regards gender stereotypes, the Act on Social Responsibility in Radio, Television and Electronic Media prohibits the broadcasting of content that incites or promotes hatred and intolerance based on religion, political opinion or gender or arising from racism or xenophobia (art. 27).

28. Judgments No. 359 of 2014 and No. 884 of 2017 of the Supreme Court prohibit the publication of images that have explicit or implicit sexual content, that promote prostitution or consumption of pornography, be it through images, photos or advertisements, and that contain links to websites that are freely accessible to children and adolescents.

29. The Supreme Court adopted decision No. 2017-0014, which promotes the use of inclusive and non-sexist language in all documents and decisions issued by the Supreme Court and other courts, without any discrimination. In 2019, the Ministry of the People's Power for Defence issued decision No. 029635 on the "use of non-sexist language" in the National Bolivarian Armed Forces.

30. In 2021, the National Assembly enacted the second amendment of the Organic Act on Women's Right to a Violence-Free Life,⁵ which added, as one of the purposes of the Act, the application of evidentiary standards that are free from gender stereotypes and gender-based prejudices that subordinate women and fail to recognize them as rights holders (art. 2.4).

³ Official Gazette No. 42.126 of 13 May 2021.

⁴ Article 565. Any official who commits acts that offend or debase his or her dignity or allows such acts without trying to stop them by means authorized by law shall be punished with imprisonment of one to three years and separation from the armed forces. The same penalty shall apply to all military personnel who commit unnatural sexual acts.

⁵ Official Gazette No. 6.667, special edition of 16 December 2021.

31. In addition, the Act for the Promotion and Use of Gender-Sensitive Language⁶ was adopted in 2021. This Act establishes the mandatory use of gender-sensitive, inclusive and non-sexist language by public authorities in all their acts and actions. It also establishes the duty to use gender-sensitive, inclusive and non-sexist language at all levels and across all modalities of the education system. Under this Act, public, private and community media must promote the use of gender-sensitive, inclusive and non-sexist language to help achieve genuine and effective equality between women and men.

32. Also in 2021, the Racial Discrimination Act was amended⁷ to add a provision on ensuring gender equality and equity in all policies aimed at preventing, combating and eradicating racial discrimination, with due respect for the individual characteristics and specific needs associated with gender diversity (art. 10).

33. As regards the representation of women in State decision-making bodies, the following progress was achieved:

(a) In the 2015 parliamentary elections, 35.34 per cent of candidates were women, whereas women accounted for 47.23 per cent of candidates in the 2020 parliamentary elections.

(b) In the National Assembly elected in 2015, 20 per cent of representatives were women. In the National Assembly elected in 2020, women's share rose to 31 per cent.

(c) In the 2018 regional elections, women won 35 per cent of the seats in legislative councils and 46 per cent of the seats in municipal councils.

(d) When it comes to single-member positions in the executive branch at the state and municipal levels, in 2022 8.3 per cent of state governments were led by women (2 women governors) and 19 per cent of mayor's offices were headed by women (62 women mayors).

(e) In 2023, 27 per cent of posts within the national executive branch are held by women (9 ministries). Since 2018, the Vice-Presidency has been held by a woman.

(f) In 2020, the National Bolivarian Armed Forces had five women Vice Admirals and one woman Major General, all of which are high-level positions within the institution.

(g) In 2023, the Supreme Court, the highest body of the judiciary, is headed by a woman President, and 9 out of its 20 members are women judges.

(h) The Public Prosecution Service has 114 women in high-level positions and 1,210 women prosecutors. In the Ombudsman's Office, women account for 55 per cent of management positions and 58 per cent of the institution's total staff.

(i) The National Electoral Council, the highest governing body of the electoral authority, had a woman president and a majority female membership between 2005 and 2021. In the 2020 National Assembly elections, 67 per cent of the members of regional electoral boards were women.

34. Forty per cent of the country's business associations are headed by women. Women account for 59.61 per cent (130,070 women) of the total number of people registered on the "Emprender Juntos" platform.

35. Women's participation in public life, especially in the direct management of local affairs, has been significant. By 2020, 2,997,755 women were reported to be involved in local councils, accounting for 56.77 per cent. Out of a total of 112,748 local council spokespersons, 53.37 per cent are women.

36. Of the projects uploaded to the Integration and Communication System (SINCO) platform of the Federal Council of Government, 57.97 per cent are led by women, which illustrates their leading role in the management of community-based projects.

37. Women currently account for 79 per cent of the 42,145 members of the local supply and production committees that distribute food throughout the country.

⁶ Official Gazette No. 6.654, special edition of 7 October 2021.

⁷ Official Gazette No. 6.657, special edition of 28 October 2021.

38. The National Electoral Council has implemented an automated application system that ensures that candidates are registered in accordance with the parity quota established in the regulations and instructions on parity and alternation of male and female candidates in regional and municipal elections (2021).

Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)

39. The second amendment of the Organic Act on Women's Right to a Violence-Free Life was enacted in 2021. It enshrines the principle of the progressive realization of human rights in line with international standards and reaffirms the condemnation of all forms of violence against women as constituting a significant barrier to the achievement of substantive equality between women and men. The amendment was drafted with technical support from OHCHR.

