



Committee on the Rights of Persons with Disabilities

Civil Society Report in Response to the List of Issues for the Initial Review of the Bolivarian Republic of Venezuela on the Convention on the Rights of Persons with Disabilities

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ACRONYMS

UNHCR: United Nations High Commissioner for Refugees

AN: National Assembly

ANC: National Constituent Assembly

ASOIVE: Association of Venezuelan Sign Language Interpreters and Guide Interpreters

CCV: Venezuelan Civil Code

CAIPA: Center of Integral Attention for People with Autism

CCV: Venezuelan Civil Code

HRC: Human Rights Council

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

CEDISC-UMA: Center for Disability Studies at the Universidad Monteávila

IACHR: Inter-American Commission on Human Rights

CONSORVEN: Venezuelan Confederation of the Deaf

COVENIN: Venezuelan Industrial Standards Commission

CPC: Code of Civil Procedure

CRPD: Convention on the Rights of Persons with Disabilities

CPGPPD: Presidential Council of People's Government for People with Disabilities

CRBV: Constitution of the Bolivarian Republic of Venezuela

DP: Ombudsman's Office

UDHR: Universal Declaration of Human Rights

EADH: Study on accessibility and rights

EHC: Complex Humanitarian Emergency

ENCOVI: National Survey on Living Conditions

UPR: Universal Periodic Review

FAO: Food and Agriculture Organization

HNO: Humanitarian Needs Overview

INE: National Institute of Statistics of Venezuela

LOE: Organic Law of Education

LOES: Organic Law on Higher Education

LOPNNA: Organic Law for the Protection of Children and Adolescents

LPWD: Law for Persons with Disabilities

LOPE: Organic Law on Electoral Processes

LOPT: Organic Law of Labour Procedure

LSV: Venezuelan Sign Language

NNA: Children and adolescents

OHCHR: Office of the United Nations High Commissioner for Human Rights

OCHA: UN Office for the Coordination of Humanitarian Affairs

OPD: Organizations working by and for people with disabilities

WHO: World Health Organization

NGO: Non-Governmental Organization

UN: United Nations

PASDIS: Program of Health Care for Persons with Disabilities

PWD: Person with a disability

HNP: National Human Development Programme

P- LOPPDIS: Draft Organic Law for the Protection, Care and Dignification of Persons with Disabilities

RBV: Bolivarian Republic of Venezuela

SENACOA: National Service for Accessible Communication

STJ: Supreme Court of Justice

Presentation

1. The present report offers contributions, responses and recommendations from civil society in relation to the List of Issues issued by the Committee on the Rights of Persons with Disabilities (the Committee) in October 2019, in order to be evaluated for the initial review of the Venezuelan State regarding its compliance with its obligations under the Convention on the Rights of Persons with Disabilities (CRPD).
2. Thirty non-governmental organizations (NGOs) and organizations of and for persons with disabilities (OPDs) participated jointly in this report ¹after a thorough review of the List of Issues and considering the report submitted by the Government of the Bolivarian Republic of Venezuela and its replies to the List of Issues.
3. The organizations in charge of the elaboration of the report reiterate that they are independent of the State and most of them refer to not having been called by official entities for consultations, plans, and programs related to the situation of Persons with Disabilities (PWD) in Venezuela, not even for this initial review, and express their willingness to attend the sessions of the aforementioned review in order to present the results of this report.
4. For the preparation of this report, the organizations reviewed the Initial Report of the Venezuelan State issued in 2014, the Alternative Report for the Initial Review issued by Civil Society in July 2019, the Report of the Venezuelan State's Response to the List of Issues, the inputs and investigations reviewed during the preparation of the Alternative Report of Civil Society, as well as a new media monitoring and new Technical Tables carried out in January 2020. This report was made with the participation of 30 organizations that were convened in a short period of time, once the Report of the State's Response to the List of Issues was published, which showed their full willingness and commitment to participate. We thank each of the representatives of these organizations, the specialists, academic centers, persons with disabilities and their families, all from different states of the country (Táchira, Nueva Esparta, Lara, Yaracuy, Carabobo and Caracas) for joining us again in just two weeks to offer their reflections and contributions.

¹ Venezuelan Confederation of the Deaf (CONSORVEN), Center for Disability Studies of the University of Monteavila (CEDISC), Association of the Deaf of the State of Yaracuy (ASEY), Association of Sign Language Interpreters of the State of Yaracuy (ASOISY), Association of the Blind of Yaracuy, Chamos en el Agua Foundation, VinoTinto Movement Association of Deaf People in the State of Lara (ASEL LARA), Network of Human Rights Defenders in the State of Lara, Deaf-Blind People of Venezuela (SOCIEVEN), Venezuelan Society for Children and Adults with Autism (SOVENIA), Training and Research on Disability (FUNDAFID), Civil Association for the Development of Complementary Education (ASODECO), Civil Association Mis Chiquiticos Asociación Civil Soy Parte del Mundo, Fundación una Luz para el Autismo (Funauta), Asociación Neoespartana para la Integración del Autismo (ASONEPIA), Asociación Civil Fuerza, Unión, Justicia y Paz (FUNPAZ), Red de Defensores de Derechos Humanos en el Estado Nueva Esparta, GLOBAL HEROES, Red de activistas Ciudadanos por los Derechos Humanos (REDAC), Good Samaritan Foundation, Arcoiris School, Biot talento Project, Friendly Hand Foundation, Human Rights Center University of Yacambú, Professors from the Central University of Venezuela (UCV), National Open University (UNA), National Experimental University of Yaracuy (UNEY) and Lisandro Alvarado Central Western University (UCLA).

General purpose and obligations (arts. 1-4)

5. Although the Committee notes that Venezuela is facing an emergency situation characterized by political, civil, economic and social instability, with serious humanitarian consequences for the civilian population, including persons with disabilities, and particularly women and children with disabilities, who are experiencing increasing levels of violence and discrimination. The Venezuelan State considers the situation as a crisis created by the economic war, therefore,²the measures adopted to implement the Convention in emergency and crisis situations do not seem to be assumed by the State in accordance with its international responsibilities to urgently address the process of sustained and progressive deterioration in the political, civil, social, economic, educational, legal and health aspects, which impact more and more strongly on the entire population and especially on the most vulnerable ones, such as the persons with disabilities.
6. The Venezuelan State has only recently accepted in May 2019, and due to strong international pressure, the implementation of some humanitarian aid measures that are not sufficient to enable an international humanitarian response in accordance with international law when States are unable or unwilling to guarantee the rights of individuals³. Among the main measures that are still expected from the State's cooperation are: a) authorize international humanitarian actors to have full access to people in need wherever they are (hospitals, educational and community centers), in particular the World Food Programme, a United Nations agency not based in the country; b) to allow the publication of the results obtained after diagnoses and evaluations, which are of national and international knowledge of the emergency situation in the country; c) to provide protection to all national and international humanitarian actors in their work, in the face of high risks related to practices of violence, abuse and social control of the population, in some cases implemented by non-official groups adept at the government.
7. Despite the fact that the emergency in Venezuela is a crisis of great proportion, generalized to all the population and territory, and with particular affectation in the vulnerable groups like the persons with disabilities, there is no information to determine the population with disability that has been affected nor on the measures and programs adopted to attend to their humanitarian needs of protection and assistance, according to rights. In the years prior to this emergency, there has also been no access to official and public information on budgetary investment allocated to plans and programs in the field of disability or their implementation.
8. At present, the situation of political instability is maintained by a government with clear questions of legitimacy at the international level,⁴which limits the execution

² Venezuelan Television. Plan for Integral Attention to the Victims of Economic War September, 2019. Available at: <https://www.vtv.gob.ve/victimas-guerra-economica-merida-la-milagrosa/>

³ What happened to humanitarian aid? Available at: <https://prodavinci.com/que-ha-pasado-con-la-ayuda-humanitaria/>

⁴ Illegitimacy issues. Available at: <https://www.elmostrador.cl/dia/2019/01/10/venezuela-maduro-jura-para-un-segundo-mandato-en-medio-de-cuestionamientos-de-ilegitimidad/>

of concrete actions that prioritise the defence of the human rights of the CRPD. Even though the State has allowed the installation of a mission of the Office of the High Commissioner for Human Rights (OHCHR) by resolution of the United Nations Human Rights Council, the Venezuelan State continues to fail to implement the observations issued by the OHCHR to guarantee the rights of the Venezuelan population, going so far as to disregard, question and disqualify these representatives and the content of their reports⁵.

9. Regarding the harmonization of the legislative framework with the provisions of the CRPD, in particular the Law for Persons with Disabilities (2007) and the draft Organic Law for the Protection, Care and Dignification of Persons with Disabilities (published in 2016), no process of review or adjustment to its precepts has been carried out,⁶ nor have the Regulations of this Law or the other legal instruments necessary to comply with the provisions of the CRPD been drafted so far, accumulating 13 years of debt in this regard.
10. With regard to the Constitutional Law for Persons with Disabilities that the State claims to be drafting at present, as a new legal norm that guarantees the human rights of this population, only one (1) organization stated that it had received the draft of this law while 98% of the OPDs in the Technical Tables stated that they had not been convened under any form of participation, nor were they aware of its possible content. Moreover, this is a recent initiative of the National Constituent Assembly (ANC), whose legitimacy is widely questioned.
11. The denial of reasonable accommodation as a form of discrimination against PWD often occurs by omission in daily practice rather than in legislation; Venezuelan cities do not have adaptations in infrastructure, roads, transportation or systems of any kind of basic services (such as schools and hospitals), which questions *per se* the effectiveness of the sanctioning measures and reveals the absence of public policies that should be adopted by the State as its primary obligation.⁷
12. On the other hand, the Presidential Council for Popular Government of People with Disabilities (CPGPPWD), elected in popular assemblies as part of the communal government structure, does not escape the prevailing political polarization. Their calls and actions reported in social networks prioritize partisan political proselytism, which is⁸ a way of excluding and manipulating the population with disabilities with different political preferences.

