



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 113th session

Summary record of the 3081st meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 6 August 2024, at 3 p.m.

Chair: Mr. Balcerzak

Contents

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

Combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela

* No summary records were issued for the 3079th and 3080th meetings.

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The meeting was called to order at 10 a.m.

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

Combined twenty-second to twenty-fourth periodic reports of the Bolivarian Republic of Venezuela (CERD/C/VEN/22-24; CERD/C/VEN/Q/22-24)

1. *At the invitation of the Chair, the delegation of the Bolivarian Republic of Venezuela joined the meeting.*

2. **A representative of the Bolivarian Republic of Venezuela** said that Venezuela was a democratic, social, multi-ethnic, multicultural and multilingual State. The actions of its Government were guided by the principle of inclusion of groups that historically had been excluded. Thanks to the Bolivarian Revolution, Indigenous Peoples, people of African descent, people living in poverty and migrants had been able to prosper and live together in harmony, enriching the country's culture and values. The political system consisted of a participatory and proactive democracy based on constitutional principles and shared responsibilities. Women, Indigenous Peoples and people of African descent had made a decisive contribution to upholding human rights. One cross-cutting feature of the democratic model was that it promoted and preserved the rights of everyone, regardless of their roots or cultures, an approach that underpinned the country's public policies and development plans. The aim of such policies was to ensure that the country returned to the path of progress and prosperity, a path that had been jeopardized by the imposition by the United States of America, the European Union and their allies of unilateral coercive measures that were criminal, illegal and unfair.

3. Despite such aggressive acts, Venezuela would, through its own efforts, ensure that its people were strong and prosperous and that they enjoyed justice and equality. The Government had established seven transformative strategies for its coming mandate, which would stretch from 2025 to 2031: strengthening of the economy and consolidation of the export sector; independence in all areas of development and expansion of Bolivarian doctrine in policy, science, culture, education and technology; strengthening of domestic peace and security and defence of the nation's territorial integrity; renewed protection of the Venezuelan people, upholding the Christian and humanist values of Bolivarian socialism; greater political participation to consolidate direct democracy in a republican and ethical spirit; comprehensive preparation to face the climate emergency and preserve the Amazon region; and the country's inclusion in a new world order, with the preservation and further development of Bolivarian diplomacy. Those seven transformative strategies would drive the recovery of society and reinvigorate the national economy, which had fallen victim to the criminal application of some 930 unilateral coercive measures. Such measures were a barbaric expression of neocolonialism and discrimination and should be immediately revoked. Her Government was raising its voice to call for a new, multipolar world, rejecting new forms of colonialism and forging a union of nations that opposed all exclusion, domination and exploitation.

4. As a Caribbean country, Venezuela had extraordinary cultural diversity, which was recognized in its Constitution and in numerous laws that afforded protection for specific groups. State policies promoted social well-being, coexistence in diversity and the preservation of Indigenous traditions, customs and cultures.

5. The National Assembly had amended the Racial Discrimination Act, which set out that the State, the family and society must promote, respect and guarantee equality. The Act recognized the rights of Indigenous women, including their economic, social and cultural rights and the right to a life free from violence. In March 2024, the National Assembly had adopted the Organic Act on the Inclusion, Equality and Comprehensive Development of Persons with Disabilities, which provided for the establishment of community committees of persons with disabilities, in order to strengthen social oversight and their participation in decision-making, planning and the monitoring of specific policies.

6. All decisions taken by the Government recognized and respected cultural diversity at the grass-roots level. The armed forces took account of the specificities of Indigenous communities, including their traditions, customs, languages, religions and ancestral lands.

Military officers ensured that activities were conducted with respect for the human rights of members of those communities. The Government had established the National Council for the Development of Communities of African Descent and had adopted a sectoral plan for the development of people of African descent within the framework of the Socialist Plan for the Economic and Social Development of the Nation (National Plan 2019–2025).

