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Venezuela

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Venezuela is a constitutional democracy with a population of approximately 26 million. In December voters reelected President Hugo Chavez of the Fifth Republic Movement (MVR) with approximately 63 percent of the popular vote. Official observation missions from both the European Union and Organization of American States deemed the elections generally free and fair, having noted some irregularities, including continued problems with the electoral rolls (voter registries), a perception of progovernment bias on the part of the National Electoral Council (CNE), and questions about the role of the military in its heavy election day coverage. While civilian authorities generally maintained control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

Politicization of the judiciary, harassment of the media, and harassment of the political opposition continued to characterize the human rights situation during the year. The following human rights problems were reported: unlawful killings; disappearances reportedly involving security forces; torture and abuse of detainees; harsh prison conditions; arbitrary arrests and detentions; a corrupt, inefficient, and politicized judicial system characterized by trial delays, impunity, and violations of due process; illegal wiretapping and searches of private homes; official intimidation and attacks on the independent media; widespread corruption at all levels of government; violence against women; trafficking in persons; and restrictions on workers' right of association.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings; however, security forces committed unlawful killings, including summary executions of criminal suspects, and mistreated persons in custody resulting in deaths.

The human rights nongovernmental organization (NGO) Venezuelan Program of Action and Education in Human Rights (PROVEA) documented 169 unlawful killings at the hands of government security forces from October 2005 through September 2006.

In July the NGO Victims' Committee Against Impunity reported that 90 percent of homicides in Lara state involved state security forces, of which more than 50 percent involved officers from the armed forces or police ranks; 35 percent involved officers of the Scientific, Penal, and Criminalistic Investigative Body (CICPC the scientific police); 3 percent involved the National Guard; and 2 percent involved transit police.

On April 4, authorities discovered the bodies of the Faddoul brothers, ages 12, 13, and 17, and their driver, who had been kidnapped 41 days before. The kidnapers, alleged to be Caracas Metropolitan Police officers, demanded a \$4.5 million ransom from the children's father, a Canadian-Venezuelan businessman. Twenty-two individuals subsequently faced charges, two of whom were Caracas Metropolitan Police officers. Approximately half of those charged confessed to involvement and were immediately sentenced to prison. At year's end, the remaining accused were awaiting trial.

On April 5, news photographer Jorge Aguirre was killed during demonstrations in the aftermath of the Faddoul murders, allegedly by a metropolitan police officer or someone masquerading as a police officer (see section 2.a.). The NGO Foro Penal reported that the individual had previously been a police officer for both Chacao Municipality and Caracas Metropolitan Police but had been relieved of his duties for bad conduct prior to this incident. On April 13, authorities arrested a former Caracas police officer, Boris Blanco Arcia, after they discovered pistol cartridges at his home matching those found at the scene of the shooting. On April 26, authorities indicted active police officer Charly Briceno in connection with the Aguirre killing, charging that, while on duty, Briceno drove the motorcycle on which Blanco was riding when he allegedly shot Aguirre. Blanco was charged with murder and posing as a police officer, while Briceno was charged with covering up a criminal act. Blanco Arcia was supposed to have been arraigned on June 21, but at year's end, no further information was available.

In July family members of the victims of the so called 1986 Yumare Massacre asked authorities to reopen the investigation into the case. Henry Lopez Sisco, then commander of state intelligence police, faced charges in the killing of nine students in Yaracuy State. As an Office of Intelligence and Prevention Services (DISIP) commander, Lopez Sisco was held responsible in the 1970s and 1980s for the "elimination" of subversive elements, particularly guerrillas. The case lay dormant for two decades before returning to public attention in July during the December presidential elections campaign period; Lopez Sisco was a security advisor to the primary opposition presidential candidate. Two of the nine students' bodies were exhumed on October 5. On December 12, judicial authorities in Yaracuy ruled that the remaining seven bodies were to be exhumed, as well, although none had been exhumed by year's end.

On September 14, three members of the CICPC shot and killed Jesus Carvajal Cardenas for failing to heed police calls to stop his vehicle. The three police officers, Jesus Arrijoa, Luis Campos, and Jairo Lira, were indicted on September 19.

On September 22, military forces killed six miners in the La Paragua region of Bolivar state. Reports indicated that the miners were strafed from a military helicopter. President Chavez acknowledged excessive use of military force in these killings; as a result of an investigation, at least 14 soldiers were arrested. On November 15, 10 soldiers were charged in the killings of the six miners.

On August 31, 24 police officers were sentenced for their involvement in the June 2005 killings of students Leonardo Gonzalez, Erick Montenegro, and Edgar Quintero, and injury to three others near a Caracas police checkpoint. Sentences ranged from three to 30 years' imprisonment.

There were no developments in the January 2005 killing of Rigoberto Barrios, or in the March 2005 burning deaths of two soldiers in a "punishment cell," in Sucre State.

There were no reports that security forces killed prisoners; however, substantial numbers of deaths in prison resulted from other causes (see section 1.c.).

Prosecutors rarely brought cases against perpetrators of unlawful killings. When prosecutors investigated, they alleged that unsecured crime scenes, poor investigative techniques, and constantly changing or inexperienced personnel ensured that political and human rights abuse cases were delayed indefinitely or had a preordained result. Sentences frequently were light, and convictions often were overturned on appeal. Members of the security forces charged with or convicted of crimes rarely were imprisoned.

b. Disappearance

There were no substantiated reports of politically motivated disappearances.

Human rights groups claimed that police officers sometimes disposed of their victims' bodies to avoid investigations. PROVEA recorded 15 reports of disappearances allegedly involving security forces in the 12 months through September.

There were no significant developments in the January 2005 disappearance of Silvino Bustillos or in the 1999 forced disappearances of Oscar Blanco Romero, Roberto Hernandez Paz, and Jose Rivas Fernandez, for which the government acknowledged culpability in June 2005.

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

Although the constitution states that no person shall be subjected to cruel, inhumane, or degrading punishment, NGOs, media, and opposition groups accused security forces of continuing to torture and abuse detainees.

PROVEA reported that in the 12 months prior to September, it received 19 complaints of torture (down from 31 the previous year), but 1,394 complaints regarding cruel, inhuman, and degrading treatment, a sharp increase from the 503 cases reported the year prior.

On January 11, four armed members of the CICPC came to the home of Miguel Pina and allegedly tortured him before killing him because of his purported participation in a bank robbery. Pina's wife alleged that both she and their daughter were also tortured.

The government did not authorize independent investigation of torture complaints. Human rights groups continued to question the attorney general's commitment to oversee neutral investigations. Few cases of torture resulted in convictions.

Reports of beatings and other humiliating treatment of suspects during arrests were common and involved various law enforcement agencies.