⁵ Questioning of UN Reports. Available at: <https://www.americaeconomia.com/politica-sociedad/politica/maduro-vuelve-cuestionar-informe-de-bachelet-sobre-venezuela-deberia> ; <https://www.telesurtv.net/news/venezuela-denuncia-onu-informe-bachelet-onu-20190910-0011.html>

⁶ PWD Organic Law Project. Available at: <https://www.eluniversal.com/el-universal/35336/el-proyecto-de-ley-organica-PWD>

⁷ Absence of Public Policies for the benefit of the PWD. Available at: <https://prodavinci.com/david-cedeno-nos-dieron-visibility-pero-no-hay-inclusion-real/> ; <http://discapacidad0.co/blog/caracas-ciudad-intransitable-para-personas-con-discapacidad-motora/> ; <https://elpitazo.net/salud/politicas-de-inclusion-para-personas-con-discapacidad-no-han-avanzado-en-12-anos/> <https://drive.google.com/file/d/1rJvP4SHWfpNcYRL8Z3f6RVE80iMiaon0/view?usp=sharing>

⁸ Installation of the PWD Presidential Council. Available at: <https://www.facebook.com/Conapdis/photos/a.796407810450530/796410570450254/?type=3heater/>

13. The Plan of the Nation 2019-2025 and the National Human Rights Plan 2016-2019 submitted by the State, are not disseminated among the population with disabilities in the country. The organizations participating in the Technical Tables 2020 are unaware of the approaches that could promote the disability perspective as a crosscutting focus that would make possible the intersectoral coordination necessary for the elaboration and implementation of public policies that reveal real cooperation.
14. Much more specific information on the scope, achievement indicators, assigned budgets and fulfilled goals of these plans is unknown. In the daily actions of the different sectors of the national community (work, education, health, others) there continues to be a perception of assistance that is not in line with the vision of rights, and the attribution of exclusive responsibility to entities such as the National Council for Persons with Disabilities (CONAPDIS) and the Special Education modality or Mental Health services, as an example of the absence of co-responsibility.

Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

15. Although it is recognized that the entry into force of the CRBV in 1999 eliminated any possibility of inequality or discrimination for persons with disabilities, no reform of Article 21 of the CRBV has yet been published to expressly include persons with disabilities.
16. The Venezuelan State in paragraph 21 of the State's Response to the List of Issues mentions that the ANC is developing a new legal standard on disability. In reference to this statement, it is important to emphasize that civil society is not yet aware of this section. In the same paragraph 21 the Venezuelan State indicates that the ANC has a draft "Constitutional Law for Persons with Disabilities". Civil society reiterates that it is not aware of the content of this bill. However, it is known about the existence of commissions formed within the ANC to deal with the issue of disability, and it is still expected that the relevant information can be obtained.
17. With regard to the fact that in 2014 was adopted the Law on the Promotion and Protection of the Right to Equality of Persons with HIV and their Families, referred in paragraph 22 of the State's Response to the List of Issues, it should be noted that this law seeks to eradicate discrimination against persons with HIV specifically. The reference to the persons with disabilities is only incidental. Although it is true that it was an advance of the Law for Persons with Disabilities LPWD the elimination of the Article 410 of the Venezuelan Civil Code (CCV), which established "*ope iuris*" the disqualification of deaf and blind persons once they reached the age of majority, it should be indicated that some discriminatory norms were not expressly repealed.

<http://www.radiomundial.com.ve/article/consejo-presidencial-para-personas-con-discapacidad-se-instalar%C3%A1-el-25-de-febrero/>

18. Thus, Article 90 of the CCV, referring to the marriage of deaf people, requires that these people express their will in writing, if they can read and write; it does not foresee that these people express their will through Venezuelan Sign Language (LSV). Similarly, Article 837 of the same CCV restricts the possibility to making wills for deaf or mute persons, who do not know or cannot write, thus obviating the possibility of them expressing their will through LSV. Furthermore, Articles 861 and 862 of the CCV reinforce this restriction on the possibility of making a will for the deaf and mute making it conditional on the fact that they can read and write. Article 864 of the CCV also states that blind people and those who are totally "deaf or mute are not able to be witnesses to a will, which is a violation of human rights when considering that in an investigation carried out by CONSORVEN it⁹ was found that 73% of the deaf population consulted "knew more or less how to write" and 10% "did not know how to write". Similar ratios were obtained when asked if he could read. In addition, 48% of the deaf population reported communicating predominantly in Venezuelan Sign Language (VSL).
19. This means that, based on the above-mentioned articles of the CCV, most persons with disabilities could be violated in their right to marriage, to be witnesses or to make wills. For all the above reasons, the OPDs at the Technical Tables 2020 pointed out that the legislative framework for the protection of persons with disabilities that already exists needs to be applied and implemented in a broad and effective manner, which can be in line with the current reality of the country and the needs and individual characteristics of persons with disabilities.
20. With regard to mechanisms for receiving complaints or denunciations, it was found that the CONAPDIS page does not have any space that offers this service to the population: the last publication referring to a space for denunciations and complaints was made through the social networks Twitter¹⁰ and Facebook¹¹ in February 2017-2018. At present, especially the Twitter account of CONAPDIS works as a means of communicational exchange and is the main promoter and disseminator of all activities carried out by the entity. However, as expressed by the OPDs in the Technical Tables, it is important to note that CONAPDIS as an institution does not provide services on a continuous basis, making it difficult to have contact with its staff for workshops, data collection and other activities necessary for the assistance and support of persons with disabilities.
21. According to the OPDs of the Technical Tables 2020, it is impossible to corroborate the official figures of complaints and denunciations expressed in the Report of the State's Response to the List of Issues in paragraph 24, which even express significant differences between the trend of gender discrimination between the results presented by CONAPDIS and DP.

⁹ Venezuelan Confederation of the Deaf (2019). Project Diagnosis Report: Active Deaf Community through Training in Rights and Associative Movements. Consulted on: June, 2019. Available at:

https://drive.google.com/file/d/13uqaYjWZ-QCaECB3T1L_-o7KSnJUzMIR/view?usp=sharing

¹⁰ CONAPDIS inspection. Available at: <https://twitter.com/inspeccionc?lang=es>

¹¹ Complaints or claims CONAPDIS. Available at: <https://www.facebook.com/Conapdis/photos/tienes-alguna-queja-consulta-o-denuncia-ahora-puedes-hacerlo-a-trav%C3%A9s-de-la-cuen/1344709902286982/> / <https://drive.google.com/file/d/1b8JHhLoDQ77ryTIRTtEhZYk95N8XfaVC/view?usp=sharing>

22. With regard to paragraph 20 of the State's Response to the List of Issues, which mentions training programs for police bodies, we welcome the initiative and hope that it will be effective, since numerous cases of violations of the rights of PWDs, such as those cited below, were presented during the 2017 protests:

Case 1: 29 year-old visually impaired young man died in Aragua state. The man was left in the middle of a confrontation between gangs and security forces, receiving bullet wounds for which he was taken to the hospital to be treated, where he died because the necessary supplies to save his life did not exist. In this sense, the violation of the right to life and health is evident.

Case 2: A 26-year-old man was shot during the April 2017 protests in Petare, Miranda state. The young man, who has a mild hearing, visual, psychosocial and intellectual disability, was shot in the back by state security forces who were suppressing the protest situation. Some residents of the area came out to his shelter telling the security forces not to shoot him anymore because he was a disabled person. The young man remained lying on the ground for approximately 15 minutes because the agents refused to mobilize him to the hospital. In further investigations it was determined that the cartridge was prepared with a nut and bolt. Similarly, in the statements of the family members, it was obtained as an important piece of information that the boy was only passing through the area and was not participating in the protest. So far the case has not received any timely response, from the judicial aspect, there are only delays in the processes due to the constant change of prosecutors of the investigation in the courts (125° and 80°) that know the case. From the point of view of human rights, there is evidence of a violation of the right to life and judicial guarantees.

Women with disabilities (art. 6)

23. With regard to policies to address the emergency situation, the State's Response Report to the List of Issues does not specify that any of the services of the programs indicated in paragraphs 26, 28 and 29 of the aforementioned report serve the population of women with disabilities. It should also be noted that there is no provision for reasonable accommodation or any information indicating that this vulnerable population will be taken into account in accordance with their specific needs.

24. Paragraph 28 of the same report states that the Ministry of the People's Power for Women and Gender Equality offers some programs to assist women in matters of sexual and reproductive education, such as assisted childbirth, in which women with disabilities are not treated differently. It should be noted that, according to what the OPD experts expressed in the Technical Tables 2020, women with intellectual or hearing disabilities present serious problems in pregnancy care and during childbirth, since they do not have qualified personnel to work with this population.

25. Women with disabilities do not have access to sexual and reproductive health services and the lack of reliable information on social and legislative changes to promote gender equality remains a constant in this area, so it is very difficult to

know about their implementation and scope. The OPDs in the Technical Tables indicated the lack of dissemination and guidance on the functions and activities of the State institutions that the State claims to have created for the support and protection of women, including those with disabilities. We do not handle figures on claims, cases or trials in this area that are official and can be confirmed. There is no public access to this data and it is assumed that women with disabilities are not aware of what public institutions do in relation to disability.

26. On the other hand, the OPDs in the Technical Tables reiterated that there are no policies or programs to accompany women or girls with disabilities in the free choice of having children, mainly in the cases of intellectual disabilities. Neither the Law for Persons with Disabilities (LPWD) nor the Organic Law for the Protection of Children and Adolescents (LOPNNA) (art. 29) provide for this particular aspect. In addition, the lack of reliable information on the Plan for Gender Equality for Equity Mama Rosa, from the point of view of its implementation, is remarkable. The information provided by the State¹² is merely descriptive, philosophical and political, with a marked ideological bias, and there is no public access to data on the results of implementation, activities and registration, or on the incorporation of girls and women with disabilities in their implementation.

Children with disabilities (art. 7)

27. According to what was indicated by the OPDs in the Technical Tables 2020 in reference to the LOPNNA, and specifically in the area of protection for children with disabilities, there is no knowledge of official figures of situations in which this Law has been applied for the correction and sanctioning of cases in educational, socioeconomic, and health matters, among others.
28. Moreover, the experts attending the Technical Tables corroborate that there are no official figures for educational institutions (public or private) that have infrastructure in line with universal accessibility, in addition to staff trained to care for children and young people with disabilities of school age.
29. There is no knowledge of the functions, activities and scope of the Specialized Comprehensive Protection Unit of the Autonomous Institute for the Rights of Children and Adolescents, which is attached to the State. These entities do not have a web page where the programs, requirements and scope of activities indicated in paragraph 34 of the State's Response to the List of Issues can be consulted. Their continuous activities are known by the messages published in the social network Twitter @idennaoficial, as well as by a recent publication from the account of the Ombudsman's Office¹³ indicating that they are working hand in hand to learn about the reality of this population; however, since 2014 there is a parallel

¹² Plan for Gender Equality and Equity Available at: http://www.leyresorte.gob.ve/wp-content/uploads/2017/03/MinMujer-Publicaciones-2014-10-07-05_12_04-Plan-para-la-Igualdad-y-Equidad-de-G%C3%A9nero-quotMam%C3%A1-Rosaquot-2013-2019.pdf

¹³ Ombudsman's Office, Vice-Ministry of Supreme Happiness and Idenna. Available at: https://twitter.com/Defensoria_Vzla/status/1222526818160300033

account called @nuevaidenna in which they openly question the management of the official entity.