7. **Mr. Diaby** (Country Rapporteur) said that, in his capacity as the Committee's focal point for reprisals, he wished to point out that the Committee had received alarming information relating to the safety of human rights defenders and representatives of civil society, including allegations of reprisals and acts of intimidation against persons and organizations that cooperated with it. In the light of the United Nations' zero-tolerance policy on reprisals, the Committee would appreciate it if the delegation would clearly express the State party's commitment to protecting all human rights defenders.

8. The periodic report, which had been submitted with a delay of some five years, highlighted important steps that had been taken to reduce discrimination. Significant changes in Venezuelan society had allowed for the greater inclusion of vulnerable groups in public life, yet persistent structural obstacles prevented Indigenous and Afrodescendent persons from enjoying their rights on an equal footing. Moreover, the Committee had received reports of a large gap between the adoption of legislation and its practical implementation. It was therefore essential to strengthen accountability and increase budgets for the practical implementation of effective mechanisms and policies to combat racial discrimination.

9. According to the periodic report, participants in the 2011 population and housing census had self-identified as being black or of African descent. It would be of interest to the Committee to hear the basis for that distinction. The Committee would also like to receive detailed information on the handling of complaints of racism or discrimination and on how the Government centralized, shared and ensured follow-up of such cases, and to receive disaggregated data on persons who filed such complaints. It would like to find out how the Government ensured that Indigenous persons accused of an offence had access to legal advice from practitioners with intercultural expertise, and whether prisons and other places of detention took into consideration the customs and traditions of the persons deprived of their liberty.

10. The Committee had received reports that, during missions in the Amazon, the armed forces had used excessive force against Indigenous leaders and people of African descent. He therefore wished to know whether the Government had investigated allegations of abuses and whether it conducted awareness-raising sessions on discrimination for members of the military and the security forces.

11. It would be useful to know whether the authorities took steps to ensure the fundamental rights of persons deprived of their liberty, in particular Indigenous and Afrodescendent women and their children. The delegation might also comment on allegations of interference by the judiciary in the affairs of the legislature, including the case involving the replacement by judicial order of three elected Indigenous representatives. The Committee would be interested to know whether the State party had implemented the recommendation, contained in the previous concluding observations ([CERD/C/VEN/CO/19-21](#)), to bring its definition of racial discrimination into line with the one contained in the Convention.

12. Furthermore, he would like to find out what progress had been made thanks to the People's Government Presidential Council for Indigenous Peoples, established in 2014, and the National Plan 2019–2025, and how their effectiveness had been evaluated. He wondered to what extent the National Plan had improved the enjoyment of economic, cultural and social rights of Indigenous Peoples and people of African descent. Statistics on trends in access to employment, education, health and housing would be very useful.

13. The periodic report mentioned actions taken by the Government to make the Convention more widely known, including the adoption of the National Human Rights Plan 2016–2019. The Committee would like to hear more about such awareness-raising activities and to find out the number of events held and the kind of beneficiaries they reached. The delegation was invited to inform the Committee about efforts to include Afrodescendent and Indigenous persons in consultations on the National Human Rights Plan. Had the human

rights education activities carried out under the Plan been evaluated, and had there been a resulting increase in the number of complaints of discrimination?

14. The Committee would also be interested to know how many cases had been brought under the Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance, which prohibited many types of speech that constituted incitement to discrimination, intolerance or violence. Was the Act compatible with freedom of expression?

15. Recalling that, in 2016, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions had downgraded the Ombudsman's Office to B status, he wondered whether the Government had taken steps to ensure the ability of the national human rights institution to discharge its mandate in an effective, independent and impartial manner, with a view to restoring its A status. He was curious to know whether the authorities had contacted the Office of the United Nations High Commissioner for Human Rights (OHCHR) to request its help in bolstering the national human rights institution. Lastly, he asked why the Ombudsman's Office had received just 12 complaints from human rights defenders between 2012 and 2019.

16. **A representative of the Bolivarian Republic of Venezuela** said that, during the period covered by the periodic report, the National Institute of Indigenous Languages had been established and a policy had been adopted for the compulsory teaching of Indigenous languages in areas with Indigenous populations. Learning spaces for children, known as *nichos lingüísticos*, had been established to support the cultural and linguistic identity of Indigenous groups.