On August 14, members of the Military Intelligence reportedly took Captain Luis Figueroa from the Ramo Verde military prison, tortured him, and returned him to the prison in early morning hours.

On September 13, Rosa Figueroa appeared on the national television news show La Entrevista to draw attention to the torture of her son Kristo Damales Figueroa, a soldier incarcerated at Ramo Verde military prison. The interview included footage taken from a cellular telephone video showing severe wounds on Damales Figueroa's body, allegedly from torture.

There were no developments in the alleged February 2005 torture of retired Venezuelan National Guard Major General Felipe Rodriguez, who was arrested and held at Military Intelligence Headquarters and allegedly subjected to sensory deprivation and psychological torture.

Prison and Detention Center Conditions

Prison conditions were harsh due to scarce resources, poorly trained and corrupt prison staff, and violence by guards and inmates. The prison monitoring NGO Venezuelan Prison Observatory (OVP) estimated that existing prisons were designed to hold approximately 60 percent of the estimated 19,000 prisoners. Severe overcrowding in some prisons and food and water shortages remained problems.

The government failed to provide adequate prison security. The National Guard and the Ministry of Interior and Justice have responsibility for exterior and interior security, respectively. The OVP estimated that the prison guard force was 10 percent of the required strength. Violence among prison gangs, including shootouts and riots, was common. OVP recorded 378 deaths and 805 injuries in the prisons through November. Most inmate deaths resulted from prisoner on prisoner violence, riots, fires, and generally unsanitary and unsafe conditions. Prisoners also died as a consequence of poor diet and inadequate medical care.

More than 9,000 inmates participated in a hunger strike in July, insisting on reform of the Organic Law of Penal Processes. Inmates in 16 prisons participated in the strike.

Inmates often had to pay guards and other inmates to obtain necessities such as space in a cell, a bed, and food. Most prisoners obtained food from their families, by paying prison guards, or in barter with other prisoners. Many inmates also profited from exploiting and abusing others, particularly since convicted violent felons often were held with pretrial detainees or first time petty offenders. Trafficking in arms and drugs fueled gang related violence and extortion. Prison officials often illegally demanded payment from prisoners for transportation to judicial proceedings (see sections 1.d. and 1.e.).

Security forces and law enforcement authorities often imprisoned minors together with adults, even though separate facilities existed for juveniles. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were crowded into small, unsanitary cells, fed only once a day, and forced to sleep on bare concrete floors. Women and men were generally held in separate prison facilities, with juveniles of either gender also held in separate facilities. The Central Venezuelan University's Center for Women's Studies indicated that, while no prison had good conditions, women's facilities were generally less violent and more healthy than men's.

The government permitted prison visits by independent human rights observers, and such visits took place during the year.

d. Arbitrary Arrest or Detention

The constitution prohibits the arrest or detention of an individual without a judicial order; provides for the accused to remain free while being tried, except in specific cases where the laws of the state or individual judges can supersede this provision; and provides that any detained individual has the right to immediate communication with family and lawyers, who in turn have the right to know of the detainee's whereabouts.

Role of the Police and Security Apparatus

The National Guard, a branch of the military, is largely 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 and Justice controls the CICPC, which conducts most criminal investigations, and the DISIP, which collects intelligence within the country and is responsible for investigating cases of corruption, subversion, and arms trafficking. Mayors and governors oversee local and state police forces. Corruption was a major problem among all police forces, whose members were poorly paid and trained. Impunity for corruption, brutality, and other acts of violence were major problems. The National Commission for Police Reform was created in June, and one of its goals was to create a more defined structure or mechanism for reporting police abuses.

Some local police forces offered human rights training for their personnel. In June the Ministry of Interior and Justice announced the creation of the National Commission for Police Reform. Human Rights NGOs PROVEA and Foro Penal commended the work of the commission. In June Chacao Municipality in metropolitan Caracas released a comprehensive proposal for justice and security, called "Plan 180," to provide police forces with better tools and training to respect human rights. Foundation Venezuela 180 was created subsequent to the launch of Plan 180, and began implementing certain elements in Chacao municipality. Metropolitan Caracas began establishing pilot zones in which to begin implementing certain elements, as well. Considerable training projects were underway by year's end.

PROVEA reported that in the year ending in September, there were 103 violent demonstrations and 1,280 peaceful demonstrations, of which less than 5 percent were repressed forcefully.

Arrest and Detention

Persons were sometimes apprehended openly without warrants from judicial authorities. Detainees must be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the detention. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime, nor for longer than two years, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings. Detainees were promptly informed of the charges against them.

There was a functioning system of bail, but March 2005 penal code reforms eliminated bail for certain crimes (see section 2.a.). Bail also may be denied if the person was apprehended in the act of committing a crime or if a judge determines that there is a danger that the accused may flee or impede the investigation. Detainees were provided access to counsel and family members.

PROVEA documented 1,913 arbitrary detentions in the 12 months prior to September and criticized the security forces for a systematic practice of illegal arrests to combat crime.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, the judiciary was increasingly less so. The judiciary also was highly inefficient, sometimes corrupt, and subject to political influence, particularly from the Attorney General's Office, which in turn was pressured by the executive branch.

The judicial sector consists of the Supreme Tribunal of Justice and lower courts, the Attorney General's Office, and the Ministry of Interior and Justice. The Supreme Tribunal of Justice is the country's highest court and directly administers the lower courts through the Executive Directorate of the Judiciary.

According to the NGO Foro Penal, less than 40 percent of the judges were provisional and temporary. The Supreme Tribunal of Justice's Judicial Committee may hire and fire temporary judges without cause and without explanation, and it did so. Provisional judges legally have the same rights and authorities as permanent judges. The provisional and temporary judges, lacking tenure in their profession, were particularly subject to political influence from the Ministry of Interior and Justice and the attorney general.

The law provides that the Moral Council (attorney general, human rights ombudsman, and comptroller general) may suspend judges and allows the National Assembly to revoke the appointment of supreme tribunal of justice judges by a simple majority vote. Human Rights Watch noted that the law threatens the independence of the judiciary by subjecting it to political control.

Lower court judges hear pretrial motions, including prosecution and defense motions, prior to criminal cases going to trial judges. Executive judges oversee the application of sentences. Appeals courts, consisting of three judge panels, review lower court decisions. The attorney general oversees the prosecutors who investigate crimes and bring charges against criminal suspects.

