



UNIVERSIDAD
DE LOS ANDES
VENEZUELA



ula
Observatorio
de Derechos
Humanos

EPIKEIA
OBSERVATORIO UNIVERSITARIO DE
DERECHOS HUMANOS

Structural Public Service Failures

and Human Rights Violations.
in the Andean Region of Venezuela. January – April 2018

Structural Public Service Failures and Human Rights Violations in the Andean Region of Venezuela. January – April 2018

Whereas the protests that took place in 2017—mainly driven by citizens’ claims for democratic guarantees against the unlawful Supreme Court of Justice (TSJ) ruling to seize the legitimate National Assembly (AN) legislative functions and the imposition of a fraudulent Constituent Assembly (ANC)— the citizen protests that occurred in the Andean states of Venezuela, i.e. Mérida, Táchira and Trujillo, from January to April 2018 resulted from failures in the supply of public services, such as drinking water, electricity and domestic gas. Similarly, while the protests of 2017 were chiefly led by university student movements, the protests of 2018 are spontaneous with ordinary citizens as participants.

It must be noted that the lack of basic services such as electricity, drinking water and domestic gas, directly affects numerous human rights, including the rights to food, health, education, housing, freedom of speech, access to information, among others; and that without them, it is impossible for people to lead lives in accordance with human dignity. Article 117 of the National Constitution of Venezuela establishes the duty of the State to ensure access to high quality goods and services as it follows:

Article 117: “All persons shall have the right of access to goods and services of good quality, as well as to adequate and non-misleading information concerning the contents and characteristics of the products and services they consume, to freedom of choice and to fair and dignified treatment. The mechanisms necessary to guarantee these rights, the standards of quality and quantity for goods and services, consumer protection procedures, compensation for damages caused and appropriate penalties for the violation of these rights shall be established by law.”

The Venezuelan State, nevertheless, systematically breaches this constitutional mandate, considering it currently holds the monopoly of generation and first stage of distribution of basic services that were previously owned by the private sector.

Long queue to access public transport. Tabay bus terminus, State of Mérida.

1. Protests Against Failures in the Supply of Public Services in the Andean States

Out of the 185 citizen-led demonstrations in the Andean region registered by the Observatory of Human Rights of the University of Los Andes (ODH–ULA) between January and April, 2018, 69 percent were due to failures in public services, while 31 percent resulted from grievances related to old age and retirement pensions, medicine shortages, and lack of supplies for schools.

1.2 Living in Darkness

The electric service has worsened day by day as the available data shows. 76 percent of the protests that occurred in the Andean states were motivated by failures in the electric service.

Power outages were constant, as much as three or four per day. In many areas, such as Mérida city and Ejido city, power cuts extended for more than ten hours. What is more, when power electric was finally restored in homes, there were continuous power surges and brownouts that broke down home appliances and office equipment. Consumers were never compensated for these damages since there is not a government agency in charge of receiving citizen complaints nor there are the mechanisms for the State to indemnify for the damages, although the Article 117 of the National Constitution acknowledges people's right to "compensation for damages caused."

There was neither timely accurate information for people to anticipate power cuts, since the energy rationing schedule—which the government euphemistically called "load shedding"—was not fulfilled. This is, therefore, a violation of the Article 117 of the Constitution of Venezuela, under which the State must guarantee the access "to adequate and non-misleading information."

It is important to understand that electricity is the basis for several human rights including the rights to proper food, health, housing, and education. In this regard, the U.N. states as part of its 2030 Agenda, approved by the General Assembly in 2015, the Goal 7, which consists in "ensure access to affordable, reliable, sustainable and modern energy for all." Besides that, the Article 25 of the Universal Declaration of Human Rights specifically establishes that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

The Government of Venezuela, thus, violates human rights of the Venezuelan people by neglecting and failing to provide investment and maintenance on the entire energy system.

Constant power outages delay productive activities and professional development.

1.3 Fatalities in the Context of Failures of Power Supply

According to the research undertaken by the ODH-ULA failures in the electric service in the states of Táchira and Trujillo caused the death of five (5) people who were admitted to health centers. Two (2) of the victims were neonates who were in incubators, whose respiratory support systems stopped working due to lack of energy in the *Hospital Universitario Emilio Carrillo* – HUPEC (University Hospital Pedro Emilio Carrillo) in the city of Valera, State of Trujillo. Another victim was a 4-months-old child who cannot be treated in the Hospital Padre Justo, in the town of Rubio, State of Táchira, due to lack of electricity. Many health centers cannot provide several services, including emergency and surgery, among others, since their emergency power generators are non-functional.