17. The Government had drafted a bill against fascism, neo-fascism and similar phenomena that undermined democracy and human rights by advancing theories of racial, ethnic or social superiority. The purpose of the draft law was to protect the country's constitutional and institutional basis and the values of life, liberty, justice, equality, solidarity, democracy, social responsibility, human rights, ethics and political pluralism.

18. The Racial Discrimination Act had been amended to bring its definition of racial discrimination into line with the Convention, while also introducing the concept of endoracism and empowering institutions and associations to act in defence of victims and groups of victims of discrimination. Racial discrimination had been criminalized: the amended Act provided for penalties of 1 to 3 years' imprisonment for any act or omission that directly or indirectly involved racism, racial discrimination or any other related form of intolerance that violated the rights and freedoms enshrined in the Constitution. It also contained provisions on civil liability and compensation, in accordance with the Committee's recommendation.

19. The Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance, which had been promulgated in November 2017, outlawed all manifestations of hatred and discrimination on grounds of, inter alia, race, ethnicity, religion, gender identity and sexual orientation. The Act was thus consistent with article 4 of the Convention and with the Committee's general recommendation No. 15 (1993). Equality and non-discrimination underpinned the entire legal architecture that Venezuela had been building during the current legislature, which had been in office since 2021. Laws governing the care of older persons, women's right to a violence-free life, and the protection of families, paternity and maternity all included special provisions to accommodate the needs of the country's Indigenous Peoples.

20. **A representative of the Bolivarian Republic of Venezuela** said that, according to the national population and housing census, 724,592 persons born in Venezuela – or 2.8 per cent of the population – declared themselves to be Indigenous. Of the 52 Indigenous groups in the country, the largest was the Wayuu, who accounted for more than half of all Indigenous people in Venezuela. Most Indigenous inhabitants lived in Zulia State, where they represented 61.2 per cent of the population. Smaller proportions of Indigenous inhabitants were to be found in the States of Amazonas, Bolívar, Delta Amacuro, Anzoátegui, Sucre, Monagas and Apure.

21. The National Plan 2019–2025 included provisions specifically tailored to the needs of Indigenous Peoples, which had been developed over the course of two months of meetings

and consultations with Indigenous communities. As of 2024, a total of 1,025 health workshops had been run, which had benefited almost 390,000 Indigenous persons. To help preserve Indigenous languages, 112 *nichos lingüísticos* had been set up in 12 states, while about 240,000 Indigenous children attended the country's 1,426 intercultural schools. The National Institute of Indigenous Languages also worked to preserve the cultural and linguistic identity of the country's Indigenous and Afrodescendent populations, and the teaching of Indigenous languages was obligatory in all State-run and private schools in areas where those populations lived.

22. The right of Indigenous Peoples to participate in the political life of the nation was enshrined in the Constitution, and Venezuela had ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). Currently, three Indigenous persons sat on the National Assembly and there were numerous Indigenous representatives at the state and municipal levels. Since 2020, Indigenous representatives were elected exclusively by Indigenous communities, taking due account of the ancestral customs of each Indigenous group.

23. **A representative of the Bolivarian Republic of Venezuela** said that complaints related to acts of discrimination could be submitted to the National Institute against Racial Discrimination, the Public Prosecution Service or the Ombudsman's Office. The 12 complaints received by the Ombudsman's Office all concerned the freedom of religion of Indigenous Peoples and people of African descent. The Public Defender's Office had specialized lawyers with knowledge of Indigenous culture and languages who were assigned to assist Indigenous persons in conflict with the law. Such legal aid was available merely on request and was not means tested.

24. An assessment of the National Human Rights Plan, conducted in 2020, had shown that State had fully or partially carried out 93 per cent of the Plan's 213 programmed activities. The Ombudsman's Office had contacted OHCHR with a view to building its capacity and it worked closely with other United Nations agencies, including the Office of the United Nations High Commissioner for Refugees.