40. The most prominent elements of this second amendment include:

(a) Reinforcement of the purpose of the Act by ensuring and promoting women's right to a violence-free life in the public and private spheres;

(b) Prohibition of revictimization (art. 2);

(c) Establishment of a duty for judicial authorities and other State bodies to apply and interpret the law from a gender, feminist, human rights, intercultural, comprehensive, intergenerational and intersectional perspective (art. 4), thereby strengthening the progressive implementation of women's rights in the face of multiple discrimination;

(d) Expansion of the recognition of all women in their diversity to deepen the intersectional approach in public policies (art. 6);

(e) Prohibition of mediation, conciliation and other alternative dispute resolution procedures in cases involving rape or threats to the life or physical integrity of women. In all other cases, these procedures may be used exceptionally and only when a previous evaluation by a specialized team ensures the free and informed consent of victims and that there are no indicators of further risks to the victims or their family members, in accordance with general recommendation No. 35 (2017) of the Committee on the Elimination of Discrimination against Women;

(f) In relation to the forms of violence, broadening of the offence of making threats to include the media and information and communication technologies. The definition and scope of the offence of domestic violence have been amended and expanded, with the updating of terminology to "family violence" and the inclusion of vicarious violence through the recognition "also as family violence of any act of violence, action or omission affecting ascendent, descendent or collateral relatives by blood or marriage, and persons in women's care, with the intention of causing violence, fear or harm, subjugating a woman's will or even causing her death";

(g) Incorporation of sexual violence in intimate partner relationships and recognition of new forms of violence, including Internet-based violence, political violence, gynaecological violence and multi-causal violence;

(h) Broadening of the offence of workplace violence through the inclusion of the failure to grant leave to enable women victims of violence to carry out activities that require their presence in accordance with the provisions of the Act;

(i) Inclusion of production programmes in public policies to facilitate the empowerment and financial independence of women victims of violence and their entry into the labour market (art. 24);

(j) Granting of additional powers to the ministry responsible for prison affairs to enable women deprived of their liberty to exercise the rights provided for in the Act (art. 31);

(k) Recognition of the shared responsibility of social organizations for the implementation, follow-up and monitoring of policies for prevention, care, guidance, support and defence of the right of women to a violence-free life, ensuring that the executive branch

has the necessary resources to finance plans, programmes, projects and actions aimed at preventing and addressing violence against women that are spearheaded by communities, local councils, women community advocates for women's rights, women's organizations and other grass-roots social organizations;

(l) Inclusion of the failure to issue a physical and mental health certificate or to provide the report in a timely manner as offences of institutional violence (art. 43);

(m) Addition of more actions considered to constitute the perpetration and the offence of trafficking in persons in accordance with the international legal framework (art. 72);

(n) Increase in the penalties for offences of physical and sexual violence, sexual acts with a particularly vulnerable victim, sexual abuse without penetration, forced prostitution, sexual slavery, sexual harassment, workplace violence, forced sterilization, media-based violence and trafficking in women, girls and adolescents;

(o) Incorporation, as accessory penalties (art. 85), of termination of parental rights in cases of femicide, sexual violence, sexual violence with a particularly vulnerable victim and sexual abuse without penetration, and termination of joint ownership of matrimonial property and withholding of the corresponding share of inheritance in cases of femicide, transferring these rights from the convicted person to the victim's children or ascendants, if any;

(p) Expansion of options for reporting offences of violence against women, to provide that reports may be made not only orally and in writing, but also in Venezuelan sign language and through any medium (art. 90);

(q) Inclusion, among the obligations of the entity receiving the report (art. 91), of issuance of protection and security measures without restriction to safeguard women's right to life and other human rights.

41. The Government is ensuring the administration of gender-sensitive justice throughout the country, through the establishment of specialized circuit courts in 75 per cent of the territory and, in the remaining 25 per cent, the assumption of special jurisdiction by municipal criminal courts in respect of offences involving violence against women.

42. The Directorate for the Defence of Women of the Public Prosecution Service currently has 72 prosecutors' offices throughout the country and a comprehensive support service for victims of gender-based violence.

43. There are five active shelters specializing in comprehensive care and protection for female victims and survivors of gender-based violence. The guidelines for the operation of these shelters, which were drawn up in 2016, contain guidance for action relating to assessments, protection, safety, confidentiality and psychological and legal assistance for victims of gender-based violence.

44. Between 2015 and 2023, the National Institute for Women provided advice and support to 78,784 women and 8,303 men, with emphasis on violence prevention. It also conducted activities on prevention of gender-based violence for the general public; 119,245 women and 23,067 men participated in those activities.

45. Under the women community advocates for women's rights programme, the National Office for the Defence of Women's Rights has trained 5,946 women around the country as community advocates for women's rights, who carry out activities for the prevention of gender-based violence and support victims in their communities.

