

**Universal Periodic Review  
(12<sup>th</sup> session, 3-14 October 2011)**

**Contribution of UNESCO**

**VENEZUELA (BOLIVARIAN REPUBLIC OF)**

**I. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	16/12/1968	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	-			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	30/10/1990			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	12/04/2007			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	13/08/2009			Right to take part in cultural life

## II. Promotion and protection of human rights on the ground

### 1. Right to education<sup>1</sup>

2. Constitutional framework: The 1999 Constitution of the Bolivarian Republic of Venezuela recognizes education as a human right and as a right that everyone is entitled to (see Chapter VI: Culture and Educational Rights, articles 98-111, especially articles 102, 103 and 104).

2.1. Article 102 states that “Education is a human right and a fundamental social duty; it is democratic, free of charge and obligatory. The State assumes responsibility for it as an irrevocable function of the greatest interest, at all levels and in all modes, as an instrument of scientific, humanistic and technical knowledge at the service of society.” Article 103 adds that “Every person has the right to a full, high-quality, ongoing education under conditions and circumstances of equality... Education is obligatory at all levels from maternal to the diversified secondary level”. Education offered at State institutions is free of charge up to the undergraduate university level. Article 81 also provides that “Any person with disability or special needs has the right to the full and autonomous exercise of his or her abilities and to its integration into the family and community. The State, ... shall promote their training, education and access to employment appropriate to their condition, in accordance with law.”

2.2. In Chapter VIII, Rights of Native People, Article 121, states that: « Native peoples have the right to maintain and develop their ethnical and cultural entity, world view, values, spirituality and holy places and places of cult. The State shall promote the appreciation and dissemination of the cultural manifestations of the native peoples, who have the right to their own education, and an education system of an intercultural and

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<sup>1</sup> *Sources:*

- i) International Bureau of Education, Profile of the Education system of the Bolivarian Republic of Venezuela, <http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/amerique-latine-et-caraibes/venezuela/profile-of-education.html> (accessed 21/02/2011).
- ii) Official Website of the Tribunal Supremo de Justicia of Venezuela, <http://www.tsj.gov.ve/> (accessed 21/02/2011).
- iii) El desarrollo de la educación, Informe nacional de la República bolivariana de Venezuela 2008, Gobierno Bolivariano de Venezuela, [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/venezuela\\_NR08\\_sp.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/venezuela_NR08_sp.pdf) (accessed 21/01/2011);
- iv) Líneas generales del Plan de Desarrollo Económico y Social de la Nación 2007-2013 (The Plan of Economic and Social Development of the Nation 2007-2013) [http://www.portaleducativo.edu.ve/Politicass\\_edu/planes/documentos/Lineas\\_Generales\\_2007\\_2013.pdf](http://www.portaleducativo.edu.ve/Politicass_edu/planes/documentos/Lineas_Generales_2007_2013.pdf)
- v) Ministry of Peoples Power of Education [http://www.portaleducativo.edu.ve/Politicass\\_edu/lineamientos\\_mppe/documentos/escuelas\\_bolivarianas.pdf](http://www.portaleducativo.edu.ve/Politicass_edu/lineamientos_mppe/documentos/escuelas_bolivarianas.pdf).
- vi) Bolivarian Republic of Venezuela Assistance Framework United Nations Development Programme, UNDAF 2009-2013.

bilingual nature, taking into account their special social and cultural characteristics, values and traditions».

### 3. Legislative framework:

3.1. The Organic Law of Education of the Bolivarian Republic of Venezuela of 15 August 2009 (*Ley orgánica de educación*) recognizes rights and duties in regards to education in its Article 1.