25. In 2015, the Electoral Chamber of the Supreme Court, having received credible complaints of irregularities, had ruled to suspend three Indigenous representatives who had been elected to the National Assembly. Regrettably, the Assembly had chosen to ignore the Court's ruling and had proceeded to swear in the three representatives. Thus, during the legislative term from 2015 to 2020, the National Assembly had been in contempt of the Supreme Court, a state of affairs that had hindered the implementation of many of the Committee's recommendations.

26. **Mr. Diaby** said that he hoped the delegation would give an undertaking on behalf of the State party to protect human rights defenders and organizations that cooperated with the Committee. He would be interested to know what measures had been taken by the National Electoral Council following the Supreme Court's ruling to suspend the three Indigenous representatives, and the specific grounds on which the Court had reached its decision. He wondered what measures had been taken to reform the Ombudsman's Office and bring it into line with the Paris Principles. The delegation might also clarify whether the Office had received any complaints of racial discrimination.

27. Furthermore, he wished to know what proportion of the prison population was Indigenous or of African descent, and whether prisoners benefited from free legal aid. He would also be interested to hear about any investigations into actions taken by the military in the Amazon region during which Indigenous and Afrodescendent persons had come to harm, and about the compensation offered to the victims. Did military personnel receive training on the Convention?

28. **Ms. Tlakula** (Follow-up Coordinator) said that, although the State party had reported on the establishment of the National Institute against Racial Discrimination and the National Institute of Indigenous Languages, it had not done so, as had been requested, within one year of the adoption of the previous concluding observations. The State party had also failed to report within one year on its efforts to pass a specific law defining racial discrimination as a punishable offence, although it had later promulgated the Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance. The Committee was concerned that it had

received no reply whatsoever to its request for follow-up information about investigations into violent attacks against members of the Yanomami people. Lastly, she observed that the State party had not provided disaggregated statistical information on cases involving racial discrimination and on the penalties imposed.

29. **Ms. Stavrinaki** said that she would be interested to hear about any measures taken to accommodate the concerns expressed by numerous bodies – including OHCHR and the Organization of American States – about the bill against fascism, neo-fascism and similar phenomena. Legislation against hate speech should never be used as a tool to suppress democracy.

30. **Ms. Tebie** said that the Committee would be interested to hear about any actions the State party intended to take to resolve the dispute between the Supreme Court and the National Assembly. She commended the State party for having progressively increased the budget allocation of the National Institute against Racial Discrimination in the years up to 2017 and would be interested to hear about any further increases since then. She wondered whether the current budget was sufficient for the Institute to perform its functions. She would be grateful if the delegation could provide details about the activities of the Institute's substantive units and state offices, particularly with regard to the impact on victims of discrimination.

31. **A representative of the Bolivarian Republic of Venezuela** said that the Government had acted to improve social protection and well-being in the Amazon regions. Health-care initiatives, included efforts to tackle endemic diseases, had been run to support Indigenous Peoples living in those regions, including the Yanomami people, with around 16,000 beneficiaries from 162 communities. In addition, training had been provided to Yanomami community workers to enable them to run health-care workshops for members of their own and other Indigenous groups. The Roraima military operation had been conducted to destroy illegal mines and remove mining camps in Indigenous areas. It had been carried out with the prior and informed consent of local Indigenous communities in order to protect them from those who encroached on their territory.

32. **A representative of the Bolivarian Republic of Venezuela** said that he could confirm his Government's commitment to the protection of non-governmental organizations working in the area of human rights. Such protection was a bulwark of State policy, and the National Human Rights Plan envisaged specific actions intended to ensure respect and recognition for the work of human rights defenders.

33. The Supreme Court had issued its ruling to suspend the three Indigenous representatives following allegations of electoral fraud and vote-buying. In any case, the problem no longer subsisted as fresh parliamentary elections had been held in 2020 and a new legislature installed in 2021. Since then, the National Assembly had accelerated the realization of the human rights agenda with the enactment of a body of new laws.

