

# VENEZUELA 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Venezuela is formally a multiparty, constitutional republic, but for more than a decade, political power has been concentrated in a single party with an increasingly authoritarian executive exercising significant control over the legislative, judicial, citizens' power (which includes the prosecutor general and ombudsman), and electoral branches of government. On May 20, the government organized snap presidential elections that were neither free nor fair for the 2019-25 presidential term. Nicolas Maduro was re-elected through this deeply flawed political process, which much of the opposition boycotted and the international community condemned. His illegitimate next term was scheduled to begin on January 10, 2019. The opposition gained supermajority (two-thirds) control of the National Assembly in the 2015 legislative elections. The executive branch, however, used its control over the Supreme Court (TSJ) to weaken the National Assembly's constitutional role to legislate, ignore the separation of powers, and enable the president to govern through a series of emergency decrees.

Civilian authorities maintained effective, although politicized, control over the security forces.

Human rights issues included extrajudicial killings by security forces, including *colectivos* (government-sponsored armed groups); torture by security forces; harsh and life-threatening prison conditions; and political prisoners. The government restricted free expression and the press by routinely blocking signals, and interfering with the operations of, or shutting down, privately owned television, radio, and other media outlets. Libel, incitement, and inaccurate reporting were subject to criminal sanctions. The government used violence to repress peaceful demonstrations. Other issues included restrictions on political participation in the form of presidential elections in May that were not free or fair; pervasive corruption and impunity among all security forces and in other national and state government offices, including at the highest levels; trafficking in persons; and the worst forms of child labor, which the government made minimal efforts to eliminate.

The government took no effective action to investigate officials who committed human rights abuses, and there was impunity for such abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

Although the government did not release statistics on extrajudicial killings, nongovernmental organizations (NGOs) reported national, state, and municipal police entities, as well as the armed forces and government-supported colectivos, carried out such killings during the year.

There was also no official information available on the number of public officials prosecuted or sentenced to prison for involvement in extrajudicial killings, which, in the case of killings committed by police, were often classified as “resistance to authority.” The NGO Committee for the Families of Victims of February-March 1989 (COFAVIC) continued to report there was no publicly accessible national registry of reported cases of extrajudicial killings.

On January 15, approximately 400 government security forces, including the National Guard (GNB), Special Actions Force (FAES), Venezuelan National Police (PNB), National Antiextortion and Kidnapping Command, and Directorate General of Military Counterintelligence (DGCIM), raided a home in El Junquito, a residential community less than an hour from the nation’s capital, and killed seven persons, including Oscar Perez, a former officer in the National Police Scientific, Penal, and Criminal Investigative Corps (CICPC). Perez, according to government reports, had stolen a military airplane and dropped four hand grenades at a government building in July without causing structural damage or injury. According to information presented in the UN’s Office of the High Commissioner on Human Rights (OHCHR) June report on human rights violations in the country, “[a]lthough the group had initiated negotiations with commanders of the GNB to surrender, officers received counterorders from the Strategic Operational Command to use lethal force and execute all members of the group once they had been subdued.” Perez had released a series of videos on social media during the siege in which the group’s negotiations with security forces could be heard. Death certificates revealed all seven individuals were shot in the head and killed. Many local NGOs termed the raid a massacre.

According to investigative journalists, 147 individuals younger than age 20 were killed in the Caracas metropolitan area between January and August. Of those deaths, 65 were committed by police. FAES, a specialized CICPC unit created by President Maduro in 2017 to quash “terrorist gangs” participating in large-scale countrywide protests, continued to be one of the deadliest. Between May and

November 2017, FAES committed 31 percent of homicides by security forces. FAES tactics resembled the government's nationwide anticrime strategy begun in 2015, the Operation for the Liberation and Protection of the People (OLP), which was characterized by large-scale raids conducted by hundreds of government security agents in neighborhoods allegedly harboring criminals. NGOs reported that during OLP operations, officials committed grave human rights violations, including extrajudicial killings, arbitrary detentions, blackmail, torture, and destruction of property.

There were no developments in the cases of protesters killed in 2017. Government and NGO sources estimated at least 125 persons were killed in protests from April through July 2017. The Public Ministry reported 65 percent were victims of government repression. The NGO Foro Penal put the number at 75 percent, with colectivos responsible for half the deaths and the remainder divided between PNB and GNB forces. The NGO Venezuelan Program for Human Rights Action and Education (PROVEA) estimated that 83 percent of regime victims died from gunshot wounds. On numerous occasions security forces also used nonlethal ammunition at close range, severely injuring and in some cases killing protesters. Following the four months of antiregime protests, in September 2017 the government appointed a new attorney general, Tarek William Saab, who reopened investigations conducted during his predecessor's tenure to undo the previous findings that held government security forces and colectivos responsible for widespread, violent repression.

According to NGOs, prosecutors occasionally brought cases against perpetrators of extrajudicial killings, but prosecutions often resulted in light sentences, and convictions were often overturned on appeal.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the constitution prohibits such practices, there were credible reports that security forces tortured and abused detainees. There were no reports of any government officials being charged under the law.

The Office of the Human Rights Ombudsman did not publish statistics regarding

allegations of torture by police during the year. Several NGOs detailed cases of widespread torture and “cruel, inhuman, and degrading treatment.” Human rights groups reported the government continued to influence the attorney general and public defenders to conduct investigations selectively and subjectively. No data was available on investigations, prosecutions, or convictions in cases of alleged torture. Foro Penal maintained that hundreds of cases were not reported to government institutions because victims feared reprisal.

Press and NGO reports of beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies and the military. Torture and other cruel, inhuman, or degrading treatment or punishment of prisoners were reported during the year. Cruel treatment frequently involved authorities denying prisoners medical care and holding them for long periods in solitary confinement. The latter practice was most prevalent with political prisoners. NGOs also published reports that authorities generally mistreated, sexually abused, and threatened to kill detainees.

NGOs detailed reports from detainees whom authorities allegedly sexually abused, threatened with death, and forced to spend hours on their knees in detention centers. Foro Penal reported multiple instances of political prisoners denied adequate medical treatment while in government custody. Foro Penal noted instances in which authorities transferred detainees to a medical facility, where instead of receiving treatment, detainees were interrogated by security officials. The executive director of the Casla Institute for the Study of Latin America, Tamara Suju, and human rights lawyer Juan Carlos Gutierrez denounced 357 cases of physical abuse, alleged torture, and violence by security forces against political prisoners before the International Criminal Court. Among the 357 cases, there were 190 allegations of rape or sexual abuse.

### **Prison and Detention Center Conditions**

Most prison conditions were harsh and life threatening due to gross overcrowding, food shortages, inadequate sanitary conditions and medical care, systemic violence, and poor infrastructure. Armed gangs effectively controlled some prisons in which they were incarcerated. Conditions were most acute in pretrial detention facilities such as police station jails.

Physical Conditions: The Ministry of Penitentiary Services reported there were 51,693 inmates in the country’s 41 prisons and penitentiaries and an estimated 33,000 inmates in police station jails in 2017. NGOs reported records for detainees

were not properly maintained and often contained incomplete information. According to the NGO A Window to Liberty (UVL), the capacity was approximately 19,000 inmates for penitentiaries and 5,000 for police station jails. Overcrowding was 172 percent for penitentiaries and 415 percent for police station jails on average, although the NGO Venezuelan Observatory for Prisons (OVP) noted that in some jails the overcrowding ranged from 800 to 1,200 percent.

There were two women's prisons, one in Miranda State and the other in Zulia State. The law stipulates women in mixed prisons must be held in annexes or separate women's blocks. A local NGO reported that in practice male and female prisoners intermingled. Security forces and law enforcement authorities often held minors together with adults, even though separate facilities existed. Because institutions were filled beyond capacity, hundreds of children accused of infractions were confined in juvenile detention centers, where they were reportedly crowded into small, unsanitary cells.

The CICPC and police station jails and detention centers also were overcrowded, causing many police station offices to be converted into makeshift prison cells. Prisoners reportedly took turns sleeping on floors and in office chairs, and sanitation facilities were inadequate or nonexistent. A 2017 UVL study of 89 facilities holding pretrial detainees revealed 432 percent overcrowding. According to the study, more than 80 percent of facilities provided no medical services, recreational areas, designated visiting areas, or laundry facilities. More than 60 percent did not have potable water, and more than 50 percent did not have regular trash collection or proper restrooms.