In May 2005 the Penal Chamber of the Supreme Tribunal of Justice revoked the October 2004 appeals court ruling dismissing the case against Baruta mayor Henrique Capriles Radonski on charges relating to a violent demonstration in front of the Cuban embassy in 2002 and ordered the case reheard. The trial faced substantial delays throughout the year. In July the Penal Chamber of the Supreme Tribunal of Justice removed the judge in the case without explanation. In October the Supreme Court announced a shuffling of federal judges, depriving the Capriles case of an appointed judge and delaying the trial until it began anew in December, before the 30th judge to preside over this case. Capriles was acquitted of all charges against him on December 15. The prosecution indicated that it would appeal.

In December Attorney General Isaias Rodriguez announced that the investigation of two suspected material authors and an intellectual author of the 2004 killing of prosecutor Danilo Anderson was on hold, as the three were in Miami and the law prohibits accusations in absentia. Rodriguez shelved cases against businessman Nelson Mezerhane and two other suspects due to lack of evidence. A judge was reviewing this decision at year's end, however, as the law requires prosecutors either to accuse or to exonerate suspects after two years of investigation. A seventh suspect was exonerated.

Trial Procedures

The law provides for open, public, and fair trials with oral proceedings. The accused have the right to be present and consult with an attorney. Public defenders are provided for indigent defendants, but there continued to be a shortage of public defenders. Defendants have the right to question witnesses against them and present their own witnesses. The accused and their attorneys have access to government-held evidence. Defendants are innocent until proven guilty. Defendants and plaintiffs have the right of appeal.

Trial delays were common. A professional judge and two "lay judges" try serious cases; a single judge may hear serious cases if requested by the defendant or victim or if attempts to appoint lay judges have failed. Difficulty in finding persons willing to serve as lay judges also resulted in delays.

The law provides that trials for military personnel charged with human rights abuses be held in civilian rather than military courts; the provision does not apply to cases that predate the 1999 constitution.

Human rights NGOs continued to express concern that the Supreme Tribunal of Justice's selection of military judges from a list of candidates provided by the minister of defense linked the careers of military judges to the high command.

Political Prisoners and Detainees

There were an estimated 13 political prisoners in the country. In some cases, the political prisoners were held in distinct penal facilities, including DISIP quarters. Given their profile, they were often extended certain courtesies not given to general prison populations, such as individual cells and access to cellular telephones.

The International Committee of the Red Cross was permitted access to these political prisoners.

After the December 3 elections, NGOs Foro Penal and VIVE mounted a very public campaign to seek amnesty for all political prisoners and collected signatures to propose legislation on national amnesty and reconciliation for 2007.

Retired Army General Francisco Uson remained imprisoned at the Ramo Verde military prison for "defaming" the army, despite being retired and not subject to military jurisdiction. There were indications in July that Uson was threatened, specifically that his "physical and moral integrity" were in danger. Sources close to Uson claimed that prison authorities sought to "eliminate" certain prisoners who were an "annoyance" to the government.

Former Caracas Metropolitan Police commissioners Ivan Simonovis, Henry Vivas, and Lazarro Forero, along with eight other police officers, remained imprisoned without conviction, stemming from charges of being accomplices to murder during the events related to the civil disturbances in 2002. Although Simonovis was not present at the site of the unrest, he and the 10 other prisoners were accused of shooting and killing unarmed protesters. The defendants argued that they were protecting the protesters and were ambushed. Simonovis, Vivas, and Forero have remained imprisoned for approximately two years, while the eight additional officers have been in jail for more than three years.

On May 30, DISIP officials arrested and detained the former opposition governor of Yaracuy State, Eduardo Lapi, on charges of corruption and misappropriation of government funds, stemming from a highway project during his administration, which ended in 2004. Lapi remained imprisoned even though his case had not made it to trial. While governor, he was an outspoken critic of President Chavez. The prosecution claimed Lapi was considered a flight risk, thus necessitating his detention, although Lapi volunteered to surrender his passport. Lapi's trial has been delayed indefinitely.

Civil Judicial Procedures and Remedies

There were separate civil courts that permitted citizens to bring lawsuits seeking damages. Like all courts in the country, however, the civil elements of the judiciary remained subject to strong executive control.

There were administrative remedies available, but they were generally inefficient. The most common consumer-protection mechanism was the Institute for the Defense of the Consumer and the User (INDECU), which fell under the rubric of the Ministry of Light Industry and Commerce. INDECU used reconciliation, mediation, and arbitration to settle disputes and was empowered to sanction the providers of goods and services who violated the law.

Other entities that provided administrative or civil remedies included the Superintendencies of Banks, Free Competition, Insurance, Leasing, and Securities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the inviolability of the domestic home and personal privacy; however, security forces routinely infringed on citizens' privacy rights by searching homes without warrants, for example during anticrime sweeps in poor neighborhoods. There were reports of illegal wiretapping and invasion of privacy by the security forces.

On August 17, Attorney General Isaias Rodriguez acknowledged that charges of complicity in the alleged August 13 escape of former labor leader Carlos Ortega and members of the Faria military family from the Ramo Verde military prison, which were levied against independent television network Globovision, were based on intercepted e mails from the network's director's assistant. Rodriguez refused to answer questions about whether or not there was proper legal authorization to intercept the correspondence.

The government was complicit with others, including MVR deputy Luis Tascon, in creating and maintaining the "Tascon" and "Maisanta" Lists, which were used to identify and punish regime opponents. Early in the year, the Tascon List, which provided names and identification numbers of all persons who had signed petitions to recall President Chavez, was combined with lists of participants in the country's social missions and voting records. The combined lists created a program, called Programa Maisanta that not only identified the political orientation of individuals but also attempted to characterize the degree of their revolutionary dedication.

The use of fingerprint machines and electronic voting led many citizens to believe their votes were not secret and were subject to government tampering. Opponents of these methods in November 2005 demonstrated that the fingerprint machines held flash memory, in theory permitting vote sequence to be recorded and thereby fueling speculation that voter identity could be reconstructed. Some voters feared that the government, if it could obtain voting records, would use the information against those supporting the opposition. Signatures provided to the CNE for the 2004 recall referendum were circulated via the Tascon List, which the government used to harass, and in many cases fire, opposition supporters. Voter intimidation remained a very significant factor during the December elections.

In its annual report released in December, PROVEA expressed concern over official political discrimination against, and firing of, state employees whose views differed from those of the government. According to PROVEA, the government used coercion and the threat of dismissal to compel state employees to attend partisan political functions (see section 3).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the combination of new laws governing libel and broadcast media content, legal harassment, and physical intimidation resulted in limitations on these freedoms and a climate of self censorship. The government employed a variety of mechanisms--legal, economic, regulatory, judicial, and rhetorical--to harass the private media, engendering a repressive attitude towards a free press.

The president frequently preempted broadcasting on the nation's airwaves to present government programs. Independent media observers criticized the state media for extreme progovernment politicization.