34. One of the goals of the cooperation between OHCHR and the Ombudsman's Office was to improve the Office's mechanisms for receiving complaints and monitoring the human rights situation in the country, with due regard for the Paris Principles. All Indigenous persons in conflict with the law, whether incarcerated or at liberty and irrespective of their financial assets, had the right to be assisted and represented by a qualified Indigenous lawyer who understood their world view and spoke their language.

35. Venezuela had withdrawn from the Organization of American States in 2019 and was under no obligation to heed the views of that body on national legislation. In fact, the bill against fascism, neo-fascism and similar phenomena was a testament to the State's commitment to the Convention. Not only did it aim to combat hate speech, it also outlawed the dissemination of ideas based on racial superiority or hatred and all incitement to racial discrimination, and it banned organizations that promoted or incited racial discrimination. Thus, the bill was consistent with article 4 of the Convention and article 20 of the International Covenant on Civil and Political Rights, to which Venezuela was a party.

36. **A representative of the Bolivarian Republic of Venezuela** said that three directorates of the Public Prosecution Service shared responsibility for investigating allegations of discrimination against vulnerable persons belonging to specific groups. The

Directorate General for Protection against Ordinary Crimes dealt with cases under the Constitutional Act against Hatred and for Peaceful Coexistence and Tolerance. It had handled 875 such cases, in 59 of which persons had been convicted of inciting or promoting hatred. For its part, the Directorate General for the Protection of Human Rights dealt with cases involving discrimination on grounds of sexual diversity and discrimination against Indigenous persons. It had made considerable progress towards eradicating such offences, and had dealt with several cases of discrimination perpetrated by public officials. The Directorate also acted to ensure non-discrimination against persons deprived of their liberty, who were considered a vulnerable group. The Directorate General for the Protection of the Family and Women ran campaigns against paedophilia, bullying in schools and violence against women.

37. **A representative of the Bolivarian Republic of Venezuela** said that the National Experimental University for Security Services had created a course on theoretical and practical approaches to racism and racial discrimination in order to provide training on the subject to employees in all sectors related to citizen security. Some 631,000 persons had benefited from the various activities of the National Institute against Racial Discrimination. The Institute had conducted the first national consultation on racial discrimination and had organized conferences and lectures at universities. It was a member of the “Preventive Front for Life and Peace” (Frente Preventivo por la Vida y la Paz), the collection of institutions charged with implementing the National Plan for Comprehensive Prevention in Zones of Peace 2019–2025. The Institute also implemented a strategic plan for the promotion of Afro-Venezuelan traditions, under which it had carried out activities to promote self-identification, integration and tolerance among children aged between 15 and 17. It had provided almost 1,800 legal advice services to persons who self-identified as being of African descent.

38. Venezuela currently had 48,412 persons deprived of their liberty. A total of 3,474 persons of African descent were currently serving a custodial sentence or were held in pretrial detention. Persons of African descent accounted for 7.1 per cent of the overall population of persons deprived of their liberty; Indigenous persons for 2.1 per cent. The Indigenous group which accounted for the largest number of persons deprived of their liberty was the Wayuu people. Women accounted for under 3 per cent of persons of African descent and Indigenous persons deprived of their liberty. The prison system had organized a successful programme in which a renowned Afro-Venezuelan music group had travelled around the country teaching inmates how to make musical instruments.

The meeting was suspended at 4.25 p.m. and resumed at 4.40 p.m.

39. **Mr. Tlemçani** (Country Task Force) said that he would like to know how the principle of self-identification had been applied when collecting data for the most recent population and housing census. It would be useful to know whether the Government’s analysis of socioeconomic indicators had revealed any significant disparities between the situations faced by Indigenous Peoples and persons of African descent and the rest of the population. The delegation might explain what steps had been taken to ensure the accuracy of the data that had been collected on the basis of self-identification.