30. With regard to the statement in paragraphs 35 and 36 of the State's response to the list of issues that all children with disabilities should be supported in expressing their views, a review of the guidelines shows that they are focused on children who can hear and speak, but that children who are deaf or hard of hearing are not taken into account. In this regard, it is recommended that the State modify or expand these guidelines and include the perspective of children and adolescents with hearing disabilities, deafblindness or other conditions.
31. In addition, the OPDs that participated in the Technical Tables indicate that there is no knowledge of the channels or channels of expression to which children and adolescents with disabilities can have access to freely express their thoughts, concerns, difficulties and achievements, including their positions on their duties or rights, educational aspects, discrimination, health, among others; nor is there any information accessible to the Supreme Court of Justice (TSJ) on the procedures for their protection, and it is not known if it has been implemented and since what date.
32. The OPDs in the Technical Tables also pointed out that there is no information about the functioning, implementation and scope of the CONAPDIS Family Orientation Programme throughout the national territory, beyond the Facebook ads¹⁴. Parents and representatives say it is difficult to locate information on diagnosis, treatment and interdisciplinary care for their children (children and young people) with disabilities. Families say they do not have hospital centers or community committees near their residential areas with guidance on managing the diagnosis or on educational and social development opportunities for their children with disabilities.
33. Finally, it is reiterated that there are few complaints in the Public Prosecutor's Office about violations of the rights of children with disabilities. There is no statistical information on the number of cases attended to and only 4 cases of sexual abuse appear on the official website¹⁵.

Awareness (Article 8)

34. CONAPDIS, in partnership with various public bodies, including the Ombudsman's Office (DP) and the Ministry of People's Power for Health (MPPPS), has carried out various training activities to raise awareness and provide care for people with

¹⁴ Family Orientation Program. Available at:

<https://www.facebook.com/Conapdis/photos/a.131768143581170/2498394406918520/?type=3heater>

¹⁵ Public Prosecutor's Office. Complaint search engine. Available at:

http://www.mp.gob.ve/web/guest/buscador?p_p_id=77_p_lifecycle=0_p_state=maximized_p_mode=view_p_col_id=column-1_p_col_count=177_struts_action=%2Fjournal_content_search%2Fsearch

disabilities, such as the Venezuelan Sign Language Diploma Course,¹⁶ the Workshop on Appropriate Treatment for People with Disabilities, and various workshops held with the National School of Human Rights, created in August 2018 and strengthened in 2019 to provide care for people with disabilities¹⁸.

35. However, the training courses mentioned in the State's Response Report to the List of Issues only cover a total of 24,037 people trained between 2015 and 2019, which is a very low figure for this four-year period, considering that the population with disabilities has increased significantly at the national level due to the impact of the EHC in the country. Similarly, no particular aspects are detailed on the content, duration, facilitators and instructional dynamics provided in these workshops to ensure training in accordance with the diagnosed needs and rights in the care of the population with disabilities.
36. On the contrary, most of the known training initiatives are carried out by voluntary actions of professionals who coordinate small groups, such as the case of the Center for Comprehensive Care for People with Autism (CAIPA) in Puerto Ordaz with a Diploma in Special Education¹⁹. With regard to the Diploma in Comprehensive Care for the Victims of Violence that the State cites in its report in paragraph 37, only one similar initiative is known in Mexico. However, there are no official publications in Venezuela of a diplomat by that name, nor have the allied organizations been invited or called to participate.
37. On the other hand, although CONAPDIS and the National Executive, through its different Missions, have promoted awareness strategies on radio and television, these have been mainly based on a welfare model. So far, the Venezuelan State has not adopted measures with a human rights-based approach and therefore, in practice, public policies have not been sufficient to generate awareness about the concept of inclusiveness, as evidenced by the lack of awareness strategies adopted by the entities in charge and all public agencies that should apply the regulations in their own headquarters.
38. The awareness plans that exist are temporary and not very widespread. These are not consistent with human rights as there are still systematic violations in access to health, food security in line with nutritional needs and education, among other rights. Likewise, the Executive²⁰ commemorates, celebrates, but does not publish

¹⁶ Diploma in Venezuelan Sign Language. Available at:

http://www.presidencia.gob.ve/Site/Web/Principal/paginas/classMostrarEvento3.php?id_evento=13452

¹⁷ Workshop on Appropriate Treatment for PWD. Available at: <https://espromedbio.gob.ve/taller-trato-adeecuado-a-personas-con-discapacidad/>

¹⁸ Course on Human Rights of the PWD. Available at: <http://www.defensoria.gob.ve/zona-informativa/noticias/12-centrales/1194-enddhh-certifico-a-50-participantes-de-cursos-y-diplomados-en-ddhh-de-las-personas-con-discapacidad.html>

¹⁹ Diploma in Special Education. Available at: <https://soynuevaprensadigital.com/npd/realizan-diplomado-de-educacion-especial-en-el-c-a-i-p-a/>

²⁰ Venezuela celebrates International Day of Disability. Available at:

http://www.ine.gov.ve/index.php?option=com_contentiew=articled=1450:dia-internacional-de-las-personas-con-discapacidad-3-de-diciembreatid=154:efemerides / <https://www.vtv.gob.ve/inclusion-social-personas-discapacidad/>

quantifiable results of plans and programs, as well as of adaptations in public entities, media and society in general to raise awareness from the practice. Similarly, the incorporation of economic bonds given as benefits for the PWD, although they constitute a palliative to the needs of this population in the midst of such a devastating socioeconomic crisis, are absolutely insufficient and generate dependency²¹.

39. Likewise, the OPDs in the Technical Tables pointed out that the efforts of government bodies are isolated and scarce and do not guarantee an inclusive paradigm change. In 2016, the Venezuelan State incorporated into the Draft Organic Law for the Protection, Care and Dignification of Persons with Disabilities (P-LOPPDIS) the awareness of disability issues in a sustained manner over time. However, this project has still not been approved as a law, so Venezuela lacks a legal instrument to raise awareness and fight stereotypes regarding CPD.

Accessibility (Art. 9)

40. We reiterate that in order to address the legal vacuum that exists in the area of accessibility, a complete chapter on accessibility in different aspects (physical structures, public access environments, communication, education, employment, among others) was included in the P-LOPDDIS, already cited, in view of the fact that the LPWD only contains one article referring to this matter; however, this project has not yet become law, so Venezuela does not have a legal instrument that regulates aspects related to universal accessibility based on the needs of PWD.
41. The OPDs attending the Technical Tables pointed out that the deficient and visibly neglected situation of public transport for citizens in general and even more so for PWDs is widely known. The lack of attention is evident in few transport units, they do not have access ramps or preferential posts, the stations of stops and services do not consider criteria of physical or communicational accessibility either, they do not have basic systems, appropriate illumination, nor qualified personnel. The OPDs also again indicated that between 2017 and 2018 they were called to meetings for the incorporation of accessibility criteria in the ordinances of some municipalities in the Capital District and the state of Miranda, but none of the projects were approved. Furthermore, the agreements signed by the State with international organizations to create meeting and training spaces in the area of accessibility and universal design are not known, as indicated in paragraphs 57 and 58 of the State's response to the List of Issues. In this regard, none of the OPDs said that they had received any invitation to feel favoured by these policies.
42. In relation to the inspections carried out by CONAPDIS to evaluate the accessibility of public and private spaces, the entity continues to contemplate periodic days that, far from seeking a change in awareness and inclusive practices, continue to be perceived by the general population as a punitive mechanism, in view of the

²¹ How to get the disability certificate to get the homeland bond. Available at: <https://talcualdigital.com/como-sacar-el-certificado-de-discapacidad-para-cobrar-los-bonos-de-la-patria/>

fact that awareness programs are insufficient in quantity and quality and the official criteria that companies must comply with to guarantee accessibility to their spaces are not established in public media such as websites or other digital media. Similarly, there are no known plans promoted by the entity to guide and support organizations in the implementation of reasonable adjustments that take place.

43. The OPDs of the Technical Tables noted in this regard that the inspection work carried out by CONAPDIS in public and private entities to ensure universal accessibility is recognized, although on many occasions it is limited to sanctioning and posting a poster of the inspection while the premises remain inaccessible. Likewise, the effort in some public places with great movement of people, such as land, air and sea terminals, where minimal improvements have been made in accesses for PWD through ramps and adaptations, is recognized. Much remains to be done in this regard, especially in smaller infrastructure institutions or in inhospitable places in the national territory.
44. Furthermore, according to reports from service users, patients and students from OPDs on the technical committees, the CONAPDIS offices in the country's capital do not meet the criteria of physical and communicational accessibility, which makes it very difficult to carry out their procedures and consultations. We also welcome the fact that the CONAPDIS website²² has been re-established after the issuance of the alternative civil society report sent to the Committee, however, it remains inaccessible as it does not meet all the expected criteria of web accessibility, in addition to not having all the links enabled.
45. After a media monitoring carried out between December 2019 - January 2020 on the CONAPDIS website, it was found that there was a lack of publications to guide the criteria and procedures to ensure accessibility to information, where to go and requirements in the case of certain procedures carried out by the PWD, their families, institutions working for the PWD, employment organizations. Most of the links are not enabled or with introductory information to the program. Only the section of Authorized Hospitals has been updated to publish the health institutions that are authorized at the national level for the recent classification process initiated by the State in 2019.
46. As a State party to the CPDC, Venezuela had made a voluntary commitment to join the Marrakech Treaty in 2012. As of September 2016, 22 countries had already ratified their adherence to this Treaty, 10 of which are Latin American countries: Argentina, Uruguay, Paraguay, Chile, Brazil, Ecuador, Peru, Guatemala, El Salvador and Mexico. However, Venezuela had not yet ratified it²³. On the same date, a forum was held in Caracas called "Venezuela towards Marrakech, a path to inclusion for the right to read of people with visual disabilities" with the participation of various governmental and non-governmental organizations, in which it was said that the ratification was still waiting for the pronouncement of the Attorney General's Office of the Republic, so it was

²² CONAPDIS website: <http://www.conapdis.gob.ve/>

²³ Treaty of Marrakech. Available at: <https://www.ipclick.com.ve/2016/10/tratado-marrakech-preguntas-respuestas/>

stagnant²⁴. Until the middle of 2019, there was a lack of knowledge about any progress in this area on the part of government bodies²⁵.