Different print media have reported on the situation. According to a report of March 14, 2018, by El Nacional, a national newspaper in Venezuela, three (3) people died in the state of Táchira as consequence of failures in the power supply system. The general manager of the

Corporación de Salud Estado Táchira (Corporation of Health – State of Táchira) informed that “the entire hospital system of the state is in a preventive emergency plan due to the power situation, given that power generators in health centers are unable to endure outages that long”. He also said that in the *Hospital Central de San Cristóbal* (Central Hospital of San Cristóbal) “power cuts and the instability of the power system are affecting the respiration system of the entire facility”. Similarly, the same report informed that, in the *Hospital Padre Justo* (Father Justo Hospital) in Rubio, municipality of Junín, “the power generator battery burnt and the replacement cannot be found.” The news portal Trujillo Digital informed on March 13th, 2018 the death of two (2) neonates in the University Hospital Pedro Emilio Carrillo. In detail, the report informed that the hospital “has been affected by the power outages that have occurred in the state in recent days. Besides, the new power generator does not work since the last year due to lack of maintenance. Although there is another power generator working every two hours, it only works for emergency service, leaving the neonatology unit without power.”

2. Failures in the Supply of Drinking Water

The Article 117 of the National Constitution of Venezuela compels the Venezuelan State to ensure the drinking water service. The quality and continuity of this public service, however, has been severely affected due to lack of maintenance and investment in dams, facilities, storage units, pump valves, pipelines, and other equipment. What is more, in the city of Mérida, failures of water supply are also caused by power outages that affect the pumping-water systems.

Out of the total of civil demonstrations against failures in the drinking water supply system that were registered in the Andean Region, 57 percent occurred in Mérida, 14 percent in Táchira and 29 percent in Trujillo. The water service was suspended every day, in many cases even twice per day, across all sectors of the cities. Norther sectors of the city of Mérida, such as Los Chorros de Milla and La Hechicera, have suffered water shortages even for over a week, resulting children, elderly and sick people affected. As with power failures, the government did not publish a timetable for the suspension of water service nor its duration. As a consequence, people did not know what to expect nor they could make provisions, as keeping water safe in containers at homes was not an option for most of the impoverished population who cannot afford them due to the hyperinflation. Again, the lack of services undermines basic needs such as food preparation, personal hygiene, house hygiene and cleaning.

Access to drinking water is a fundamental human right. This was recognized by the United Nations General Assembly on July 28, 2010, through Resolution 64/292, which explicitly states “that clean drinking water and sanitation are essential to the realization of all human rights.”

The Resolution also calls upon “states and international organizations to provide financial resources, help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and

sanitation for all.” Additionally, in the United Nations 2030 Agenda, the Goal 6 is to “ensure availability and sustainable management of water and sanitation for all.”

“Structural failures in the drinking water supply system significantly affected the realization of day-to-day activities such as food preparation and personal hygiene.”

3. Failures in the Supply of Domestic Gas

Domestic gas service was not the exception of the serious deficiencies on basic services the Venezuelan State is obliged to provide. In the Andean region, from January to April, 2018, 11 percent of the protests for better public services were related to failures in the provision of domestic gas. 75 percent of these protests occurred in the State of Mérida, 20 percent in Táchira and 5 percent in Trujillo.

Domestic gas providers did not distribute the service on a regular basis as the national government did not stock up the LPG cylinder filling plants on time. In addition, the transport system is facing a crisis as well.

Demonstrations against the dearth of domestic gas, a combustible essential for food preparation, consisted of closing roads, nearby the residential areas, with LPG cylinders. El Nacional reported on February 27, 2018 that, in the state of Táchira, at least 50 people blocked the traffic and gathered around the facilities of *Petróleos de Venezuela* (PDVSA) demanding to be put in an emergency list of distribution: “We want to be included in the list so they send us a truck with gas service because we have over three months without it”, declared a demonstrator.

In the city of Mérida, on March 16, 2018, residents in Santa Ana, Santa Anita, and La Milagrosa sectors seized a truck belonging to *PDVSA Gas Comunal*—the state-owned gas supplier company—as a coercive action for the lack of gas service. According to the news site La Patilla, the communities had not been provided with domestic gas “since last month”. Likewise, the Tabay–Mérida road was another place where blockages were set up by residents of the different districts of the municipality of Santos Marquina as a means of protest against the lack of domestic gas.

The daily El Tiempo reported on April 27, 2018 that “in the state of Trujillo, demonstrations have not ceased against the deplorable domestic gas service, which causes permanent despair on housewives, who will not tolerate the false promises given by PDVSA Gas anymore.”

It is worthy to mention that the State-owned oil company, i.e. PDVSA, controls the monopoly of domestic gas production and distribution to the LPG cylinder filling plants.

Long queues to buy domestic gas in Mérida city, state of Mérida.

4. Wrong Public Policies as Cause of the Serious Decline of Public Services

The current situation of public services is mainly due to erratic government policies initiated by the late president Chávez in 2002, when he publicly fired the most qualified technicians from PDVSA – the main State-owned company, which is nowadays producing at its lowest levels and it is almost financially broke. This was followed by the imposition of a strict foreign exchange control, political harassment and persecution of businessmen, producers and entrepreneurs, lack of inversion for maintenance and development on the whole country's infrastructure, which has caused a general impoverishment of the population and an unprecedented humanitarian crisis in the modern history of the country.

