



REPORT
FROM THE SOCIAL PROJECT FOUNDATION
FOR THE THIRD UNIVERSAL PERIODIC REVIEW (2016-2021)
OF THE BOLIVARIAN REPUBLIC OF VENEZUELA
TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL

1. **Social Project** is a non-governmental human rights organization focused on political rights, structured since 2010 in functions of electoral oversight; conceived as a permanent evaluation of compliance with the constitutional guarantees indispensable for the exercise of democracy, participation and suffrage, through independent observation of the organization and functioning of an electoral system. It has been recognized by the National Electoral Council to participate in the electoral processes taking place in Venezuela, including the different activities framed in the electoral schedule in addition to the voting act, which allows to monitor the different aspects related to the exercise of the right to vote of the population.
2. In this sense, **Social Project** has participated as an Electoral National Observer in all the electoral processes for elected offices developed in the country in the period covered by the present Universal Periodic Review of Venezuela, which has been able to document different aspects related to political rights such as the right to suffrage, both passive and active, the right of association for political purposes, the right to participation, among others, transversally treated with vulnerable sectors with special attention, such as women, youth, people with disabilities, indigenous peoples, among others.
3. **RIGHT TO VOTE AND ELECTORAL REGISTRATION**
4. The right to vote is provided for in article 63 of the Constitution of the Bolivarian Republic of Venezuela, and in accordance with article 64 of the Constitution, it can be exercised by people over 18 years of age, however, it is applicable to the election of positions of popular representation and referendums of all kinds; in order to elect and be elected as a spokesperson of the city council and commune, the minimum age is 15 years, except for positions that require an ability to acquire and respond to administrative obligations. In other words, it is a political right extended by law ⁽¹⁾ to adolescents aged 15 and over, in the specific communal area.
5. In Venezuela indeed, suffrage is a right but not an obligation; consequently, ceasing to exercise it does not entail punitive measures or loss of subjective rights for the person. In order to exercise the right to vote, a Venezuelan, resident in Venezuela or abroad, who is over 18 years of age, must voluntarily register in the Permanent Electoral Registry, just as a foreigner with more than 10 years of residence in the country can, who can vote in regional

- and municipal elections.
6. From 2016 to 2021^(A), the Electoral Registry has increased from 19,770,997 voters to 21,065,902, of which 20,835,902 are Venezuelans (including those registered at consular offices abroad) and 229,516 are foreigners, which represents an increase of 8.57% of new voters, with a gap between registered and people of age to do so of 3,197,414 people, constituting a challenge for the electoral administration to close this gap.
 7. However, we value the efforts of the Electoral Power in facilitating the accessibility of the Electoral Registry to the most disadvantaged sectors, which allowed to increase the population registered to vote from 11.013.020 in 1998^(B), to the current figure, and closing significantly the gap between the voting age population and registered population, especially due to the voluntary nature of registration.
 8. Of the total number of people registered on the Permanent Electoral Registry, a slight majority is made up of women (51.40 %) and men (48.60 %), a proportion that is not reflected in the composition of the national, regional and municipal deliberative bodies, despite the measures taken to ensure that 50 % of applicants are women by lists and nominees.
 9. Electoral Registration in Venezuela is carried out throughout the year, but on the occasion of elections the National Electoral Council holds special registration and data updating days, which allow voters to change their residence in the same or different electoral district at will, as well as to register the voter disability status. In the case of the regional elections of 2021, it has a thousand registration points, and in many of them **Social Project** has been present in electoral oversight functions.
 10. We appreciate the effort of the CNE to mobilize, during 45 days, equipment, materials and personnel to points of high presence of passers-by, but we consider and **recommend** that the Electoral Registry could be optimized with the cooperation of the communal councils and communes, which could serve as links between the State and civil society in specific spaces of residence, what would promote the register and closing of the gap between registered and people of voting age who are not enrolled.