The government denied private media equal access to many official events, and, in cases when private media had access to government facilities, they often did not have access to officials and information. For example, only the government radio and television stations were

authorized to have reporters at the presidential palace. Major independent all news outlet Globovision reported on August 15 that independent journalists were denied access to penal installations at Ramo Verde, the military prison from which four high profile prisoners escaped on August 13. According to Globovision, only official government media outlets were given access inside the facility. Globovision also reported that on August 17, several of their journalists were detained while covering the processing of 14 military officials charged with involvement in the escape. State controlled television and radio stations and many foreign news reporters continued to have full access to official events.

Amendments to the penal code in March 2005 make insulting the president punishable by six to 30 months in prison and eliminate bail, with lesser penalties for insulting lower ranking officials. Comments exposing another person to public contempt or hatred are subject to a one to three year prison sentence and a fine. Inaccurate reporting that disturbs the public peace is punishable with a prison sentence of two to five years. The requirement that media disseminate only "true" information was undefined and open to politically motivated interpretation.

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

Throughout the year, various international organizations expressed concern about the country's lack of press freedom and the harassment, intimidation, and violence, including killings, directed at journalists. Such harassment came from government actors as well as other government supporters. Amnesty International's 2005 report, issued in May, expressed concern that the government used tax and administrative measures to restrict freedom of expression, for example by closing the newspaper *El Impulso*. At its annual assembly in September, the International American Press Association criticized the country's record on press freedom. On October 12, the Office of the Special Rapporteur for Freedom of Expression of the Inter American Commission on Human Rights of the Organization of American States (OAS) presented a report covering the period from July to September 30, which highlighted infringements on freedom of expression in the country. Specifically, the special rapporteur highlighted the unsolved killing of Jesus Rojas Flores and the attack on regional newspaper *Correo del Caroni*.

On June 16, journalist Jose Joaquin Tovar Figueroa, editor of *Ahora*, was shot to death in Caracas. Reporters Without Borders believed that Tovar's murder was likely a direct result of his critical, anti Chavez reporting. At year's end, no arrests had been made, and there were no further details about who was behind Tovar's killing.

On July 25, three journalists working for regional newspaper *Diario Los Andes* were attacked while investigating a story on border security in Tachira state. DISIP (intelligence) agents reportedly detained the journalists after spotting the photographer taking pictures and demanded they turn over the camera. A DISIP agent beat one of the journalists while attempting to pull her from the vehicle.

On July 26, approximately 40 individuals, including municipal employees, forced their way into a radio interview and hurled invectives at the interviewee, the editor of *El Carabobeno*. The protesters burned issues of the newspaper and threatened to set fire to the building.

On August 23, journalist Jesus Flores Rojas was killed in Anzoategui State. Flores was critical of the government in his writings and in his weekly columns attributed to public officials possible acts of corruption. Several international organizations condemned the killing, and Reporters Without Borders indicated Flores's killing was directly tied to his critical writings. By year's end, there had been no arrests made in regard to this killing.

On August 26, police officers in Simon Rodriguez Municipality of Anzoategui State beat and insulted Adrian Salazar, a reporter for the daily *Nueva Prensa de Oriente*. Salazar stated that he did not know the motive for the beating but did not dismiss the possibility it was related to his journalistic endeavors. The police officers accosted him as he arrived at his home. They were later stripped of their official responsibilities, pending investigation of the matter.

On September 22, the chief of security for the municipality of Sucre, in Bolivar State, along with one of the mayor's bodyguards, attacked the headquarters of radio station *La Maripena*. The attackers broke protective barriers of the station's transmitter and threw rocks into the building. The Venezuelan Institute of Press and Society reported that the attackers responded violently to the radio station director's photographing them while they were guarding official vehicles during a miners' protest. Following the attack, the perpetrators stole one of the radio station's transmitters, causing an outage that lasted two days. Media reports speculated that the attacks were in response to the radio station's criticism of government acts.

While the law permits the president to suspend telecommunications broadcasts, it was not invoked during the year; however, the government threatened to review and cancel broadcasting licenses. On June 14, President Chavez announced he had directed a review of all radio and television licenses because many outlets had hidden behind "freedom of expression" in an effort to divide the country.

Some commercial radio stations complained that broadcasting frequencies for community radios were not allocated in accordance with broadcast regulations. According to the National Venezuelan Radio Broadcasting Chamber, most of these community radio stations neither received broadcasting licenses nor followed regulations, and they interfered with the broadcasts of licensed stations. The government reportedly funded the community stations, whose broadcasting was progovernment.

The law permits the government to order national broadcast cadenas (lengthy, commercial-free programming, usually consisting of presidential speeches) to require all broadcast media to preempt scheduled programming and transmit the government's entire message. Use of cadenas was much more restrained in elections during the year, compared to 2005. Both the OAS and EU, however, mentioned abuse of government resources as an irregularity during the election campaign, citing cadenas and other government public media methods. According to private media sources, there were approximately 182 cadenas during the year, totaling more than 90 hours of air time.

In mid-March the government temporarily imprisoned two journalists. Gustavo Azocar, a Tachira state journalist who questioned the qualifications of a judge involved in a sensitive political case, was imprisoned March 7 pending trial for allegedly failing to appear at court dates. One week later, on March 13, a Caracas court issued an arrest warrant for El Nacional columnist Ibeyise Pacheco, who was found guilty of defamation in 2005 and punished with nine months of house arrest (after reportedly being threatened with detention at DISIP). Both journalists were released almost immediately following international outcry.

On July 13, an appeals court sentenced journalist Henry Crespo to one year and four months in prison for allegedly defaming the MVR governor of Guarico State, Eduardo Manuitt.

On August 11, a circuit court judge issued an arrest warrant against Miguel Salazar, editor of the weekly Las Verdades de Miguel. Salazar, who was facing prosecution for aggravated slander, reportedly failed to appear before the court, as ordered by the judge. Salazar was accused of slandering several high-ranking officials, including the former secretary of the presidency, the governor of Guarico State, and a National Assembly deputy and his political party.

On May 18, the MVR controlled Bolivar state legislature decided that the building in which the anti Chavez newspaper Correo del Caroni operated had been incorrectly purchased and zoned in 1991 and recommended to the state governor that the building be demolished and the newspaper closed. On June 26, an act of sabotage left the newspaper without electricity and caused an explosion.

On June 19, Numa Rojas, the MVR mayor of Maturin, Monagas State, withdrew all municipal advertisements and indicated that reporters from two local newspapers would be denied access to city hall and MVR headquarters. Rojas reportedly acted in retaliation for the papers' accusations of corruption against the daughter of the mayor's girlfriend. Rojas held a public rally in Maturin inviting municipal employees to assemble and protest against those media that opposed him.