3.2. The Organic Law for the Protection of the Child and the Adolescent, adopted in 1980 to bring the national laws in compliance with the Declaration of the Rights of the Child, recognizes the right of children and adolescents to education which should be free, compulsory up to high school and accessible for all, based on the participatory principles and respect for cultural diversity; education should be conducted in a school environment respectful of human rights, including the rights of indigenous peoples; education should be closely linked with work and economic and social development needs of the country (Articles from 53 to 61). The Law also recognizes the rights of children and adolescents to a standard of living that will ensure their healthy development (Article 30). In part, it recognizes their right to a safe environment in harmony with nature, and to their rights to relaxation, recreation, play and sports, and requires that the state provide open space, green space, and programmes directed to this end, which must be free and accessible to all citizens (Articles 31, 63, 64). Children also have rights to participate freely and actively in the life of their families, communities, culture and society, and to progressive integration into active citizenship, with all of its civil rights (Articles 2, 81, 83, 84, 86).

3.3. Law on Universities of 8 September 1970 as revised in 2001 establishes orientations, goals and organizations of universities. According to Article 11, ordinary studies in national universities are free. Only students who failed have to pay. New draft law on universities, adopted by the National Assembly on 23 December 2010 but not in force yet.

3.4.. Decree No. 1292 of 14 January 1969 on recognition of diplomas and equivalence of studies (*Reglamento de Reválida de Títulos y Equivalencias de Estudios*) establishes general basis for the recognition and equivalence of studies indicating the need to special facilities for Latinos students and those who study in priority areas for the development of the country.

3.5. Decree on teachers status (*Reglamento del Ejercicio de la Profesión Docente*), was adopted in 2001.

### 4. Institutional framework:

4.1 Public and private schools must be registered and are subject to supervision by the Ministry of Education, Culture and Sports. The advisory and consultative bodies include the National Council of Education and the Permanent Commission on Education of the

National Assembly that analyze, prepare and report on all legislative documents related to education to the National Assembly.

4.2. Private schools must meet the same standards as those required in the public schools. In conformity with article 16 of the *Ley Orgánica de Educación*, the educational system in Venezuela is composed of four levels: pre-school education; basic education; middle, diversified and professional education; and high level education. Preschool education in Venezuela is free. It corresponds to the first level in the educational system, it is obligatory for a child to spend a year in preschool. Children are required to attend school from the age of 6 to 16 (or 17). All school education is free and compulsory. The majority of primary schools in Venezuela are coeducational, and both men and women teach at this level. The highest educational attainment in Venezuela is in primary education coverage which reached 95% between the first and sixth grades, and 80% between the seventh and ninth grade for the period 2002-2003. Preschool and early education reached a net rate of 54.6% among children aged 3 to 6 years for the period 2005-2006. The total literacy rate of adult population (% of people ages 15 and above) is 95,2. In 2005 the government declared the country free of illiteracy.

4.3. Higher education in Venezuela includes professional (undergraduate) and graduate education. It is provided by universities (Autonomous National Universities; Experimental National Universities; Private Universities) and University Institutes and Colleges (Polytechnic Institutes; Pedagogical Institutes; University Institutes of Technology; University Colleges; University Institutes; Ecclesiastical university Institutes; Military university Institutes; Research Institutes). Access to higher education is carried out through the *Oficina de Planificación del Sector Universitario* (OPSU). To gain admission to this level of education, it is necessary to have a high school degree. Students must take a mandatory national admission exam called “*Prueba de Aptitud Académica*” before they are selected to a particular university or career.

4.4. Graduate education: The universities, authorized by the National Council of Universities, which is responsible for defining the orientation and development of the national university system and for guaranteeing compliance of the Law of Universities, are responsible for developing graduate studies and programmes which are divided into specialization; Master’s; and Doctorate. The National Graduate Council is an advisory body, created in 1983, to evaluate and consult upon the requests of the National Council of Universities for the creation, accreditation and renewal of graduate study programmes.

