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# **SITUATION OF HUMAN RIGHTS IN ZULIA**

## **INDIGENOUS PEOPLES AND COMMUNITIES**

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## **INDIGENOUS PEOPLES AND COMMUNITIES**

**Commission for Human Rights of Zulia state (Codhez)**  
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# GENERAL OVERVIEW

This bulletin on the general situation of human rights in Zulia describes the current context of the region's indigenous peoples and communities. The data provided refers to topics covered by regional and national media, which demonstrate the complex reality of the indigenous peoples: Wayuu and Añú inhabitants of La Guajira (north of Zulia, on the border with Colombia), and Barí, Japreria and Yukpa, inhabitants of the Sierra de Perijá (west of Zulia, on the border with Colombia).

Once again, there are constant violations of human rights, world view, cultures and traditions of the ethnic groups living in Zulia, which together make up one of the largest indigenous populations in the country. The limitations to their free development are a consequence of the restrictions to the most elementary services: indigenous people do not have potable water; electricity is a privilege limited to a few; food continues to be insufficient and, at times, absent, which translates into high rates of malnutrition that generate deaths among the most vulnerable sectors; growing insecurity and the proliferation of irregular groups put life and personal integrity at risk, with women, boys and girls being the most affected; in general terms, poverty and precariousness are the daily companions of the Zulian indigenous peoples and communities, historically unassisted and abandoned by the State.

In particular, between late September and early October 2022, the Office of the *Special Rapporteur on Economic, Social, Cultural and Environmental Rights* (REDESCA) of the *Inter-American Commission on Human Rights* (IACHR) conducted a visit to the Colombian Guajira (this type of visit to La Guajira on the Venezuelan side is limited given the impediments imposed by the national government). Among other aspects highlighted, REDESCA evidenced the structural situation of rights violation, an issue that also applies to the indigenous populations on the Venezuelan side, warning that *"... REDESCA notes that there are serious violations of the rights to water, food, a healthy environment, health, housing, decent work, education, cultural rights, prior consultation and self-determination, and the right to care, highlighting the lack of recognition of the role of women in their work"*.

In this regard, the welfare and progress of indigenous peoples and communities, in accordance with their customs and traditions, have been one of the recurring demands we have made from Codhez. At the beginning of 2022 we published a report where we stated this concern and expressed that in areas such as Guajira, *there is not a crisis, but an emergency*. This same emergency situation was evidenced months later: the perennial worsening of the living conditions of indigenous peoples and communities under the merciless gaze and total governmental abandonment, continue to be the order of the day, meanwhile, the people of these populations continue to suffer the violation of their most basic rights, which shapes the historical continuity of the violation of the Venezuelan state to the uses, customs and indigenous cosmovision.

Although the Venezuelan Constitution recognizes a series of special rights for indigenous peoples and communities (Articles 119 to 126<sup>2</sup>), the reality implies a disregard for their needs, rights and customs. The Venezuelan state, through its action or omission, undermines the political, social, economic and cultural organization of these peoples, in addition to not guaranteeing the development of their ways of living. It is imperative that the State assume its obligations with the indigenous peoples and communities of the Zulia region, applying a differential treatment based on their rights and in accordance with their uses and customs. In other words, the Venezuelan State must design and execute structural and sustainable policies, strategies and plans that promote the development of the

indigenous peoples and communities, in accordance with their political and social organization, rules, procedures, and their own cosmovisions and institutions, with a human rights approach.

## 1. SITUATION OF THE INDIGENOUS PEOPLES IN ZULIA

After more than 500 years, the struggle for indigenous demands continues, no longer in the face of a conquering or colonial power, but in the face of a government that ignores its responsibilities, disregarding international mandates, among them Article 1 of the United Nations Declaration on the Rights of Indigenous Peoples, which stipulates that *"Indigenous peoples have the right, as peoples or as individuals, to the full enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law"*<sup>3</sup>.

In this sense, indigenous peoples and communities have the right to their development, in a free manner, without being subject to any discrimination, allowing them to freely determine their political status and pursue their economic, social and cultural development (Article 3)<sup>4</sup>. Therefore, in general terms, *"Indigenous peoples have the right, without any discrimination, to the improvement of their economic and social conditions, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security"* (Article 21)<sup>5</sup>.