On June 8, the National Telecommunications Commission (CONATEL) forced the removal of Valencia radio station 810 AM's transmitter from public lands. The stated justification for the closure concerned ownership and zoning of the real estate where the transmitter was located. The closure was seen by station management and other media as a government effort to close all media outlets that criticized the president. CONATEL ordered the radio station to relocate within a period of 45 days; citing insufficient resources and time to do so, the radio station closed down.

On August 7, supporters of the independent political movement ROGE assaulted journalist Manases Capriles of the daily El Siglo when he was covering a protest in the town of Turmero, Aragua State. According to Capriles, a town councilmember who belongs to the movement tried to snatch the notebook in which Capriles was taking notes and threatened to kill him. Several other protesters surrounded Capriles and beat him with sticks. Several policemen were reportedly present but did nothing to stop the beating.

On December 28, President Chavez announced that the government would not renew the broadcast license of Radio Caracas Television, the country's oldest commercial television network. The government accused the network owners of being "coup-mongers" and of violating the public trust. International press freedom organizations, including Reporters Without Borders, the Inter-American Press Association, and the Inter-American Commission on Human Rights special rapporteur for freedom of expression, condemned the decision as an attempt to silence a media outlet.

Internet Freedom

There were no government restrictions on access to the Internet. The government sometimes monitored some e-mails (see section 1.f.). Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

There were no reported government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, and the government generally respected this right in practice. PROVEA noted that at least 113 injuries resulted from security force interventions in peaceful demonstrations, a significant decrease from the previous year.

There was also one death reported during a peaceful demonstration. PROVEA reported that Jose Gonzalez, a student protester in Cumana, Sucre State, was killed on March 21, when he fell from the roof of a building as a result of being struck by a tear gas canister thrown by a police officer.

Human rights groups continued to criticize the March 2005 penal code revision for the strict penalties it imposes on some forms of peaceful demonstration. The law outlaws pot banging protests often identified with opponents of the government and punishes street closures with up to eight year prison terms. The NGO Foro Penal filed an official complaint before the Supreme Court on June 27, challenging the legality of this measure, which, by year's end, had not been heard.

Government supporters sometimes disrupted marches and rallies. Supporters and opponents of the government demonstrated in the capital

and other cities during the year. Opposition presidential candidate Manuel Rosales's campaign rallies and marches were often disrupted by government supporters, who typically threw bottles and other debris at Rosales supporters.

Freedom of Association

While the constitution provides for freedom of association, the government only partially respected this right. Although indicating that they generally operated without interference, professional and academic associations complained that the CNE repeatedly interfered with their attempts to hold internal elections. A 2000 Supreme Tribunal of Justice ruling declared that groups belonging to civil society could not receive money from foreign governments or groups influenced by foreign governments, engage in political activism, or be run by members of the military or religious groups. The government indefinitely postponed its conspiracy case against the NGO SUMATE, which was based in part on the fact that the organization received financing from abroad (see section 4).

c. Freedom of Religion

The constitution provides for freedom of religion, on the condition that its practice does not violate public morality, decency, or the public order, and the government generally respected this right in practice.

The Directorate of Justice and Religion (DJR) is mandated to maintain a registry of religious groups. Registration is required for legal status as a religious organization. Requirements for registration are largely administrative but stipulate that groups serve the community's social interests. Foreign missionaries require a special visa to enter the country, and they noted increased difficulties.

Catholic bishops continued to urge the government to protect democratic freedoms, including voting rights.

On February 3 the Supreme Court denied the request of the New Tribes Mission for a stay of the Interior Ministry's November 2005 resolution ordering the group's withdrawal. The New Tribes Mission subsequently removed all of its personnel from indigenous tribal areas in compliance with the ruling, but continues to appeal the decision.

Societal Abuses and Discrimination

There were reports that citizens harassed Mormon missionaries in poor areas.

There were more than 15,000 Jews in the country. The president, government institutions and officials, and government-affiliated media outlets promoted anti-Semitism through numerous anti-Semitic comments; these actions created a spillover effect into mainstream society, which witnessed a rise in anti-Semitic vandalism, caricatures, and expressions at rallies. Incidents of intimidation, vandalism, and physical attacks against Jewish institutions became more frequent.

The Anti-Defamation League (ADL) reported that the president and government officials expressed anti-Semitic sentiments, blaming Israel and the Jews for the world's problems and utilizing stereotypes about Jewish financial influence and control. For example, in an interview broadcast domestically and on Al-Jazeera television, President Chavez said Israel's actions regarding the Palestinians and Lebanon were "perpetrated in the fascist manner of Hitler... they are doing what Hitler did to the Jews."

On January 21, a group of Jewish intellectuals published a letter condemning remarks made by President Chavez in December 2005 referring to "some minorities, the descendants of the same ones who crucified Christ." Some international Jewish groups and observers criticized Chavez' remarks as anti-Semitic; others said his remarks were simply anti-imperialistic. Days later, the government announced that it would remove from the Caracas Museum of Contemporary Art the name of Sofia Imber, the retired museum founder and a signatory to the letter. Imber said the name change was already in the offing but considered the timing a result of her signing the January 21 letter.

The local Jewish community maintained strong concerns over anti-Semitic comments that regularly appeared in the government's de facto official daily newspaper, *Vea*, and some recurring slurs by the hosts of *La Hojilla*, a pro-Chavez talk show on official government television.

Anti-Semitic graffiti increased on synagogue walls in the Caracas areas following the July-August conflict involving Israel and Lebanon, and editorials and political cartoons in government media outlets adopted pro Hizballah stances and often failed to distinguish between anti-Semitic and anti-Israeli sentiments. The ADL documented that anti-Semitic graffiti and leaflets appeared near synagogues and densely populated Jewish neighborhoods with statements including "Jews Assassins," "Jews Dogs," "Go Away Zionists," and with Stars of David equated with swastikas.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

The constitution provides for these rights, and the government generally respected them in practice, although there were numerous reports that persons were denied passports and other official documents by government agencies for having signed the 2004 recall referendum. There were regular reports of individuals bribing authorities for expedited issuance of identification documents. Extremely long waits for issuance of passports often had the effect of restricting freedom of foreign travel.

The law prohibits forced exile, and it was not used.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution.

The government cooperated with the UN High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reported 2,566 applicants for refugee status in the country during the year, 261 of whom were recognized as refugees.

On October 17, according to the Jesuit Refugee Service of Venezuela (SJR), armed militants forcibly displaced 32 families numbering almost 300 individuals from Santa Ines Village in Apure State. The 32 families were a mixture of Colombian refugees and internally displaced persons. With the SJR's assistance, 21 individuals presented official complaints to the Public Ministry, which had not been addressed by year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections held on the basis of universal suffrage.