47. This situation, which affects the right of visually impaired persons to effective access to written materials, was one of the aspects highlighted in the Alternative Report that Venezuelan civil society submitted to the Committee in July 2019 for the initial review of Venezuela's compliance with the CPDC²⁶. Thus, on October 2 of the same year, it became known that through the Ministry of National Commerce, Venezuela's accession to the Marrakech Treaty was finally registered with the World Intellectual Property Organization at its headquarters in Geneva, Switzerland²⁷. Without a doubt, for all the organizations participating in the elaboration of the Alternative Report and the country's visually impaired people, this debt postponed from 2013 to the present, and which came into force from January 2020²⁸, is a reason for satisfaction and a greater conviction about the importance of perseverance in the fight for their rights.
48. Once again, it is the Venezuelan Commission of Industrial Standards (COVENIN), now Fondonorma, that established the standards and procedures for the accessibility of people to the physical environment since 2001, It is no less true that in reality there are very few buildings that comply with them in the country, both modern and older ones, since in the end they do not carry out the architectural adaptations necessary to guarantee universal access to the PWD, even though they find in them more specific guidelines and are aware of the CONAPDIS inspections".
49. It is important to note that the OPDs in the Technical Tables indicated that there are regulations to guarantee telephone access to PWDs in the national territory, but in recent years the supply of telephone equipment adapted to various types of disability has decreased to the point of disappearing in all national operators, both public (Cantv-Movilnet) and private (Digitel- Movistar). Some of them in the past had telephones with Braille keyboards and a system that vocalized text messages sent. None of this exists at present, which is why those PWDs that do not have access to a smartphone with applications to help them in this sense are left unattended and need the support of another person, which reduces their independence and autonomy.
50. To date, the results of the programs offered by the National Service of Accessible Communication (SENACOA) are unknown, as well as there is no dissemination of

²⁴ Application of the Venezuelan Society for the Blind for membership of the Marrakech Treaty. Available at: <https://www.ciegosvenezuela.com/2016/adhesion-de-venezuela-a-tratado-de-marrakech-espera-por-la-procuraduria/>

²⁵ Venezuela's accession to the Treaty of Marrakech. Available at: <https://www.eluniversal.com/el-universal/37346/la-accesibilidad-en-el-informe-del-2015>

²⁶ Venezuela's accession to the Treaty of Marrakech. Available at: <https://ecosdeltorbes.net/consorven-celebra-adhesion-de-venezuela-al-tratado-de-marrakech/>

²⁷ Venezuela's accession to the Treaty of Marrakech. Available at: <http://www.ultimasnoticias.com.ve/noticias/economia/venezuela-se-adhiere-al-tratado-de-marrakech-de-la-ompi/>

²⁸ Treaties administered by WIPO. Available at: https://www.wipo.int/treaties/es/ShowResults.jsp?treaty_id=843

how to access the service, what it consists of and what advantages it offers to join this initiative, beyond the publications offered by the official account of CONAPDIS²⁹. By monitoring the link provided on the CONAPDIS, Services - SENACOA website³⁰, you can directly access a Registration template for Users and Interpreters of Venezuelan Sign Language without further explanation.

51. As alluded to in the Venezuelan Civil Society Alternative Report, SENACOA's scope and impact has been limited and it has not been able to organize itself as a national network. In this regard, based on the Accessibility and Human Rights Study of the PWD 2019 (EADH), 90% of the NGOs surveyed indicated that they had not received support from SENACOA, 57% said that they had never received information material in accessible formats for PWD from private or public institutions, and 28% said that they had rarely received it³¹.
52. Nor was the National Signal Science Programme made known to the population and institutions at all levels of the system. When consulting your website, a section is still displayed that is arranged to the program without leading to any effective link³². In the case of the Infocenters, the work has been maintained, but without the assessment and transformation of programs that accommodate the greatest possible number of people with or without a disability condition. Similarly, the initial push to generate accessibility for users with visual disabilities has not achieved the expected impact in all communities. The achievements are more in line with the operational capacity of each state in the country as shown on their website until 2019, unfortunately they no longer have this service. In fact, training programs are often framed within the guidelines and ideologies set out in the socialist model and the inclusive vision of the person with a disability was blurred in its mission and vision. Furthermore, they do not have accessibility adaptations in the infrastructures, communications and curricula for all the training spaces or in all the computer units.
53. Finally, although there are legislative standards and guidelines regarding accessibility, in practice neither public nor private institutions guarantee it. In the survey applied in ADR, 72% of the organizations consulted never had access to State information in alternative formats in a free and timely³³ manner. Likewise, the OPDs that participated in the 2019 Technical Tables indicated that the State's programs are disjointed and have no tangible results. This is evidenced by the lack of access to services, physical spaces and curricula reflected in the CONSORVEN

²⁹ Services of SENACOA. Available at: <https://twitter.com/Conapdis/status/1222885469115092992>

³⁰ SENACOA registration. Available at: http://www.conapdis.gob.ve/registro_senacoa/

³¹ Results of systematization of data from the Alliance Study on Accessibility and Rights of People with Disabilities and Non-governmental Organizations of PWD (EADH). Available at:

<https://drive.google.com/file/d/1ofR0lBNhTgmWUbaojhw-e7U-dkc78vR/view?usp=sharing>

³² Signal Science Program. Available at: <http://www.cida.gob.ve/webcida/index.php/actividades-divulgativas/ciencia-en-senas>

³³ Results of systematization of data from the Alliance Study on Accessibility and Rights of People with Disabilities and Non-governmental Organizations of PWD (EADH). Available at:

<https://drive.google.com/file/d/1ofR0lBNhTgmWUbaojhw-e7U-dkc78vR/view?usp=sharing>

study³⁴ which indicates that 52% of educational institutions have limitations in the accessibility of their infrastructure, 89% do not have accessible instructional materials, 52% do not have LSV interpreters and 32% do not allow access to assistance animals in their facilities. The same study showed that, in the health sector, 46% of 12 hospitals and outpatient clinics visited lacked access ramps, with 73% having more than one floor and 50% not having lifts.

Right to life (art. 10)

54. In this aspect it is imperative to know specifically the number of PWD, their geographical location in the national territory and their living conditions, so that the measures that guarantee the right to life reach the most vulnerable populations. These actions can be maximized with the accompaniment and support of the different NGOs in a coordinated and efficient way.
55. The increase in infant mortality rates continues without being officially reported in a public manner, and there is a lack of transparency regarding these data and the deployment of threatening or intimidating actions towards NGOs or health professionals who denounce the realities in this regard.
56. The right to life is violated when the right to health is not guaranteed, as the organization Prepara Familia has denounced in relation to the lack of care and deaths of children in the country's main child care hospital, J.M. de los Ríos. In fact, this organization dedicated to humanitarian actions, has been several times victim of harassment by state security forces³⁵.
57. The websites of the ministries, programs and missions related to mortality do not reflect information by year, demographic area, gender, pathology, and other indicators on maternal and child deaths and the increase in preventable diseases. Much less is known about their maternal-child differentiation, which is a global benchmark for any country. Nor are they reported in epidemiological reports or bulletins.
58. The resurgence and worsening of preventable diseases such as malaria, among others, are intensifying in the face of the absence of preventive campaigns focused on the most vulnerable regions such as rural areas of the country, as well as the serious failures in the supply of drinking water at the national level, which forces the population to store it, often incorrectly, causing the transmission vector to reproduce³⁶. There are no known specific measures for their reduction and eradication, much less the affected population with disabilities.

³⁴ Venezuelan Confederation of the Deaf (2019). Monitoring of the International Convention on the Rights of Persons with Disabilities Caracas, Venezuela. Accessed in: April, 2019. Available at:

https://drive.google.com/file/d/1ZylqVM9cRL3_TXMZ-GMTd_tGR9i99CGa/view?usp=sharing

³⁵ Break-in at Prepara Familia headquarters. Available at: <https://www.elnacional.com/venezuela/funcionarios-que-allanaron-la-sede-de-prepara-familia-no-contaban-con-una-orden-judicial/>

³⁶ Venezuela is suffering from the largest increase in malaria in the world. Available at:

https://elpais.com/elpais/2019/04/16/planeta_futuro/1555402255_653709.html ;

<http://factor.prodavinci.com/escalademalaria/index.html>

59. The Venezuelan State in paragraph 21 of the State's Response to the List of Issues states that the ANC is developing a new legal standard on disability. In reference to this point, it is important to emphasize that civil society is not yet aware of this section. In the same paragraph 21 the Venezuelan State indicates that the ANC has a draft "Constitutional Law for Persons with Disabilities". Civil society reiterates that it is not aware of the content of this project. However, it is known about the existence of commissions formed within the ANC to deal with the issue of disability and it is hoped that relevant information can be obtained.
60. With regard to the fact that the Law on the Promotion and Protection of the Right to Equality of Persons with HIV and their Families, referred to in paragraph 22 of the State's Response to the List of Issues, was adopted in 2014, it should be noted that this law seeks to eradicate discrimination against persons with HIV specifically. The reference to the PWD is only tangential.
61. Based on the above, the OPDs who attended the Technical Tables pointed out that there is a need to apply and implement in a comprehensive and effective manner the legislative framework for the protection of persons with disabilities that already exists, which can be in line with the current reality of the country and the individual needs and characteristics of the PWD.

Situations of risk and humanitarian emergencies (art. 11)

62. For the past five years, the country has been experiencing a severe humanitarian crisis that has been recognized as a complex emergency by various agencies and actors in the international humanitarian system. This emergency is complex in nature because its causes are associated with a generalised deterioration of a political, civil, social, economic, educational, legal and health nature that generally affects the guarantee and fulfilment of the rights of the PWD, their basic needs and their living conditions. So far, the humanitarian response supported by the international community has been very limited by the arbitrary impediments of national authorities to humanitarian actors having full access to people with humanitarian needs and the refusal to allow for independent assessments that can provide necessary data for planning humanitarian actions adjusted to the reality of the population, including the PWD, for which there are almost no official statistics.
63. The Special Care Plan for Victims of Economic Warfare referred to by the State and the scope of the measures taken are not known. There are no adequate security conditions in Venezuela in the event of emergency situations in the face of disasters, nor are drills of the appropriate procedures carried out with the PWDs or the social development organizations that group them together. The Protocol for Attention to PWD is not known, nor are the materials produced by the State in this aspect in accessible formats and modes, that is to say, there is no dissemination and delivery of such resources if they exist.