The *American Declaration on the Rights of Indigenous Peoples*<sup>6</sup> specifies that indigenous peoples and communities are holders of collective rights necessary for their existence, well-being and integral development. To this end, States must recognize and respect *"...the right of indigenous peoples to their collective action; to their juridical, social, political, and economic systems or institutions; to their own cultures; to profess and practice their spiritual beliefs; to use their own tongues and languages; and to their lands, territories and resources. States shall promote, with the full and effective participation of indigenous peoples, the harmonious coexistence of the rights and systems of different population groups and cultures."* (Article VI).

The violation of the guarantee of the human right to water deserves a special mention, which, as we shall see, is one of the most serious problems faced by indigenous peoples and communities. As REDESCA mentions, *"...the lack of guarantee of the right to water generates a vicious circle of deprivation of ESCR, since it is a vital resource to ensure the life of the communities and the environment..."*<sup>7</sup>. Thus, but with regard to the right to health, REDESCA observes that *"...the basic and social elements of health are not being effectively addressed (such as water, food and poverty), the risk of violation of the right to health is very high, being aggravated by the fact that the approach is not preventive and that the health facilities, goods and services are not accessible and do not have sufficient resources to properly serve the entire population, in addition to not having an intercultural approach. As an example, the lack of prenatal check-ups, incomplete vaccination schedules, among others, are reported"*<sup>8</sup>.

On the other hand, indigenous peoples located in the Guajira municipality as well as the inhabitants of the Sierra de Perijá suffer constant abuses by government, civilian and military security forces. The roadblocks of these agencies are the most common way to carry out these abuses<sup>9</sup>, with extortions being reported against the communities or travelers moving to or from Colombia.

### 1.1. GUAJIRA

A common dynamic that continues to cause discomfort and concern among the indigenous communities located in La Guajira is the continued inefficiency in the provision of basic services. The lack of electricity and potable water is a constant among the inhabitants of this area, all of which worsens in the face of serious limitations in the exercise of fundamental rights such as health and

education, the right to food or the right to free passage. In other words, the quality of life and personal, family and community well-being are goods denied to the indigenous peoples and communities of the Zulian region. An example of this is described below.

### **Electric service**

Since the beginning of 2022, the nightmare of darkness continued. As already mentioned in previous reports, La Guajira is one of the areas of Zulia with the greatest problems of access to electricity service. The reasons are diverse (although common in almost all the region): lack of electricity generation, distribution failures due to damage to cables and basic equipment, burned transformers, among others. On January 18, the first of these events of power outages and fluctuations was reported in La Guajira municipality, as well as in other municipalities such as San Francisco, Jesús Enrique Lossada and La Cañada de Urdaneta<sup>10</sup>.

This situation was repeated during the course of the year. In July, La Guajira was affected by long hours without electricity: homes, businesses and health centers reported up to eleven continuous hours without electricity. This time, the cause was the fall of two utility poles in Paraguaipoa, and in the same week three power failures were reported in the municipality of Paraguaipoa<sup>11</sup>.

The Añú population located in the communities of the Sinamaica Lagoon (the lagoon is made up of 12 communities, in 15 communal councils, made up of between 20 and 30 families each), suffer from power failures daily, with constant blackouts that can last up to a week. When specific failures occur, the neighbors organize themselves to seek repairs, since *Corpoelec* simply does not provide services in this area of the municipality<sup>12</sup>.

### **Potable water**

Access to drinking water is a non-existent right among the indigenous peoples and communities of La Guajira. There have been many protests, claims, demands, special reports, reports on this reality, and time continues to pass without answers, without solutions, with increasing thirst and the proliferation of diseases due to the absence of clean water and the uncontrolled overflow of sewage, as reported in April of this year, when it was denounced that some 15 border communities of the Venezuelan Guajira were affected by sewage water coming from Colombia. This water was consumed by animals whose meat is then sold in Los Filúos market in La Guajira municipality<sup>13</sup>.

This has also affected education in La Guajira. After the return to in-person learning, access to water in the schools has been critical: teachers and representatives apply strategies or self-manage to supply themselves with clean water. One form of self-management applied is that teachers and students each contribute with COP 100 to buy water, especially for the schools' kitchen and bathroom<sup>14</sup>.

