



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/VEN/CO/18
1 November 2005

ENGLISH
Original: SPANISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-seventh session
2-19 August 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

VENEZUELA (BOLIVARIAN REPUBLIC OF)

1. The Committee considered the fourteenth to eighteenth periodic reports of the Bolivarian Republic of Venezuela, which were due on 4 January 1996, 1998, 2000, 2002 and 2004, respectively, submitted as one document (CERD/C/476/Add.4), at its 1703rd and 1704th meetings (CERD/C/SR.1703 and 1704), held on 2 and 3 August 2005. At its 1725th meeting (CERD/C/SR.1725), held on 17 August 2005, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the periodic report of the State party and the fact that the State party was represented by a delegation composed of officials from various State agencies involved in matters relating to the implementation of the Convention. It expresses its satisfaction with the quality of the renewed dialogue with the Bolivarian Republic of Venezuela. The Committee thanks the delegation for its frank and detailed replies to the numerous questions asked.

3. While the Committee acknowledges the efforts made by the State party to comply with the Committee's guidelines for the preparation of reports, it notes that the report has not addressed some of the concerns and recommendations raised in previous concluding observations.

B. Positive aspects

4. The Committee welcomes with satisfaction the rights and principles contained in the Constitution of the Bolivarian Republic of Venezuela of 1999, in particular the preamble, which

establishes the multi-ethnic and multicultural nature of Venezuelan society, as well as article 21 and chapter VIII which guarantees the rights of indigenous peoples, such as the right to intercultural bilingual education, the right to traditional medicine and the right to participate in political life.

5. The Committee notes with satisfaction that federal and State legislation recently adopted by the State party follows the basic principles of the Constitution and builds on its guarantees of racial and ethnic non-discrimination.

6. The Committee takes note of the establishment of specialized institutions to combat racial discrimination such as the Presidential Commission to Combat All Forms of Racial Discrimination and Other Discrimination in the Venezuelan Educational System, the National Coordination Group for Indigenous Health, which answers to the Ministry of Health and Social Development, and the Department of Indigenous Education of the Ministry of Education, Culture and Sport.

7. The Committee notes with satisfaction that indigenous peoples are represented in the National Assembly, which has at least three indigenous deputies with their respective alternates, elected by indigenous peoples in keeping with their traditions and customs.

8. The Committee notes with interest the existence of special courts to settle conflicts in accordance with the traditions and customs of indigenous peoples, as well as the post of Special Ombudsman on Indigenous Issues.

9. The Committee notes with satisfaction Presidential Decree No. 1795 of 27 May 2002 concerning protection of the languages of indigenous peoples. It notes that indigenous peoples may make use of their languages in their dealings with the authorities or, where appropriate, have an official interpreter, and that the Constitution has been translated into the Wayuu language.

10. The Committee welcomes the fact that article 31 of the Constitution recognizes the right to address petitions to the international human rights treaty bodies, and that in 2003 the State party made the optional declaration provided for in article 14 of the Convention thus responding to a request of the Committee, and hopes that the public is being appropriately informed about the possibilities and procedures under the mentioned article of the Convention.

11. The Committee welcomes the State party's ratification in 2002 of International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) concerning indigenous and tribal peoples in independent countries.

12. The Committee notes with satisfaction that one of the objectives of the Radio and Television Social Responsibility Act of 2004 is to promote tolerance among peoples and ethnic groups.

13. The Committee notes with satisfaction progress in the interaction between the Government and non-governmental organizations representing Afro-descendants and, as one of the expressions of this interaction, the designation of 10 May as Afro-Venezuelan Day.

C. Concerns and recommendations

14. The Committee notes with concern that the State party does not have disaggregated statistical data on the Afro-descendants. The Committee recalls that such information is necessary for evaluating the implementation of the Convention and for monitoring policies that affect minorities.

The Committee recommends that the State party include in its next periodic report disaggregated statistical data on Afro-descendants, which would make it possible to evaluate their situation more accurately.