Elections and Political Participation

On December 3, voters reelected Hugo Chavez as president in elections that observers judged to be generally free and fair. The European Union, the OAS, and the Carter Center sent official electoral observation missions and deemed the elections to be generally free and fair. President Chavez was reelected with approximately 63 percent of the national vote. Chavez received the most votes in each state in the country, as well as in the Caracas metropolitan area. While judged to be generally free and fair, the observation missions did note some irregularities, such as the government's failure to heed previous observer missions' recommendations. They also noted minor problems with the "Plan Republica," the military's plan to enforce security at polling sites and protect the integrity of both voters and voting materials.

Eighty-one different political parties appeared on the presidential ballot in December. Notable political party Christian Democrats barely surpassed the threshold of 1 percent of votes needed to remain on the ballot. Movement Towards Socialism failed to obtain enough votes to remain on the ballot, barring collection of the requisite number of signatures. Democratic Action, having boycotted national elections for two elections in a row, also lost the right to remain on the ballot without a signature drive.

In December, following his reelection, Chavez announced the dissolution of the primary political party, the Fifth Republic Movement, and his plans to create one unified progovernment party.

In September opposition members revealed a videotape of the minister of energy and president of the state oil-company PDVSA, Rafael Ramirez, threatening workers with loss of their jobs if they did not vote for the government in December elections. Ramirez invoked the terminology "rojo, rojito" ("red, very red") to describe the political orientation of the oil company. Other government agencies, including the military and Ministry of Foreign Affairs, adopted the mantra as a manner of proclaiming their loyalty to the current government (see section 1.f.).

In May the National Assembly appointed a new five-member CNE board consisting of four progovernment representatives and one opposition member, skewing the CNE in the government's favor.

There were 34 women in the 165 seat assembly, 3 women in the 21 member cabinet, and nine women among the 32 justices on the Supreme Tribunal of Justice.

The constitution reserves three seats in the National Assembly for indigenous people, which were filled in the 2000 election and remained occupied during the year. There were no indigenous members in the cabinet.

Government Corruption and Transparency

There was a perception of widespread corruption at all levels of the government. Journalists reported several cases of apparent corruption implicating high level government officials, but none was investigated. Officials acknowledged that the National Office of Identification and Immigration, the agency responsible for issuing identity cards and passports, was corrupt.

On May 24, the government's Moral Republican Council suspended Supreme Court Justice Luis Velasquez Alvaray for alleged mismanagement of public funds earmarked to purchase property for the construction of a judicial complex. Velasquez Alvaray counter-accused several high-ranking government officials, including Vice President Jose Vicente Rangel, of corruption. On June 8, the National Assembly unanimously voted to remove Velasquez Alvaray. Amid concerns of safety following his counteraccusations, Velasquez Alvaray disappeared, and at year's end his whereabouts were uncertain.

The law provides for citizens' access to government information. Human rights groups reported that the government routinely ignored this requirement and did not make information available.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views. Major domestic human rights NGOs that operated independently from the government included COFAVIC, PROVEA, Red de Apoyo, and the Venezuelan Prison Observatory. However, many NGOs reported threats and harassment, especially in a climate of possible criminalization of receipt of foreign funding. For example, the director of Una Ventana a la Libertad reported receiving threatening phone calls and that DISIP agents told him that he and his family were being watched for receiving funds from foreign government agencies.

COFAVIC's executive director continued to operate under threats of personal harm. The Interamerican Commission of Human Rights ruled in 2005 that the threats were credible and ruled the government should provide her security detail. After Caracas Metropolitan Police withdrew these bodyguards in late 2005, the IACHR reinstated the security detail. In October COFAVIC's director indicated that the government continued to try to convince the courts to overrule the IACHR ruling, suggesting that the threats were fabricated.

In July 2005 a Caracas court ruled that SUMATE leaders Maria Corina Machado, Alejandro Plaz, Luis Enrique Palacios, and Ricardo Estevez would stand trial for conspiracy to destroy the country's republican form of government. The charges were based on the group's acceptance of funds from a foreign source in 2003. The trial briefly resumed during the year but was indefinitely postponed. The defendants were free pending trial at year's end.

However, in mid-July the National Assembly opened a separate investigation against SUMATE leaders for treason, conspiring against the National Electoral Council, and inciting criminal activity because they allegedly accepted foreign money to organize an opposition primary to choose a presidential candidate for the December election. The legislature's investigation concluded that the NGO attempted to commit treason, evade taxes, and violate foreign exchange rules. The results were forwarded to the attorney general, Foreign Exchange Commission, and Tax Authority for follow up. As of late October, the Tax Authority and superintendent of banks had begun investigations into Machado's and Plaz's personal and business activities.

A draft International Cooperation Law was under consideration in the National Assembly at year's end. The draft law clearly delineates those sectors in which NGOs are allowed to function; noticeably absent from the list are sectors such as human rights and democracy promotion or advocacy. The proposed legislation would also establish a public entity that reports directly to the president and "which is to be responsible and charged with carrying out and backing international cooperation policies, projects, and activities fostered by the State, by drawing on, providing, and administering funds originating from or destined to international cooperation activities" and gives the government the option of requiring international donors to deposit their funding in a government fund, which would administer these funds on behalf of the donors. The proposed legislation would also create a parallel registration mechanism (above and beyond the civil registration, the tax system, social security registration, etc.), which would require each NGO to submit to a series of requirements specified by the government, after which the federal government would decide whether or not they can be registered, and, in turn, operate in the country. The law, if enacted, would be regulated by decree of the president of the republic, allowing him or her to establish any regulation or addendum to the law by executive order.

Several domestic human rights NGOs received threats and intimidation by government representatives and supporters. On April 21, unknown assailants shot and injured human rights defender Maria del Rosario Guerrero Galluci and her husband Adolfo Martinez Barrios in Guarico State. Guerrero had accused the Guarico police of human rights abuses.

The government cooperated with international governmental organizations and permitted visits by OAS representatives. The OAS, EU, and the Carter Center all received invitations and sent official electoral observation missions to the country to cover the December presidential election. The government, however, considerably delayed the accreditation of these missions, in some cases not agreeing to their observation until only weeks prior the election-- thereby reducing the missions' ability to efficiently prepare for an impartial and thorough observation.

Although the ombudsman is responsible for ensuring that citizens' rights are protected in a conflict with the state, human rights NGOs claimed that the Ombudsman's Office was not independent and rarely acted on public interest cases.

The National Assembly's Sub Commission on Human Rights played an insignificant role in the national debate on human rights.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination based on race, gender, disability, language, or social status, discrimination against women, persons with disabilities, and indigenous people were problems.

