



Economic and Social Council

Distr.: General
27 April 2015
English
Original: Spanish
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

Fifty-fifth session

1-19 June 2015

Item 6 (a) of the provisional agenda

**Consideration of reports: Reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the third periodic report of the Bolivarian Republic of Venezuela

Addendum

Replies of the Bolivarian Republic of Venezuela to the list of issues*

[Date received: 1 April 2015]

* The present document is being issued without formal editing.



Contents

	<i>Paragraphs</i>	<i>Page</i>
I. General information	1-19	3
II. Issues relating to the general provisions of the Covenant (arts. 1-5)	20-70	6
Article 1, paragraph 2: The right to freely dispose of natural wealth and resources	20-30	6
Article 2, paragraph 1: The obligation to take steps to the maximum of available resources.	31-42	9
Article 2, paragraph 2: Non-discrimination	43-49	10
Article 3: Equal rights of men and women.	50-70	11
III. Issues relating to specific provisions of the Covenant (arts. 6-15)	71-224	16
Article 6: The right to work	71-85	16
Article 7: The right to just and favourable conditions of work.	86-89	18
Article 8: Trade union rights	90-95	19
Article 9: The right to social security	96-97	20
Article 10: Protection of the family, mothers and children	98-115	20
Article 11: The right to an adequate standard of living	116-161	23
Article 12: The right to physical and mental health.	162-196	30
Articles 13 and 14: The right to education	197-214	35
Article 15: Cultural rights	215-224	38

I. General information

Reply to paragraph 1 of the list of issues

Judicial decisions in which the rights enshrined in the Covenant have been invoked and/or directly enforced by domestic courts

1. The Supreme Court of Justice has a long tradition of basing its decisions on the rights enshrined in the International Covenant on Economic, Social and Cultural Rights. While it would take too long to mention them all, a summary of the decisions issued between 2000 and 2015 that make explicit reference to the Covenant is provided in the table below, followed by a number of relevant examples.

Table 1
Judicial decisions that mention the Covenant

<i>Number of decisions</i>	<i>Division</i>	<i>Articles invoked</i>
Twelve decisions were issued, numbered as follows: (100 of 2015, 822 of 2013, 1353 of 2014, 953 of 2013, 258 of 2013, 964 of 2013, 1342 of 2013, 1392 of 2014, 1702 of 2013, 83 of 2013, 685 of 2013 and 1028 of 2013)	Constitutional	1, 2, 3, 6, 7, 9 and 10
Twenty-five decisions were issued, numbered as follows: (1976 of 2003, 1002 of 2007, 1352 of 2008, 1214 of 2010, 1353 of 2008, 1024 of 2000, 267 of 2007, 765 of 2009, 926 of 2009, 196 of 2013, 680 of 2006, 1527 of 2012, 126 of 2012, 1394 of 2013, 1041 of 2014, 00763 of 2010, 01527 of 2012, 01228 of 2013, 187 of 2014, 1185 of 2014, 00266 of 2007, 00016 of 2012, 01511 of 2013, 01352 of 2000 and 00823 of 2010)	Political/administrative	1, 2, 6, 8, 9 and 10
Two decisions were issued, numbered as follows: (1800 of 2014 and 56 of 2014)	Social Cassation	7

2. Mention should be made of the decision of the Constitutional Division of the Supreme Court of Justice of 19 December 2002 (SC-TSJ Case No. 02-3157) concerning the motion for constitutional protection (*amparo* action) filed by a representative of Petróleos de Venezuela S.A. (PDVSA), acting on his own behalf but also in his capacity as Director, claiming that his constitutional rights and those of PDVSA, together with the collective and diffuse rights and interests of the Venezuelan people, had been violated by the alleged actions and omissions of the members of a civil association who had played a leading role in an illegal petrol strike that had paralysed the country's main industry and source of income, jeopardizing the safety and rights of all Venezuelans.

3. The Constitutional Division found that diffuse rights and interests are objectively indeterminate, since the legal object of such rights is an indeterminate service as regards the potential beneficiaries of the activity in question, in the same way as positive rights such as the right to health, right to education and right to decent

housing, protected by the Constitution of the Bolivarian Republic of Venezuela¹ and the International Covenant on Economic, Social and Cultural Rights, depend for their effective provision on a series of benefits requiring positive action by the State.

4. The Court therefore upheld the *amparo* action on the grounds that the constitutional rights allegedly violated as a result of the interruption and reduction of the economic and industrial activity of the enterprise concerned² included the right to life, the right to protection of personal integrity and safety, the right to protection of family life, the right to health services, the right to work, the right to earn a salary, the right to employment security, the right to receive a complete education, the right to engage freely in the economic activity of one's choosing, the right of private ownership and the right to quality goods and services, which all enjoy protection under the Constitution and the Covenant.

5. By Decision No. 85 of 24 January 2002 (*Asodeviprilara* case), the Constitutional Division of the Supreme Court partially accepted the action for the protection of diffuse or collective rights and interests brought against the Superintendency of Banks and Other Financial Institutions and the Executive Board of the Institute for the Protection and Education of Consumers and Users in relation to the granting of mortgage and commercial loans, unsecured or with retention of title, known as Wage-Indexed Mexican Loans (*Crédito Mexicano Indexado al Salario*).

6. The Court based its decision on a comprehensive analysis of concepts of the rule of law and the social rule of law together with a detailed study of the constitutional and legal order at the time the loans were granted and under the current regime. Finally, on the basis of an evaluation of the body of evidence informing the judicial decisions, the Constitutional Division concluded among other things that, in the case of the granting of mortgage and commercial loans, the damage arose from the capitalization of interest charges, generating additional interest at floating rates, sometimes excessive in relation to the original interest rate set when the transaction was concluded. This effect was to create a disproportion between the refinanced capital and the capital actually received by a person previously recognized to have a limited repayment capacity, to the extent that the regulations governing the system themselves provided for a creditor rescue fund in anticipation of cases where the borrower was unable to pay.

7. The Constitutional Division therefore found that, to avoid this situation, an average rate should be set somewhere between the market interest rate charged to borrowers since 1996 and the interest rates set by the Venezuelan Central Bank for social benefits from 1996 onwards, and that the rate in question should take into account the country's employment situation and the income levels of the Venezuelan people.

8. In the case of loans for vehicle purchase, the Constitutional Division also found it usurious and disproportionate that the monthly repayments should include an additional fee in the form of a collection charge and that this should remain unchanged to the detriment of the borrower, who was unable to amortize the capital in making his monthly repayments since the interest calculated at the variable rate and the collection charge were added to the monthly instalments and the outstanding amount was transferred to the capital. The result was that the system generated a final instalment equal to the whole of the unliquidated capital. The capital in turn produced default

¹ *Gaceta Oficial Extraordinaria* No. 5453 of 24 March 2000.

² In accordance with article 4 of Decree No. 1510 with Force of Organic Law on Hydrocarbons, published in *Gaceta Oficial* No. 37323 of 13 November 2001, it is "of public utility and social interest".

interest if repayments were not made on time, together with an increase of three annual percentage points in the rate applicable from the first day of default.

9. The Court therefore ordered that the premiums payable on the contracts in question should be revised to eliminate the collection charges and that, in keeping with the practice of the Venezuelan Central Bank since 1996, the maximum monthly interest rate should be pegged to the procurement market rate, with retention of title, and that interest should not be charged on a daily basis.

10. By its decision of 13 July 2007, the Constitutional Division of the Supreme Court declared itself competent to hear an *amparo* action brought against the electric company Elecentro with reference to the fundamental right to enjoyment of quality goods and services, to adequate and non-misleading information on the content and nature of products and services consumed or used, to freedom of choice, to equal and dignified treatment and to goods and services meeting the needs of the population, basing its reasoning on the rights protected under the Constitution and the Covenant.

Steps taken to raise general awareness, especially among members of the judiciary, of the rights contained in the Covenant

11. The measures adopted to give effect to the economic, social and cultural rights enshrined in the Covenant include the establishment of the National School of the Judiciary to help improve the administration of justice in Venezuela through the provision of training programmes for judicial officials, and the creation of the National School of Prosecutors of the Public Prosecution Service to provide new prosecutors with the advanced professional training required to conduct inquiries and trials and to act in cases brought by the Prosecution Service by adopting a human rights approach to the exercise of justice in order to guarantee citizens adequate protection and to uphold the human rights enshrined in the Constitution and in the international instruments signed and ratified by the Bolivarian Republic of Venezuela.

12. In recent years, the Ombudsman's Office and other public bodies have implemented various programmes and activities to promote, disseminate and provide training on human rights, taking into account the needs and characteristics of each region of the country, the interests of the population and the recommendations made by the treaty bodies of the United Nations.

13. Social media have also played an important role in promoting, disseminating and raising public awareness of human rights. Information has been made available to the public at large through radio, television and cinema programmes. The Ombudsman's Office, in cooperation with other State institutions, runs a mobile cinema club that uses cinema to conduct mass media campaigns on human rights and encourages citizens to enjoy and exercise their cultural and recreational rights, and civil servants to show greater respect for human rights in carrying out their duties.

14. Under the Cinema Beneath the Stars programme of the National Cinematographic Foundation, an institution operating under the auspices of the Ministry of People's Power for Culture, films with human rights content are shown nationwide.

15. The Ministry of People's Power for Communication and Information disseminates and promotes human rights through the National Public Media System.

16. Training programmes are being implemented to train voluntary groups from different sectors of society to serve as outreach workers to promote human rights in their everyday lives. The methodology used is based on systematic training in human rights and the provision of tools and strategies for information dissemination.

17. The Ministry of People's Power for Education is in the process of incorporating human rights training into the curriculum at every level and in all branches of the Venezuelan education system. By Decision No. 447 of 6 November 2001, the Ministry of People's Power for Education established education ombudsman's offices whose main function is to promote and defend the human rights of children and adolescents nationwide.

18. Moreover, since the educational policy framework requires students to undertake an activity of benefit to their educational institution or community in order to obtain their high-school leaving certificate or technical qualification, the Ministry of People's Power for Education offers activities to promote and disseminate human rights, particularly economic, social and cultural rights, as an option to students when choosing the type of community service they wish to undertake.

19. Furthermore, the Human Rights Directorate of the Ministry of People's Power for the Interior, Justice and Peace serves as a complaints mechanism through a national network of 200 delegates and organizes educational and training activities and workshops for community bodies, public officials and other interested parties, based on the provisions of the Constitution and various international treaties.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 1, paragraph 2: The right to freely dispose of natural wealth and resources

Reply to paragraph 2 of the list of issues

20. The Indigenous Peoples Habitat and Lands Demarcation and Protection Act³ was the first legal instrument created with the aim of systematizing and regulating the formulation, coordination and implementation of public policies relating to the demarcation of the habitat and lands of indigenous peoples and guaranteeing the right to collective ownership.

21. The Act provides for the establishment of the National Commission on the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities,⁴ with its respective regional demarcation committees and technical teams, as the body responsible for overseeing and coordinating the demarcation procedure presided over by the Ministry of People's Power for the Environment. The membership of the National Commission comprises:

(a) One representative of each of the Ministries of People's Power responsible for the environment, energy and petroleum, trade, culture, education, defence, foreign relations, and the interior and justice;

(b) One representative of the Simon Bolívar Geographical Institute of the Ministry of People's Power for the Environment;

(c) Eight indigenous representatives of the states in which their communities reside, namely: Anzoátegui (Cumanagoto), Bolívar (Arawako, Macuchu, Pemón, Sanemá, Uruak or Arutani and Wapishana), Monagas (Chaima), Delta Amacuro (Warao), Sucre (Chaima), Amazonas (Baniva, Baré, Jivi, Kkurripako, Mako, Piapoco, Piaroa, Puinave, Yabarana, Sáliva, Warekena, Yanomani, Yekuana and Yyerai), Apure

³ Decree No. 1392, *Gaceta Oficial* No. 37118 of 12 January 2001.

⁴ The establishment of this Commission was announced in *Gaceta Oficial* No. 37257 of 19 August 2001.

(Kuiba, Ppumé and Yaruro) and Zulia (Aañú or Paraujano, Barí, Yukpa, Japrería and Wwayuu), belonging to three language families: Arawako, Caribe and Chibcha;

(d) As a permanent guest, a representative of the Ministry of People's Power for Indigenous Peoples.