On the other hand, at the end of July, some 24 communities in La Guajira municipality, including *Caujarito, La Argentina, La Ceiba, Chamarú, Barrio Caujarito, Chemerai, La Frontera, Berlín, El Brillante, and San Juan*, had been without potable water for three months. As a result, children, the elderly and pregnant women have to travel up to 10 kilometers on foot (about two hours walking) to reach the *Patchuama'na* reservoir, where they bathe, wash their clothes, and get water for their daily consumption. The people of these communities are forced to quench their thirst by drinking water from this reservoir, which is unfit for human consumption. Apparently, this situation was aggravated by the failure of the engines of the El Brillante aqueduct, which has been damaged for more than 8 months now, and each tanker truck costs between COP 35,000 and 40,000, or about USD 15,000<sup>15</sup>.

This problem is also experienced by the inhabitants of the Sinamaica Lagoon, who have a filling station at their dock provided by *La Guajira Mayor's Office*, but they have to pay COP 2,000 per water barrel. Without this money, some families choose to paddle to an area called *Zanzibar* (where the Limón River meets the El Socuy River) to get water from the river: the water is brown, but they strain it with rags. Once or twice a week, some families go in canoes to fill 10 water barrels, for which they have to paddle for up to 6 hours continuously, leaving at 8:00 am and returning between 4:00 pm and 5:00 pm<sup>16</sup>.

This lack of drinking water is worsened by the absence of a sewage system in this part of the municipality. The inhabitants of the lagoon dispose of their needs in the same water which they sometimes use for cooking, drinking or bathing. All solid waste, as well as residues from mangrove logging and indiscriminate fuel spills (caused by gasoline-laden barrels that are dragged down the river from Colombia) end up in these waters. This generates a context for diseases, and increases the pollution of the Lagoon's waters<sup>17</sup>.

This situation is still in force, despite official information about the repair, in October 2021, of 700 linear meters of piping in the El Brillante aqueduct, and the supposed repair in March 2022 of two 200 HP motors and a pump for the generation of 880 liters of water per second for the Guajira municipality<sup>18</sup>.

## Health

Another distressing issue among indigenous families in La Guajira has to do with the lack of access to efficient public health services, as well as the limited possibilities of acquiring medicines on a continuous and affordable way. At the beginning of the year, La Guajira Human Rights Committee warned about cases of malaria detected in Wayuu communities settled on the banks of the El Socuy river, while the organization *Homo Et Natura* reported 20 people affected<sup>19</sup>.

In this regard, one of the most affected sectors by the lack of guarantee of the right to health care are the elderly living in this indigenous municipality of the State of Zulia. A good part of these people live in very poor living conditions, in improvised dwellings. Some of them say that sometimes when there is a lot of wind, they run away because they are afraid that the hut homes, made of palm trees, plastic or cloth, will fall on them. Also, some of these older adults are hypertensive, others suffer from gallbladder disease; without medication and work, they depend on others to feed them and carry water due to the lack of money to buy it<sup>20</sup>.

These same limitations are experienced by pregnant indigenous women, who do not have sufficient economic means for prenatal medical care. It is reported that there is nothing in the hospitals, everything must be paid for, even injectors must be purchased. Some say that when the delivery is by cesarean section, which is extremely expensive, they have to travel to Colombia to give birth there<sup>21</sup>.

The children of the Añú population in the Sinamaica Lagoon are constantly sick with diarrhea, asthma, fever and flu; many of these children are malnourished. *Puerto Cuervito* is the only rural ambulatory that operates in this locality with only one doctor, so health care is sporadic; there are no workers, waiters or nursing personnel. The ambulatory has a 90% deficit of medical supplies: it is an inhumane health facility that does not have the minimum conditions to care for sick people. The other

option is to take the sick person to the port (after finding transportation), then walk almost two hours to the town's ambulatory, which is basically in similar conditions<sup>22</sup>.

The issue of child malnutrition is alarming in this area of Guajira. The death of 5 children during 2022 was reported due to vomiting, diarrhea and lack of transportation to save their lives<sup>23</sup>. In addition to these high rates of children with malnutrition, among the Wayuu and Añú communities, the remarkable cases of pregnant girls and adolescents are also worrying, reporting that *"there are many girls from eight or 10 years of age who are pregnant and malnourished"*<sup>24</sup>.