The GNB and the Ministry of Interior, Justice, and Peace have responsibility for prisons' exterior and interior security, respectively. The government failed to provide adequate prison security. The OVP estimated a staffing gap of 90 percent for prison security personnel, with only one guard for every 100 inmates, instead of one for every 10 as recommended by international standards. The OVP reported 173 prisoner deaths and 268 serious injuries in 2016, the most recent year for which information was available. The OVP assessed that 90 percent of prison deaths were violent, resulting from prisoner-on-prisoner altercations, riots, and fires. The OVP reported some inmates also succumbed to the generally unsanitary and unsafe conditions prevalent in prisons. During the March 2017 renovation of Guarico State's central prison, the construction team discovered 14 bodies in a shallow grave. The case remained under investigation at year's end but highlighted uncertainty over the true number of annual prison deaths.

During the year prison and detention center riots resulted in inmate deaths and injuries. For example, on March 28, a fire erupted in an overcrowded police station in Valencia, Carabobo State, killing 66 male prisoners and two female visitors; more than 100 persons received burns in the fire. Media reported that after an argument with a guard, a group of prisoners lit their bed linens on fire. Many NGOs called the fire a massacre, noting some prisoners died from the fire itself, while others died of physical trauma or gunshot wounds.

A 2016 law limiting cell phone and internet availability inside prisons to prevent inmates from using the technology to engage in criminal activity remained unimplemented. Minister of Penitentiary Affairs Iris Varela admitted communicating with inmates by cell phone immediately before and during the 2017 Puente Ayala prison riot. There were credible reports that Varela may have had a hand in directing the violence, including her own admission to that effect during a media interview.

The UVL reported authorities required family members to provide food for prisoners at police station jails throughout the country due to inadequate provisioning of food by the prison administration. According to a UVL report, in 2017 at least 28 inmates died from complications associated with malnutrition and preventable disease such as tuberculosis. The OVP reported that due to inadequate nutrition plans and lack of potable water, stomach illnesses were common among inmates.

On February 24, Vista Hermosa prison inmate Alejandro Manuel Mago Coraspe was admitted into a local Bolivar state hospital after he fell ill, apparently from eating poisoned rodents. Vista Hermosa prisoners customarily ate wild birds and rodents to survive, according to Mago Coraspe. After undergoing surgery, he explained to journalists that he customarily killed and cooked rats but had most recently eaten rats he found in the prison garbage that were potentially poisoned. According to reports from Mago Coraspe's family, prison guards beat him severely upon his return to the prison, allegedly for having spoken to media members. According to media reports, a judge ordered Mago Coraspe to serve out the remainder of his sentence under house arrest. Prison authorities disregarded the order, and Mago Coraspe died in prison on April 24.

The government restricted information regarding deaths in prisons from tuberculosis, HIV/AIDS, and other diseases or from lack of medical care. A study by the NGO Solidarity Action found prison rules regarding the classification of inmates resulted in the isolation of those with HIV/AIDS in "inadequate spaces

without food and medical attention.” The OVP reported a generalized lack of medical care, drugs, equipment, and physicians for prisoners. Inmates often received the same pills regardless of their symptoms, and pregnant women lacked adequate facilities for their medical attention.

Administration: The Ministry of Penitentiary Services did not respond to requests from the OVP, UVL, other human rights organizations, inmates, or families regarding inmates or investigations of the harsh conditions that led to hunger strikes or violent uprisings.

Prisoners and detainees generally had access to visitors, including some with overnight privileges, but in some cases prison officials harassed or abused visitors. Prison officials imposed significant restrictions on visits to political prisoners. When allowed access, visitors were at times subjected to strip searches.

Independent Monitoring: Human rights observers continued to experience lengthy delays and restrictions in gaining access to prisons and detention centers. Authorities had not approved requests by the International Committee of the Red Cross (ICRC) to visit penitentiary centers and interview inmates in confidentiality since 2013. More than 300 lay members from the Venezuelan Episcopal Conference of the Roman Catholic Church volunteered in 40 prisons. Although prohibited from formally entering prisons, Catholic laity visited prisoners on family visitation days.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits the arrest or detention of an individual without a judicial order and provides for the accused to remain free while being tried, but judges and prosecutors often disregarded these provisions. The law provides for the right of persons to challenge the lawfulness of their arrest or detention in court, but the government generally did not observe this requirement. While NGOs such as Foro Penal, COFAVIC, the Institute for Press and Society, Espacio Publico, and PROVEA noted at least 2,000 open cases of arbitrary detentions, authorities rarely granted them formal means to present their petitions. Authorities arbitrarily detained individuals, including foreign citizens, for extended periods without criminal charges.

#### **Role of the Police and Security Apparatus**

The GNB--a branch of the military that reports to both the Ministry of Defense and

the Ministry of Interior, Justice, and Peace--is responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior, Justice, and Peace controls the CICPC, which conducts most criminal investigations, and the Bolivarian National Intelligence Service (SEBIN), which collects intelligence within the country and abroad, and is responsible for investigating cases of corruption, subversion, and arms trafficking. SEBIN maintained its own detention facilities separate from those of the Ministry of Penitentiary Services. Police include municipal, state, and national police forces. Mayors and governors oversee municipal and state police forces. The PNB reports to the Ministry of Interior, Justice, and Peace. According to its website, the PNB largely focused on policing Caracas's Libertador municipality; patrolling Caracas-area highways, railways, and metro system; and protecting diplomatic missions. The PNB maintained a minimal presence in seven of the country's 23 states.

Corruption, inadequate police training and equipment, and insufficient central government funding, particularly for police forces in states and municipalities governed by opposition officials, reduced the effectiveness of the security forces. There were continued reports of police abuse and involvement in crime, including illegal and arbitrary detentions, extrajudicial killings, kidnappings, and the excessive use of force.

Impunity remained a serious problem in the security forces. The Public Ministry is responsible for initiating judicial investigations of security force abuses. The Office of Fundamental Rights in the Public Ministry is responsible for investigating cases involving crimes committed by public officials, particularly security officials.

According to the Public Ministry's 2016 annual report (the most recent one available), the Office of Fundamental Rights cited 13,343 specific actions taken to "process claims" against police authorities for human rights abuses and charged 320 with violations. Neither the Attorney General's Office nor the Office of the Human Rights Ombudsman provided information regarding alleged human rights violations committed by police and military personnel.

State and municipal governments also investigated their respective police forces. By law the national, state, and municipal police forces have a police corps disciplinary council that takes action against security officials who commit abuses. The National Assembly also may investigate security force abuses.

The government at both the local and national levels took few actions to sanction officers involved in abuses. According to the NGO Network of Support for Justice and Peace, the lack of sufficient prosecutors made it difficult to prosecute police and military officials allegedly involved in human rights abuses. In addition NGOs reported the following problems contributed to an ineffective judicial system: long procedural delays, poor court administration and organization, lack of transparency in investigations, and impunity of government officials. In June 2017 Human Rights Watch reported the then attorney general Luisa Ortega Diaz had opened investigations in more than 600 cases of injury caused during the protests that began in April 2017. In at least 10 cases, her office charged security forces with unlawful killings of demonstrators or bystanders. After her removal, her successor did not pursue the cases.

NGOs and police noted that many victims did not report violent crimes to police or other authorities due to fear of retribution or lack of confidence in the police and that the actual occurrence was likely far higher than what was reported.

### **Arrest Procedures and Treatment of Detainees**

While a warrant is required for an arrest, detention is permitted without an arrest warrant when an individual is apprehended in the act of committing a crime or to secure a suspect or witness during an investigation. Police often detained individuals without a warrant. The law mandates that detainees be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the detention; the law also requires that detainees be informed promptly of the charges against them. Authorities routinely ignored these requirements.

Although the law provides for bail, it is not available for certain crimes. Bail also may be denied if a person is apprehended in the act of committing a crime or if a judge determines the accused may flee or impede the investigation. The law allows detainees access to counsel and family members, but that requirement was often not met, particularly for political prisoners. The constitution also provides any detained individual the right to immediate communication with family members and lawyers who, in turn, have the right to know a detainee's whereabouts. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime or for longer than two years, whichever is shorter, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings.

Arbitrary Arrest: Foro Penal reported 498 cases of arbitrary detention between January 1 and November 15, compared with 5,462 protest-related cases of arbitrary detention from April through December 2017. Opposition politicians and human rights NGOs attributed the reduction largely to a significant decrease in large-scale protests following National Constituent Assembly (ANC) elections in July 2017.