22. Resolution No. DGCJ 035 issued by the Vice-President of the Republic provided for the establishment of the National Commission on the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities, which is composed of representatives of high-level institutions and indigenous peoples (Official Gazette No. 39800 of 15 November 2011), consubstantial with articles 26 and 29 of the United Nations Declaration on the Rights of Indigenous Peoples. Information on the land titles granted up to 2014 is provided below:

Table 2

Land titles granted from 2005 to 2014

Land titles granted from 2005 – 2014							
Period	State	Indigenous people	Land titles granted	Communities	Families benefited	Approximate population	Surface area (Ha)
2005 – 2009	Anzoátegui	Kariña – Cumanagoto	13	13	118	5 187	181,870.93
	Apure	Pumé, Jivi, Cuiva	13	13	476	1 906	393,915.95
	Delta Amacuro	Warao	1	6	62	246	27,763.05
	Monagas	Kariña, Warao	9	9	640	2 558	124,902.18
	Sucre	Warao	1	4	96	371	197,662.16
	Zulia	Yukpa	3	34	1 375	5 500	41,630.07
	Total for the period 2005 – 2009		40	79	2 767	15 768	967,744.34
2011 – 2013	Anzoátegui	Cumanagoto-kariña	22	66	4 841	24 707	203 011,47
	Apure	Pume	9	9	488	1 806	37 962,46
	Amazonas	Hoti	1	1	100	543	223 078,21
	Bolívar	Kariña	3	3	215	1 310	54 612,96
		Pemon	1	14	1 185	4 650	597 982,87
		Mapoyo	1	17	195	663	261 493,29
	Delta Amacuro	Warao	1	20	243	1 256	41 130,53
	Monagas	Warao	6	10	323	1 569	161 933,69
	Sucre	Kariña	1	133	6 900	15 430	27 722,24
	Zulia	Bari	1	14	208	830	231 570,10
		Yukpa	1	143	1 975	7 897	143 610,50
Total for the period 2011 – 2014		47	430	16 673	60 661	1 984 108,32	
Total for the period 2005-2014		93	545	20 271	79 142	2,951,852.66	

23. In terms of the progress made in the land demarcation process, 93 land titles had been granted up to 2014, benefiting 20,271 families and representing 2,951,852.66 hectares of land.

24. Currently, 43 applications for the demarcation of the habitat and lands of indigenous peoples are being processed simultaneously. The land titles in question will be granted once the process of approving each of the applications is complete. Requests for demarcation are processed chronologically and in the order in which they are received.

25. In accordance with the comprehensive strategy for the national application of the United Nations Declaration on the Rights of Indigenous Peoples, the National Plan for 2013-2019 provides for: “improving the habitat and the infrastructure of the

indigenous population”; “accelerating the demarcation of their lands through the granting of land titles to indigenous communities and the provision of decent housing to all indigenous families in a vulnerable situation while respecting their cultural choices”; and “increasing the number of Socialist Missions and Great Socialist Missions in indigenous communities while recognizing and respecting their culture and traditions”.

26. In short, Venezuela possesses a major national strategy — unprecedented in its history — for recognizing, appreciating and supporting indigenous peoples in keeping with the United Nations Declaration on the Rights of Indigenous Peoples.

Reply to paragraph 3 of the list of issues

27. Article 120 of the Constitution recognizes the right to freely dispose of natural wealth and resources and obliges the State to ensure the prior and informed consultation of indigenous peoples as an essential mechanism in the adoption of administrative and legislative measures. The Indigenous Peoples and Communities Act contains a chapter on this subject (chapter II), which far from regulating the manner in which each indigenous people makes its decisions lays down the procedures that the State must follow in holding such a consultation, while encouraging indigenous peoples to develop their own internal mechanisms on the basis of their customs, languages and spirituality, thereby enabling them to take appropriate decisions. It should be noted that the introduction of prior and informed consultation as a standard procedure is currently an ongoing topic of discussion in Latin America.

28. The Act lays down that the forms of organization, legitimate authorities and communication system of the members of indigenous peoples and communities should be strictly respected, prohibits activities in their habitat and lands that could seriously or irreparably compromise their cultural, social, economic, environmental or other kinds of integrity and clearly stipulates how far in advance a project to be carried out within an indigenous community should be announced, the way in which it should be carried out and what its scope should be.

29. The Act obliges the State to provide the necessary technical support to the indigenous communities consulted. The Act in no way obliges indigenous peoples and communities to introduce decision-making mechanisms that are different from their own or from those based on their customs and practices. Mutual agreements are to be concluded in writing between indigenous peoples and communities and the proposers of the project without prejudice to the right of the indigenous peoples and communities to initiate legal proceedings before the competent courts in the event of non-compliance and to request that the concessions and authorizations granted by the State should be revoked if the proposers or those responsible for carrying out the project violate the agreements concluded with the peoples and communities concerned.

30. It is important to note that, under the existing legislation in Venezuela, all activities relating to the exploitation of natural resources and any development projects to be carried out in indigenous habitats or lands are subject to the prior information and consultation procedure.

Article 2, paragraph 1: The obligation to take steps to the maximum of available resources

Reply to paragraph 4 of the list of issues

31. President Nicolás Maduro promulgated the Act amending the Anti-Corruption Act (Official Gazette, Special No. 6155 of 19 November 2014) with the aim of combating corruption more effectively and strengthening the culture of honesty within society and in all areas of government.

32. The Act prescribes penalties for international or transnational bribery and rests on three main pillars: the fight against corruption; institutional cohesion among the judicial, citizen and public branches; and the capacity of the police to conduct investigations and protect those it investigates. It also established the National Anti-Corruption Force, which will be responsible for prosecuting and punishing those who commit this crime. The new body will work on the ethical, educational, institutional, legal and investigative dimensions of the fight against corruption.

33. This new regulation provides that prosecutions for crimes against public property are not subject to statute of limitation. The changes extend the scope of the law to encourage the population to participate in the fight against corruption. The amended Act similarly promotes cohesion between the judiciary and the police to ensure that the fight against corruption yields positive results.

34. In 2008, the Attorney General of the Republic set up the Anti-Corruption Unit to combat one of the major ills affecting Venezuelan society, namely corruption. The Anti-Corruption Unit of the Public Prosecution Service is constantly establishing inter-institutional links with bodies such as the Office of the Comptroller-General of the Republic, the Scientific, Criminal and Criminalistic Investigations Unit and the National Budget Office, which have seconded personnel to work in partnership with the representatives of the Attorney General's Office on the investigations assigned to them.

35. The main purpose of the Unit is to deal expeditiously, in response to community concerns, with cases affecting public assets and/or involving high-ranking public officials. In this way, through the Anti-Corruption Unit, the Public Prosecution Service is making headway in the fight against impunity.

36. The Public Prosecution Service comprises 49 prosecutor's offices and units of the Anti-Corruption Directorate responsible for criminal investigations and other activities. In 2013, 665 cases were brought before the courts following arrests in flagrante delicto by the prosecutors of the Public Prosecution Service. In the same year, the Anti-Corruption Department registered a total of 12,319 cases stemming from complaints, accusations, flagrant acts of corruption and cases brought by the Directorate itself, which account for 2.15 per cent of the total number of cases registered by the institution.⁵ In addition, the prosecutors attached to the Anti-Corruption Department reported 1,343 cases to the courts and 983 to the Public Prosecution Service.

37. A total of 6,413 final decisions were handed down, 324 legal proceedings were initiated, 154 of which were dismissed. In addition, 18,697 proceedings were brought before the courts by prosecutors at the preparatory, intermediate and trial stages, consisting of 12,643 hearings overseen by the prosecutor, 2,737 preliminary proceedings, 670 proceedings following arrests in flagrante delicto, 628 trial hearings, 533 requests for orders not to leave the country, 437 requests for arrest warrants, 346

⁵ Management Report of the Public Prosecution Service submitted in 2014.

preliminary hearings, 304 trials, 263 requests for search warrants, 70 requests for prohibition on the sale or encumbering of property, and 66 hearings under article 295 of the Code of Criminal Procedure.

38. To strengthen the fight against corruption and provide the community with a strong response in this regard, working methods were devised to speed up legal proceedings. They included 4,175 investigations into irregularities in the acquisition and distribution of dollars through the Foreign Exchange Administration Commission, (CADIVI), today the Foreign Trade Centre (CENCOEX), involving 2,716 natural persons and 1,459 legal persons, i.e. companies.

39. With the aim of reinforcing inter-institutional relations, the Public Prosecution Service, in partnership with the Ministry of People's Power for Water and Air Transport, carried out operations in the ports of La Guaira and Puerto Cabello (located in the states of Vargas and Carabobo, respectively) to check the contents of goods containers declared abandoned. They were found to contain medical materials, expired chemical substances, decomposing food products and other goods different from those declared on the respective import manifests. This triggered investigations into suspected foreign exchange and/or customs-related offences.

40. In 2014, strong action was also taken in the offices of the Identification, Migration and Alien Affairs Service (SAIME), located in the different regions of the country, with the aim of combating corruption offences, including charging sums of money for issuing passports and identity documents. The measures included those carried out in the states of Bolívar, Guárico and Zulia, which led to the arrest of several persons involved in this kind of offence. Those concerned were subsequently charged and 16 were found guilty.

41. The Anti-Corruption Directorate has also taken action in the cases relating to the State enterprise Mercado de Alimentos, C.A. (Mercal), specifically for the unlawful marketing of tons of meat.

42. The Public Prosecution Service, in order to facilitate and encourage the filing of complaints of acts of corruption, set up victim assistance units and the hotline 0800-FISCA-00 under the auspices of the Citizens Advice Bureau to take immediate action on complaints by citizens subject to inducement or coercion by public officials in the exercise of their functions, demanding or extracting promises of sums of money or other unlawful gifts in return for not damaging the complainant's reputation or involving him/her in criminal and/or administrative or other types of proceedings.

Article 2, paragraph 2: Non-discrimination

Reply to paragraph 5 of the list of issues

43. In Venezuela, equality and non-discrimination is a fundamental right enshrined in article 21 of the Constitution. This right carries the obligation for the State to ensure the enforcement, observance and enjoyment of the rights recognized by law, without distinction of race, colour, sex, language, religion, political opinion, national or social origin, economic standing, birth or any other social condition of individuals under its jurisdiction.

44. The measures taken by State authorities, the monitoring function performed by the courts through their decisions and the promulgation of the relevant laws are among the most effective means of protecting the right not to suffer discrimination as they make it possible to identify potential infringements and prevent harmful activities. In this regard, one of the strongest claims in defence of non-discrimination is found in the Education Act, which includes among its guiding principles and values the

exchange of social and artistic theories and practices, knowledge, experience, folk wisdom and ancestral wisdom, which consolidate the identity of our Latin American, Caribbean, indigenous and Afro-descendant peoples.

45. In 2011, the National Assembly approved the Racial Discrimination Act, which establishes mechanisms to prevent, address, eliminate, eradicate and penalize racial discrimination as a punishable offence. This Act strengthens the action of the State by setting up a National Institute against Racial Discrimination, which will be responsible for implementing public policy for the prevention, elimination and eradication of racial discrimination in every field. After reviewing this legislative text, the Supreme Court declared it to be in conformity with the Constitution and with the requirements of organic legislation.

46. A further piece of legislation that guarantees equality and the right not to suffer discrimination is the Social Responsibility in Radio, Television and Electronic Media Act, which expressly states that messages may not be disseminated by radio, television or electronic media that incite or promote hatred and intolerance on grounds of religion, politics, gender difference, racism or xenophobia and prescribes penalties for the dissemination of discriminatory messages.

47. The population of African descent in Venezuela has been visibly integrated into political, economic, social and cultural activity, further contributing to the establishment of a society without discrimination, racism or xenophobia. To advance towards this goal, the Presidential Commission for the Prevention and Elimination of All Forms of Racial Discrimination and Other Distinctions in the Education System, composed of various State institutions and members of Afro-Venezuelan organizations, was established in 2005.

48. In addition, President Nicolás Maduro promulgated the Act for the Promotion and Protection of the Right to Equality of Persons with HIV/AIDS and Their Family Members, which was published in Official Gazette No. 40571 of 30 December 2014. The Act prohibits all forms of discrimination or segregation against persons with HIV/AIDS as part of the effort to combat exclusion as an impediment in the fight against this epidemic which can lead to new HIV infections. The Act prohibits acts or conduct by any person or by any health centre or workplace, whether educational, sporting, recreational, cultural or legal, of a public or private nature, that discriminates against persons with HIV/AIDS or their family members on the grounds of their state of health.

49. The Act breaks new ground in providing, inter alia, for security of employment for persons who have contracted the HIV infection, which means that the virus ceases to be a limitation on working, studying or interacting freely in economic, social and cultural terms in the country.

Article 3: Equal rights of men and women

Reply to paragraph 6 of the list of issues

50. Venezuela has an extensive body of legislation designed to protect gender equality and equity, including:

- The Act approving the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (1995);⁶
- The Equal Opportunities for Women Act (1999);⁷

⁶ *Gaceta Oficial* No. 35632 of 17 January 1995.

- The Constitution of the Bolivarian Republic of Venezuela (2000);⁸
- The Act approving the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2001);⁹
- The Act approving the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2001);¹⁰
- The Indigenous Peoples and Communities Act (2005);¹¹
- The Child Protection Act (2007);¹²
- The Act on Women's Right to a Life Free from Violence (2007);¹³
- The Act on the Promotion of Breastfeeding (2007);¹⁴
- The Persons with Disabilities Act (2007);¹⁵
- The Family and Parenthood Act (2007);¹⁶
- The Indigenous Languages Act (2008);¹⁷
- The Indigenous Artisans Act (2009);¹⁸
- The Cultural Heritage of Indigenous Peoples and Communities Act (2009);¹⁹
- The Racial Discrimination Act (2011);²⁰
- The Education Act (2009);²¹
- The Social Responsibility in Radio, Television and Electronic Media Act (2010);²²
- The Labour Act (2012);²³
- The partial reform of the Act on Women's Right to a Life Free from Violence (2014);²⁴
- The Act on the Promotion and Protection of Equal Rights for People Living with HIV/AIDS and their Family Members (2014).²⁵

51. A structural and institutional measure for monitoring and implementing gender-sensitive public policies was the establishment in 2009 of the Ministry of People's

⁷ *Gaceta Oficial Extraordinaria* No. 5398 of 26 October 1999.