On the other hand, this year has been characterized by constant and heavy rainfalls in Zulía. The Guajira municipality has been one of the most affected and its inhabitants have experienced, once again, the State's improvisation to attend to sanitary emergencies caused by this type of events. In June, the overflowing of the Limón river damaged several communities of La Guajira, many of which lost the little production they had planted, and triggered complaints about the lack of attention; in this regard, the inhabitants expressed that *"...no authority has come to look after us, they have not even brought a sachet of Acetaminophen and they have not seen the flooded houses..."*<sup>25</sup>. All this created a scenario for the proliferation of diseases such as dengue fever. In the following days, the mayor of the municipality decreed a state of environmental and sanitary emergency<sup>26</sup>.

A month later, part of the municipality was flooded by the overflow of the Paraguachón river, directly affecting more than 99 families in the communities of *Nueva Laguna, Barrio Nuevo, Puerto Aleramos, San José de Puerto Aleramos, Moína, El Rabito, Maichamana, Uchichon and Los Filios*. Some animals died (pigs, goats, chickens)<sup>27</sup>. By the beginning of September, the stagnant waters caused by the rains spread the proliferation of pests and mosquitoes that made the children of the area sick. Complaints arose stating that for more than 5 years no fumigation campaigns have been carried out in the communities. At 4:00 pm, families must already be locked in their homes to escape the pest and diseases, but another evil arises: the unbearable heat due to the lack of air circulation and electricity<sup>28</sup>.

In any case, by the end of November 2022, it was reported that 7,500 indigenous families residing in the Guajira municipality have been affected by the rains and riverine floods, and according to statements made by the Ministry of Popular Power for Indigenous Peoples, they are in 20 temporary shelters. One of the most affected areas were 28 communities in Sinamaica which have been under water for more than a month<sup>29</sup>.

It is emphasized that persons belonging to indigenous peoples and communities have the right to all health services. To this effect, Article 24 of the *United Nations Declaration on the Rights of Indigenous Peoples*<sup>30</sup> states that *"1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services. 2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right."*

## Education

In terms of education, the situation is not encouraging. It has been repeatedly reported that education among indigenous peoples and communities in the Venezuelan Guajira practically came to a standstill, especially since 2020 with the call for distance education through the application of new technologies. Teachers, professors, parents, representatives and students were not prepared for this decision made by the national government. Firstly, they did not have sufficient knowledge and skills

for this change of educational modality and, secondly, the vast majority lacked the necessary tools and equipment (computers, cell phones, internet) to make this type of education effective.

An example is found in the communities of the Sinamaica Lagoon, where another of the remarkable calamities experienced has to do with the limitations to the exercise of the right to education. Many parents lament because their children will have the same fate as them, without studies or education, the future is opaque and a repetition of cycles of stagnation and obstacles to life projects can be glimpsed.

There are three schools in this area, all of them abandoned. The almost 1,500 children attend classes in the midst of precariousness and needs, sitting on the floor and without school supplies because their parents do not have the economic means to buy them. After two years of pandemic, school activities restarted this year 2022: distance education did not work here. During the pandemic, the few furniture and utensils that were in the schools were looted and plundered. This return to face-to-face learning has been very difficult, especially because of the transportation problems for the children who live in the middle of this lagoon, because *"...if the family does not have a canoe to travel, the children do not go to school..."*<sup>61</sup>.

This scenario is repeated even in higher education environments. In the middle of the year, it was reported that students of the *Libertador Experimental Pedagogical University* (UPEL) with an extension in La Guajira, did not have their own headquarters to attend their classes, but eventually received these classes in classrooms of educational institutions that gave up their spaces as a collaboration<sup>32</sup>.

As it is evidenced, there is also a violation of the rights of thousands of children and young people in education, limiting their possibilities of cognitive and attitudinal growth, which also translates into a disregard of the obligation of the Venezuelan state to implement an educational system with methods and strategies in accordance with the culture and language, in accordance with Article 14 of the aforementioned *United Nations Declaration on the Rights of Indigenous Peoples*<sup>33</sup>, which states that *"1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. 2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination. 3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language"*.

### **Food and nutrition**

The problems of availability and accessibility of food, in sufficient quantity and quality, are perhaps the most common and frequent concern among the indigenous communities of this northwestern region of the Venezuelan state. Children, the elderly and women suffer from serious malnutrition. In sectors such as Guarero, some mothers are forced to go out to beg for food for their children, in addition to the precariousness of their homes, made of mud, without electric service or drinking water<sup>34</sup>.

