**CONSTITUTION**

OF THE BOLIVARIAN

**R E P U B L I C**

OF VENEZUELA

**CONSTITUTION** OF THE BOLIVARIAN **REPUBLIC** OF VENEZUELA

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**Preamble**

The people of Venezuela, exercising their powers of creation and

invoking the protection of God, the historic example of our Liberator

Simon Bolivar and the heroism and sacrifice of our aboriginal ancestors

and the forerunners and founders of a free and sovereign nation;

to the supreme end of reshaping the Republic to establish a democratic,

participatory and self-reliant, multiethnic and multicultural society

in a just, federal and decentralized State that embodies the values of

freedom, independence, peace, solidarity, the common good, the

nation's territorial integrity, comity and the rule of law for this and

future generations; guarantees the right to life, work, learning, education,

social justice and equality, without discrimination or subordination

of any kind; promotes peaceful cooperation among nations and

furthers and strengthens Latin American integration in accordance

with the principle of nonintervention and national self-determination

of the people, the universal and indivisible guarantee of human rights,

the democratization of imitational society, nuclear disarmament, ecological

balance and environmental resources as the common and

inalienable heritage of humanity; exercising their innate power

through their representatives comprising the National Constituent

Assembly, by their freely cast vote and in a democratic Referendum,

hereby ordain the following:

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**CONSTITUTION**

**Title I**

Fundamental Principles

**Article 1**: The Bolivarian Republic of Venezuela is irrevocably

free and independent, basing its moral property and values of freedom,

equality, justice and international peace on the doctrine of

Simón Bolívar, the Liberator. Independence, liberty, sovereignty,

immunity, territorial integrity and national self-determination are

unrenounceable rights of the Nation.

**Article 2**: Venezuela constitutes itself as a Democratic and Social

State of Law and Justice, which holds as superior values of its legal

order and actions those of life, liberty, justice, equality, solidarity,

democracy, social responsibility and, in general, the preeminence of

human rights, ethics and political pluralism.

**Article 3**: The essential purposes of the State are the protection

and development of the individual and respect for the dignity of the

individual, the democratic exercise of the will of the people, the building

of a just and peace-loving society, the furtherance of the prosperity

and welfare of the people and the guaranteeing of the Fulfillment

of the principles, rights and duties established in this Constitution.

Education and work are the fundamental processes for guaranteeing

these purposes.

**Article 4**: The Bolivarian Republic of Venezuela is a decentralized

Federal State on the terms set forth in this Constitution, governed by

the principles of territorial integrity, cooperation, solidarity, attendance

and shared responsibility.

**Article 5**: Sovereignty resides untransferable in the people, who

exercise it directly in the manner provided for in this Constitution and

in the law, and indirectly, by suffrage, through the organs exercising

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Public Power. The organs of the State emanate from and are subject

to the sovereignty of the people.

**Article 6**: The government of the Bolivarian Republic of

Venezuela and of the political organs comprising the same, is and

shall always be democratic, participatory, elective, decentralized,

alternative, responsible and pluralist, with revocable mandates.

**Article 7**: The Constitution is the supreme law and foundation of

the legal order. All persons and organs exercising Public Power are

subject to this Constitution.

**Article 8**: The national flag with its yellow, blue and red stripes,

the National Anthem “Gloria al bravo pueblo” (Glory to the Brave

People), and the coat of arms of the Republic are the symbols of the

native land.

Law shall regulate their characteristics, meaning and use.

**Article 9**: Spanish is the official language. The use of native languages

also has official status for native peoples, and must be respected

throughout the territory of the Republic, as constituting part of the

cultural heritage of the Nation and humanity.

**Title II**

Geographical Spaces and Political Division

**Chapter I**

Territory and Other Geographical Spaces

**Article 10**: The territory and other geographical spaces of the

Republic are those which belonged to the Captaincy-General of

Venezuela before the political transformation begun on April 19,

1810, as amended by virtue of the treaties and arbitration awards

which have not been vitiated with nullity.

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**Article 11**: The full sovereignty of the Republic is exercised on the

continental, and insular spaces, lake and river spaces, territorial sea,

historic, vital and inland sea areas, and those lying within such

straight baselines as have been adopted or may come to be adopted by

the Republic; seabed and under the seabed of the aforementioned; the

continental, insular and maritime air space and the resources located

within the aforementioned spaces, including genetic resources, migratory

species, derived products and any intangible components that

may be present within the aforementioned spaces because of natural

causes.

The insular space of the Republic includes the Archipelago of Los

Monjes, Las Aves, Los Roques, La Orchila, La Tortuga, La

Blanquilla, Los Hermanos, islands of Margarita, Cubagua and Coche,

Los Frailes, La Sola Island, Los Testigos Archipelago, Patos Island

and Aves Island, as well as the islands, islets, keys and banks located

or coming in the future to emerge from the territorial sea, that covering

the continental sheaf or that lying within the limits of the exclusive

economic zone.

As to the water spaces consisting of the contiguous maritime zone,

the continental sheaf and the exclusive economic zone, the Republic

exercises exclusive rights of sovereignty and jurisdiction on such

terms, to such extent and subject to such conditions as may be determined

by public international law and national law.

The Republic has rights in outer space and in those areas which are

or may be the Common Property of Humanity, on such terms, to such

extent and subject to such conditions as may be determined by public

international agreements and by the national legislation.

**Article 12**: Mineral and hydrocarbon deposits of any nature that

exist within the territory of the nation, beneath the territorial sea bed,

within the exclusive economic zone and on the continental sheaf, are

the property of the Republic, are of public domain, and therefore

inalienable and not transferable. The seacoasts are public domain

property.

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**Article 13**: The territory shall never be assigned, transferred,

leased or in any manner whatsoever conveyed, even temporarily or

partially, to foreign States or other international law subjects.

The geographical space of Venezuela is an area of peace. No foreign

military bases or facilities having purposes that are in any way

military shall be established within such space by any power or coalition

of powers.

Foreign States or other international law subjects shall be permitted

to acquire real property only for the quarters of their diplomatic or

consular delegations, within such area as may be determined and subject

to guarantees of reciprocity, with such limitations as may be

established by law. In all such cases, national sovereignty shall

remain intact.

There shall be no conveyance of title to vacant land existing within

the federal dependencies and on islands in rivers and lakes, and the

right to use the same shall be granted only in a manner that does not

involve, directly or indirectly, the transfer of title to the land.

**Article 14**: The law shall establish a special legal regime for those

territories which, by the freely adopted decision of their inhabitants

and with the approval of the National Assembly, come to be incorporated

into the territory of the Republic.

**Article 15**: The State is responsible for establishing an overall policy

in land, insular and maritime border areas, preserving the territorial

integrity, sovereignty, security, defense, national identity, diversity

and environment in accordance with cultural, economic and social

development and integration. Taking into account the inherent nature

of each border region through special financial allocations, an

Organic Law on Borders shall determine the obligations and objectives

comprising this responsibility.

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**Chapter II**

Political Division

**Article 16**: For purposes of the political organization of the

Republic, the territory of the nation is divided into those of the States,

the Capital District, federal dependencies and federal territories. The

territory is organized into Municipalities.

The political division of the territory shall be regulated by an

organic law which shall guarantee municipal autonomy and administrative/

political decentralization. Such law may provide for the creation

of federal territorial in certain areas within the States, the taking

effect of which shall be subject to the holding of a referendum to

approve the same in the organ concerned. By special law, a federal

territory may be given the status of a State; being allocated part or all

of the territorial area concerned.

**Article 17**: Federal dependencies are the maritime islands which

are not incorporated into the territory of a State, as well as any island

that may form or appear in the territorial sea or that covering the continental

sheaf. Their regime and administration shall be provided by

law.

**Article 18**: The city of Caracas is the capital of the Republic and

the seat of the Organs of National Power.

The provisions of this article shall not prevent the exercise of

National Power elsewhere in the Republic.

A special law shall establish the territorial and political unit of the

city of Caracas, incorporating into a two-tier system of municipal

government the Municipalities of the Capital District and those of the

State of Miranda. Such law shall provide for the organization, government,

administration, competency as well as resources of the city,

with a view to its harmonious overall development. In any case the

law shall guarantee the democratic and participative character of its

government.

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**Title III**

Duties, Human Rights and Guarantees

**Chapter I**

General Provisions

**Article 19**: The State shall guarantee to every individual, in accordance

with the progressive principle and without discrimination of

any kind, not renounceable, indivisible and interdependent enjoyment

and exercise of human rights. Respect for and the guaranteeing of

these rights is obligatory for the organs of Public Power, in accordance

with the Constitution, the human rights treaties signed and ratified

by the Republic and any laws developing the same.

**Article 20**: Everyone has the right to the free development of his

or her own personality, subject only to the limitations deriving from

the rights of others and public and social order.

**Article 21**: Al persons are equal before the law, and, consequently:

1.- No discrimination based on race, sex, creed or social standing

shall be permitted, nor, in general, any discrimination with the

intent or effect of nullifying or encroaching upon the recognition,

enjoyment or exercise, on equal terms, of the rights and

liberties of every individual.

2.- The law shall guarantee legal and administrative conditions

such as to make equality before the law real and effective manner;

shall adopt affirmative measures for the benefit of any

group that is discriminated against, marginalized or vulnerable;

shall protect in particular those persons who, because of any of

the aforementioned circumstances, are in a manifestly weak

position; and shall punish those who abuse or mistreat such persons.

3.- People will only be officially addressed as Citizens, except for

diplomatic forms.

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4.- No titles of nobility or hereditary distinctions shall be recognized.

**Article 22**: The recitation of rights and guarantees contained in

this Constitution and in international instruments concerning human

rights are not to be understood as negating others inherent to individuals,

not expressly mentioned in such recitation. The absence of a law

regulating these rights shall not adversely affect the exercise thereof.

**Article 23**: The treaties, pacts and conventions relating human

rights which have been executed and ratified by Venezuela have a

constitutional rank, and prevail over internal legislation, insofar as

they contain provisions concerning the enjoyment and exercise of

such rights that are more favorable than those established by this

Constitution arid the laws of the Republic, and shall be immediately

and directly applied by the courts and other organs of the Public

Power.

**Article 24**: No legislative provision shall have retroactive effect,

except where it imposes a lesser penalty. Procedural laws shall apply

from the moment they go into effect, even to proceedings already in

progress; however, in criminal proceedings, evidence already admitted

shall be weighed in accordance with the laws that were in effect

when the evidence was admitted, insofar as this benefits the defendant.

When there are doubts as to the rule of law that is to be applied,

the most beneficial to the defendant will prevail.

**Article 25**: Any act on the part of the Public Power that violates or

encroaches upon the rights guaranteed by this Constitution and by law

is null and void, and the public employees\* ordering or implementing

the same shall incur criminal, civil and administrative liability, as

applicable in each case, with no defense on grounds of having followed

the orders of a superior.

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**Article 26**: Everyone has the right to access the organs comprising

the justice system for the purpose of enforcing his or her rights and

interests, including those of a collective or diffuse nature to the effective

protection of the aforementioned and to obtain the corresponding

prompt decision.

The State guarantees justice that is free of charge, accessible,

impartial, suitable, transparent, autonomous, independent, responsible,

equitable and expeditious, without undue delays, superfluous formalities

or useless reinstating.

**Article 27**: Everyone has the right to be protected by the courts in

the enjoyment and exercise of constitutional rights and guarantees,

including even those inherent individual rights not expressly mentioned

in this Constitution or in international instruments concerning

human rights.

Proceedings on a claim for constitutional protection shall be oral,

public, brief, free of charge and unencumbered by formalities, and the

competent judge shall have the power to restore immediately the legal

situation infringed upon or the closest possible equivalent thereto. All

time shall be available for the holding of such proceedings, and the

court shall give constitutional claims priority over any other matters.

The action for the protection of liberty or safety, may be exercised

by any person and the physical custody of the person of the detainee

shall be transferred immediately to the court, without delay.

The exercise of this right shall not be affected in any way by the

declaration of a state of exception or restriction of constitutional guarantees.

**Article 28**: Anyone has the right of access to the information and

data concerning him or her or his or her goods which are contained in

official or private records, with such exceptions as may be established

by law, as well as what use is being made of the same and the purpose

thereof, and to petition the court of competent competence for the

updating, correction or destruction of any records that are erroneous

or unlawfully ‘affect the petitioner’s right. He or she may, as well,

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access documents of any nature containing information of interest to

communities or group of persons. The foregoing is without prejudice

to the confidentiality of sources from which information is received b

journalist, or secrecy in other professions as may be determined by

law.

**Article 29**: The State is obliged to investigate and legally punish

offenses against human rights committed by its authorities.

Actions to punish the offense of violating humanity rights, serious

violations of human rights and war crimes shall not be subject to

statute of limitation. Human rights violations and the offense of violating

humanity rights shall be investigated and adjudicated by the

courts of ordinary competence. These offenses are excluded from any

benefit that might render the offenders immune from punishment,

including pardons and amnesty.

**Article 30**: The State has the obligation to make full reparations to

the victims of human rights violations for which it may be held

responsible, and to the legal successors to such victims, including

payment of damages.

The State shall adopt the necessary legislative measures and measures

of other nature to implement the reparations and damage compensation

provided for under this article.

The State shall protect the victims of ordinary crimes and endeavor

to make the guilty parties provide reparations for the inflicted damages.

**Article 31**: Everyone has the right, on the terms established by the

human rights treaties, pacts and conventions ratified by the Republic,

to address petitions and complaints to the intentional organs created

for such purpose, in order to ask for protection of his or her human

rights.

The State shall adopt, in accordance with the procedures established

under this Constitution and by the law, such measures as may

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be necessary to enforce the decisions emanating from international

organs as provided for under this article.

**Chapter II**

Nationality and Citizenship

Section One: Nationality

**Article 32**: Are Venezuelans by birth:

(1) Any person who was born within the territory of the Republic.

(2) Any person who was born in a foreign territory, and is the child

of a father and mother who are both Venezuelans by birth.

(3) Any person who was born in a foreign territory, and is the child

of a father or a mother, who is Venezuelan by birth, provided

they have established residence within the territory of the

Republic or declared their intention to obtain the Venezuelan

nationality.

(4) Any person who was born in a foreign territory, and is the child

of a father or a mother who is Venezuelan by naturalization,

provided that prior to reaching the age of 18, they establish

their residence within the territory of the Republic, and before

reaching the age of 25 declare their intention to obtain the

Venezuelan nationality.

**Article 33**: Are considered Venezuelans by naturalization:

(1) Foreign nationals who obtain a naturalization letter. In order to

do so, they must have at least ten years of uninterrupted residence

immediately preceding the application date.

(2) The period of residence shall be reduced to five years in the case

of foreign nationals whose original nationality is that of Spain,

Portugal, Italy, or a Latin American or Caribbean country.

(3) Foreign nationals who marry a Venezuelan, upon declaring their

wish to adopt the Venezuelan nationality, which may be done at

least five years after the date of marriage.

(4) Minors of foreign nationality, on the date of the naturalization

of one of his/her parent who exercises parental authority, pro-

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vided that such minor declares his or her intention of adopting

the Venezuelan nationality before reaching the age of 21, and

has resided in Venezuela without interruption throughout the

five-year period preceding such declaration.

**Article 34**: The Venezuelan nationality is not lost upon electing or

acquiring another nationality.

**Article 35**: Venezuelans by birth cannot be deprived of their

nationality. The Venezuelan nationality by naturalization can be

revoked only by a judgment handed down by a court in accordance

with law.

**Article 36**: Venezuelan nationality may be renounced. A person

who renounces the Venezuelan nationality by birth may regain such

nationality if he or she establishes a residence within the territory of

the Republic for a period of at least two years, and expresses the

intention of regaining the Venezuelan nationality. Naturalized

Venezuelans who renounce the Venezuelan nationality may regain it

by again meeting the requirements prescribed under article 33 of this

Constitution.

**Article 37**: The State shall promote the celebration of international

treaties related to nationality, especially with the bordering countries

and those indicated in item 2 of Article 33 of this Constitution.

**Article 38**: The substantive and procedural rules relating to the

acquisition, election, renunciation and recovery of the Venezuelan

nationality, as well as the revocation and withdrawal of naturalization,

shall be determined by law, in compliance with the foregoing provisions.

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**Section Two: Citizenship**

**Article 39**: Venezuelans who are not subject to political disablement

or civil interdiction, and meet the age requirements provided for

in this Constitution, can exercise citizenship and therefore are entitled

to political rights and duties in accordance to this Constitution.

**Article 40**: Political rights are reserved to those who are

Venezuelans, with the exceptions established in this Constitution.

Naturalized Venezuelans who have entered the country prior to

reaching the age of seven years and have resided permanently in

Venezuela until reaching legal age shall enjoy the same rights as

Venezuelans by birth.

**Article 41**: Only Venezuelans by birth who have no other nationality

shall be permitted to hold the offices of President of the

Republic, Executive Vice President, Chairman and Vice-Chairman of

the National Assembly, Justices of the Supreme Tribunal of Justice,

Chairman of the National Board of Elections, Attorney General of the

Republic, Comptroller General of the Republic, General Prosecutor of

the Republic, People Defender, Ministers with responsibilities relating

to national security, finance, energy and mining or education;

Governors and Mayors of border States and Municipalities and those

contemplated under the Organic Law on the National Armed Forces.

In order to hold the position of member of the National Assembly,

Minister or Governors and Mayors of non-border States and

Municipalities, naturalized Venezuelans must be domiciled in

Venezuela with at least fifteen years of permanent residence, as well

as meeting the capability requirements provided for by law.

**Article 42**: Anyone who loses or renounces to nationality loses citizenship.

The exercise of citizenship or any political rights can be suspended

only by final judicial decision in the cases provided by law.

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**Article 43**: The right to life is inviolable. No law shall provide for

the death penalty and no authority shall apply the same. The State

shall protect the life of persons who are deprived of liberty, serving in

the armed forces or civilian services, or otherwise subject to its

authority.

**Article 44**: Personal liberty is inviolable, therefore:

(1) No person shall be arrested or detained except by virtue of a

court order, unless such person is caught in fraganti. In the latter

case, such person must be brought before a judge within

forty-eight hours of his or her arrest. He or she shall remain

free during trial, except for reasons determined by law and

assessed by the judge on a case-by-case basis.

(2) The bail as required by law for the release of a detainee shall not

be subject to tax of any kind.

(3) Any person under arrest has the right to communicate immediately

with members of his or her family, an attorney or any

other person in whom he or she reposes trust, and such persons

in turn have the right to be informed where the detainee is being

held, to be notified immediately of the reasons for the arrest and

to have a written record inserted into the case file concerning

the physical or mental condition of the detainee, either by himself

or herself, or with the aid of specialists. The competent

authorities shall keep a public record of every arrest made,

including the identity of the person arrested, the place, time,

circumstances and the officers who made the arrest.

(4) In the case of the arrest of foreign nationals, applicable provisions

of international treaties concerning consular notification

shall also be observed.

(5) The penalty shall not extend beyond the person of the convicted

individual. No one shall be sentenced to perpetual or humiliating

penalties. Penalties consisting of deprivation of liberty

shall not exceed 30 years.

(6) Any authority taking measures involving the deprivation of liberty

must identify himself or herself.

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(7) No person shall remain under arrest after a release order has

been issued by the competent authority or such person’s sentence

has been served.

**Article 45**: The public authorities, whether military, civilian or of

any other kind, even during a state of emergency, exception or restriction

or guarantees, are prohibited from effecting, permitting or tolerating

the forced disappearance of persons. An officer receiving an

order or instruction to carry it out, has the obligation not to obey, and

to report the order or instruction to the competent authorities. The

intellectual and physical perpetrators accomplices and concealers of

the crimes of forced disappearance of a person, as well as any attempt

to commit such offense, shall be punished in accordance with law.

**Article 46**: Everyone is entitled to respect for his or her physical,

mental and moral integrity, therefore:

(1) No person shall be subjected to penalties, tortures, cruelty,

inhuman or degrading treatment. Every victim of torture or

cruel, inhumane or degrading treatment effected or tolerated by

agents of the State has the right to rehabilitation.

(2) Any person deprived of liberty shall be treated with respect due

to the inherent dignity of the human being.

(3) No person shall be subjected without his or her freely given

consent to scientific experiments or medical or laboratory

examinations, except when such person’s life is in danger, or in

any other circumstances as may be detained by law.

(4) Any public official who, by reason of his official position,

inflicts mistreatment or physical or mental suffering on any

person or instigates or tolerates such treatment, shall be punished\*

in accordance with law.

**Article 47**: A person’s home and any private premise are inviolable.

They may not be forcibly entered except by court order, to prevent

the commission of a crime or carry out the decisions handed

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down by the courts in accordance with law, respecting human dignity

in all cases.

Any health inspections carried out in accordance with law shall be

performed only after notice from the officials ordering or carrying it

out.

**Article 48**: The secrecy and inviolability of private communications

in all forms are guaranteed. The same may not be interfered

with except by order of a competent court, with observance of applicable

provisions of law and preserving the secrecy of the private

issues unrelated to the pertinent proceedings.

**Article 49**: All judicial and administrative actions shall be subject

to due process, therefore:

(1) Legal assistance and defense are inviolable rights at all stages

and levels during the investigation and proceeding. Every person

has the right to be notified of the charges for which he or

she is being investigated, to have access to the evidence and to

be afforded the necessary time and means to conduct his or her

defense. Any evidence obtained in violation of due process

shall be null and void. Any person declared guilty shall have

the right to appeal, except in the cases established by this

Constitution and by the law.

(2) Any person shall be presumed innocent until proven otherwise.

(3) Every person has the right to be heard in proceedings of any

kind, with all due guarantees and within such reasonable time

limit as may be legally detained, by a competent, independent

and impartial court established in advance. Anyone who does

not speak Spanish or is unable to communicate verbally is entitled

to an interpreter.

(4) Every person has the right to be judged by his or her natural

judges of ordinary or special competence, with the guarantees

established in this Constitution and by law. No person shall be

put on trial without knowing the identity of the party judging

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him or her, nor be adjudged by exceptional courts or commissions

created for such purpose.

(5) No person shall be required to confess guilt or testify against

himself or herself or his or her spouse or partner, or any other

relative within the fourth degree of consanguinity or the second

degree of affinity.