5.1. Policy Measures: Between 1998 and 2008, GNP for social investment has increased from 8.2 % to 21 % allowing the creation of number of programmes with social mission including: Simoncito Programme for Initial Education; Robinson I and II Mission (Literacy and Primary); Ribas Mission (Secondary); Declaration of free illiteracy territory (*Declaratoria Libre de Analfabetismo*), 28 October 2005; Document on educational guidelines for complete Management of risk in Basic education (*Orientaciones Educativas para la Gestión Integral del Riesgo en el Subsistema de Educación Básica del Sistema Educativo Venezolano*), which started to be implemented in 2010-2011; the 2009 Programme to strengthen cooperation to guarantee the right to

education in emergency situations in vulnerable communities of South America (*Programa de fortalecimiento de alianzas para asegurar el derecho a la educación en situaciones de emergencia en comunidades vulnerables de América del Sur*); the 2010 Canaima Project that aims at training teachers on the use of ICT in education and to introduce them in basic education.

5.2. The Plan of Economic and Social Development of the Nation 2007-2013 pursues the following objectives: to extend coverage enrolment for the entire population, with emphasis on excluded populations; to ensure continuation in the educational system; to strengthen environmental education, cultural identity, health promotion and community participation; to enhance the infrastructure and school equipment and sports; to adapt the education system to the socialist production model; to strengthen and encourage research in the educational process; to incorporate information technology and communication to the educational process; to develop bilingual intercultural education; to ensure access to knowledge for higher education universal relevance.

5.3. The commitments made by Venezuela in education are: a) In 2015, all children must have completed the cycle of primary education; b) Achieve a sustained annual growth of 5% of preschool enrolment; c) Maintain the growth trend of the net enrolment rate in secondary education, diversified and professional; d) Expand 50% adult literacy, and e) Provide free and compulsory education quality and improve the quality of literacy, numeracy and learning practices.

5.4. Venezuela will not present major difficulties in achieving compliance with the Millennium Development Goal relating to elimination of gender disparities in primary and secondary education. In higher education there is equity in enrolment but differences remain in the specialties.

5.5. The Bolivarian Schools Project is a Venezuelan state policy aimed at addressing the limitations of the school system, taking education as a human continuum, where the children from zero to six years, which determines initial education and continuing with children and adolescent from six to twelve years, as basic education.

5.6. The Venezuelan National Commission for Cooperation with UNESCO, in cooperation with UNESCO, organizes the annual launching events of the Education for All Global Monitoring Reports at which the government of Venezuela presents the progress made in the field of education.

## 6. Cooperation:

6.1. The cooperation between UNESCO and Venezuela in the field of education has been strengthened in recent years through projects, studies, research and events on several themes. UNESCO contributes to the strengthening of educational policies in Venezuela, including through collaboration with different youth groups, in particular concerning the topic of HIV and AIDS prevention. UNESCO has the support of the

Venezuelan National Commission for Cooperation with UNESCO, which maintains an excellent working relationship.

6.2 UNESCO supports civil society organizations that work for the promotion of the right to education in their efforts to take part in the process of elaboration of legislation in the field of education by the National Assembly of the country. Among these organizations are *Asamblea de Educación* that participated in supervising the parliamentary elections of 26 September 2010 in Venezuela, Venezuelan Association of Catholic Education (AVEC), both were involved in the process of preparing and reflecting upon the Organic Law on Education. UNESCO also supports educational research carried out within the project on Educational Memory in Venezuela implemented by the Centre of Educational Research at the School of Education of the Central University of Venezuela. UNESCO cooperates with the People's Ombudsman in Venezuela on issues of promotion human rights education and research. UNESCO cooperates with the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas on the implementation of the right to education.

## 7. Achievements, best practices, challenges and constraints

7.1 The Bolivarian Republic of Venezuela recognizes education as one of the basic human rights and attaches to its implementation much importance, determining it as a fundamental social obligation of the State. Education, in conformity with the 1999 Constitution, is free and secondary education is compulsory. The existing constitutional and legal framework provides for quality education, guarantees respect for the principles of non-discrimination in education, cultural diversity, participation, inclusiveness, best interest of the child, social justice throughout the educational process. The National Plan of Education for All, designed and implemented by the Ministry of Education since 2002, is a good example of setting up national policies in order to eliminate inequalities, ensure inclusion and justice, and guarantee the enjoyment of social and cultural rights by all.