⁸ *Gaceta Oficial Extraordinaria* No. 5453 of 24 March 2000.

⁹ *Gaceta Oficial* No. 37353 of 27 December 2001. Act No. 64.

¹⁰ *Gaceta Oficial* No. 37304 of 17 October 2001.

¹¹ *Gaceta Oficial* No. 38344 of 27 December 2005.

¹² *Gaceta Oficial Extraordinaria* No. 5859 of 10 December 2007.

¹³ *Gaceta Oficial* No. 38770 of 18 September 2007.

¹⁴ *Gaceta Oficial* No. 38763 of 6 September 2007.

¹⁵ *Gaceta Oficial* No. 38598 of 5 January 2007.

¹⁶ *Gaceta Oficial* No. 38773 of 20 September 2007.

¹⁷ *Gaceta Oficial* No. 38931 of 28 July 2008.

¹⁸ *Gaceta Oficial* No. 5929 of 15 August 2009.

¹⁹ *Gaceta Oficial* No. 39115 of 6 February 2009.

²⁰ *Gaceta Oficial* No. 39823 of 19 December 2011.

²¹ *Gaceta Oficial Extraordinaria* No. 5929 of 15 August 2009.

²² *Gaceta Oficial* No. 39579 of 23 December 2010.

²³ *Gaceta Oficial Extraordinaria* No. 6076 of 7 September 2012.

²⁴ *Gaceta Oficial* No. 40551 of 28 November 2014.

²⁵ *Gaceta Oficial* No. 40571 of 30 December 2014.

Power for Women and Gender Equality,²⁶ which serves as the lead institution for gender policy in the Bolivarian Republic of Venezuela. The agencies linked to it include the National Institute for Women and its regional branches, the National Ombudsman's Office for Women's Rights, the Women's Development Bank and the Josefa Joaquina Sánchez *Madres del Barrio* mission ("neighbourhood mothers mission"), and there are also women's centres and women's shelters in the states and municipalities.²⁷

52. The State and its institutions have developed strategies at various levels for achieving gender equality and gender equity. In this regard, one of the legislative advances made in Venezuela to reduce gender stereotyping and gender-specific roles within the family is the 2007 Family and Parenthood Act.

53. One of the most important aspects of the Act centres on the principle of equality of rights and duties among family members as the basis for exercising the principle of shared responsibility and family solidarity with support from the State and its agencies through the promotion of policies, programmes, projects and actions designed to give effect to these principles. The aim of the Act is to bring about a significant change in the traditional assignment of gender roles, which places on mothers the full burden of responsibility for questions relating to maternity and childbirth, whereas the responsibility should be shared between both fathers and mothers. The Act represents a step towards eliminating the division of traditional labour within the family.

54. Prior to the promulgation of the Act, leave for childbirth concerned only women, since prenatal and postnatal leave were reserved exclusively for mothers. Article 9 of the new Act provides that "working fathers in the country are also entitled to paid paternity leave when their children are born, so that they may share on an equal footing with the mother the obligations and responsibilities involved in raising and taking care of the newborn child".

55. This leave is granted for 14 consecutive days — extended for an additional period of 14 consecutive days if the child is seriously ill or if the mother is suffering from life-threatening health complications — or for 21 consecutive days in the event of a multiple birth. In the event of the death of the mother, the father is entitled to take the prenatal leave that would have been granted to the mother, so that he may give the child the care that is so essential during the first days of life. The Act also establishes that workers who adopt a child aged 3 are also entitled to paid parental leave and to protection from dismissal. As part of the effort to implement the various national and international legal instruments on women's rights, the Ministry of People's Power for Women and Gender Equality has established several bodies to promote women's participation and empowerment, such as the Women's Rights and Gender Equality Committees.

56. With regard to measures to ensure implementation of the legal framework for maternity protection, the 2012 Labour Act (*Ley Orgánica del Trabajo, los Trabajadores y las Trabajadoras*)²⁸ provides for special protection from dismissal for mothers and equivalent protection for fathers during their partner's pregnancy and for two years after the child's birth. The Act also covers reinstatement in cases where a mother or father has been unjustly dismissed, which has resulted in the reintegration of 1,070 female workers under the maternal protection provision, 593 with assistance from the Workers' Attorney's Office, and 1,078 male workers under the paternal protection provision.

²⁶ Decree No. 6663, *Gaceta Oficial* No. 391156 of 13 April 2009.

²⁷ Used to house women for whom remaining in the home poses an immediate threat to their safety.

²⁸ *Gaceta Oficial* No. 6076 of 7 May 2012.

57. The Ministry of People's Power for Women and Gender Equality and its associated bodies encourage the establishment of women and gender equality committees in communes and similar committees in local councils. Both institutions are engaged in the struggle for women's rights in everyday life, including women's right to a life free from violence, and encourage women to participate more fully in politics. They also undertake educational activities to raise awareness of gender issues, such as the sharing of responsibilities within the household and respect for diversity in sexuality and gender expression enabling individuals to express their sexuality in ways that are liberating, pleasurable and responsible.

58. The Advisory Council was set up as a grass-roots body to encourage participation among feminist and women's organizations so that the various women's movements forming part of the Council can submit proposals to the Ministry of People's Power for Women and Gender Equality on the design, application and implementation of public policies for the advancement of women and gender equality. To date, more than 180 women's and feminist movements and organizations have already participated.

59. The Carmen Clemente Travieso Media Observatory is responsible for promoting the eradication of stereotypes, which it seeks to mitigate through forums for coordination with feminist and women's organizations at the forefront of efforts to restore an ethics of communication and spread messages free from violence and discrimination and to contribute thereby to building a social State governed by justice and the rule of law that guarantees the comprehensive development of all citizens through the creation of a body to monitor and analyse sexist and discriminatory content published, disseminated or spread by private and/or public media.

60. One of the Observatory's major achievements was the submission of an *amparo* application to the Supreme Court against a weekly sports newspaper that had repeatedly published highly sexual, discriminatory and sexist content. The application was granted on 17 November 2014, and the Public Prosecution Service was ordered to launch administrative proceedings to remove from the publication any content that objectified women and to prohibit its continued publication pending a final judgement.

61. With regard to the workplace, both the Constitution²⁹ and the Labour Act³⁰ prohibit all forms of discrimination and promote gender equality and gender equity. As for wages, male and female workers have an equal right to earn a salary sufficient to enable them to live with dignity and cover basic material, social and intellectual needs for themselves and their family.³¹ Women enjoy equal access to all jobs, posts, promotions and job opportunities.³²

62. The labour inspectorate plays a very active role in Venezuela in ensuring equal pay without discrimination between male and female workers; equal pay for equal work without sex-based discrimination is guaranteed.

63. During the first half of 2014, a total of 13,549 workplaces were inspected, of which 13,049 complied with the requirement to pay the minimum wage to male and female workers without discrimination. Workplaces that violate this obligation are subject to punishment in accordance with the law.³³ These labour inspections covered

²⁹ Constitution of the Bolivarian Republic of Venezuela, art. 89, para. 5.

³⁰ Ibid., art. 18, para. 7, and arts. 20, 21, 98 and 129.

³¹ Ibid., art. 91.

³² Equal Opportunities for Women Act, *Gaceta Oficial Extraordinaria* No. 5398 of 26 October 1999, arts. 11-17 and 39.

³³ Article 533 of the Labour Act (2012) stipulates that employers who pay their workers wages below the established minimum wage shall be fined an amount ranging from the equivalent of 120 tax units to the equivalent of 360 tax units.

448,755 workers, of whom 273,305 were male and 175,450 female, and all workers are guaranteed equal employment benefits without any form of discrimination.³⁴

64. The employment rate among women in the country is high. According to 2013 data, the rate was 93.4 per cent among men and 91.3 per cent among women.³⁵

65. In order to implement Presidential Decree No. 9821, approved in April 2012, the Bolivarian Government incorporated women working in the informal sector into the Venezuelan Social Security Institute (IVSS), registering 152,216 persons by 2013, of whom 91,330 (60 per cent) are women and 60,887 (40 per cent) are men.

66. In its concluding observations on the combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/VEN/CO/7-8), the Committee on the Elimination of Discrimination against Women highlighted the State party's efforts to improve its institutional framework so as to speed up the elimination of discrimination against women and to promote gender equality, for example by establishing the following agencies: (a) the National Commission on Gender Justice, in 2011; and (b) the Ministry of People's Power for Women and Gender Equality, in 2009.³⁶ The Committee also welcomed the fact that the State had signed international instruments on the subject.

67. Women have gradually taken up more senior positions in Government; as of 2014, three of the five branches of government (electoral, citizen and judicial) are headed by women. Within the judiciary, the number of senior positions held by women increased by 35 percentage points from 1999 to 2012; in 1999, 6.7 per cent of Supreme Court judges were women, and by 2012 that number had risen to 43.8 per cent.

68. In 2013, the number of women mayors increased by 68 per cent; 54 of the 335 mayors in the country were women, representing 16 per cent of all mayoral positions. Forty-three per cent (304) of those included on the diplomatic list are women and 57 per cent (400) are men.

69. With a view to eliminating stereotypes against women, the Social Responsibility in Radio and Television Act has prescribed the need to promote ethical values aimed at reducing the discrimination and subordination to which women have been subjected, by eliminating stereotyped and violent images directed against women, by respecting the regulations on broadcasting hours and by including educational programmes with a gender perspective. User organizations have also been established so that users may participate in the process of drafting, implementing and evaluating public policies on the media.

70. Efforts have been made to promote the creation of Venezuelan, Latin American and other cinematographic works on feminist topics, directed by women, which relate stories of famous women and anonymous heroines that help women to recognize themselves in various roles and situations and raise awareness in society in general.

³⁴ Report submitted by the Ministry of People's Power for Social Progress in Labour concerning the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100) and transmitted to ILO by official letter No. 149/2014 of 28 August 2014.

³⁵ Report submitted by the Ministry of People's Power for Social Progress in Labour concerning the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and transmitted to ILO by official letter No. 149/2014 of 28 August 2014.

³⁶ Decree No. 6663, *Gaceta Oficial* No. 391156 of 13 April 2009.

III. Issues relating to specific provisions of the Covenant (arts. 6-15)

Article 6: The right to work

Reply to paragraph 7 of the list of issues

71. The unemployment rate in the Bolivarian Republic of Venezuela is one of the lowest in the region. According to data from the Economic Commission for Latin America and the Caribbean and ILO, the unemployment rate fell from 7.8 per cent in 2010 to 7.4 per cent in 2011, and according to figures from the National Institute of Statistics that downward trend continued, with the rate standing at 7.1 per cent in April 2014.³⁷

72. The percentage of the workforce employed in the formal economy rose from 45 per cent in December 1999 to 58 per cent in December 2012; during the same period, the percentage of the workforce in informal employment dropped from 55 per cent in 1999 to 42 per cent in December 2012.³⁸

73. In the first half of 2014, women comprised 62.3 per cent of workers in the formal economy, representing an increase compared with the rates in the first half of the years 2013, 2012, 2011 and 2010. Women made up 37.7 per cent of workers in the informal economy, which represented a decrease compared with the figures from the first half of the years 2013, 2012, 2011 and 2010.

74. The employment rate for the first half of 2014 was 79 per cent for men and 50.8 per cent for women.³⁹ The employment rate among women aged 25 to 44 has increased steadily since 2000.⁴⁰ In the first half of 2014 it stood at 69.2 per cent for the 25 to 44 age group and 27.7 per cent for the 15 to 24 age group. The rate among men was 95.4 per cent in the 25 to 44 age group and 54 per cent in the 15 to 24 age group. This indicates that the percentage of economically active men (aged 15 years or older) is greater than that for women available and willing to work. From 1998 onwards, the percentage of women aged between 45 and 64 and those aged 65 or older tended to increase up to the first half of 2014, when it stood at 44.9 per cent.⁴¹

75. In the first half of 2014, the employment rate⁴² was 91.7 per cent for women and 92.6 per cent for men. Compared to the first half of 2013, the increase in the employment rate in the formal sector was 5 percentage points higher for women than for men in the first half of 2014, averaging 62.3 per cent for women and 57.3 per cent for men. In the informal sector, women represented an average of 37.7 per cent of the total and men 42.7 per cent, which is inversely proportional to the difference in the percentage rates in the formal sector. This indicates that women have been

³⁷ Report submitted by the Ministry of People's Power for Social Progress in Labour concerning ILO Convention No. 111 (see footnote 35 above).

³⁸ Reply from the Ministry of People's Power for Social Progress in Labour to the questionnaire drafted by ILO on the gradual transition from the informal to the formal economy in the context of the 103rd International Labour Conference, held in June 2013.