40. The Committee would welcome further information on the measures that were in place to prevent the dissemination of messages that promoted racial stereotypes and prejudice against Indigenous Peoples and people of African descent, including through public media. It would like to know what measures the public media might take to promote a positive and more equitable image of Indigenous Peoples and people of African descent and what role influencers and opinion leaders were playing in combating racial stereotypes and prejudice on social media. It would also be interesting to know whether a strategy was in place to support educational programmes that included Indigenous and African languages and culture. What challenges had the State party encountered in its efforts to implement policies to protect and promote the cultural and linguistic identities of Indigenous Peoples and people of African descent?

41. In addition, he would like to know what the main causes of the internal displacement of Indigenous Peoples and people of African descent were and what measures had been taken to prevent such displacements. The delegation might explain how the State party’s

sustainable development policies safeguarded and protected the rights of Indigenous Peoples and people of African descent and what action the authorities could take to protect those groups from violence and exploitation. More generally, he wished to know what measures the State party planned to take to promote the economic development of Indigenous Peoples and people of African descent without compromising their rights and culture, thereby reducing the risk of internal displacement.

42. The Committee would welcome information on any measures being taken to protect water resources and ecosystems in areas inhabited by the Wayuu people, and on how such measures were contributing to the fight against climate change. It would be interesting to know how the traditional knowledge and cultural practices of the Wayuu people could be incorporated into climate change adaptation strategies, and what economic support was being put in place to help Wayuu communities to diversify their means of income, thereby protecting them from the economic impact of climate change.

43. The delegation might comment on claims that the new voting system introduced under the special regulations for the election of Indigenous representatives ran counter to article 63 of the Constitution, impeded women's political participation and withdrew Indigenous Peoples' right to direct and secret voting. It might also describe any steps that had been taken to remove the barriers to political participation faced by Indigenous Peoples and any steps taken by political parties to include Indigenous issues and representatives in their programmes and structures.

44. The Committee would be glad to receive information on the provisions, goals and implementation of the Indigenous Languages Act. He wished to know to what extent Indigenous Peoples had been involved in the Act, what role they played in implementing it and what monitoring and evaluation mechanisms had been put in place to measure its effectiveness. What challenges had the State party faced in implementing the Act and what measures had it taken to overcome them?

45. **A representative of the Bolivarian Republic of Venezuela** said that, in 1999, when Indigenous persons had first been given political rights, all voters in the states in which Indigenous communities lived had been able to participate in the election of Indigenous representatives to the National Assembly. However, Indigenous Peoples had submitted a number of complaints alleging that the electoral system did not respect their customs and practices. As a result, since 2020, only Indigenous citizens had been able to vote for Indigenous representatives. Three constituencies, each composed of several states, had been created for the purpose of electing Indigenous representatives to the National Assembly. The country's 21 Indigenous organizations took charge of preparing lists of candidates for municipal, state and national elections.

46. According to a study carried out by the National Institute of Indigenous Languages, 33 of the country's 52 Indigenous Peoples had succeeded in preserving their languages. Special bilingual intercultural education programmes had been established to help the remaining communities to revitalize their languages, and the Institute had also created the *nichos lingüísticos* where Indigenous children and adolescents could be taught their ancestral language and culture.

47. **A representative of the Bolivarian Republic of Venezuela** said that the Government was committed to promoting acceptance, integration and tolerance in the face of the threats posed by new technologies. The National Institute against Racial Discrimination carried out a range of awareness-raising, training and education activities with the aim of combating the spread of messages, especially on social media, that perpetuated discrimination, stigma and stereotypes. Through the "Peace Zones" Great Mission, the Government had put in place a number of preventive measures that were implemented by employees in the citizen security sector. At the National Experimental University for Security Services, members of Indigenous Peoples received training in the public policy on citizen security so that they could implement it in the communities to which they belonged, taking into account their traditional customs and laws.

48. **A representative of the Bolivarian Republic of Venezuela** said that over 70 per cent of the national budget was allocated to social spending in areas such as housing, education

and health. More than 25 Social Missions had been established for the benefit of the whole population, including Indigenous Peoples and people of African descent.