7.2. In this context, UNESCO has provided assistance to the creation of the *Mesa Andina* for Quality in Education with a view of sharing best practices at a regional level, identifying challenges and obstacles to the implementation of the right to education and designing common action plans.

## 8. Capacity-building and technical assistance provided and/or recommended by UNESCO

8.1. Within the UNDAF, human capacities are strengthened through the improvement of educational management all levels. Furthermore, UNDAF strengthens policies of inclusion which ensure the universal access and finalization of the complete education cycle, with an intercultural and gender focus. UNESCO provided assistance for organisation and facilitation of UNESCO Animators Capacity Development workshops and public conferences, focusing on inclusive education (Maracay, Venezuela, 2009).

8.2. **Alphabetization:** UNESCO has provided support for carrying out a survey on programmes, experiences and methodologies of alphabetization of population in vulnerable contexts in the Andean countries.

8.3. **HIV prevention and ICTs:** UNESCO supported the creation of the first creative laboratory for prevention of HIV through the use of ICTs in Ecuador and Venezuela, with the participation of students of the *Universidad Pedagogica Experimental Libertador*.

8.4. Since 2010, UNESCO has supported the creation of the Andean Roundtable on Quality in Education with participation of different Ministries of Education from the Region, National Commissions for UNESCO and organizations of civil society.

8.5. UNESCO's Associated Schools Project Network (ASPnet) has become a privileged has taken part in designing and implementing educational innovative projects in the field of Education for All, as well as contributing to the formulation of national policies aimed at improving the quality of education.

## **2. Right to take part in cultural life**

### 9. Legislative framework:

9.1. The Bolivarian Republic of Venezuela recognizes the right to take part in cultural life (as embodied in the 1972, 2003 and 2005 Conventions) in its Constitution. In Article 99 of the country's Constitution it is stipulated that: "Culture's values constitute an inalienable good of the Venezuelan people and a fundamental right that the State will promote and guarantee, getting the conditions, legal instruments and necessary budgets" and "The State will guarantee the protection and preservation, enrichment, conservation and restoration of the cultural, tangible and intangible heritage, and the historical memory of the Nation".

9.2. Article 100 says that: "The popular constitutive cultures of the Venezuelan esprit deserve a special attention, being recognized and respected the interculturality under the principle of the equality of cultures. The law will establish incentives and stimuli for the persons, institutions and communities that promote, rest, develop or finance plans, programs and cultural activities in the country, as well as the Venezuelan culture in the exterior. The State will guarantee to the workers and cultural workers their incorporation to the system of social security that allows them a worthy life, recognizing the particularities of the cultural occupation, in conformity with the law".

9.3. Further articles 98 and 101 reiterate the right to information in such aspects as freedom of cultural creation, and cultural information and ICTs.

9.4. Other national laws that promote the exercise of this right are the following:

- i) Organic law of land management (LOPOT – 1983) as regards the specials areas in which cultural sites are registered;

ii) Law for the protection and defense of the cultural heritage (LPDPC – 1993) as regards the preservation, safeguarding, conservation, restoration, identification and promotion of cultural heritage;

iii) Administrative regulation 012/05 as regards the creation of the general register of cultural heritage.

10. Institutional framework: The new Ministry of Culture, created in 2005, is in charge of all the matters related to the right to take part in cultural life. Furthermore, in order to support the implementation of the ratified UNESCO's Conventions and principles for the safeguarding of tangible and intangible heritage, the Cultural Institute of Heritage was created in 1993.