Equal recognition as a person before the law (art. 12)

64. As noted in paragraphs 19, 20, and 21 of this report, there are discriminatory provisions in the Venezuelan Civil Code (CCV) against the deaf and blind that were not expressly repealed by the LPWD. The tacit derogations provided for in the SCA do not satisfactorily remove the discriminatory burden of articles in the SCA. The LPWD itself provides for the possibility of rules "for the benefit of persons with disabilities". But there is no justification for Article 837 to limit a deaf or blind person to giving a will, even if some think it is for their "good". Likewise, in Venezuela all persons with disabilities have the legal capacity to be rights holders and to exercise them directly, but it is important to note that even today in the case of intellectual or psychosocial disabilities, they can only exercise that legal capacity through a guardian or proxy. CCV continues to limit the business capacity of persons with intellectual or psychosocial disabilities. It is also important to note that the figures of the interdiction and disqualification of the CCV persist today.
65. On the other hand, in the field of adjective law, denigrating expressions against CPs persist, limiting their right to access to justice. Thus, the CPC in its article 186 states: *"When a deaf, mute or deaf-mute person is to be questioned, the written questions, as well as any observations of the Judge, shall be submitted to the deaf-mute person for oral answer; the question shall be submitted to the mute-mute person for written answer; and the questions and observations shall be submitted to the deaf-mute person for written answer. What is written will be added to the original, in addition to being copied into the minutes. If the deaf, mute or deaf-mute person cannot read or write, they cannot be questioned in the civil trial."*
66. In this sense, it is clear that the above rule limits the right to be heard of the deaf person, as well as prevents him/her from directly participating in the civil process if that deaf person cannot read or write, establishing that they **"cannot be interrogated in the civil trial"**. Clearly the rule makes the deaf person's participation contingent on the fact that he or she can read or write without considering the possibility of placing a Venezuelan sign language interpreter. He also uses the derogatory expressions "mute" and "deaf-mute".
67. It is worth noting that this rule, in addition to discriminating and limiting access to justice for deaf persons within Venezuelan civil proceedings, has its scope of application in other judicial and administrative proceedings. Thus, Article 58 of the Organic Law on Administrative Procedures³⁷ provides for the supplementary application of the CPC. The Organic Law on Contentious Administrative³⁸ Jurisdiction, on the other hand, does not provide a specific rule for the right to be heard of the deaf person and therefore applies the provisions of the CPC in a supplementary manner (Article 31). Article 73 of the Organic Law on Labour Procedure³⁹ refers to the provisions of the CPC in a supplementary manner. In short, the discriminatory burden extends to various legal proceedings.

³⁷ Published in Official Gazette No. 2,818 Extra. of July 1, 1981.

³⁸ Published in Official Gazette No. 39,451 dated June 22, 2010.

³⁹ Published in Official Gazette No. 37,504 Extra. of August 13, 2011.

68. The legislative measures taken by the Venezuelan State to eradicate denigrating expressions of the PWD have been insufficient. It should be added that in the CPV there are discriminatory expressions in articles 58, 62, 72 and 114 paragraphs 1 and 3 and 77 paragraph 8, which still persist and were not repealed by the LDPD, which emphasizes the fact that the legislative measures taken by the Venezuelan State to eradicate the stigmatization against the PWD are insufficient.
69. The efforts made by the ANC have also not resolved the existence of denigrating expressions of the PWD within the Venezuelan legal system. It is also worrying that two years have passed and there is no knowledge of the text of the new Constitution or the new constitutional articles that, according to the Venezuelan state, would dignify the PWD. This delay on the part of the Venezuelan State affects the PWD and does not represent an advance in the Venezuelan legal system in eradicating any denigrating expression against the PWD.

Access to justice (art. 13)

70. The Venezuelan State has failed to respond to a fundamental question, and that is how the State ensures that all violations of the rights of PWD committed by state and non-state actors are duly investigated, prosecuted and punished. In this regard, it should be reiterated that CONSORVEN reported several cases that so far have not received any timely response, from the judicial aspect, only delays in the processes are observed due to the constant change of prosecutors of the investigation in the courts that are hearing the case. These cases show that the Venezuelan justice system is still indebted to the CPD.

Case 3: A 26-year-old man who was shot during the April 2017 protests in Petare, Miranda state. The young man, who has a mild hearing, visual, psychosocial and intellectual disability, was shot in the back by state security forces who were suppressing the protest situation. Some residents of the area came out to his shelter telling the security forces not to shoot him anymore because he was a disabled person. The young man remained lying on the ground for approximately 15 minutes because the agents refused to mobilize him to the hospital. In further investigations it was determined that the cartridge was prepared with a nut and bolt. Similarly, in the statements of the family members, it was obtained as an important piece of information that the boy was only passing through the area and was not participating in the protest.

Case 4: A 28-year-old man with an intellectual disability who was injured in protests on 10 April 2017 in Barquisimeto, Lara state, by armed civilians on board a van. He was shot in the lower back, admitted to the hospital, and died two months later from a severe infection that could not be treated because the hospital did not have the required supplies and medicines. There are delays in the judicial process, delays in the delivery of evidence, administrative silence in the requests for expertise, change of prosecutors, and fear on the part of witnesses to collaborate in the statements due to

possible reprisals, since there are indications directly addressed to local government authorities.

71. The Venezuelan State again points out that in order to guarantee the right of children with disabilities to express their opinion in the decision-making processes that affect them, the TSJ issued the *"Guidelines on the guarantee of the human right of children and adolescents to express their opinion and be heard in global proceedings before the Protection Courts"*. The Venezuelan State indicates that this instrument incorporates children with disabilities in a cross-cutting manner and contains specific guidelines for hearing the opinion of children with disabilities. However, after a review of such guidelines, it is perceived that they are focused and directed to children and adolescents who can hear and speak, but deaf and hearing impaired children and adolescents are not sufficiently taken into account; as well as accessible versions for visually impaired children have not been disseminated. In this sense, the Venezuelan State should modify or expand such guidelines and include the perspective of children and adolescents with disabilities.

Liberty and security of person (art. 14)

72. The Venezuelan State's response to this question is that the adoption of a new Penal Code, as well as the updating of legislation on mental health and the family, are human rights challenges in Venezuela. The development of these legal norms was incorporated as one of the programmatic actions in the National Human Development Program (PNDH) to be executed in the period 2016-2019. However, this objective could not be achieved due to the situation of contempt alleged by the TSJ to annul the functions of the National Assembly (NA).

73. Firstly, the President of the Republic, in accordance with article 203 of the Constitution, may, by means of enabling laws, provide a legislative response in the field of mental health and the family, as well as modify the CPV. On the other hand, the ANC has assumed legislative powers from the NA, so a legislative response to the issue of mental health and family could perfectly well be given, as well as changing the CPV. That it hasn't been done has no excuse in its favour.

74. Likewise, Foro Penal has managed to systematize data on Arbitrary Detentions towards PWD, registered between 2017-2019 in the framework of demonstrations and raids; resulting in 30 people with various disabilities, including: intellectual, sensory, hearing, motor, autism and psychosocial. Of the total number of persons deprived of their liberty, 8 are women. At present, some are at full liberty, with freedom to appear or with precautionary measures⁴⁰.

75. Three cases were also recorded in which clear violations of the freedom and security of persons in the exercise of their civil rights were observed:

Case 5: Rufo Antonio Chacón Parada, Date: July 01, 2019. The young man was in a peaceful demonstration, in Táriba, Cárdenas Municipality, Táchira State, asking to be supplied with domestic gas to the community; the demonstrators were

⁴⁰ Criminal Forum. Arbitrary arrests. Available at: <https://drive.google.com/file/d/1DwfG6ovNNAfRCEwrNA4fmcxIQFzaHCo/view?usp=sharing>

dispersed with the exercise of force and the young man and other people were injured. They did not provide first aid to the victims or request the presence of ambulance or civil protection units. The diagnosis of the young man was "Gunshot wound to the face from multiple gunshots, disfigurement of the face", Traumatic Evisceration of both eyes (where the gunshots penetrated the eyeballs producing total loss).

Case 6: Rafael Ángel Cardozo Maldonado, young man with cognitive disability. In 2014, as part of the student protests, this young man was arbitrarily detained by a contingent of the Bolivarian Army of Venezuela assigned to the Bolivar barracks in the city of San Cristóbal.

Case 7: Danny Leonel Gutierrez Salinas. Detention: 05/10/2019 in La Fría, Municipality García de Hevia, Táchira State. Condition: Cornelia Syndrome. Age: 19 years old. The young man was arrested when a team from the National Anti-Extortion and Kidnapping Command (Conas) raided his uncle's home, as a result of an alleged extortion complaint. At the time his uncle was not present, officials arrested the young man and two members of his family, but he was never treated in accordance with his condition.

Protection against torture and other cruel, inhuman or degrading treatment or punishment (art. 15)

76. The adoption of measures under the Special Act to prevent and punish torture is not known, and cases of inhuman treatment related to extreme poverty, sexual abuse, involuntary institutionalization, and forced medical and pharmacological treatment continue to be reported. These reports are obtained from the medical consultations and therapies carried out by the OPDs attending the Technical Tables, but none of the situations has had a systematic registration process or been formally reported to the respective authorities
77. Venezuela is going through a complex socio-economic situation that greatly affects the living conditions of the Venezuelan population. Hyperinflation, the de facto dollarization of food and basic necessities, the high shortage of medicines, medical supplies and materials, as well as the collapse of basic services such as the supply of drinking water, electricity, gas, petrol and public transport, including serious communication limitations due to the lack of internet and independent media in most of the national territory.
78. The available figures indicate that the population in poverty has increased alarmingly, especially since 2015, when the number of households in poverty rose from 48 per cent to 73 per cent. In 2016, it reached 81.8% of households, of which 51.51% were in extreme poverty. By 2017, the proportion of households in poverty increased to 87% and those in extreme poverty to 61.2%, according to the National Survey of Living Conditions (ENCOVI). The IACHR has recognized in its reports

the impact of these events on the widespread and systematic deprivation of the human rights of millions of Venezuelans. At the same time, it warns that certain individuals, groups and communities have been particularly affected by their historical situation of increased risk, exclusion and discrimination.⁴¹.