(1) A confession shall be valid only if given without coercion of

any kind.

(6) No person shall be punished for acts or omissions not defined

under preexisting laws as a crime, offense or infraction.

(7) No person shall be placed on trial based on the same facts for

which such person has been judged previously.

(8) Every person shall request from the State the restoration or

remediation of a legal situation adversely affected by unwarranted

judicial errors, and unjustified delay or omissions. The

foregoing is without prejudice to the right of the individual to

seek to hold the magistrate or judge personally liable, and that

of the State to take action against the same.

**Article 50**: Everyone shall freely transit by any means throughout

the national territory, to change his or her domicile and residence, to

leave and return to the Republic, to move his or her goods or belongings

within the country and to bring his or her goods into or remove

them from the country, subject only to such limitations as may be prescribes

by law. In cases involving the granting of a concession, the

law shall provide for the circumstances in which an alternate route

must be provided. Venezuelans shall enter the country without need

for authorization of any kind.

No act of the Public Power may establish against Venezuelans the

penalty of banishment from the national territory.

**Article 51**: Everyone has the right to petition or make representations

before any authority or public official concerning matters within

their competence, and to obtain a timely and adequate response.

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Whoever violates this right shall be punished in accordance with law,

including the possibility of dismissal from office.

**Article 52**: Everyone has the right to assemble for lawful purposes,

in accordance with law. The State is obligated to facilitate the

exercise of this right.

**Article 53**: Everyone has the right to meet publicly or privately,

without obtaining permission in advance, for lawful purposes and

without weapons. Meetings in public places may be regulated by law.

**Article 54**: No person shall be subjected to slavery or servitude.

Traffic of persons, in particular women, children and adolescents, in

any form, shall be subject to the penalties prescribes by law.

**Article 55**: Every person has the right to protection by the State,

through the citizen safety organs regulated by law, from situations that

affect or constitute a threat, vulnerability or risk to the physical

integrity of individuals, their properties, the enjoyment of rights or the

Fulfillment of duties.

Participation by citizens in programs for purposes of prevention,

citizen safety and emergency management shall be regulated by a special

law.

The State’s security corps shall respect the human dignity and

rights of all persons. The use of weapons or toxic substances by

police and security officers shall be limited by the principles of necessity,

convenience, opportunity and proportionality in accordance with

law.

**Article 56**: Every person has the right to his own name, to the

summates of his father and mother, and to know the identity of the latter.

The State guarantees the right to investigates maternity and paternity.

All persons have the right to be registered free of charge with the

Civil Registry Office after birth, and to obtain public documents con-

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stituting evidence of their biological identity, in accordance with law.

Such documents shall not contain any mention classifying the

parental relationship.

**Article 57**: Everyone has the right to express freely his or her

thoughts, ideas or opinions orally, in writing or by any other form of

expression, and to use for such purpose any means of communication

and diffusion, and no censorship shall be established. Anyone making

use of this right assumes full responsibility for everything

expressed. Anonymity, war propaganda, discriminatory messages or

those promoting religious intolerance are not permitted.

Censorship restricting the ability of public officials to report on

matters for which they are responsible is prohibited.

**Article 58**: Communications are free and plural, and involve the

duties and responsibilities indicated by law. Everyone has the right to

timely, truthful and impartial information, without censorship, in

accordance with the principles of this Constitution, as well as the right

to reply and corrections when they are directly affected by inaccurate

or offensive information. Children and adolescents have the right to

receive adequate information for purposes of their overall development.

**Article 59**: The State guarantees the freedom of cult and religion.

All persons have the right to profess their religious faith and cults, and

express their beliefs in private or in public, by teaching and other

practices, provided such beliefs are not contrary to moral, good customs

and public order. The autonomy and independence of religious

confessions and churches is likewise guaranteed, subject only to such

limitations as may derive from this Constitution and the law. Father

and Mother are entitled to have their sons and daughters receive religious

education in accordance with their convictions.

No one shall invoke religious beliefs or discipline as a means of

evading compliance with law or preventing another person from exercising

his or her rights.

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**Article 60**: Every person is entitled to protection of his or her

honor, private life, intimacy, self-image, confidentiality and reputation.

The use of electronic information shall be restricted by law in

order to guarantee the personal and family intimacy and honor of citizens

and the full exercise of their rights.

**Article 61**: All persons have the right to freedom of conscience,

and to express the same except those practices affecting personality or

constituting criminal offense. Objections of conscience may not be

invoked in order to evade compliance with law or prevent others from

complying with law or exercising their rights.

**Chapter IV**

Political Rights and Public Referenda

**Section One: Political Rights**

**Article 62**: All citizens\* have the right to participate freely in public

affairs, either directly or through their elected\* representatives.

The participation of the people in forming, carrying out and controlling

the management of public affairs is the necessary way of

achieving the involvement to ensure their complete development,

both individual and collective. It is the obligation of the State and the

duty of society to facilitate the generation of optimum conditions for

putting this into practice.

**Article 63**: Suffrage is a right. lt. shall be exercised through free,

universal, direct and secret elections. The law shall guarantee the

principle of personalization of suffrage and proportional representation.

**Article 64**: All Venezuelans\* who have reached the age of 18 and

are not subject to political disablement or civil interdiction are qualified

to vote.

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In state, municipal and parish elections, the right to vote shall be

extended to foreign nationals who have reached the age of 18 and

have resided in Venezuela for more than ten years, subject to the limitations

established in this Constitution and by law, and provided they

are not subject to political disablement or civil interdiction.

**Article 65**: Persons who have been convicted\* of crimes committed

while holding office or other offenses against public property,

shall be ineligible to run for any office filled by popular vote, for such

period as may be prescribed by law after serving their sentences,

depending on the seriousness of the offense.

**Article 66**: Voters have the right to obtain from their public representatives,

transparent and periodic accounting for their office, in

accordance with the offered program.

**Article 67**: All citizens have the right of association for political

purposes, through democratic methods of organization, operation and

direction. Their governing organs and candidates for offices filled by

popular vote, shall be selected by internal elections with participation

of their members. No financing of associations for political purposes

with State funds shall be permitted.

Matters relating to the financing of and private contributions to

associations for political purposes shall be regulated by law, as shall

the oversight mechanisms to guarantee propriety as to the sources and

handling of such funds. Law shall regulate as well, political and election

campaigns, the duration thereof and spending limits with a view

pursuing its democratization.

Citizens\*, on their own initiative, and associations for political

purposes, shall be entitled to participate in the electoral process, putting

forward candidates\*. The financing of political advertising and

election campaigns shall be regulated by law. The authorities of associations

for political purposes shall not enter into contracts with

organs in the public sector.

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**Article 68**: Citizens have the right to demonstrate, peacefully and

without weapons, subject only to such requirements as may be established

by law. The use of firearms and toxic substances to control

peaceful demonstrations is prohibited. The activity of police and

security corps in maintaining public order shall be regulated by law.

**Article 69**: The Bolivarian Republic of Venezuela recognizes and

guarantees the right of asylum and refuge. Extradition of Venezuelans

is prohibited.

**Article 70**: Participation and involvement of people in the exercise

of their sovereignty in political affairs can be manifested by: voting to

fill public offices, referendum, consultation of public opinion, mandate

revocation, legislative, constitutional and constituent initiative,

open forums and meetings of citizens whose decisions shall be binding

among others; and in social and economic affairs: citizen service

organs, selfmanagement, co-management, cooperatives in all forms,

including those of a financial nature, savings funds, community enterprises,

and other forms of association guided by the values of mutual

cooperation and solidarity.

The law shall establish conditions for the effective, functioning of

the means of participation provided for under the present article.

**Section Two: Popular Referendum**

**Article 71**: Matters of special national transcendence may be

referred to a consultative referendum, on the initiative of the President

of the Republic, taken at a meeting of the Cabinet; by resolution of the

National Assembly, passed by a majority vote; or at the request of a

number of voters constituting at least 10% of all voters registered on

the national, civil and electoral registry.

Matters of special state, municipal and parish transcendence may

also be referred to a consultative referendum. The initiative shall be

taken by the Parish Board, the Municipal Council and to the

Legislative Council, by the vote of two third of its members; by the

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Mayor and the Governor or by a number of voters constituting at least

10% of the total number of voters registered in the pertinent circumscription.

**Article 72**: All magistrates and other offices filled by popular vote

are subject to revocation.

Once half of the term of office to which an official has been elected

has elapsed, a number of voters constituting at least 20% of the

voters registered in the pertinent circumscription may extend a petition

for the calling of a referendum to revoke such official’s mandate.

When a number of voters equal to or greater than the number of

those who elected the official vote in favor of revocation, provided

that a number of voters equal to or greater than 25% of the total number

of registered voters\* have voted in the revocation election, the

official’s mandate shall be deemed revoked, and immediate action

shall be taken to fill the permanent vacancy in accordance with the

provided for in this Constitution and by law.

The revocation of the mandate for the collegiate bodies shall be

performed in accordance with the law. During the term to which the

official was elected, only one petition to recall may be filed.

**Article 73**: Bills under discussion by the National Assembly shall

be submitted to a referendum when at least two-thirds of the members

of the Assembly so decide. If the referendum ends in an affirmative

vote of approval, provided that the 25% of the voters registered before

the Civil and Electoral Registry have concurred to the election, the

bill conceded shall be enacted into law.

Any international agreement, convention or treaty which might

compromise the national sovereignty or transfer authority to supranational

organs, may be submitted to a referendum on the initiative of

the President of the Republic, taken at a meeting of the Cabinet by a

two-thirds vote of the members of the Assembly or by 15% of the voters

registered on the civil and electoral registry.

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**Article 74**: Statutes whose abrogation are requested on the initiative

of a number of voters constituting at least 10% of the voters registered

in the civil and electoral registry, or by the President of the

Republic taken at a meeting of the Cabinet, shall be submitted to a referendum

for its abrogation in whole or in part.

Decrees with the force of law issued by the President of the

Republic, making use of the authority prescribed under article 236,

section 8 of this Constitution, may also be submitted to an abrogatory

referendum, when it is requested by a number of voters constituting

at least 5% of the total number of voters registered in the civil and

electoral registry. In order for the abrogatory referendum to be valid,

a number of voters constituting at least 40% of the total number of

voters registered in the civil and electoral registry shall be essential.

It shall not be possible to submit budget laws to an abrogatory referendum,

neither those establishing or modifying taxes, relating to

public credit, to amnesty, the protection, guaranteeing and developing

human rights, nor those which ratify international treaties.

There shall not be more than one abrogatory referendum on the

same matter during the same constitutional term.

**Chapter V**

Social and Family Rights

**Article 75**: The State shall protect families as a natural association

in society, and as the fundamental space for the overall development

of persons. Family relationships are based on equality of rights and

duties, solidarity, common effort, mutual understanding and reciprocal

respect among family members. The State guarantees protection

to the mother, father or other person acting as head of a household.

Children and adolescents have the right to live, be raised and

develop in the bosom of their original family. When this is impossible

or contrary to their best interests, they shall have the right to a substitute

family, in accordance with law. Adoption has effects similar to

those of parenthood, and is established in all cases for the benefit of

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the adoptee, in accordance with law. International adoption shall be

subordinated to domestic adoption.

**Article 76**: Motherhood and fatherhood are fully protected, whatever

the marital status of the mother or father. Couples have the right

to decide freely and responsibly how many children they wish to conceive,

and are entitled to access to the information and means necessary

to guarantee the exercise of this right. The State guarantees overall

assistance and protection for motherhood, in general, from the

moment of conception, throughout pregnancy, delivery and the puerperal

period, and guarantees full family planning services based on

ethical and scientific values.

The father and mother have the shared and inescapable obligation

of raising, training, educating, maintaining and caring for their children,

and the latter have the duty to provide care when the former are

unable to do so by themselves. The necessary and proper measures to

guarantee the enforceability of the obligation to provide alimony shall

be established by law.

**Article 77**: Marriage, which is based on free consent and absolute

equality of rights and obligations of the spouses, is protected. A stable

de facto union between a man and a woman which meets the

requirements established by law shall have the same effects as marriage.

**Article 78**: Children and adolescents are full legal persons and

shall be protected by specialized courts, organs and legislation, which

shall respect, guarantee and develop the contents of this Constitution,

the law, the Convention on Children’s Rights and any other international

treaty that may have been executed and ratified by the Republic

in this field. The State, families and society shall guarantee full protection

as an absolute priority, taking into account their best interest in

actions and decisions concerning them. The State shall promote their

progressive incorporation into active citizenship, and shall create a

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national guidance system for the overall protection of children and

adolescents.

**Article 79**: Young people have the right and duty to be active participants

in the development process. The State, with the joint participation

of families and society, shall create opportunities to stimulate

their productive transition into adult life, including in particular training

for and access to their first employment, in accordance with law.

**Article 80**: The State shall guarantee senior citizens the full exercise

of their rights and guarantees. The State, with the solidary participation

of families and society, is obligated to respect their human

dignity, autonomy and to guarantee them full care and social security

benefits to improve and guarantee their quality of life. Pension and

retirement benefits granted through the social security system shall

not be less than the urban minimum salary. Senior citizens\* shall be

guaranteed to have the right to a proper work, if they indicate a desire

to work and are capable to.

**Article 81**: Any person with disability or special needs has the

right to the full and autonomous exercise of his or her abilities and to

its integration into the family and community. The State, with the solidary

participation of families and society, guarantees them respect for

their human dignity, equality of opportunity and satisfactory working

conditions, and shall promote their training, education and access to

employment appropriate to their condition, in accordance with law. It

is recognized that deaf persons have the right to express themselves

and communicate through the Venezuelan sign language.

**Article 82**: Every person has the right to adequate, safe and comfortable,

hygienic housing, with appropriate essential basic services,

including a habitat such as to humanize family, neighborhood and

community relations. The progressive meeting of this requirement is

the shared responsibility of citizens and the State in all areas.

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The State shall give priority to families, and shall guarantee them,

especially those with meager resources, the possibility of access to

social policies and credit for the construction, purchase or enlargement

of dwellings.

**Article 83**: Health is a fundamental social right and the responsibility

of the State, which shall guarantee it as part of the right to life.

The State shall promote and develop policies oriented toward improving

the quality of life, common welfare and access to services. All

persons have the right to protection of health, as well as the duty to

participate actively in the furtherance and protection of the same, and

to comply with such health and hygiene measures as may be established

by law, and in accordance with international conventions and

treaties signed and ratified by the Republic.

**Article 84**: In order to guarantee the right to health, the State creates,

exercises guidance over and administers a national public health

system that crosses sector boundaries, and is decentralized and participatory

in nature, integrated with the social security system and governed

by the principles of gratuity, universality, completeness, fairness,

social integration and solidarity. The public health system gives

priority to promoting health and preventing disease, guaranteeing

prompt treatment and quality rehabilitation. Public health assets and

services are the property of the State and shall not be privatized. The

organized community has the right and duty to participate in the making-

of decisions concerning policy planning, implementation and

control at public health institutions.

**Article 85**: Financing of the public health system is the responsibility

of the State, which shall integrate the revenue resources, mandatory

Social Security contributions and any other sources of financing

provided for by law. The State guarantees a health budget such as to

make possible the attainment of health policy objectives. In coordination

with universities and research centers, a national professional

and technical training policy and a national industry to produce health

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care supplies shall be promoted and developed. The State shall regulate

both public and private health care institutions.

**Article 86:** All persons are entitled to Social Security as a nonprofit

public service to guarantee health and protection in contingencies of

maternity, fatherhood, illness, invalidity, catastrophic illness, disability,

special needs, occupational risks, loss of employment, unemployment,

old age, widowhood, loss of parents, housing, burdens deriving

from family life, and any other social welfare circumstances. The

State has the obligation and responsibility of ensuring the efficacy of

this right, creating a universal and complete Social Security system,

with joint, unitary, efficient and participatory financing from direct

and indirect contributions. The lack of ability to contribute shall not

be ground for excluding persons from protection by the system.

Social Security financial resources shall not be used for other purposes.

The mandatory assessments paid by employees to cover medical

and health care services and other Social Security benefits shall be

administered only for social purposes, under the guidance of the State.

Any net remaining balances of capital allocated to health, education

and Social Security shall be accumulated for distribution and contribution

to those services. The Social Security system shall be ruled by

a special organic law.

**Article 87**: All persons have the right and duty to work. The State

guarantees the adoption of the necessary measures so that every person

shall be able to obtain productive work providing him or her with

a dignified and decorous living and guarantee him or her the full exercise

of this right. It is an objective of the State to promote employment.

Measures tending to guarantee the exercise of the labor rights

of self-employed persons shall be adopted by law. Freedom to work

shall be subject only to such restrictions as may be established by law.

Every employer shall guarantee employees adequate safety,

hygienic and environmental conditions on the job. The State shall

adopt measures and create institutions such as to make it possible to

control and promote these conditions.

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**Article 88:** The State guarantees the equality and equitable treatment

of men and women in the exercise of the right to work. The state

recognizes work at home as an economic activity that creates added

value and produces social welfare and wealth. Housewives are entitled

to Social Security in accordance with law.

**Article 89**: Work is a social fact and shall enjoy the protection of

the State. The law shall make the necessary provisions for improving

the material, moral and intellectual conditions of workers. In order to

fulfill this duty of the State, the following principles are established:

(1) No law shall establish provisions that affect the intactness and

progressive nature of labor rights and benefits. In labor relations,

reality shall prevail over forms or appearances.

(2) Labor rights are not renounceable; any action, agreement or

convention involving a waiver of or encroachment upon these

rights is null and void. Concessions and settlements are possible

only at the end of the employment relationship, in accordance

with the requirements established by law.

(3) When there are doubts concerning application or conflicts

among several rules, or in the interpretation of a particular rule,

that most favorable to the worker shall be applied. The rule

applied must be applied in its entirety.

(4) Any measure or act on the part of an employer in violation of

this Constitution is null and void, and of no effect.

(5) All types of discrimination because of political reasons, age,

race, creed, sex or any other characteristic is prohibited.

(6) Work by adolescents at tasks that may affect their overall development

is prohibited. The State shall protect them against any

economic and social exploitation.

**Article 90**: Working hours shall not exceed eight hours per day or

44 hours per week. Where permitted by law, night work shall not

exceed seven hours per day or 35 hours per week. No employer shall

have the right to require employees to work overtime. An effort shall

be made to reduce working hours progressively in the interest of soci-

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ety and in such sphere as may be determined, and appropriate provisions

shall be adopted to make better use of free time for the benefit

of the physical, spiritual and cultural development of workers.

Workers are entitled to weekly time off and paid vacations on the

same terms as for days actually worked.

**Article 91**: Every worker has the right to a salary sufficient to

enable him or her to live with dignity and cover basic material, social

and intellectual needs for himself or herself and his or her family. The

payment of equal salary for equal work is guaranteed, and the share

of the profits of a business enterprise to which workers are entitled

shall be determined. Salary is not subject to gamishment, and shall be

paid periodically and promptly in legal tender, with the exception of

the food allowance, in accordance with law.

The State guarantees workers in both the public and the private

sector a vital minimum salary which shall be adjusted each year, taking

as one of the references the cost of a basic market basket. The

form and procedure to be followed, shall be established by law.

**Article 92**: All workers have the right to benefits to compensate

them for length of service and protect them in the event of dismissal.

Salary and benefits are labor obligations due and payable immediately

upon accrual. Any delay in payment of the same shall bear interest,

which constitutes a debt certain and shall enjoy the same privileges

and guarantees as the principal debt.

**Article 93**: Stable employment shall be guaranteed by law, with

provisions as appropriate to restrict any form of unjustified dismissal.

Dismissals contrary to this Constitution are null and void.

**Article 94**: The liability of the natural or juridical person for

whose benefit services are provided through an intermediary or contractor

shall be determined by law, without prejudice to the job and

severance liability of the latter. The State shall establish, through the

competent organ, the liability to which employers in general are sub-

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ject in the event of simulation or fraud for the purpose of distorting,

disregarding or impeding the application of labor legislation.

**Article 95:** Workers, without distinction of any kind and without

need for authorization in advance, have the right freely to establish

such union organizations as they may deem appropriate for the optimum

protection of their rights and interests, as well as the right to join

or not to join the same, in accordance with law. These organizations

are not subject to administrative dissolution, suspension or intervention.

Workers are protected against any act of discrimination or interference

contrary to the exercise of this right. The promoters and the

members of the board of directors of the union enjoy immunity from

dismissal from their employment for the period and on the terms

required to enable them to carry out their functions.

For purposes of the exercise of union democracy, the bylaws and

regulations of union organizations, shall provide for the replacement

of boards of directors and representatives by universal, direct and

secret suffrage. Any union leaders and representatives who abuse the

benefits deriving from union freedom for their personal gain or benefit

shall be punished in accordance with law. Boards of directors

members\* of union organizations shall be required to file a sworn

statement of assets.

**Article 96**: All employees in both public and the private sector

have the right to voluntary collective bargaining and to enter into collective

bargaining agreements, subject only to such restrictions as

may be established by law. The State guarantees this process, and

shall establish appropriate provisions to encourage collective relations

and the resolution of labor conflicts. Collective bargaining agreements

cover all workers who are active as of the time they are signed,

and those hired thereafter.

**Article 97**: All workers in the public and private sector have the

right to strike, subject to such conditions as may be established by

law.

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**Chapter VI**

Culture and Educational Rights

**Article 98:** Cultural creation is free. This freedom includes the

right to invest in, produce and disseminate the creative, scientific,

technical and humanistic work, as well as legal protection of the

author’s rights in his works. The State recognizes and protects intellectual

property rights in scientific, literary and artistic works, inventions,

innovations, trade names, patents, trademarks and slogans, in

accordance with the conditions and exceptions established by law and

the international treaties executed and ratified by the Republic in this

field.

**Article 99**: Cultural values are the unrenounceable property of the

Venezuelan people and a fundamental right to be encouraged and

guaranteed by the State, efforts being made to provide the necessary

conditions, legal instruments, means and funding. The autonomy of

the public administration of culture is recognized, on such terms as

may be established by law. The State guarantees the protection and

preservation, enrichment, conservation and restoration of the cultural

tangible and intangible heritage and the historic memories of the

nation. The assets constituting the cultural heritage of the nation are

inalienable, not subject to distrait or to statute of limitations.