Caracas municipal councilmember Fernando Alban died on October 8 while in SEBIN custody. SEBIN officials had arrested Alban upon his return from a foreign trip on October 5 and held him in detention as a suspect in the August 4 drone attack believed to have been a presidential assassination attempt. Attorney General Tarek William Saab reported via social media and press statements that Alban jumped from a 10th-floor bathroom window, while Minister of Interior Nestor Reverol stated Alban jumped from a 10th-floor waiting room. NGOs and members of the opposition denounced these conflicting stories and alleged Alban was murdered.

Pretrial Detention: Pretrial detention remained an egregious problem. According to the OVP, approximately 79 percent of the prison population was in pretrial detention. According to the Public Ministry, in 2016 only 21 percent of trials concluded or reached sentencing. The NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges (4.7 penal judges per 100,000 inhabitants in 2010, the latest date for which information was available).

Despite constitutional protections that provide for timely trials, judges reportedly scheduled initial hearings months after the events giving rise to the cause of action. An automated scheduling system was ineffective at streamlining case logistics. Proceedings were often deferred or suspended when an officer of the court, such as the prosecutor, public defender, or judge, failed to attend.

According to the Public Ministry's 2015 annual report (the most recent available), the ministry pressed charges in 9.7 percent of the 556,000 cases involving common crimes. The ministry reported the closure of the remainder of the complaints but did not indicate final outcomes. Prisoners reported to NGOs that a lack of transportation and disorganization in the prison system reduced their access to the courts and contributed to trial delays.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detained individuals may challenge the grounds for their detention, but proceedings were often delayed and hearings postponed, stretching trials for years. Courts frequently

disregarded defendants' presumption of innocence. Authorities often failed to allow detainees to consult with counsel or access their case records when filing challenges. Some detainees remained on probation or under house arrest indefinitely.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but the judiciary lacked independence and generally judged in favor of the government at all levels. There were credible allegations of corruption and political influence throughout the judiciary. According to reports from the International Commission of Jurists, 66 to 80 percent of all judges had provisional appointments and were subject to removal at will by the TSJ Judicial Committee. Provisional and temporary judges, who legally have the same rights and authorities as permanent judges, allegedly were subjected to political influence from various ministries and the newly appointed attorney general to make progovernment determinations. There was a general lack of transparency and stability in the assignments of district attorneys to cases and a lack of technical criteria for assigning district attorneys to criminal investigations. These deficiencies hindered the possibility of bringing offenders to justice and resulted in a 90 percent rate of impunity for common crimes and a higher percentage of impunity for cases of alleged human rights violations.

#### **Trial Procedures**

The law provides for the right to a fair and public trial with oral proceedings for all individuals. By law defendants are considered innocent until proven guilty. The law requires that detainees be informed promptly of the charges against them, but the requirement was often ignored and, even when respected, involved dubious allegations, according to human rights organizations. Defendants have the right to consult with an attorney. According to the Office of the Human Rights Ombudsman, there were approximately 1,500 public defenders in 2017, but indigent defendants' right to free counsel was often not respected because of attorney shortages. Free interpretation was often not available to defendants. Some NGOs provided pro bono counsel to defendants.

Defendants may request no fewer than 30 days and no more than 45 days to prepare their defense. Defendants have the right to question adverse witnesses and present their own witnesses. By law defendants may not be compelled to testify or confess guilt. Defendants and plaintiffs have the right of appeal.

Trial delays were common. Trials “in absentia” are permitted in certain circumstances, although opponents of the procedure claimed the constitution prohibits such trials. The law also states that, in the absence of the defense attorney, a trial may proceed with a public defender that the court designates. The law gives judges the discretion to hold trials behind closed doors if a public trial could “disturb the normal development of the trial.”

At the January 31 hearing of Judge Maria Lourdes Afiuni, the judge did not set a date for the next phase of her trial, when it was expected a verdict would be announced. Afiuni was accused of corruption and abuse of authority for her 2009 decision conditionally to release a businessman who had been held in pretrial detention beyond the maximum time prescribed by law. Afiuni continued to be subjected to protective measures in place since her release to house arrest in 2011 that mandate she may not leave the country, talk to media, or use social media, although the law states such measures may not last more than two years.

The law mandates that municipal courts handle “less serious” crimes, i.e., those carrying maximum penalties of imprisonment of less than eight years. Municipal courts may levy penalties that include three to eight months of community service. Besides diverting some “less serious” crimes to the municipal courts, this diversion also permits individuals accused of “lesser crimes” to ask the courts to suspend their trials conditionally in exchange for their admission of responsibility, commitment to provide restitution “in a material or symbolic form,” community service, or any other condition imposed by the court.

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts. In addition, under the Organic Code of Military Justice, an individual may be tried in the military justice system for “insulting, offending, or disparaging the national armed forces or any related entities.” NGOs and the Inter-American Commission on Human Rights (IACHR) expressed concern with the government’s practice of trying civilians under the military justice system for protests and other actions not under military jurisdiction. According to Foro Penal, military courts processed at least 35 civilians between January 1 and August 1.

### **Political Prisoners and Detainees**

The government used the judiciary to intimidate and selectively prosecute individuals critical of government policies or actions. The regime reportedly continued the policy it began in 2012 of denying the ICRC access to prisons. Foro

Penal reported 286 political prisoners in government custody as of November 18, down from 676 political prisoners reported at the height of 2017's wave of political protests but well above averages recorded in 2015 and 2016. The government routinely held political prisoners in SEBIN installations or the Ramo Verde military prison without an explanation of why they were not being held in civilian detention facilities.

On June 2, the government provisionally released opposition coalition leader Roberto Picon and former San Cristobal mayor Daniel Ceballos. The two, like many others released immediately following the May 20 elections, were prohibited from leaving the country or speaking to media, and they were required to appear before a judge on a monthly basis. Ceballos was released from the Ramo Verde military detention facility, where prison authorities routinely held him in solitary confinement and denied him visitation. Picon was released from house arrest, which the government granted in December 2017, as part of a larger "good will" pardon. According to media reports and NGO representatives, SEBIN arrested Picon in June 2017 without an arrest warrant. At a military hearing on charges of rebellion and theft of items belonging to the military, NGO representatives claimed the prosecution entered evidence that included a paperweight and a reference to the Inter-American Democratic Charter.

The government increased its attack against civil liberties after an alleged failed presidential assassination attempt on August 4. On August 7, masked men abducted National Assembly Deputy Juan Requesens from his home during a nationally televised presidential address in which Maduro accused Requesens of involvement in the alleged August 4 attack. On August 9, the government released a video of a disheveled Requesens admitting he had information on one of the assassination plotters. On August 10, a second video appeared on social media showing Requesens, visibly weak and naked aside from his notably soiled underwear. Despite daily requests from his lawyer and family members, government authorities granted Requesens only two visits--September 21 and October 7--following his detention on August 7. According to reports, Requesens was held in solitary confinement for 23 hours a day. As of December 6, his detention conditions had improved slightly under new SEBIN leadership. Nevertheless, Requesens was not receiving medical attention in a timely fashion, and due process had yet to be afforded in his case.

As of October 1, jailed opposition party leader and former Chacao municipality mayor Leopoldo Lopez remained under house arrest and barred from communicating with individuals outside his home.

## **Civil Judicial Procedures and Remedies**

While there are separate civil courts that permit citizens to bring lawsuits seeking damages, there are no procedures for individuals or organizations to seek civil remedies for human rights violations.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution provides for the inviolability of the home and personal privacy, but the government generally did not respect these prohibitions. In some cases government authorities searched homes without judicial or other appropriate authorization, seized property without due process, or interfered in personal communications. FAES and other security forces regularly conducted indiscriminate household raids.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but the combination of laws and regulations governing libel and media content as well as legal harassment, physical intimidation of individuals and media, and executive influence on the judiciary resulted in significant repression of these freedoms. National and international groups, such as the IACHR, Human Rights Watch, Freedom House, the Inter American Press Association, Reporters without Borders, and the Committee to Protect Journalists, condemned government efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

Freedom of Expression: The law makes insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. In November 2017, however, the ANC gave final approval to the Constitutional Law against Hate, for Political Coexistence and Tolerance, which stipulates prison sentences of up to 20 years. While the government stated the purpose of the law was to “promote peace and tolerance,” NGOs observed the vaguely written law could be used to silence political parties, activists, and civil society leaders as well as media outlets and journalists. Comments exposing another person to public contempt or hatred are punishable by prison sentences of

one to three years and fines.