11. GENDER EQUALITY IN CANDIDATURES FOR ELECTED OFFICE

12. Regarding to gender equality in electoral processes, **Social Project** points out that the Constitution of the Bolivarian Republic of Venezuela and national legislation that governs electoral matters do not contemplate participation quotas for women; this does not constitute an obstacle for the National Council, within the framework of its competence, from taking regulatory and administrative measures to promote greater gender equity in candidatures for elected positions.
13. In 2010, the National Electoral Council issued the General Regulations of the Organic Law on Electoral Processes (LOPRE), article 133⁽²⁾ indicates that applicant organizations must establish selection mechanisms so that they can apply equally and alternately, with 50 % for each sex. For the 2015 elections to the National Assembly, the National Electoral Council issued Special Regulations to Guarantee the rights of Equal Political Participation in the 2015 Elections of Deputies to the National Assembly, which established the equal and alternate nomination with 50% for each sex, both for principals and alternates on lists or nominees.⁽³⁾
14. For the regional and municipal elections of 2017, and the National Assembly elections of 2020, the content of both regulations was maintained and an automated nomination mechanism was established that made political organizations present their candidacies alternately according to sex, to the deliberative bodies. For the elections of the year 2021 scenarios are generated for, in particular conditions, to reach gender proportions 40-60.
15. Said regulatory acts are based on article 21 of the Constitution⁽⁴⁾ which refers to the right of equality and the power to adopt positive measures in favor of individuals and groups who

may be discriminated against, marginalized or abused, so that applicant organizations should submit formulas in each electoral district where, if the principal was a man, the alternate should be a woman, or if the principal was a woman, the man should be the alternate candidate.

16. Despite the application of this formula, and although the presence of women in national, regional and municipal deliberative bodies has increased significantly, it does not correspond to the slight majority of female participation in the electoral register, making them in practice electors and eligible, but not elected.
17. We appreciate the efforts of the National Electoral Council, which in the last fifteen years was chaired by a woman, and formed in 2008 by four women and one man, to deepen the equal participation of women, but it is a pending matter in the Venezuelan State and, in particular, the National Assembly, the approval of an electoral legislation, which we **recommend**, that raises the regulatory provision of the CNE to legal status and advances in a formula that encourages greater participation of women, ideally around 50%, in the deliberative bodies. In this, organizations with political ends plays a fundamental role that express their manifest vocation to postulate with a gender vision. The CNE has been able to implement the scale and not all organizations have agreed to the proposal.

18. POLITICAL PARTICIPATION OF INDIGENOUS PEOPLES

19. In regard to the rights of Indigenous Peoples, the Constitution set out in articles 125 the right of indigenous peoples to political participation and guarantee to have representation in the National Assembly and the bodies of deliberation of the federal and local; while article 186 of the Constitution sets a quota of three deputies indigenous to the National Assembly in representation of three geographical areas, composed each by different states with indigenous populations. Likewise, each state and municipality with an indigenous population must reserve a seat in the regional parliament and municipal council for indigenous representation.
20. Candidates for indigenous representatives are nominated by indigenous organizations and are nominally elected by a simple majority. Paradoxically, however, the choice of indigenous representation is strongly influenced by the non-indigenous population of states and municipalities, since there is no indigenous electoral register for national, regional and municipal parliamentary elections, but it had been used the register that includes all voters. For Proyecto Social, it has been a contradiction (which can be remedied through legislation, and eventually by regulations by the CNE) that non-indigenous people end up deciding the election of a representative of the indigenous population, influenced by factors unrelated to the indigenous ethnic and cultural aspects and more of typical political confrontation.
21. In the Elections of the National Constituent Assembly in 2017, a formula was tested that is consolidated in article 186 of the Constitution, which reads: “while respecting their traditions and customs”, through which indigenous communities were call to carry out assemblies and meetings with the accompaniment of the National Electoral Council, to select delegates to the three regional assemblies, one for each geographical area, which also had the institutional support of the CNE and where indigenous representatives were elected to the Constituent Assembly of 2017.
22. This assembly formula was applied to the choice of the three indigenous representatives of the National Assembly in the elections of December 6, 2020⁽⁵⁾ and is planned for elections to the regional parliaments and municipal councils with representation of indigenous in November 2021, as seen in the Special Regulations for the indigenous election, the Handbook of Indigenous Participation and the Timeline of Indian assemblies available in the official portal website of the National Electoral Council .⁽⁶⁾