This scenario is repeated throughout most of the municipality. Wayuu women are the ones who go out to look for food for their children, but they also have health conditions that prevent them from making this daily journey, and sometimes they send their children to school without any food. Testimonies such as *"...Sometimes we spend days drinking water because my feet are too weak to walk"*, are stated by the Wayuu women when they are unable to feed their families<sup>35</sup>.



The coordinator of the *Human Rights Committee of La Guajira* warned about the high rates of malnutrition in sectors such as those located in the Sinamaica Lagoon. For example, in the El Barro community, 83% of the families only eat once a day, with limited portions, and their main source of animal protein is fish (93%), due to the fact that the main occupation of the heads of families in this area is fishing. Also, 90% of the young children are fed on mother's milk or corn chicha, leaving a large part of the infant population very underweight compared to their height<sup>36</sup>.

As for the aid provided by the national government's food programs, Mercal bags or CLAP boxes are distributed once a month, and must be paid in Colombian pesos at a price of COP 5,000, otherwise the communal council refuses to sell them. These bags normally contain 5 kilos of rice, 1 kilo of wheat flour, 2 kilos of corn flour, 1 kilo of pasta, 2 kilos of beans, and 100 grams of coffee. These bags are only enough for three days, and many families resort to bartering, exchanging cereals and grains for fish. As can be noted, fish is the food that solves the day-to-day problems, but there has been a decrease in production of up to 50%. When it is not possible to fish, and when there are no Mercal bags or CLAP boxes, "*...the men go out to hunt birds*"<sup>37</sup>.

Job opportunities are increasingly scarce, especially during and after the pandemic. According to the *Human Rights Committee of La Guajira*, 80% of the inhabitants of the municipality are unemployed. Tourism has decreased by up to 90% in the Sinamaica Lagoon: of 45 boats, only 15 remain, and many people have sold their motors to survive. Some boatmen have formed an internal transportation route in the lagoon, which operates from 8:00 am to 9:00 pm, with fares ranging between COP 15,000 and 50,000. As mentioned, fishing has decreased due to the high waters pollution and the lack of fuel, as they only sell 20 liters per month for the fishermen. This forced many people to engage in informal work: selling coconut candy, goat milk, and conservas de plátanos, some women have taken up handicrafts and weaving, but in any case, daily earnings are less than COP 20,000<sup>38</sup>.

## 1.2. PERIJÁ

The reality is not different for the indigenous peoples and communities located in the Sierra de Perijá, the Barí, Japreria and Yukpa, who historically have also been victims of state neglect and negligence. This is an unpaid debt with the indigenous culture and idiosyncrasy, without taking consistent, comprehensive and sufficient measures to ensure the subsistence of these ethnic groups and respect their rights and freedoms. It should be noted that there is very limited public information on the human rights situation of the communities and peoples located in the Sierra de Perijá.

The complaints made by the *Organization of Indigenous Yukpa Women Oripanto Oayapo Tuonde Women Defenders of the Territory of the Sierra de Perijá* deserve a special mention because they express the situations of human rights violations of which the Yukpa community are victims. Among these complaints is the fact that a large number of adults and children are without any identification, violating their right to identity, they do not have birth certificates and, therefore, do not have identity cards either. In other cases, the identity cards are not registered in the system or are cloned. On the other hand, another complaint points to intentional damage caused to electrical installations (Materita sector of the Yaza river basin up to the Kuse community). Also, in relation to the right to free passage, this organization denounces that mobilization in this area of Zulia is almost impossible, and can even threaten their own lives, given that to travel to urban centers they must undertake a journey and cross the river on a makeshift board tied to a rope, which is very dangerous<sup>39</sup>.

In the same context, the impassability of the roads makes it almost impossible to move in case of emergencies. This implies a greater risk to the lives of people, especially the sick, the elderly or pregnant women. On occasions, emergencies must wait for rivers to overflow, and the immediate consequence is the death of the people affected<sup>40</sup>.

## Health

By the first quarter of 2022, two years after the beginning of the pandemic, it was reported that the first case of Covid-19 among the Yukpa community was verified in June 2020, but the first vaccines reached them in December 2021, about 10 months after the vaccination campaigns had started in the country. At that time, vaccines were available for about 2,000 families in the Toromo basin (the Yukpas are grouped in five basins among the mountains of the Sierra de Perijá: *Tukuko, Apón, Yaza, Macoíta and Toromo*). There is no official information about this campaign, but what is certain is that three months later, there was no more information about new vaccination campaigns and, apparently, a good part of the Yukpa people have not been vaccinated against Covid-19 (by February of this year, it was estimated that only 10% of the Yukpa population had been vaccinated)<sup>41</sup>.