³⁹ Aggregate labour force indicators, disaggregated by sex, from the first half of 1989 to the first half of 2014.

⁴⁰ Population indicators for persons 15 years of age or older, disaggregated by their situation in the labour force, age group and sex, from the first half of 1989 to the first half of 2014.

⁴¹ Ibid.

⁴² Population indicators for persons aged 15 years or over, disaggregated by participation in the formal or informal sector and the type of economic activity, from the first half of 1989 to the first half of 2014.

incorporated into the formal workforce, enjoying employment benefits and achieving a level of professionalization that meets the requirements of the labour market.⁴³

76. With regard to the wage gap, steps have been taken to raise incomes and eliminate the segregation of women in low-skill jobs by offering training programmes taught by the National Institute for Socialist Education and Training. Since 2007, the Institute has trained a total of 554,242 women as skilled workers, representing 51.63 per cent of graduates in a number of areas, including agricultural production, construction, manufacture, technology, telecommunications, commerce and services.

77. These training programmes promote the integration of women in traditionally male occupations, such as construction work, in which 3,351 women (31.68 per cent) earned qualifications; industrial technology, in which 234 women (36.61 per cent) qualified; and agricultural production, including training in the areas of crop production, livestock, agricultural exploitation and processing, agribusiness and forestry, in which 5,805 women (54 per cent) qualified.

Reply to paragraph 8 of the list of issues

78. The Women's Development Bank was established with a view to ensuring that women are included in the development of social production. It fulfils the ethical and political requirement to meet the social production and financing needs of women suffering from marginalization and discrimination by offering them financial and non-financial services.

79. With the aim of promoting equality in the workplace, the Women's Development Bank granted 10,730 microcredit loans between 2013 and March 2014, generating more than 57,327 social production jobs directly and 204,654 indirectly, as part of a strategy to reduce poverty in some cases and achieve economic independence in all cases, thereby promoting the effective empowerment of women at high social risk.

80. In 2013, a total of 21,520 women benefited from non-financial services relating to topics such as: the administration of solidarity-based companies from a gender perspective; cost analysis; basic accounting; the raising of awareness on the gender perspective; women's rights as victories for the feminist movement; living a life free from violence; socialist and feminist communes for living well or not at all; agroecology; organic fertilizers; and natural pest control methods. As at March 2014, a total of 6,981 social production jobs had been created through the Women's Development Bank, 2,327 directly and 4,654 indirectly. The Women's Development Bank promotes and supports grass-roots social production organizations and monitors the corresponding user networks. There are currently 225 networks with a total membership of 7,504, consisting of 7,190 women and 314 men. Thus 95 per cent of the support provided goes to women, in keeping with the Bank's policy.

81. In 2014, a total of US\$ 68.01 million was allocated for the promotion of social production activities among women. These funds were granted through the China Fund, the Development Fund for Women and the Women's Development Bank and were used to carry out projects under the "Street Government" (*Gobierno de Calle*) initiative, including agricultural (42 per cent), manufacturing (31 per cent), services (18 per cent), industry (5 per cent), tourism (1 per cent) and other projects (2 per cent).

82. The Mothers Committees are responsible for training housewives in production-related work and organizing them to obtain loans for economic activities. By 2011, 7,698 Neighbourhood Mothers Committees had been formed, and between 2007 and 2010 a total of 276,244 mothers received economic benefits. Between 2007 and 2011,

⁴³ Source: National Institute of Statistics.

funding was granted to 2,891 social production projects benefiting 19,824 mothers. Between 2012 and 2013, 4,610 new Neighbourhood Mothers Committees were established.

83. In an effort to boost the economy at the communal level, the authorities have established three María Evangélica Pérez de Pernalet training and agroecological production schools for food sovereignty and gender equality and two Mamá Rosa hotel/school training and productive development centres. These institutions have benefited 235 individuals, and more than US\$ 7.3 million has been invested in them.

84. The economic inclusion and empowerment of women living in poverty has been promoted through the work of the *Madres del Barrio* mission (“neighbourhood mothers mission”).⁴⁴ Between 2009 and 2013, a total of 3,421 social production projects focusing on the agricultural, manufacturing and services sectors were implemented throughout the country. In 2013, the foundation incorporated 2,781 indigenous projects, promoting a model of comprehensive development that will benefit indigenous peoples.

85. Also in 2013, the Government established the National Fund for the Productive Development of Women and allocated an initial amount of US\$ 31,746,031.75 million with a view to boosting productive economic activity among Venezuelan women. This funding platform has made it possible to finance 74 social production projects nationwide in the first quarter of 2014, disaggregated by sector as follows: 36 in the agricultural sector, 5 in the industrial sector, 26 in the manufacturing sector, 6 in the services sector and 1 in the tourism sector.⁴⁵

Article 7: The right to just and favourable conditions of work

Reply to paragraph 9 of the list of issues

86. Between May 2012 and May 2013, the National Institute of Prevention, Health and Safety at Work conducted 121 comprehensive inspections in the refinery sector and 28 in the construction sector.⁴⁶

87. Investigations have shown that the unfortunate explosion that took place on 25 August 2012 at the Amuay refinery in the Paraguaná Refinery Complex (Falcón State) was due to an act of sabotage and was not linked to inadequate health and safety conditions in the workplace.⁴⁷

88. The Public Prosecution Service has opened up a hotline at 0800-AMUAY MP (0800-2682967) that will offer support to victims of the explosion and their family members. A trained team of switchboard operators is standing by to provide the necessary assistance and timely response to those affected by the explosion. In addition, counselling is provided by officials from the Falcón prosecutor’s office and

⁴⁴ Established by Decree No. 4342, published in *Gaceta Oficial* No. 38.404 of 23 March 2006, reprinted in *Gaceta Oficial* No. 38404 of 24 March 2006. The foundation *Misión Madres del Barrio* was established to support mothers through a training and community organization programme enabling them to overcome poverty and establish small businesses or production units in the agricultural, manufacturing and services sectors.

⁴⁵ Report submitted by the Ministry of People’s Power for Social Progress in Labour concerning ILO Convention No. 100 (see footnote 34 above).

⁴⁶ Report submitted by the Ministry of People’s Power for Social Progress in Labour concerning the ILO Labour Inspection Convention, 1947 (No. 81) and transmitted to ILO by official letter No. 153/2013 of 31 August 2013.

⁴⁷ Reply from the Ministry of People’s Power for Social Progress in Labour transmitted to ILO by official letter No. 114 of 14 November 2013 in response to allegations made by the National Workers’ Union of Venezuela.

by a team of psychologists, psychiatrists and social workers from the victim care units within the state-level public prosecution services of Falcón, Zulia and Lara.

Reply to paragraph 10 of the list of issues

89. Under Venezuela's national labour law, the situation of men and women who carry out household chores (domestic workers) is governed by the 2012 Labour Act, and they enjoy the same rights set out for all workers in that Act.⁴⁸ Domestic workers enjoy, *inter alia*, the same national minimum wage,⁴⁹ working hours, weekly rest, holidays, holiday bonuses, social benefits, year-end bonuses, social security and adequate working conditions.

Article 8: Trade union rights

Reply to paragraph 11 of the list of issues

90. The State has strengthened trade union activity as one of its key policies with a major impact in the social and labour spheres. In accordance with the Constitution⁵⁰ and the 2012 Labour Act,⁵¹ the autonomy, democracy and functioning of the trade unions is guaranteed in order to protect their rights and interests.

91. Guarantees of freedom of association have been maintained and strengthened. Between 2000 and 2013, 6,086 new trade unions were registered, compared with 4,198 trade unions in the last 12 years of the Fourth Republic (1986-1998), representing an increase of 44.97 per cent.⁵²

92. With regard to self-organization among workers, as at August 2014 there were 103 new trade unions at local and national levels. Collective bargaining has protected and benefited a total of 1,160,844 workers through the approval of 448 collective labour agreements, 409 of which apply to the private sector and 39 to the public sector.⁵³

93. Concerning alleged "violations of trade union rights such as acts of violence and harassment directed against trade union leaders", this is a very broad and unfounded assertion that the State refutes yet again. In the Bolivarian Republic of Venezuela, it is customary for the tabloid press — especially newspapers specializing in crime stories — to publish headlines alleging offences against trade union members. However, such reports have proved to bear no relation to the real situation and activities of trade unions. These headlines are nevertheless employed by some "observatories" to produce spurious figures on measures taken against trade union members.

94. In the Bolivarian Republic of Venezuela, the protection afforded to trade union activities means that workers cannot be dismissed or transferred, nor can their working conditions be changed or their access to the workplace denied. If employers are to take any of these measures, they must first provide justification, the validity of which cannot be decided unilaterally by the employer. Rather, they must report their reasons for taking the action, and it is for the competent judicial or administrative authority to

⁴⁸ Labour Act (2012), art. 207.

⁴⁹ Decree No. 1431 of 17 November 2014, *Gaceta Oficial* No. 40542 of 17 November 2014. The national minimum monthly wage, which is compulsory for all workers in the public and private sectors, is set at 4,889.11 bolívares as from 1 December 2014.

⁵⁰ Constitution, art. 95.

⁵¹ Labour Act (2012), Title VII, arts. 353-496.

⁵² Report submitted by the Ministry of People's Power for Social Progress in Labour concerning the ILO Employment Service Convention, 1948 (No. 88), transmitted to ILO by official letter No. 149/2014 of 28 August 2014.

⁵³ *Ibid.*

decide whether the reason provided is sufficient to justify the dismissal, transfer, change of working conditions or denial of access to the workplace. Only after the competent authority has granted authorization may the employer take the proposed action; any action taken without prior authorization is considered null and void.

95. The fact that several complaints or requests to classify behaviour as misconduct have been filed against trade union members does not mean that trade union freedoms have been violated. On the contrary, trade union members who are accused of misconduct that, in the employer's view, is deserving of punishment remain in their jobs and are free to carry out their trade union activities until the competent authority issues its decision. Employers have the right to report behaviour or request that it be classified as misconduct, while unionized workers have the right to enjoy protection from dismissal and respect for their trade union activities.⁵⁴ The State therefore refutes the allegation that violations of trade union rights such as acts of violence and harassment directed against trade union leaders take place in the country.

Article 9: The right to social security

Reply to paragraph 12 of the list of issues

96. Under the Constitution, all persons have the right to social security, a not-for-profit public service ensuring health provision and protection for mothers, fathers, the sick, the incapacitated, those suffering from catastrophic illness, the disabled, people with special needs, those affected by workplace accidents, loss of employment or unemployment, the elderly, widows and widowers, orphans, people with housing problems and family burdens, and so forth.⁵⁵ Parenthood is fully protected, whatever the marital status of the parents.⁵⁶

97. In 2014, the number of pensioners rose to 2,565,725. In 1998, just 19.6 per cent of those eligible — women over 55 and men over 60 — received a pension; by 2014 coverage had risen to 72.6 per cent.

Article 10: Protection of the family, mothers and children

Reply to paragraph 13 of the list of issues

98. The Venezuelan Constitution extends broad rights and protection to families, children, adolescents, mothers and fathers.⁵⁷ These are implemented through the Family and Parenthood Act,⁵⁸ while the 2012 Labour Act⁵⁹ provides the family and parents with wide protection with regard to raising, training, educating, maintaining and caring for their children.

99. All employers of more than 20 employees must maintain a comprehensive education centre, including a breastfeeding room, in order to provide suitable care and education for employees' children aged between 3 months and 6 years.⁶⁰

⁵⁴ Reply from the Ministry of People's Power for Social Progress in Labour transmitted to ILO by official letter No. 114 of 14 November 2013 in response to allegations made by the National Workers' Union of Venezuela.

⁵⁵ Constitution of the Bolivarian Republic of Venezuela, art. 86.

⁵⁶ Ibid., art 76.

⁵⁷ Ibid., arts. 75-81.

⁵⁸ *Gaceta Oficial* No. 38773 of 20 September 2007.

⁵⁹ Labour Act (2012), arts. 330-352.

⁶⁰ Ibid., art. 343.

100. Important in this connection is the creation of the *Gran Misión Hogares de la Patria* (Great Homeland Homes Mission), which represents a core strategy of the Bolivarian Revolution as regards the provision of comprehensive care for women, men, children and young people. The *Hogares de la Patria* action plan is geared to the development of social programmes in the areas of social protection, the socio-productive integration of families and participation and training in the values of equality, equity, coexistence and peace, conducive to new relationships between children, adolescents and their families.

Reply to paragraph 14 of the list of issues

101. The issue of child and adolescent labour in Venezuela is addressed within the framework of the National System for the Comprehensive Protection of Children and Adolescents, under which Child and Adolescent Protection Councils are the bodies responsible in each municipality for protecting individual children and adolescents when their rights or guarantees are threatened or violated. The Council's powers include that of "authorizing adolescents to work and maintaining the register of adolescent workers, submitting this information to the ministry of people's power with responsibility for labour matters",⁶¹ having regard to existing legislation concerning work prohibited on the grounds of being dangerous or harmful to health.⁶²

102. Adolescents are prohibited from undertaking work that may affect their comprehensive development in any way; the State thereby protects them from any form of economic or social exploitation.⁶³

103. The labour inspectorate under the Ministry of People's Power for Social Process in Work has overall responsibility for monitoring working conditions and between 2010 and the first quarter of 2013 inspected the conditions of employment of 12,636 adolescents.⁶⁴

104. The Government is working to reduce school dropout figures through measures such as the School Meals Programme, which provides a balanced diet to children and adolescents attending State schools at the primary and intermediate levels. In addition, school textbooks are provided free of charge to pupils, together with free laptop computers.

