



The Venezuelan Program of Education and Action on Human Rights, PROVEA, presents to you our second international newsletter. This time, we approach as global topic the answers given by the state to fulfill the right to housing. As specific topic, this bulletin addresses the issue about the demarcation of indigenous territories, victimization and criminalization of their leaders and also of the organizations representing them. On the conjuncture topic, we resume the situation created after the presidential elections of April 14 and we will reclaim the dialogue as a mechanism to resolve partisan nature differences and social conflict in Venezuela.

This information is also available on our website <http://www.derechos.org.ve>. We welcome your suggestions and comments to the e-mail boletin@derechos.org.ve.

> GLOBAL TOPIC

A mission to fulfill the right to housing

The public policy oriented to satisfy the right to housing and rehabilitation of habitat was the least successful of the government of President Chavez. While other policies had succeeded in increasing primary health care in the popular sectors, increasing school enrollment and the implementation of a food chain at low cost, the government systematically breached its own housing targets. The number of homes built each year by the government of President Hugo Chavez, puts him in second place in the list of presidents of the democratic period - after 1958- that fewer houses built. Some factors that had limited housing state action were the absence of a consensus building plan with short, medium and long term, institutional fragility and a high turnover of staff within the Ministry and institutions in charge of housing as well as the absence of effective monitoring mechanisms of the work started, which originated delays and irregular use of available resources. The housing deficit came in 2001 to three million housing units, so the government expressed its interest in resolving this deficit and created the Ministry responsible for housing in 2005, also gradually adopted a legal framework that corresponds to the international standards of the right to adequate housing, however the results of their management in this area remained negative.

In late 2010, President Hugo Chavez, aware of the limitations of their management in the area, decided to order the subject of housing as an issue of utmost importance to the State. Months later, on 13.02.11 announced the creation of Venezuela's Great Housing Mission (GMVV) in order to solve the housing shortage by joining all sectors and related



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institutions. The president set a goal to build two million housing units between 2011 and 2017, an average of 285,714 homes per year and the creation of the Higher Authority of the National Housing and Habitat, in order to coordinate all government efforts.

The implementation of the GMVV has shown that with the necessary political will is possible for the government to improve the performance in public policy to ensure human rights. Two years after its creation, the government claims to have delivered 375 000 homes. However it is very difficult to develop social control processes on the results of this important work in housing, a right established in the Constitution of the Bolivarian Republic of Venezuela. Management reports of

the Ministry of Popular Power for Housing and Habitat are not publicly accessible, and when you have access to them is possible to highlight contradictions and methodological flaws in the presentation of results.

PROVEA made a report on the first year of implementation of the GMVV, which demanded the authorities to ensure public access to information which would be useful mainly to its beneficiaries. Currently PROVEA processes the data to present a second report on the GMVV in August. One of the highlights is that GMVV has delivered a large number of houses to low income people but there is still a lot of families affected by the

rains that are living in shelters since 2006, various complaints about poor quality of building materials, observations on the type of design used in buildings for not providing community relations by reducing the common areas and the various complaints regarding irregularities in the process of housing allocation. Also in the report to be submitted in August we will express our concern for the various expressions of political discrimination of GMVV beneficiaries, which include the statements of Minister Ricardo Molina to dismiss workers of the Ministry of Popular Power for Housing and Habitat participating in opposition political parties.

> SPECIFIC TOPIC

Demarcation of indigenous territories in Venezuela: Debt, judgments and violence

The Yukpa, Wayuu and Bari are the ancient inhabitants of Perijá, Zulia state, in western Venezuela. In these ancestral lands are located major reservoirs of drinking water, the largest forest reserves in the nation and huge coal deposits. Indigenous representatives repeatedly complain that the National Executive gave huge portions of its territory to transnational corporations and joint ventures, through concessions to coal. Moreover, ranchers and farmers have demanded compensation for the territories that the government declared indigenous heritage. Non-payment of such compensation has generated clashes that turned the Sierra into a risk area for Aboriginal people. A dangerous effect of mining in the area is linked to ecosystem damage from the devastating effects product of the coal industry.

On 16.09.2011, the Venezuelan government issued Decree 8.413, which nationalized gold mining that prevents indigenous share in the wealth generated by that activity. Pemon and Yekuana peoples are the original inhabitants of the territory with the largest gold deposits in the country in the state of Bolivar (south of the nation). In addition, the state had major tracts of land owned by the Pemon, signing a contract in February of 2012 with the Chinese state Citic Group, to develop the mine “Las Cristinas” one of the largest in the world, with 17 million ounces of reserves.