On September 16, DGCIM officers detained Merida state firefighters Ricardo Prieto Parra and Carlos Varon Garcia on charges of “instigating hate” after a satirical video they produced of a donkey depicted as President Maduro received wide publicity on social media. Prieto Parra and Varon Garcia faced up to 20 years in prison for the alleged crime.

Hospital worker Lenny Josefina Martinez Gonzalez remained in prison as of October 8, awaiting trial after SEBIN arrested her in October 2017 for photographing women giving birth in a hospital waiting room. The photographs, captured in Lara State, illustrated the country’s medical crisis and were widely viewed on social media.

Press and Media Freedom: The law provides that inaccurate reporting that disturbs the public peace is punishable by prison terms of two to five years. The requirement that media disseminate only “true” information was undefined and open to politically motivated interpretation. Human Rights NGO Espacio Publico counted 92 acts of censorship between January and June, as well as 73 attacks on journalists and reporters. Meanwhile, the local journalists’ union (SNTP) counted 26 “closures, sanctions, and blockings” of outlets and 87 attacks on journalists during the same period.

The law prohibits all media from disseminating messages that incite or promote hate or intolerance for religious, political, gender-related, racial, or xenophobic reasons; incite, promote, or condone criminal acts; constitute war propaganda; foment anxiety in the population or affect public order; do not recognize legitimate government authorities; incite homicide; or incite or promote disobedience to the established legal order. Penalties range from fines to the revocation of licenses. The threat of nonrenewal of operating licenses systematically led to self-censorship on the part of several media outlets.

Despite such laws President Maduro and the ruling United Socialist Party (PSUV) used the nearly 600 government-owned or -controlled media outlets to insult and intimidate the political opposition throughout the year. ANC president Diosdado Cabello continued to use his weekly television program to denounce individual journalists and media outlets, according to observers.

The law declares telecommunications a “public interest service,” thereby giving the government authority to regulate the content and structure of the radio,

television, and audiovisual production sectors. The law provides that the government may suspend or revoke licenses when it judges such actions necessary in the interests of the nation, public order, or security. The law empowers the government to impose heavy fines and cancel broadcasts for violations of its norms; the National Telecommunications Commission (CONATEL) oversees the law's application.

The government continued legal actions against high-profile independent media outlets *Tal Cual*, *El Nacional*, *El Nuevo Pais*, *La Patilla*, *El Pitazo*, and Globovision. In May a court found *El Nacional*, the nation's largest independent daily newspaper, guilty of "moral damage" against Cabello for republishing a critical article from the Spanish newspaper *ABC* and ordered the newspaper to pay a fine of one billion bolivares fuertes (\$10,400).

The NGO Espacio Publico reported 219 violations of freedom of expression between January and June. This represented a 72 percent decline from the historically high numbers of 2017, but an 11 percent increase over the 2013-16 averages. The most common violations were aggressions against journalists and censorship. State-owned and -influenced media provided almost continuous progovernment programming. In addition private and public radio and television stations were required to transmit mandatory nationwide broadcasts (*cadenas*) throughout the year, including a daily 15-minute news broadcast that provided reports and summaries of government achievements. Both Maduro and other ruling-party officials utilized mandatory broadcast time to campaign for progovernment candidates. Opposition candidates generally did not have access to media broadcast time.

The law requires practicing journalists to have journalism degrees and be members of the National College of Journalists, and it prescribes jail terms of three to six months for those practicing the profession illegally. These requirements are waived for foreigners and opinion columnists.

Violence and Harassment: Senior national and state government leaders continued to harass and intimidate privately owned and opposition-oriented television stations, media outlets, and journalists by using threats, property seizures, administrative and criminal investigations, and prosecutions. Government officials, including the president, used government-controlled media outlets to accuse private media owners, directors, and reporters of fomenting antigovernment destabilization campaigns and coup attempts.

Government officials also harassed foreign journalists working in the country. No charges were filed against GNB officers who allegedly attacked Elyangelica Gonzalez, a reporter for Univision Noticias and the Colombian-based station Caracol Radio, while she reported outside the Supreme Court in March 2017.

Censorship or Content Restrictions: In its 2016 report, the Venezuelan Institute of Press and Society (IPYS) noted the government's preference for using legal proceedings, financial sanctions, and administrative actions against unfavorable news outlets instead of shutting them down outright. Members of the independent media stated they regularly engaged in self-censorship due to fear of government reprisals. This resulted in many journalists posting articles to their personal blogs and websites instead of publishing them in traditional media.

The government also exercised control over content through licensing and broadcasting requirements. CONATEL acted selectively on applications from private radio and television broadcasters for renewal of their broadcast frequencies. According to Nelson Belfort, former president of the Venezuelan Radio Chamber, and NGO reports, approximately 80 percent of radio stations were in "illegal" status throughout the country due to CONATEL's not having renewed licenses for most radio stations since 2007.

According to the SNTP, during the year 25 print news outlets closed due to the government's economic policies, which made it difficult for independent newspapers to access foreign currency, preventing many from purchasing critical supplies and equipment necessary for day-to-day business operations. During the first half of the year, five regional newspapers went out of print for lack of supplies, especially newsprint: *Diario El Tiempo* in Anzoategui State, *El Impulso* in Lara, *El Oriental* in Monagas, *La Prensa de Barinas* in Barinas, and *La Region del Oriente* in Sucre.

The government controlled a large portion of the country's businesses and paid for advertising only with government-owned or government-friendly media.

Libel/Slander Laws: Government officials engaged in reprisals against individuals who publicly expressed criticism of the president or government policy. As of October 1, President Maduro had not acted on his June 2017 announcement that he would use slander laws to "defend his honor" in court against opposition leaders' allegations that he was responsible for protest-related deaths.

National Security: The law allows the government to suspend or revoke licenses

when it determines such actions necessary in the interests of public order or security. The government exercised control over the press through a public entity, the Strategic Center for Security and Protection of the Homeland (CESPPA), established in 2013, which is similar to the governmental entity Center for National Situational Studies (CESNA) established in 2010. CESNA and CESPPA have similar mandates and are responsible for “compiling, processing, analyzing, and classifying” both government-released and other public information with the objective of “protecting the interests and objectives of the state.”

During the year President Maduro renewed three times the “state of exception” he first invoked in 2016, citing a continuing economic emergency, and granted himself the power to restrict rights otherwise provided for in the constitution. The 60-day emergency decree, which by law is renewable only once and requires National Assembly endorsement to be effective, allows the president to block any action he deems could “undermine national security” or could “obstruct the continuity of the implementation of economic measures for the urgent reactivation of the national economy.” The National Assembly continued systematically to refuse to ratify each renewal, and the Supreme Court annulled each refusal, reasoning that the assembly’s “contempt” status made its failure to endorse the renewal “unconstitutional.” According to Human Rights Watch, the “state of exception” negatively affected the rights to freedom of association and expression.

Nongovernmental Impact: Widespread violence in the country made it difficult to determine whether attacks on journalists resulted from common criminal activity or whether criminals or others targeted media members.

### **Internet Freedom**

The government restricted or disrupted access to the internet and censored online content. The executive branch exercised broad control over the internet through the state-run CONATEL. Free Access, an NGO focused on freedom of expression and social justice, reported that CONATEL supported monitoring of private communications and repression of internet users who expressed dissenting opinions online. According to media reports, users of social networks accused CONATEL of monitoring their online activity and passing identifying information to intelligence agencies, such as SEBIN. According to Free Access, CONATEL provided information to SEBIN, including internet protocol addresses, which assisted authorities in locating the users.

The law puts the burden of filtering prohibited electronic messages on service

providers, and it allows CONATEL to order service providers to block access to websites that violate these norms and sanctions them with fines for distributing prohibited messages. IPYS reported that from 2017 to November, local internet providers following CONATEL orders blocked access to eight online outlets, including *El Nacional*, *La Patilla*, *Runrunes*, *Cronica Uno*, *Armando.Info*, and *El Pitazo*.

CONATEL's director, Jorge Elieser Marquez Monsalve, reiterated the claims of his predecessors that CONATEL's role is to enforce the law and prevent dissemination of illegal information or material unsuitable for children and adolescents. Nevertheless, the government continued to block internet sites that posted dollar- and euro-to-bolivar currency exchange rates differing from the government's official rate. The government-owned internet service provider CANTV facilitated blockages.

