



Venezuela: Indigenous peoples face deteriorating human rights situation due to mining, violence and COVID-19 pandemic

Venezuela is suffering from an unprecedented [human rights](#) and [humanitarian crisis](#) that has deepened due to the dereliction by the authoritarian government and the breakdown of the rule of law in the country. The International Organization for Migration (IOM) has estimated that some [5.2 million Venezuelans](#) have left the country, most arriving as refugees and migrants in neighbouring countries. The Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2018 had categorized this situation of human rights, as "[a downward spiral with no end in sight](#)". The situation of the right to health in Venezuela and its public health system showed structural problems before the pandemic and was described as a "dramatic health crisis (...) consequence of the collapse of the Venezuelan health care system" by the High Commissioner.

Recently, the OHCHR submitted a report to the Human Rights Council, in which it addressed, among other things the attacks on indigenous peoples' rights in the [Arco Minero del Orinoco](#) (Orinoco's Mining Arc or AMO).

Indigenous peoples' rights and the AMO mining projects before the covid-19 pandemic

Indigenous peoples have been traditionally forgotten by government authorities in Venezuela and condemned to live in poverty. During the humanitarian crisis, they have suffered further abuses due to the mining activity and the violence occurring in their territories.

In 2016, the Venezuelan government created the Orinoco's Mining Arc National Strategic Development Zone through presidential [Decree No. 2248](#), as a mega-mining project focused mainly in gold extraction in an area of 111.843,70 square kilometres. It is located at the south of the Orinoco river in the [Amazonian](#) territories of Venezuela and covers three states: Amazonas, Bolívar and Delta Amacuro. It is the habitat for several indigenous ethnic groups¹ who were not properly consulted before the implementation of the project.

The right to land of indigenous peoples is recognized in the Venezuelan Constitution. Yet, as reported by local NGO Programa Venezolano de Educación- Acción en Derechos Humanos (PROVEA), the authorities have shown [no progress](#) in the demarcation and

¹ At least Kariña, Warao, Arawak, Pemón, Ye'kwana, Sanemá o Hoti, Eñe'pa, Panare, Wánai, Mapoyo, Piaroa and Hiwi.

protection of indigenous territories since 2016. Several indigenous organizations and other social movements have expressed concern and rejected the AMO project.

The implementation of this project has negatively impacted indigenous peoples' rights to life, health and a safe, healthy and sustainable environment. [Human Rights Watch](#), [Business and Human Rights Resource Center](#), local NGO's, social movements and the OHCHR, have documented the destruction of the land and the contamination of rivers due to the deforestation and mining activity, which is also contributing to the growth of Malaria and other diseases.

Indigenous women and children are among the most affected. The Pan-American Health Organization (PAHO) has reported that "*the indigenous populations living in border areas of Venezuela are highly vulnerable to epidemic-prone diseases*", and it raised a special concern about the Warao people (Venezuela and Guyana border) and Yanomami people (Venezuela and Brazil border).

Women and children also face higher risks of sexual and labour exploitation and of gender-based violence in the context of mining activities. The High Commissioner's recent report mentions that there is "*a sharp increase since 2016 in prostitution, sexual exploitation and trafficking in mining areas, including of adolescent girls.*"

In addition, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations Children's Fund (UNICEF) have identified a trend among adolescents of dropping out of school particularly between the ages of 13 and 17. Indigenous individuals are acutely affected, as many children leave to become workers at the mines.

Violence and crime have also increased in the AMO. Criminal organizations and guerrilla and paramilitary groups are present in the zone, and the Venezuelan government has expanded its military presence. Indigenous leaders and human rights defenders have been targets of attacks and threats; and there is a persistence of allegations of cases of enforced disappearances and extrajudicial and arbitrary killings.

Current situation under COVID-19 pandemic

The COVID-19 pandemic and the lack of adequate response to it has aggravated this situation. The government declared a state of emergency (*estado de alarma*) on 13 March and established a mandatory lockdown and social distancing measures. Yet mining activities have continued without adequate sanitary protocols to prevent the spread of the pandemic. The State of Bolívar -the largest state of the country which is located in the Orinoco Mining Arc- has among the highest numbers of confirmed cases of COVID-19 which have included indigenous peoples.

The Venezuelan authorities' response to the pandemic in these territories has not considered culturally appropriate measures for them. In addition, although authorities established a group of hospitals and medical facilities called "sentinel centres" to attend persons with COVID-19 symptoms, they are located in cities while indigenous communities live far from cities. Furthermore, the lack of petrol in the country aggravates the obstacles to easy transportation to these centres.

Civil society organizations and indigenous leaders complain about the lack of COVID-19 tests and the data manipulation of the real situation of the pandemic. Also, the OHCHR reported the arbitrary arrest of at least three health professionals for denouncing the lack of basic equipment and for providing information about the situation of COVID-19,

and stressed that there are “restrictions to civic and democratic space, including under the “state of alarm” decreed in response to the COVID-19 pandemic.”

Recommendations

Venezuela is party to most of the principal human rights treaties, including the [ILO Convention \(169\) on Indigenous and Tribal Peoples Rights](#) and through those treaties the State has obligations to promote, protect and guarantee the rights of persons. The rights of indigenous peoples are fully set out in the [UN Declaration on the Rights of Indigenous peoples](#) which Venezuela has a responsibility to respect.

In line with these international standards, there are a number of actions which the authorities must take.

The rights of indigenous peoples living in the Orinoco Mining Arc region must be protected. The Venezuelan public health system had structural problems even before the pandemic. In this context, Venezuela should strengthen its health system to guarantee indigenous rights to health and safe water. The responsible authorities should also secure the availability of medicines. Additionally, they should adopt culturally appropriate special and urgent measures to prevent COVID-19 and other endemic and epidemic diseases.

The responsible authorities should provide full and transparent access to data related to the COVID-19 pandemic and should respect and guarantee the rights of human rights defenders that are monitoring and providing information about the pandemic among indigenous peoples and in the Orinoco Mining region. They should refrain from any measures that constitute harassment to those human rights defenders and humanitarian organizations.

Regarding the mining project in the Orinoco Mining Arc, the State should suspend gold mining and any other extractive projects in the zone. The mining activities are having a negative impact on the indigenous peoples’ human rights. The suspension is important to prevent further violations and abuses and to conduct a proper prior consultation process.

Under the international law, States shall consult with the indigenous peoples in order to obtain their free, prior and informed consent when extractive projects are planned in their territories. For instance, the [2013](#) Report of the UN Special Rapporteur on the rights of indigenous peoples about the specific issue of extractive industries and indigenous peoples, noted that “[t]he Declaration and various other international sources of authority, along with practical considerations, lead to a general rule that extractive activities should not take place within the territories of indigenous peoples without their free, prior and informed consent”. In [2018](#) the UN Expert Mechanism on the Rights of Indigenous Peoples arrived at a similar conclusion and advised that “[c]onsultations should start at the planning phase (...) so indigenous peoples can influence final decisions”.

Finally, as the United Nations Special Rapporteur on human rights and the environment and the Special Rapporteur for Economic, Social, Cultural and Environmental Rights from the Inter-American Commission for Human Rights [recently](#) said, during COVID-19 pandemic “States should suspend or refrain from approving or investing in any large scale industrial or agricultural activity if the appropriate consultation and participation

mechanisms have not been implemented according to international standards, including the free, prior and informed consent of Indigenous peoples”.

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