Penalties and sanctions for damage caused to these assets shall be provided

for by law.

**Article 100:** The folk cultures comprising the national identity of

Venezuela enjoy special attention, with recognition of and respect for

intercultural relations under the principle of equality of cultures.

Incentives and inducements shall be provided for by law for persons,

institutions and communities which promote, support, develop or

finance cultural plans, programs and activities within the country and

Venezuelan culture abroad. The State guarantees cultural workers

inclusion in the Social security system to provide them with a digni-

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fied life, recognizing the idiosyncrasies of cultural work, in accordance

with law.

**Article 101**: The State guarantees the issuance, receiving and circulation

of cultural information. The communications media have the

duty of assisting in the dissemination of the values of folk traditions

and the work of artists, writers , composers, motion-picture directors,

scientists and other creators of culture of the country. The television

media shall include subtitles and translation into Venezuelan sign language

for persons with hearing problems. The terms and modalities

of these obligations, shall be established by law.

**Article 102**: Education is a human right and a fundamental social

duty; it is democratic, free of charge and obligatory. The State

assumes responsibility for it as an irrevocable function of the greatest

interest, at all levels and in all modes, as an instrument of scientific,

humanistic and technical knowledge at the service of society.

Education, is a public service, and is grounded on the respect for all

currents of thought, to the end of developing the creative potential of

every human being and the full exercise of his or her personality in a

democratic society based on the work ethic value and on active, conscious

and joint participation in the processes of social transformation

embodied in the values which are part of the national identity, and

with a Latin American and universal vision. The State, with the participation

of families and society, promotes the process of civic education

in accordance with the principles contained in this Constitution

and in the laws.

**Article 103**: Every person has the right to a full, high-quality,

ongoing education under conditions and circumstances of equality,

subject only to such limitations as derive from such persons own aptitudes,

vocation and aspirations. Education is obligatory at all levels

from maternal to the diversified secondary level. Education offered

at State institutions is free of charge up to the undergraduate university

level. To this end, the State shall make a priority investment in

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accordance with United Nations recommendations. The State shall

create and sustain institutions and services sufficiently equipped to

ensure the admission process, ongoing education and program completion

in the education system. The law shall guarantee equal attention

to persons with special needs or disabilities, and to those who

have been deprived of liberty or do not meet the basic conditions for

admission to and continuing enrollment in the education system.

The contributions of private individuals to public education programs

at the secondary and university levels shall be tax deductible in

accordance with the pertinent law.

**Article 104**: Persons of recognized good moral character and

proven academic qualifications shall be placed in charge of education.

The State shall encourage them to remain continuously up to date, and

shall guarantee stability in the practice of the teaching profession,

whether in public or private institutions, in accordance with this

Constitution and the law, with working conditions and a standard of

living commensurate with the importance of their mission.

Admissions, promotion and continued enrollment in the education

system shall be provided for by law, and shall be responsive to evaluation

criteria based on merit, to the exclusion of any partisan or other

nonacademic interference.

**Article 105**: The professions requiring a degree and the conditions

that must be met to practice them, including, professional organization

membership, shall be determined by law.

**Article 106**: Every natural or juridical person, subject, to demonstration

of its ability and provided it meets at all times the ethical, academic,

scientific, financial, infrastructure and any other requirements

that may be established by law, shall be permitted to found and maintain

private educational institutions under the strict inspection and

vigilance of the State, with the prior approval of the latter.

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**Article 107**: Environmental education is obligatory in the various

levels and modes of the education system, as well as in informal civil

education. Spanish, Venezuelan geography and history and the principles

of the Bolivarian thought shall be compulsory courses at public

and private institutions up to the diversified cycle level.

**Article 108**: The communications media, public and private, shall

contribute to civil education. The State guarantees public radio and

television services and library and computer networks, with a view to

permitting universal access to information. Education centers are to

incorporate knowledge and application of new technologies and the

resulting innovations, in accordance with such requirements as may

be established by law to this end.

**Article 109**: The State shall recognize the autonomy of universities

as a principle and status that allows teachers, students and graduates

from its community, to devote themselves to the search for

knowledge through research in the fields of science, humanistic and

technology, for the spiritual and material benefit of the Nation.

Autonomous universities shall adopt their own rules for their governance

and operation and the efficient management of their property,

under such control and vigilance as may be established by law to this

end. Autonomy of universities is established in the planning, organization,

preparation and updating of research, teaching and extension

programs. The inviolability of the university campus is established.

Experimental national universities shall attain their autonomy in

accordance with law.

**Article 110**: The State recognizes as being in the public interest

science, technology, knowledge, innovation and the resulting applications,

and the necessary information services, the same being fundamental

instruments for the country’s economic, social and political

development, as well as for national sovereignty and security. To promote

and develop these activities, the State shall allocate sufficient

resources and shall create a national science and technology system in

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accordance with law. The private sector shall contribute with

resources as well. The State shall guarantee the enforcement of the

ethical and legal principles that are to govern research activities in science,

humanism and technology. The manners and means of fulfilling

this guarantee shall be determined by law.

**Article 111**: All persons have a right to sports and recreation as

activities beneficial to individual and collective quality of life. The

State assumes responsibility for sports and recreation as an education

and public health policy, and guarantees the resources for the furtherance

thereof. Physical education and sports play a fundamental role

in the overall education of childhood and adolescents. Instruction in

the same is obligatory at all levels of public and private education up

to the diversified cycle, with such exceptions as may be established by

law. The State guarantees full attention to athletes without discrimination

of any kind, as well as support for high-level competitive

sports and evaluation and regulation of sports organizations in both

the public and the private sector, in accordance with law.

Incentives and inducements shall be established. for the persons,

institutions and communities that promote athletes and develop or

finance sports activities, plans and programs in the country.

**Chapter VII**

Economic Rights

**Article 112**: All persons may devote themselves freely to the economic

activity of their choice, subject only to the limitations provided

for in this Constitution and those established by law for reasons of

human development, security, health, environmental protection or

other reasons in the social interest. The State shall promote private

initiative, guaranteeing the creation and fair distribution of wealth, as

well as the production of goods and services that meet the needs of the

populace, freedom of work, enterprise, commerce, industry, without

prejudice to the power of the State to promulgate measures to plan,

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rationalize and regulate the economy and promote the overall development

of the country.

**Article 113**: Monopolies shall not be permitted. Any act, activity,

conduct or agreement of private individuals which is intended to

establish a monopoly or which leads by reason of its actual effects to

the existence of a monopoly, regardless of the intentions of the persons

involved, and whatever the form it actually takes, is hereby

declared contrary to the fundamental principles of this Constitution.

Also contrary to such principles is abuse of a position of dominance

which a private individual, a group of individuals or a business enterprise

or group of enterprises acquires or has acquired in a given market

of goods or services, regardless of what factors caused such position

of dominance, as well as in the event of a concentration of

demand. In all of the cases indicated, the State shall be required to

adopt such measures as may be necessary to prevent the harmful and

restrictive effects of monopoly, abuse of a position of dominance and

a concentration of demand, with the purpose of protecting consumers

and producers\* and ensuring the existence of genuine competitive

conditions in the economy.

In the case of the exploitation of natural resources which are the

property of the Nation or the providing of services of a public nature,

on an exclusive basis or otherwise, the State shall grant concessions

for a certain period, in all cases ensuring the existence of adequate

consideration or compensation to serve the public interest.

**Article 114**: Economic crime, speculation, hoarding, usury, the

formation of cartels and other related offenses, shall be punished

severely in accordance with law.

**Article 115**: The right of property is guaranteed. Every person has

the right to the use, enjoyment, usufruct and disposal of his or her

goods. Property shall be subject to such contributions, restrictions and

obligations as may be established by law in the service of the public

or general interest. Only for reasons of public benefit or social inter-

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est by final judgment, with timely payment of fair compensation, the

expropriation of any kind of property may be declared.

**Article 116**: Confiscation of property shall not be ordered and carried

out, but in the cases permitted by this Constitution. As an exceptional

measure, the property of natural or legal persons of Venezuelan

or foreign nationality who are responsible for crimes committed

against public patrimony may be subject to confiscation, as may be

the property of those who illicitly enriched themselves under cover of

Public Power, and property deriving from business, financial or any

other activities connected with unlawful trafficking in psychotropic

and narcotic substances.

**Article 117**: All persons shall have the right of access to goods and

services of good quality, as well as to adequate and non-misleading

information concerning the contents and characteristics of the products

and services they consume, to freedom of choice and to fair and

dignified treatment. The mechanisms necessary to guarantee these

rights, the standards of quality and quantity for goods and services,

consumer protection procedures, compensation for damages caused

and appropriate penalties for the violation of these rights shall be

established by law.

**Article 118**: The right of workers and the community to develop

associations of social and participative nature such as cooperatives,

savings funds, mutual funds and other forms of association is recognized.

These associations may develop any kind of economic activities

in accordance with the law. The law shall recognize the specificity

of these organizations, especially those relating the cooperative, the

associated work and the generation of collective benefits.

The state shall promote and protect these associations destined to

improve the popular economic alternative.

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**Chapter VIII**

Rights of Native People

**Article 119**: The State recognizes the existence of native peoples

and communities, their social, political and economic organization,

their cultures, practices and customs, languages and religions, as well

as their habitat and original rights to the lands they ancestrally and traditionally

occupy, and which are necessary to develop and guarantee

their way of life. It shall be the responsibility of the National

Executive, with the participation of the native peoples, to demarcate

and guarantee the right to collective ownership of their lands, which

shall be inalienable, not subject to the law of limitations or distrait,

and nontransferable, in accordance with this Constitution and the law.

**Article 120**: Exploitation by the State of the natural resources in

native habitats shall be carried out without harming the cultural, social

and economic integrity of such habitats, and likewise subject to prior

information and consultation with the native communities concerned.

Profits from such exploitation by the native peoples are subject to the

Constitution and the law.

**Article 121**: Native peoples have the right to maintain and develop

their ethnical and cultural entity, world view, values, spirituality

and holy places and places of cult. The State shall promote the appreciation

and dissemination of the cultural manifestations of the native

peoples, who have the right to their own education, and an education

system of an intercultural and bilingual nature, taking into account

their special social and cultural characteristics, values and traditions.

**Article 122**: Native peoples have the right to a full health system

that takes into consideration their practices and cultures. The State

shall recognize their traditional medicine and supplementary forms of

therapy, subject to principles of bioethics.

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**Article 123**: Native peoples have the right to maintain and promote

their own economic practices based on reciprocity, solidarity

and exchange; their traditional productive activities and their participation

in the national economy, and to define their priorities. Native

peoples have the right to professional training services and to participate

in the preparation, implementation and management of specific

training programs and technical and financial assistance services to

strengthen their economic activities within the framework of sustainable

local development. The State shall guarantee to workers belonging

to native peoples the enjoyment of the rights granted under labor

legislation.

**Article 124:** Collective intellectual property rights in the knowledge,

technologies and innovations of native peoples are guaranteed

and protected. Any activity relating to genetic resources and the

knowledge associated with the same, shall pursue collective benefits.

The registry of patents on this ancestral knowledge and these

resources is prohibited.

**Article 125:** Native peoples have the right to participate in politics.

The State shall guarantee native representation in the National

Assembly and the deliberating organs of federal and local entities

with a native population, in accordance with law.

**Article 126**: Native peoples, as cultures with ancestral roots, are

part of the Nation, the State and the Venezuelan people, which is one,

sovereign and indivisible. In accordance with this Constitution, they

have the duty of safeguarding the integrity and sovereignty of the

nation.

The term people in this Constitution shall in no way be interpreted

with the implication it is imputed in international law.

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**Chapter IX**

Environmental Rights

**Article 127**: It is the right and duty of each generation to protect

and maintain the environment for its own benefit and that of the world

of the future. Everyone has the right, individually and collectively, to

enjoy a safe, healthful and ecologically balanced life and environment.

The State shall protect the environment, biological and genetic

diversity, ecological processes, national parks and natural monuments,

and other areas of particular ecological importance. The

genome of a living being shall not be patentable, and the field shall be

regulated by the law relating to the principles of bioethics.

It is a fundamental duty of the State, with the active participation

of society, to ensure that the populace develops in a pollution-free

environment in which air, water, soil, coasts, climate, the ozone layer

and living species receive special protection, in accordance with law.

**Article 128**: The State shall develop a zoning policy taking into

account ecological, geographic, demographic, social, cultural, economic

and political realities, in accordance with the premises of sustainable

development, including information, consultation and

male/female participation by citizens. An organic law shall develop

the principles and criteria for this zoning.

**Article 129**: Any activities capable of generating damage to

ecosystems must be preceded by environmental and sociocultural

impact studies. The State shall prevent toxic and hazardous waste

from entering the country, as well as preventing the manufacture and

use of nuclear, chemical and biological weapons. A special law shall

regulate the use, handling, transportation and storage of toxic and hazardous

substances.

In contracts into which the Republic enters with natural or juridical

persons of Venezuelan or foreign nationality, or in any permits

granted which involve natural resources, the obligation to preserve the

ecological balance, to permit access to, and the transfer of technology

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on mutually agreed terms and to restore the environment to its natural

state if the latter is altered, shall be deemed included even if not

expressed, on such terms as may be established by law.

**Chapter X**

Duties

**Article 130**: Venezuelans have the duty to honor and defend their

native land symbols and cultural values and to guard and protect the

sovereignty, nationhood, territorial integrity, self-determination and

interests of the nation.

**Article 131**: Everyone has the duty to comply with and obey this

Constitution and the laws and other official acts promulgated by the

organs of Public Power.

**Article 132**: Everyone has a duty to fulfill his or her social responsibilities

and participate together in the political, civic and community

life of the country, promoting and protecting human rights as the

foundation of democratic coexistence and social peace.

**Article 133**: Everyone has the duty to contribute toward public

expenditures by paying such taxes, assessments and contributions as

may be established by law.

**Article 134**: Everyone, in accordance with law, has the duty to perform

such civilian or military service as may be necessary for the

defense, preservation and development of the country, or to deal with

situations involving a public calamity. No one shall be subjected to

forcible recruitment.

Everyone has the duty of rendering its services in the electoral

functions assigned to them by law.

**Article 135**: The obligations incumbent upon the State in accordance

with this Constitution and the law, in Fulfillment of the States

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commitments to the general welfare of society, do not preclude the

obligations which, by virtue of solidarity, social responsibility and

humanitarian assistance, are incumbent upon private individuals

according to their abilities. Appropriate provisions shall be enacted

by law to compel the Fulfillment of these obligations in those cases in

which such compulsion is necessary. Those aspiring to practice any

profession have a duty to perform community service for such period,

in such place and on such terms as may be provided for by law.

**TITLE IV**

Public Power

**Chapter I**

Fundamental Provisions

**Section One: General Provisions**

**Article 136:** Public Power is distributed among Municipal Power,

that of the States Power and National Power. National Public Power

is divided into Legislative, Executive, Judicial, Citizen and Electoral.

Each of the branches of Public Power has its own functions, but

the organs charged with exercising the same shall cooperate with one

another in attaining the ends of the State.

**Article 137**: The Constitution and the law shall define the authorities

of the organs, which exercise Public Power, and the activities carried

on by such organs shall be subject to the same.

**Article 138**: An usurped authority is of no effect, and its acts are

null and void.

**Article 139**: The exercise of Public Power gives rise to individual

liability for abuse or misapplication of power, or for violation of this

Constitution or the law.

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**Article 140**: The State shall be financially liable for any damages

suffered by private individuals to any of their property or rights, provided

the harm is imputable to the functioning of Public

Administration.

**Section Two: Public Administration**

**Article 141**: Public Administration is at the service of the citizen

and is based on the principles of honesty, participation, expeditiousness,

efficacy, efficiency, transparency, accountability and responsibility

in the performance of public functions, being fully subject to the

law and to the right.

**Article 142**: Autonomous institutions can be created only by law.

Such institutions, as well as public interests in foundations or organs

of any nature, shall be subject to State Control in such form as may be

established by law.

**Article 143**: Citizens have the right to be informed by Public

Administration, in a timely and truthful manner, of the status of proceedings

in which they have a direct interest, and to be apprised of

any final decisions adopted in the matter. Likewise, they have access

to administrative files and records, without prejudice to the limits

acceptable in a democratic society in matters relating to internal and

external security, criminal, investigation and the intimacy of private

life, in accordance with law regulating the matter of classification of

documents with contents which are confidential or secret. No censorship

of public officials reporting on matters for which they are responsible

shall be permitted.

**Section Three: Public Functions**

**Article 144**: Statutes governing public functions shall be enacted

by law, with rules concerning entering, promotion, transfers, suspen-

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sion and removal of employees of Public Administration, and will

provide for their incorporation into Social Security.

The duties and requirements that are to be met by public employees

in the exercise of their official functions shall be determined by

law.

**Article 145**: Public officials or employees serve the state, and not

any partisan interest. Their appointment and removal shall not be

determined based on political affiliation or orientation. A person who

is in the service of the Municipalities, the States, the Republic, or any

other State public or private juridical persons, shall not be permitted

to enter into a contract of any kind with them, either directly or

through any interposed person, or as representative of another, with

such exceptions as may be established by law.

**Article 146**: Positions in the organs of Public Administration are

to be filled by career personnel. Exceptions are those elected by popular

vote, those whose holders may be appointed and removed freely,

those contracted for, laborers in the service of Public Administration

and any others determined by law.

Engagement of public officials to fill career positions shall be by

public competition, based on principles of honesty, capability and

efficiency. Promotion shall be governed by scientific methods based

on the merit system, and transfer, suspension and removal shall

depend on performance.

**Article 147**: In order for paid public positions to be filled, it is necessary

that the pertinent compensation be provided for in the pertinent

budget.

Public Administration salary scales shall be established by regulation,

in accordance with law.

The pertinent organic law may establish reasonable limits on the

compensation earned by national, state and municipal public officials.

The national law shall establish the pension or retirement system

for national, state and municipal public officials.

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**Article 148**: No one shall be permitted to hold more than one paid

public position, except in the case of academic, temporary, care giving

or teaching positions, as determined by law. Acceptance of a second

position not included among the exceptions stated in this article

shall imply resignation from the first, except in the case of substitutes,

as long as they do not permanently replace the regular holder of the

position concerned.

No one shall be permitted to enjoy more than one set of pension or

retirement benefits, except in the cases expressly determined by law.

**Article 149**: Public officials shall not be permitted to accept

employment, honors or rewards from foreign governments without

authorization from the National Assembly.

**Section Four: Contracts in the Public Interest**

**Article 150**: Entering into contracts in the national public interest

shall require the approval of the National Assembly in those cases in

which such requirement is determined by law.

No contract in the municipal, state or national public interest s

determined shall be entered into with foreign States or official entities,

or with companies not domiciled in Venezuela, or transferred to

any of the same, without the approval of the National Assembly.

In contracts in the public interest, the law may demand certain conditions

as to nationality, domicile or other matters, or require special

guarantees.

**Article 151**: In the public interest contracts, unless inapplicable by

reason of the nature of such contracts, a clause shall be deemed

included even if not expressed, whereby any doubts and controversies

which may raise concerning such contracts and which cannot be

resolved amicably by the contracting parties, shall be decided by the

competent courts of the Republic, in accordance with its laws and

shall not on any grounds or for any reason give rise to foreign claims.

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**Section Five: International Relations**

**Article 152**: The international relations of the Republic serve the

ends of the State as a function of the exercise of sovereignty and the

interests of the people; they are governed by the principles of independence,

equality between States, free self-determination and nonintervention

in their internal affairs, the peaceful resolution of international

conflicts, cooperation, respect of human rights and solidarity

among peoples in the struggle for their liberation and the welfare of

humanity. The Republic shall maintain the finest and most resolute

defense of these principles and democratic practices in all international

organs and institutions.

**Article 153**: The Republic shall promote, and encourage Latin

American and Caribbean integration, in the interest of advancing

toward the creation of a community of nations, defending the region’s

economic, social, cultural, political and environmental interests. The

Republic shall have the power to sign international treaties that implement

and coordinate efforts to promote the common development of

our nations, and to ensure the welfare of their peoples and the collective

security of their inhabitants. To these ends, the Republic may

transfer to supranational organizations, through treaties, the exercise

of the necessary authorities to carry out these integration processes.

In its policies of integration and union with Latin America and the

Caribbean, the Republic shall give privileged status to relations with

Bier American countries, striving to make this a common policy

throughout our Latin America. Provisions adopted within the framework

of integration agreements shall be regarded as an integral part of

the legal order in force, and shall be applicable directly and with priority

over internal legislation.

**Article 154**: Treaties agreed to by the Republic must be approved

by the National Assembly prior to their ratification by the President of

the Republic, with the exception of those which seek to perform or

perfect pre-existing obligations of the Republic, apply principles

expressly recognized by the Republic, perform ordinary acts in inter-

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national relations or exercise powers expressly vested by law in the

National Executive.

**Article 155**: In the international agreements, treaties and conventions

entered into by the Republic, a clause shall be inserted whereby

the parties agree to resolve by peaceful means recognized under international

law or agreed upon in advance between them, where this is

the case, any controversies that may arise between them in connection

with its interpretation or implementation, if not inappropriate and if it

is permitted by the procedure to be followed in entering into the

treaty, agreement or convention.

**Chapter II**

Competence of National Public Power

**Article 156**: Is of the competence of the National Public Power:

(1) The international policy and actions of the Republic.

(2) Defense and supreme vigilance of the general interests of the

Republic, public peace keeping and the proper enforcement

of the laws throughout the national territory.

(3) The flag, coat of arms, national anthem, holidays, decorations

and honors of a national nature.

(4) Naturalization, admission, extradition and expulsion of foreign

nationals.

(5) Identification services.

(6) The national police.

(7) National security, defense and development.

(8) The organization and governance of the National Armed

Forces.

(9) The governance of risk and emergency management.

(10) The organization and governance of the Capital District and

the federal dependencies.

(11) Regulation of central banking, the monetary system, foreign

currency, the financial and capital market system and the

issuance and mintage of currency.