Intelligence agencies, which lacked independent oversight, conducted surveillance for political purposes. Courts relied on evidence obtained from anonymous *patriotas cooperantes* (cooperating patriots) to harass perceived opponents of the government, and senior government officials used personal information gathered by *patriotas cooperantes* to intimidate government critics and human rights defenders.

According to the International Telecommunication Union, 64 percent of the population used the internet in 2017.

### **Academic Freedom and Cultural Events**

There were no substantive reports of government restrictions on cultural events, but there were some government restrictions on academic freedom. Aula Abierta (Open Classroom), a local human rights NGO focused on academic freedoms, reported the government retaliated against opposition-oriented autonomous universities by providing insufficient funding and failing to adjust budgetary allocations to inflation. According to some university leaders, the 2018 budget allocation would not take them through the first semester. In September 2017 the National University Council, the government regulating body for university education, relinquished its functions to the ANC, disregarding the law requiring university autonomy. The government continued gradually increasing its control over local universities, including the admissions process. In 2015 the Ministry of Education began selecting at least 70 percent of those offered university seats using criteria based 50 percent on academic achievement, 30 percent on

socioeconomic conditions, 15 percent on residency, and 5 percent on involvement in social service activities. University leaders complained the student selection process unfairly advantaged ruling-party supporters and usurped authority from the universities.

In May the Ministry of Higher Education, Science, and Technology announced a nationwide university scholarship program that would reportedly benefit more than 50,000 university students. According to the ministry, students must have a *carnet de la patria* (homeland card, a government-issued social benefits card provided primarily to government supporters; see section 3, Political Parties and Political Participation) to qualify. In June the government similarly announced a financial incentive called the “student bonus” for cardholders with school-age children.

## **b. Freedoms of Peaceful Assembly and Association**

### **Freedom of Peaceful Assembly**

The constitution provides for this right, but the government generally repressed or suspended it. The law regulates the right to assembly. Human rights groups continued to criticize the law as enabling the government to charge protesters with serious crimes for participating in peaceful demonstrations. Ambiguous language in the law also allowed the government to criminalize organizations that were critical of the government. Protests and marches require government authorization in advance and are forbidden within designated “security zones.”

Citizens organized sporadic and often spontaneous small-scale protests throughout the year to demand basic services such as water and electricity. The government generally refrained from using the widespread, violent, and in some cases fatal responses they used to quash the 2017 protests, but NGOs reported cases of arbitrary detention and heavy-handed police tactics to quell protests.

### **Freedom of Association**

The constitution provides for freedom of association and freedom from political discrimination, but the government did not respect these rights. Although professional and academic associations generally operated without interference, a number of associations complained that the TSJ and the National Electoral Council (CNE), which is responsible for convoking all elections and establishing electoral dates and procedures, repeatedly interfered with their attempts to hold internal elections.

A 2016 presidential decree called on the Foreign Ministry to suspend international funding to NGOs when “it is presumed” that the funding is used with “political purposes or for destabilization.” There were no reports the government implemented the decree during the year.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government did not respect these rights.

On October 5, the government announced the creation of a special migration police unit. Although some NGOs expressed concern the government would use the unit to restrict international travel of select individuals, the government asserted the force would essentially be customs and border patrol units. The government declared the migration police would provide citizen security at migration points and established 72 points of control to monitor the border situation and dispel what it called myths regarding a supposed Venezuelan migratory crisis.

The government did not cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: With the refugee status determination process centralized at the National Refugee Commission (CONARE) headquarters in Caracas, asylum seekers often waited for years to obtain a final decision. During this period they had to continue renewing their documentation every three months to stay in the country and avoid arrest and deportation. While traveling to the commission, particularly vulnerable groups, such as women with young children, the elderly, and persons with disabilities, faced increased personal risks, such as arrest and deportation, extortion, exploitation, and sexual abuse by authorities at checkpoints and other locations.

On September 24, CONARE announced it would approve refugee applications for

54 Colombians who were awaiting approval. CONARE president Juan Carlos Aleman remarked the commission had more than 1,100 active requests for refugee status and that CONARE would respond to all of the requests in the next few months.

Arbitrary detentions continued but were reduced during the year. Security forces often used excessive force to control residents in states along the border with Colombia.

While no official statistics were available, a women's shelter reported recurring problems with gender-based violence and trafficking of refugee women.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

In-country Movement: The government restricted the movement of certain opposition leaders, preventing them from traveling on government-controlled airlines and refusing to allow them to board some domestic flights.

Foreign Travel: Obtaining a passport became increasingly difficult during the year. Prospective applicants waited overnight in lines and often did not receive passports even after years of delays. Some applicants reportedly paid several thousands of U.S. dollars to obtain a passport. The government repeatedly seized passports from journalists, members of the opposition, and National Assembly deputies at ports of entry without explanation as they attempted to depart the country.

Exile: There were new cases of citizens denied the right to return during the year. For example, the government released jailed University of Los Andes student leader Villca Fernandez on June 14, requiring that he leave the country as a condition of his release. SEBIN officials had arrested Fernandez in 2016 after he sent a tweet defending himself after then PSUV first vice president Diosdado Cabello threatened Fernandez on his weekly televised show. SEBIN officials reportedly tortured Fernandez, refused him medical attention, and kept him in solitary confinement, releasing him for less than 15 minutes at a time to use the bathroom.

## **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status,

and the government has established a system for providing protection to refugees. According to UNHCR, the vast majority of asylum seekers came from Colombia. UNHCR estimated there were 7,860 recognized refugees and 173,000 persons in need of international protection in the country in 2017. The majority of such persons remained without any protection. Despite the increased migration of Venezuelans to neighboring countries, NGOs supporting displaced Colombians noted many chose to remain in Venezuela despite the economic crisis, citing a cost of living comparatively lower than in Colombia, fear of violence, or the ease with which they could travel between the two nations without relocating. Most of the Colombians had not accessed procedures for refugee status determination due to the inefficiency of the process. UNHCR reported that few persons in need of international protection were legally recognized as refugees.

Access to Basic Services: Colombian asylum seekers without legal residency permits had limited access to the job market, education, and health systems. The lack of documentation created significant challenges to achieving sufficient protection and long-term integration. Authorities permitted Colombian children to attend school but inconsistently granted them diplomas or certificates of completion without residency documentation, resulting in high dropout rates for Colombian children.

### **Section 3. Freedom to Participate in the Political Process**

The 1999 constitution, the country's 26th since independence in 1811, provides citizens the ability to change their government through free and fair elections, but government interference, electoral irregularities, and manipulation of voters and candidates restricted the exercise of this right in the May 20 presidential elections.

#### **Elections and Political Participation**

Recent Elections: The CNE executed deeply flawed presidential elections on May 20 that elicited historically low participation and undermined public faith in the democratic process. The elections took place on a remarkably short timeline--announced on February 7, they were originally scheduled for April 22, less than 75 days later--effectively preventing a nationwide opposition campaign. The CNE banned the leading opposition parties, using the ad hoc explanation that they had given up their stature by boycotting December 2017 municipal elections. Furthermore, leading opposition politicians were prohibited from running, including Henrique Capriles (Primero Justicia) and Leopoldo Lopez (Voluntad Popular).

In September the CNE extended its ban to the oldest surviving opposition party, Accion Democratica (AD), declaring it would be prohibited from running candidates in municipal council elections scheduled for December. The ostensible reason the CNE gave for the ban was AD's decision not to participate in a "recertification" process called abruptly in August. AD leaders noted they had successfully completed a similar process in January and no legal basis existed for the new requirement.

During the May 20 presidential elections, national media noted various irregularities, including financial benefits offered to PSUV voters, government vehicles used to transport PSUV voters to voting centers, opposition party observers blocked from polling centers, media blocked from covering events at polling centers, and distribution of food coupons to progovernment voters. There were no reports the government forced government workers or benefit recipients to vote, as had been customary in the most recent national elections.

Even though there had been no referendum to approve efforts for constitutional reform, in July 2017 at the president's direction, the CNE held fraudulent and violently protested elections to choose representatives for the ANC that would reportedly rewrite the constitution. Observers claimed the CNE was used to usurp the authority of the National Assembly and legitimize unconstitutional acts of the regime.

Political Parties and Political Participation: Opposition political parties operated in a restrictive atmosphere characterized by intimidation, the threat of prosecution or administrative sanction on questionable charges, and very limited mainstream media access.