Women

The law prohibits domestic violence, and violators faced penalties of six to 18 months in prison. Violence against women continued to be a problem, and women faced substantial institutional and societal prejudice with respect to rape and domestic violence. The Center for Women's Studies reported that one woman in Caracas died every 10 days from domestic violence. According to the Pan American Health Organization, 70 percent of women killed in the country were killed by their husbands, boyfriends, or ex-partners. The law requires police to report domestic violence and obligates hospital personnel to notify the authorities when they admit patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence, and the courts rarely prosecuted those accused of such abuse. Women generally were unaware of legal remedies and had little access to them. The government sought to combat domestic violence through a public awareness campaign and a national victim assistance hot line, which was created in 2005 and administered by the

National Women's Institute, a government agency. It was widely advertised during the year and continued to enjoy much success.

On November 25, the National Assembly passed the Organic Law on the Right of Women to a Life Free of Violence. The law preserves the life and physical integrity of women facing violent circumstances or who may be vulnerable to violence.

The law prohibits rape, including spousal rape, but it remained a problem. Rape is punishable with prison terms of eight to 14 years, although cases often were not reported to the police. An adult man guilty of raping an adult female acquaintance may avoid punishment if he marries the victim before sentencing.

Prostitution is legal. While there was no government information on the extent of prostitution, local antitrafficking NGO Association of Women for Welfare and Mutual Help noted that prostitution was a serious problem, particularly in Caracas and domestic tourist destinations.

Sexual harassment is illegal and punishable with a prison sentence of six to 18 months. Sexual harassment was common in the workplace but rarely reported. There were no reported cases of sexual harassment during the year.

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 Venezuelan Workers Confederation (CTV), these regulations were enforced in the formal sector, although women reportedly earned 30 percent less than men on average. Although reliable official statistics were unavailable, the Central Venezuelan University's Center for Women's Studies reported that the unemployment rate for women was generally believed to be 3 percent higher than that for men. Some estimates placed female unemployment as high as 22 percent. The National Institute for Women, a government agency, worked to protect women's rights.

Through November the Women's Development Bank (BANMUJER), administered by the Ministry of Popular Economy, awarded 12,450 loans, totaling approximately \$28 million (60 million bolivars), that benefited more than 340,000 individuals. BANMUJER also held professional training courses on the creation of microbusinesses for approximately 109,000 individuals.

The law provides women with property rights equal to men's. In practice, however, women frequently waived these rights by signing over the equivalent of "power of attorney" to their husbands.

The Fatherland For All political party and the Women's Manuelita Saenz Movement held a national conference in August with the aim of creating a national strategy to institutionalize women's roles in the political and economic sectors.

Children

The government was committed to children's rights and welfare. The law provides for universal, compulsory, and free education up to the university preparatory level; however, the UN Children's Fund (UNICEF) reported that in 2004 an estimated 45 percent of boys and 35 percent of girls left school before the ninth grade. Many children of African and indigenous descent had no access to the education system.

The government provided numerous government health care programs for boys and girls on the basis of equal access.

Reports of child abuse were rare due to a fear of entanglement with the authorities and ingrained societal attitudes regarding family privacy. According to UNICEF and NGOs working with children and women, child abuse, including incest, often occurred at home. Although the judicial system acted to remove children from abusive households, public facilities for such children were inadequate and had poorly trained staff.

The human rights NGO For the Rights of Children and Adolescents estimated that approximately 15,000 children lived on the street. UNICEF concurred that official government statistics, putting this figure at 1,500, grossly underrepresented the actual number. Authorities in Caracas and several other jurisdictions imposed curfews on unsupervised minors to cope with this problem. Because reform institutions were filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers (see section 1.c.).

Trafficking in Persons

Although the constitution prohibits slavery or servitude and the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, and within the country. There is no implementing law specifically for prosecution of trafficking in persons.

The country was reported to be a source, destination, and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. An underdeveloped legal framework, corruption among immigration authorities, and the ease with which fraudulent passports, identity cards, and birth certificates could be obtained created favorable conditions for trafficking. No overall statistics on trafficking were available from government or NGO sources.

Women and children from Colombia, China, Peru, Ecuador, and the Dominican Republic were trafficked to and through the country and subjected to commercial sexual exploitation or forced labor. Citizens were trafficked internally and to western Europe, particularly Spain and the Netherlands, and countries in the region such as Mexico, Aruba, and the Dominican Republic for commercial sexual exploitation. The country was a transit country for undocumented migrants from other countries in the region--particularly Peru and Colombia--and for Asian

nationals, some of whom were believed to be trafficking victims. Subgroups particularly at risk included women from poor areas.

Trafficking may be prosecuted under laws against forced disappearance and kidnapping, with penalties of two to six years' imprisonment, and under a law to protect children, with a penalty of one to 10 months' income for trafficking in children and two to six years' imprisonment for trafficking a child abroad. In addition, under a law against organized crime, child trafficking by members of an organized group is punishable by 10 to 18 years' imprisonment.

Government efforts to combat trafficking are the responsibility of the public prosecutor's Family Protection Directorate, the National Institutes for Women and Minors, and the Ministry of Interior and Justice's Crime Prevention Unit. Enforcement efforts generally were limited.

The government provided trafficking victims with psychological and physical examinations. Several NGOs complained that they lacked government support and cooperation to assist victims and prevent future cases of human trafficking.

In August the Ministry of Interior and Justice hosted a roundtable on trafficking in persons; the minister of justice presided, and nearly every cabinet ministry had high level representation. The heads of the CICPC and DISIP, as well as local NGO experts on the subject, participated. The event culminated with a comprehensive plan to address trafficking in persons in the country, although by year's end the plan had not been implemented.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, and the provision of other state services. Persons with disabilities had minimal access to public transportation, and ramps practically were nonexistent, even in government buildings. The law requires that all newly constructed or renovated public parks and buildings provide access and prohibits discrimination in employment practices and in the provision of public services; however, the government had not made a significant effort to implement the law, inform the public of it, or to combat societal prejudice against persons with disabilities.

Indigenous People

Although the law prohibits discrimination based on ethnic origin, members of the country's indigenous population suffered from inattention to and violation of their rights. There were approximately 316,000 indigenous people in 27 ethnic groups, many of whom were isolated from urban areas and lacked access to basic health and educational facilities. Their communities suffered from high rates of disease. The government included indigenous people in its literacy campaigns, in some cases teaching them to read and write in their own languages, as well as in Spanish.

The law creates three seats in the National Assembly for indigenous deputies and also provides for "the protection of indigenous communities and their progressive incorporation into the life of the nation." Nonetheless, local political authorities seldom took account of the interests of indigenous people when making decisions affecting their lands, cultures, traditions, or the allocation of natural resources. Few indigenous people held title to their land, and many did not want to do so because most indigenous groups rejected the concept of individual property. Instead, they called on the government to recognize lands traditionally inhabited by them as territories belonging to each respective indigenous group.