79. The United Nations Office for Human Rights made the same statement. In fact, the report presented by the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela⁴² recognized that this country is experiencing an economic and social crisis that will worsen considerably between 2018 and 2019. As the economy continued to contract, inflation soared and government revenues declined following a sharp reduction in oil exports. The Venezuelan population is facing diverse and interrelated violations of its economic and social rights.
80. In addition, resource diversion, corruption and lack of maintenance in public infrastructure, as well as underinvestment have resulted in violations of the right to an adequate standard of living, inter alia, through the deterioration of basic services such as public transport and access to electricity, water and natural gas. As of September 2018, members of the national Government began to talk about the consequences of the economic crisis and to acknowledge certain aspects of the humanitarian situation, mainly with regard to food and drug shortages.
81. On the other hand, the UN High Commissioner for Human Rights indicated that in Venezuela there is a set of laws, policies and practices that have reduced the democratic environment, dismantled the system of institutional control over the executive branch and allowed the reiteration of serious human rights violations. This has caused few people to file complaints, for fear of reprisals or lack of confidence in the judicial system and institutions. And those who do, face pervasive obstacles and, in most cases, stagnant research.
82. The report warns of the serious omissions of Venezuelan State institutions with regard to the protection and guarantee of human rights. The Public Prosecutor's Office has regularly failed to fulfil its obligation to investigate and prosecute those responsible for the events, and the Ombudsman's Office has remained silent on human rights violations.

⁴¹ IACHR. Report Democratic Institutions, Rule of Law and Human Rights in Venezuela COUNTRY REPORT. Doc. 209 dated 31 December 2017. Original in Spanish. Available at: <https://www.oas.org/es/cidh/informes/pdfs/Venezuela2018-es.pdf>

⁴² OHCHR. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Bolivarian Republic of Venezuela Published on July 4, 2019. Available at: <https://www.ohchr.org/sp/newsevents/pages/DisplayNews.aspx?NewsID=2478&angID=S>

Freedom of movement and nationality (art. 18)

83. The measures adopted by the Venezuelan State to guarantee the accessibility of procedures for obtaining, possessing and using documentation relating to nationality and for immigration procedures that facilitate the exercise of the right to freedom of movement of persons with disabilities are not visible. To date, the procedures are not very accessible and are extremely costly. The only guaranteed accessibility is to give preferential treatment during the procedures. Even on the website of the SAIME, the body responsible for issuing passports, there is no specific information on where to go and how to carry out the respective procedures independently for the PWD.
84. Likewise, it is reiterated that the Venezuelan State does not comply with Article 18 of the CRPD, referring to the freedom of the PWD to freely choose their residence, to the point that it can be affirmed that in Venezuela there is a forced displacement of Venezuelans, as recognized and declared by the UNHCR since 2017, who have fled from the EHC and the political crisis that the country is going through. On the other hand, given that Article 19 of the CRPD contemplates the freedom of the person with a disability to choose his or her residence, as well as to have a variety of domiciliary or residential services, it must also be affirmed that the same is not fulfilled by the Venezuelan State, since persons with disabilities have been forced to leave Venezuela, often due to the deficiency of the health and food system, rights that are not adequately guaranteed by the Venezuelan State.

Right to live independently and be included in the community (art. 19)

85. There are no mechanisms to monitor the closure of institutions in Venezuela that serve PWD, nor is the State in charge of promoting the autonomy of PWD. In some cases the family becomes responsible for the PWD as indicated by the law and as a cultural trait of the Venezuelan but in other cases due to the death of the parents, economic situations, or other, the family ceases to care for and support the family member with disability and the person becomes homeless.
86. With regard to the support mechanisms for deinstitutionalised persons in psychiatric hospitals who are in a street situation, according to the OPDs who attended the Technical Tables, there are no support mechanisms for this type of situation.
87. The Hipólita Black Mission has carried out some activities to benefit this population with a welfare-oriented character that does not support the independence and development of the PWD, reporting the following figures as a result of its management as of 17.01.2020
- "Comprehensive days where 60,749 adults were favoured in addition to 33,364 children with the services of general medicine, pediatrics, dentistry, traumatology, physiatry, ophthalmology, optometry and gynecology, also performed laboratory tests, prostate antigens, ultrasound, the application of vaccines and contraceptive injections, as well as the CONAPDIS register, among others.

Likewise, 1,140 technical aids including wheelchairs, crutches, canes, walkers, and anti-mask mattresses for children and adults with disabilities were provided by Mission staff Dr. José Gregorio Hernández.

In addition, a total of 559,298 medicines were distributed free of charge by the 0800 Salud Ya team, with the aim of helping those most in need in the area of health⁴³.

88. With regard to the allocation of public budget to promote community initiatives related to independent living and the inclusion of people with disabilities, the results of the Technical Tables showed that the official figure for investments with real impact by the state is not known. OPDs are not aware of any support programs to enable people with psycho-social or intellectual disabilities to start independent lives. The experts indicate that the people with disabilities who are beneficiaries of their services express the impossibility of having economic access to adequate housing, due to the lack of credit lines from public and private banks, the difficulties of access to jobs with significant income and the absence of a real prioritization in the financial allocations to the Housing Mission.
89. Additionally, there are no public programs aimed at training in independent living skills or support systems for this purpose. On the contrary, they are offered only as welfare programs from the medical approach or exclusively for job training. The lack of access to independent housing, coupled with the absence of state-subsidized independent living programs, negates the possibility of making a decision to choose a place of residence. As a result, persons with disabilities in general experience the same difficulties as the non-disabled population and persons with psycho-social and intellectual conditions are limited to living with their families or on the streets.
90. The OPDs in the Technical Tables affirmed that in Venezuela there are no residential alternatives nor have mechanisms been employed to de-institutionalise the PWD. The responsibility for the care of this population lies directly and exclusively with the families. At this point, the Technical Tables also reported knowing only two private institutions where up to 30 people live. Most of the people who live there have psychosocial or intellectual disabilities, their parents are elderly or have died, and their support is paid for by relatives, since the alternative of staying with their families is no longer contemplated.

Personal mobility (Article 20)

91. According to the OPDs in the Technical Tables, the José Gregorio Hernández Mission has an orthotics and prosthetics laboratory in the states of Lara and Vargas. However, there is not enough information about the access to this Mission for people with motor disabilities who are missing one or more members. The organizations of the technical tables point out that the maintenance of the wheelchairs is still carried out by the PWD according to their purchasing power or

⁴³ <http://www.misionnegrahipolita.gob.ve/index.php/noticias/blog/873-viceministerio-de-la-suprema-felicidad-social-atendio-a-mas-de-90-mil-personas-en-todo-el-pais.html>

by the support of some private social programs. They insist that it is vitally important to call for the publication of information indicating where to go and to ensure greater dissemination.

92. Likewise, the process of acquiring prosthetic supplies and kits for the manufacture and repair of orthoses began to decline several years ago and no details are known about the location or scope of the laboratories. Nor was clothing individualized to fit the needs of each person, but operated under a welfare and standardized scheme.
93. In addition, we reiterate that there are legal provisions set forth in the LPWD to reduce the barriers that hinder the mobility of these people; despite this, there are repeated failures to comply with them, as evidenced in the Consorven report,⁴⁴ which shows the absence of preferential spaces for vehicles and lack of signage, as well as restrictions on access by assistance animals in educational, health and justice centers visited in its study. The same non-compliance can be verified in the lack of properly adapted public transport in any part of the country, whose data was obtained from the survey carried out, where 78% of the organizations indicate that the transport units do not have adaptations to transport the PWD. It also highlights the persistence of barriers and lack of accessibility in many of the land terminals, ports and airports.
94. With regard to mobility conditions in urban areas, the measures that once helped to guarantee easy access and mobility for PWDs in the Metro System's underground stations and surface transport units are no longer observed today because the sustained deterioration of escalators and access systems is a public and notorious fact that considerably impairs the autonomy for mobility of all those who require it⁴⁵.

Freedom of expression and opinion and access to information (art. 21)

95. As of the date of this report, the State's response to the list of issues indicates in paragraph 88 that SENACOA has trained 5,361 persons in LSV during the period 2017-2019, a figure that does not satisfy the need for communication accessibility in the media at the national level, which is evidenced by the lack of interpreters at all times for information, educational and cultural programs.

The measures to be taken to make the 2019-2025 Homeland Plan viable in terms of the goal of incorporating the teaching of the LSV in 100% of the educational institutions are unknown. Similarly, the OPDs attending the technical tables indicated that they have not been consulted for this incorporation in the educational centers with which they work jointly.

96. On the other hand, CONAPDIS has not presented figures on the number of LSV interpreters and guide interpreters who have received training, and there is no

⁴⁴ Consorven Report on Public Spaces

⁴⁵ http://www.el-nacional.com/noticias/bbc-mundo/crisis-venezuela-como-deterioro-metro-caracas_285785

knowledge of the measures adopted to ensure that persons with disabilities can access public information and the media in all accessible and usable formats, including Braille, easy reading and plain language, and through interpretation for deafblind persons, sign language, audio description and subtitling for deaf persons.

97. The OPDs in the Technical Tables reiterated the economic emergency situation in which all national companies find themselves, from which the television companies do not escape, many channels have opted to omit some criteria and services, among them the LSV interpreters in information programs and some opinion programs, providing access to information for the hearing impaired only in the Southern News, which again violates their right to access information. There are no known efforts or achievements on the part of the State to massively increase communication accessibility to all programs of the different Venezuelan media, nor to incorporate subtitles or other communication adjustments.
98. On the other hand, with regard to accessibility in the educational field, the situation remains the same; the contributions made by the OPDs in the Technical Tables⁴⁶ indicated that in the country's public and private educational institutions for all levels of the Educational System, especially in the University System, it is the families who in most cases must assume the payment of LSV interpreter fees, since they are not really guaranteed by the State for the entire population of hearing impaired students in the country. The figure of the interpreter is not incorporated administratively into the classification of personnel with public functions, constituting a bureaucratic barrier that also violates the right to education. The research report carried out by CONSORVEN⁴⁷ shows that 50% of the schools visited in different regions of the country do not have LSV interpreters.
99. In the same way, the experts stated that it is a public and notorious fact that there are no efforts or achievements to teach the LSV from an early age in all public and private schools in the country.