It is, therefore, a combination of adverse circumstances induced by the national government. On the one hand, the State has neglected the maintenance of hydroelectric energy sources, power generation plants, and water reservoirs. It neither has invested for the development and advancement of alternative energies sources. On the other hand, – as it is the case for all sectors of the economy – the provision of public services is deranged by skilled workers' resignations and exodus, which is another side of the massive diaspora of Venezuelans who have chosen to rebuild their lives elsewhere in the world. Desertion and emigration of skilled labor are notorious and well-known facts, as the national and regional press have reported. Among many others, the following can be mentioned:

- Daily Los Andes (February 2, 2018) “MP warns of an enforced stoppage in Venezuela”: “The deputy of the National Assembly, Eduardo Marín, affirmed that all Venezuela, particularly the city of San Cristóbal, is at the gates of an enforced stoppage, as a result of the desertion and the subsequent massive migration of workers toward different countries of America and Europe.”
- Daily Primicia (January 23, 2018) “Venezuela Runs Out of Professionals”: “Precarious conditions force workers to drop off their workplaces to emigrate or to look for alternative employments.”
- El Nuevo País newspaper, in a statement made by employees of the Central Bank of Venezuela (BCV) on April 23, 2018: “Employees of the BCV warn the General Public of the Exodus of Workers”

Citizens facing structural failures of public services in the state of Mérida demand a dignified life.

5. Deterioration of Public Services and Infringement of Human Rights

As it has been stated before, failures in the provision of public services hinder the full enjoyment of human rights, such as access to information, education, health, food, housing, or even the right to life, in other words, the right to an adequate standard of living. The State breaches international treaties on human rights as well as the constitutional provision that ensures people's right “to access to high quality goods and services, to access adequate and

non-misleading information concerning the characteristics of goods and services they consume” (Article 117 of the National Constitution).

In regards with water and electric power services, it is important to point out that the Mérida community lodged written complaints to CORPOELEC¹ on April 6, 2018 and to *Aguas de Mérida*² on April 18, 2018, with legal accompaniment provided by the ODH-ULA. Thus far, these institutions have not made the appropriate measures that would improve the quality of services.

6. Recommendations

The Observatory of Human Rights of the University of Los Andes calls on the Venezuelan State to:

1. Abstain of hindering the access to goods and public services, as well as to make all the necessary measures that would enable people’s access to high quality goods and services, as established in the Article 117 of the National Constitution and international human rights treaties.
2. Provide maintenance and required investments on the entire infrastructure designed to provide public services.
3. Comply with the National Constitution and international human rights treaties to guarantee the enjoyment of the rights to food, health, education, access to information, and any other right that may be compromised by failures in public services.
4. Finally, we urge the State to accept humanitarian aid, as envisaged by the international humanitarian law whereby the population could be assisted by countries, institutions, and human rights NGOs that may offer their aid, to solve as soon as possible the serious situation the Venezuelan people is facing.

Road link between Alberto Carnevali Avenue and Chorros de Milla sectors. The accumulation of garbage produces bad smells and pests that pose problems for the community. Right at this place, there is the entrance to the Jardín Botánico (Botanical Garden) of the University of Los Andes, a place for leisure and recreational activities for the Mérida community.

State of Táchira	
Protests in January, 2018	
Municipality	Number of Protests

¹ National Electric Power Corporation.

² It is the regional utility responsible of water service provision and it is attached to the government of the state of Mérida.

Cárdenas	2
Total	2

Protests in March, 2018	
Municipality	Number of Protests
Cárdenas	2
Panamericano	1
Samuel Maldonado	2
Fernández Feo	1
Ayacucho	1
San Cristóbal	2
García de Hevia	2
Jauregui	1
Total	12

Protest in April, 2018	
Municipality	Number of Protests
Panamericano	1
Samuel Maldonado	1
Total	2

State of Trujillo	
Protests in March, 2018	
Municipality	Number of Protests
San Rafael de Carvajal	3
Trujillo	2
Valera	11

Carache	1
Pampanito	1
Motatán	2
Escuque	1
Rafael Rangel	1
Total	22

Protest in April, 2018	
Municipality	Number of Protests
Valera	2
Escuque	1
Rafael Rangel	1
Total	4

State of Mérida	
Protest in January, 2018	
Municipality	Number of Protests
Santos Marquina	1
Libertador	1
Total	2

Protests in January, 2018	
Municipality	Number of Protests
Rangel	1
Campo Elías	1
Libertador	2
Total	4

Protests in March, 2018	
Municipality	Number of Protests
Tovar	2
Alberto Adriani	4
Campo Elías	7
Santos Marquina	3
Libertador	46
Justo Briceño	1
Rivas Dávila	1
Sucre	4
Rangel	1
Total	68



UNIVERSIDAD
DE LOS ANDES
VENEZUELA

www.uladdhh.org.ve



Av. Alberto Carnevali
Núcleo Universitario Pedro Rincón Gutiérrez
Entrada estacionamiento Facultad de Arquitectura y Diseño.
La Hechicera

 odhula@gmail.com

   @uladdhh