49. Indigenous communities actively participated in decision-making on climate policies. Indeed, the law required the prior and informed consultation of Indigenous Peoples in relation to any project that might affect them. More than 50,000 people, including many Indigenous and Afrodescendent persons, had joined brigades against climate change, which had been established throughout the country to raise awareness about the adverse effects of climate change. With the support of the Food and Agriculture Organization of the United Nations, the Government had taken measures to strengthen the livelihoods of the Wayuu people and other Indigenous communities in Zulia State, including by rehabilitating 30 pools and 118 wells, installing 450 water collection systems and 100 drip irrigation systems, and providing agricultural inputs and tools in support of family farming. The measures had been designed to help families to manage water resources more effectively and to produce drought-resistant crops.

50. Displacement of Indigenous Peoples occurred when foreign miners arrived in Venezuelan territory and disturbed the peaceable relationship that Indigenous communities enjoyed with their natural surroundings. As she had stated, the aim of the Roraima military operation had been to protect Indigenous Peoples and to ensure that they could continue to pursue their traditional way of life.

51. **A representative of the Bolivarian Republic of Venezuela** said that the serious adverse impact of unilateral coercive measures on the socioeconomic situation of Indigenous Peoples and people of African descent could not be overlooked. Indeed, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights had found that the measures had had a devastating effect on the human rights of the Venezuelan people. Although the Government continued to devote over 70 per cent of the national budget to social spending, it did so in a context in which its oil revenues had fallen by 99 per cent.

52. **Mr. Tlemçani** said that, notwithstanding the State party's considerable efforts to support Indigenous Peoples and preserve their identity, he wished to know why Indigenous children were forced to undertake arduous border crossings in order to go to school in Colombia.

53. **Ms. Tlakula** said that, in reference to paragraph 10 of the previous concluding observations, she would appreciate information on how the results of the fourteenth population and housing census, conducted in 2011, had been taken into consideration in the State party's inclusion policies and social development programmes. She remained interested in hearing about the investigations had been conducted into cases of violence committed by illegal miners against the Yanomami people.

54. **Mr. Diaby** said that he would welcome information on the excessive use of force by the military against the Indigenous population and on racial profiling by the security forces.

55. **A representative of the Bolivarian Republic of Venezuela** said that, because the traditional territories of some Indigenous Peoples, for instance, the Wayuu and the Yanomami, straddled two countries and those peoples had nomadic tendencies, their members moved about irrespective of the borders. Their members were seen as belonging to an Indigenous People rather than as having a particular nationality and were, therefore, entitled to receive health and education services on a par with the rest of the Venezuelan population. The military presence in Indigenous territories, including border areas, was intended to safeguard those territories and to protect the rights of Indigenous Peoples in accordance with the Constitution.

56. **A representative of the Bolivarian Republic of Venezuela** said that a complaint had been lodged with the Public Prosecution Service following an incident between members of the armed forces and the Yanomami people in which three people had been killed and a teenager had been wounded. Seventeen officials were under investigation in connection with the deaths.

57. **A representative of the Bolivarian Republic of Venezuela** said that the National Experimental University for Security Services offered specialized courses on discrimination

in order to train, educate and sensitize officials so that they could serve and protect the Venezuelan people. The University had also recently added a master's degree in human rights and gender equality. Since it was impossible to prevent all individual conduct that might not be aligned with State policy and standards, victim assistance units had been established in various police forces, including at the municipal and state levels and in the Bolivarian National Police Force, to handle complaints of police misconduct. Administrative or criminal measures were taken where appropriate.

58. **A representative of the Bolivarian Republic of Venezuela** said that the policy of the Ministry of People's Power for Indigenous Peoples centred on three areas, namely, the well-being of Indigenous Peoples through the provision of social services; bilingual intercultural education and the teaching of ancestral knowledge; and communal territories and the guarantee of land rights. Indigenous issues were also taken up by other ministries, including those of health, education and women and gender equality. Hospitals in all cities with Indigenous inhabitants had an office of the Indigenous Care and Counselling Service.

