



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2241st meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 August 2013, at 3 p.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 3.10 p.m.

Consideration of reports, comments and information submitted by the States parties under article 9 of the Convention

Nineteenth to twenty-first periodic reports of the Bolivarian Republic of Venezuela (CERD/C/VEN/19-21; CERD/C/VEN/Q/19-21)

1. *At the invitation of the Chairperson, the delegation Venezuela (Bolivarian Republic of) took places at the Committee table.*

2. **Mr. Rodríguez Castro** (Venezuela) said that the Bolivarian Republic of Venezuela was a participatory democracy that placed human values at the centre of its social policy and was committed to respecting human rights. In order to fulfil its commitments to human rights, representatives of the power of the people, such as the Ombudsman, participated in the preparation of reports for the treaty bodies. The Constitution had been adopted in 1999 and was the outcome of centuries of struggle for the liberation of the victims of oppression and discrimination, namely indigenous peoples and people of African descent. Equality for all citizens regardless of race, gender, religious belief or social condition was enshrined in the Constitution. Fourteen years after the advent of the Bolivarian Revolution led by Hugo Chávez and sustained by the current President Nicolás Maduro Moros, Venezuela had become a more egalitarian country, as shown by its Gini coefficient of 0.390, compared with 0.486 in 1998, thanks to the adoption of a universal social policy aimed at ensuring the enjoyment of fundamental rights for all citizens and guaranteeing free access to health care and education. The focus had also been placed on the fair distribution of wealth, resources and social investments: thus between 1999 and 2012, 62.5 per cent of the country's income had been reinvested in social projects, in order to meet the needs of the most vulnerable and historically excluded groups. The country's social policy revolved around a number of goals, such as poverty reduction, the fight against hunger and malnutrition, education, health and the fight against inequality.

3. Between 1999 and 2011, poverty had decreased by nearly 15 per cent and extreme poverty had been considerably reduced. Thanks to the Food Mission initiative, the number of people suffering from hunger had significantly decreased between 1998 and 2008 and the number of children with access to primary schooling had increased by 25 per cent during the same period. Furthermore, nearly 83 per cent of the population henceforth had access to health-care services. That social policy had allowed Venezuela to break with the past and to defend the interests of the most marginalized groups in order to fight against all forms of discrimination, thanks especially to the adoption of the Racial Discrimination Act, which had entered into force in 2011 and which expressly defined and criminalized racial discrimination and provided for punishments to suppress it. The Ministry of People's Power for Indigenous Peoples, which was the central policymaking body for the 40 indigenous peoples in Venezuela, sought to promote the integration of those peoples and respect for their ancestral traditions. The Presidential Commission for the Prevention and Elimination of All Forms of Racial Discrimination and Other Distinctions in the Education System had been set up in 2005 with the goal of sensitizing teachers to interculturality and the prevention of all forms of discrimination in schools. The comprehensive census conducted in 2011 had yielded up-to-date information on the country's ethnic and demographic composition, opening the way to the creation of public policies suited to the needs of people of African descent and indigenous peoples. Venezuela had set itself the target of putting an end to extreme poverty by 2019 and had acquired the necessary institutional framework to eliminate all remnants of racial discrimination.

4. **Ms. Nuñez Gutiérrez** (Venezuela) said that her country had taken many steps to end the inequalities inherited from a time when under the law which was discriminatory, indigenous peoples had been considered intrinsically inferior. Their rights and cultural

characteristics, as well as their traditions and customs, languages, religions and lands, were currently fully recognized and protected by a complete legal arsenal, which included the Indigenous Peoples and Communities Act, the Indigenous Peoples Habitat and Lands, Demarcation and Protection Act, the Indigenous Languages Act and the Act on the Cultural Heritage of the Indigenous Peoples and Communities. Under the auspices of the Ministry of People's Power for Indigenous Peoples, indigenous issues were addressed by eight vice-ministries in order to respond to the needs of the 3,000 communities (a total of 725,213 indigenous people) in Venezuela, who lived in urban areas, remote Amazonian regions, desertic and mountainous regions or coastal areas. That comprehensive system included indigenous coordinators, who provided a link between the communities and the authorities. The Indigenous Health Directorate managed 32 health centres and nearly 660 indigenous schools distributed throughout the country, which provided bilingual, intercultural teaching to pupils. Indigenous peoples' land rights were also recognized under the indigenous land restitution policy. To date, nearly 2,900,000 hectares of ancestral lands had officially been transferred to indigenous communities along with the corresponding title deeds. It was expected that by 2014 the 28 pending land claims, which had been submitted to the National Commission on the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities, would receive replies with a view to granting title deeds.