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(12) The creation, organization, collection, administration and

control of taxes on income, inheritances, donations and other

related areas, capital, production, value added, hydrocarbons

and mines; duties on the importing and exporting of products

and services; taxes on the consumption of liquor, alcohol and

other products containing alcohol, cigarettes and other tobacco

products; and any other taxes, assessments and revenues

not expressly assigned by this Constitution and the law to the

States and Municipalities.

(13) Legislation to guarantee the coordination and harmony of the

various different taxing powers and define principles, parameters

and limitations, especially for purposes of determining

the tax rates and aliquot parts for state and municipal taxes,

and to create specific funds that ensure inter territorial solidarity.

(14) The creation and organization of land taxes or taxes on rural

properties and on real estate transactions, the collection and

oversight of which is the responsibility of the Municipalities,

in accordance with this Constitution.

(15) The governance of foreign trade and the organization and

governance of customs.

(16) The governance and management of mines and hydrocarbons,

the governance of vacant lands and the conservation,

development and exploitation of forests, soil, water and other

elements of the country’s natural wealth.

The National Executive shall not grant mining concessions

for an indefinite period. The law shall establish an economic

system of special financial assignments for the benefit

of States within whose territory the assets mentioned in this

section are located, without prejudice to the possibility of

also establishing special appropriations for the benefit of

other States.

(17) The system of legal weights and measures and quality control.

(18) National censuses and statistics.

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(19) The establishing, coordination and unification of technical

standards and procedures for engineering, architectural and

city planning projects, and city planning/zoning legislation.

(20) Public works in the national interest.

(21) The macroeconomic, financial and fiscal policies of the

Republic.

(22) The governance and organization of the Social Security

System.

(23) National policy and legislation in the fields of health, housing,

food safety, the environment, waters, tourism, zoning

and shipping.

(24) National education and health policies and services.

(25) National policies for agricultural, livestock, fisheries and forest

production.

(26) The national transportation and shipping system and air,

overland, ocean, river and lake transportation of a national

nature; ports, airports and their infrastructure.

(27) The national highway and railway systems.

(28) Governance of postal and telecommunications services, as

well as governance and management of the electromagnetic

spectrum.

(29) General governance of residential public utility services,

including in particular electricity, drinking water and gas.

(30) Management of border policy with an overall vision of the

country, such as to permit a Venezuelan presence and the

maintenance of territory and sovereignty in these areas.

(31) The organization and administration of justice at the national

level, as well as the Office of General Prosecutor and the

People Defender.

(32) Legislation in the fields of constitutional guarantees, rights

and duties; civil, mercantile, criminal, penological, procedural

and private international law; election law; expropriation in

the public interest or in the interest of society; public credit;

intellectual, artistic and industrial property; cultural and

archaeological heritage; agriculture; immigration and popula-

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tion; native people and the territories they occupy; labor,

Welfare and Social Security; animal and vegetable hygiene;

Notarial and public record offices; banks and insurance; lotteries,

racetracks and betting in general; organization and

functioning of the organs of National Public Power and other

organs and institutions at the national level; and all matters of

national competence in general.

(33) Any other matters which the present Constitution may assign

to National Public Power, or which by their nature or type

come under its competence.

**Article 157**: The National Assembly, by a majority vote of its

members, shall have the power to delegate to the States or

Municipalities certain matters under national competence, in order to

promote decentralization.

**Article 158**: Decentralization, as a national policy, must add depth

to democracy, bring power closer to the people and creating optimum

conditions both for the exercise of democracy and for the effective

and efficient Fulfillment of government commitments.

**Chapter III**

State Public Power

**Article 159**: The States are politically equal and autonomous

organs with full juridical personality, and are obligated to maintain the

independence, sovereignty and integrity of the nation and to comply

with and enforce the Constitution and the laws of the Republic.

**Article 160**: A Governor is in charge of the government and

administration of each State. A Governor must be a Venezuelan over

the age of 25 who is not a member of the clergy. The Governor shall

be elected for a term of four years by a majority vote. The Governor

can be re-elected to an additional term only immediately and only

once.

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**Article 161**: Governors shall give a yearly public accounting to the

State Comptroller for their office, and shall submit a report on the

same to the Legislative Council and the Public Policy Planning and

Coordination Council.

**Article 162**: Legislative Authority shall be exercised in each State

by a Legislative Council-consisting of no more than fifteen and at

least seven members, who shall proportionally represent the population

of the State and the Municipalities. The Legislative Council shall

have the following powers:

(1) To legislate matters within state competence.

(2) Pass the state’s Budget Law.

(3) Any others vested in it by this Constitution or by the law.

The requirements for being a member of the Legislative Council,

the obligation to give a yearly accounting and immunity within the

territorial jurisdiction, shall be governed by the rules established by

this Constitution for deputies of the National Assembly, insofar as

applicable. State legislators shall be elected for a four-year term,

being eligible for reelection for only two terms. The organization and

functioning of the Legislative Council shall be regulated by the

national law.

**Article 163**: Each State shall have a Comptroller’s Office which

shall enjoy structural and operating autonomy. The State

Comptroller’s Office shall exercise, in accordance with this

Constitution and in accordance with law, control, vigilance and auditing

authority over state revenues, expenses and assets, without prejudice

to the scope of the functions of the Office of the General

Comptroller of the Republic. This body shall act under the direction

and responsibility of a Comptroller, whose qualifications to serve in

this position shall be determined by law, guaranteeing his capability

and independence, as well as the neutrality of his appointment, which

shall be by public competition.

**Article 164**: Is of the States exclusive competence:

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(1) Promulgating their Constitution to organize public authority,

in accordance with the provisions of this Constitution.

(2) Organization of their Municipalities and other local organs

and the territorial and political divisions between them, in

accordance with this Constitution and in accordance with

law.

(3) Management of their assets and investment and management

of their resources, including those deriving from transfers,

subsidies or special assuagements from National Power, and

those assigned to them as a share of national tax revenues.

(4) Organization, collection, control and administration of their

own taxes, in accordance with provisions of national and

state law.

(5) The governance and exploitation of non-metallic minerals

that are not reserved to National Power, as well as salt

deposits and oyster beds, and the management of vacant

lands within their jurisdiction, in accordance with law.

(6) Organization of the police and determination of the branches

of this service to be assigned to municipal jurisdiction, in

accordance with applicable national legislation.

(7) Creation, organization, collection, control and management in

the fields of sealed paper and tax documentary stamps.

(8) Creation, governance and organization of state public services.

(9) Construction, preservation, management and exploitation of

overland travel routes within the states.

(10) Conservation, management and exploitation of national

expressways and highways, as well as ports and airports in

commercial use, in coordination with the National Executive.

(11) Any matters not placed, in accordance with this Constitution,

under national or municipal jurisdiction.

**Article 165:** Matters involving concurrent competence shall be

regulated by laws enacted by National Power and implementation

laws passed by the States. This legislation shall be guided by the prin-

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ciples of interdependence, coordination, cooperation, shared responsibility

and subordination.

The States shall decentralize and transfer to the Municipalities the

state services and powers which the Municipalities are capable of

exercising, as well as management of the associated resources, in the

areas in which concurrent jurisdiction exist as between these two levels

of Public Power. The transfer mechanisms shall be regulated by

the legal system of the State concerned.

**Article 166**: In each state, a Public Policy Planning and

Coordination Council shall be created, chaired by the Governor and

having as members the Mayors, the state directors of the various ministries

and representative s of the legislators elected by the State to the

National Assembly, as well as representatives from the Legislative

Council, the municipal councils and organized communities, including

native communities where they exist. This Council shall function

and be organized as determined by law.

**Article 167**: Are revenues of the States:

(1) Those deriving from their property and the management of their

assets.

(2) Charges for the use of their goods and services, fines and

penalties, and any charges allocated to them.

(3) Proceeds from the sale of State-owned commodities.

(4) The resources to which they are entitled by virtue of constitutional

revenue share (situado constitutional). The revenue

share is equivalent to up to 20% of total ordinary revenues as

estimated annually by the National Treasure, which is to be distributed

among the States and the Capital District as follows:

30% of the aforementioned percentage in equal shares, and the

remaining 70% in proportion to the population of each of such

entities. During each fiscal year, the States must invest at least

50% of the amount to which they are entitled by way of revenue

share. During each fiscal year, the Municipalities of each

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State shall be entitled to at least 20% of the revenue share and

of all other ordinary revenues of the State corresponding.

(1) In the event of changes in the revenues of the National

Treasury that require an adjustment to the National Budget, the

constitutional revenue share shall be adjusted in the same proportion.

(2) Principles, rules and procedures with a view to ensure the proper

and efficient use of the resources deriving from the constitutional

revenue share and the share of the Municipalities therein

shall be established by law.

(3) Any other taxes, charges and special contributions that may be

allocated to them by national law for the purpose of helping to

develop the state treasuries. Laws creating or transferring tax

revenues to the States may offset these allocations by means of

changes in the other revenue categories indicated in this article,

in order to preserve interterritorial fairness. The percentage of

estimated ordinary national revenues allocated to the constitutional

revenue share shall be no less than 15% of estimated

ordinary revenues, taking into account the financial position

and sustainability of the National Public Treasury, without

neglecting the ability of the state administrative authorities to

provide adequately for the services for which they are responsible.

(4) Resources deriving from the Interterritorial Compensation Fund

and from any other transfer, subsidy or special appropriation, as

well as those allocated to them as a share of national tax revenues,

in accordance with the pertinent law.

**Chapter IV**

Municipal Public Power

**Article 168**: Municipalities constitute the primary political unit in

the organization of the nation, and enjoy artificial personality and

autonomy within the limits prescribed by the Constitution and the law.

Municipal autonomy includes:

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(1) Election of municipal authorities.

(2) Management of affairs within the scope of its competence.

(3) Creation, collection and investment of its revenues.

The actions of a Municipality within the scope of its competence

shall be carried out by incorporating citizen participation into the

process of defining and managing public affairs and monitoring and

evaluating the results achieved, in an effective, sufficient and timely

manner, in accordance with law.

The actions of Municipalities may be contested only before the

courts of competent jurisdiction, in accordance with the Constitution

and the law.

**Article 169:** The organization of Municipalities and other local

entities shall be governed by this Constitution, by the rules established

by national organic laws to implement constitutional principles, and

by such provisions of law as may be enacted by the States in accordance

with the aforementioned.

Legislation enacted to implement constitutional principles relating

to Municipalities and other local entities shall establish various structures

for the organization, governance and administration of the same,

including as regards the determination of their powers and resources,

taking into account conditions relating to population, economic development,

ability to generate their own tax revenues, geographical location,

historical and cultural elements and other relevant factors. In

particular, such legislation shall establish the options for organizing

the system of local administration and government that shall be adopted

by Municipalities with native populations. In all cases, the municipal

structure shall be democratic and consistent with the inherent

nature of local government.

**Article 170**: Municipalities shall be permitted to associate in commonwealths,

or to agree among themselves or with other territorial

political divisions on the creation of types of intergovernmental associations

for purposes in the public interest relating to matters within

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their competence. The rules concerning the grouping of two or more

Municipalities into districts shall be determined by law.

**Article 171**: When two or more Municipalities belonging to the

same federal organ have economic, social and physical relations that

give the group the characteristics of a metropolitan area, they may

organize themselves as metropolitan districts. The organic law enacted

for the purpose shall guarantee the democratic and participatory

character of the metropolitan government and shall establish its functional

competence, as well as its tax, financial and control regime. It

shall also ensure that the Municipalities have adequate participation in

the entities of the metropolitan government, and shall indicate the

manner in which the public consultations that are to decide upon affiliation

of the Municipalities with the metropolitan district.

Various regimes may be established by law for the organization,

governance and administration of the metropolitan district, taking into

account population conditions, economic and social development,

geographical location and other factors of importance. In all cases,

the delegation of competence for each metropolitan district shall take

into account these conditions.

**Article 172**: The state Legislative Council, after a favorable decision

by public consultation of the affected population, shall define the

boundaries of the metropolitan district and shall organize the same in

accordance with the provisions of the national organic law, determining

which metropolitan powers are to be assumed by the governmental

organs of the pertinent metropolitan district.

When the Municipalities wishing to form a metropolitan district

belong to different federal entities, the creation and organization of

the same shall be the responsibility of the National Assembly.

**Article 173**: A Municipality shall have the power to create parishes

on such terms as may be determined by law. The legislation enacted

to implement constitutional principles relating to the organization

of Municipalities shall establish the premises and conditions for the

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creation of other local entities within the territory of the Municipality,

as well as the resources that shall be available to them, depending on

the functions assigned to them, including their share in the

Municipality’s own revenues. Their creation shall take into account

neighborhood or community initiative, in order to provide for the

decentralization of the administration of the Municipality, citizen participation

and the providing of better public services. In no event

shall parishes be assumed to be the only possible divisions, or to be

required divisions, of the territory of a Municipality.

**Article 174**: The Mayor shall be in charge of the government and

administration of a municipality, and shall also be the head of civil

government. AMayor must be Venezuelan, over the age of 25 and not

a member of the clergy. The Mayor shall be elected for a term of four

years by majority vote, and may be re-elected immediately and once

only, to an additional term.

**Article 175**: The legislative function in a Municipality is vested in

the Council, made up of council members elected in the manner established

in this Constitution, in such number and on such terms of eligibility

as may be determined by law.

**Article 176**: The Office of the Municipal Comptroller shall be in

charge of control, vigilance and auditing of municipal revenues,

expenses and property, as well as transactions relating to the same,

without prejudice to the scope of the attributions of the Office of the

General Comptroller, and the official in charge of the office shall be

the Municipal Comptroller, designated by the Council through a public

competition to guarantee the capability and ability of the person

designated\* to hold this office, on the terms established by law.

**Article 177**: Principles, residence requirements and conditions,

prohibitions, grounds for disqualification and conflicts of interest for

the candidacy and exercise of the functions of mayors and councilmen

members may be established by national law.

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**Article 178**: AMunicipality has competence to govern and administrate

its interests, as well as over the management of those matters

which are assigned to it by this Constitution and national laws as

regards local life, in particular the ordering and promotion of economic

and social development, the equipping and providing of household

public utility services, the application of policy with respect to these

matters on a basis of fairness, justice and social interest content,

according with delegation established on law related to this matter, the

promotion of participation and improvement, in general, of living

conditions in the community, in the following areas:

(1) Territorial zoning and city planning matters; historic heritage;

housing in the interest of society; local tourism; parks and gardens;

plazas; bathing and other recreational areas; civil architecture,

nomenclature and public ornament.

(2) Urban roadways; circulation and ordering of vehicular and

pedestrian traffic on municipal thoroughfares; urban public

passenger transportation services.

(3) Public spectacles and commercial advertising, to the extent

pertinent to specific municipal interests and purposes.

(4) Protection of the environment and cooperation with environmental

sanitation efforts; urban and household sanitation,

including cleaning, waste collection and treatment and civil

protection.

(5) Healthiness and primary health care; services for the protection

of infants and children, adolescents and senior citizens; preschool

education; family services to integrate the disabled into

the development of the community; cultural and sports activities

and facilities. Prevention and protective services; surveillance

and control of property and activities relating to matters

within municipal competency.

(6) Drinking water services, electricity and gas for household use,

sewers. channeling and disposal of wastewater; cemeteries and

funeral services.

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(7) Small claims courts, neighborhood prevention and protection

and municipal police services, in accordance with applicable

national legislation.

(8) Any others with which Municipalities may be charged under the

Constitution and by law. The actions that Municipalities have

the power to take within the scope of their competence are

without prejudice to national and state competence as defined

by law in accordance with the Constitution.

**Article 179:** Municipalities shall have the following revenues:

(1) Those deriving from their capital assets, including the proceeds

from their common lands and other property.

(2) Charges for the use of their goods or services; administrative

charges for licenses or authorizations; taxes on economic activities

in the areas of industry, business and services, or those of

similar kind, with the limitations established in this

Constitution; taxes on urban real property, vehicles, public

shows, games and lawful wagering; advertising and commercial

publicity; and, the special tax on increased property values

generated by changes in use or intensity of exploitation from

which they benefit because of zoning plans.

(3) The rural territorial tax or tax on rural estates; sharing in the tax

on improvements and other national and state taxes, in accordance

with the laws creating such taxes.

(4) Those deriving from the constitutional revenue share and other

national or state transfers or subsidies.

(5) The proceeds from fines and penalties imposed within the

scope of their competence, or delegated to them.

(6) Such others as may be determined by law.

**Article 180**: The taxing power that is vested in Municipalities is

different from and independent of the regulatory powers over certain

fields or activities conferred by this Constitution or laws on National

or State Authority.

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Immunities from the taxing power of Municipalities in favor of

other territorial political entities extend only to public sector juridical

persons created by such organs, and not to concession holders or other

parties entering into contracts with the administrative arm of National

or State government.

**Article 181**: Municipal common lands are inalienable and not subject

to the law of limitations. Title to them can be conveyed only subject

to compliance with the formalities provided for under municipal

ordinances and under the circumstances provided for thereunder, in

accordance with this Constitution and such laws as may be promulgated

to develop the principles container herein.

Ownerless land located within the urban area of towns in a municipality

is municipal common land, without prejudice to legitimate and

validly constituted rights of third parties. Vacant land located within

the urban area also becomes common land. However, this does not

include land which is part of native communities. The mechanism for

converting other public land into common land shall be established by

law.

**Article 182**: The Local Public Planning Council is hereby created,

presided over by the Mayor and consisting of municipal Council

members, Chairpersons\* of Parish Boards and representatives of

neighborhood organizations and other organized social groups, in

accordance with such provisions as may be established by law.

**Article 183**: States and Municipalities shall not have the power to:

(1) Create customs authorities or import, export or transit duties on

domestic or foreign goods, or on other revenue sources under

national competence.

(2) Tax consumer goods before the same are marketed within their

territory.

(3) Prohibit the consumption of goods produced outside their territory,

nor tax the same differently from those produced within

their territory.

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States and Municipalities have the power to tax agriculture, livestock,

fishing and forest activities only at the times, in the manner and

to the extent permitted by national laws.

**Article 184**: Open and flexible mechanisms shall be created by

law to cause the States and Municipalities to decentralize and transfer

to communities and organized neighborhood groups services the latter

manage and demonstrate the ability to provide, promoting:

(1) The transfer of services in the areas of health, education, housing,

sports, culture, social programs, the environment, maintenance

of industrial areas, maintenance and upkeep of urban

areas, neighborhood prevention and protective services, construction

of works projects and providing of public services. To

this end, they shall have the power to enter into agreements,

whose content shall be guided by the principles of interdependence,

coordination, cooperation and shared responsibility.

(2) Participation by communities and citizens, through neighborhood

associations and nongovernmental organizations, in the

formulation of investment proposals for presentation before the

state and municipal authorities in charge of preparing the pertinent

investment plans, as well as participation in the execution,

evaluation and control of works projects, social programs and

public services within their jurisdiction.

(3) Participation in economic processes, stimulating manifestations

of the social economy, such as cooperatives, saving funds,

mutual funds and other forms of association.

(4) Participation by workers and communities in the running of

public sector business enterprises, through self-management

and joint management methods.

(5) Creation of community service enterprises, organizations and

cooperatives as mechanisms to generate employment and

social Welfare, providing for their permanent existence through

the design of policies whereby these groups are given means of

participating.

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(6) Creation of new decentralized organs at the parish, community,

ward and neighborhood levels, with a view to guaranteeing the

principle of shared responsibility in the public administration of

local and state governments, and developing process of selfmanagement

and joint management in the administration and

control of state and municipal public services.

(7) Participation by communities in activities to establish closer

ties with penal institutions and ties between the latter and the

general population.

**Chapter V**

The Federal Council on Government

**Article 185**: The Federal Council on Government is the organ

charged with planning and coordination of policies and actions to

develop the process of decentralization and transfer of powers from

National Authority to the States and Municipalities. It shall be

presided over by the Executive Vice-President and shall consist of the

Cabinet ministers, the Governors, one Mayor from each State and representative

s of organized society, in accordance, with law.

The Federal Council on Government shall have a Secretariat made

up of the Executive Vice-President, two Ministers, three Governors

and three Mayors. The Federal Council on Government shall have a

dependency known as the Interterritorial Compensation Fund, intended

for the purpose of financing public investments with a view to promoting

the balanced development of regions, cooperation and complement

among the development policies and initiatives of the various

public territorial entities, and in particular supporting the providing of

works projects and services in regions and communities with relatively

low levels of development. The Federal Council on Government,

based on regional unbalances, shall discuss and approve annually the

resources to be allocated to the Interterritorial Compensation Fund

and the priority investment areas to which these resources are to be

applied.

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**TITLE V**

Organization of National Public Authority

**Chapter I**

National Legislative Power

**Section One: General Provisions**

**Article 186**: The National Assembly shall consist of Deputies

elected in each of the federal entities by universal, direct, personalized

and secret ballot with proportional representation, using a constituency

base of 1. 1 % of the total population of the country. Each federal

organ shall also elect three additional deputies. The native peoples of

the Bolivarian Republic of Venezuela shall elect three deputies in

accordance with the provisions established under election law,

respecting the traditions and customs thereof.

Each deputy shall have an alternate elected by the same process.

**Article 187**: It shall be the function of the National Assembly:

(1) To legislate in matters of national competence and as to the

functioning of the various branches of National Power.

(2) To propose amendments to and revisions of the Constitution, on

the terms established in this Constitution.

(3) To exercise control functions over the government and the

National Public Administrative, on the terms established in this

Constitution and by law. Evidence obtained during the exercise

of this function shall have probative value on such terms as

may be established by law.

(4) To organize and promote citizen participation in matters within

its competence.

(5) To order amnesties.

(6) To discuss and approve the national budget and any bill relating

to the taxation system and to public credit.

(7) To authorize appropriations in addition to the budget.

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(8) To approve the general guidelines for the national economic and

social development plan to be submitted by the National

Executive during the third quarter of the first year of each constitutional

term.

(9) To authorize the National Executive to enter into contracts in

the national interest, in the cases established by law. To authorize

contracts in the municipal, state and national public interest,

with foreign States, or official entities or with companies not

domiciled in Venezuela.

(10) To vote resolutions of censure against the Executive Vice-

President and Ministers. A censure motion shall be debated

only two days after being submitted to the Assembly, which

shall have the power to decide by a three fifths vote that the

censure shall include the removal from office of the Executive

Vice-President or the Minister concerned.