46. In 2021, the National Assembly passed the Act on the Prevention and Elimination of Sexual Abuse against Children and Adolescents.⁸ The Act recognizes this offence as a serious violation of human rights. It provides for the protection of the right of all children and adolescents to be protected from any form of sexual abuse, to physical integrity and to the free development of their personality, as full subjects of law, under the principle of shared responsibility between the State, families and society (art. 1). The Act establishes the

⁸ Official Gazette No. 6.655, special edition of 7 October 2021.

National Commission for the Prevention of, Comprehensive Protection from and Elimination of Sexual Abuse of Children and Adolescents (art. 13). It also provides that persons convicted of any form of sexual abuse of a child or adolescent will be deprived of parental rights with regard to all their children (art. 19).

47. In February 2021, with a view to ensuring the proper application of the Organic Act on Women's Right to a Violence-Free Life, the Ministry of People's Power for the Interior, 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.⁹

48. In the period 2015–2022, the psychosocial care programme implemented through the offices of the National Institute for Women covered 42,095 women and 360 men nationwide.

Voluntary termination of pregnancy and reproductive rights (arts. 6, 7 and 8)

49. Between 2014 and 2019, family planning consultations were provided to 4,867,386 women of childbearing age. Of these women, 60 per cent received free contraception, of which 51 per cent were oral contraceptives. These supplies are being distributed through two plans: (1) the network of local and specialized outpatient care services, prioritizing rural areas and vulnerable populations; (2) the plan for immediate post-partum contraception, which was rolled out in the country's main maternity and obstetric centres.

50. The distribution and prescription of contraceptives increased from 174,966 in the first half of 2019 to 439,002 in the first half of 2020.

51. In 2018 and 2019, the plan for immediate post-partum contraception and intrauterine manual aspiration was launched in 14 priority states and 35 establishments around the country. There were 52 sessions of training workshops, with a total of 1,476 trained staff monitoring free and informed contraception for 25,362 women immediately after delivery.

52. In 2019 and 2020, the plan rolled out through the network of local and specialized outpatient care services resulted in the protection and treatment of 1,105,702 women. The activity was monitored by the regional coordinators of the maternity care pathway.

53. Venezuelan legislation sets criteria for the sterilization of women and men, providing that sterilization must be voluntary, based on informed consent and free from coercion. No sterilization in the Bolivarian Republic of Venezuela is carried out without the informed consent of the person concerned and his or her express decision to opt for a permanent contraceptive method in exercise of his or her bodily autonomy. Sterilizations are performed with due respect for the right of each person to decide on his or her reproduction.

54. In order to guarantee a gender-sensitive and human rights-based approach to sterilization, the official regulations on comprehensive sexual and reproductive health care require comprehensive counselling prior to sterilization, including on alternative means of contraception; written authorization; surgical and anaesthetic risk assessment, where applicable; and the requirement for sterilizations to be performed by qualified medical staff.

55. The second amendment of the Organic Act on Women's Right to a Violence-Free Life substantially increased the penalty for the offence of forced sterilization, raising it from 2 to 5 years' imprisonment to 10 to 15 years' imprisonment and suspension from practice for a period of 10 to 15 years (art. 67).

56. In order to implement the provisions of the Organic Act on Women's Right to a Violence-Free Life, the Public Prosecution Service established on-call prosecution services in the main maternity wards. The project involves the deployment of prosecutors specialized in investigating offences of violence against women to receive and handle complaints of obstetric violence and/or forced sterilization without delay. The aim is to protect women

⁹ Official Gazette No. 42.076 of 26 February 2021.

victims while ensuring that health workers cannot modify or tamper with the evidence needed for the investigation.

57. Between January 2014 and September 2020, the Public Prosecution Service's Directorate General for the Protection of the Family and Women received six complaints of forced sterilization.

Table I

Cases involving the offence of forced sterilization filed under the Organic Act on Women's Right to a Violence-Free Life

Public Prosecution Service

<i>Offence/Year</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Forced sterilization	0	3	0	1	1	1	0

58. The National Plan for Humanized Childbirth was approved on 11 July 2017 as a joint strategy of the Ministry of People's Power for Health, the Ministry of People's Power for Women and Gender Equality and the National Institute for Women. Its aim is to promote community-based assistance to women and their families during pregnancy, immediately before and after birth, during breastfeeding and with regard to respectful parenting.

59. Between 2017 and August 2020, a total of 18,101 women were trained as community-based humanized childbirth advocates, responsible for supporting pregnant and breastfeeding women, in 54 per cent of parishes and in 77 per cent of municipalities across the country.

60. The Governing Body of the National Plan for Humanized Childbirth and Breastfeeding was created in 2019 to coordinate and harmonize public policies for the comprehensive care and protection of pregnant, breastfeeding or post-partum women, in order to protect their human rights.

61. The National Early and Teenage Pregnancy Prevention and Reduction Plan included the Programme of Comprehensive Sex Education Outside School. Teaching methods and curricula were updated to provide comprehensive instruction in sexuality and sexual and reproductive health from initial education through college. In this connection, the Subcommittee on Statistics of Early and Teenage Pregnancy was created, with the task of compiling statistics on teenage pregnancy to assist in decision-making. In addition, a campaign was launched to raise awareness of teenage pregnancy among teenagers and their families. The campaign consists of 10 spots on television, 10 on the radio and 10 on social media.