In relation to the vaccination against Covid-19, experts in the field affirm that the State has not made an effort to implement an informative plan adapted to the indigenous culture, in their language, with sufficient informative material. For this reason, many indigenous peoples, among them the Yukpas, prefer not to have access to these vaccination campaigns, due to their cosmovision and their conception of what the body and spirituality are. In addition, there are serious infrastructure, service and security problems in the region: lack of personnel, roads deterioration, transportation and gasoline supply problems, armed-group proliferation, among others<sup>42</sup>.

Health care is extremely difficult, if not impossible. Many families have to move away from the roads (in ruins and impassable) as a consequence of the heavy rains that normally occur throughout the year, generating floods and landslides. As a result, entire settlements prefer to take refuge in the upper part of the basin.

In addition to Covid-19, there are other diseases such as malaria, malnutrition, hepatitis, leishmaniasis and tuberculosis, as well as constant snake accidents, such as the one that occurred in July of this year when a 10-year-old boy died as a result of a snake bite and lack of antiophidic serum, and the delay in transferring him to a health center<sup>43</sup>. Unfortunately, this is not the only case of a child's death; also, in July the death of a Yukpa girl from pneumonia was reported<sup>44</sup>.

In *Toromo*, there is only one doctor working at the *Rural Ambulatory I* of the town, with no supplies or medicines. Most of the time this health center remains closed. The doctor is trying to keep a record of pregnant women, since there have been reports of an increase in the number of newborns who have died due to the lack of prenatal care<sup>45</sup>.

In general, indigenous peoples and communities continue to face serious limitations in the exercise of their right to health, as a result of the denial of hospital care and the necessary medicines to alleviate ailments, illnesses and diseases. For example, in this regard, there is a proliferation of complaints about the lack of mosquito nets and insecticides to eliminate the mosquito that transmits malaria<sup>46</sup>.

## Security

According to reports from the same inhabitants, in the Sierra de Perijá, there is a presence of the National Liberation Army (ELN) that "...penetrates the indigenous communities, sets up camps, charges "...*vaccines (taxes)*' to ranchers, supervises the cattle smuggling and recruits young people for its units"<sup>47</sup>.

On the other hand, the demarcation of indigenous lands and habitats persists as one of the greatest state debts. This has generated violence in the struggle for their ancestral spaces, many of which are now occupied by farms and cattle ranches. These struggles have caused deaths and desolation among the Yukpa indigenous people, who have had to bear aggressions and mistreatment by employees or farm owners, as well as by the military component in the area, which is exacerbated by the constant attacks of armed groups, such as the Colombian guerrilla in the area.

As a result of these struggles for land demarcation, there have been numerous deaths among members of the Yukpa communities, including members of the same family. There have been several reports on this issue, and those who take up this challenge are the Yukpa women (such as those who are part of the *Organization of Indigenous Yukpa Women of the Sierra de Perijá, Oripanto Oayapo Tiionde*), who since 2014 have suffered with greater drama the death of siblings and children in the hands, allegedly, of agents of the Bolivarian National Guard or groups of hired killers. They have taken their voices to the country's capital demanding justice, but the investigations have been shelved. Some women have been tortured and others threatened with rape<sup>48</sup>.

On the other hand, and as a counterpart to this situation, some Yukpas decide to collect damages by robbing or stealing cattle, while others improvise roadblocks to collect rights of way and have some money to support their families<sup>49</sup>, as reported at the beginning of November on the Maracaibo-Machiques and Machiques-Colón roads<sup>50</sup>. At the beginning of this month, meetings were held to address these closures. Some indigenous leaders stated that these are behaviors that are outside the indigenous demarcation, and invited the authorities to achieve a solution through dialogue<sup>51</sup>.

In this regard, it is emphasized, in accordance with Article XXV of the *American Declaration on the Rights of Indigenous Peoples*<sup>52</sup>, that they have the right to their traditional forms of property and cultural survival, therefore, "1. *Indigenous peoples have the right to maintain and strengthen their distinctive spiritual, cultural, and material relationship with their lands, territories, and resources and to uphold their responsibilities to preserve them for themselves and for future generations*", furthermore, "...they 2. *have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired....* 3. *Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired*". The Venezuelan state is responsible for guaranteeing the recognition and protection of these lands, territories and resources, which includes the legal recognition of the diverse and particular modalities and forms of ownership, possession or dominion of their lands, territories and resources in accordance with the legal system and the relevant international instruments, a matter with which the State is in default, particularly since 2001, when the Law of Demarcation and Guarantee of the Habitat and Lands of the Indigenous Peoples was enacted<sup>53</sup>.