(11) To authorize the operation of Venezuelan military missions

abroad or foreign military missions within the country.

(12) To authorize the National Executive to dispose of nonpublic

real property owned by the Nation, with such exceptions as

may be established by law.

(13) To authorize public officials to accept positions, honors or

rewards from foreign governments.

(14) To authorize the appointment of the General Attorney of the

Republic and the Heads of Permanent Diplomatic Missions.

(15) To confer the honors of the National Pantheon on illustrious

Venezuelans who have rendered eminent services to the

Republic, after 25 years have elapsed since the death of such

persons; this decision may be made upon a recommendation

from the President of the Republic, two thirds of the State

Governors, all of the rectors of the National Universities.

(16) To tend that the interests and autonomy of the States are

upheld.

(17) To authorize the departure of the President of the Republic

from the territory of the Nation, when such absence is to last

longer than five consecutive days.

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(18) To approve by law any international treaties or agreements

entered into by the National Executive, with the exceptions set

forth in the present Constitution.

(19) To enact its own internal regulations and apply such sanctions

as may be provided for thereunder.

(20) To pass on the qualifications of its members and take notice of

their resignation. The temporarily separation of a deputy from

his or her office, shall only be decided by a two thirds vote of

those present.

(21) To organize its own internal security service.

(22) To pass and implement its budget of expenditures, taking into

account the country’s financial limitations.

(23) To implement resolutions concerning its own administrative

organization and functioning.

(24) Any others indicated in this Constitution or by law.

**Article 188**: To be elected to the office of deputy of the National

Assembly, a person must:

(1) Be Venezuelan by birth, or by naturalization with 15 years of

residence within the territory of Venezuela.

(2) Be over the age of 21 years.

(3) Have resided for four consecutive years in the organ from

which he or she is elected, prior to such election.

**Article 189**: The following shall not be eligible for the office of

deputy:

(1) The President of the Republic, the Executive Vice-President

Ministers, the Secretary of the Office of the President of the

Republic and the Chairpersons and Directors of Autonomous

Institutes and State owned enterprises, until three months after

leaving such offices.

(2) Governors and government secretaries of the States or the

Capital District, until three months after permanently leaving

such offices.

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(3) Municipal state or national, Autonomous Institutes or Stateowned

enterprises, officers when the election is taking place in

the jurisdiction in which such officer serves, except in the case

of a temporary care-providing, teaching or academic position.

The pertinent organic law may provide for the ineligibility of other

officers.

**Article 190**: Deputies of the National Assembly shall not be proprietors,

administrators or directors of business enterprises that enter

into contracts with public sector juridical persons, so that they shall

have no private beneficial interest in dealing with it. When matters

involving financial conflicts of interest come up for discussion, the

affected members of the National Assembly shall be required to

abstain from the pertinent vote.

**Article 191**: Deputies of the National Assembly shall not be permitted

to accept or hold public employment positions without giving

up their investiture, except in teaching, academic, temporary and caregiving

positions, and provided the employment is not intended to be

full-time.

**Article 192**: Deputies of the National Assembly shall hold office

for a term of five years, with eligibility for re-election to no more than

one additional term.

**Section Two: Organization of the National Assembly**

**Article 193**: The National Assembly shall appoint ordinary and

special Standing Committees. The Standing Committees, which shall

be no more than 15 in number, shall relate to sectors of national activity.

The National Assembly shall also have the power to create

Committees of temporary nature for purposes of research and study,

all of the foregoing in accordance with the applicable Regulations.

The National Assembly shall have the power to create or abolish

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Standing Committees by the favorable vote of two thirds of the members

of the Assembly.

**Article 194**: The National Assembly shall elect among its members

one President and two Vice-Presidents, as well as one Secretary

and an Undersecretary, not member of the Assembly, for a term of one

year. The Regulations shall establish the methods for filling temporary

and permanent vacancies.

**Article 195**: While the Assembly is in recess, a Delegated

Committee consisting of the President, the Vice-President and the

Presidents of the Standing Committees shall be in session.

**Article 196**: The following are powers of the Delegated

Committee:

(1)To call the National Assembly into extraordinary session, when

the importance of any matter so demands.

(2)To authorize the President of the Republic to leave the territory

of Venezuela.

(3)To authorize the National Executive to order additional appropriations.

(4)To designate temporary Committees consisting of members of

the Assembly.

(5)To execute investigations functions ascribed to the Assembly.

(6) By a two thirds vote of its members, to authorize the National

Executive to create, modify or suspend public services in the

event of a proven emergency.

(7) Any others established by the Constitution or by law.

**Section Three: Deputies of the National Assembly**

**Article 197**: Deputies of the National Assembly, are obligated to

work on a full-time basis for the benefit of the people’s interest, and

to stay in constant contact with their constituents, heeding these opinions

and suggestions and keeping them informed about its individual

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and Assembly Management. They shall render in an annual accounting

of its management to the constituents\* in the jurisdiction from

which they were elected, and shall be subject to recall by referendum

as provided for under this Constitution and the applicable law.

**Article 198**: A Deputy of the National Assembly who is recalled

shall not be eligible for any public elective office during the following

term of office.

**Article 199**: Deputies of the National Assembly are not liable for

votes and opinions expressed in the performance of their official functions.

They shall be answerable to voters and to the legislative entity

only as provided for under the Constitution and Regulations.

**Article 200**: Deputies of the National Assembly shall enjoy immunity

in the exercise of their functions from the time of their installation

until the end of their term or resignation. Only the Supreme

Tribunal of Justice shall have competence over any crimes may be

charged as committed by members of the National Assembly, and

only the Supreme Tribunal of Justice, subject to authorization in

advance from the National Assembly, shall have the power to order

their arrest and prosecution. In the case of a flagrant offense committed

by a legislator, the competent authority shall place such legislator

under house arrest and immediately notify the Supreme Tribunal of

Justice of such event.

Public officials who violate the immunity of members of the

National Assembly shall incur criminal liability and shall be punished

in accordance with law.

**Article 201**: Deputies are representatives of the people and of the

States taken together, they are not subject to mandates or instructions,

but only to their own consciences. Their vote in the National

Assembly is personal.

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**Section Four: Passage of Laws**

**Article 202**: The law is an act enacted by the National Assembly

in legislative session. Laws that contain a systematic set of norms

regulating a particular field may also be referred to as codes.

**Article 203**: Organic Laws are those designated as such by this

Constitution, those enacted to organize public powers or developing

constitutional rights, and those which serve as a normative framework

for other laws.

Any bill for the enactment of an organic law, except in the case of

those defined as such in the Constitution itself, must first be accepted

by the National Assembly, by a two thirds vote of the members present,

before the beginning of debate on the bill. This qualifying vote

shall also apply to the process of amending organic acts.

Laws defined by the National Assembly as organic acts shall be

sent, prior to promulgation, to the Constitutional Division of the

Supreme Tribunal of Justice for a ruling on the constitutionality of

their organic status. The Constitutional Division shall reach a decision

within ten days of receipt of the communication. If the

Constitutional Division rules that the law is not organic, such the law

shall lose the organic status.

Enabling laws are those enacted by a three fifths vote of the members

of the National Assembly to establish the guidelines, purposes

and framework for matters that are being delegated to the President of

the Republic, with the rank and force of a law. Enabling law is to set

the period for the exercising thereof.

The initiative for introducing legislation belongs to:

(1) The National Executive Power.

(2) The Delegated Committee and the Standing Committees.

(3) Members of the National Assembly, at least three in number.

(4) The Supreme Tribunal of Justice, in the case of laws relating to

judicial procedures and organization.

5) Citizen Power, in the case of laws relating to the organs comprising

the same.

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(6) Electoral Power in the case of laws relating to electoral matters.

(7) The voters, in a number at least equivalent to 0.1% of all permanently

registered voters.

(8) The State Legislative Council, in the case of laws relating to the

States.

**Article 205**: The discussion of bills submitted by citizens in accordance

with the provisions of the preceding article shall be initiated no

later than the regular legislative session following that during which

the bill was introduced. If debate does not begin within such period,

the bill must be submitted for approval by referendum in accordance

with law.

**Article 206**: The States must be consulted by the National

Assembly, through the State Legislative Council, when legislation in

matters relating to them is being considered. The mechanisms for

consultation of citizens and other institutions by the Council with

respect to such matters shall be established by law.

**Article 207**: To be enacted into law, every bill shall be debated

twice, on different days, following the rules established in this

Constitution and the pertinent regulations. Once the bill is approved,

the President of the National Assembly shall declare the law enacted.

**Article 208**: During the first debate, the statement of legislative

intent shall be considered and the objectives, scope and viability of

the same shall be evaluated in order to determine the appropriateness

of the law, and the articles shall be discussed. Upon approval at the

first debate, the bill shall be sent to the Committee directly concerned

with the subject matter of the law. If the bill relates to several Standing

Committees, a mixed committee shall be designated to conduct a

study and prepare a report.

Committees studying bills shall report the bill out within no more

than 30 consecutive days.

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**Article 209**: Once the bill has been reported out of committee, the

second debate on the bill shall begin, being conducted article by article.

If the bill is approved without amendment, it shall be enacted into

law. However, if amended it shall be returned to the Committee concerned

for inclusion of the amendments by such Committee within no

more than 15 consecutive days; once read the new version of the bill

at a plenary session of the National Assembly, it shall decide as appropriate

by majority vote on any articles as to which a discrepancy

exists, and on any other articles relating thereto. Once the discrepancy

has been resolved, the President shall declare the bill enacted into

law.

**Article 210**: Debate on bills still pending at the end of a legislative

session may be continued during the next regular session or during a

special session.

**Article 211**: During the process of debating and approval of bills,

the National Assembly or Standing Committees shall consult the other

organs of the State, the citizenry and organized society to hear their

opinion about the same. The following shall have the right to speak

during debates on proposed laws: the Cabinet Ministers, as representative

s of the Executive Power; such justice of the Supreme Tribunal

of Justice as the latter may designate, to represent the Judicial Power;

such representative of Citizen Power as may be designated by the

Republican Ethic Council; the members of the Electoral Authority;

the States, through a representative designated by the State

Legislative Council; and the representative s of organized society, on

such terms as may be established by the Regulations of the National

Assembly.

**Article 212**: The text of laws shall be preceded by the following

phrase: “The National Assembly of the Bolivarian Republic of

Venezuela hereby Decrees”:

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**Article 213**: Once the law has been enacted, it shall be promulgated

in duplicate with the final language as approved during the debates.

Both copies shall be signed by the President, the two Vice-Presidents

and the Secretary of the National Assembly, with the date of final

approval. One of the copies of the law shall be sent by the President

of the National Assembly to the President of the Republic for purposes

of promulgation.

**Article 214**: The President of the Republic shall promulgate the

law within a ten day period following the date on which the President

receives it. During this period the President may, by Cabinet

Ministers resolution with statement of grounds, ask the National

Assembly to amend any of the provisions of the law or rescind its

approval of part or all of it.

The National Assembly shall decide by majority vote of those

deputies present on the matters raised by the President of the

Republic, and then shall send the law back to him for promulgation.

The President of the Republic must proceed to promulgate the law

within five days of receipt, without the possibility of new objections.

When the President of the Republic considers that the law or any

of its articles is unconstitutional, he shall be required to request a ruling

from the Constitutional Division of the Supreme Tribunal of

Justice, within the ten day period allowed the President for promulgating

the law. The Supreme Tribunal of Justice shall reach a decision

within 15 days of receipt of the communication from the President of

the Republic. If the Tribunal declines to rule the provisions referred to

it unconstitutional or fails to reach a decision within the aforementioned

period, the President of the Republic must promulgate the law

within five days of the Tribunal’s decision or the expiration of such

term.

**Article 215**: The law shall be promulgated upon publication with

the order of “fulfillment” in the Official Gazette of the Republic.

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**Article 216**: When the President of the Republic fails to promulgate

the law on the terms indicated above, the President and the two

Vice-Presidents of the National Assembly shall proceed to promulgate

it, without prejudice to such liability as the President of the Republic

may incur by reason of his omission.

**Article 217**: The point at which the approving law of an international

treaty, agreement or convention must be promulgated shall be

left to the discretion of the National Executive, in accordance with

international practices and the convenience of the Republic.

**Article 218**: Laws are repealed by other laws and are abrogated by

referendum, subject to the exceptions established in this Constitution.

Laws may be amended in whole or in part. A law that is amended in

part shall be published in a single text that incorporates the amendments

passed.

**Section Five: Procedures**

**Article 219**: The first regular legislative session of the National

Assembly shall begin, without advance notice, on January fifth of

each year or on the first subsequent day possible, and shall continue

until August 15. The second session shall begin on September 15 or

the first subsequent day possible, and shall end on December 15.

**Article 220**: The National Assembly shall meet in special sessions

to take up the matters on the agenda contained in the notice of the

meeting, and any related matters. A special session may also consider

any matters declared urgent by a majority vote of the members.

**Article 221**: The requirements and procedures for the establishment

and other sessions of the National Assembly, and for the functioning

of its Committees, shall be determined by the Regulations. In

no case may a quorum be less than an absolute majority of the members

of the National Assembly.

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**Article 222**: The National Assembly shall be empowered to exercise

its control function by means of the following mechanisms: parliamentary

questions, investigations, questions, authorizations and

parliament’s approvals as provided for in this Constitution and by law,

and any other mechanism that may be established by laws and their

associated Regulations. In exercising parliamentary control, the

National Assembly shall have the power to make a finding of political

liability on the part of public officials and call on Citizen Power to

initiate the appropriate action to enforce such liability.

**Article 223**: The Assembly or its Committees shall have the power

to conduct such investigations as they may deem appropriate in matters

within their competence, in accordance with the Regulations.

All public officials are obligated, subject to the penalties established

by law, to appear before such Committees and provide the same

with any information and documents they may require in order to

carry out their functions.

Private citizens are also subject to this obligation, without prejudice

to the rights and guarantees embodied in this Constitution.

**Article 224**: The exercise of the power of investigation does not

affect the powers of other public authorities Judges shall be obligated

to take evidence as commissioned by National Assembly and its

Committees.

**Chapter II**

National Executive Power

**Section One: President of the Republic**

**Article 225**: Executive Power is exercised by the President of the

Republic, the Executive Vice-President, the Cabinet Ministers and

other officials as determined by this Constitution and by Law.

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**Article 226**: The President of the Republic is the Head of State and

of the National Executive, in which latter capacity he directs the

action of the government.

**Article 227**: In order to be elected President of the Republic, it is

necessary to be Venezuelan by birth, with no other nationality, to be

more than 30 years of age, not a member of the clergy and not subject

to any conviction by final judgment, as well as meeting fulfill other

requirements prescribed in this Constitution.

**Article 228**: The election of the President of the Republic shall be

by universal suffrage by direct and secret ballot, in accordance with

law. The candidate who has received a majority of the valid votes cast

shall be proclaimed elected.

**Article 229**: A person holding the office of Executive Vice-

President, Minister or Governor, or Mayor as of the date he announces

his candidacy or at any time between such date and that of the

Presidential election shall not be eligible for election to the office of

President of the Republic.

**Article 230**: The presidential term is six years. The President of

the Republic may be re-elected, immediately and once only, to an

additional term.

**Article 231**: The candidate elected shall take office as President of

the Republic on January 10 of the first year of his constitutional term,

by taking an oath before the National Assembly. If for any supervening

reason, the person elected President of the Republic cannot be

sworn in before the National Assembly, he shall take the oath of office

before the Supreme Tribunal of Justice.

**Article 232**: The President of the Republic is responsible for his

acts and for fulfilling the duties and obligations inherent to such position.

Is obligated to endeavor the guarantee of the rights and liberties

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of Venezuelans, as well as the independence, integrity, sovereignty

and defense of the Republic. The declaration of states of exception

does not modify the principle of the President of the Republic’s

responsibility nor that of the Executive Vice-President or the Cabinet

Ministers, in accordance with this Constitution and Law.

**Article 233**: The President of the Republic shall become permanently

unavailable to serve by reason of any of the following events:

death; resignation; removal from office by decision of the Supreme

Tribunal of Justice; permanent physical or mental disability certified

by a medical board designated by the Supreme Tribunal of Justice

with the approval of the National Assembly; abandonment of his position,

duly declared by the National Assembly; and recall by popular

vote.

When an elected President becomes permanently unavailable to

serve prior to his inauguration, a new election by universal suffrage

and direct ballot shall be held within 30 consecutive days. Pending

election and inauguration of the new President, the President of the

National Assembly shall take charge of the Presidency of the

Republic.

When the President of the Republic becomes permanently unavailable

to serve during the first four years of this constitutional term of

office, a new election by universal suffrage and direct ballot shall be

held within 30 consecutive days. Pending election and inauguration

of the new President, the Executive Vice-President shall take charge

of the Presidency of the Republic.

In the cases describes above, the new President shall complete the

current constitutional term of office. If the President becomes permanently

unavailable to serve during the last two years of his constitutional

term of office, the Executive Vice-President shall take over the

Presidency of the Republic until such term is completed.

**Article 234**: A President of the Republic who becomes temporarily

unavailable to serve shall be replaced by the Executive Vice-

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President for a period of up to 90 days, which may be extended by resolution

of the National Assembly for an additional 90 days.

If the temporarily unavailability continues for more than 90 consecutive

days, the National Assembly shall have the power to decide

by a majority vote of its members whether the unavailability to serve

should be considered permanent.

**Article 235**: The absence of the President of the Republic from the

territory of Venezuela requires authorization from the National

Assembly or the Delegated Committee, when such absence continues

for a period exceeding five consecutive days.

**Section Two: The President of the Republic**

**Article 236**: The following are attributions and duties of the

President of the Republic:

(1) To comply with and enforce this Constitution and the law.

(2) To direct the activity of the Government.

(3) To appoint and remove the Executive Vice-President and the

Cabinet Ministers.

(4) To direct the international relations of the Republic and sign

and ratify international treaties, agreements or conventions.

(5) To direct the National Armed Forces in his capacity as

Commander in Chief, exercise supreme hierarchical Authority

over the same and establish their contingent.

(6) To exercise supreme command over the National Armed

Forces, promote their officers at the rank of coronel or naval

captain and above, and appoint them to the positions exclusively

reserved to them.

(7) To declare states of exception and order the restriction of guarantees

in the cases provided for under this Constitution.

(8) To issue executive orders having the force of law, subject to

authorization in advance by an enabling act.

(9) To call special sessions of the National Assembly.

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(10) To issue regulations for the application of laws, in whole or in

part, without altering the spirit, purpose and reason for being of

the laws.

(11) To administer the National Public Treasury.

(12) To negotiate national loans.

(13) To order extraordinary budget item in addition to the budget,

subject to authorization in advance from the National Assembly

or the Delegated Committee.

(14) To enter into contracts in the national interest, subject to this

Constitution and applicable laws.

(15) To designate, subject to prior authorization from the National

Assembly or the Delegated Committee, the Attorney-General

of the Republic and the heads of the permanent diplomatic missions.

(16) To designate and remove those officials whose appointment is

made subject to his discretion by this Constitution or the applicable

law.

(17) To address reports or special messages to the National

Assembly, either in person or through the Executive Vice-

President.

(18) To formulate the National Development Plan and, subject to

approval in advance from the National Assembly, direct the

implementation of the same.

(19) To grant pardons.

(20) To determine the number, organization and competence of the

Ministries and other organs comprising the National Public

Administrative Branch, as well as the organization and functions

of the Cabinet Ministers, within the principles and guidelines

set forth in the pertinent organic law.

(21) To dissolve the National Assembly in the case contemplated

by this Constitution.

(22) To call reference in the cases provided for under the present

Constitution.

(23) To call and preside over meetings of the National Defense

Council.

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(24) Any others vested in the President under this Constitution and

law.

The President of the Republic shall exercise during a meeting of

the Cabinet Ministers the attributions indicated under items (7), (8),

(9), (10), (12), (13), (14), (18), (20), (21) and (22) above, and any others

which may be conferred upon him by law for exercise in the same

manner.

In order to be valid, the acts of the President of the Republic, with

the exception of those indicated under items (3) and (5), must be

countersigned by the Executive vice-president and the Minister or

Ministers concerned.

**Article 237**: Annually, within the first ten days following to installation

of the National Assembly, in ordinary session, the President of

the Republic, shall present personally to the Assembly a message by

which will render account of the political, economic, social and

administrative aspects of its administration during the past year.

**Section Three: Executive Vice- President**

**Article 238**: The Executive Vice-President is a direct subordinate

of and works closely with the President of the Republic in the latter’s

capacity as Head of the National Executive.

The Executive Vice-President must meet the same requirements

prescribes for eligibility for the office of President of the Republic,

and must not be related to the latter by either blood or marriage.

**Article 239**: The following are powers of the Executive Vice-

President:

(1) To cooperate with the President of the Republic in directing the

actions of the government.

(2) To coordinate the National Public Administration in accordance

with President of the Republic’s instructions.

(3) To propose to the President of the Republic the appointment and

removal of Ministers.

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(4) To preside over the Cabinet, subject to authorization in advance

from the President of the Republic.

(5) To coordinate relations between the National Executive and the

National Assembly.

(6) To preside over the Federal Government Council.

(7) To appoint and remove, in accordance with law, those national

government officials for whose designation no other authority

has been made responsible.

(8) To replace the President of the Republic when the latter is temporarily

unavailable.

(9) To exercise such powers as may be delegated to him by the

President of the Republic.

(10) Any other powers assigned to him under the Constitution and

the law.

**Article 240**: Passage of a motion to censure the Executive Vice-

President, by vote of at least two-thirds of the members of the

National Assembly, automatically involves his removal from office.

The removed official, shall not be eligible to serve as Executive Vice-

President or Minister, for the remainder of the current presidential

term of office

The third removal of an Executive Vice-President, during the same

presidential term of office as a consequence of motions of censure,

authorizes the President of the Republic, to dissolve the National

Assembly. The dissolution order includes the calling of elections to

form a new legislature within 60 days of the dissolution of the old.

The Assembly cannot be dissolved during the final year of its constitutional

term of office.

**Article 241**: The Executive Vice-President is accountable for his

acts, in accordance with this Constitution and the law.