11. Policy measures: The most important actions plans and strategies adopted to support the implementation of the principles of the ratified Conventions are:

- i) National strategy for the diffusion of cultural presses;
- ii) National strategy for the promotion of hand crafts;
- iii) National strategy for the diffusion of audiovisual creation;
- iv) National strategy for the diffusion of books and libraries;
- v) National strategy for the promotion of museums, art galleries and “Cultural Diversity Houses”
- vi) “Misión Cultura” Project for the promotion of the access to artistic events;
- vii) Creation of State Cabinets as decentralized offices of the Minister of Culture for the development of popular participation in cultural matters;
- viii) Creation of a Liaison Offices with Indigenous Communities, Afro-descendants Communities, Communities in special conditions and Immigrants Communities as a Minister of Culture specialized office for the safeguarding and promotion of these communities' intangible heritage;
- ix) Two national priorities' projects: “Artists' web in defence of Humanity” and “Cultural Tourism”.

12. Cooperation: The regional mechanisms in charge of supporting the implementation of the ratified UNESCO Conventions' principles are the specialized committees of the *Mercado Común del Sur* (Southern Common Market, MERCOSUR), ALBA Cultural, the Union of South American Nations (UNASUR); the Organization of American States (OAS), the Organization of Ibero-American States for Education, Science and Culture (OEI); the International Council on Monuments and Sites (ICOMOS) and the the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).

13. Achievements, best practices, challenges and constraints: Among the achievements of the efforts undertaken with a view to promote the right to take part in cultural life of the community are: the creation of 24 organizations of regional press and of one organization of cultural press; the opening of 113 communitarian cinemas, 16

regional ones and 15 institutional ones; the inauguration of the Disc National Centre; opening of 52 libraries; the creation of 44 handicrafts promotional spaces; the creation of 25 museums and art galleries, 3 archaeological parks and 11 cultural diversity houses; the implementation of a national cultural heritage inventory; the creation of the National Centre for History and Memory and of the National Centre for Photography.

14. One of the challenges in the field of cultural development is the need to strengthen the collaboration between the Ministry of Culture and the communal councils, state cabinets and cultural diversity houses.

15. Capacity-building and technical assistance provided and/or recommended by UNESCO: The Director of the Venezuelan Cultural Institute of Heritage is invited to the Andean workshop on the Effects of Climate Change on the World Heritage Sites and Biosphere Reserves, organized by the UNESCO Cluster Office in Quito, Ecuador, with a view to promote a better comprehension of climate change's challenges on cultural heritage and to encourage sharing information among the cultural managers of the Latin American and the Caribbean Region.

### **3. Freedom of opinion and expression**

16. Institutional framework comprises:

- i) Public human rights institutions: People's Ombudsman of the Bolivarian Republic of Venezuela, Permanent Committee on People's Power and Media of the National Assembly;
- ii) Journalists' institutions (dealing with freedom of expression): National Journalists Association;
- iii) civil society human rights organizations: Press and Society Institute, Venezuela (IPYS), NGO "*Expresión Libre*", NGO *Espacio Público*, Radio Association *Somos Radios*;
- iv) Academic human rights institutions: Human Right Centre of the Andrés Bello Catholic University (Department of Freedom of Expression and Information), Communication Research Institute of the Central University of Venezuela.

17. Achievements, best practices, challenges and constraints:

17.1. The situation of the right to freedom of expression deteriorated over the last years in the Bolivarian Republic of Venezuela.

17.2. The right to freedom of expression and the right to information are recognized respectively in Article 57 and Article 58 of the Constitution of the Bolivarian Republic of Venezuela. The Constitution, in its Article 337 guarantees the unconditional protection of freedom of information which is recognized as one of the "untouchable" rights that cannot be restricted even under exceptional circumstances. Furthermore, articles 101, 108 and 143 reinforce the protection of such aspects of the right to information as access to

public information, cultural information and the use of information and communication technologies (ICTs).

17.3. However, although freedom of expression is recognized in the Articles 57 and 58 of the Constitution, Article 58 establishes a number of prerequisites for information, which should be truthful, verified, and timely, which restricts free speech and is incompatible with the right to freedom of expression as proclaimed in the international human rights instruments.