On the other hand, in August, some irregular situations occurred with the presence of armed groups and the alleged theft of cattle belonging to some Wayuu people who inhabit part of the Sierra de Perijá, creating a climate of conflict with Yukpa indigenous people of the Yaza river basin. Other complaints also pointed to the use of these roads for the irregular passage of cattle to Colombia<sup>54</sup>.

## FINAL CONSIDERATIONS

The protection of the rights of indigenous peoples and communities has been extensively regulated both nationally and internationally, as various regulations have been issued that aim to systematize the set of general and specific rights that are recognized for these ancestral peoples. For example, the United Nations Declaration on the Rights of Indigenous Peoples states that "*Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person*" (Article 7)<sup>55</sup>. Meanwhile, the American Declaration on the Rights of Indigenous Peoples states: "*Indigenous peoples and individuals have the right to the full enjoyment of all human rights and fundamental freedoms, as recognized in the Charter of the United Nations, the Charter of the Organization of American States, and international human rights law*" (Article V)<sup>56</sup>. However, the reality is far from the provisions of these regulations.

As mentioned in previous reports, the serious situation of these peoples is multidimensional and historical. Poverty and increasingly acute needs are part of the daily life of the indigenous people living in the Zulian region, without priority attention from the competent authorities. On the contrary, the State's attitude is to ignore its obligations and repeatedly violate their rights to life, integrity, general welfare and quality of life and, in the face of this, the indigenous people are forced to survive in unequal conditions of constant calamity and vulnerability.

Therefore, the Venezuelan state is required to establish policies that make visible and allow to address the multiple needs suffered by indigenous peoples and communities, with a human rights, intersectional and gender approach, so that prioritized and privileged attention is given to these peoples who are traditionally diminished in their living conditions: children, adolescents, women, seniors, LGBTIQ+ people, and people with disabilities. And in general, take the necessary measures to guarantee the freedom, security and protection of the indigenous peoples in the face of threats and harassment by State security officials and parallel armed groups present in these areas of the State of Zulia.

# NOTES

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<sup>1</sup> Inter-American Commission on Human Rights / Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (November 30, 2022), "*Visit to Colombia: REDESCA observes serious challenges for the guarantee of ESCR in La Guajira*", at <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2022/265.asp>

<sup>2</sup> National Constituent Assembly, *Constitution of the Bolivarian Republic of Venezuela*, in Official Gazette of the Republic number 36.860 ordinary, December 30, 1999.

<sup>3</sup> United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, September 7, 2007.

<sup>4</sup> *Ídem.*

<sup>5</sup> *Ídem.*

<sup>6</sup> General Assembly of the Organization of American States, *American Declaration on the Rights of Indigenous Peoples*, third plenary session, June 15, 2016.

<sup>7</sup> Inter-American Commission on Human Rights / Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (November 30, 2022), "*Visit to Colombia: REDESCA observes serious challenges for the guarantee of ESCR in La Guajira*", at <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2022/265.asp>

<sup>8</sup> *Ídem.*

<sup>9</sup> Algimiro Montiel on Twitter (January 24, 2022), at <https://twitter.com/algimiromontiel/status/1485729109514801153>.

<sup>10</sup> Madelyn Palmar on Twitter (January 18, 2022), at <https://twitter.com/Madepalmar/status/1483484467347996672>.

<sup>11</sup> Algimiro Montiel on Twitter (July 8, 2022), at <https://twitter.com/algimiromontiel/status/1545416144282165248>.

<sup>12</sup> Crónica Uno (April 9, 2022), "*The only sure thing that the water towns of the Sinamaica lagoon have is death(I)*", at <https://cronica.uno/los-pueblos-de-agua-de-la-laguna-de-sinamaica-lo-unico-seguro-que-tienen-es-la-muerte-i/>.

<sup>13</sup> Algimiro Montiel on Twitter (April 25, 2022), at <https://twitter.com/algimiromontiel/status/1518755662381080576>.