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**Section Four: Ministers and the Cabinet of Ministers**

**Article 242**: Ministers are direct dependencies of the President of

the Republic, and when assembled together with the latter and with

the Executive Vice-President, they comprise the Cabinet of Ministers.

The President of the Republic shall preside over meetings of the

Cabinet of Ministers, but he shall have the power to authorize the

Executive Vice-President to preside over the same when he is unable

to attend. Decisions made must be ratified by the President of the

Republic.

The Executive Vice-President and the Ministers who took part are

jointly and severally accountable for decisions of the Cabinet of

Ministers, with the exception of those who placed on record an

adverse or negative vote.

**Article 243**: The President of the Republic shall have the power to

appoint Ministers of State, who, in addition to participating in the

Cabinet of Ministers, shall advise the President of the Republic and

the Executive Vice-President concerning the matters assigned to

them.

**Article 244**: A Minister is required to be of Venezuelan nationality

and more than 25 years of age, with the exceptions established in

this Constitution.

Ministers are responsible for their actions in accordance with this

Constitution and in accordance with law, and shall submit to the

National Assembly, within the first 60 days of each year, a sufficient

and reasoned annual report on their stewardship during the past year,

in accordance with Law.

**Article 245**: Ministers have the right to speak before the National

Assembly and the Committees thereof. They have the right to take

part in debates in the National Assembly, without the right to vote.

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**Article 246**: The approbation of a vote of censure against a

Minister by at least a three fifths vote of the members present in the

National Assembly, shall result in the Minister’s removal from office.

The removed official shall be barred from serving as a Minister or

Executive Vice-President for the remainder of that presidential term.

**Section Five: General Attorney of the Republic**

**Article 247**: The Office of the General Attorney of the Republic

advises, defends and represents in and out of court the property interests

of the Republic, and must be consulted for purposes of approval

of contracts in the national public interest. The pertinent organic law

shall determine the organization, competence and functioning of this

office.

**Article 248**: The Office of the General Attorney of the Republic

shall be in the charge and under the direction of the General Attorney’

of the Republic, with the assistance of other officials as determined by

the pertinent organic law.

**Article 249**: The General Attorney of the Republic must meet the

same conditions required in order to serve as a justice of the Supreme

Tribunal of Justice. Shall be appointed by the President of the

Republic, with the authorization of the National Assembly.

**Article 250**: The General Attorney of the Republic shall attend and

have the right to speak at meetings of the Cabinet of Ministers.

**Section Six: Council of State**

**Article 251**: The Council of State is the highest consultative organ

of the Government and the National Public Administration. It shall be

charged with making policy recommendations in the national interest

with regard to matters recognized by the President of the Republic as

being of particular importance and requiring the Council’s opinion.

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The pertinent law shall determine its functions and powers.

**Article 252**: The Council of State shall be presided over by the

ExecutiveVice-President, and shall be also integrated by five members

designated by the President of the Republic; one representative

designated by the National Assembly; one representative designated b

y the Supreme Tribunal of Justice and One State Governor designated

by all of the States chief executives jointly.

**Chapter III**

Judicial Power and Justice S stem

**Section One: General Provisions**

**Article 253**: The power to administer justice emanates from the

citizens and is exercised in the name of the Republic by Authority of

law.

The organs comprising the Judicial Power are charged with dealing

with all cases and matters within their competence, through such

procedures as may be determined by the laws, and with carrying out

or causing the execution of their judgments.

The justice system consists of the Supreme Tribunal of Justice,

such other courts as may be determined by law, the Office of Public

Prosecutions, the Public Defender’s Office, criminal investigation

organs, judicial assistants and officials, the penitentiary system, alternative

means of justice, citizens participating in the administration of

justice in accordance with law and attorneys at law admitted to practice.

**Article 254**: The Judicial Power is autonomous, and the operating,

financial and administrative autonomy of the Supreme Tribunal of

Justice is hereby established. To this end, in the national general

budget a variable annual amount at least equivalent to 2% of the ordinary

national budget shall be allocated to the justice system in order

to enable it to function effectively; such amount shall not be reduced

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or modified without authorization in advance from the National

Assembly. The Judicial Power is not authorized to establish any

charges or tariffs, nor to demand any payment for its services.

**Article 255**: Appointment to a judicial position and the promotion

of judges shall be carried out by means of public competitions to

ensure the capability and excellence of the participants, with selection

by the juries of the judicial circuits, in such manner and on such terms

as may be established by law. The appointment and swearing in of

judges shall be the responsibility of the Supreme Tribunal of Justice.

Citizen participation in the process of selecting and designating

judges shall be guaranteed by law. Judges shall be removed or suspended

from office only through the procedures expressly provided

for by law.

Measures shall be taken by law to promote the professionalism of

judges, and the universities shall cooperate to this end, organizing

their corresponding law schools´ pensa to specialized studies in judicial

practice.

Judges are personally liable, on such terms as may be determined

by law, for unjustified omissions, delay or errors, for substantial failure

to observe the rules of procedure, for denial of justice, for partiality

and for the criminal offenses of bribery and prevarication in office.

**Article 256**: In order to guarantee impartiality and independence

in the exercise of their official functions, magistrates, judges, prosecutors

in the Office of Public Prosecutions and public defenders, from

the date of their appointment until they leave office, shall not be permitted,

otherwise than by exercising their right to vote, to engage in

partisan political, professional association, trade union or similar

activism; nor to engage in private activities for profit which are

incompatible with their official functions, either directly or through

any interposed person; nor to perform any other public functions, with

the exception of educational activities.

Judges shall not be permitted to form associations among themselves

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**Article 257**: Procedure represents a fundamental instrument for

the administration of justice. Procedural laws shall provide for the

simplification, uniformity and efficiency of legal formalities, and

shall adopt expeditious, oral and public procedures. Justice shall not

be sacrificed because of the omission of nonessential formalities.

**Article 258**: Justice of peace in communities shall be organized by

law. Justices of peace shall be elected by universal suffrage, directly

and by secret ballot, in accordance with law.

The law shall encourage arbitration, conciliation, mediation and

any other alternative means for resolving conflicts.

**Article 259**: Competence over contentious administrative law proceedings

shall be vested in the Supreme Tribunal of Justice and such

other courts as may be determined by law. Organs with jurisdiction

in the field of contentious administrative law are competent to nullify

general or individual administrative acts contrary to law, including

cases of power deviation; to order the payment of sums of money and

reparations for damages for whose causation the Administration is

responsible; to deal with claims arising from the providing of public

services; and to rule as necessary to restore the legal position of parties

harmed by administrative actions.

**Article 260**: The legitimate authorities of the native peoples shall

have the power to apply within their territorial competence levels of

administration of justice based on their ancestral traditions and affecting

their members only, in accordance to their own rules and proceedings,

provided the same are not contrary to this Constitution, law and

public order. The manner in which this special competence shall be

coordinated with the national judicial system shall be determined by

law.

**Article 261:** Military criminal jurisdiction is an integral part of the

Judicial Power, and its judges shall be selected by a competitive

process. Its sphere of competence, organization and modes of opera-

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tion shall be governed by the accusatory system and in accordance

with the Organic Code of Military Justice. The commission of common

crimes, human rights violations and violations of humanity rights

shall be judged by the courts of the ordinary jurisdiction. Military

courts jurisdiction is limited to offenses of a military nature. Insofar

as not provided for in this Constitution, special jurisdiction and the

competence, organization and functioning of the courts shall be regulated

by law.

**Section Two: Supreme Tribunal of Justice**

**Article 262**: The Supreme Tribunal of Justice shall sit in plenary

session and in Constitutional, Political/Administrative, Electoral,

Civil Appeal, Criminal Appeal, and Social Appeal Divisions, whose

composition and competence shall be determined by the pertinent

organic act. The Social Division shall encompass matters relating to

appeals involving agrarian matters, labor matters and minors.

**Article 263**: To be a justice of the Supreme Tribunal of Justice, a

person must:

(1) Have Venezuelan nationality by birth.

(2) Be recognized as an honorable citizen.

(3) Be a jurist of recognized competence; enjoy a good reputation;

have a minimum of 15 years experience practicing law and

have a post-graduate degree in law, or have at least 15 years

experience as a university professor of law, having obtained the

rank of full professor; or be or have been a superior court judge

in the specialty of the division for which he is a candidate, having

been a sitting judge for at least 15 years and gained recognized

prestige in the performance of his duties.

(4) Any other requirements established by law.

**Article 264**: The justices of the Supreme Tribunal of Justice shall

be elected for a single term of 12 years. The election procedure shall

be determined by law. In all cases, candidates may be proposed to the

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Judicial Nominations Committee either on their own initiative or by

organizations involved in the field of law. After hearing the opinion

of the community, the Committee shall carry out a pre-selection to be

submitted to the Citizen Power, which shall carry out a second preselection

to be submitted to the National Assembly, which shall carry

out the final selection. Citizens may file objections to any of the candidates,

for cause, with the Judicial Nominations Committee or the

National Assembly.

**Article 265**: Justices of the Supreme Tribunal of Justice may be

removed by the National Assembly by a qualified two-thirds majority

of the members, after granting the interested party a hearing; in

cases involving serious misconduct already characterized as such by

the Citizen Power, on such terms as may be established by law.

**Article 266**: The following are powers of the Supreme Tribunal of

Justice:

(1) To exercise constitutional jurisdiction in accordance with title

VIII of this Constitution.

(2) To rule as to whether or not there are grounds for impeaching

the President\* of the Republic or whomever may be acting in

that capacity, and if so, to retain competence of the proceedings,

subject to the approval of the National Assembly, until the

final judgment.

(3) To rule as to whether or not there are grounds for impeaching

the Vice-President of the Republic; members of the National

Assembly or the Supreme Tribunal of Justice itself, Ministers;

the General Attorney; General Prosecutor; General Comptroller

of the Republic; the People Defender; Governors; general officers

and naval admirals of the National Armed Forces; or the

heads of Venezuelan diplomatic missions; and, if so, to refer the

record to the General Prosecutor of the Republic or whomever

is acting in his capacity, where appropriate, and if the offense

charged is a common crime, the Supreme Tribunal of Justice

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shall retain competence of the matter until a final judgment is

handed down.

(4) To resolve any administrative controversies that may arise

between the Republic, any State, Municipality or other public

entity, when the other party is also one of these same organs,

except in the case of a controversy between Municipalities

belonging to the same State, in which case competence may be

vested by law in another court.

(5) To declare null and void, in whole or in part, regulations and

other general or individual administrative actions of the

National Executive Branctent and application of legal texts, on

the terms contemplated by law.

(7) To decide competence conflicts between courts, whether ordinary

or special, when there is no higher or common court

shared by both in the hierarchical order.

(8) To take jurisdiction of appeals for violations of law.

(9) Such others as may be vested in it by law.

The powers indicated under (1) shall be exercised by the

Constitutional Division; those indicated under (2 ) and (3), in Plenary

Session; and those indicated under (4) and (5), by the

Political/Administrative Division. The remaining powers shall be

exercised by the various divisions as provided for under this

Constitution and by law.

**Section Three: Governance and Administration**

**of the Judicial Power**

**Article 267**: The Supreme Tribunal of Justice is charged with the

direction, governance and administration of the Judicial Power and

inspection and vigilance of the courts of the Republic and the public

defenders’ offices. The Supreme Tribunal is also charged with preparing

and implementing its own budget and that of the Judicial Power.

Jurisdiction over judicial discipline shall be vested in such disciplinary

courts as may be determined by law.

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The discipline system for magistrates and judges shall be based in

the Venezuelan Judge’s\* Code of Ethics to be promulgated by the

National Assembly. Disciplinary proceedings shall be public, oral

and expeditious, in accordance with due process, subject to such

terms and conditions as may be established by law.

In order to exercise these powers, the Supreme Tribunal in plenary

session shall create an Executive Department of the Judiciary, with

its various regional offices.

**Article 268**: The autonomy and organization, functioning, discipline

and fitness of service of public defenders shall be provided for

by law, in order to ensure the efficiency of the service and guarantee

career benefits for public defenders.

**Article 269**: The organization of judicial circuits and the creation

and competence of regional courts and tribunals shall be regulated by

law in such manner as to promote the administrative and jurisdictional

decentralization of the Judicial Power.

**Article 270**: The Committee on Judicial Nominations is a body

charged with advising the Judicial Power on the selection of candidates

for designation as justices of the Supreme Tribunal of Justice.

In addition, it shall advise the judicial electoral colleges on the election

of judge, of disciplinary jurisdiction. The Committee on Judicial

Nominations shall be made up of representatives of the various sectors

of society, in accordance with such provisions as may be established

by law.

**Article 271**: Extradition of foreign nationals responsible for capital

delegitimization, drug, and international organized crime offenses,

as well as crimes against the public patrimony of other States and

against human rights, shall in no case be denied. Judicial proceedings

for the purpose of punishing offenses against human rights or public

patrimony, or drug trafficking, shall not be barred by the statute of

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limitations. Likewise, subject to court order, assets deriving from the

activities relating to these offenses shall be confiscated.

Proceedings pertaining to the aforementioned offenses shall be

public, oral and expeditious, with respect for due process, the competent

judicial authorities being authorized to order the necessary preventive

precautionary measures against assets belonging to the defendant

or persons interposed by the latter, in order to provide a guarantee

for their possible civil liability.

**Article 272**: The State guarantees a penitentiary system such as to

ensure the rehabilitation of inmates and respect for their human rights.

To this end, penitentiary establishments shall have areas for work,

study, sports and recreation, shall operate under the direction of professional

penologists with academic credentials, and will be ruled by

decentralized administration by state or municipal governments; they

may be subject to privatization arrangements. In such establishments,

an open regimen shall be preferred, as well as the model of custodial

agricultural colonies. In all cases punishment formulas without

restriction of freedom shall be applied with preference to measures

that restrict freedom. The State shall create the essential institutions

to provide postpenitentiary assistance for the reinsertion of the inmate

into society and shall encourage the creation of an autonomous penitentiary

institution with personnel of an exclusively technical nature.

**Chapter IV**

Citizen Power

**Section One: General Provisions**

**Article 273**: Citizen Power is exercised by the Republican Ethics

Council, consisting of the People Defender, the General Prosecutor

and the General Comptroller of the Republic.

The organs of Citizen Power are the People Defender’s Office, the

Office of Public Prosecutions and the Office of the General

Comptroller of the Republic, one of whose heads shall be designated

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by the Republican Ethics Council as its Chairman for a one-year term

of office, with the possibility of re-election.

Citizen Power is independent and its organs enjoy operating,

financial and administrative autonomy. To this end, from the general

State budget it shall be allocated a variable annual budget appropriation.

Its organization and operation shall be established by organic act.

**Article 274**: The organs exercising Citizen Power are charged, in

accordance with this Constitution and with the law, with preventing,

investigating and punishing actions that undermine public ethics and

administrative morals; to see to sound management and legality in the

use of public property, and fulfillment and application of the principle

of legality in all of the State’s administrative activities, as well as to

promote education as a process that helps create citizenship, together

with solidarity, freedom, democracy, social responsibility and work.

**Article 275**: The representatives of the Republican Ethic Council

shall issue to the authorities or officials of the National Public

Administrative warnings as to breaches in the fulfillment of their legal

duties. If these warnings are not heeded, the Republican Ethics

Council shall have the power to impose the penalties established by

law. In the event of contempt, the Chairman of the Republican Ethics

Council shall submit a report to the organ or dependency to which the

public official or employee concerned is attached, in order that such

body or dependency to take the proper corrective action, in accordance

to the case without prejudice to such penalties as may be applicable

in accordance with law.

**Article 276**: The Chairman of the Republican Ethic Council and

the heads of the organs comprising Citizen Power shall submit an

annual report before a plenary session of the National Assembly.

They shall likewise submit reports whenever asked by the National

Assembly to do so.

Both the regular and the special reports are to be published.

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**Article 277**: All officials of the National Public Administrative are

obligated, subject to such penalties as may be established by law, to

cooperate on an urgent priority basis with representatives of the

Republican Ethics Council in connection with the latter’s investigations.

The Council shall have the power to ask them for such statements

and documents as it may deem necessary in order to perform its

functions; this includes any documents that may have been classified

or catalogues as confidential or secret in accordance with law. In all

cases, Citizen Power shall release information contained in confidential

or secret documents only through such procedures as may be

established by law.

**Article 278**: The Republican Ethic Council shall promote all types

of teaching activities designed to contribute to the understanding and

study of this Constitution; love for the native land, civic and democratic

virtues and the transcendental values of the Republic; and

observance of and respect for human rights.

**Article 279**: The Republican Ethic Council shall convene a

Citizen Power nomination Evaluating Committee, which shall be

made up of a group of representative s from various sectors of society,

and shall conduct public proceedings resulting in the provision of

a list of three candidates from each organ member of the Citizen

Power to be submitted for consideration by the National Assembly,

which, by a two-thirds vote of its members, shall select within 30 calendar

days the member of the Citizen Power organ under consideration

in each case. If the National Assembly has not reached an agreement

by the end of this period, Electoral shall submit the list of three

candidates to a public referendum.

If the Citizen Power Nomination Evaluating Committee has not

been convoked, the National Assembly shall proceed, within such

time limit as may be determined by law, to designate the member of

the pertinent Citizen Power organ.

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Members of Citizen Power shall be subject to removal by the

National Assembly, following a ruling by the Supreme Tribunal of

Justice, in accordance with the procedure established by law.

**Section Two: People Defender’s Office**

**Article 280**: The People Defender’s Office is charged with the furtherance,

defense and oversight of the rights and guarantees established

under this Constitution and international treaties on human

rights, in addition to defending the legitimate, collective and diffuse

interest of the citizens.

The People Defender’s Office shall act under the direction and

responsibility of the People Defender, who shall be designated to

serve for a single seven-year term.

The People Defender must be a Venezuelan national over the age

of 30 years, with manifest and proven competence in the field of

human rights, and must meet with such requirements as to honesty,

ethics and morality as may be established by law. If the People

Defender is temporarily or permanently unavailable to serve, the

vacancy shall be filled in accordance with applicable provisions of

law.

**Article 281**: The following are functions of the People Defender:

(1) To see that the human rights provided for in this Constitution

and in the international treaties, agreements and conventions on

human rights ratified by the Republic are effectively respected

and guaranteed, investigating either on his own initiative or at

the request of any denunciation of which he or she becomes

aware.

(2) To see to the proper functioning of public services; protect and

defend the legitimate, collective and diffuse rights and interests

of persons against arbitrary acts, abuse of authority and errors

committed in the providing of such public services, filing when

appropriate, any actions to demand that the State compensate

parties subject to its administrative actions for any damages

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that may have been caused them in connection with the functioning

of such public services.

(3) To file unconstitutionality actions, summary constitutional

remedies, habeas corpus, habeas data and any other actions or

motions necessary in order to exercise the powers indicated

above, where proper in accordance with law.

(4) To urge the General Prosecutor of the Republic to pursue any

appropriate actions or motions against public Officials responsible

for violations of or encroachment upon human rights.

(5) To ask the Republican Ethic Council to take the appropriate

measures with regard to public officials responsible for violations

of or encroachment upon human rights.

(6) To ask the competent authority to apply appropriate corrective

and punitive measures in cases involving violations of the

rights of consumers and users, in accordance with law.

(7) To submit to legislative organs at the municipal, state or national

levels, bills or other initiatives for the progressive protection

of human rights.

(8) To protect the rights of native peoples and take such action as

may be necessary to guarantee and protect such rights effectively.

(9) To visit and inspect the dependencies and establishments of

State agencies, to prevent or protect human rights.

(10) To place before the appropriate organs recommendations and

observations as necessary in the interest of providing optimum

protection for human rights, to which end shall develop mechanisms

for remaining in constant communication with national

and international public and private organs for the protection

and defense of human rights.

(11) To promote and implement policies for the expansion and

effective protection of human rights.

(12) Such other functions as may be established by the

Constitution and by law.

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**Article 282**: The People Defender shall enjoy immunity in the

exercise of his functions, and therefore shall not be subject to pursuit,

arrest or prosecution for acts relating to the performance of his official

functions. In any such case, exclusive competence shall be vested

in the Supreme Tribunal of Justice.

**Article 283**: Matters relating to the organization and functioning

of the People Defender’s Office at the municipal, state, national, and

special levels shall be determined by law. The activities of this Office

shall be governed by the principles of gratuitous service, accessibility,

dispatch, freedom from formalities, and proceeding on own initiative.

**Section Three: Office of Public Prosecutions**

**Article 284**: The Office of Public Prosecutions shall be under the

direction and responsibility of the General Prosecutor of the Republic,

who shall perform his functions directly, with the assistance of such

officials as may be determined by law.

To be General Prosecutor of the Republic, a person must meet the

same eligibility requirements that apply to justices of the Supreme

Tribunal of Justice. The General Prosecutor of the Republic shall be

designated for a seven-year term.

**Article 285**: The following are functions of the Office of Public

Prosecutions:

(1) In judicial proceedings, to guarantee respect for constitutional

rights and guarantees, as well as those deriving from international

treaties, agreements and conventions signed by the

Republic.

(2) To guarantee the speedy trail of the judicial process, the right to

previous trial and a due process.

(3) To order and direct criminal investigation of the perpetration of

punishable acts, with a view to establishing that the same were

committed, with all circumstances that may be relevant to stat-

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ing the offense and establishing the responsibility of the perpetrators

and other participants, as well as to secure custody of the

objects actively and passively concerned with the perpetration

of the offense.

(4) To conduct on behalf of the State criminal prosecutions in those

cases in which no initiative on the part of a party is required in

order to initiate or continue such prosecution, with the exceptions

established by law.

(5) To file any appropriate actions to hold liable public officials

who have incurred civil, labor, military, criminal, administrative

or disciplinary liability the course of their official duties.

(6) Any other functions that may be assigned to this office by the

Constitution and by law.

These attributions do not discredit the exercise of any rights or

actions to which private parties or other officials may be entitled in

accordance with this Constitution and the law.

**Article 286**: Matters relating to the organization and functioning

of the Office of Public Prosecutions at the municipal, state and national

levels shall be determined by law, providing the appropriate measures

to ensure the suitability, probity and stable tenure of the attorneys

of the Office of Public Prosecutions. Rules to guarantee the

exercise of these functions by career personnel shall also be established

by law.