Respect for the home and the family (art. 23)

100. As noted in paragraph 20 of this report, PWD continues to face significant limitations in many of the activities that pertain to family dynamics, such as the violation of the right to marry without restriction, to witness or to make a will in the case of persons with hearing disabilities or visual impairment.
101. According to what has been pointed out in the Technical Tables 2019, there is no knowledge about mechanisms of the state to accompany the free choice of having children in the case of PWD, mainly with intellectual disabilities. This is not covered by the LPWD or the Family Protection Act. In addition, the Venezuelan State does not have a system that contains comprehensive education programs that include sexuality issues and that are accessible to PWD, since the health system lacks sufficient reasonable adjustments for them to have unrestricted access to sexual

⁴⁶ Education Technical Board

⁴⁷ Consorven Report

and reproductive health services. This is why in Venezuela the exercise of sexual and reproductive rights are not a reality for the PWD, since there are still many legal, attitudinal and physical barriers that hinder the enjoyment of this right.

Education (art. 24)

102. In the education system there is the modality of Special Education as a school variant, thus established in the CRBV and the LOE (2006, art 26). The existence of this modality and its operationalization indicate that in Venezuela the proposals on inclusive education agreed upon in the CRPD are not being handled, nor are actions being carried out to achieve its transit and progressive approximation, as has been required in recent years, which was recently requested in the Civil Society Declaration at the Global Summit on Disability (2019)⁴⁸.
103. This responds to reasons and principles of ideological-political order of the current government, as outlined in the document of Conceptualization and Policy of Special Education,⁴⁹ updated by the General Directorate of Special Education of the Ministry of People's Power for Education (MPPPE) in 2017: "... in an international scenario, characterized by deep and progressive economic recession and the resurgence of neoliberal approaches that propose the privatization of education, a gradual dismantling of Special Education begins. This situation led irremediably to the elimination of the Special Education institutions, because they were considered onerous, pretending to justify this action, with theoretical premises apparently inclusive but that ended up cutting off the right to a comprehensive and quality educational attention of this population".
104. In the Technical Tables, the OPDs distinguished between the meaning that the Venezuelan government uses of "inclusion" in its strict semantic sense as opposed to "exclusion", referring to no one being left outside the system, different from the conceptual sense proposed in the CRPD as an education for all, which implies attention to diversity in the same spaces and contexts.
105. The civil society consulted in the Technical Tables understands and accepts that at present the country is neither prepared nor meets the conditions to fully assume what the CRPD proposes in terms of educational inclusion, as evidenced by the great national rejection caused by the implementation of the three stages of the so-called Transformation of Special Education from 2011 to 2013, which was suspended and the school integration model in force was resumed. This experience was totally counterproductive for the inclusive intention, as it was

⁴⁸ Civil Society Statement to the Global Summit on Disability. Available at:

<https://sid.usal.es/noticias/discapacidad/60811/1-1/declaracion-de-la-sociedad-civil-de-la-cumbre-global-de-la-discapacidad-celebrada-en-argentina.aspx>

⁴⁹ Conceptualization and Policy of Special Education: <https://www.doccity.com/es/conceptualizacion-y-politica-de-educacion-especial-en-venezuela-2017/2504937/>

considered as an imposition for which the regular system was not consulted, much less prepared⁵⁰.

106. At present, there is great concern about the high rates of resignations and desertions of teachers in public and private schools in the country, as a⁵¹ result of the economic crisis experienced by these professionals due to hyperinflation, which devalues their salaries, negatively impacts their quality of life and forces them to seek other survival alternatives, such as migration to other countries or involvement in other work. This is a reality that affects the entire student population of Venezuela, and those with disabilities who are in the educational system do not escape it. It is known that some schools generate compensation strategies such as the care of volunteer mothers or others in the community, without necessarily having the skills to carry out this work⁵².

107. The reality of infrastructure, communication and curriculum accessibility in the country has already been presented in the Alternative Civil Society Report (2019). The situation is aggravated by the lack of preparation of teachers and managers who take on functions without the required merit or preparation. As for the lack of physical and communication accessibility, there is new evidence after an investigation carried out by CONSORVEN in the States of Táchira and Bolívar, between December 2019 and January 2020, according to which it was obtained that in the State of Táchira, 3 out of 4 educational institutions visited have more than one floor, but only 1 of them has a ramp that does not comply with accessible criteria, has an elevator but it is not in operation. All the educational institutions visited in the state of Bolívar have only one floor, but only one has a ramp for access to the institution, but it does not comply with accessibility conditions. In addition, in both states it was found that more than 50% did not have the presence of LSV interpreters, while in all of them there were spaces for preferential attention⁵³.

Health (Article 25)

108. Only one of the organizations that participated in the Technical Tables said that they had been convened by the State on two occasions to train public health system personnel in a specific area of disability, but without providing any type of support resources and, on the contrary, hoping that the expenses would be financed by the organizations involved, which is unsustainable at present. Furthermore, there is no information on the implementation of training activities for the country's health personnel in the area of decent care, especially aimed at the PWD, or on alternative forms of communication with them.

⁵⁰ Bibliographical documentation on the causes of this rejection are collected and detailed in Aramayo, M. (2013) p. 214-233.

⁵¹ Networking News: <https://elestimulo.com/fe-y-alegria-25-de-los-maestros-han-desertado-de-las-aulas/>

⁵² Teaching situation in Venezuela. Available at: <https://observatorioeducativo.wordpress.com/category/docentes/> ; <https://prodavinci.com/por-que-protestan-los-maestros-en-venezuela-testimonios/>

⁵³ CONSORVEN 2020

109. Everyone knows about the important exodus of Venezuelans worldwide and this migrant population is generally represented by health professionals in different areas and specialties⁵⁴. This information is probably unknown by the national government, since there is no real record of the Venezuelans who have left our borders, much less details of their professionalization.
110. With regard to sexual and reproductive health programs, the State does not provide any information on their development with PWD or to the rest of the population. In Venezuela, as in other Latin American countries, there is an increasingly younger age for the onset of sexual activity in adolescents and its most notable impact is evident in the high rates of pregnancy in young people between puberty and adolescence. Young people with disabilities in the country do not escape this reality.
111. In the aspect of accessibility, it is necessary to start by deepening the structural changes of the main hospitals of the country, since they are in clear deterioration in several of their basic services⁵⁵ (light, water, elevators, stretchers, hospitalization beds, etc.) adding the update in the new architectural and technological currents existing in more advanced countries, adapted to each disability.
112. A recent research conducted by CONSORVEN, in the states of Bolívar and Táchira, between December 2019 and January 2020, showed that in more than 60% of the health institutions in both states, there are no spaces for preferential attention; and in more than 50% no presence of LSV interpreters was observed⁵⁶. In Táchira State, it was observed that 2 of 4 hospitals visited have more than one floor, however, only 1 of them has lifts and access ramps. Similarly, in the state of Bolívar, it was observed that only one of the hospitals visited has an elevator, and 2 of 4 hospitals visited have ramps, these being more than one floor high.

Work and employment (art. 27)

113. According to reports from experts, there is no current plan for the location of employment for PWDs, and in recent years the rate of hiring has decreased due to personnel deficiencies in CONAPDIS, which has limited the massification of inspections, coupled with the high cost of making reasonable adjustments, the absence of economic resources or support plans for companies when making their spaces accessible. This means that today, successful experiences of labour inclusion of PWD, with or without studies of professionalization at all levels of the work chain, are still scarce, since ideal inclusion policies are not designed and implemented so that they can be adapted and developed while carrying out their work. This, according to experts, results in few PWDs being inserted in the labour

⁵⁴ Migration of Venezuelan doctors. Available at: <https://es.panampost.com/sabrina-martin/2017/12/12/medicos-venezolanos-migro/> ; <https://www.lavanguardia.com/vida/20190827/464276067145/la-migracion-de-medicos-venezolanos-refuerza-la-sanidad-argentina-segun-oim.html>

⁵⁵ Health crisis. Available at: <https://www.hrw.org/es/news/2018/11/15/venezuela-las-cifras-evidencian-una-crisis-de-salud> ; <https://www.bbc.com/mundo/noticias-america-latina-47358064>

⁵⁶ CONSORTIUM - 2020

market and most of those employed not performing the functions for which they were hired.

114. The deficiency of these processes is concentrated in the lack of reasonable adjustments, lack of specialized supervision, lack of training programs, scarcity of qualified human resources, limited budgets, lack of continuity in the projects and follow-up of processes since the political importance is not given to the subject due to the lack of knowledge of the productive capacity that the PWD can have.
115. Training programs for both the contracting institution and the PWD facing a new work experience are decisive for the success or failure of these processes. In Venezuela, as expressed by the Technical Tables, few efforts have been made in this area resulting in complex processes in which the PWD decide to defect due to the high levels of frustration in not finding reasonable adjustments that allow them to carry out their work in an environment of equity.
116. Another determining factor in the isolation of PWD from the labour system is the disconnection of study programs from employment opportunities and the lack of relationship and communication between state institutions and NGOs. This has resulted in both public and private sector entities working in the area of employment for PWD achieving their objectives with very little impact.
117. According to information derived from the Technical Tables 2020, the figures provided by the State in paragraph 107 of the State's response indicating that 38,015 PWD are currently working are not publicly available to NGOs. On the contrary, CONAPDIS, through different means, is reiterative in communicating that they lack figures that reflect the results of their activities. Moreover, at present, the official registration of companies is not possible. The response received when seeking entry is that "the system is being improved" which means that companies are currently unable to modify or enter new data. In view of the above, the statistical data provided are doubtful.
118. The implementation of the rule imposed in art 290 of the LOTTT indicates that "under no circumstances can he be excluded and every employer is obliged to incorporate at least 5% of his total payroll to workers with disabilities to work with their skills and abilities". However, the experts of the Technical Tables indicate that the lack of human resources in CONAPDIS interferes with its capacity and scope to supervise the companies. Similarly, they suggest that the fines imposed on companies that fail to comply are insufficient for the required effect since for the experts 100 fines in five years as indicated in paragraph 110 of the State's response, is an insufficient figure for the resolution of the problem and does not guarantee that a representative proportion of the business sector would have been inspected that would imply a significant change to increase employment rates in this population.
119. Migration from the PWD to the informal economy and begging are part of the daily life of this population that due to a lack of professionalization sees the opportunity of development and access to labor improvements restricted and, consequently, they have less opportunity to receive a fair salary that allows them to be autonomous, increasing the levels of poverty.