62. Other measures taken to prevent teenage pregnancy include:

(a) Training and guidance on sexual and reproductive health provided to 121,402 university students in 2019;

(b) Provision of contraceptives, involving five of the care units providing differentiated care and giving a total of 289,362 students free, universal and direct access to contraceptives;

(c) Training for 1,269 new health workers in strategies for providing adolescent-friendly care services (2016–2019);

(d) Strengthening of 239 sentinel centres for family planning;

(e) Technical cooperation from the Andean Health Organization-Hipólito Unanue Agreement in the formulation, implementation and monitoring of the Andean Plan for Adolescent Pregnancy Prevention.

63. The unilateral coercive measures applied against the country since 2014 have had a negative impact on maternal mortality, causing an increase in what had previously been a stable indicator. From 2016 onward, measures taken by the State, including the adoption, in

2018, of the Concerted Strategy for the Reduction of Maternal and Neonatal Mortality, have led to a downward trend in maternal mortality.

Table II
Causes of maternal mortality

Ministry of People's Power for Health

<i>Cause / Year</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Oedema, hypertension with proteinuria in pregnancy, childbirth and puerperium	109	133	231	141	149	145	63
Pregnancy ending in abortion	42	32	78	48	68	41	17
Complications during labour and delivery	52	64	123	152	127	84	44
Main complications related to puerperium	43	49	100	131	91	50	28
Other foetal and amniotic cavity-related conditions and potential complicated birth	172	143	184	227	163	239	136
Maternal care for foetal and amniotic cavity-related conditions and potential complicated birth	28	45	51	35	39	36	18
Other maternal disorders mainly related to pregnancy	14	12	14	22	42	7	13
Total	460	478	781	756	679	602	319

64. In the period 2014–2019, a total of 2,209,856 pregnant women received prenatal care. By September 2020, 206,888 pregnant women were registered. During the COVID-19 pandemic, in-home care was delivered to 17,431 pregnant women.

65. A comparative assessment of maternity care pathway indicators for the first half of 2019 and 2020, respectively, shows a 25 per cent increase in the services provided through the network of local and specialized outpatient care for childbirth and low-risk pregnancy (vaginal delivery).

66. Between 2018 and 2019, natural childbirth care increased by 31 per cent based on hospital obstetric care data alone, and by 71 per cent when data on care delivered through local and specialized outpatient care services are added. Between 2019 and 2020, the percentage of normal births remained above 70 per cent, taking into account childbirth care provided through the network of low-risk pregnancy delivery rooms.

67. In recent years, hospitals have been fitted out with high-technology equipment. By 2020, 998 pieces of equipment (foetal monitors, ultrasound scanners, surgical instruments for childbirth and caesarean sections, scales and multi-parameter monitors) had been distributed to upgrade 75 obstetric services, hospitals and community and outpatient services nationwide.

Right to life (art. 6)

68. In judgment No. 161 of 11 November 2021, the Criminal Appeals Division of the Supreme Court confirmed that the offence of enforced disappearance is not subject to statutory limitation or procedural benefits that could constitute a form of impunity, in conformity with article 29 of the Constitution.

69. In the period 2015–2022, the Public Prosecution Service recorded 455 cases associated with the offence of enforced disappearance established in article 180-A of the Criminal Code. Of these, 402 cases are under investigation, 10 cases are at the trial stage, 40 cases have been concluded and 16 cases have been dropped. During the same period, 71 public officials were charged, 72 were indicted and 5 were convicted. In total, during the same period, the Public Prosecution Service requested 2,867 measures in connection with alleged offences of enforced disappearance.

70. The Ministry of People's Power for the Interior, Justice and Peace delivers training, education, specialization and in-service training to police officers nationwide, based on international standards on the progressive use of force.

Table III

Progressive use of force

Ministry of People's Power for the Interior, Justice and Peace

<i>Workshops</i>	<i>Courses</i>	<i>Lectures</i>	<i>Participating officers</i>
1 516	809	569	59 537

71. In Venezuela, there is a set of regulations governing police action during public gatherings and demonstrations. Accountability and detailed reporting are part of State policy in this regard.

72. Under the terms of the letter of understanding signed between the Government and OHCHR in September 2019, which was renewed in September 2020 and 2021, OHCHR provided technical assistance to the Ministry of People's Power for the Interior, Justice and Peace for an update of the police standards applicable to particularly complex operations, including the codes of conduct for special operations units and for controlling public gatherings and demonstrations.

73. The "peace zones" initiative has led to a significant reduction in the number of violent deaths. Homicides, in particular, have shown a marked and steady decline since 2018.

74. In the period 2015–2019, the number of violent deaths among prison inmates fell significantly, dropping from 103 in 2015 to 44 in 2019.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 6, 7 and 10)

75. Since 2017, the Public Prosecution Service has taken 64,368 measures to investigate and punish offences of torture and other cruel, inhuman or degrading treatment under articles 17, 18 and 21 of the Special Act to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment. In the period 2017–2022, 1,486 officials were charged, 993 officials were indicted and 108 officials were convicted.