During the year the government expanded the carnet de la patria program, introduced in 2017 as a multipurpose identification card, so that it was required to access government-funded social services. In September the government announced gasoline, largely subsidized by the government, would be sold only at higher international prices to those without a carnet de la patria. Cardholders were reportedly also granted exclusive access to educational scholarships, subsidized food, and other government support. The government set up carnet de la patria check-in points outside of voting centers during national elections and urged cardholders to "register" their votes. According to the government, as of October more than 17 million of the 30 million residents had registered for the card. To qualify for the card, applicants must provide proof of political affiliation and

respond to a number of questions regarding the social service benefits they receive. Government opponents asserted the card amounted to social control, a tool to leverage access to scarce subsidized consumer products in return for political loyalty.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. The ruling party had a number of high-level female politicians and ministers, while the opposition lacked female and minority representation.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Some officials explicitly acknowledged corruption as a major problem. The government frequently investigated, prosecuted, and detained political opponents on corruption charges to harass, intimidate, or imprison them. According to Transparency International, among the main reasons for the country's widespread corruption were impunity, weak institutions, and a lack of transparency in the management of government resources.

Corruption: On August 4, Attorney General Tarek William Saab announced the Public Ministry's reportedly successful efforts to fight corruption during his first year in office. According to Saab, 616 persons were convicted of corruption-related charges; however, the government did not provide information regarding the alleged cases or persons convicted.

Corruption was a major problem in all police forces, whose members were generally poorly paid and minimally trained. There was no information publicly available about the number of cases involving police and military officials during the year, although the Public Ministry publicized several individual cases against police officers for soliciting bribes and other corrupt activities.

Financial Disclosure: The law requires public officials, as well as all directors and members of the boards of private companies, to submit sworn financial disclosure statements. By law the Public Ministry and competent criminal courts may require such statements from any other persons when circumstantial evidence arises during an investigation.

#### **Section 5. Governmental Attitude Regarding International and**

## **Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of independent domestic and international human rights groups generally operated with some government restrictions. Major domestic human rights NGOs conducted investigations and published their findings on human rights cases. Government officials were rarely cooperative or responsive to their requests. Domestic NGOs reported fear the government would use the 2017 Law against Hate to justify widespread repression of their activities, jailing of the participants and organizers, and threats against family members. Some domestic NGOs reported government threats and harassment against their leaders, staff, and organizations, in addition to government raids and detentions, but they were able to publish dozens of reports during the year. Some human rights activists reported authorities barred them from traveling abroad or that they feared not being able to return to the country if they traveled. NGOs played a significant role in informing citizens and the international community about alleged violations and key human rights cases.

NGOs asserted the government created a dangerous atmosphere for them to operate. The PSUV first vice president and ANC president, Diosdado Cabello, used his weekly talk show to intimidate NGO staff from Espacio Publico, PROVEA, and Foro Penal. Several organizations, such as the OVP, PROVEA, Foro Penal, and Citizen Control, reported their staffs received both electronic and in-person threats. Human rights organizations claimed they were subject to frequent internet hacking attacks and attempts to violate their email privacy.

The law prohibits domestic NGOs from receiving funds from abroad if they have a “political intent”--defined as the intent to “promote, disseminate, inform, or defend the full exercise of the political rights of citizens” or to “defend political rights.” The government threatened NGOs with criminal investigations for allegedly illegally accepting foreign funds. Various government officials accused human rights organizations on national television and media of breaking the law by receiving funding from international donors.

For violations the law stipulates monetary penalties, a potential five- to eight-year disqualification from running for political office, or both. The law defines political organizations as those involved in promoting citizen participation, exercising control over public offices, and promoting candidates for public office. Although there was no formal application or enforcement of the law, it created a climate of fear among human rights NGOs and a hesitancy to seek international assistance.

In addition to the restrictions placed on fund raising, domestic NGOs also faced regulatory limitations on their ability to perform their missions. The law includes provisions eliminating the right of human rights NGOs to represent victims of human rights abuses in legal proceedings. The law provides that only the public defender and private individuals may file complaints in court or represent victims of alleged human rights abuses committed by public employees or members of security forces.

The United Nations or Other International Bodies: The government was generally hostile toward international human rights bodies and continued to refuse to permit a visit by the IACHR, which last visited the country in 2002. The government also repeatedly refused to grant access to the OHCHR to investigate the human rights situation.

Government Human Rights Bodies: Throughout the year the government gave its 2016 human rights plan minimal attention.

The TSJ continued to hold the National Assembly in “contempt” status, which diminished the purview and operational effectiveness of the assembly’s subcommission on human rights.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, making it punishable by a prison term of eight to 14 years. A man legally may avoid punishment by marrying (before he is sentenced) the person he raped. The law allows authorities to consider alternative forms of punishment, including work release, for those convicted of various crimes, including rape, if they have completed three-quarters of their sentence.

The law criminalizes physical, sexual, and psychological violence in the home or community and at work. The law punishes perpetrators of domestic violence with penalties ranging from six to 27 months in prison. The law requires police to report domestic violence to judicial authorities and obligates hospital personnel to notify authorities when admitting patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence and were not properly trained to handle such cases. The law also establishes women’s bureaus at local police headquarters and tribunals specializing in gender-based

violence, and two-thirds of states had specialized courts. The Public Ministry's Women's Defense Department employed a team of lawyers, psychiatrists, and other experts who dealt exclusively with cases of femicide, gender-related violence, and other crimes against women.

Many advocates observed there was a lack of public awareness among women regarding resources and support available to prevent and combat domestic violence. The government offered some shelter and services for victims of domestic and other violence, but NGOs provided the majority of domestic abuse support services.

Sexual Harassment: Sexual harassment is illegal and punishable by fines and a prison sentence of one to three years. Although allegedly common in the workplace, sexual harassment cases were rarely reported.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women enjoy the same legal status and rights as men under the constitution. Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women with regard to pay or working conditions. According to the Ministry of Labor and the Confederation of Workers, regulations protecting women's labor rights were enforced in the formal sector, although according to the World Economic Forum, women earned 36 percent less on average than men doing comparable jobs.

The law provides women with property rights equal to those of men.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory. According to UNICEF, 81 percent of children younger than age five were registered at birth, based on 2011 statistics provided by the government.

Child Abuse: According to UNICEF and NGOs working with children and women, child abuse, including incest, occurred but was rarely reported. The government made efforts to detain and prosecute some perpetrators of child abuse. Although the judicial system acted to remove children from abusive households, the press reported public facilities for such children were inadequate. According to

NGOs, in many cases children were returned to their homes without proper reintegration measures or follow-up.

Early and Forced Marriage: The legal minimum age for marriage is 18 for women and men, but with parental consent, the minimum age is 16.

Sexual Exploitation of Children: By law sexual relations with a minor younger than age 13, with an “especially vulnerable” person, or with a minor younger than age 16 when the perpetrator is a relative or guardian, are punishable with a mandatory sentence of 15 to 20 years’ imprisonment. The law prohibits the forced prostitution and corruption of minors. Penalties range from 15 to 20 years’ imprisonment in the case of sex trafficking of girls, although the law requires force, fraud, or coercion in its definition of sex trafficking of children. The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years’ imprisonment.

Displaced Children: Children’s rights advocates noted an increase of up to 40 percent in the number of children living on the street, compared with 2017, when leading advocates and the press estimated 10,000 children lived on the streets. As parents fled the country’s economic crisis, many left their children behind with family members, many of whom also struggled with the country’s economic downturn. State-run facilities already filled to capacity were unable to support the influx of children in need. The government did not provide additional resources to support these centers, and at least four centers closed in the first quarter of the year due to a lack of resources. Private institutions denounced the government’s refusal to provide subsidized food benefits to support their population. NGOs noted young girls made up close to half of the children living on the streets, a significant increase. The significant shift posed particular challenges for shelters, which historically managed predominantly male populations. With institutions filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

## **Anti-Semitism**

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, including anti-Semitism.

The Confederation of Israelite Associations in Venezuela estimated there were 9,000 Jews in the country. Jewish community leaders expressed concern about anti-Semitic statements made by high-level government officials and anti-Semitic pieces in progovernment media outlets. They said government-owned or -associated media and government supporters again denied or trivialized the Holocaust, citing media reports of President Maduro's comparing migrant Venezuelans to Jews persecuted by Hitler. The community leaders noted many other anti-Semitic incidents occurred during the year.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities, but the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were almost nonexistent. Many persons with disabilities expressed concerns that public transportation workers often were unwilling to transport them and forced them to find taxis, which were often out of their financial reach and also frequently not equipped to support patrons with disabilities. Parents of children with disabilities also complained they were forced to wait in long lines for services rather than provided preference in line as is afforded by law. Online resources and access to information were generally available to persons with disabilities, although access to closed-captioned or audio-described online videos for persons with sight and hearing disabilities was limited. Separately, leading advocates for persons with hearing disabilities lamented difficult access to public services due to a lack of government-funded interpreters in public courts, health-care facilities, and legal services, as well as a lack of other public accommodations.