105. All these measures serve to improve the retention of children and adolescents in the education system, overcoming economic factors contributing to the lack of enrolment by providing students with the necessary resources for study. As a result, school dropouts have been reduced to less than 1 per cent at the primary level and 5 per cent at the secondary level. It is hoped to include the children and adolescents, representing 3 per cent of the school-age population, who remain outside the school system.⁶⁵

⁶¹ Child Protection Act (LOPNA), *Gaceta Oficial Extraordinaria* No. 5859 of 10 December 2007, art. 98.

⁶² Regulations on Health and Safety Conditions in the Workplace, arts. 79, 80, 575 and 834; Labour Act, (2012), art. 245.

⁶³ Labour Act, (2012), art. 18, para. 8.

⁶⁴ Reply of the Ministry of People's Power for Social Process in Work (MPPPST) to the International Labour Organization (ILO) through Memorandum No. 116 of 14 November 2013 concerning complaints submitted by the Workers Confederation of Venezuela (CTV).

⁶⁵ Report by the Ministry of People's Power for Social Process in Work concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), submitted to ILO by memorandum No. 153/2013 of 31 August 2013.

Reply to paragraph 15 of the list of issues

106. It should be noted that as a result of the implementation of the Act on Women's Right to a Life Free from Violence, 38 special courts for the protection of women and gender equality have been established, as well as 56 prosecutors' offices attached to the Directorate for the Defence of Women, 56 prosecution services under the Directorate for Ordinary Crimes and 14 municipal prosecutors' offices attached to the Directorate of Senior Prosecutors' Offices, making a total of 126 prosecution services for cases involving violations of women's rights. In July 2011, the Directorate for the Defence of Women was established within the Public Prosecution Service to ensure the full exercise of women's rights and fundamental freedoms on an equal footing with men and to follow up cases of gender-based violence.

107. An institutional standard of care for women affected by violence is being implemented. The bodies involved in this work are the Ministry for Women, the Supreme Court, the Public Prosecution Service, the Ombudsman's Office and the National Office for Women's Rights of the National Institute for Women, with technical cooperation from the United Nations Population Fund (UNFPA) through its Invest in Justice Programme.

108. The *0800 Mujeres* telephone service provides general information, guidance, assistance and support 24 hours a day, 365 days a year. The service, which is free and confidential for all Venezuelan women, received 16,553 telephone calls between 2010 and 2011, seeking advice mainly but also direct intervention. It should be noted that when the service began in 2000 it was exclusively for claims of domestic violence. Beginning in 2008, with the use of new technology, with the support of the Telephone Company of Venezuela and following the establishment of the Ministry for Women, calls have increased in number and become more diverse.

109. Between the end of 2010 and the end of 2011, two care units were set up in the José Gregorio Hernández Hospital and the Government Palace to cater for cases of violence, together with support facilities such as the Directorate for the Prevention and Treatment of Violence against Women of the National Institute for Women.

110. Within the community, 37 Socialist Committees of Women for a Life Free from Violence were set up in 2011 under the communal councils to organize the protection of women's rights with the support of non-governmental organizations.

111. With regard to access to justice, cases investigated and brought before the courts and penalties incurred by the perpetrators, the table below sets out the complaints received by the Public Prosecution Service between 2008 and 2011 relating to violations of women's rights:

Table 3
Complaints of violations of women's rights

<i>Year</i>	<i>Total complaints (cases)</i>
2008	65 118
2009	83 159
2010	83 332
2011	73 047
Total	302 656

112. Concerning the protection and support available to victims of violence, 25,215 protection measures were issued between 2011 and June 2012 in support of female victims of violence.

113. The Public Prosecution Service may apply to the courts for the protective measures set out in the Act on Women's Right to a Life Free from Violence. Moreover, the Code of Criminal Procedure provides for precautionary measures that may be applied against an alleged perpetrator of violence against women. Between 2011 and June 2012, 13,315 precautionary measures were ordered under the two legal instruments in question.

114. With reference to the awareness-raising campaigns designed to alert the general public to the negative effects of domestic violence, the Bolivarian Government has promoted the dissemination of the content of Act on Women's Right to a Life Free from Violence with the aim of raising awareness among public servants involved in the areas of care, prevention, receipt of complaints and judicial proceedings related to violence against women. Following the extension of these awareness campaigns to the communities, 5,606 women were trained in 2013.⁶⁶

115. In the area of prevention, efforts have been made to promote the dissemination of information on the prevention of violence against women at the national level through sociocultural events aimed in particular at communities, officials of the Ministry of People's Power for Women and its constituent bodies, officials of other institutions and spokespersons of the communal councils and communes under construction with the aim of eradicating this evil. The learning process occurs through practice, experience and reasoning in the social context where the events take place and is designed to nurture critical thinking by making learners aware of how personal experiences are linked to wider social problems, thereby equipping them with the intellectual and emotional tools to act and change society as part of the construction of feminist socialism. Prevention activities include talks, discussions, film groups, public meetings, dissemination of legislation and related information and comprehensive inter-agency days.⁶⁷

Article 11: The right to an adequate standard of living

Reply to paragraph 16 of the list of issues

116. The Social Missions, as a public policy instrument of the Venezuelan State, have been designed to ensure the fundamental rights of the population, with particular attention to the most disadvantaged groups. They have helped families to overcome historic levels of poverty, increase their purchasing power and, ultimately, the quality of care that parents are able to give their children.

117. In 2006, the Bolivarian Republic of Venezuela achieved the goal of reducing the proportion of families living in a state of extreme poverty, restricting it to 11.1 per cent. In the latter half of 2009, the proportion of persons living in extreme poverty fell to 7.2 per cent as a result of an increase in the purchasing power of poor households and a reduction in inequalities.

118. According to the figures compiled by the National Institute of Statistics (INE), poverty fell from 49 per cent of Venezuelan households in the first quarter of 1998 to 27.4 percent in 2011. The percentage of households in extreme poverty also fell from 21 per cent to 7.3 per cent between the first half of 1998 and the first half of 2011. The

⁶⁶ Managerial assessment, Ministry of People's Power for Women/Strategic Public Policy Monitoring and Evaluation Office, 2013.

⁶⁷ Source: National Institute for Women (Inamujer) website (www.inamujer.gob.ve).

percentage of households in extreme structural poverty, which stood at 10.8 per cent in 1998, fell to 5.4 per cent in 2014.

119. Since the Bolivarian Government came to power, the country's human development index has risen from medium to high, according to figures from the United Nations and the National Institute of Statistics. Life expectancy at birth rose from 72 years in 1998 to 75 years in 2014. Income distribution improved, moving from 0.486 in 1998 to 0.382, the lowest figure in Latin America, thereby reducing levels of inequality.

120. The Economic Commission for Latin America and the Caribbean has found that Venezuela is one of the countries in the region that has reduced inequality and poverty the most in the last decade, a finding backed up by the United Nations Development Programme (UNDP). The Food and Agriculture Organization of the United Nations (FAO) ranked Venezuela tenth among the best-nourished countries in the world.

Reply to paragraph 17 of the list of issues

121. Article 82 of the Constitution states: "Every person has the right to adequate, safe, comfortable and hygienic housing, with essential basic services, including a habitat tending to humanize relationships within the family, neighbourhood and community". In addition, priority is given to families with limited resources by ensuring that they have access to social policies and credit facilities for the construction, purchase or enlargement of their homes.

122. The right to housing is regulated through a wide range of instruments, including: the Social Security Act; the Urban Planning Act; the Environment Act; the 2002 Decree Regularizing Land Tenancy in Working-Class Urban Settlements and its various amendments; and the Decree with Force of Law Concerning the Housing Policy Subsystem, repealed in 2005 to make way for the Housing and Habitat Loans Scheme Act.

123. The partial reform of the Decree with Scope and Force of Law on the Housing and Habitat Loans Scheme Act was promulgated through Official Gazette No. 39945 of 15 June 2012 to address the major housing problem faced by the Venezuelan population. The high levels of inflation experienced by the country had made it virtually impossible for many Venezuelan families to acquire housing, which was reserved for the privileged classes.

124. This Act consolidates the individual's right of access to policies, plans, programmes, projects and measures developed by the State in the area of housing and habitat, priority being given to families with limited resources and other specially designated population groups, as defined in the Housing and Habitat Loans Scheme Act and the Social Security Act. The Housing and Habitat Loans System is overseen by the Ministry of People's Power for Housing and Habitat.

125. The indigenous population has benefited from this measure, especially through self-built housing which under the communal councils has been carried out in keeping with their ancestral customs and forms part of the policy of training indigenous communities to tackle their own local urban development. In this connection, there are plans to develop community micro-enterprises to provide basic services and associated maintenance for the provision of drinking water, wastewater disposal and treatment, electricity supplies and solid waste disposal, which in the short and medium term will ensure the availability of adequate housing and services that help to improve the quality of life and preserve the environment.

126. In August 2009, the State also promoted the Barrio Nuevo, Barrio Tricolor Plan, which is responsible for renovating housing, beginning by replacing roofs, applying

paint, repairing internal structures (including plumbing, electricity, floors, water supply, sewage pipes, drainage systems, culverts, paths and stairways) and finally remodelling facades and roads. This plan represents a further step towards restoring the dignity of low-income Venezuelan families.

127. Since 2010 a start has been made on the Great Venezuelan Housing Mission planned for the years ahead, which is a huge effort by the Venezuelan State to respond in a structural and conclusive manner to the nation's housing deficit.

128. The Great Venezuelan Housing Mission achieved 70 per cent of the objective set for the 2011-2012 period. In 2012, 96,872 buildings were constructed across the country, 48,263 of which were built by people's power institutions. This figure reflects the people's strong commitment to improving their living standards. In 1998, the percentage of inadequate homes (huts) was 6.6 per cent, while by 2014 it had fallen to 4.2 per cent. Since 2011, 243,590 families have benefited from the Great Venezuelan Housing Mission.

129. Achievements with regard to the indigenous population include the 3,485 homes allocated to 10,000 families, benefiting a total of 56,748 persons; the 225 decent homes built for indigenous peoples in 9 socialist communities in the State of Amazonas (La Esmeralda, Betania, Topocho, Muaina, Fruta de Burro, Guamalito, Kumanda, Los Negritos and Las Bombitas); and the inclusion of 44 peoples and 3,101 indigenous communities in the Housing and Habitat Loans Scheme Act as recipients of special protection.

Reply to paragraph 18 of the list of issues

130. The Bolivarian Republic of Venezuela achieved its goals on drinking water in 2001, reducing the deficit in the population not provided with drinking water supplied through the water system to 15.2 per cent.⁶⁸ The target of wastewater coverage was reached in 2005, reducing the deficit of the population with no sewage collection through networks to 21.1 per cent.

131. Over 90 per cent of the Venezuelan population has access to drinking water. One area that has traditionally proved difficult and costly is the provision of drinking water services and sanitation to the poorest sectors and people living in remote areas, especially the rural population and people living in the barrios.

132. The Bolivarian Republic of Venezuela now has a strong infrastructure for collection, purification and distribution of drinking water, with a total production capacity sufficient to supply water to a population of 30 million and has also made significant progress in reducing existing basic sanitation deficits.

133. In 1990, 32 per cent of the population lacked domestic drinking water services, and the commitment was to ensure that 84 per cent of the population would have access to the service by 2015. Similarly, 48 per cent of the population was excluded from the sewage disposal networks and the commitment was to reach 76 per cent by the same year.⁶⁹

134. These major infrastructure investments account for the increased coverage of household drinking water networks between 1999 and 2001. The latter was the year in which coverage of 84.8 per cent of the country's total population was achieved in advance of the Millennium Development Goal of halving the proportion of the Venezuelan population without access to safe drinking water by 2015, based on the 1990 estimate. Since the end of 2005, a very important water-related strategy has been adopted, involving the financing of projects implemented by the communities

⁶⁸ Bolivarian Republic of Venezuela, *Achieving the 2010 Millennium Goals*. Caracas, September 2010.

⁶⁹ Ibid.

themselves, in the form of technical committees on water⁷⁰ responsible for checking water supply failures, drinking water, sewage leaks, etc.⁷¹

135. In addition, extension of the public network has continued at a steady rate, while existing services have been improved, ensuring that 95 per cent of households will be connected to drinking water supply system by the end of 2009.

