

Summary

1. The following report has been drafted by the Aguaclara Foundation to be considered by the Committee on Economic, Social and Cultural Rights within the framework of the 3° Periodic Examination of Venezuela, to be held during the 55° Session of the Committee. It refers to the fulfillment of articles 1, 11 and 12 of the International Covenant on Economic, Social and Cultural Rights by the State, especially the right of the peoples to dispose of natural resources to secure their subsistence, the right to water and the right to an adequate environment for a healthy living.

2. Although Venezuela has an extensive legislation favorable to the protection of environmental rights, including the Constitution, and despite the ratification of several conventions and treaties regarding the environment; during the period covered by this report the State has carried on policies and practices that violate its obligations, thus causing great and severe damage to the habitat and, in matters related to this report, to the health of people.

3. During these years, the approach that has prevailed in State policies is clearly developmental and predatory of natural resources; which explains the constant implementation of inconsistent measures and the lack of interest to strengthen the steering and managerial capacities of environmental institutions. As a consequence of the institutional weakening to protect the environment, information regarding projects carried out by the government with the participation of international and national business partners in protected areas is basically inexistent. Likewise, for several years the State has closed all communication channels with civil society organizations that work with environmental themes for political reasons, mainly, due to an open intolerance to questioning and independent efforts to protect the rights of people.

4. Based on the information provided in this report to the honorable members of the Committee, we solicit the following items to be recommended to the State:

- a) To adapt the measures taken in the Legislative, Administrative and Judicial branches to the Constitution of the Venezuelan Republic and to the international treaties and covenants ratified by the State, thus guaranteeing the protection of the mega biodiversity in the country and the natural heritage as a common good.
- b) To repeal any measure that affects the environmental rights of the Venezuelans, in compliance with the protection established in article 1 of the Covenant; and to investigate and sanction all actions aimed at using natural resources for private benefit, committed whether by government officials or individuals.
- c) To restore the steering, scientific and technical roles of the Ministry of Environment as the administrative body in charge of monitoring the fulfillment of the norms, the environmental resource management and the protection of the mega biodiversity in the country; and in particular, to strengthen the National Institution of Parks - Instituto

Nacional de Parques (INPARQUES) – by eliminating any sort of military or political interference with the tasks of its authorities and officials.

- d) To reestablish the dialogue with environmental civil society organizations in order to unite efforts regarding the exercise of the right to pluralistic and democratic, inclusive and non-discriminatory participation in public matters.
- e) To publish the levels of substances, chemicals and minerals of treated water in every hydrological installation in the country. To guarantee the resources needed to adapt and constantly maintain purification and treatment plants; hence guaranteeing a reliable and safe consumption of water for the population.
- f) To facilitate conditions for private actors to construct, recuperate and put into operation treatment plants in industries according to their production, constantly monitoring them to guarantee the fulfillment of applicable health standards.
- g) To take the measures necessary to solve the pollution problems reported by organizations of the civil society and communities whose water supply depend on the Pao Cachinche dam, guaranteeing their participation and accounting during the process.
- h) To suspend the production of PVC and to prohibit its use as a construction material to build houses. To compensate the affected families and to attend the hazardous consequences the product has had in the health of the people exposed to it.
- i) To stop as soon as possible the distribution of energy-saving lightbulbs that contain high levels of Mercury, and to develop a public health program to attend the exposed population. To build a recovery plant for the final disposition of the lightbulbs. To inform and educate the population to handle the lightbulbs as a hazardous product for the health and the environment.
- j) To comply with the ratified environmental covenants, particularly with the covenants of Stockholm, Rotterdam, SAICM, Climate Change, Biological Diversity, and to ratify and implement the Minamata Covenant on Mercury.