17.4. Other national laws could also restrict the exercise of the right to freedom of expression:

17.5. The Law on Social Responsibility in Radio and Television, also known as the “Ley Resorte”, entered into force in December 2004. The Inter-American Commission on Human Rights (IACHR) considers that Article 29 (1) establishes ‘an exaggerated degree’ of punitive sanctions for violating the restrictions on the right to freedom of expression that are defined in a vague or generic language. This Law was modified in December 2010 and included electronic media. The Law, in its Article 27, provides for seven restrictions on the contents of information in case they “incite or promote hatred”, “foment anxiety in the citizenry” or “ignore the authorities”, these are a few among the new prohibitions that are equally vague and ambiguous. In addition, the Law prescribes that Internet service providers should create mechanisms “that enable the restriction of the dissemination” of these types of messages and establishes the liability of such companies for the expressions made by third-parties.

17.6. The Organic Law on Education, entered into force in August 2009, has three articles that could affect the right to freedom of expression. The cited provisions establish the category of “public services” for private communications media, the IACHR considers that this classification could be used to restrict the right to freedom of expression in a manner incompatible with Article 13 of the American Convention on Human Rights. The articles establish grounds for restriction of freedom of expression, such as that which prohibits, for example, revealing information that promotes the deformation of the language or that commits outrage against values.

17.7. In March of 2005, the Penal Code was reformed to broaden the scope of the norms protecting the honor and reputation of state officials from the broadcasting of critical expressions that may be considered offensive (Articles 147 and 148). The reform kept the article related to the penal offense known as “*vilipendio*” which consecrates a kind of *desacato* against the institutions of the State (Article 149).

17.7.1. The text of Articles 147 and 148 of the Penal Code establishes the following:

a) Article 147: One who offends by word or in writing, or in any other manner disrespects the President of the Republic or whoever is taking his or her place, shall be punished with imprisonment of six to thirty months if the offense was grave, and with

half of that if it was minor. The penalty will be increased by one-third if the offense was committed publicly.

b) Article 148: When the acts specified in the previous article are carried out against the person of the Executive Vice President of the Nation, one of the Judges of the Supreme Court of Justice, a Cabinet Minister, a Governor of a state, a deputy of the National Assembly, the Metropolitan Mayor, a rector of the National Electoral Council, the Human Rights Ombudsman, the Solicitor General, the Attorney General, the Comptroller General of the Republic, of some members of the High Military Command, the penalty indicated in the article will be reduced to one half, and to one third when it relate to mayors of municipalities.

c) Article 149: Whoever publicly denigrates the National Assembly, the Supreme Court of Justice, or the Cabinet, or the Council of Ministers, as well as one of the legislative councils of the states or one of the superior courts, shall be punished with imprisonment of fifteen days to ten months. Half of this penalty will be applied against those who commit the acts referred to in this article with respect to municipal councils. The penalty will be increased by half if the offense was committed while one of the enumerated bodies was exercising its official functions.

17.8. The Organic Code of Military Justice Article 505 establishes that: “One who in some way injures, offends, or shows contempt for the National Armed Forces or one of its units will incur a sentence of three to eight years in prison.

17.9. The Organic Law on Telecommunications was reformed in December 2010. The Law establishes that telecommunications service will be subject to content limitations and restrictions for reasons of public interest established by the Constitution and the Law.

17.10. The National Sovereignty and Self-Determination Law was reformed in December 2010. The Law says that political freedom and national self-determination should be protected from any foreign interference like funding or financial support that may be intended to undermine the stability and functioning of democratic institutions legally constituted. The Law establishes that political organizations, organizations for the defense of political rights or natural persons involved in political activities could only receive donations or contributions coming from national individuals or corporations. Besides, the Law aims to protect the State from political organizations or organizations for the defense of political rights that discredit, disrespect, vilify or grievance to state institutions, its operations or its representatives. These limitations could affect the stability of non-governmental organizations that receive international funds and that do not have any other income.

