



JUST ATONEMENT INC.

justice  
hope peace unity equal opportunity  
golden age  
progress sustainability democracy freedom  
human rights harmony civilization

**Just Atonement Inc.**

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Just Atonement Inc. (JAI) is a global network of advocates who serve at the front lines in defending democracy, human rights, and a livable planet.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Venezuela (Bolivarian Republic of).

***Summary of Conclusions***

1. **A climate breakdown is imminent.** Venezuela is already experiencing drastic human rights challenges that have been exacerbated by climate change. The Venezuelan government must act to protect its citizens and the environment. Natural resources and the environment are necessary topics of consideration for achieving stability in Venezuela.

2. Venezuela can be commended for achieving recommendations from the previous UPR. Venezuela has ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and has concluded the ratification process of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Venezuela has also taken steps to address the growing food crisis through cooperation with international aid organizations, including the World Food Programme.

***Right to a Healthy Environment***



3. Venezuela is considered one of the most biodiverse countries in the world. However, the health of the environment faces many threats. Because of Venezuela's high biodiversity, a threat to the environment of Venezuela not only a threat to the livelihood of Venezuelan citizens, but it is also a threat to global biodiversity.
4. Oil and pollutant spills threaten coastal marine and terrestrial environments and endanger local communities. To make the situation worse, spills have become more frequent and remediation plans have become inadequate or nonexistent as oil infrastructure has been improperly maintained. In some areas, measures to prevent spills have been totally abandoned, and entire communities are now exposed to contaminated seafood and water.
5. Venezuela also has one of the highest deforestation rates in tropical America. Venezuela is home to a portion of the Amazon rainforest, and deforestation and land use changes in the Amazon threaten to turn the forest into a carbon *source* rather than carbon *sink* within the next 15 years. Illegal mining operations contribute to deforestation, and such operations have been discovered in the World Heritage site of Canaima National Park and other protected areas.
6. Research into the environment, which is essential to understand how climate change impacts the country, faces difficulty in Venezuela. State censorship of statistics is prevalent. Data on many topics, including climate related topics such as deforestation, emissions, and air quality, are collected but not published. Some data is never collected at all. For example, one researcher estimated that 70% of Venezuelan weather stations were inoperative in 2019, making collection of rainfall and temperature data difficult.
7. Environmental research is also hampered because of scientists leaving Venezuela. Universities and research units have reported high rates of attrition. Venezuela's 2018 climate report was limited because half of the researchers cited in the previous report had since left the country.<sup>1</sup> Scientists report a lack of funding for research and have even had to flee from gunfire while doing research in the field.<sup>2</sup>

### *Recommendations*

8. To combat oil and pollutant spills, Venezuela should invest in infrastructure maintenance. Further, the country should create informed remediation plans to mitigate the impact of spills on the sensitive environment. The country must also assist and cooperate with the efforts of environmental groups to clean up oil spills.
9. Venezuela should work to recreate an informed, effective, and apolitical Ministry of Environment to create cohesive national approaches that protect Venezuela's environment and biodiversity.

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<sup>1</sup> <https://news.mongabay.com/2019/10/venezuelan-crisis-government-censors-environmental-and-scientific-data/>

<sup>2</sup> <https://news.mongabay.com/2018/11/no-one-is-helping-us-venezuelan-conservation-crippled-by-crisis/>



10. Venezuela must end data censorship to facilitate a deeper understanding of how climate change is impacting the country. Greater cooperation with scientists, both inside and outside the country, would further aid research into such a critical topic. Venezuela could also work to increase the research infrastructure available to scientists, both local and international.

### *Rights to Water and Sanitation*

11. Rights to water and sanitation in Venezuela are being threatened as a result of climate change. In the last decade, Venezuela has experienced a severe and persistent drought. From 2013-2016, Venezuela received 50-60% less rainfall than its annual average. These droughts have negatively impacted access to drinking water. In 1998, 87% of Venezuelans had continuous access to clean drinking water and basic sanitation. In 2018, only 18% of Venezuelans had such access. Lack of access to drinking water has caused clean water to become a luxury, with water shortages disproportionately impacting less affluent Venezuelans. People with means oftentimes drill their own private wells.

12. Decreases in rainfall have also had consequences in Venezuela's energy sector. Venezuela's hydroelectric power facilities have experienced reductions in capacity to generate electricity due to rainfall deficits.

13. Water shortages pose problems to public health in Venezuela. A lack of access to clean drinking water contributes to rising rates of health issues in Venezuela and has led to disease outbreaks. In 2018, 70% of public hospitals experienced shortages in water.

14. Water shortages have also impacted child mortality rates. Child mortality rates have risen since 2009 and are now at 24.2 deaths per 1,000 live births. While influenced by multiple factors, access to water and sanitation have been linked to child mortality.

### *Recommendations*

15. Venezuela must take measures to ensure all persons have access to clean water during the increasingly persistent and severe droughts. Publicly funded municipal well projects could increase access to water and mitigate the disparate impact on less affluent Venezuelans during water shortages.