<sup>14</sup> Radio Fe y Alegría News (May 27, 2022), "*Guajira schools are without water*", at <https://www.radiofeyalegrianoticias.com/escuelas-de-guajira-estan-sin-agua/>.

<sup>15</sup> El Pitazo (July 22, 2022), "*Patchuama'na is a reservoir that quenches the thirst of 700 families in Guajira*", at <https://elpitazo.net/podcast/patchuamana-es-un-jaguey-que-calma-la-sed-de-700-familias-en-guajira/>

<sup>16</sup> Crónica Uno (April 9, 2022), "*The only sure thing that the water towns of the Sinamaica lagoon have is death(I)*", at <https://cronica.uno/los-pueblos-de-agua-de-la-laguna-de-sinamaica-lo-unico-seguro-que-tienen-es-la-muerte-i/>.

<sup>17</sup> *Ídem.*

<sup>18</sup> *Ídem.*

<sup>19</sup> Reporte Ya on Twitter (January 24, 2022), at <https://twitter.com/ReporteYa/status/1485709881508352004>.

<sup>20</sup> Radio Fe y Alegría News (April 3, 2022), "*The elderly in La Guajira must 'find a way' to survive*", at <https://www.radiofeyalegrianoticias.com/adultos-mayores-de-la-guajira-deben-ingeniarselas-para-sobrevivir/>.

<sup>21</sup> Radio Fe y Alegría News (April 5, 2022), "*Unaffordable care for pregnant women in La Guajira*", at <https://www.radiofeyalegrianoticias.com/incosteable-el-cuidado-de-mujeres-embarazadas-en-la-guajira/>.

<sup>22</sup> Crónica Uno (April 9, 2022), "*The only sure thing that the water towns of the Sinamaica lagoon have is death(I)*", at <https://cronica.uno/los-pueblos-de-agua-de-la-laguna-de-sinamaica-lo-unico-seguro-que-tienen-es-la-muerte-i/>.

<sup>23</sup> *Ídem.*

<sup>24</sup> Tal Cual (November 22, 2022), "*In La Guajira, Wayúu and Añú indigenous people are 'worse than what is shown in reports'*", at <https://talcualdigital.com/en-la-guajira-indigenas-wayuu-y-anu-estan-peor-de-lo-que-se-muestra-en-informes/>.

<sup>25</sup> Radio Fe y Alegría News (June 21, 2022), "*Flooding of the Limón river affects communities in the municipality of Guajira*", at <https://www.radiofeyalegrianoticias.com/crecida-del-río-limon-afecta-a-comunidades-del-municipio-guajira/>.

<sup>26</sup> Radio Fe y Alegría News (June 30, 2022), "*Mayor of Guajira decreed a state of environmental and sanitary emergency*", at <https://www.radiofeyalegrianoticias.com/alcaldesa-de-guajira-decreto-estado-de-emergencia-ambiental-y-sanitaria/>.

<sup>27</sup> El Pitazo (August 30, 2022), "*Zulia | La Guajira is flooded by the overflowing of the Paraguachón River*", at <https://elpitazo.net/occidente/zulia-la-guajira-esta-inundada-por-el-desbordamiento-del-río-paraguachon/>.

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<sup>31</sup> Crónica Uno (April 9, 2022), "*The only sure thing that the water towns of the Sinamaica lagoon have is death(I)*", at <https://cronica.uno/los-pueblos-de-agua-de-la-laguna-de-sinamaica-lo-unico-seguro-que-tienen-es-la-muerte-i/>.

<sup>32</sup> El Diario on Twitter (June 21, 2022), at <https://twitter.com/eldiario/status/1539386774589526017>.

<sup>33</sup> United Nations General Assembly, United Nations Declaration on the Rights of Indigenous Peoples, September 7, 2007.

<sup>34</sup> Radio Fe y Alegría News (March 5, 2022), "*Food crisis continues to affect families in La Guajira*", at <https://www.radiofeyalegrianoticias.com/crisis-alimentaria-sigue-afectando-a-las-familias-de-la-guajira/>.

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<sup>50</sup> La Patilla (November 4, 2022), "*Yukpa indigenous people block roads and even confront the GNB to get money in Zulia (Videos)*", at <https://www.lapatilla.com/2022/11/04/indigenas-yukpas-zulia/>.

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<sup>52</sup> General Assembly of the Organization of American States, American Declaration on the Rights of Indigenous Peoples, third plenary session, June 15, 2016.

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