15. The Committee notes that the identity document issued to indigenous persons in accordance with the Regulations under the Organization Act on the Identification of Indigenous Persons includes the name of the ethnic group, the people and community to which such persons belong.

The Committee requests the State party to ensure that, in accordance with its general recommendation VIII, the identity document for indigenous persons be based upon self-identification by the individual concerned.

16. Taking note of article 369 of the draft criminal code, which punishes acts of racial discrimination, the Committee wishes to receive information on complaints of acts of racial discrimination and on the relevant legal action taken by the victims or on their behalf.

The Committee encourages the State party to adopt the draft criminal code as soon as possible and requests it to include in its next periodic report disaggregated statistical information on cases involving racial discrimination and on penalties imposed, in which the relevant provisions of domestic law have been applied.

17. Bearing in mind the State party's efforts, the Committee reiterates its concern at the persistence of profound structural social and economic inequalities which have an impact on the enjoyment of human rights, particularly economic and social rights, and affect Afro-descendants and indigenous peoples.

The Committee encourages the State party to step up its efforts to improve the economic and social rights situation of Afro-descendants and indigenous people, such as the right to housing, the right to health and sanitation services, the right to work and the right to adequate nutrition, in order to combat racial discrimination and eliminate structural inequalities.

18. The Committee notes with great concern that between 1995 and 2003, 61 persons, most of whom were indigenous or Afro-descendants, were murdered in land conflicts, presumably by private armed groups (*sicarios*), and that this problem has worsened since 2001.

The Committee requests the State party to take efficient and urgent measures to end this violence, which mainly affects indigenous peoples and Afro-descendants,

including the establishment of an independent monitoring mechanism to investigate such incidents in order to ensure that they do not go unpunished.

19. The Committee notes with concern that, according to the report by the State party, the indigenous peoples of the upper Orinoco and the Casiquiare and Guainia-Río Negro basins have problems of various kinds. More particularly, in the centres of illegal gold prospecting, there is evidence that indigenous children and adolescents are subjected to labour exploitation and the worst forms of child labour, including servitude and slavery, child prostitution, trafficking and sale.

The Committee recommends that the State party adopt urgent measures to tackle this situation, and that it submit information on the implementation of the measures taken.

20. While the Committee takes note of the State party's efforts to demarcate indigenous lands, such as the promulgation of the Indigenous Peoples Habitat and Lands, Demarcation and Protection Act, it is concerned that the effective ownership and use of indigenous lands and resources continue to be threatened and restricted by repeated aggression from individuals and private groups against indigenous peoples, in order to move them from their land.

In the light of general recommendation XXIII on the rights of indigenous peoples, the Committee recommends that the State party take measures to recognize and protect the rights of indigenous peoples to own, develop, control and use their lands, territories and resources. In this regard, the Committee invites the State party to provide information on the settlement of cases of conflicting interests relating to indigenous lands and resources, particularly those in which indigenous groups have been displaced from their lands.

21. The Committee recommends that the State party take account of the relevant parts of the Durban Declaration and Programme of Action when incorporating the Convention, particularly articles 2 to 7, into its domestic law. It also recommends that, in its next periodic report, the State party provide information on measures it has taken to give effect to the Durban Declaration and Programme of Action at the national level, particularly the preparation and implementation of a national plan of action.

22. The State party has informed the Committee that it will increase its efforts with a view to ratifying the amendment to article 8, paragraph 6, of the Convention, which was adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee recalls General Assembly resolution 59/176, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

23. The Committee invites the State party to consider the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

24. The Committee recommends that the reports of the State party be made public as soon as they are submitted to the Committee, and that the concluding observations of the Committee on these reports be widely publicized.

25. Pursuant to article 9, paragraph 1, of the Convention, and article 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of its implementation of the recommendations contained in paragraphs 376, 380 and 381 above, within one year of the adoption of the present conclusions.

26. The Committee recommends that the State party submit its nineteenth and twentieth reports in a single report, due on 4 January 2008.