Article 119 of the Constitution recognizes the existence of indigenous peoples and communities, their culture, their habitat and their rights to the lands they ancestrally and traditionally occupy. However, the reality contrasts with the rule in matters of delimitation of territories, as indigenous peoples are excluded from the demarcation process, affecting their right to collective ownership of their lands, described by the Constitution as imprescribable, unalienable and non-transferable.

Since 2009 Venezuelan criminal courts systematically



Sabino Romero. Photo: Internet

prosecuted major indigenous leaders. First were convicted Yukpas Sabino Romero and Alexander Fernandez. Then military courts prosecuted Alexis Romero, a noted Pemon Indigenous chief. On the case of Sabino and Alexander, in 2009 violent incidents occurred in the Yukpa territory and these events generated a criminal trial against them. The Venezuelan State ignored the constitutional mandate that orders respecting indigenous jurisdiction. This caused the mobilization of indigenous representatives to the Supreme Court of Justice in July 2010, requiring the judiciary to be tried by the Yukpa laws. The way of demanding their right was traditional: Yukpa family traveled in groups: parents, grandparents, uncles, cousins, adolescents and children came to the Supreme Court for the release of the brothers Sabino and Alexander.

PROVEA and the NGO *Homo et Natura*, led by indigenous defender Lusbi Portillo accompanied Yukpa protests. By the year 2010, Sabino Romero had been imprisoned 18 months, and some of his sons and brothers had been killed. Following

this Yukpa protest, the Council for the Protection of children and adolescents, a competent State body, questioned indigenous mobilization and therefore their culture, under the theory of protecting the children accompanying their parents. The prosecution followed a lawsuit against PROVEA and *Homo et Natura*, for expressing solidarity with the actions of indigenous rights, arguing that in the protest was used children “as human shields” argument used to discredit the struggle of the Mapuche in Chile and of indigenous people in Bolivia. The competent Court declared in May 2013 that the reason of the trial was over because it had been two and a half years since the children had returned to their habitat. It was, however, a precedent to try to criminalize indigenous protests.

In October 2011 and February 2013, the Pemon

indigenous chief Alexis Romero with his brothers held protests against the military authorities in charge of the area (in Bolivar state) and also denounced corruption. This allowed us to show the world that the Pemon and Yekuana peoples are victims of abuse, and also demonstrate the effects of the implementation of gold nationalization law. Alexis Romero was detained in a prison in Monagas state, and is being prosecuted by military courts.

Unfortunately, 03.03.13., Sabino Romero was assassinated by hit men. This death, Alexis Romero military prosecution and judgment and finally the trial that was opened against PROVEA and *Homo et Natura*, represent a showcase on the situation of indigenous peoples in Venezuela and their right to participate in the demarcation of their lands.

> ISSUES ON NATIONAL CIRCUMSTANCES

Postelection context: The dialogue is imperative

The results of the presidential elections on April 14 showed a country divided politically into two almost equal parts. With a high electoral participation 79.69% of registered voters, the candidate Nicolas Maduro won the 50.61% (7,587,161 votes) while the opposition candidate Henrique Capriles obtained 49.12% (7,362,419 votes).

Once the election results were announced by the National Electoral Council (CNE), the candidate of the opposition did not recognize them and requested a detailed review of the votes. The president-elect agreed to open 100% of the ballot box to audit, but later changed his mind. This situation would end with the announcement of the CNE to do an audit of 100% of the polling stations, but the conditions of the audit would not be accepted by the opposition. The audit went ahead without the presence of opposition representatives who decided to go to the Supreme Court to contest the election results by judicial means.

Following the announcement of the results, the country experienced political violence in several cities, as well as in the National Assembly. According to the Prosecutor General of the Republic, the balance was nine people dead, 107 injured and 28 arrested or detained.

In addition there were attacks on political offices of the ruling party and public buildings. The official sector blamed for these acts to opposition leader, Henrique Capriles. In a tense atmosphere, there were countless harassment and attacks of various types and levels between citizens of different political sectors. The state warned of coup interests and activated strategies to counter the coup endorsed even by the Ombudsman.

The street violence was reflected later in the National Assembly. In two different events were wounded several

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