Adequate standard of living and social protection (art. 28)

120. The statistical data presented by the State on the reduction of unsatisfied basic needs does not correspond to the reality experienced by the beneficiaries of the organizations consulted by PWD, nor does it correspond to what is palpable in the daily life of Venezuelans⁵⁷. The population is increasingly exposed to shortages of appropriate housing, food, health and medication, transportation, clothing, and lack of access to recreation and leisure, in addition to the barriers that people with disabilities face in accessing significantly paid jobs.
121. The economic and social inequality of the population in general is becoming more evident every day, especially in the PWDs, which have much higher additional expenses linked to the condition of disability⁵⁸.
122. The "Carnet de la Patria" has been given a connotation of a political-partisan type and not of social support, which is why a part of the population with disabilities in the exercise of their political rights has decided not to participate in this register, being excluded from this supposed support. Nor are the figures on the proportion of PWDs who benefit from the bonuses granted through the Carnet de la Patria publicly available, nor are the benefits given to them specified. At present, these subsidies are not proportional to the high cost of basic food and health items and are therefore insufficient in every respect⁵⁹.
123. The food box from the Local Supply and Production Committee (CLAP) system is not delivered on a regular basis and the products do not reach the beneficiary in full. Additionally, the original concept and nutritional value represents a supplement, but does not include fresh produce, fruit or animal protein that are currently economically inaccessible.

Participation in political and public life (art. 29)

124. Although it is true that in Venezuela the National Electoral Council (CNE) carries out dissemination campaigns aimed at the PWDs on the exercise of the right to vote, eventually using the interpretation in LSV, there are no known campaigns that encourage voting by other alternative modes of communication and these are carried out only in election periods, without adopting concrete measures that allow access to a secret, direct and universal vote.
125. The State's Response to the List of Issues indicates in paragraph 129 that there is an Automated Voting System whose technology incorporates Braille reading; however, although voting machines have the program installed, there are no digital

⁵⁷ Increase in poverty rates in Venezuela. Available at: <http://www.bancaynegocios.com/cepal-estima-que-la-pobreza-en-venezuela-seguira-aumentando/> ; <https://www.elimpulso.com/2019/10/23/francisco-rodriguez-el-638-de-la-poblacion-venezolana-vive-en-pobreza-y-el-181-en-pobreza-extrema-23oct/>

⁵⁸ Challenge of living with disability in Venezuela. Available at: <https://www.voanoticias.com/a/el-reto-de-vivir-con-discapacidad-en-venezuela/5104044.html>

⁵⁹ Bonds that generate misery. Available at: <https://transparencia.org.ve/bonos-que-generan-miseria/>

Braille templates for the electronic ballot. Nor are there any other alternative modes of communication that allow for voting in easy-to-read formats or pictograms, or the interpretation in LSV of the instructions corresponding to this act.

126. Similarly, the electoral system incorporates fingerprint machines that activate the start of the system and the vote can proceed. There are many known cases of people with disabilities who have been denied the right to vote because they do not have their senior members. Similarly, the educational centers that are the spaces that host the electoral actors, do not have the infrastructure adaptations to guarantee the mobility of the citizens. The solution proposed is to allocate all persons with disabilities to exercise the right to vote at Table 1, which is usually the closest to the entrance of the voting center.
127. There is currently no update of the Venezuelan Permanent Electoral Registry (REP) for people with and without disabilities to the point that the municipalization of the registry has been suspended and is maintained only in the regional electoral offices generally located in the state capitals. For this reason a PWD must go from their place of residence to these offices to register or change their residence status with the REP.
128. Although it is true that in Venezuela the so-called "accompanied vote" is implemented, where the PWD can be assisted by someone they trust, it is no less true that some groups close to the government, such as the so-called Hugo Chávez Battle Units (UBCH), for example, use the state media so that the PWD can be "assisted" by members of the same when they present themselves without company.
129. We welcome the fact that the National Electoral Council (CNE) prepared the instructions for attention and support to the PWDs in the electoral processes, whose schematization in a poster is included in the electoral cotillion and is placed in a visible place in each voting center and polling station. We recommend that such a poster can be distributed in greater quantities and should even be incorporated into the material given to the table members in their previous training.
130. In Venezuela, the PWDs can elect and be elected by running for different popularly elected positions, although their participation is very low in relation to the number of PWDs registered in the REP.
131. Although the Law for PWD contemplates the creation of organizations of this group of people, the State sustains as a practice the consideration of those that are politically related to them in the calls for activities of any kind. Those organizations that criticize, point out failures or dissent from their decisions are usually judged as disloyal and often subjected to threats or harassment, which shows that the interest is not focused on strengthening the political and social participation of these organizations and their members, but on their political and partisan goals.

Data collection and statistics (Art. 31)

132. No information is available on the procedures, instruments or effective scope of the results obtained with the "CONAPDIS System" implemented in the period 2015-2019. The figure offered by the official body was known from its report because there

are no official publications on the subject. Since 2017, the human rights activist of the PWD, Prof Kujawa⁶⁰ reported that "CONAPDIS does not present updated information of any kind to determine public policies on types of disability, employment, education, health, housing, culture, public services, transportation, etc."

133. The situation due to lack of valid data is critical in the country. This is evidenced when analyzing that the same State points out in its response to the List of Issues that from 2008 to 2019 there were 424,141 certified PWD, when according to the 2011 census the population with disabilities was 1,454,845, without considering what we have reiterated since the Alternative Report in reference to the fact that this population has had to increase significantly due to the complex humanitarian emergency that the country is facing.
134. Similarly, in its reply to the list of issues, the State indicates that 281,752 is the number of newly certified persons, without distinguishing whether they were already on the census or whether they are added to those counted in 2011. These inaccuracies create confusion among the population and civil society. Finally, one of the organizations that attended the January 2020 technical roundtable reported that they began conversations with the INE, from which they received unofficial apologies for the little information collected and published on the population with autism at the national level, despite the significant increase in cases reported in private institutions that work for the benefit of this population.

Recommendations to be added

- We request the Committee to urge the State to collect and publish updated data on the population with disabilities in Venezuela and to share it widely with OPDs and civil society in general.
- The Committee suggests that the Venezuelan State be continuously monitored by a permanent monitoring commission to ensure compliance with the rights established in the CRPD and to provide an effective response to the needs of the population with disabilities, which has been especially affected in this complex humanitarian emergency.
- We urge the Venezuelan State to share quantitative information on the population of children and women with disabilities in order to generate joint plans and actions that guarantee the right to life of these vulnerable groups.
- We recommend that the Venezuelan government convert into different accessible formats all the guides, theoretical orientations, triptychs and instructions that have

⁶⁰ <https://www.derechos.org.ve/opinion/poblacion-con-discapacidad-conapdis>

been created by the different public organizations to offer information to the population with disabilities, as well as to guarantee web accessibility criteria in all official pages.

List of organizations subscribing to the Report

1. Venezuelan Confederation of the Deaf (CONSORVEN)
 - Dungeon Association for the Deaf
 - Association of the Deaf of Caracas
 - Association of Deaf People of the Altos Mirandinos
 - Association of Deaf People in Turmero
 - Association of Deaf People of Anzoátegui State
 - Association of Deaf People of Aragua State
 - Association of Deaf People of the State of Bolivar
 - Carabobo State Association of the Deaf
 - Lara State Association of the Deaf
 - Monagas State Association for the Deaf
 - Association of the Deaf of the Portuguese State
 - Yaracuy State Association of the Deaf
 - Zulia State Association of the Deaf
 - Association of Deaf People of Maracaibo Municipality - Zulia
 - Association of Deaf People of the State of Merida
 - San Cristóbal Municipality Association
 - Association of the Deaf of Maracay
 - Association of Deaf People of the State of Trujillo
 - Center for Disability Studies (CEDISC) of the Universidad Monteávila.
2. Civil Association for the Development of Complementary Education (ASODECO)
3. APOYE Civil Association.
4. Deafblind of Venezuela (SOCIEVEN).
5. Defend Venezuela.
6. Venezuelan Society for Autistic Children and Adolescents (SOVENIA).

7. Foundation for Assistance, Training and Research on Disability (FUNDAFID).
8. Training Center for Integration and Learning (CEPIA)
9. Autism Out Loud Foundation.
10. Mis Chiquitos Foundation.
11. Center for Developmental Therapies.
12. Helping Hand Foundation.
13. Active Functional Diversity Civil Association.
14. Marianny Linarez Foundation.
15. Vanessa Peretti Foundation.
16. Venezuelan Institute for the Integral Development of Children (INVEDIN)
17. Latin American Network of Non-Governmental Organizations of People with Disabilities and their Families (RIADIS)
18. Civilis DDHH
19. Criminal Forum
20. Provide
21. Commission for the Support of Students with Disabilities of the School of Librarianship and Archivology (CAEDEBA) of the Central University of Venezuela
22. Association of Sign Language Interpreters of the State of Yaracuy (ASOISY)
23. Chamos in the Water Foundation.
24. Vinotinto Movement.
25. Network of Human Rights Defenders in Lara State.
26. Asociación Civil Soy Parte del Mundo
27. Light for Autism Foundation (Funauta)
28. Neo-Spartan Association for the Integration of Autism (ASONEPIA)
29. Civil Association Force, Union, Justice and Peace (FUNPAZ)
30. Network of Human Rights Defenders in Nueva Esparta State
31. GLOBAL HEROES.
32. Citizens' Network of Activists for Human Rights (REDAC).
33. Good Samaritan Foundation.
34. Rainbow College.
35. Biot talento Project.

- 36. Helping Hand Foundation.
- 37. Human Rights Center University of Yacambú.
- 38. Open Classroom

Independent Activists

- 1. Prof. Lourdes Montenegro. Coordinator of the Institutional Program of Support and Accompaniment of Students with Disabilities at the Universidad Católica Andrés Bello.
- 2. Lawyer. Rafael Gordon. Human rights activist.
- 3. Algeria Bolivar. Human rights activist.
- 4. Lawyer Nicolas Castro Delgado. Professor at the Universidad Central de Venezuela (UCV) / Universidad Nacional Abierta (UNA)
- 5. Soc. Miguel Palacios. Professor at the Universidad Nacional Experimental Simón Rodríguez (UNESR) / Universidad Autónoma de México (UNAM)