5. **Mr. Suárez Hidalgo** (Venezuela) said that it was thanks to the work of the Identification, Migration and Alien Affairs Service's mobile registration and identification units for indigenous communities that nearly 370,000 indigenous persons had been able to acquire identity cards. The cards were worded in both Spanish and the holder's indigenous language; they showed the holders' indigenous name and entitled him to legal recognition for all public and civil formalities. The National Institute against Racial Discrimination, created in 2011, was drafting the implementing decree of the Racial Discrimination Act, which would provide the judicial framework for the promotion and respect of the fundamental rights of indigenous peoples and people of African descent.

6. **Ms. Franco** (Venezuela) said that the 1999 Constitution, which had been drafted with a view to ensuring equality between women and men, was free of sexist language. The Ministry of People's Power for Women and Gender Equality, to which the National Institute for Women (INAMUJER) was attached, was responsible for promoting the place of women in society and combating the double discrimination (racial and sexist), to which women were often exposed. It was within that framework that the Office for the Coordination of Women of African Descent had been created, with the goal of uniting popular indigenous women's movements and helping them to achieve recognition. That Office, which covered 25 Afro-descendent communities, was engaged in implementing social programmes for women in a number of regions, notably in the states of Miranda, Mérida and Yaracuy. There was also an Office for the Coordination of Indigenous Women, which had several local branches, in the country and dealt with indigenous problems in cooperation with the relevant Ministry and with the support of the Neighbourhood Mothers mission, in an effort to combat poverty by helping indigenous women to develop productive activities, while respecting their culture and habitat. Other bodies had been set up to help women victims of violence, to facilitate their economic emancipation and to assist single mothers in particular, which demonstrated the country's desire to combat all inequalities.

7. **Mr. Damiani Bustillos** (Venezuela) said that access to free justice was a right guaranteed for all by the Constitution. The Venezuelan judicial system consisted of several bodies, territorial jurisdictions and local court offices, known as "*casas de justicia*", which served the local population. In order to decentralize the judiciary the Mobile Courts Programme sent officials to isolated communities to administer justice. Between 2010 and 2012 some 91,740 people had benefited from the service. Judicial officials were given human rights training, while the Public Prosecution Service and the Supreme Court had set

up specialized bodies to encourage the participation of community organizations and vulnerable groups. Lastly a new training programme emphasized the rights of indigenous peoples and vulnerable groups in order to raise awareness of those issues among future officials working in the justice system.

8. **Mr. Calí Tzay** (Country Rapporteur) regretted that the extensive periodic report submitted by the State party did not contain any statistical data on the composition of the population, in particular on the number of indigenous peoples, persons of indigenous origin or persons of African descent. According to some sources, there were 51 indigenous peoples living in the State party, but 44 according to non-governmental organizations and 40 according to the delegation. The delegation was invited to clarify that point and the exact meaning of the terms “indigenous peoples”, “peoples of indigenous origin”, “ethnic groups” and “indigenous ethnic groups”, which were used interchangeably in the report. It would also have been useful to know the results and implementation methods of the numerous plans adopted to assist indigenous peoples in the areas of health, education and employment. He asked whether the State party had considered amending the Constitution to officially recognize the culture and identity of persons of African descent. Noting that the Subcommittee on Legislation, Participation, Duties and Rights of Peoples of African Descent had been set up in 2008 under the Standing Committee on Indigenous Peoples of the National Assembly, he asked whether that meant that persons of African descent were considered indigenous in Venezuela.

9. Recalling information provided by the delegation concerning the demarcation of indigenous territories, he wanted to know the result of the investigation into the killing of several members of the Romero family, of the Yukpa community, which was precisely believed to be linked to that ethnic group’s struggle to recover their ancestral lands. He recommended that Venezuela modify the definition of racial discrimination featured in the Criminal Code to take account of all the points covered in article 4 of the Convention. He noted that the State party had signed the declaration provided for in article 14 of the Convention and had therefore recognized the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation of the rights set forth in the Convention. He therefore wished to know which internal mechanisms allowed the victims of racial discrimination to initiate legal proceedings and whether the public was aware that it could refer complaints of that nature to the Committee.

