



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
18 June 2024
English
Original: Spanish
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

113th session

5–23 August 2024

Item 4 of the provisional agenda

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

List of themes in relation to the combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela

Note by the Country Rapporteur*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report.¹ The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Comprehensive and up-to-date disaggregated statistical data on the socioeconomic situation of Indigenous and Afrodescendent Peoples.² Information on the results of the Fifteenth National Population and Housing Census and application of the principle of self-identification in data collection.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2 and 4)

3. Information on the reforms made to the Racial Discrimination Act and the Indigenous Peoples and Communities Act, as well as information on their implementation.

4. Information on the operations and activities of the National Institute against Racial Discrimination.³ Information on the mandate, operations and activities of the local committees against racial discrimination.⁴ Measures to strengthen the independence and impartiality of the Office of the Ombudsman.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

¹ A/65/18, para. 85.

² CERD/C/VEN/22-24, paras. 12–14; and CERD/C/VEN/CO/19-21, para. 10.

³ CERD/C/VEN/22-24, paras. 19–21.

⁴ Ibid., para. 38.



5. Information on the Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance, its application and compatibility with freedom of expression and article 4 of the Convention.⁵

Structural discrimination (arts. 2 and 5)

6. Impact of measures taken to combat structural discrimination affecting Indigenous Peoples and the population of African descent. Information, including statistical data, on the impact of the implementation of the Third Socialist Plan for the Economic and Social Development of the Nation, the National Plan 2019–2025, particularly with regard to the enjoyment of the economic, social and cultural rights by Indigenous Peoples and the population of African descent.

Situation of Indigenous Peoples and the population of African descent (arts. 2 and 5)

7. Information on the demarcation of the lands and territories of Indigenous Peoples. Measures taken to legally recognize and protect the lands, territories and resources of Indigenous Peoples.

8. Measures taken to ensure respect for the right of Indigenous Peoples to be consulted with a view to obtaining their free, prior and informed consent on all legislative or administrative measures that may affect them. Specific examples of prior consultation processes carried out with a view to obtaining the free, prior and informed consent of Indigenous Peoples.

9. Measures to mitigate the impact of legal and illegal mining carried out on the lands and territories of Indigenous Peoples, including social, health and environmental impacts of contamination.

10. Information on military operations against illegal mining carried out in the territories of Indigenous Peoples without their free, prior and informed consent, particularly the Roraima and Autana military operations in the states of Bolivar and Amazonas. Measures to prevent and combat acts of violence due to the presence of armed and criminal groups in the territories of Indigenous Peoples.

11. Protection of Indigenous Peoples in the Amazon region, particularly the Yanomami People.⁶ Information on the events in Parima B in which four Yanomami Indigenous persons died. Impact of the national strategic development region known as “Arco Minero del Orinoco” on the life, livelihoods and rights of Indigenous Peoples.⁷

12. Information on investigations conducted into allegations of violations of the human rights of the Yukpa People, especially cases of excessive use of force, cruel, inhuman and degrading treatment and recurring restrictions on their right to freedom of movement. Information on the Comprehensive Plan for the Defence, Development and Consolidation of the Border Municipalities of Machiques de Perijá, Rosario de Perijá and Jesús María Semprum (Yukpa Indigenous communities) and on the Yukpa Plan.⁸

13. Specific measures to prevent internal displacement of Indigenous Peoples and persons of African descent. Measures to safeguard and protect their rights.

14. Measures to mitigate the impact of climate change on Indigenous Peoples and communities of African descent, especially the Wayuu People.

15. Measures to foster the political participation of Indigenous Peoples. Information on the content and implementation of the special regulations on the election of Indigenous representatives to the National Assembly.⁹

⁵ Ibid., para. 42; and CERD/C/VEN/CO/19-21, para. 14.

⁶ CERD/C/VEN/CO/19-21, para. 16.

⁷ CERD/C/VEN/22-24, para. 47.

⁸ Ibid., para. 50.

⁹ Ibid., para. 84.

16. Information on the implementation of the Indigenous Languages Act. Operations of and resources allocated to the National Institute of Indigenous Languages.

17. Specific measures taken to combat racial discrimination, as well as multiple and intersectional discrimination against persons of African descent. Comments on constitutional recognition of the rights of persons of African descent, and measures to promote their political participation.¹⁰

18. Information on the operations and activities carried out by the National Council for the Development of Afrodescendant Communities, including specific policies adopted in relation to the population of African descent.¹¹

Situation of Indigenous and Afrodescendent women (arts. 2 and 5)

19. Outcomes of measures taken to combat multiple and intersectoral discrimination against Indigenous and Afrodescendent women. Measures taken to increase the participation of women in political and public life and to improve their access to employment, education and health services, including sexual and reproductive health services.

20. Specific measures to combat impunity in cases of violence, particularly sexual violence against Indigenous women and girls. Research on cases of violence against Indigenous women. Roll-out of measures to combat trafficking in Indigenous women and girls.

Situation of human rights defenders (arts. 5 and 6)

21. Protection of human rights defenders, including Indigenous leaders who find themselves under threat for defending their rights. Information on investigations that have been undertaken in relation to killings and acts of violence, threats, intimidation and reprisals against human rights defenders, including Indigenous leaders. Information on the investigation into the murder of the defender of Indigenous Peoples' rights and coordinator of the Uwottüja Indigenous community guards, Virgilio Trujillo.

Access to justice (art. 6)

22. Information on complaints regarding acts of racial discrimination and results of the investigations conducted into these complaints, including the penalties imposed on the persons found responsible.

23. Content and status of the bill on special Indigenous courts.¹² Coordination mechanisms between the ordinary courts and Indigenous courts.

24. Measures to ensure access to justice for Indigenous Peoples and persons of African descent, in particular to eliminate racist attitudes and racial discrimination in the judicial system. Measures to ensure respect for due process in criminal proceedings initiated against Indigenous persons and persons of African descent.

25. Situation of Indigenous and Afrodescendent persons deprived of their liberty under the prison system. Measures to mainstream a gender and intercultural perspective in the judicial system.

Combating racial discrimination (arts. 2 and 7)

26. Impact of measures to prevent the dissemination of messages that promote racial stereotypes and prejudices against Indigenous Peoples and persons of African descent, including through public or social media. Specific measures taken to promote the dissemination and preservation of the cultural and linguistic identities of Indigenous Peoples and persons of African descent.

¹⁰ CERD/C/VEN/CO/19-21, para. 12.

¹¹ CERD/C/VEN/22-24, para. 22.

¹² Ibid., para. 58.