The National Commission for Persons with Disabilities, an independent agency affiliated with the Ministry for Participation and Social Development, advocated

for the rights of persons with disabilities and provided medical, legal, occupational, and cultural programs. According to the commission, less than 20 percent of persons with disabilities who registered with government health programs were fully employed.

### **National/Racial/Ethnic Minorities**

The constitution prohibits discrimination based on race. The law prohibits all forms of racial discrimination and provides for a maximum of three years' imprisonment for acts of racial discrimination. As mandated by law, signage existed outside commercial and recreational establishments announcing the prohibition against acts of racial discrimination. Beyond signage the government did little to enforce the laws against discrimination or prosecute cases of discrimination.

There were no reports the government arrested or prosecuted suspects regarding 2017 attacks by demonstrators that killed two Afro-Venezuelan men, despite videos of the attacks circulating widely on social media.

### **Indigenous People**

The law prohibits discrimination based on ethnic origin. The constitution provides for three seats in the National Assembly for deputies of indigenous origin to “protect indigenous communities and their progressive incorporation into the life of the nation,” but some indigenous communities had been without representation in the national legislature since the TSJ annulled the 2015 election of Amazonas State's indigenous representative.

NGOs and the press reported local political authorities seldom took account of indigenous interests when making decisions affecting indigenous lands, cultures, traditions, or allocation of natural resources. Indigenous groups continued to call for faster implementation of the demarcation process.

Indigenous groups and NGOs expressed concern regarding mining in the growing “Arco Minero,” an area that extends between the states of Bolivar and Amazonas. Indigenous communities reported the government developed and expanded mining zones without consulting those native to the region. Armed groups, including Colombian guerrillas, had a considerable presence in the area, increasing the level of violence and insecurity in the communities. There was also an unprecedented influx of diseases, as well as prostitution and other illegal activities, in the mining

areas, putting indigenous communities at risk.

Indigenous groups regularly reported violent conflicts with miners and cattle ranchers over land rights. There were reports of harassment, attacks, and forced evictions against indigenous persons living in areas included as part of government mining concessions.

Border disputes with Colombia affected indigenous groups living in border regions. While the president proclaimed indigenous persons on the border could cross freely, there were many reported cases in which movements of indigenous groups were restricted.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The constitution provides for equality before the law of all persons and prohibits discrimination based on “sex or social condition,” but it does not explicitly prohibit discrimination based on sexual orientation or gender identity. According to a TSJ ruling, no individual may be subjected to discrimination because of sexual orientation, but the ruling was rarely enforced.

Credible NGOs reported incidents of bias-motivated violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. Reported incidents were most prevalent against transgender individuals. Leading advocates noted that law enforcement authorities often did not properly investigate to determine whether crimes were bias-motivated.

Local police and private security forces allegedly prevented LGBTI persons from entering malls, public parks, and recreational areas. NGOs reported the government systematically denied legal recognition to transgender and intersex persons by preventing them from obtaining identity documents required for accessing education, employment, housing, and health care. This vulnerability often led transgender and intersex persons to become victims of human trafficking or prostitution.

### **HIV and AIDS Social Stigma**

The law provides for the equal rights of persons with HIV/AIDS and their families. Nevertheless, leading advocates alleged discrimination against such persons.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law provides that all private- and public-sector workers (except members of the armed forces) have the right to form and join unions of their choice, and it provides for collective bargaining and the right to strike. The law, however, places several restrictions on these rights, and the government deployed a variety of mechanisms to undercut the rights of independent workers and unions. Minimum membership requirements for unions differ based on the type of union. Forming a company union requires a minimum of 20 workers; forming a professional, industrial, or sectoral union in one jurisdiction requires 40 workers in the same field; and forming a regional or national union requires 150 workers. Ten persons may form an employees association, a parallel type of representation the government endorsed and openly supported.

The law prohibits “any act of discrimination or interference contrary to the exercise” of workers’ right to unionize. The law requires all unions to provide the Ministry of Labor a membership roster that includes the full name, home address, telephone number, and national identification number for each union member. The ministry reviews the registration and determines whether the union fulfilled all requirements. Unions must submit their registration application by December 31 of the year the union forms; if not received by the ministry or if the ministry considers the registration unsatisfactory, the union is denied the ability to exist legally. The law also requires the presence of labor inspectors to witness and legitimize unions’ decisions before the Ministry of Labor. The International Labor Organization (ILO) raised concerns about the ministry’s refusal to register trade union organizations.

By law employers may negotiate a collective contract only with the union that represents the majority of its workers. Minority organizations may not jointly negotiate in cases where no union represents an absolute majority. The law also places a number of restrictions on unions’ ability to administer their activities. For example, the CNE has the authority to administer internal elections of labor unions, federations, and confederations. By law elections must be held at least every three years. If CNE-administered and -certified elections are not held within this period, the law prohibits union leaders from representing workers in negotiations or engaging in anything beyond administrative tasks. The ILO repeatedly found cases of interference by the CNE in trade union elections, and in 1999 it began calling for the CNE to be delinked from the union election process.

The law recognizes the right of all public- and private-sector workers to strike, subject to conditions established by law. By law workers participating in legal strikes receive immunity from prosecution, and their time in service may not be reduced by the time engaged in a strike. The law requires that employers reincorporate striking workers and provides for prison terms of six to 15 months for employers who fail to do so. Replacement workers are not permitted during legal strikes. The law prohibits striking workers from paralyzing the production or provision of essential public goods and services, but it defines “essential services” more broadly than ILO standards. The ILO called on the government to amend the law to exclude from the definition of “essential services” activities “that are not essential in the strict sense of the term...so that in no event may criminal sanctions be imposed in cases of peaceful strikes.”

The minister of labor may order public- or private-sector strikers back to work and submit their disputes to arbitration if a strike “puts in immediate danger the lives or security of all or part of the population.” Other legal provisions establish criminal penalties for exercising the right to strike in certain circumstances. For example, the law prohibits specified actions and makes punishable with five to 10 years in prison anyone who “organizes, supports, or instigates the realization of activities within security zones that are intended to disturb or affect the organization and functioning of military installations, public services, industries and basic [mining] enterprises, or the socioeconomic life of the country.” The law also provides for prison terms of two to six years and six to 10 years, respectively, for those who restrict the distribution of goods and for “those...who develop or carry out actions or omissions that impede, either directly or indirectly, the production, manufacture, import, storing, transport, distribution, and commercialization of goods.” There was no information on whether penalties were sufficient to deter violations.

The government restricted the freedom of association and the right to collective bargaining through administrative and legal mechanisms.

The ILO raised concerns about violence against trade union members and government intimidation of the Associations of Commerce and Production of Venezuela. ILO member countries voted to establish an ILO Commission of Inquiry against Venezuela to investigate longstanding complaints first lodged in 2015 of labor rights violations of ILO Conventions No. 26, 87, and 144, which pertain to minimum-wage fixing, freedom of association and protection of the right to organize, and tripartite consultation, respectively. The ILO had recommended that the government allow a tripartite delegation to provide technical assistance to

mediate unresolved complaints between the government, employers, and workers. The government continued to refuse access to the ILO High-Level Tripartite delegation to address complaints of labor rights violations.

Organized labor activists continued to report that the annual requirement to provide the Ministry of Labor a membership roster was onerous and infringed on freedom of association. They alleged the ministry removed member names from the rosters for political purposes, particularly if members were not registered to vote with the CNE. Labor leaders also criticized the laborious and costly administrative process of requesting CNE approval for elections and subsequent delays in the CNE's recognition of such union processes. In addition there reportedly was a high turnover of Ministry of Labor contractors, resulting in a lack of timely follow-through on union processes. Labor unions in both the private and public sectors noted long delays in obtaining CNE concurrence to hold elections and in receiving certification of the election results, which hindered unions' ability to bargain collectively.