**Section Four: Office of the General Comptroller of the Republic**

**Article 287**: The Office of the General Comptroller of the

Republic is the organ that controls, watches and audits revenues,

expenses, public and national property and transactions relating to the

same. It enjoys operating, administrative and organizational autonomy,

and concentrates its activities on functions relating to inspection

of the organs and entities under its oversight.

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**Article 288**: The Office of the General Comptroller of the

Republic shall be under the direction and responsibility of the General

Comptroller of the Republic, who must be Venezuelan, over 30 years

of age and possessed of proven ability and experience for purposes of

performing the duties of the position.

The General Comptroller of the Republic shall be designated for a

seven-year term.

**Article 289**: The following are functions of the General

Comptroller of the Republic:

(1) To control, make vigilance and audit public revenues, expenses

and property, as well as transactions relating to the same, without

prejudice to the functions vested in other organs, in the case

of the States and Municipalities, in accordance with law.

(2) To control the public debt, without prejudice to the functions

vested in other organs, in the case of the States and

Municipalities, in accordance with law.

(3) To inspect and audit the public-sector, organs, entities and

juridical persons subject to his control, conduct audits, order

the opening of investigations into irregularities against public

patrimony, as well as order measures, raising objections and

applying administrative penalties as appropriate, in accordance

with law.

(4) To call on the General Prosecutor of the Republic to file the

appropriate legal actions with regard to in actions and crimes

committed against public patrimony, of which becomes aware

in the course of performing his official functions.

(5) To exercise operating control and evaluate compliance with and

the results of the public policies and decisions of the publicsector

organs, entities and juridical persons subject to his control,

as regards their revenues, expenses and property.

(6) Any other functions that may be vested in him by the

Constitution and by law.

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**Article 290**: Matters relating to the organization and functioning

of the Office of the General Comptroller of the Republic and the

national tax control system shall be determined by law.

**Article 291**: The Office of the General Comptroller of the Armed

Forces is an integral part of the national control system. It shall be in

charge of vigilance, control and auditing of public revenues, expenses

and property allocated to the National Armed Forces and their

dependencies, without prejudice to the scope and competence of the

Office of the General Comptroller of the Republic. Its organization

and functioning shall be determined by the pertinent law, and shall be

under the responsibility of the General Comptroller of the Armed

Forces, who shall be designated by means of a competitive process.

**Chapter V**

Electoral Power

**Article 292**: Electoral Power is exercised by the National Electoral

Council as governing body, and by the latter’s subordinate organs, the

National Board of Elections, the Civil Status and Voter Registration

Commission and the Commission on Political Participation and

Financing, with organization and functioning as established under the

pertinent organic law.

**Article 293**: The following are functions of Electoral Power:

(1) To regulate election laws and resolve any doubts and unregulated

areas raised by or contained in such laws.

(2) To prepare its budget, concerning which it shall handle directly

with the National Assembly, and which it shall manage

autonomously.

(3) To issue binding directives in the field of political and electoral

advertising and financing, and impose penalties when such

directives are not abided by.

(4) To declare elections null and void, either in whole or in part.

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(5) Organization, administration, direction and vigilance of all acts

relating to elections to fill public offices by popular vote, as

well as referenda.

(6) To organize elections for labor unions, professional associations

and organizations pursuing political purposes, in accordance

with applicable provisions of law. Electoral Power shall also

have the power to organize electoral processes for other organizations

in civil society, either at their request or by order of the

Electoral Division of the Supreme Tribunal of Justice. The

entities, organs and organizations concerned shall cover the

costs of their election processes.

(7) To maintain, organize, direct and supervise the Civil and

Electoral Registry.

(8) To organize the registration and enrollment of organizations

pursuing a political purposes, and see that such organizations

comply with the provisions governing their status, as set forth

in the Constitution and law. In particular, Electoral Power shall

decide on applications for the founding, renewal and cancellation

of organizations for political purposes, the determination

of their lawful authorities and provisional names, colors and

symbols.

(9) To control, regulate and investigate the funds raised to finance

organizations for political purposes.

(10) Such other functions as may be determined by law.

Electoral Power organs shall guarantee the equality, reliability,

impartiality, transparency and efficiency of electoral processes, as

well as implementation of the personalization of suffrage and proportional

representation.

**Article 294**: The organs comprising Electoral Power are governed

by principles of organic independence, functional and budgetary

autonomy, separation of the electoral organs from the political parties,

impartiality and citizen participation, as well as decentralization of

electoral administration, transparency and expeditiousness of the voting

process and tallying of votes.

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**Article 295**: The Election Nominations Committee for candidates

for membership seats on the National Electoral Council shall be made

up of representatives of the various different sectors of society, as provided

for by law.

**Article 296**: The National Electoral Council shall consist of five

members having no ties to organizations for political purposes; three

of these shall be nominated by civil society, one by the schools of law

and political science of the national universities, and one by the

Citizen Power.

The three members nominated by civil society shall have six alternates

in ordinal sequence, and each of the members designated by the

universities and Citizen Power shall have respectively two alternates.

The National Board of Elections, the Civil Status and Voter

Registration Commission and the Commission on Political

Participation and Financing shall each be presided over by a member

designated by civil society. The members of the National Electoral

Council shall hold office for seven years and shall be elected separately:

the three nominated by civil society at the beginning of each term

of office of the National Assembly , and the other two halfway

through such term of office.

The members of the National Electoral Council shall be designated

by a two thirds vote of the members of the National Assembly. The

members of the National Electoral Council will designate their

President among them in accordance with the Law.

The members of the National Electoral Council shall be subject to

removal by the National Assembly, following a ruling of the Supreme

Tribunal of Justice.

**Article 297**: The contentious electoral jurisdiction shall be exercised

by the Electoral Section of the Supreme Tribunal of Justice and

any other Courts established by law.

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**Article 298**: The law regulating electoral process shall not be in

any form modified in the period between the elections day and the

preceding six months.

**TITLE VI**

Socioeconomic System

**Chapter I**

Socioeconomic Order and the Function

of the State in the Economy

**Article 299**: The economic regime of the Bolivarian Republic of

Venezuela is based on the principles of social justice, democratization,

efficiency, free competition, protection of the environment, productivity

and solidarity, with a view to ensuring overall human development

and a dignified and useful existence for the community. The

State, jointly with private initiative, shall promote the harmonious

development of the national economy, to the end of generating

sources of employment, a high rate of domestic added value, raising

the standard of living of the population and strengthen the economical

sovereignty of the country, guaranteeing the reliability of the law;

the solid, dynamic, sustainable, continuing and equitable growth of

the economy to ensure a just distribution of wealth through participatory

democratic strategic planning with open consultation.

**Article 300**: National laws shall establish the conditions for the

creation of functionally decentralized entities to carry out social or

entrepreneurial activities, with a view to ensuring the reasonable economic

and social productivity of the public resources invested in such

activities.

**Article 301**: The State reserves to itself the use of trade policy to

protect the economic activities of public and private Venezuelan

enterprises. Business enterprises, organs or persons of foreign nationality

shall not be granted with regimes more advantageous than those

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established for Venezuelan nationals. Foreign investment is subject to

the same conditions as domestic investment.

**Article 302**: The State reserves to itself, through the pertinent

organic law, and for reasons of national expediency, the petroleum

industry and other industries, operations and goods and services

which are in the public interest and of a strategic nature. The State

shall promote the domestic manufacture of raw materials deriving

from the exploitation of nonrenewable natural resources, with a view

to assimilating, creating and inventing technologies, generating

employment and economic growth and creating wealth and wellbeing

for the people.

**Article 303**: For reasons of economic and political sovereignty

and national strategy, the State shall retain all shares of Petróleos de

Venezuela, S.A. or the organ created to manage the petroleum industry,

with the exception of subsidiaries, strategic joint ventures, business

enterprises and any other venture established or coming in the

future to be established as a consequence of the carrying on of the

business of Petróleos de Venezuela, S.A.

**Article 304**: All waters are property in the Nation’s public domain,

essential to life and development. The necessary provisions shall be

established by law to guarantee the protection, utilization, and recuperation

thereof, respecting the phases of the hydrological cycle and

zoning criteria.

**Article 305**: The State shall promote sustainable agriculture as the

strategic basis for overall rural development, and consequently shall

guarantee the population a secure food supply, defined as the sufficient

and stable availability of food within the national sphere and

timely and uninterrupted access to the same for consumers. A secure

food supply must be achieved by developing and prioritizing internal

agricultural and livestock production, understood as production deriving

from the activities of agriculture, livestock, fishing and aquicul-

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ture. Food production is in the national interest and is fundamental to

the economic and social development of the Nation. To this end, the

State shall promulgate such financial, commercial, technological

transfer, land tenancy, infrastructure, manpower training and other

measures as may be necessary to achieve strategic levels of self-sufficiency.

In addition, it shall promote actions in the national and international

economic context to compensate for the disadvantages inherent

to agricultural activity.

The State shall protect the settlement and communities of nonindustrialized

fishermen, as well as their fishing banks in continental

waters and those close to the coastline, as defined by law.

**Article 306**: The State shall promote conditions for overall rural

development, for the purpose of generating employment and ensuring

the rural population an adequate level of well-being, as well as their

inclusion in national development. It shall likewise promote agricultural

activity and optimum land use by providing infrastructure projects,

supplies, loans, training services and technical assistance.

**Article 307**: The predominance of large land estates is contrary to

the interests of society. Appropriate tax law provisions shall be enacted

to tax fallow lands and establish the necessary measures to transform

them into productive economic units, likewise recovering arable

land. Farmers and other agricultural producers are entitled to own

land, in the cases and forms specified under the pertinent law. The

State shall protect and promote associative and private forms of property

in such manner as to guarantee agricultural production. The State

shall see to the sustainable ordering of arable land to guarantee its

food-producing potential.

In exceptional cases, quasi-tax contributions shall be created to

provide funds for financing, research, technical assistance, transfer of

technology and other activities that promote the productivity and

competitiveness of the agricultural sector. These matters shall be

appropriately regulated by law.

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**Article 308**: The State shall protect and promote small and medium-

sized manufacturers, cooperatives, savings funds, family-owned

businesses, small businesses and any other form of community association

for purposes of work, savings and consumption, under an

arrangement of collective ownership, to strength the country’s economic

development, based on the initiative of the people. Training,

technical assistance and appropriate financing shall be guaranteed.

**Article 309**: Typical Venezuelan crafts and folk industries shall

enjoy the special protection of the State, in order to preserve their

authenticity, and they shall receive credit facilities to promote production

and marketing.

**Article 310**: Tourism is an economic activity in the national interest,

and represents a high priority in the country’s strategy of diversification

and sustainable development. As part of the foundation of the

socioeconomic regime contemplated by this Constitution, the State

shall promulgate measures to guarantee the development of tourism.

The State shall see to the creation and strengthening of a national

tourist industry.

**Chapter II**

Tax and Monetary System

**Section One: Budget System**

**Article 311**: Fiscal Policy shall be governed and implemented on

principles of efficiency, solvency, transparency, responsibility and fiscal

balance. Fiscal Policy is to be balanced over a multiyear budget

framework, in such manner that ordinary revenues shall be sufficient

to cover ordinary expenses.

The National Executive shall submit for enactment by the National

Assembly a multiyear framework for budgeting that establishes the

maximum limits of expenditures and indebtedness to be contemplated

in national budgets. The characteristics of this framework, the

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requirements for modifying the same and the terms for carrying out

the same shall be established by law.

Any revenues generated by exploiting underground wealth and

minerals, in general, shall be used to finance real productive investment,

education and health.

The principles and provisions established for national economic

and financial management shall also govern that of the States and

Municipalities, to the extent applicable.

**Article 312**: Public debt limits shall be set by law in accordance

with a prudent level in terms of the size of the economy, reproductive

investment and the ability to generate revenues to cover public debt

service. In order to be valid, public credit transactions shall require a

special law authorizing them, with the exceptions established under

the pertinent organic law. The special law shall indicate the modalities

of the transactions and authorize the appropriate budget credits in

the pertinent budget law.

The annual special indebtedness law shall be submitted to the

National Assembly together with the budget law.

The State shall not recognize any obligations other than those

assumed by lawful National Authority organs in accordance with law.

**Article 313**: The economic and financial management of the State

shall be governed by a budget approved annually by law. The

National Executive shall submit the draft Budget Act to the National

Assembly, at the time prescribed by the organic act. If the Executive

Power fails for any reason to submit the budget bill within the time

limit established by law, or the bill is rejected, the budget for the current

fiscal year shall remain in effect.

The National Assembly shall have the power to alter budget items,

but shall not authorize measures leading to a decrease in public revenues

or to expenses exceeding the estimated revenue amounts in the

budget bill.

In submitting the multiyear budget framework, the special indebtedness

law and the annual budget, the National Executive Branch

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shall explicitly state the long-term objectives of fiscal Policy and

explain how these objectives are to be achieved, in accordance with

principles of responsibility and a fiscal balance.

**Article 314**: No expense of any kind shall be disbursed unless the

same has been provided for in the budget law. Additional budget

credit items may be ordered to cover essential unforeseen expenses or

items that had not been adequately funded, only if the treasury has

resources to cover the expenditure concerned; this shall be done only

following a vote in favor by the Cabinet of Ministers and authorization

by the National Assembly, or in its absence, by the Delegated

Committee.

**Article 315**: In the annual public expense budgets at all levels of

government, the specific objective to which each credit item in the

budget is addressed shall be clearly established, as well as the concrete

results expected and the public officials responsible for achieving

these results. The latter shall be established in quantitative terms,

by means of performance indicators, where this is technically possible.

The Executive Power shall submit to the National Assembly

within six months of the close of the fiscal year the annual accounting

and budget implementation balance sheet for such fiscal year.

**Section Two: Taxation System**

**Article 316**: The taxation system shall seek a fair distribution of

public burdens in accordance with the taxpayer’s ability to pay, taking

into account the principle of progressive taxation, as well as protection

of the national economy and raising the standard of living of the

population, the foundation therefore being an efficient system for the

collection of taxes.

**Article 317**: No tax, assessment or contribution of any kind shall

be collected unless it is established by law, and no exemptions, abate-

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ments or other types of tax incentives shall be granted except as provided

for by law. No tax shall have a confiscatory effect.

No tax obligations payable in personal services shall be established.

Tax evasion may be punished as a criminal offense, without

prejudice to other penalties established by law.

In case of officials they shall be punished double.

Every tax law shall specify the interval that is to lapse before it

goes into effect. In the absence of such provision, the period shall be

understood as being 60 calendar days. This provision shall not restrict

the extraordinary powers to be granted by the National Executive in

the cases provided for by this Constitution.

The national tax administration shall enjoy technical, operating

and financial autonomy in accordance with legislation approved by

the National Assembly, and its maximum authority shall be designated

by the President of the Republic, in accordance with the rules laid

down in the pertinent law.

**Section Three: National Monetary System**

**Article 318**: The monetary competence of National Authority shall

necessarily be exercised exclusively by the Venezuelan Central Bank.

The fundamental objective of the Venezuelan Central Bank is to

achieve price stability and preserve the internal and foreign exchange

value of the monetary unit. The monetary unit of the Bolivarian

Republic of Venezuela is the Bolívar. In the event a common currency

is instituted within the framework of Latin American and

Caribbean integration, it shall be permissible to adopt the currency

provided for by a treaty signed by the Republic.

The Venezuelan Central Bank is a public-law juridical person with

autonomy to formulate and implement policies within its sphere of

competence. The Venezuelan Central Bank shall perform its functions

in coordination with general economic policy, in the interest of

attaining the higher objectives of the State and the Nation.

In order to provide for the adequate attainment of its objective, the

functions of the Venezuelan Central Bank shall include those of for-

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mulating and implementing monetary policy, participating in the

design of and implementing foreign exchange policy, currency regulation,

credit and interest rate, administrating international reserves

and any others established by law.

**Article 319**: The Venezuelan Central Bank shall be governed by

the principle of public responsibility, to which end it shall render an

accounting of its actions, goals and the results of its policies to the

National Assembly, in accordance with law.

It shall also issue periodic reports on the behavior of the country’s

macroeconomic variables and on any other matters concerning which

reports may be requested, including sufficient analysis to permit its

evaluation. Failure to meet the objective and goals, without justifiable

cause shall result in removal of the Board of Directors and imposition

of administrative penalties, in accordance with law.

The Venezuelan Central Bank shall be subject to oversight after the

fact by the Office of the General Comptroller of the Republic and

inspection and supervision by the public entity that supervises banking,

which shall send to the National Assembly reports on the inspections

it conducts. The budget of operating expenses of the Venezuelan

Central Bank shall require discussion and approval by the National

Assembly, and its accounts and balance sheets shall be subjected to

independent audits on such terms as may be established by law.

**Section Four: Macroeconomic Coordination**

**Article 320**: The State shall promote and defend economic stability,

prevent the vulnerability of the economy and see to monetary and

price stability, in order to ensure the welfare of society.

The ministry responsible for finance and the Venezuelan Central

Bank shall contribute to the harmony between fiscal and monetary

policy, thereby facilitating the attainment of macroeconomic objectives.

In performing its functions, the Central Bank of Venezuela shall

not be subject to directives from the National Executive and shall not

be permitted to endorse or finance deficit fiscal policies.

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The coordinated actions of the National Executive and the

Venezuelan Central Bank shall be achieved through an annual policy

agreement which shall establish the final growth objectives and their

repercussion on society, the external balance of payments and inflation,

as regards fiscal, foreign exchange and monetary policy; as well

as the levels of intermediate and instrumental variables required in

order to achieve the aforementioned final objectives. This agreement

shall be signed by the President\* of the Venezuelan Central Bank and

the head of the ministry responsible for finance, and shall be made

public at the time of approval of the budget by the National Assembly.

It is the responsibility of the signers of the agreement to see that policy

actions are consistent with the objectives. The aforementioned

agreement shall specify the results expected and the policies and

actions designed to achieve the same. The characteristics of the annual

economic policy agreement and the mechanisms for submitting an

accounting shall be established by law.

**Article 321**: A macroeconomic stabilization fund shall be established

by law for the purpose of guaranteeing the stability of the

State’s expenses at the national, regional and municipal levels, in the

face of fluctuations in ordinary revenues. The operating rules for this

fund shall observe the basic principles of efficiency, fairness and

nondiscrimination as between the public organs contributing

resources to the fund.

**TITLE VII**

National Security

**Chapter I**

General Provisions

**Article 322**: National security is an essential competence and

responsibility of the State, based on the overall development of the

latter, and its defense is the responsibility of all Venezuelans, as well

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as of all public and private law natural and juridical persons within the

geographical limits of Venezuela.

**Article 323**: The National Defense Council is the highest consultative

organ for planning and advising the Public Power as to matters

relating to the overall defense of the Nation, its sovereignty and the

integrity of its geographical space. To this end, it is also charged with

establishing the Nation’s strategic concept. Presided over by the

President of the Republic, it also includes the Executive Vice-

President, the President of the National Assembly, the Chief Justice of

the Supreme Tribunal of Justice, the Chairman of the Republican

Ethic Council and the Ministers of Defense, Internal Security, Foreign

Relations and Planning, and any others whose participation may be

deemed appropriate. The pertinent organic law shall determine the

organization and attributions of the National Defense Council.

**Article 324**: Only the State shall be permitted to possess and use

weapons of war; any such weapons which now exist or are manufactures

in or imported into the country shall become the property of the

Republic, without compensation or proceedings. The National Armed

Forces shall be the institution of competence to regulate and control,

in accordance with the pertinent legislation, the manufacture, importing,

exporting, storage, transit, registration, control, inspection, marketing,

possession and use or other weapons, munitions and explosives.

**Article 325**: The National Executive reserves the right to classify

and control disclosure of matters directly relating to the planning and

execution of operations concerning national security, on such terms as

may be established by law.

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**Chapter II**

Principles of National Security

**Article 326**: National security is based on shared responsibility

between the State and civil society to implement the principles of

independence, democracy, equality, peace, freedom, justice, solidarity,

promotion and conservation of the environment and affirmation of

human rights, as well as on that of progressively meeting the individual

and collective needs of Venezuelans\*, based on a sustainable and

productive development policy providing full coverage for the national

community. The principle of shared responsibility applies to the

economic, social, political, cultural, geographical, environmental and

military spheres.

**Article 327**: Attention to borders is a priority matter in the

enforcement and application of national security principles. To this

end, a border security belt is established, with width, special economic

and social regimes, settlement and utilization. shall be regulated by

law, with special protection for national parks and other areas under

special administrative arrangements, as well as the habitat of the

native people settled in the areas concerned.

**Chapter III**

The National Armed Forces

**Article 328**: The National Armed Forces constitute an essentially

professional institution, with no political orientation, organized by the

State to guarantee the independence and sovereignty of the Nation

and ensure the integrity of its geographical space, through military

defense, cooperation for the purpose of maintaining internal order and

active participation in national development, in accordance with this

Constitution and the law. In performing their functions, they are at the

exclusive service of the Nation, and in no case at the service of any

person or political partisanship. The pillars on which they are founded

are discipline, obedience and subordination. The National Armed

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Forces consist of the Army, the Navy, the Air Force and the National

Guard, which function in an integrated manner within the scope of

their competence to fulfill their mission, with their own overall Social

Security system, as established under the pertinent organic law.

**Article 329**: The Army, Navy and Air Force have as their essential

responsibility the planning, execution and control of military operations

as required to ensure the defense of the Nation. The National

Guard shall cooperate in the carrying out of these operations, and

shall have as its basic responsibility that of conducting operations as

required to maintain internal order within the country. The National

Armed Forces shall carry out activities of administrative policing and

criminal investigation activities as provided for by law.

**Article 330**: Members of the National Armed Forces on active

duty have the right to vote in accordance with law, but are not permitted

to run for any office filled by popular vote, nor to participate in

acts of political advertising, militancy or proselytizing.

**Article 331**: Military promotions shall be in accordance with

merit, hierarchy and vacancies. They are the exclusive prerogative of

the National Armed Forces, and shall be regulated by the pertinent

law.