59. **A representative of the Bolivarian Republic of Venezuela** said that a new public policy on security had replaced the former discriminatory model of policing, following one of the broadest consultation processes in the country's history. The new direction adopted in the policy was also reflected in the Police Service and Bolivarian National Police Force Act, specifically article 13, which stipulated that police work should be done in a manner that respected the principles of equality and non-discrimination. Article 13 also stipulated that Indigenous communities should be served by a police department that reflected their ethnic and cultural identity and respected their values and traditions. Public security bodies did not engage in racial profiling.

60. **A representative of the Bolivarian Republic of Venezuela** said that the authorities recruited Indigenous candidates for positions in the security forces and ensured that they had a thorough grounding in the relevant laws so that they could work effectively in local communities.

61. **Ms. Shepherd** said that, in the Americas, borders were colonial constructs that persisted in the modern era. Was she correct in understanding that Indigenous communities living in border areas did not see themselves as, for example, Venezuelan or Colombian, and that the authorities allowed them to move freely between countries?

62. **Ms. Tlakula** said that information on the use of census data on people of African descent would be appreciated.

63. **Mr. Diaby** said that he wished to know why the armed forces and not the police had been used to deal with disturbances caused by Indigenous persons, whether there were internal and external oversight mechanisms that dealt with abuses by the armed forces and whether the topics of human rights and racial discrimination formed part of the training of members of the armed forces. He also wished to know whether the armed forces and the police were representative of the population and to what extent Indigenous Peoples and people of African descent were represented in other public institutions, such as the National Assembly and the executive branch. In the area of access to justice, he wondered whether Indigenous persons could speak their own languages in proceedings before the courts.

64. **A representative of the Bolivarian Republic of Venezuela** said that in-service training for security personnel in the progressive and differentiated use of force had been developed with input from international human rights bodies and was provided on a regular basis. A human rights plan formed part of the citizen security system. Deployments of the Bolivarian National Armed Forces depended on the seriousness of the incident and the level of threat to the country's border.

65. Self-identification remained a challenge, which was why the census showed a smaller than expected number of persons of African descent. Most of the population had some Indigenous or African ancestry, integration having come about organically. Efforts were being made to encourage self-identification.

66. **A representative of the Bolivarian Republic of Venezuela** said that Indigenous Peoples were represented in a number of bodies of the National Assembly, including its standing committees on Indigenous Peoples and communities and on families and freedom

of religion. During the current legislature, nearly 80 laws related to human development had been enacted, all of which contained provisions on gender equality and non-discrimination. For example, the Act on Women's Right to a Violence-Free Life addressed multicausal violence, which was defined as violence committed against a woman for the combined reason of her sex and of her ethnicity, race, lineage, disability, age, sexual orientation or gender identity, among other prohibited grounds of discrimination.

67. Despite the economic difficulties caused by the unrelenting financial embargo, the State had been able to build 5 million homes and envisaged a further 3 million, whose design would take into account the ways of life of Indigenous Peoples.

68. No laws were adopted without first having been through a national consultation process. Following an initial reading, bills were presented for national consultation, after which a technical report was prepared. The National Assembly then proceeded to a second reading, article by article.

69. **A representative of the Bolivarian Republic of Venezuela** said that the Constitution protected the right of Indigenous Peoples to self-determination and to their own ways of life and forms of organization. Indigenous communities in border areas enjoyed wide-ranging rights that guaranteed their development in their traditional environment, without limitation due to an imaginary line. They could obtain education, health care, food, transportation and other services on either side of the border. The presence of the armed forces in Indigenous territories, rather than changing the dynamics of Indigenous communities, provided them with protection and helped to ensure the delivery of State services in what were remote, sparsely populated areas.

70. **The Chair** said that the Committee was thankful for the assurance given by the delegation regarding the protection of human rights defenders. The issue would be dealt with in more depth during the subsequent meeting, at which he would be interested to hear about the case of Yendri Velásquez, a human rights defender who had reportedly been prevented from leaving the country to attend the dialogue with the Committee.

The meeting rose at 5.55 p.m.