10. **Mr. Murillo Martínez** asked the delegation to provide indicators of structural and systemic discrimination, in particular statistical data on average life expectancy and the rate of incarceration of indigenous peoples and persons of African descent. He also requested disaggregated data on measures taken to achieve the eight Millennium Development Goals, particularly regarding indigenous peoples and persons of African descent. Lastly, he asked what steps Venezuela had taken to celebrate the International Year for People of African Descent and which were planned for the Decade of People of African Descent beginning in 2014.

11. **Mr. Vázquez**, noting that the State party had accepted and applied many recommendations put forward under the universal periodic review in 2011, asked why it had rejected many others, some of which the Committee considered particularly important. The latter included recommendations that the National Assembly adopt draft legislation on trafficking in persons and that the country take all the necessary legal and policy measures to prevent children from being subjected to labour exploitation, servitude, slavery, prostitution and trafficking, to ensure the independence of the judiciary, to step up its efforts to guarantee freedom of expression, and to ensure effective protection for human rights defenders. He asked why the National Institute for the Fight against Racial Discrimination, which should have been instituted under a 2011 law, had still not been

established. He also asked why the National Council for Indigenous Education, Culture and Languages had been dissolved and whether the Council's work had been taken over by any other body. Lastly, he deplored the State party's decision to denounce the American Convention on Human Rights, which implied its withdrawal from the Inter-American Court of Human Rights, and invited the delegation to explain why that decision had been taken.

12. **Ms. Dah**, noting that the State party had introduced a programme of land acquisition by indigenous people, asked whether there was not a risk of creating "ghettos" or indigenous reservations. She asked the delegation to indicate what precautions had been taken to avoid that happening.

13. **Mr. de Gouttes** asked why the State party had rejected many of the recommendations of the 2011 universal periodic review and had withdrawn from the Inter-American Court of Human Rights. He also asked the delegation to indicate whether the Racial Discrimination Act, promulgated in 2011, addressed the shortcomings raised by the Committee during its consideration of the preceding periodic report of Venezuela that concerned the application of article 4 of the Convention. He said that the State party was failing to ensure the full implementation of the constitutional requirements for the protection of indigenous peoples, and asked what obstacles it had encountered and what progress it hoped to achieve in the matter. Regarding access to traditional justice for indigenous peoples and persons of African descent, he was surprised that the periodic report contained no judicial statistics concerning complaints lodged, legal proceedings initiated and judgements handed down on acts of racism and racial discrimination, despite the fact that several sources had reported a great number of acts of violence against indigenous people and persons of African descent. While he welcomed the adoption of the Indigenous Peoples and Communities Act, he wished to know whether it contained provisions on the settlement of disputes arising from the attribution of lands to indigenous peoples and the use of resources found on those lands. He also wanted information on the identification, registration and census procedures applied to indigenous peoples and persons of African descent. Lastly, he wished to receive details of the contents of the draft bill on the creation of a special jurisdiction to resolve disputes related to the customs and traditions of indigenous peoples.

14. **Mr. Diaconu** said that the State party had adopted many legislative provisions to repress propaganda inciting racial hatred and violence but that those provisions applied only to the written and audiovisual press, which did not meet the requirements of article 4 of the Convention. He suggested that Venezuela therefore also seek to prohibit all organizations devoted to ideas or theories based on racial superiority which aimed to justify or encourage any form of hatred or racial discrimination. He invited the delegation to provide details of the coexistence of indigenous justice and the national judicial system in the State party, and asked whether decisions taken by indigenous courts could be appealed against in mainstream courts and what provisions were made in cases of incompatibility between indigenous standards and national legislation. Given that persons that appeared in indigenous courts were accompanied by relatives or members of their community, he asked whether anything was done to ensure that the relatives of an individual who had been found guilty during such proceedings were not penalized on account of their connection with the defendant. He invited the delegation to answer concerns expressed by one non-governmental organization, according to which the planned creation of an institute for indigenous languages risked harming the preservation of the 44 indigenous languages spoken in the State party, which appeared to him paradoxical.