The government continued to support many "parallel" unions, which sought to dilute the membership and effectiveness of traditional independent unions. In October, Labor Minister Eduardo Pinate announced the expansion of the ministry's Youth Worker Program (*Chamba Juvenil*), which independent union leaders claimed was a government mechanism to displace independent workers with government-aligned workers and also to suppress wages, since youth are paid less than experienced workers. In general these government-supported unions were not subject to the same government scrutiny and requirements regarding leadership elections. The government excluded from consideration other, independent union federations, including the Confederation of Venezuelan Workers, General Confederation of Venezuelan Workers, Confederation of Autonomous Unions of Venezuela, and National Union of Workers.

The government continued to refuse to adjudicate or otherwise resolve the cases of 19,000 employees of the state oil company (PDVSA) who were fired during and after the 2002-03 strike. The Ministry of Labor continued to deny registration to the National Union of Oil, Gas, Petrochemical, and Refinery Workers.

The concept of striking, demonized since the 2002 national security law, was used periodically as a political tool to accuse government opponents of coup plotting or other destabilizing activities. Some companies, especially in the public sector, had multiple unions with varying degrees of allegiance to the ruling party's version of the "socialist revolution," which could trigger interunion conflict and strife. In

August striking regional union leaders of Corpoelec (a state-owned electricity operator) complained national union leaders failed to negotiate in good faith on behalf of striking workers demanding wage increases. Corpoelec regional union leaders alleged national union leaders were progovernment “chavistas” and therefore beholden to the government for political reasons.

In June Maduro provisionally released former University of Carabobo professor Rolman Rojas, former president of the Carabobo College of Nurses Julio Garcia, former president of Fetracarabobo Omar Escalante, and former secretary general of the National Federation of Retirees and Pensioners Omar Vasquez Lagonel but required weekly reports to a judge as a condition of their release. SEBIN detained the group in August 2017 for their participation in the national labor strike against the ANC election.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits some forms of forced or compulsory labor but does not provide criminal penalties for certain forms of forced labor. The law prohibits human trafficking by organized crime groups through its law on organized crime, which prescribes 20 to 25 years’ imprisonment for the human trafficking of adults carried out by a member of an organized-crime group of three or more individuals. The organized-crime law, however, fails to prohibit trafficking by any individual not affiliated with such a group. Prosecutors may employ other statutes to prosecute such individuals. The law increases penalties from 25 to 30 years for child trafficking with the purpose of forced labor. There was no comprehensive information available regarding the government’s enforcement of the law. The labor group Autonomous Front in Defense of Employment, Wages, and Unions (FADESS) reported that public-sector worker agreements included provisions requiring service in the armed forces’ reserves.

There were reports of children and adults subjected to human trafficking with the purpose of forced labor, particularly in the informal economic sector and in domestic servitude (see section 7.c.). According to FADESS, more than 60,000 Cubans worked in government social programs (such as the Mission Inside the Barrio) in exchange for the government’s provision of oil resources to the Cuban government. FADESS noted Cubans worked in the Ministries of Education, Registrar, Notary, Telecommunications, and Security. FADESS also cited that the G-2 Cuban security unit was present in the armed forces and in state enterprises. Indicators of forced labor reported by some Cubans included chronic underpayment of wages, mandatory long hours, limitations on movement, and

threats of retaliatory actions against workers and their families if they left the program. According to the Global Slavery Index, the estimated absolute number of victims in the country was 174,000.

The law does not sufficiently prohibit the trafficking of boys and requires proof of the use of deception, coercion, force, violence, threats, abduction, or other fraudulent means to carry out the offense of trafficking of girls, including for commercial sexual exploitation.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum employment age at 14. Children younger than 14 may work only if granted special permission by the National Institute for Minors or the Ministry of Labor. Such permission may not be granted to minors who are younger than the legal age for work in hazardous occupations that risk their life or health or could damage their intellectual or moral development. According to the ILO, the government had not made publicly available the list of specific types of work considered hazardous. Children ages 14 to 18 may not work without permission of their legal guardians or in occupations expressly prohibited by law, and they may work no more than six hours per day or 30 hours per week. Minors younger than age 18 may not work outside the normal workday.

Anyone employing children younger than age eight is subject to a prison term of between one and three years. Employers must notify authorities if they hire a minor as a domestic worker.

No information was available on whether or how many employers were sanctioned for violations. The government continued to provide services to vulnerable children, including street children, working children, and children at risk of working. There was no independent accounting of the effectiveness of these and other government-supported programs.

Most child laborers worked in the agricultural sector, street vending, domestic service, or in small and medium-size businesses, most frequently in family-run operations. There continued to be isolated reports of children exploited in domestic servitude, mining, forced begging, and commercial sexual exploitation (see section 6).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution prohibits employment discrimination for every citizen. The law prohibits discrimination based on age, race, sex, social condition, creed, marital status, union affiliation, political views, nationality, disability, or any condition that could be used to lessen the principle of equality before the law. No law specifically prohibits employment discrimination based on sexual orientation, gender identity, or HIV/AIDS status. Media and NGOs, such as PROVEA and the Human Rights Center at the Andres Bello Catholic University, reported the government had a very limited capacity to address complaints and enforce the law in some cases and lacked political will in some cases of active discrimination based on political motivations.

#### **e. Acceptable Conditions of Work**

Nominal wages increased 43,273 percent through the first nine months of the year, but accumulated inflation over the same period reached 81,043 percent, according to a monthly study conducted by the National Assembly Finance Committee, which conducted its work without official Central Bank data.

In January workers in the health, petroleum, transportation, and electricity began holding protests, work stoppages, and strikes denouncing "hunger salaries"--wages insufficient to afford the basic food basket and unable to keep pace with hyperinflation. Additionally, they decried the lack of adequate equipment, supplies, and safe working conditions. Emblematic was the nurses' strike, which began in June and continued as of October. Nurses demanded a salary increase on par with those of military officials: Nurses earned 2.2 million, compared with military officials earning 240 million bolivares, a 100-fold salary disparity. Striking nurses also demanded hospital supplies and medicines to counteract severe shortages, rendering them unable to provide adequate patient care. In response President Maduro unilaterally issued a decree in August raising the national minimum wage to 1,800 bolivares soberanos (\$11), a 60-fold increase from the previous minimum wage. Labor experts noted the unilateral nature of the decision countered ILO Convention No. 26 requiring the government to consult with employers and workers prior to enacting wage increases. Legislators noted the decree violated the law, since it supplanted collective bargaining agreements.

Union leaders from the petroleum, health, telecommunications, and electricity sectors highlighted that the decree did not include wage adjustments to keep up with hyperinflation and thus remained insufficient to afford the basic food basket. It also violated the law by nullifying previously signed collective bargaining agreements, including wage tables that scaled salaries accounting for seniority and merit pay.

The president of CONINDUSTRIA, the trade union of the industrial sector, stated that of the 15,000 industries existing in 2000, only 3,500 remained as of October.

The law sets the workweek at 40 hours (35 hours for a night shift). The law establishes separate limits for “shift workers,” who may not work more than an average of 42 hours per week during an eight-week period, with overtime capped at 100 hours annually. Managers are prohibited from obligating employees to work additional time, and workers have the right to two consecutive days off each week. Overtime is paid at a 50 percent surcharge if a labor inspector approves the overtime in advance and at a 100 percent surcharge if an inspector does not give advance permission. The law establishes that, after completing one year with an employer, a worker has a right to 15 days of paid vacation annually. A worker has the right to an additional day for every additional year of service, for a maximum of 15 additional days annually.

The law provides for secure, hygienic, and adequate working conditions. Workplaces must maintain “protection for the health and life of the workers against all dangerous working conditions.” The law obligates employers to pay workers specified amounts for workplace injuries or occupational illnesses, ranging from two times the daily salary for missed workdays to several years’ salary for permanent injuries. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

The law covers all workers, including temporary, occasional, and domestic workers. There was reportedly some enforcement by the Ministry of Labor of minimum wage rates and hours of work provisions in the formal sector, but 40 percent of the population worked in the informal sector, where labor laws and protections generally were not enforced. The government did not enforce legal protections on safety in the public sector. According to PROVEA, while the National Institute for Prevention, Health, and Labor Security required many private businesses to correct dangerous labor conditions, the government did not enforce such standards in a similar manner in state enterprises and entities. There was no publicly available information regarding the number of inspectors or the frequency

of inspections to implement health and safety, minimum wage, or hours of work provisions. Ministry inspectors seldom closed unsafe job sites. There was no information on whether penalties were sufficient to deter violations.

Official statistics regarding workplace deaths and injuries were not publicly available.