Table IV

Officials prosecuted for torture or cruel, inhuman or degrading treatment

Public Prosecution Service

<i>Year</i>	<i>Charged</i>	<i>Indicted</i>	<i>Convicted</i>
2017	200	364	14
2018	277	88	9
2019	161	121	10
2020	211	110	1
2021	275	125	27
2022	362	185	47
Total	1 486	993	108

76. The National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment continues to receive technical assistance from OHCHR, especially in the area of strengthening mechanisms for human rights monitoring of persons deprived of their liberty.

77. Under the terms of the letter of understanding between the Government and OHCHR, the legal framework regulating the prevention and punishment of torture, including the regulations governing the National Commission for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment, is currently being reviewed.

Treatment of persons deprived of their liberty and conditions of detention (arts. 6, 7, 9, 10, 14 and 26)

78. In 2021, the National Assembly adopted amendments to the Prisons Code, under which oversight of respect for the human rights of persons deprived of their liberty was increased and a judicial review mechanism for disciplinary measures was introduced.¹⁰ Decree No. 4.610,¹¹ 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.

79. 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.

80. 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.

81. Efforts to build and adapt prisons and to implement the new prison regime 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 covered. The policies implemented have made it possible to eradicate overcrowding and to reduce violence in prisons.

82. In 2021, International Pride Day was celebrated at Rodeo II Prison and the National Women's Correctional Institute, among other penitentiary centres.

Liberty and security of person (art. 9)

83. 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. In Venezuela no one is arrested for political reasons.

84. In 2021, the National Assembly adopted the Organic Act on the Protection of Personal Liberty and Security,¹² under which the safeguards accompanying the right to personal liberty are strengthened by means of expedited proceedings before a specialized court. It also amended the Code of Criminal Procedure¹³ to strengthen the presumption of innocence and the rights of the accused in criminal proceedings and to confirm the nullity of any arrest made in violation of the Constitution and the law.

85. Article 230 of the Code of Criminal Procedure was amended to shorten the duration of pretrial detention to a maximum of 2 years, with the possibility of a one-year extension in certain exceptional circumstances. Article 237 was also amended to remove the requirement for the judge to impose pretrial detention when the alleged offence carries a term of imprisonment in excess of 10 years.

¹⁰ Official Gazette No. 6.647, special edition of 17 September 2021.

¹¹ Official Gazette No. 42.125 of 12 May 2021.

¹² Official Gazette No. 6.651, special edition of 22 September 2021.

¹³ Official Gazette No. 6.644, special edition of 17 September 2021.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

86. In 2021, the Ministry of People's Power for the Interior, Justice and Peace, which is the relevant oversight body, adopted the National Plan to Combat Trafficking in Persons, 2021–2025.¹⁴ The Plan sets out to develop a comprehensive policy to coordinate actions between State institutions, private companies, non-profit organizations, the people's power organs and national and international cooperation agencies to prevent, address, suppress, punish and mitigate the offence of trafficking in persons. In this context, the National Council to Combat Human Trafficking attached to the Office of the Vice-President of the Republic was created to provide advice and liaise with public and private entities and institutions to ensure follow-up, evaluation, implementation and oversight of the Plan.

87. The Scientific, Criminal and Forensic Investigations Unit set up a body to coordinate trafficking-related investigations across the national territory. This means that a coordination body dedicated to investigating this type of offence will be set up in each state.

88. Between 2017 and 2022, the Public Prosecution Service received 660 complaints of human trafficking; over the same period, 785 persons were charged in connection with this type of offence. A total of 777 people implicated were indicted and 182 arrest warrants were requested. In 2021 and 2022, an improved State response to this type of offence was noted.

Table V

Cases filed, persons charged and persons indicted for the offence of trafficking in women, children and adolescents

Public Prosecution Service

<i>Year</i>	<i>Cases filed</i>	<i>Persons charged</i>	<i>Persons indicted</i>	<i>Arrest warrants requested</i>
2017	57	42	33	8
2018	64	91	122	16
2019	84	125	82	31
2020	98	135	124	27
2021	156	211	173	50
2022	201	181	243	50
Total	660	785	777	182

89. In 2019, the special prosecutor's office dealing with trafficking in women (No. 95) and the special prosecutor's office dealing with trafficking in children and adolescents (No. 96) were set up. Public Prosecution Service decision No. 98 of 27 January 2023 expands the competencies of the special prosecutor's office dealing with trafficking in women (No. 95), granting jurisdiction over the smuggling of women migrants and transforming it into the special prosecutor's office dealing with trafficking and smuggling of women (No. 95).

90. All in all, the Autonomous Institute and National Council for Children's and Adolescents' Rights, the National Office for the Comprehensive Care of Victims of Violence, the Scientific, Criminal and Forensic Investigations Unit and the Bolivarian National Police Force operate 223 care, protection and prevention centres nationwide where victims of human rights violations, including violence, sexual exploitation, offences against sexual integrity, human trafficking and people smuggling and forced labour, among others, receive care, support, assistance and shelter.