16. The impact of droughts on Venezuela's water supply appears to be exacerbated by a lack of maintenance. Venezuela must work to maintain its current water delivery infrastructure and ensure the country has a robust system capable of withstanding drought.

### *Right to Food*

17. Food crops have undergone decreases in production in Venezuela due to climate change. Several crops grown in Venezuela's western plains have undergone shortened vegetation cycles as a result of regional increases in average temperature. Additionally, water shortages have decreased access to water for irrigation. This has influenced a 55% drop in national agricultural production over the last 20 years.



18. Food insecurity is a countrywide concern for Venezuela. Food shortages have led to unacceptably low levels of food consumption and 80% of households do not have a reliable source of food. Households have reduced the portion size of their meals as a coping strategy, and in 2017 around 6 out of 10 Venezuelans reported losing an average of 11 kilograms due to hunger.<sup>3</sup> In 2019, it was estimated that one in three Venezuelans were food insecure and in need of assistance.

19. Dietary diversity is also of major concern. On average, Venezuelans consume meat, fish, eggs, vegetables, and fruits fewer than three days a week.<sup>4</sup> This lack of dietary diversity suggests Venezuelans have inadequate nutritional intakes with deficiencies in vitamins and protein.

20. Malnutrition in Venezuela, while widespread, is particularly harmful to vulnerable populations. In low-income communities, 21% of pregnant women have moderate or severe acute malnutrition.<sup>5</sup> Across the country, hospitals report increases in moderate or severe acute malnutrition hospitalizations and deaths. Doctors in Bolivar reported a recent spike in cases of children suffering from severe protein-calorie malnutrition and have attributed the rise in malnutrition to food shortages and hyperinflation.

21. The food crisis, combined with increasing maternal and infant mortality and an increased spread of preventable and infectious diseases, has created a devastating public health crisis. The scope of the crisis is difficult to accurately determine. Scientists, doctors, and other officials who bring attention to the issue face repression, harassment, and retaliation.<sup>6</sup> In some cases, medical professionals are arbitrarily arrested for bringing attention to the health crisis.<sup>7</sup>

### *Recommendations*

22. To fully understand the scope of food insecurity, Venezuela should publish official health and nutritional data and cooperate with international organizations to assess food insecurity. To more accurately gauge the public health crisis in general, Venezuela should also cease harassment and retaliation towards those who speak out about the crisis.

23. Venezuela should cooperate with humanitarian organizations on fair and reasonable terms in order to receive the aid desperately needed to save lives in the midst of the ongoing food crisis.

### *Illegal Mining*

24. Illegal mining in Venezuela threatens the environment, human rights, and public health. Environmental degradation has been influenced by unregulated mining and conflicts over land access. The consequences of environmental degradation include deforestation, sedimentation,

<sup>3</sup> <https://www.analesdenutricion.org/ve/ediciones/2018/1/art-3/>

<sup>4</sup> <https://reliefweb.int/report/venezuela-bolivarian-republic/wfp-venezuela-food-security-assessment-main-findings-data>

<sup>5</sup> <https://www.hrw.org/report/2019/04/04/venezuelas-humanitarian-emergency/large-scale-un-response-needed-address-health>

<sup>6</sup> *Id.*

<sup>7</sup> [https://www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018\\_EN.pdf](https://www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf)



mercury poisoning of waters, and desertification. Indigenous peoples' rights are particularly threatened by the illegal mining activities, as these communities are often on the frontline of illegal mining activities and their lands and health are negatively impacted.

25. The increase in illegal mining activity has consequences for public health. Standing water from the mining operations serves as breeding grounds for mosquitos. This phenomenon, along with medication shortages and lack of vector-controls, contributed to an increase in malaria cases. From 2016 to 2017, Venezuela saw the fastest growth rate in malaria cases in the world. With nine states reaching epidemic levels of malaria in 2017, Venezuela had the highest number of cases since 1988. These increases in Venezuela threaten the control of malaria in the region.

#### *Recommendations*

26. The illegal mining operations in Venezuela pose great risks to people and the environment and require international attention and action.

27. Venezuela should increase vector-control efforts and regulate illegal mining to decrease the spread of malaria.

#### *Rule of Law and the Environment*

28. The deterioration of the rule of law in Venezuela has contributed to the environmental crisis. Management of natural resources has fallen to illegal and para-state actors. Further, the political challenges in Venezuela make it difficult for the country to act cohesively in response to climate change. Venezuela's heavy reliance on oil exports should be reconsidered amidst a global push to move away from fossil fuels.

29. Venezuela's current energy crisis has been influenced by a complex combination of factors. A weak regulatory framework, political control and centralization of the energy industry, insufficient support for renewable energies, and inadequate maintenance and construction of energy facilities are only some of the contributing factors.

#### *Recommendations*

30. Venezuela should work to diversify its energy sector and take advantage of the nation's underutilized renewable energy sources in the form of thermo-solar, photovoltaic, and wind. A further understanding of Venezuela's renewable energy potential can be assisted by increased research and the publication of official data.

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#### **Acknowledgement**

*This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005) and Allison Rabe (Harvard University 2019, University of California, Irvine School of Law 2023)*



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