136. The Bolivarian State of Venezuela has achieved the target of improved sanitation, reaching coverage levels of 84.4 per cent, through the National Plan to Expand Coverage of Clean Water Supply and Sanitation, thereby ensuring that drinking water meets the requirements established in the regulations and that wastewater is returned to natural sources within the parameters set by the agency with jurisdiction over environmental matters.⁷²

137. On 29 October 2013, President Nicolás Maduro announced the creation of a special commission responsible for a drinking water and sanitation sector plan that will coordinate mid- and short-term projects and plans designed to increase service coverage. The National Water Plan aims to reach approximately 650,000 additional inhabitants by 2015, representing 2 per cent of the population, so as to increase coverage to 98 per cent from the current coverage of 96 per cent, corresponding to more than 27.7 million inhabitants. The Plan involves the construction, renovation, improvement and optimization of infrastructure including reservoirs, treatment plants and distribution networks, as well as the provision of work vehicles with cutting-edge technology and water quality laboratories, and the recruitment and training of staff. It also addresses the renovation, extension and construction of aqueducts, including 18 collection systems, 181 rural aqueducts and 517 community aqueduct projects and networks to be undertaken by the technical water boards; the renovation or boring of 427 deep wells; the delivery of 200,000 tanks to areas across the country currently receiving a cyclical service; the acquisition of 300 tanker trucks; the acquisition of 200 kits for the prompt repair of aqueduct leaks by water companies; and the procurement of 25 kits for the boring of wells to strengthen the State's capacities in this area.⁷³

138. The drinking water quality regulations were published in Official Gazette No. 36395 of 13 February 1998 and established the indicators and permitted parameters, including microbiological and organoleptic factors and organic and non-organic compounds. In 2002 new indicators were designed based on international studies and adapted to the conditions in our country. Three new indicators were established for the effluent of purification systems, namely an indicator for organoleptic quality, based on compliance with cloudiness, colour and pH values; an indicator of residual chlorine; and an indicator for microbiological factors, defined in terms of compliance with permitted total coliform limits.

139. Water suppliers have different laboratory capacities and specify the number of samples to be taken in each case depending on the factors to be tested, the parameters to be determined and the distance between the water collection point and the laboratory in order to respect the maximum time limits for the transportation and conservation of samples, as established in the Standard Methods for Examination of Water and Wastewater of the American Public Health Association, the American Water Works Association and the Water Environment Federation.⁷⁴

⁷⁰ As of 2010, 7,452 technical committees on water had been set up throughout the country. By 2014, over 9,700 committees had been created.

⁷¹ *Achieving the 2010 Millennium Goals* (note 68 above).

⁷² Ibid.

⁷³ Website of Hidroven, the Venezuelan Water Authority (www.hidroven.gob.ve).

⁷⁴ Ibid.

Reply to paragraph 19 of the list of issues

140. The Venezuelan State established the Food Mission⁷⁵ as part of a food supply policy that has promoted food programmes and nationwide distribution networks of reasonably priced foodstuffs. The average saving for members of the public using these distribution centres is 42 per cent, compared with the prices charged at other commercial outlets.

141. This food policy prioritizing vulnerable groups and those socially and economically at risk is implemented through a series of public institutions coordinated by the Ministry of People's Power for Food. They include the Venezuelan Food Production and Distribution Service (PDVAL)⁷⁶ of the Strategic Food Programme Foundation,⁷⁷ the Venezuelan Food Company,⁷⁸ the National Nutrition Institute, sales outlets,⁷⁹ the National Agricultural Silos, Warehouses and Depots Authority and the Bicentennial Food Markets network.

142. The food networks are aimed at the most vulnerable sectors of the population and operate through food kitchens and community cooking facilities. As well as relying on a fleet of State vehicles, the food distribution process has drawn on the services of cooperatives and small transport firms, which have facilitated and expanded the distribution process as well as creating sources of employment for the population.

143. The School Meals Programme (PAE), which benefited 4,352,972 pupils in 2013, up from 119,512 in 1998, representing an increase of 3,542 per cent, is aimed essentially at catering for the food and nutritional needs of children, adolescents and young students within the Bolivarian education system.⁸⁰

144. The implementation of these policies over the course of the decade has meant that 5 million Venezuelan citizens, including children, elderly people and the homeless, have had access to free daily nourishment. Likewise, subsidies provided by the countrywide Mercal network have benefited 12 million inhabitants, meaning that the daily food intake of Venezuelan citizens has reached 2,790 kilocalories per head, an increase of 40 per cent with respect to 1998.

145. These measures for improving access to foodstuffs are linked to policies designed to increase the purchasing power of the population, notably the increase in the minimum wage, the decree on job security, subsidies to food producers and the regulation of food prices. In its 2010 report, the Food and Agriculture Organization (FAO) included the Bolivarian Republic of Venezuela in the second category of

⁷⁵ This Mission was launched in 2004 with the principle aim of commercializing and marketing basic foodstuffs. It continues to promote food security for the low-income Venezuelan population.

⁷⁶ On 6 January 2008, the President of the Bolivarian Republic of Venezuela announced the creation of the Venezuelan Food Production and Distribution Service (PDVAL) with the aim of guaranteeing food supplies.

⁷⁷ Its aim is the provision of direct subsidies to the least protected sectors of the population, in the form of agricultural products regarded as strategic for their high calorific and protein content. Between 2004 and 2008, the soup kitchen network assisted 4,146,000 persons of limited financial means.

⁷⁸ It provides services for the processing, packaging, storage and distribution of raw materials, finished products and agricultural produce.

⁷⁹ Supplies products at a cost below the market price. There are two types of Mercal outlets besides the Bodegas (small shops), mobile Bodegas, Megamercales (open-air supermarkets) and Centros de Acopio (food depots). There are 16,992 distribution points and 115 food depots nationwide.

⁸⁰ "Venezuela: the world's largest classroom", Voluntary national presentation by the Bolivarian Republic of Venezuela on "Implementing internationally agreed goals and commitments in regard to education", July 2011.

countries with the highest levels of food security. This reflects the success of national policies on food access and distribution.

146. Halving the proportion of people suffering from hunger is one of the Millennium Development Goals, and it is evaluated by means of nutritional deficit indicators (overall malnutrition) and the prevalence of undernourishment. The Bolivarian Republic of Venezuela, it should be noted, has almost achieved this goal in advance of the target year of 2015. It has also reduced the number of households living in extreme poverty, down from 21 per cent in 1998 to 7.1 per cent in 2010.⁸¹ All this is the result of public policies aimed at improving income and wealth distribution through an historic social investment over the course of this decade, up from 12,465,054 dollars in 1999 to a cumulative investment of 393,478,011 dollars in 2010.⁸²

147. Today in Venezuela, 95.4 per cent of Venezuelans eat three or more times daily, more than four million children eat two meals and an afternoon snack at Bolivarian schools and 900,000 persons receive a meal at 6,000 soup kitchens. According to the National Food Consumption Survey, Venezuelans consume an average of 2,285 kilocalories. The value of a food voucher was increased to the maximum tax unit (UT), i.e. from 0.5 UT to 0.75 UT per working day. It should be noted that, according to FAO, 4,717,372 persons in Venezuela no longer suffer from hunger.

148. Regarding alleged shortages and the steps taken to overcome them, it should be noted that the Government of President Nicolás Maduro, in response to the economic war triggered over the last two years by coup-plotting sections of the Venezuelan opposition, has launched a series of measures to safeguard the population's food security.

149. During the last quarter of 2013, the prices of goods and services in the Bolivarian Republic of Venezuela showed an unusual rise, with increases of up to 1,500 per cent of actual costs being reported for goods that had been imported into the country at preferential exchange rates. This unlawful behaviour had a direct effect on the annual inflation rate, which increased disproportionately against the same six months in the previous year. The only explanation for these events is fraudulent, illegal activity orchestrated by those with monopoly control over imports, distribution chains and the country's large commercial undertakings. The flagrant abuse of monopolistic power in many sectors of the economy has meant that capital accumulation has been based on these high profit margins, involving constant increases in prices for no other reason than the direct and indirect exploitation of the population.

150. On 6 November 2013, the Venezuelan Government announced a range of economic measures to combat hoarding and price speculation, regulate imports and control the allocation of foreign currency at official prices.

151. The context of these economic measures is the application of the "new national economic order for the transition to socialism", involving the creation of new economic institutions and mechanisms aimed at combating hoarding and speculation in products and services through the introduction of six strategic measures, namely:

- (a) The establishment of a special task force to combat hoarding and speculation, classified as offences in Venezuelan law;
- (b) The introduction of a fair price system to combat artificial inflation exacerbated by speculation;

⁸¹ Studies carried out by the National Statistics Institute (INE).

⁸² National report for the universal periodic review of the Bolivarian Republic of Venezuela, submitted to the Human Rights Council in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 ([A/HRC/WG.6/12/VEN/1](#) and Corr.1), para. 23.

(c) The setting up of new bodies for the effective application and regulation of these strategies;

(d) The creation of a Foreign Currency Budget aimed at “optimizing the investment of every dollar belonging to the Republic”. According to several studies, there is a surplus of between 30 and 40 per cent of dollars allocated to the private sector in the Bolivarian Republic of Venezuela;

(e) A scheme to boost production through increased work: the President of the Republic convened all the public and private productive sectors to propose the introduction of a mutually agreeable “special production scheme” to ensure that all companies are operative and productive;

(f) Measures to stimulate savings.

152. On 19 November 2013, the National Assembly approved the enabling act allowing the Head of State to issue decrees with scope and force of law on specific topics and for a specified period, on an exceptional basis. Under this statute, on 21 November 2014 the Costs, Profit and Fair Prices Act was adopted and the Venezuelan Foreign Trade Centre created.

153. The law on controlling costs, prices and profits and protection for Venezuelan families is aimed at safeguarding the economic freedoms and economic and social rights of the Venezuelan people, as well as regulating the national economy.

154. In 2014, a major offensive involving civil and military personnel was launched against stockpiling, covering the whole country and extending to all stages of the national production and distribution chain. Thousands of tons of illegally stockpiled products have been seized and made available to consumers, and continuous inspections of private firms are being carried out to check their production levels. At the same time, the import of foodstuffs from fraternal countries has been stepped up to combat shortages and inflation.

155. A high-level body was also created to defend and regulate the economy, and citizens were involved through the creation of the “0800 sabotaje” (0800 sabotage) hotline to channel complaints of suspected cases of speculation, hoarding and any other activity threatening supplies.

Reply to paragraph 20 of the list of issues

156. Presidential Decree No. 1257 of 13 March 1996 lays down the standards for assessing the environmental impact of activities potentially harmful to the environment. This decree establishes the procedures for carrying out an ex ante environmental assessment of industrial or commercial activities liable to damage the environment. It determines the technical evaluation methods for checking permissible levels of environmental damage by development programmes and projects. Compliance with these procedures and methods gives investors greater legal security where the authorization of proposed activities is subject to strict technical criteria, established through the application of transferred technologies, environmental impact studies and specific environmental studies employed using rational and expedited procedures.⁸³

157. On 22 September 2004, Official Gazette No. 38028 published Presidential Decree No. 3110 setting out the Plan for the Land-Use Management and Regulation of the Imataca Forest Reserve (Bolívar and Delta Amacuro States). The Plan provides for the management and rational use of the resources and wealth of an area of approximately 3,800,000 ha.

⁸³ www.minamb.gob.ve.

158. An area of particular focus was the Special Forest Management Mining Zone characterized by a high density of indigenous communities, which occupy 8.2 per cent of the Imataca Forest Reserve (307,845.2 ha), with its significant forest and mining potential in the form of major gold and base metals deposits. Account was also taken of the Programme for the Protection and Preservation of Indigenous Communities and Other Human Settlements, which is aimed particularly at providing communities with the services necessary to protect their cultural identity by furthering training and participation in economic activities and developing projects in the areas of education, health, security and self-management.

159. To promote sustainable development in the Imataca Forest Reserve, its adjacent areas and the Sierra de Perijá, studies were undertaken in preparation for the drafting of the Plan for the Management and Regulated Use of Soils, Forests and Waters in the Protected Areas of the Basins of the Guasare, Socuy and Cachiri Rivers in Zulia State, which rise in the Sierra de Perijá and are flanked by indigenous settlements and numerous archaeological and paleontological sites. Under the draft Plan, the Government proposes to restrict coal mining to the two concessions currently operating (Paso Diablo and Mina Norte) so as to avoid environmental conflicts in the basins concerned, which are of strategic importance as a source of water for the city of Maracaibo and its surrounds. The draft plan is currently in a process of public consultation with a view to its subsequent adoption.

160. In the period 2000-2005, the process of revising and updating environmental rules was begun, involving the promulgation of the Hazardous Substances, Materials & Wastes Act, published in Official Gazette No. 5554 of 13 November 2001, and the issuing of resolution No. 40 of the Ministry of People's Power for the Environment on the Requirements for the Registration and Authorization of Handlers of Dangerous Substances, Materials and Wastes.⁸⁴

161. At the end of 2005, the Miner Retraining Programme was initiated with the aim of transferring mining activity from the Caroní River and La Paragua Basin to the Cuyuní River basin, in accordance with the provisions of Decree No. 3110 (7 September 2004), the Plan for the Land-Use Management and Regulations of the Imataca Forest Reserve, and other environmental regulations.

