

**Intervention of the Delegation of the Bolivarian Republic of Venezuela
8th Period of Sessions on the Forum on Minority Issues**

Addressing the profound causes of discrimination in the administration of justice

Geneva, November 24 and 25, 2015

Thank you Mr. President,

The Bolivarian Republic of Venezuela considers the present forum appropriate for the exchange of best practices destined to contributing towards the protection of those excluded in the world, in particular minorities, who in many cases continue to see their human rights violated, subjugated to discrimination and racism.

Mr. President,

For the Venezuelan State, the promotion and protection of the human rights of minorities contribute towards the political and social stability of States and to the strengthening of and cooperation among peoples.

The Constitution of the Bolivarian Republic of Venezuela enshrines the principle of non-discrimination, the right to the free development of personality, the freedom of worship and belief, with the end goal of guaranteeing that every person fully enjoys the inalienable, indivisible, and interdependent exercise of their human rights.

In this order of ideas, the Venezuelan State has promulgated laws that consolidate the guarantee of respect of the human rights of individuals, without any discrimination, which is evidenced in the Organic Law against Racial Discrimination, which codified the crime of racial discrimination. The Law of Victims, Witnesses, and other Procedural Subjects Destines to Guarantee the protection of all persons, individual or collective, before all threat, discrimination or any other arbitrary action.

Within these normative advancements and in what concerns the guarantee in the penal judicial system of equal treatment of individuals belonging to minorities, in Venezuela there are dispositions in the national legislation oriented towards guaranteeing the right of equality, like the Organic Law on the Rights of Women to a Life Free of vViolence; the Law on the Protection of Children and Adolescents; the Law on Indigenous Peoples; the Law on People with Disabilities; the Law on the Protection of Families, Maternity, and Paternity; the Law on Special Procedures in Matters of Familiar Protection for Children and Adolescents; the Organic Law on the Special Jurisdiction of Justice in Communal Peace; the Law on Foreigners and Migration; and the Organic Law on Refugees and Asylum Seekers.

On the other side, the Venezuelan jurisprudence has been pronounced in favour of the recognition of minorities, equality, and non-discrimination. Through the ruling of October 17, 2000, the Constitutional Chamber of the Supreme Court of Justice, which has a binding character on the rest of the tribunals in the country, which concerned the understanding of the Right to Equality and Non-discrimination, the ruling ensures that it is the obligation of the Public Powers of the State to

guarantee that all people enjoy the right of being treated by the Law in an equal manner, expressly prohibiting discrimination.

In the same manner, the same Constitutional Chamber of the Supreme Court of Justice, in a ruling on June 19, 2009, determined that "the right to equality demands giving the same treatment to all persons who find themselves in identical or similar conditions."

Mr. President,

The right to equality and non-discrimination implies, in principle, that situations that are analogous or similar receive the same treatment, without allowing any discrimination of any type to be admissible.

The Venezuelan State has the idea that administering equal treatment to people who find themselves in unequal situations leads to perpetuating injustice, because of this true equality can only emerge out of efforts directed to addressing and correcting these unbalanced situations.

In accordance with the previous statements, all people have the right to access the instruments of justice administration to validate their rights, just as it is disposed in Article 26 of the Constitution, and consequently, justice is guaranteed to be free, accessible, impartial, appropriate, transparent, autonomous, independent, responsible, equitable, and expeditious, without any inappropriate delays, and without useless formalities or replacements.

The Attorney General, being the principal actor in the penal action of the State, is in charge of guaranteeing the respect of rights and constitutional protections in judicial processes, as well as in the treaties, conventions, and international agreements subscribed to by the republic.

In this sense, public prosecutor offices have been created with competencies in the defence of women; in matters of family, children, and adolescents; and in indigenous matters, which evidences that the Venezuelan State has formulated public policies in human rights, with an emphasis in the protection of specifically vulnerable populations.

To conclude, we would like to reaffirm once again our resolute support to all initiatives that in this and other forums are developed in favour of the promotion and protection of the fundamental rights of our peoples, to keep progressing with the end of guaranteeing a dignified life, through the enjoyment of all rights whether economic, social, cultural, environmental, civil and political, and including the right to development.

We trust that these spaces in the United Nations will continue to offer the opportunity for an effective exchange of ideas and good practices between governments, civil society and other interested parties, in a language of respect harmonious with the practices of the UN.

Thank you.