91. The Public Prosecution Service, with support from UNICEF, produced four socio-educational guides, one of which contains questions and answers on trafficking in

¹⁴ Presidential Decree No. 4.540 of 16 July 2021, published in Official Gazette No. 42.173 of 21 July 2021.

children and adolescents and provides a detailed description of this punishable act, including information on support services available to victims, in simple language.

92. The Identification, Migration and Foreign Nationals Administration has carried out the following human trafficking-related activities:

(a) Quarterly training on human rights and human trafficking for members of the Bolivarian National Police Force assigned to the Migration Directorate and, more generally, Administration officials operating at border control points and border posts;

(b) Talks on legal issues for Administration officials operating at border control points and border posts on domestic legislation for the protection of migrant children and adolescents;

(c) Information workshops delivered at ports, airports and checkpoints, during which risk scenarios that might constitute warning signs of human trafficking are discussed;

(d) Coordination with the competent police and State security forces to facilitate real-time responses to reports of acts that may amount to human trafficking offences.

93. In 2022, the Ministry of People's Power for the Interior, Justice and Peace carried out 2,588 human trafficking prevention activities and 4,395 prevention activities concerning related offences such as illegal immigration, migrant smuggling and offences against sexual integrity nationwide.

94. Between 2016 and 2022, the National Office on Organized Crime and Terrorism Financing provided 22 trainings on the offence of trafficking in persons, in which 1,454 public officials from the various oversight bodies participated.

Freedom of movement (art. 12)

95. The identity card serves as the main identification document within the national territory. It is issued free of charge. More than 260 offices around the country are equipped to deliver the services related to the issuance of identity cards. Identity cards are valid for 10 years from the date of issue. In the case of foreigners, the validity is linked to the expiry date of the corresponding visa.

96. The Venezuelan passport is the travel and identification document for Venezuelans abroad. In order to facilitate the issuance of passports, the Government has established an online platform that can be accessed 365 days a year from anywhere in the world. Via this platform, Venezuelan nationals can register; file an application; choose the office where the document will be handed out, which may be in the country or at any duly accredited embassy, diplomatic mission or consular office or section of the Bolivarian Republic of Venezuela abroad; make payment; and track the process from the time of application to the delivery of the document.

97. The validity of ordinary passports is as follows: (1) passports for children under 3 years of age, 3 years; (2) passports for children and adolescents between 3 and 18 years of age, 5 years; and (3) passports for Venezuelans aged 18 years and over, 10 years.

98. Passports issued by the passport printing centre are distributed and delivered within the country by land, air and sea. International distribution and delivery are coordinated with the Ministry of People's Power for Foreign Affairs, since international shipping companies refuse to provide services to the Bolivarian Republic of Venezuela as a result of the unilateral coercive measures applied against the country.

Access to justice, independence of the judiciary and administration of justice (arts. 2 and 14)

99. The Bolivarian Republic of Venezuela continued to strengthen the independence and impartiality of the judiciary and the Public Prosecution Service in line with the provisions of the Constitution and the law.

100. In 2022, the National Assembly amended the Organic Act of the Supreme Court of Justice,¹⁵ reaffirming that judges must be appointed by public competitive examination, as provided in the Constitution. The amendment also reinforced the independence of the Inspectorate General of Courts, entrusting the appointment of the Inspector General to the National Assembly by way of a procedure that enables citizens to participate.

101. In October 2021, the Public Prosecution Service approved a plan to regularize the employment of temporary prosecutors¹⁶ in order to enhance the independence of the Prosecution Service by giving prosecutors tenure. The regulations governing the seventh public competition for the post of prosecutor were subsequently issued.

102. The Public Defence Service has 65 offices around the country that deal with 14 areas of law, including criminal, child protection, agrarian, civil, commercial and shipping, tenancy, Indigenous and labour law. The services are provided free of charge and are open to anyone, without discrimination.

Table VI

Persons represented and assisted by counsel

Public Defence Service

<i>Year</i>	<i>Users represented</i>	<i>Users assisted after termination of relationship with private counsel</i>	<i>Legal consultations</i>
2015	618 879	16 572	428 857
2016	800 251	11 107	412 396
2017	960 268	16 858	445 317
2018	820 522	17 635	525 102
2019	764 667	12 259	494 158
2020	216 522	6 332	17 998
2021	396 355	7 103	221 475
2022	478 549	16 759	325 407
Total	5 056 013	104 625	2 870 710

103. The Public Defence Service has a stable workforce and is gradually expanding the network of offices. The number of public defender's offices increased from 1,253 in 2021 to 1,270 by the end of 2022. The number of public defenders has also increased, from 1,445 at the end of 2021 to 1,597 in 2022. In order to guarantee legal assistance to all persons 365 days a year, the Public Defence Service operates on-call services in all fields of law nationwide.

104. In 2021, the National Assembly amended the Organic Code of Military Justice¹⁷ to specify that civilians may be tried only by ordinary criminal courts, not by military criminal courts.

Freedom of expression (arts. 19 and 20)

105. The Constitution of the Bolivarian Republic of Venezuela recognizes and protects the right of all persons to freedom of expression (art. 57) and the Government respects this right in practice.