The NGO Consorcio Desarrollo y Justicia reported that the federal government did not recognize these lands and continued to fail to hand over any such land that it considered government-owned. The government also drew arbitrary boundaries around lands claimed by indigenous groups, to their detriment.

Although the National Agrarian Institute granted the Bari and Sierra de Perija indigenous communities property rights to 200 hectares for 20 years, the government did not recognize these property rights during the year. The Environment and Natural Resources Ministry redrew the demarcation lines, severely limiting these communities' claims to this land. The few hectares left to these communities were heavily populated by strip mining interests.

Section 6 Worker Rights

a. The Right of Association

While 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, the government continued to violate these rights. Approximately 10 to 12 percent of the 12 million person labor force was unionized.

The CNE has the authority to administer internal elections of labor confederations. In 2004 the CNE issued regulations governing internal elections that many labor leaders claimed violated freedom of association. Furthermore, the CNE failed to certify the results of elections held during the year by more than 500 unions and federations under these new regulations. Labor leaders complained that the CNE also failed to give permission to hold elections to hundreds of unions and federations.

In January 2005 the CNE passed a resolution annulling the CTV's 2001 election results. In addition the government refused to appoint the CTV secretary general as labor's representative at the International Labor Organization (ILO) annual meeting. In 2005 the ILO called upon the government to recognize the CTV's elected leadership, but the government had not done so.

The Ministry of Labor continued to deny registration to UNAPETROL, a union composed of oil workers who were later fired for participating in the 2002 to 2003 national strike (see section 6.b.).

b. The Right to Organize and Bargain Collectively

The law provides that all public and private sector workers have the right to conduct their activities without interference and protects collective bargaining. The law stipulates that employers must negotiate a collective contract with the union that represents the majority of their workers. The ILO continued to object to this provision and requested that the government amend it so that "in cases where no union organization represents an absolute majority of workers, minority organizations may jointly negotiate a collective agreement on behalf of their members."

The government continued to show preference toward government affiliated unions in collective bargaining agreements and fostered the creation of parallel unions such as the National Union of Venezuelan Workers. CTV leaders claimed that the Ministry of Labor routinely rejected collective bargaining agreements negotiated by CTV affiliates on administrative grounds. CTV leaders further claimed that, in those sectors or firms where contracts were rejected, ministry officials facilitated the rapid formation of parallel unions, which legally could force a vote among workers over which union would represent them. The CTV also complained that the ministry usually designated the parallel union as the one authorized to negotiate the contract.

Although the law recognizes the right of all public and private sector workers to strike in accordance with conditions established by labor law, public servants may strike only if the strike does not cause "irreparable damage to the population or to institutions." Replacement workers are not permitted during legal strikes, and the president may order public or private sector strikers back to work and submit their disputes to arbitration if the strike "puts in immediate danger the lives or security of all or part of the population."

The government had resolved approximately 25 percent of the cases involving 19,000 PDVSA employees who were fired during and in the aftermath of the 2002-03 national strike. The government continued to deny the former workers severance and pension benefits as well as access to company housing, schools, and medical clinics.

On August 13, former CTV president Carlos Ortega, who in December 2005 was convicted and sentenced to 16 years' imprisonment for his role in the 2002-03 national strike, escaped from Ramo Verde prison. His whereabouts were unknown at year's end.

Labor law and practice are the same in the sole export processing zone of Punto Fijo, Falcon State, as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

While the law prohibits forced or compulsory labor, including by children, there were reports of trafficking in children for employment purposes, particularly in the informal economic sector (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace. The Ministry of Labor and the National Institute for Minors enforced child labor policies effectively in the formal sector of the economy but less so in the informal sector. The Community Center of Apprenticeship, a domestic NGO promoting the rights of children, estimated that there were approximately one million minors working in the country and that a large percentage of them did not receive the benefits due to them under the law.

The law permits children between the ages of 12 and 14 to work only if the National Institute for Minors or the Ministry of Labor grants special permission; children between the ages of 14 and 16 may not work without the permission of their legal guardians. Those under 16 years of age may by law work no more than six hours per day or 30 hours per week. Minors under the age of 18 may work only between 6 a.m. and 7 p.m. Minors may not work in mines or smelting factories, in occupations that risk life or health or could damage intellectual or moral development, or in public spectacles. Fines are established for employing children ages eight to 11, and for employing a 12- or 13-year-old without a work authorization. Employing a child younger than eight years of age is punishable by one to three years' imprisonment. The law prohibits inducing the prostitution and corruption of minors. Penalties range from three to 18 months in prison and up to four years in prison if the minor is younger than 12 years old. If the crime is committed repeatedly, or for profit, it is punishable by three to six years' imprisonment. Prison sentences for inducing a minor into prostitution are increased by up to five years if various aggravating circumstances occur. Penalties for several crimes relating to child prostitution do not apply if the perpetrator marries the victim. The production and sale of child pornography is prohibited, and the law establishes penalties of 16 to 20 years' imprisonment for this crime. The law establishes sentences of one to three years' incarceration for forced child labor. There were no substantiated reports that these penalties were enforced.

The Ministry of Education, Culture, and Sports ran educational programs to reincorporate school dropouts and adults into the educational system; however, there was no independent accounting of the effectiveness of the programs. The government also provided free adult educational and technical training through the Barrio Adentro Mission program.

e. Acceptable Conditions of Work

Minimum wage rates are adjusted annually by administrative decree, which the legislature may suspend or ratify but may not change. In September the government raised the monthly minimum wage to \$238 (512,325 bolivars). The national minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor enforced minimum wage rates effectively in the formal sector, but approximately 50 percent of the population worked in the informal sector, where labor laws and protections generally were not enforced.

The law stipulates that the work week may not exceed 44 hours. Managers are prohibited from obligating employees to work additional time, and workers have the right to weekly time away from work. Overtime may not exceed two hours daily, 10 hours weekly, or 100 hours annually, and may not be paid at a rate less than time and one half. The ministry effectively enforced these standards in the formal sector.

While the constitution provides for secure, hygienic, and adequate working conditions, authorities did not implement the Health and Safety Law. The law states that employers are obligated to pay specified amounts (up to a maximum of 25 times the minimum monthly salary) to workers for accidents or occupational illnesses, regardless of who is responsible for the injury. Workplaces must maintain "sufficient protection for health and life against sickness and accidents," and penalties range from one quarter to twice the minimum monthly salary for first infractions. In practice ministry inspectors seldom closed unsafe job sites. Under the law, workers may remove themselves from dangerous workplace situations without jeopardy to continued employment.