23. **Social Project** deeply appreciates the adoption of a measure that makes effective the right of indigenous peoples to elect their representatives to popularly elected offices, avoiding the alienation of their political rights and their subjection to the political diatribe that ignores their legitimate aspirations as vulnerable human groups. However, the Social Project recommends that the Venezuelan State, working together with the National Electoral Council, the Ministry responsible for indigenous peoples, the authorities of the Autonomous Identification, Migration and Aliens Service and indigenous organizations, take the necessary steps to draw up the Indigenous Electoral Register.
24. Likewise, **Social Project** wants to **recommend** that the National Assembly elected in December 2021, legislate on the issue of the election of indigenous representatives with special emphasis on the issue of the Indigenous Electoral Registry and the means of electing delegates or spokespeople to the indigenous assemblies.
- 25. PARTICIPATION OF PEOPLE WITH DISABILITIES AND OLDER ADULTS.**
26. Polling stations are, for the most part, educational buildings of two or more floors, which implies installing some polling stations in rooms located on high floors that are accessed by stairs, representing an obstacle, or at least a limitation, for those with motor or visual disabilities, discouraging the exercise of voting.
27. The same happens with adults and older adults who have reached an age in which mobilization involves a great physical effort, so much so that it often requires the use of wheelchairs, walkers or canes, with which moving through stairs becomes very difficult and constitutes an obstacle to the exercise of voting.
28. One aspect unresolved by the National Electoral Council, is to promote and apply the necessary measures to facilitate the exercise the right to vote of people with disabilities, since the conditions of people with disabilities, especially motor and visual, requires the conditioning of spaces where these people can exercise the right to vote in an easy way. That happens by continuing to update the electoral register with people who have acquired a sudden disability so that the CNE knows in the most accurate way possible the number and location of voters who have a limiting condition.
29. Currently, approximately 500 thousand people are registered with the CNE with the respective name of the disability they present. Updating the electoral registry with people with disabilities, is an aspect that can be addressed with the articulated participation of public and private institutions, such as the National Electoral Council, the state body responsible for the care of people with disabilities, civil society organizations that serve to this vulnerable group, and of the communal councils and communes that are aware of the conditions of their neighbors, so that Social Project **recommends** that, once regional and municipal elections of November 2021 are fulfilled, to organize the update of the Electoral Registry in the terms here stated as an upcoming project.
30. **Social Project** also **recommends** that the National Electoral Council take measures to facilitate the exercise of the right to vote for people with disabilities and older adults, through effective strategies that overcome the limitations and obstacles that the infrastructure of polling stations imposes on these vulnerable groups.

^AOfficial Population of Venezuela – Year 2021: 33,192,835

^B Official population of Venezuela – Year 1998: 23,065,008

¹ See Organic Law on Communal Councils, published in the Official Gazette of the Bolivarian Republic of Venezuela No. 39,335 dated 28 December 2009

² See General Regulations of the Organic Law on Electoral Processes

http://www.cne.gob.ve/web/normativa_electoral/reglamentos/Reglamento_General_LOPRE.pdf

³ See National Electoral Council (2015)

http://www.cne.gob.ve/web/normativa_electoral/elecciones/2015/asamblea/documentos/RESOLUCION_150625-147.pdf

⁴ See Constitution of the Bolivarian Republic of Venezuela.

http://www.cne.gob.ve/web/normativa_electoral/constitucion/titulo3.php#cap1

⁵ See National Electoral Council (2020)

http://www.cne.gob.ve/web/normativa_electoral/elecciones/2020/asamblea_nacional/index_elecciones_asamblea_nacional_2020_principal.php

⁶ See National Electoral Council (2021)

http://www.cne.gob.ve/web/normativa_electoral/elecciones/2021/elecciones_regionales_y_municipales_2021/index_elecciones_regionales_municipales_2021_principal.php