17.11. Article 192 of the Organic Law on Telecommunications and Article 10 of the Law on Social Responsibility allow the President of the Republic to transmit all his speeches and presentations simultaneously, through all the communications media without any time limit. Public and private broadcast media in Venezuela are obliged to connect to the frequency of the President whenever he deems it necessary or expedient. The IACHR

considers that any intervention by the President using this mechanism must be strictly necessary to satisfy the urgent requirements in matters of evident public interest and any obligation to broadcast content not chosen by the media itself must conform strictly to the requirements imposed by Article 13 of the American Convention on Human Rights to be considered as an acceptable limitation on the right to freedom of expression.

17.12. UNESCO Director-General condemned the killing of journalists Jesús Flores Rojas on 23 August 2006 and Orel Sambrano on 16 January 2009. On 4 March 2009, the Organization sent a letter to the Venezuelan authorities requesting information on the status of the legal investigation conducted concerning the killing of Jesús Flores Rojas. As of 25 March 2011, UNESCO had not received information on this case. A positive development in the fight against impunity can be seen in the fact that the murderer of Orel Sambrano was convicted.

17.13. Capacity-building and technical assistance provided and/or recommended by UNESCO: Consistent with its mandate, UNESCO has contributed to strengthening the capacities of civil society organizations promoting and defending freedom of expression and safety of journalists in Venezuela. However, cooperation with governmental institutions in this domain remains a challenge.

#### **4. The right to enjoy the benefits of scientific progress and its applications (REBSP)**

18. The Bolivarian Republic of Venezuela has taken the obligations to respect, protect and fulfil the right to enjoy the benefits of scientific progress and its applications by signing or becoming a Party to the following international human rights instruments: the Universal Declaration of Human Rights (Article 27), the International Convention on the Elimination of All Forms of Racial Discrimination (Party since 4 January 1969), the American Convention on Human Rights (Party since 23 June 1977), the Convention on Biological Diversity (Party since 12 September 1994), the Cartagena Protocol on Biosafety (Party since 2 January 2002).

19. Constitutional framework: The 1999 Constitution, in its Chapter III, “Duties, Human Rights and Guarantees”, establishes an important framework for the protection of human rights, in particular Article 110 states that: “The State recognizes as being in the public interest science, technology, knowledge, innovation and the resulting applications, and the necessary information services, the same being fundamental instruments for the country's economic, social and political development, as well as for national sovereignty and security. To promote and develop these activities, the State shall allocate sufficient resources and shall create a national science and technology system in accordance with law. The private sector shall contribute with resources as well. The State shall guarantee the enforcement of the ethical and legal principles that are to govern research activities in science, humanism and technology. The manners and means of fulfilling this guarantee shall be determined by law”

20. Legal framework:

20.1. Decree N° 1.290 with Range and Force of Organic Law of Science, Technology and Innovation (2001) and Law of Science, Technology and Innovation (2005): These two laws organize the national system of science, technology and innovation. The laws declare as public interest the scientific, technological and innovation activities.

20.2. Law of Biological Diversity (2000): This legal instrument ratifies the government bond for anticipating and avoiding any risk that threatens the biological diversity.

20.3. Bioethics and Bio-security Code, Ministry of Science, Technology and Intermediate Industries: This Code constitutes the base of the policies on Bioethics and Bio-security of the Department of Science and Technology and the National Fund of Science and Technology, which is implemented by the Commission of Bioethics and Bio-security. It incorporates basic elements of the debates and international agreements, besides particular considerations linked to the Venezuelan culture and to the nature of the institution.

21. Institutional framework comprises the Ministry of Science, Technology and Intermediate Industries, the national system of Science, Technology and Innovation, the national Observatory for Science, Technology and Innovation, the national Fund for Science, Technology and Innovation, Venezuelan Institute for Scientific Research, People's Ombudsman, etc.

22. Policy measures: Venezuela is party of the International Covenant on Economic, Social and Cultural Rights. Venezuela submitted its last periodic report on the application of the Covenant in 2001.