15. While welcoming the fact that, in accordance with the law on the social responsibility of the broadcasting and electronic media, 50 per cent of programmes broadcast must feature traditional music and the language used in those musical works must be Spanish or one of the official indigenous languages, he asked what steps were being

taken by the State party to ensure the public's access to universal culture. Noting with interest the replies provided by the State party on the follow-up given to the recommendation in paragraph 19 of the Committee's previous concluding observations (paragraphs 362 to 366 of the report), particularly concerning the exploitation of indigenous children in mines in the Upper Orinoco region, he asked whether the State party had considered conducting investigations in other regions of the country where similar violations might have been committed in order to prevent or stop them. Finally, he wished to know whether the Yanomami, whose ancestral lands straddled the border between Venezuela and Brazil, were affected by the activities of foreign companies and whether the Venezuelan authorities collaborated with the Brazilian authorities to protect that minority.

16. **Mr. Lindgren Alves**, after noting with satisfaction that Venezuela had managed to eradicate illiteracy and that it was in second place among Latin American States regarding the number of university students, asked whether the adoption of special measures such as those mentioned in paragraph 2 of article 2 of the Convention had been instrumental in achieving those goals. Since according to the report (para. 119 (c)) the history of the indigenous peoples was taught in schools, he wanted to know which sources the relevant schoolbooks were based on, given that there was no written trace of the history and traditions of those peoples.

17. **Ms. Crickley**, while noting the efforts made by the Venezuelan Government to establish a participatory democracy, asked which policies and strategies the State party aimed to implement to ensure that divergent opinions, which were beginning to be expressed by minorities, including indigenous peoples and persons of African descent, would continue to be considered at the later stages of the process. She also asked whether members of the judiciary had received training in indigenous justice and, if so, whether that training was compulsory and whether it was evaluated. She asked the delegation to specify whether there was a press council that ensured that the media did not propagate clichés concerning racial or ethnic minorities living in Venezuela. She also invited the State party to provide details of the steps taken to ensure the application of the new Racial Discrimination Act as well as respect for the rights of women belonging to minorities, such as indigenous women and women of African descent, particularly those in detention or victims of domestic violence. She would also welcome further details on the measures adopted to protect immigrant and foreign women against discrimination.

18. **Mr. Thornberry** said that he had difficulty understanding the meaning of the expressions "national system free from discrimination, racism or xenophobia" and "deformation of language", used in paragraphs 45 and 126 respectively and asked the delegation to explain. He also asked whether passports issued to indigenous peoples mentioned their ethnic group and how many consultations with indigenous peoples had been held regarding the use of their lands and natural resources. He also wished to know whether private companies exploited resources situated on indigenous ancestral lands and requested statistics concerning the health of indigenous peoples and persons of African descent and their life expectancy. He wished to know whether any evaluation had been undertaken of the application of the United Nations Declaration on the Rights of Indigenous Peoples and asked what Venezuela's position was regarding the issue of self-determination. He requested further details on the situation of Colombian and Haitian migrants, relating in particular to their living conditions and the exercise of their economic, social and cultural rights. Lastly, he requested the delegation to confirm that the position of Vice-Minister for Women of African Descent had been abolished and, if so, to explain why.

19. **Mr. Ewomsan**, noting that Venezuela, like other States, was facing a resurgence of neo-Nazi movements, asked whether the authorities had taken steps to prevent those groups from promoting racial hatred on the Internet. He also wished to know whether there was a

rise in racism in sport in the State party as in other countries and whether steps were being taken to prevent and combat that phenomenon.

20. **Mr. Kemal** noted that, according to information received by the Committee, discrimination based on ethnic racial origin persisted in Venezuelan society in spite of the Governments' laudable efforts to eradicate it. He therefore asked the delegation to indicate whether the authorities could consider encouraging persons in posts of responsibility in the media, public administration or private sector businesses to give preference to the recruitment of persons belonging to racial or ethnic minorities.

21. **Ms. January-Bardill** asked to what extent indigenous peoples and persons of African descent had benefited from the creation of development banks, particularly those which offered credit to women, and whether those initiatives had helped to improve the economic situation of the minorities concerned. She also asked whether any steps had been taken to minimize the effects on the environment of the exploitation of natural resources in regions inhabited by indigenous peoples and to promote sustainable development in those regions.

The meeting rose at 6.05 p.m.