**Chapter IV**

Civilian Security Organs

**Article 332**: The National Executive, in accordance with law, to

maintain, and restore public order; protect citizens, homes and families;

support the decisions of the competent authorities and ensure the

peaceful enjoyment of constitutional guarantees and rights, shall

organize:

(1) A uniformed national police corps.

(2) A scientific, criminal and criminological investigation corps.

(3) A civilian fire department and emergency management corps.

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(4) A civil defense and disaster management organization.

Organs of civilian security are of civil nature and shall respect

human dignity and human rights, without discrimination of any kind.

The functions of the civilian security organs constitute a concurrent

competence with those of the States and Municipalities, on the

terms established in this Constitution and the Law.

**Title VIII**

Protection of the Constitution

**Chapter I**

Guarantee of the Constitution

**Article 333**: This Constitution shall not cease to be in effect if it

ceases to be observed due to acts of force or because or repeal in any

manner other than as provided for herein.

In such eventuality, every citizen, whether or not vested with official

authority, has a duty to assist in bringing it back into actual effect.

**Article 334**: All of the judges of the Republic, within their respective

spheres of competence and in accordance with the provisions of

this Constitution and law, are obligated to ensure the integrity of the

Constitution.

In the event of incompatibility between the Constitution and a law

or other juridical provision, the provisions of the Constitution shall

prevail, being the responsibility of the courts to rule accordingly in

any case, even ex officio.

The Constitutional Division of the Supreme Tribunal of Justice, as

court of constitutional competence, shall have the exclusive power to

declare the nullity of laws and other acts of organs exercising Public

Power which are issued by way of direct and immediate implementation

of the Constitution or have the status of law.

**Article 335**: The Supreme Tribunal of Justice shall guarantee the

supremacy and efficacy of constitutional rules and principles; it shall

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be the supreme and ultimate interpreter of the Constitution and shall

see to the uniform interpretation and application of the same.

Interpretations established by the Constitutional Division concerning

the contents or scope of constitutional rules and principles are binding

on the other division of the Supreme Tribunal of Justice and on all of

the other courts of the Republic.

**Article 336**: The following are functions of the Constitutional

Division of the Supreme Tribunal of Justice:

(1) To declare the nullity, in whole or in part, of national laws and

other acts of National Assembly with the force of law,

which are in conflict with this Constitution.

(2) To declare the nullity, in whole or in part, of state Constitutions

and laws, municipal ordinances and other acts of the deliberating

bodies of the States and Municipalities which are issued by

way of direct and immediate implementation of the

Constitution and are in conflict with the same.

(3) To declare the nullity, in whole or in part, of acts of the National

Executive with the force of law, which are in conflict with this

Constitution.

(4) To declare the nullity, in whole or in part, of acts issued by way

of direct and immediate implementation of the Constitution by

any other government organ exercising Public Power.

(5) To verify, at the request of the President of the Republic or the

National Assembly, the constitutionality of international

treaties signed by the Republic, prior to ratification of the same.

(6) To review in all cases, even ex officio, the constitutionality of

decree of the President of the Republic decreeing states of

exception.

(7) To declare the unconstitutionality of omissions on the part of the

municipal, state, national or legislatures, in failing to promulgate

rules or measures essential to guaranteeing compliance

with the Constitution, or promulgating it in an incomplete manner;

and to establish the time limit and, where necessary, guidelines

for correcting the deficiencies.

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(8) To resolve any conflicts existing between different provisions of

law, and declare which of the same must prevail.

(9) To resolve constitutional controversies arising between any of

the organs of Public Power.

(10) To review judgments embodying constitutional protective

orders or control on the constitutionality of laws or juridical

rules, handed down by the courts of the Republic, on the terms

established by the pertinent organic law.

(11) Any other functions established by this Constitution or by law.

**Chapter II**

States of Exception

**Article 337**: The President of the Republic, at a meeting of the

Cabinet of Ministers, shall have the power to decree states of exception.

Expressly defined as such are circumstances of a social, economic,

political, natural or ecological nature which seriously affect

the security of the Nation, institutions and citizens, in the face of

which the powers available to cope with such events are insufficient.

In such case, the guarantees contained in this Constitution may be

temporarily restricted, with the exception of those relating to the right

to life, prohibition of incommunicative detention or torture, the right

to due process, the right to information and other intangible human

rights.

**Article 338**: A state of alarm may be declared when catastrophes,

public calamities or other similar events occur, seriously endangering

the security of the Nation or its citizens. Such state of exception shall

last for up to 30 days, and may be extended for an additional 30 days.

A state of economic emergency may be declared when extraordinary

economic circumstances arise, such as to affect seriously the

economic life of the Nation; the duration of this state of emergency

shall be 60 days, with the possibility of extension for the same period.

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A state of internal or external commotion may be declared in the

event of an internal or external conflict seriously endangering the

security of the Nation, its citizens or its institutions. Such state of

commotion shall last for up to 90 days, and may be extended for an

additional 90 days.

The National Assembly has the responsibility of the approval for

the extension of the states of exemption. An organic law shall regulate

states of exception and determine the measures that may be adopted

based on them.

**Article 339**: The Decree declaring a state of exception, which shall

provide for regulating the right whose guarantee is restricted, shall be

submitted within eight days of promulgation for consideration and

approval by the National Assembly, or Delegated Committee and for

a ruling by the Constitutional Division of the Supreme Tribunal or

Justice on its constitutionality. The Decree must be in compliance

with the requirements, principles and guarantees established in the

International Pact on Civil and Political flights and the American

Convention on Human Rights. The President of the Republic shall

have the power to request its extension for a similar period, and the

Decree shall be revoked by the National Executive or by the National

Assembly or the latter’s Delegated Committee prior to the indicated

date of expiration upon cessation of the conditions which produced

them.

The declaration of a state of exception does not interrupt the functioning

of the organs of the Public Power.

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**TITLE IX**

CONSTITUTIONAL REFORMS

**Chapter I**

Amendments

**Article 340**: The purpose of an amendment is to add to or modify

one or more articles of the Constitution, without altering the fundamental

structure of the same.

**Article 341**: The procedure for adopting amendments to the

Constitution shall be as follows:

(1) The initiative may emanate from 15% of the citizens registered

with the Civil and Electoral Registry, from 39% of the members

of the National Assembly or from the President of the Republic,

sitting with the Cabinet of Ministers.

(2) When the initiative emanates from the National Assembly, the

amendment shall require approval by a majority of the members

of that body, and shall be debated in accordance with the

procedure established under this Constitution for the enactment

of laws.

(3) Electoral Power shall submit the amendments to a referendum

within 30 days of formally receiving the same.

(4) Amendments shall be deemed approved in accordance with the

provisions of this Constitution and the law concerning the

approval referendum.

(5) Amendments shall be numbered consecutively and shall be published

beneath the Constitution without altering the text of the

latter, but with an annotation at the bottom of the amended article

(s) of the number and date of the amendment modifying the

same.

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**Chapter II**

Constitutional Reform

**Article 342**: The purpose of constitutional reform is to effect a partial

revision of this Constitution and replacement of one or more of the

provisions hereof, without modifying the fundamental principles and

structure of the text of the Constitution.

The initiative for a constitutional reform emanates from the

National Assembly, by resolution approved by a majority vote of the

members, from the President of the Republic sitting with the Cabinet

of Ministers, or at the request of registered voters constituting at least

15% of the total number registered with the Civil and Electoral

Registry.

**Article 343**: The initiative for a constitution reform shall be

processed by the National Assembly as follows:

(1) The draft constitutional reform shall be debated for the first

time during the legislative session during which it is submitted.

(2) Second debate title by title or chapter by chapter, as applicable.

(3) Third and last debate article by article.

(4) The National Assembly shall approve the draft constitutional

reform in a time period no latter than two years, counted since

the date the reform application was submitted and approved.

(5) The draft constitutional reform shall be approved with a two

third members vote of the National Assembly.

**Article 344**: Once approved by the National Assembly, the draft

constitutional reform shall be submitted to a referendum within 30

days from its approval. The referendum shall pass on the reform as a

whole, but up to one third of the same may be voted on separately, if

at least one third of the National Assembly so agrees, or if in the initiative

for the reform, the President of the Republic or a number of

registered voters equivalent to at least 5% of the total registered with

the Civil and Electoral Registry so requests.

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**Article 345**: The constitutional reform shall be declared approved

if the number of affirmative votes is greater than the number of negative

votes. A revised constitutional reform initiative may not be submitted

during the same constitutional term of office of the National

Assembly.

**Article 346:** The President of the Republic shall be obligated to

promulgate Amendments and Reforms within ten days of their

approval. If he fails to do so, the applicable provisions of this

Constitution shall apply.

**Chapter III**

National Constituent Assembly

**Article 347**: The original constituent power rests with the people

of Venezuela. This power may be exercised by calling a National

Constituent Assembly for the purpose of transforming the State, creating

a new juridical order and drawing up a new Constitution.

**Article 348**: The initiative for calling a National Constituent

Assembly may emanate from the President of the Republic sitting

with the Cabinet of Ministers; from the National Assembly, by a twothirds

vote of its members; from the Municipal Councils in open session,

by a two-thirds vote of their members; and from 15% of the voters

registered with the Civil and Electoral Registry.

**Article 349**: The President of the Republic shall not have the

power to object to the new Constitution.

The existing constituted authorities shall not be permitted to

obstruct the Constituent Assembly in any way.

For purposes of the promulgation of the new Constitution, the

same shall be published in the Official Gazette of the Republic of

Venezuela or in the Gazette of the Constituent Assembly.

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**Article 350**: The people of Venezuela, true to their republican tradition

and their struggle for independence, peace and freedom, shall

disown any regime, legislation or authority that violates democratic

values, principles and guarantees or encroaches upon human rights.

**SOLE DEROGATION PROVISION**

The Constitution of the Republic of Venezuela decreed on January

23, 1961 is hereby derogated. The rest of the juridical order shall

remain in effect to the extent not in conflict with this Constitution.

**TEMPORARY PROVISIONS**

**First:** The special law on the regime for the Capital District as provided

for under article 18 of this Constitution shall be approved by the

National Constituent Assembly, and shall preserve the territorial

integrity of the State of Miranda. Pending approval of the special law,

the regime provided for under the Organic Law on the Federal District

and the Organic Law on the Municipal Regime shall remain in effect.

**Second:** Pending enactment of the law provided for under article

38 of this Constitution concerning the acquisition, election, renunciation

and recovery of nationality, foreign individuals who, having

entered and remained within the national territory legally and

declared their intention of establishing their domicile in Venezuela,

have a lawful means of earning a living and have resided continuously

in Venezuela for two years, shall be regarded as domiciled in

Venezuela.

Residence shall be understood as meaning continuing presence in

the country with the intention of remaining. Declarations of intent as

provided for under articles 32, 33 and 36 of this Constitution shall be

made in the form of an authentic instrument by the interested party,

when the latter is of legal age, or by his legal representative , if he has

not yet reached the age of 21.

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**Third:** The National Assembly, within six months of its installation,

shall pass:

(1) A partial reform of the Penal Code to include the offense of

forced disappearance of persons, as provided for under article

45 of this Constitution.

(1) Pending enactment of this reform, the Inter-American

Convention on the Forced Disappearance of Persons shall

apply insofar as possible.

(2) An organic law on states of exception.

(3) A special law to establish the conditions and characteristics of a

special regime for the Municipalities of Jose Antonio Páez and

Rómulo Gallegos, in the State of Apure. In the process of formulating

this law, the opinions of the President\* of the

Republic, the National Armed Forces, such representation as

may be designated by the corresponding State and all other

institutions involved in border problems shall be heard.

**Fourth:** Within one year of installation, the National Assembly

shall approve:

(1) Legislation on penalties for torture, either in the form of a special

law or by reforming the Penal Code.

(2) An organic law on refugees and asylum guarantees, consistent

with the terms of this Constitution and the pertinent international

treaties ratified by Venezuela.

(3) By reforming the Organic Labor Law, a new regime for the

right of employees regarding severance payments as regulated

in article 92 which regime shall provide for severance payments

calculated in proportion to the time served and calculated

according with the last salary earned, establishing a statute

of limitation for this right of ten (10) years. Until such

reformed law goes into effect, the seniority benefit arrangement

established under the present Organic Labor Law currently in

force shall temporarily remain in effect. Likewise a set of overall

standards regulating the working day and promoting the progressive

reduction thereof shall be included, on the terms con-

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templated under the International Labor Organization agreements

and conventions signed by the Republic.

(4) An organic procedural labor law guaranteeing the functioning

of an autonomous and specialized labor jurisdiction and protection

for workers on the terms provided for in this Constitution

and the law. The organic labor procedural law shall be guided

by the principles of gratuitous service, expeditiousness, oral

proceedings, immediacy, priority on the reality of the facts,

equity and guiding authority of the judge in the proceedings.

(5) The legislation relating to the Judicial System, National Public

Administration, Citizen Power, Electoral Power, tax laws,

Budgeting Law, and Public Credit Law. An organic law on

public defense. Until this law is passed, the Commission on the

Functioning and Restructuring of the Judicial System shall be

in charge of the development and effective functioning of the

Autonomous Public Defender System, in order to guarantee the

right to a defense.

(6) A law developing the public finances of the States, establishing,

in a manner consistent with the principles and rules of this

Constitution, the taxes included in the same, the mechanisms

for their application and the provisions regulating them.

(7) Legislation developing the constitutional principles concerning

municipal regime. In accordance with such legislation, the legislative

organs of the States shall proceed to pass the normative

instruments appropriate to the organizational powers assigned

to them with respect to the Municipalities and other local

organs, and the territorial political divisions in each jurisdiction.

The existing Municipalities and parishes shall continue

existing until they have been adapted to the new regime provided

for under such legislation.

(8) The law by which the Venezuelan Central Bank is to be governed.

Among other matters, this law shall provide for the

scope of the functions and manner of organization of this entity;

the functions, term of office, manner of election, removal,

incompatibilities, regime and requirements for the designation

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of its Chairman and Directors; the accounting rules for establishing

its reserves and the manner in which its profits are to be

applied; the annual independent audit of accounts and balances

by firms of specialists selected by the National Executive and

subsequent control by the Office of the General Comptroller of

the Republic regarding the legality, sincerity, opportunity, efficacy

and efficiency of the administrative activity of the

Venezuelan Central Bank.

The law shall provide the Chairman and other members of the

Board of Directors of the Venezuelan Central Bank shall represent

exclusively the national interest, to which end it shall provide

for public proceedings to evaluate the merits and credentials

of candidates for the aforementioned positions.

The law shall provide that the Executive Power shall have the

power to designate no less than half of the Directors as well as

the Chairman of the Venezuelan Central Bank, and shall establish

the terms for participation by the Legislative Power in the

designation and ratification of these authorities.

(9) A law of national police corp. This law shall establish the

mechanism for the integration of terrestrial transport and transit

vigilance to the national police corps.

**Fifth:** Within one year of the effective date of this Constitution,

the National

Assembly shall enact a reformed Organic Tax Code establishing,

among other matters:

(1) Strict interpretation of tax laws and rules, bearing in mind their

purpose and their economic significance, in order to eliminate

ambiguities.

(2) The elimination of exceptions to the principle of nonretroactivity

of the law.

(3) Expansion of the concept of imputed income, in order to provide

the Tax Administration with better instruments.

(4) Elimination of the statute of limitations for serious tax offenses,

which must be defined in the Organic Tax Code.

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(5) Increase penalties for advisors, law firms, independent auditors

and other professionals who act in complicity for the purpose

of committing tax offenses, including periods of suspension

from the practice of their professions.

(6) Increase penalties and the severity of the sanctions for tax evasion

crimes increasing the periods for the statute of limitations.

(7) Revision of mitigating and aggravating circumstances considered

in imposing penalties, in order to make them stricter.

(8) Extend the audit powers of the Tax Administration.

(9) Increase the rate of default interest in order to discourage tax

evasion.

(10) Extension of the principle of solidarity to make it possible to

reach the assets of Directors or tax advisors in cases they validate

tax offenses.

(11) Introduction of more expeditious administrative procedures.

**Sixth:** Within two years, the National Assembly shall pass legislation

on all matter relating to this Constitution. Priority shall be given

to the Organic Laws on Native People, on Education, and on Borders.

Seventh: For purposes of article 125 of this Constitution, pending

approval of the pertinent organic law, the election of native representatives

to the National Assembly and the State and Municipal

Legislative Councils shall be governed by the following nomination

requirements and mechanisms:

All native organizations or communities shall have the right to

nominate native candidates.

It is a requirement for being a candidate to speak their native language

and meet at least one of the following conditions:

(1) Have exercised position of traditional Authority in the correspondent

community.

(2) Have an established record in the social struggle for recognition

of the correspondent cultural identity.

(3) Have taken action benefiting native people and communities.

(4) Must belong to a legally constituted native organization that

has been in existence for at least three years.

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Three regions are to be established: West, consisting of the States

of Zulia, Mérida and Trujillo; South, consisting of the States of

Amazonas and Apure; and East, consisting of the States of Bolívar,

Delta Amacuro, Monagas, Anzoátegui, and Sucre.

Each of the states comprising the various regions shall elect one

representative. The National Electoral Council shall declare elected

the candidate who receives a majority of the valid votes in his region

or circumscription.

The native candidates shall appear on the ballot in their State or

circumscription, and all of the voters in such State shall have the right

to vote for them.

For purposes of native representation on the State Legislative

Council and on the Municipal Councils of Municipalities with a

native population, the 1992 official census by the Central Statistics

and Data Processing Office shall be used as a reference, and the elections

shall be conducted in accordance with the rules and requirements

established herein.

The National Electoral Council shall guarantee compliance with

the requirements set forth herein, relying on support from experts in

native affairs and native organizations.

**Eighth:** Pending promulgation of the new electoral laws contemplated

in this Constitution, electoral processes shall be called, organized,

directed and supervised by the National Electoral Council. For

the first term of office of the National Electoral Council provided for

under this Constitution, all of the members shall be designated simultaneously.

halfway through the term, two of the members shall be

replaced in. accordance with the provisions of the pertinent organic

law.

**Ninth:** Pending enactment of the laws pertaining to chapter IV of

title V, the Organic Law on the Office of Public Prosecutions and the

Organic Law on the Office of the General Comptroller of the

Republic shall remain in effect. The head of the People Defender’s

Office shall be designated temporarily by the National Constituent

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Assembly. The People Defender\* shall move forward as regards

organizational structure, integration, establishing of budget and physical

infrastructure, based on the powers vested in him by the

Constitution.

**Tenth:** The provisions of article 167, section 4 of this Constitution

concerning the obligation of the States to apply at least 50% of the

constitutional revenue share to investment, shall be effective beginning

January 1, 2001.

**Eleventh:** Pending enactment of national legislation governing

vacant lands, the same shall continue to be administered by the

National Power, in accordance with existing legislation.

**Twelfth:** The demarcation of the native habitat as referred to in

Article 119 of this Constitution, shall be carried out within two years

of the effective date of this Constitution.

**Thirteenth:** Until the States assume under State law the powers

referred to under article 164, section 7 of this Constitution, the existing

system shall remain in effect.

**Fourteenth:** Pending enactment of the legislation developing the

principles embodied in this Constitution concerning municipal

regime, the ordinances and other normative instruments concerning

municipalities shall remain in full effect as to the matters within their

competence and the separate tax competence they possess under the

legal order applicable prior to adoption of this Constitution.

**Fifteenth:** Pending passage of the legislation referred to in article

105 of the Constitution, the legal order applicable prior to adoption of

this Constitution shall remain in effect.

**Sixteenth:** In order to protect the nation’s historical heritage, the

Chronicler of the National Constituent Assembly shall coordinate all

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necessary mechanisms to safeguard written documents, videos, digital

recordings, photographs, periodicals, audio and any other forms of

documentation prepared. All these documents shall remain under the

protection of the General Archives of the Nation.

**Seventeenth:** Once this Constitution has been approved, the name

of the Republic shall be “Bolivarian Republic of Venezuela,” as provided

for under article 1. It is the obligation of authorities and institutions,

both public and private, which are required to issue records, certificates

or any other documents, to use the name “Bolivarian

Republic of Venezuela” effective immediately. For routine matters,

administrative offices shall use up their existing stationery, replacing

the same progressively with conforming documentation, but in any

case completing such replacement within five years. The circulation

of coins minted and banknotes issued with the name “Republic of

Venezuela” shall be regulated by the reform of the Venezuelan Central

Bank Law contemplated under the Fourth Temporary Provision of this

Constitution, with a view to make the transition to the name

“Bolivarian Republic of Venezuela.”

**Eighteenth:** In order to assure the application of article 113 of this

Constitution, the National Assembly shall pass a law establishing an

entity which shall supervise, control and fiscalize the effective application

of such principles and the provision and rules developing them.

The person presiding or directing such entity shall be appointed

with the majority of the votes of the members of the National

Assembly, with the favorable report of special commission designated

from the bosom of the National Assembly for such purposes. The

law shall establish the officer of the Public Administration and Judges

in charge of evaluating and deciding controversies related to the subjects

referred to under such arrangement, apply with priority and

exclusive the principles regulated thereof and that they shall not apply

any provision which may cause the opposite effect.

The law shall regulate the concessions for public services, the benefits

for the concessionaire and the financing of investments closely

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related to such public service, including upgrades and enlargement

considered reasonably and approved by the competent authority.

**Final Provision**

This Constitution entered into force the same day of its publication

in the Official Gazette of the Bolivarian Republic of Venezuela, after

it was passed by the people of Venezuela by way of referendum.

The Constitution of the Bolivarian Republic of Venezuela was passed

by the people of Venezuela by way of referendum on December

15, 1999, and was proclaimed by the National Constituent Assembly

in Caracas on December 20, 1999. 189th Year of Independence and

140th of Federation.

*The president*, Luis Miquilena

*The first vice president*, Isaías Rodríguez

*The second vice president*, Aristóbulo Istúriz

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Rafael Rodríguez Fernández

**Constituents for Aragua**

Alberto Jordán Hernández

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Carlos Tablante

Oscar Feo

**Constituens for Barinas**

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**Constituents for Guárico**

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Pedro Solano Perdomo

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Miguel Madriz

Raúl Esté

Rodolfo Sanz

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William Ojeda

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Noelí Pocaterra de Oberto

**The secretaries,**

Elvis Amoroso

Alejandro Andrade

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