106. Between 2020 and the first quarter of 2021, 10 new AM radio stations (all of them private), 70 FM radio stations (67 per cent public, 24 per cent private and 8 per cent community radio stations) and one free-to-air television station were licensed.

¹⁵ Official Gazette No. 6.684, special edition of 19 January 2022.

¹⁶ Decision No. 1.953 of 15 October 2021, published in Official Gazette No. 42.241 of 26 October 2021.

¹⁷ Official Gazette No. 6.646, special edition of 17 September 2021.

107. Journalists carry out their daily work without restrictions other than those established in the Constitution, national law and international treaties ratified by Venezuela. The State recognizes the important role played by journalists in the functioning of democracy.

108. All State security agencies have been specifically instructed to step up measures to protect journalists as they perform their work during public gatherings and demonstrations.

109. In 2021, the National Assembly adopted the Act on Transparency and Access to Information of Public Interest,¹⁸ developing the legal framework for ensuring the right of access to information.

Rights to freedom of peaceful assembly and freedom of association (arts. 21 and 22)

110. 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. The demonstrations were often violent, which prompted the State security agencies to take action to control them. In cases where excesses by security agencies were reported, investigations have been opened and steps have been taken to establish responsibility. OHCHR provided technical assistance to the Bolivarian Republic of Venezuela to help it update its protocols for controlling public gatherings and demonstrations.

111. Venezuela recognizes the important contribution made by civil society organizations and human rights defenders. One of the five pillars of the National Human Rights Plan, 2016–2019, was to promote the participation of all types of civil society organizations working in the field of human rights. The work carried out by human rights organizations in the country is supported through the Federal Council of Government. The National Human Rights Council has also created forums for ongoing dialogue and communication with human rights defenders and organizations.

112. In the Bolivarian Republic of Venezuela, human rights defenders are able to carry out their work freely without fear of threats, intimidation or attack of any kind, or intimidation or reprisals on account of their cooperation with the United Nations, its representatives and its human rights mechanisms. All allegations of threats, harassment or human rights violations brought to the attention of the competent authorities are duly investigated by the Public Prosecution Service, in accordance with the provisions of the Constitution and the law.

113. The National Electoral Council organizes elections of unions, guilds and professional associations, in line with article 293 of the Constitution. The Council has issued a series of texts on the conduct of this process, which fully respect the right of association.

114. Under these provisions, the elections authority conducted a total of 8,140 trade union elections and 374 professional association elections between 2001 and 2023.

115. Currently, 250 trade union elections are being prepared and another 383 unions have requested support from the National Electoral Council. In addition, 33 professional organizations, including the faculty association at the University of Carabobo and the teaching and research faculty association at the Rómulo Gallegos National Experimental University, have sought technical advice from the National Electoral Council.

Rights of the child (arts. 23, 24 and 26)

116. The right of children and adolescents to an identity is guaranteed. Between 2013 and 2020, 4,828,898 births were registered. Between 2012 and 2020, 2,793,841 children and adolescents, including 12,167 Indigenous children and adolescents, were issued identity cards for the first time.

117. In order to protect migrant children and adolescents, the National Committee for the Protection of Venezuelan Child and Adolescent Migrants was established in 2018.¹⁹ The

¹⁸ Official Gazette No. 6.649, special edition of 20 September 2021.

¹⁹ Official Gazette No. 42.040 of 5 January 2021.

Committee receives advice from UNICEF on handling issues relating to restrictions on the return of children and adolescents to the country, registration of birth records and situations of statelessness, among others. This work is coordinated by the Consular Relations Office of the Ministry of People's Power for Foreign Affairs.

118. The National Committee for the Protection of Venezuelan Child and Adolescent Migrants responds to reports of children in situations of vulnerability and liaises with the respective consular offices to ensure their comprehensive protection and facilitate family reunification. The Committee takes the requisite action to repatriate the unaccompanied migrant child or adolescent and to locate his or her father, mother, legal guardian, other relative or any person who has an emotional bond with the child. If the family of origin or extended family cannot be located, the necessary steps are taken to bring the child or adolescent to a care institution run by the Autonomous Institute and National Council for Children's and Adolescents' Rights, where the protection measure ordered by the Protection Council will be carried out.

Right to participation in public affairs (arts. 25 and 26)

119. In the Bolivarian Republic of Venezuela, all persons freely exercise their right to political participation without fear of threats, intimidation or attack of any kind.

120. Approximately 14,000 male and female candidates from 107 political organizations participated in the 2020 National Assembly elections. Of the total number of candidates, only around 500 were members of political groups allied with the ruling party. The remaining candidates belonged to a variety of groups, which is a sign of true political pluralism, in strict compliance with the provisions of article 2 of the Constitution.

121. The disqualification penalties imposed by the Office of the Comptroller General of the Republic are based on article 105 of the Organic Act on the Office of the Comptroller General and the National Fiscal Control System and article 44 of the Anti-Corruption Act. In the period 2015–2021, the Office of the Comptroller General disqualified 58 candidates running for elected office from public service.