Article 12: The right to physical and mental health

Reply to paragraph 21 of the list of issues

162. The Constitution of the Bolivarian Republic of Venezuela provides that:

“Health is a fundamental social right and the responsibility of the State, which shall guarantee it as part of the right to life. The State shall promote and develop policies oriented toward improving the quality of life, common welfare and access to services. All persons have the right to access to health services, as well as the duty to participate actively in the furtherance and protection of that right, and to comply with such health and hygiene measures as may be established by law and in accordance with international conventions and treaties signed and ratified by the Republic”.⁸⁵

163. National health policies are thus based on the principles of universality, equity, solidarity, free treatment, participation and recognition of ethnic diversity and multiculturalism. The following strategies have been adopted to implement these policies:

⁸⁴ Published in *Gaceta Oficial* No. 37701 of 29 May 2003.

⁸⁵ Constitution, art. 83.

- (a) Expansion and consolidation of health services on the basis of free and appropriate provision;
- (b) Reduction of maternal and infant mortality and mortality among children under 5 years of age;
- (c) Reinforced disease prevention and control;
- (d) Promotion of pharmaceutical security and sovereignty;
- (e) Improved prevention of accidents and acts of violence;
- (f) Increased efforts to prevent drug use and provide treatment and rehabilitation for drug users.⁸⁶

164. Public health care in the Bolivarian Republic of Venezuela is provided through an integrated health network consisting of three different branches — the community care network, the specialized outpatient network and the hospital network. The emergency network cuts across all three branches and is the second entry point of the system. Its functions are performed by mobile outpatient units, the control centre and the accident and emergency departments of all hospitals, according to capacity.

165. As reported in the Universal Periodic Review,⁸⁷ the *Barrio Adentro* Mission was set up in 2003 to meet the main social and health-care needs of the population in working class neighbourhoods and inaccessible rural areas whose residents had previously been unable to exercise their right to health, fulfilling in this way the objectives of primary health care.

166. The *Barrio Adentro* Mission operates on several levels: *Barrio Adentro* I, which covers primary health care; *Barrio Adentro* II, which expands medical and diagnostic services through diagnostic centres, rehabilitation centres and high-technology centres; and *Barrio Adentro* III, which aims to strengthen the hospital network.

167. The most recent mission is *Barrio Adentro* IV, which involves the development of a network of new specialist care, research and training centres, begun in 2006. As of April 2013, a total of 22 new hospitals had been inaugurated.

168. One of the great achievements of the *Barrio Adentro* Mission has been to combine access to health for historically excluded population groups with an educational training programme for specialist doctors and dentists, which has produced 837 graduates. The Mission also includes provision for the training of community doctors to undergraduate level (six years). As of December 2013, three cohorts totalling 16,628 students had graduated as community doctors and 21,237 students were in training.

169. Between 2006 and 2013, hospitals in the country were supplied with 606 imaging devices, 6,922 life support machines, 7,855 hospital furnishings, 5,183 surgical instruments, 1,860 diagnostic support devices, 157 pieces items of endoscopy equipment, 1,499 articles of surgical and anaesthetic equipment, 379 dialysis machines and 3,799 kitchen utensils.

170. The hospital network has been designed to meet the demands of the community health districts with levels of medical and technological complexity adapted to the effective needs of the population, the number of inhabitants requiring care and the local epidemiological profile.

171. Guaranteeing an adequate supply of medicines to the hospital network has posed a challenge over the past year as a result of distortions caused by political groups

⁸⁶ A/HRC/WG.6/12/VEN/1 and Corr.1, para. 77.

⁸⁷ Ibid., paras. 77-85.

intent on destabilizing the country. These acts have affected health systems, but the Bolivarian Government is firmly committed to ensuring that the health of Venezuelans is not compromised. It is currently developing plans for following up and monitoring medical distribution networks. It is also working in close partnership with health-care companies to identify shortages in the supply of products to health centres. Recent plans to ensure that the country's hospitals and pharmacies are fully supplied are producing the anticipated results.

172. Similarly, the Government has strengthened its agreements with the countries of the Union of South American Nations (UNASUR), the Community of Latin American and Caribbean States (CELAC), the Bolivarian Alternative for the Peoples of Our America (ALBA), Petrocaribe and MERCOSUR for the acquisition of medicines and medical supplies and the establishment of a supply plan to fulfil the needs of the Venezuelan population.

173. Venezuela has also had to contend with the smuggling of medicines, which has contributed to imbalances in supplies. However, as previously mentioned, there are currently plans to ease the formalities for firms importing medical items so as to expedite the arrival of medicines in the Bolivarian Republic of Venezuela and ensure that supplies are distributed as rapidly as possible to the population as a whole.

174. As to antiretroviral medicines, the Venezuelan State has implemented a number of the activities set out in the National HIV/AIDS/Sexually Transmitted Infections Programme of the Ministry of People's Power for Health, ensuring free and universal access to antiretroviral drugs and drugs for other sexually transmitted infections, laboratory reagents for conducting tests, midwifery kits and food supplements, with no discrimination of any kind. All women, especially pregnant women with AIDS, are provided with prenatal care and monitoring and caesarean sections are carried out to avoid vertical transmission.⁸⁸

Reply to paragraph 22 of the list of issues

175. The maternal mortality rate has fluctuated during the 1990-2008 period. Between 1994 and 2002, there were major increases, resulting in yearly rates of 69.91 and 68.0 per 100,000 live births, respectively. In 2008, the rate stood at 63.5 per 100,000 live births, which is still a high value. Thus, caring for pregnant women in all aspects has become a high priority for the national government. The leading causes of deaths are associated with hypertensive disorders during pregnancy, childbirth complications and unsafe abortions. The largest proportion of deaths is in the group of women between 20 and 39 years of age (80 per cent).⁸⁹

176. The initial phase of the *Barrio Adentro* I mission (2003), aimed at overcoming exclusion in health, involved opening and operating medical consultation centres in residential areas, particularly in the most economically disadvantaged areas. These health centres provide a completely free service and are located in traditionally impoverished areas that face greater barriers to accessing traditional health systems.

177. The *Barrio Adentro* II mission (2005) provided for the development of a range of services that has strengthened front-line diagnosis and treatment capacity.

178. As of December 2013, 562 comprehensive diagnosis centres had been established, providing the health system with an additional 130 operating theatres and

⁸⁸ Press release, "Gobierno Bolivariano trabaja para abastecer de medicinas al pueblo venezolano" (Bolivarian Government works to supply medicines to the Venezuelan people). See: www.mpps.gob.ve/index.php?option=com_content&view=article&id=7711&emid=18.

⁸⁹ Ibid.

584 comprehensive rehabilitation centres. Some 35 high-technology centres and 72 *Mission Milagro* centres have also been opened.

179. The *Barrio Adentro* III mission (2006) involves modernizing and adapting the technological capacity of existing hospitals with a view to connecting them to comprehensive community health facilities, as well as expanding and strengthening emergency and disaster care and harmonizing treatment protocols and health programmes.

180. Under the *Niño Jesús* mission,⁹⁰ the Government is aiming to improve care for pregnant women, newborns and children under 5, with respect to appropriate delivery conditions, the construction of maternal shelters, the creation of regulatory systems for ambulance administration and the provision of rooms in hospitals for pregnant women. To achieve progress in this area, various agreements have been signed with international and multilateral organizations for the provision of technical support for intervention strategies and the acquisition of low-cost supplies and equipment for State health centres.⁹¹ It has also been possible through the Integral Cooperation Agreement, which the Government has been developing since 2000 with the Government of the Republic of Cuba, to expand and strengthen the Comprehensive Health System, making it accessible to the more vulnerable sections of the population.

181. The *Niño Jesús* mission aims to increase education in maternal and child health care with community participation; identify maternal risks prior to conception and instil behaviour that lessens or reverses them; improve the quality of prenatal and perinatal care and guarantee adequately trained professionals are available to meet the needs of the mission or programme, including by establishing the necessary functional structures; lower direct and indirect maternal mortality; and reduce perinatal mortality with a focus on neonatal care.

Reply to paragraph 23 of the list of issues

182. As to measures to prevent teenage pregnancy, between 2008 and 2011, a total of 233,950 adolescents — 52 per cent female and 48 per cent male — received training on the prevention of early pregnancy.

183. Venezuela celebrates World Teen Pregnancy Prevention Day annually on 26 September by organizing workshops throughout the country on preventing early pregnancy in order to counter misinformation about methods of preventing sexually transmitted diseases and unplanned pregnancies. In that context, the Ministry of People's Power for Communes and Social Protection has trained providers of comprehensive care for adolescents.⁹²

184. To improve women's overall health, the National Women's Institute implemented, under the Juana Ramírez la Avanzadora plan, a project entitled "Strengthening families and communities for prevention, care and responsibility with regard to early pregnancy". Between 2012 and 2013, 45,930 girls and adolescent women and 41,448 boys and adolescent men aged between 10 and 19 were trained as prevention workers in 499 educational centres in 20 federal entities.

⁹⁰ Launched on 23 December 2009.

⁹¹ Including PAHO, UNFPA and UNICEF and many others.

⁹² Press release of the Ministry of People's Power for Public Health, "Venezuela. La Misión Niño Jesús: protección de la mujer embarazada, democracia participativa. Salud en revolución" (Venezuela. The *Niño Jesús* Mission: Protection of pregnant women, participatory democracy. Revolution in health care). See: www.mpps.gob.ve/index.php?option=com_content&view=article&id=548:venezuela-la-mision-nino-jesus--proteccion-de-la-mujer-embarazada-democracia-participativa-salud-en-revolucion&Itemid=18.

185. In addition, workshops and talks in educational communities and people's power centres for promoting healthy, enjoyable and responsible sexuality were provided to a total of 6,120 women in 2013.

186. The country entered the new millennium facing major public health problems in the area of sexual and reproductive health, including the prevalence of teenage pregnancy, high maternal and child mortality rates, high cervical, breast and prostate cancer morbidity and mortality rates, high STD and HIV/AIDS rates among young persons, significant numbers of child, adolescent and young adult victims of sexual abuse and exploitation, and increased domestic and sexual violence. These problems form part of the huge social debt accumulated by conservative administrations in these key areas of national interest. The absence of coherent sexual and reproductive health policies containing social guidelines on the issues of population and development has contributed to the inadequacy of public sector responses in the key areas of education and services.

187. Venezuela has seen a downward trend in national fertility. However, the fertility rate among the adolescent age group has not followed this trend and instead has continued to rise. This is a result of the prevalence of teenage pregnancy, which, according to various studies, is the main problem alongside school exclusion affecting this population group.

188. Informal sex education has been provided through programmes and projects conducted as part of youth vocational training, preventive education programmes for out-of-school young persons and guidance for adolescents. These programmes and projects have been conducted, inter alia, by the Ombudsman's Office and the Ministry of People's Power for Education as well as by the relevant social and community organizations. Considerable efforts have been made to disseminate information and educate young persons through training programmes for youth workers and prevention officers in the areas of sexual and reproductive health, adolescent counselling, avoidance of teenage pregnancy and sexual and reproductive health campaigns, as well as prevention and caring activities relating to all forms of violence, including domestic, extra-family and sexual.

189. The Ministry of People's Power for Education and the Ministry of People's Power for Public Health are currently devising a national training project to equip teachers with the knowledge and know-how to convey information on sexuality in the classroom.

190. Moreover, under the nation's socialist plans for 2003-2007, 2007-2012 and 2013-2019, the Ministry of People's Power for Public Health in coordination with the United Nations system in Venezuela is developing some interesting projects in this area, including the Sexual and Reproductive Health Programme for the Bolivarian National Armed Forces. In an effort to promote and raise awareness of sexual and reproductive health among military students at different schools and institutes and the troops enlisted in the Bolivarian National Armed Forces, sexual and reproductive health modules have been included in officer training programmes and military training centres for professional and enlisted troops since 2008.

191. The Programme for the Promotion and Dissemination of Sexual and Reproductive Rights, also promoted by the Ombudsman's Office, is designed to promote a human rights culture integrating healthy, pleasurable and responsible sexuality. The programme is currently being implemented through local Ombudsman's offices at national level. As of 2013, 7,954 persons had received instruction on the subject, including 2,976 professionals or persons dealing directly with children and adolescents.

192. With regard to measures to include comprehensive, effective and age-appropriate programmes on sexual and reproductive health and rights as a regular part of the school curriculum for adolescent girls and boys, the Bolivarian Government, through the Ministry of People's Power for Education, and in cooperation with the United Nations Population Fund (UNFPA), is developing a series of activities to provide children, adolescents, young people and adults with comprehensive quality education and training on sexuality. These measures are designed to equip citizens to exercise all their rights, including the right to sexual and reproductive health, and also to address social and public health problems associated with sexual activity, such as teenage pregnancy and sexually transmitted diseases, including HIV/AIDS.

193. In a press release published on 7 February 2014, the Pan American Health Organization (PAHO) referred to this successful programme in the following terms: "In order to support the Bolivarian Republic of Venezuela in its efforts to reduce maternal and neonatal mortality and morbidity, 15,000 copies of the Official Regulations for Comprehensive Sexual and Reproductive Health Care were printed in December 2013, in a joint effort by the Ministry of People's Power for Health, the Pan American Health Organization (PAHO), World Health Organization (WHO), the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA)".