23. Work with civil society: The participation of the civil society in the cultural life and in the application of the ratified agreements and principles is assured by the committees of bioethics, or councils of ethics for sciences in Venezuela. The majority of these committees depend on the Ministry of Science and Technology or they are organs of Universities or Research Institutes.

23.1. The Bioethics and Bio-security Commission (1999): It is an advisory organ of the all entities in the field of science and technology in Venezuela. Its principal aim is to canalize the consultations and to assure the follow-up of the processes related to the Code of Bioethics in Venezuela.

23.2. The National Commission of Bioethics and Bio-Security for Health, associated to the Ministry of People's Power for Health: It is a regulatory and supervisory organ dealing with the ethical aspects of the scientific research in the area of health.

23.3. The National Centre of Bioethics, Universidad Central de Venezuela;

23.4. Committee of Ethics of Scientific Research, *Universidad Central de Venezuela*.

24. Capacity-building and technical assistance provided and/or recommended by UNESCO: UNESCO recommends to consider a possibility to design a common agenda with the Ministry of Science, Technology and Intermediate Industry, the National Observatory of Science and Technology or the National Fund of Science and Technology and Innovation that would collect and promote good practices in the fields of scientific development, application of bioethics codes and guaranteeing human rights for all without discrimination, in particular the right to enjoy the benefits of scientific progress and its applications.

25. Furthermore, UNESCO intends to establish or reinforce cooperation with civil society organizations, in particular with the Bioethics and Bio-security Commission, the National Commission of Bioethics and Bio-security for Health, the National Centre of Bioethics (*Universidad Central de Venezuela*) and other associations or committees whose objective is to promote best practices in bioethics and respect for human rights, specially the right to enjoy the benefits of scientific progress and its applications.

26. UNESCO invites the civil society to formulate requests for information concerning how the State of Venezuela implements the right to enjoy the benefits of scientific progress and its applications in the framework of its obligations with regard to the implementation of constitutional, legal and political rights, as established in Article 15 of the International Covenant on Economic, Social and Cultural Rights. UNESCO could assist the civil society in formulating such requests.

27. Furthermore, in case the Venezuelan National Commission for Cooperation with UNESCO, civil society or other non-governmental or governmental organizations formulate a specific request, UNESCO could support activities aimed at strengthening social sciences, especially those related with research systems, scientific cooperation and strengthening of the national system of science, technology and innovation.

### **III. RECOMMENDATIONS**

#### **Right to education**

28. The Bolivarian Republic of Venezuela should be encouraged to ratify the 1989 UNESCO's Convention on Technical and Vocational Education.

29. It is necessary that UNESCO continues supporting in a systematic way, the development of the Education Plan in Venezuela, accordingly with the national mandates and international instruments of Education Rights. The role of UNESCO in strengthening institutional technical capacity, especially the Ministry of Education of Venezuela, has been recognized permanently by Venezuelan authorities.

#### **Right to take part in cultural life**

30. The Bolivarian Republic of Venezuela should be encouraged:

- i) to focus particularly on the promotion of intercultural dialogue with indigenous and afro-descendants communities;
- ii) to keep on promoting the public access to heritage sites ;
- iii) to strengthen the indigenous and afro-descendants effective participation in cultural life.

### **Freedom of opinion and expression**

31. There are several opportunities for developing and protecting Freedom of expression in the Bolivarian Republic of Venezuela. UNESCO recommends:

- i) to improve the safety of journalists;
- ii) to investigate the crimes against media workers and report on these investigations to counter impunity;
- iii) to re-assess the media legislation provisions in order to guarantee that it is not in contradiction with the government's expressed commitment to defend freedom of expression.

### **The right to enjoy the benefits of scientific progress and its applications (REBSP)**

32. The Venezuelan Government is to be encouraged to implement the International Covenant on Economic, Social and Cultural Rights as regards its article 16 and 17, by submitting periodic reports on the application of the Covenant.