122. The Constitutional Chamber of the Supreme Court, by judgment No. 0068 of 5 June 2020, declared the electoral system and system for electing Indigenous representatives provided for in articles 174–186 of the Organic Act on the Electoral Process invalid. The National Electoral Council developed a new regulatory and normative framework in line with that decision.

123. In May 2021, the National Electoral Council issued special regulations for the election of Indigenous representatives in the 2021 elections of legislators to state legislative councils and councillors to municipal councils.²⁰

124. The regulations establish an entirely nominal voting system in which candidates are chosen by electors who, in turn, have been elected by assemblies of Indigenous Peoples in accordance with their customs and traditions. The constituencies for the election of Indigenous representatives were set up in such a way as to maximize the representation of Indigenous communities, in accordance with article 66 of the Organic Act on Indigenous Peoples and Communities, data from the latest census of the Indigenous population in Venezuela, ethno-historical sources and other available statistical data.

125. Furthermore, it was established that, in order to be represented among Indigenous electors or representatives in legislative councils and municipal councils, the population concerned must be constituted as an Indigenous community or communities and take its decisions collectively.

126. Special requirements were introduced whereby candidates must be recognized as Indigenous persons, speak their language and meet at least one additional requirement, such as being a traditional community leader, having a track record of defending cultural identity,

²⁰ Decision No. 210526-0027 of 26 May 2021.

engaging in activities in defence of Indigenous Peoples or belonging to a legally constituted Indigenous organization that has been in operation for at least three years.

127. Between 6 July and 13 August 2022, with the assistance and support of the National Electoral Council, Indigenous electors were chosen in 4,172 community assemblies, which represent 94 per cent of identified Indigenous peoples and communities.

128. The community assemblies also elected representatives to the state and municipal deliberative bodies in the general assemblies, with the participation of the following Indigenous Peoples: the Ye'kuana, Yanomami, Huottüja, Curripaco, Piapoco, Jivi, Baré, Yeral, Piaroa and Puniave in the state of Amazonas; the Kariña and Cumanagoto in the state of Anzoátegui; the Pumé, Jivi and Cuiba in the state of Apure; and the Kariña, Pemón, Warao, Shiriana, Ye'kuana, Curripaco, E'ñepá, Hoti, Huottüja, Baniva, Piapoco, Baré, Mapoyo, Pumé, Jivi, Pemón Kamarakoto, Arawak and Sanema in the state of Bolívar, as well as the Warao community in the state of Delta Amacuro; the Kariña, Chaima and Warao communities in the states of Delta Amacuro and Sucre; and the Añú, Wayuu, Bari and Yukpa communities in the state of Zulia.

129. In accordance with the handbook on the political participation of Indigenous Peoples and communities in the 2021 elections to state legislative councils and municipal councils, each polling station was composed of three members: a president, a main member and a secretary. Each station had a voting list with the final register of electors, who had to sign and fingerprint the list once they had cast their vote.

130. The special regulations provide for the progressive formation of the Indigenous electoral register, a process being carried out by the National Electoral Council.

131. As of March 2023, 139 Indigenous community councils have been certified and 460 are in the process of certification. Community councils are forums for direct participation in decision-making on matters of public interest.

Rights of ethnic, religious and linguistic minorities (arts. 1 and 27)

132. Since the national strategic development zone known as “Arco Minero del Orinoco” was established in 2016,²¹ the Bolivarian Republic of Venezuela has taken specific measures to protect the human rights of the Indigenous population living in this zone and the surrounding municipalities.

133. In 2016, the Presidential Commission for Eco-Socialist Development and the Protection of the Rights of Indigenous Peoples in Mining Activities²² was created to advise the State on decision-making related to mineral exploration and exploitation activities that might affect the rights of Indigenous Peoples, including the right to prior consultation on mining projects.

134. Since 2016, the Ministry of People's Power for Indigenous Peoples has rolled out activities across the state of Bolívar, holding more than 90 consultation and outreach events with the Indigenous Peoples and communities living in the Arco Minero del Orinoco development zone.

135. Among the key measures implemented to provide security in the Arco Minero del Orinoco strategic development zone and the surrounding municipalities, the executive branch established, within the Bolivarian National Armed Forces, the “Guayana” strategic defence region and the “Bolívar” operational defence zone and a special unit for protection and security in the Arco Minero del Orinoco zone, which reports directly to the strategic operational command of the Bolivarian National Armed Forces.

²¹ Decree No. 2.248, published in Official Gazette No. 40.855 of 24 February 2016.

²² Official Gazette No. 40.866 of 10 March 2016.

136. This unit includes a special general staff with responsibility for coordinating with the competent bodies and entities in the areas of the environment, eco-socialism, eco-friendly mining development, the Venezuelan Mining Corporation, the Ministry of People's Power for the Interior, Justice and Peace, the Public Prosecution Service, the judiciary and other State security agencies to monitor the exploitation of mineral resources, small-scale mining activities (small-scale or artisanal mining), crime prevention, the transit of citizens through the Arco Minero del Orinoco zone and respect for human rights.