194. Following the introduction of the National Sexual and Reproductive Health Programme there was a paradigm shift in the way in which the national public health system addressed matters relating to sexuality and reproduction.

195. The aforementioned instruments represent an important step towards guaranteeing full respect for sexual and reproductive rights in Venezuela. They lay down basic policy guidelines on sexual and reproductive health, the responsibilities and functions of the different administrative levels and even the procedures for the provision of comprehensive care in this field.

196. Application of this strategic thinking to measures relating to sexual and reproductive health has resulted in substantial progress in the form of specific attention to the diverse needs of individuals in terms of gender, stage of life, indigenous background, territory and social class. Innovations in this regard include: the provision of sexual and reproductive health care for children, adolescents, adults and older persons; humanized care in child birth; sexual and reproductive health care for men; the promotion of sexual health and access to modern contraception; and action to prevent and address domestic and sexual violence.⁹³

Articles 13 and 14: The right to education

Reply to paragraph 24 of the list of issues

197. The Education Act⁹⁴ innovates by incorporating preschool education in the educational subsystem and by granting boys and girls equal status and an equal opportunity to benefit from a quality education; and it ensures the functioning of the educational missions in their various forms.

198. An open and wide-ranging process of consultation on educational quality is currently taking place in the country, with the participation of students, teachers, administrative personnel, workers and the community, with a view to creating

⁹³ "Official Standards for Comprehensive Sexual and Reproductive Health Care".

www.paho.org/ven/index.php?option=com_content&view=article&id=150:norma-oficial-para-la-atencion-integral-en-salud-sexual-y-reproductiva&Itemid=227&Itemid=215.

⁹⁴ Published in *Gaceta Oficial Extraordinaria* No. 5929 of 15 August 2009.

proposals for improving education. The national executive has paid special attention to this topic, resulting in significant advances over the past decade in the implementation of educational missions covering large sections of the population that previously had no access to education.

199. The National Commission for Quality Education (CNCE) was created, overseen by the Minister of People's Power for Education and composed of representatives of broad social sectors. This Commission is temporary, consultative, inter-institutional, transparent, participatory, plural and technical in nature. Its debates and consultations will cover the various levels of territorial organization, beginning with the schools forming part of community areas, parishes, municipalities and states.⁹⁵

200. Teacher-training policies and programmes provide for the inclusion of continuous and lifelong training in existing guidelines and curricula. Thus, since 2007, programmes have been developed for the post-graduate training of teachers, resulting in the completion of 4,016 refresher courses and the graduation of 617 teachers with bachelor's degrees, 239 with various types of master's degrees and 33 with doctoral degrees.⁹⁶

201. As to the steps taken to provide equal access to education for indigenous children, children of African descent, refugees and asylum seekers, there has been an important development in Venezuelan legislation with regard to access to education by indigenous peoples. The Venezuelan State⁹⁷ has promoted greater use of indigenous languages by making them compulsory in schools, in both their oral and written forms. The Indigenous Peoples and Communities Act protects the right of indigenous people to their own form of education, and the Education Act and its regulations provide for a system of bilingual intercultural education for indigenous people.

202. Bilingual intercultural education has helped to develop a form of education specific to indigenous people and to strengthen and revitalize their languages and cultures through education. This modality is designed to ensure educational provision in the context of a multi-ethnic and multicultural society and in recognition of cultural diversity.

203. On 28 July 2008, the Official Gazette published the Indigenous Languages Act, which makes the teaching of indigenous languages compulsory in all public and private educational institutions in indigenous areas and guarantees the indigenous community its own education system within a multicultural education system. In line with the legislation adopted by the Venezuelan State, the Minister of People's Power for Education through the Directorate of Intercultural Education has designed inclusive education programmes for indigenous and Afro-descendant peoples and communities that respect, among other things, their language, world view, values, knowledge, skills and mythologies as well as their forms of social, economic, political and legal organization. Together, they constitute the Nation's heritage, the basis of multiculturalism in the Bolivarian Educational System and an essential element of Venezuelan identity.

204. Indigenous peoples⁹⁸ have been singled out for special attention in regard to literacy: a total of 68,495 individuals, 55 per cent women and 45 per cent men, had received literacy training as of 2010. To ensure accessibility, educational materials

⁹⁵ See the replies of Venezuela to the list of issues of the Committee on the Rights of the Child concerning the combined third to fifth periodic reports of the Bolivarian Republic of Venezuela (CRC/C/VEN/Q/3-5/Add.1), para. 78.

⁹⁶ Ibid., para. 79.

⁹⁷ Presidential Decrees Nos. 1795 and 1796 of 2002.

⁹⁸ From the following ethnic groups: Kariña, Wuayúu, Piaroa, Yanomami, Guaraó, Piapoco, Guarequena, Bari, Arauco, Pemón, Maquiritare, Yukpa, Pume, Ye'Kwana and Jivi.

were translated into native languages. There are currently 32,880 indigenous persons enrolled in the Robinson I Mission.⁹⁹

205. Similarly, in the 2010/11 school year, 656 indigenous schools providing preschool, primary and secondary education were registered in the geographical areas where indigenous peoples live. The States concerned are Amazonas, Anzoátegui, Apure, Bolívar, Delta Amacuro, Mérida, Monagas, Sucre and Zulia. The number of indigenous pupils enrolled in the school year in question was 68,520. Outside the geographical area of the indigenous peoples, a total of 42,331 pupils were enrolled nationally in 604 establishments. Indigenous pupils in the basic education subsystem currently number 110,085.¹⁰⁰

206. Measures taken to reinforce bilingual intercultural education include:

- (a) The obligatory use of indigenous languages at all State and private schools located in indigenous areas, including urban areas inhabited by indigenous people;
- (b) The construction and rehabilitation of indigenous schools made ecologically, culturally and linguistically relevant;
- (c) The production and publication of educational materials, both printed and audio-visual, in indigenous languages and in bilingual editions;
- (d) Initial and continuing training for indigenous teachers.

207. With regard to higher education, the Simón Rodríguez National Experimental University has developed draft programmes in productive areas in each of the indigenous regions by means of local agreements, initiating a training process aimed at indigenous students in the educational field. Its initial graduates are working to promote bilingual intercultural education and are designing a postgraduate specialization process. It has also signed an agreement on strategic, academic and research cooperation with the Ministry of People's Power for Indigenous Peoples.¹⁰¹

208. The Bolivarian University of Venezuela has given priority to the inclusion of indigenous peoples, as in the case of the Aldea Universitaria de Pendare, which favours communities belonging to the Pemón ethnic group from a forest area in Bolívar State. The programmes registering greatest advances are the training programmes in education, agro-ecology, environmental management and social development, which are taught on a part-time basis in the community of Kavanayén. There is also a high percentage of indigenous students from the Pemón ethnic group among enrolments at the Aldea Universitaria Gran Sabana, the first such institution to be created in the country, situated in Santa Elena de Uairén in Bolívar State.¹⁰² The Sucre Mission registered 10,047 enrolments by students belonging to the indigenous population in 2010.¹⁰³

209. The National Experimental University of the Armed Forces (UNEFA), breaking with a past characterized by exclusion, is organizing special programmes for the indigenous populations by way of a contribution to and involvement in local communities and those in greatest need.¹⁰⁴

⁹⁹ "Venezuela: the world's largest classroom" (see note 80 above).

¹⁰⁰ Education for All report presented to UNESCO in 2014.

¹⁰¹ Official information of the Presidential Commission for the Prevention and Elimination of All Forms of Racial Discrimination and Other Distinctions in the Education System.

¹⁰² Ibid.

¹⁰³ "Venezuela: the world's largest classroom" (see note 80 above), p. 27 and 28.

¹⁰⁴ Official information of the Presidential Commission for the Prevention and Elimination of All Forms of Racial Discrimination and Other Distinctions in the Education System.

210. At present, the Indigenous University of Venezuela has a student population of 240 students, 70 per cent of whom go on to lead projects in their respective communities on graduation.

211. In regard to the rights of asylum seekers, the Constitution of the Bolivarian Republic of Venezuela guarantees the right of asylum to all non-Venezuelans in need of international protection, particularly children and adolescent asylum seekers. The Refugees and Asylum Seekers Act provides special guarantees for the protection of refugee children.

212. The Bolivarian Republic of Venezuela has also taken very positive steps to ensure the right to education. The unrestricted establishment of this right at all levels by the 1999 Constitution and the express obligation on schools to admit undocumented children are reflected in article 103 of the Constitution.

213. With regard to documentation, minors seeking asylum ordinarily receive their temporary document at once. This document gives them official access to all levels of the national education system and to all their other rights in the country, such as health care, sport, culture and leisure, which are provided free of charge by the Government.

214. Through the National Coordinating Office for Public Policies on Refugees, a unique initiative recognized by the Office of the United Nations High Commissioner for Refugees (UNHCR), the Venezuelan Government has been able to help give asylum seekers timely access to fundamental rights and other rights important for improving their standard of living.

Article 15: Cultural rights

Reply to paragraph 25 of the list of issues

215. The Education Act is geared to recognizing in law not simply the general education of indigenous peoples and Afro-descendant communities but also their bilingual intercultural education, as well as to strengthening and revitalizing their languages and cultures through an education based on the guiding principle of multiculturalism operational at all levels and in all sectors of the Venezuelan education system, which presupposes the inclusion of all indigenous and Afro-Venezuelan peoples without prejudice to their specific characteristics.

216. The Indigenous Languages Act was promulgated with the aim of safeguarding the linguistic cultural heritage through the implementation of language policies by the State. The Ministry of People's Power for Education coordinates the translation of educational and legislative texts into the different indigenous languages in discharge of the constitutional mandate for bilingual intercultural education. Printed and audio-visual educational materials, in the pupils' own languages at the first and second stages of basic education, are distributed among the relevant ethnic groups, together with translations of the Constitution of the Bolivarian Republic of Venezuela into those same languages and into the language of the Wayuunaiki of Zulia State, in cooperation with the United Nations Development Programme (UNDP).¹⁰⁵

217. The Regional Councils for Education, Culture and Languages promote the use of indigenous languages through school texts and other national and international public documents relevant to indigenous matters, which the State has a duty to translate and

¹⁰⁵ "Mid-term review: Second International Decade of the World's Indigenous People 2005-2014", document submitted by the Bolivarian Republic of Venezuela in response to the questionnaire presented to governments, 30 September 2009, p. 19.

for which purpose it has a team of indigenous translators trained to carry out this work.¹⁰⁶

218. The State also guarantees the presence of interpreters at official ceremonies in states and municipalities with an indigenous population.¹⁰⁷ The National Assembly meeting in plenary agreed unanimously in 2009 to celebrate the International Day of Indigenous Peoples on 9 August annually.

219. It is also important to note the adoption of the 2009 Act on the Cultural Heritage of the Indigenous Peoples and Communities which seeks to identify, protect, preserve, rescue, restore, strengthen, protect, promote and disseminate the cultural heritage of indigenous peoples, and the Indigenous Artisans Act which aims to uphold the rights of indigenous artisans and protect, encourage, promote, organize and strengthen indigenous crafts in all their forms so as to ensure the well-being of artisans and their families.

Reply to paragraph 26 of the list of issues

220. As to the steps taken by the State party to guarantee affordable access to the Internet for disadvantaged and marginalized persons and groups, including in rural areas, attention should be drawn to the organization of telecommunications round tables enabling organized communities and other bodies to participate with the State in exploring approaches to the development of telecommunications services through the establishment of nodes, public telephones, communal communication centres, radio bases and satellite connections.

221. In order to guarantee access to information technology for schoolchildren, the President of the Bolivarian Republic of Venezuela, Nicolás Maduro, approved the Canaima Education Project, under which tablet computers were provided to schools in January 2014. The Canaima Education Project marks a step towards Venezuelan technological independence and encourages the use of a free operating system developed by national programmers. A wireless Internet connection is required to use the computers and free operating system so the project also provides for Wi-Fi in schools. The total cost of the project is estimated at 2,700 million bolívares.

222. There are also 863 *Infocentros* in the Bolivarian Republic of Venezuela, 120 of which have been transferred to the appropriate community organization. Every *Infocentro* has 10 computers with Internet access available to the local community. Volunteers, known as facilitators, are responsible for managing the centres, providing user support and organizing the centres to meet local community needs. The programme aims to ensure that the local community has ownership of the training, connectivity and use of the computers in the centres. Mobile *Infocentros* provide coverage to 89 per cent of the country.

223. The network of centres has been designed to ensure that services are provided to outlying areas where technological advances may have arrived later than in other places or have simply failed to materialize. These include rural, indigenous and border areas and social or economically disadvantaged neighbourhoods in large cities. Users include children, adults, older persons, persons with disabilities and even prison inmates. The Simón Bolívar satellite, launched at the end of 2008, provides nationwide coverage.

224. Among other advances, it has enabled education to be used to develop knowledge about free software and 72 communication technology brigades to be established throughout the country with the aim of coordinating and organizing

¹⁰⁶ Ibid., p. 31.

¹⁰⁷ Ibid.

communications activities through murals, audio-visual projects, radio broadcasts and print campaigns, in accordance with the potential of each community.
