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BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Venezuela is a constitutional democracy with a population of approximately 26 million. In 2006 voters reelected President Hugo Chavez of the Fifth Republic Movement (MVR). Official observation missions from both the European Union and Organization of American States (OAS) deemed the elections generally free and fair but noted some irregularities. 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 and official harassment of the political opposition and the media characterized the human rights situation during the year. The following human rights problems were reported: unlawful killings; harsh prison conditions; arbitrary arrests and detentions; a corrupt, inefficient, and politicized judicial system characterized by trial delays, impunity, and violations of due process; official intimidation and attacks on the independent media; discrimination based on political grounds; 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

The government or its agents did not commit any politically motivated killings; however, security forces committed unlawful killings, including summary executions of criminal suspects. In the 12 months through September, the human rights nongovernmental organization (NGO) Venezuelan Program of Action and Education in Human Rights (PROVEA) reported 39 deaths resulting from mistreatment while in custody.

PROVEA documented 247 unlawful killings by government security forces from October 2007 through September.

PROVEA recorded four victims of killings allegedly involving police forces in the 12 months through September.

According to PROVEA, on July 4, 19-year-old Roger Oscar Avila was shot and killed by unknown members of the Caracas Metropolitan Police. Avila, who, according to police officials planned to steal a car at gunpoint, was brought to the Perez Carreno Hospital and pronounced dead upon arrival. Avila's family members denied police allegations of attempted auto theft, stating that Avila did not know how to drive a car, let alone steal one.

On July 27, 33-year-old Miguel Baba Barroyeta was placed in custody and sent to the El Rodeo jail. He was shot and killed while in the custody of the National Guard after allegedly insulting a guard.

On October 23, nine Lara state police officers and two National Guardsmen allegedly kidnapped six persons in Lara State and later tortured and killed them execution style in neighboring Portuguesa State. Five of the victims were

minors. The killings reportedly were linked to drug turf battles. At year's end the Ministry of Interior and Justice had suspended the nine police officers pending further investigations. Formal charges were brought against the 11 suspects on December 18.

No information was available on the investigation of eight members of the Intervention and Assistance Brigade (BIA), the primary police force of Guarico State, for their involvement in the killing of five men in March 2007.

No information was available in the July 2007 case in which members of the Anzoategui state police killed taxi driver Juan Ernesto Rodriguez.

There were no developments in the so-called 1986 Yumare Massacre.

Prosecutors rarely brought cases against perpetrators of unlawful killings. 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 and military officials sometimes disposed of their victims' bodies to avoid investigations.

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

Although the constitution states that no person shall be subjected to cruel, inhuman, or degrading punishment, there were credible reports that security forces continued to torture and abuse detainees.

PROVEA reported that in the 12 months prior to September, it received 17 complaints of torture (an increase from 11 the previous year), and 573 complaints regarding cruel, inhuman, and degrading treatment, a decrease from the 692 cases reported in 2007. PROVEA defines "torture" as methods used by state security forces to extract information from victims and "cruel and inhuman treatment" as methods used by members of state security forces in order to punish or intimidate victims. According to PROVEA, on May 29, members of the army from the 32nd Caribbean Brigade in the State of Mongas beat Jean Carlos Rondon in order to extract a confession regarding the theft of a sergeant's firearm. Afterwards, the military members tried to bury his body. According to an autopsy, Rondon died due to the beating he had received. Charges were filed against five military members for the killing.

The government did not authorize independent investigation of torture complaints. Human rights groups continued to question the attorney general and the human rights ombudsman's commitment to oversee neutral investigations. There was no data available on convictions in cases of alleged torture.

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

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 23,300 persons in the national

penitentiary system. The OVP estimated that only 34 percent of the prisoner population was formally convicted, while 60 percent was awaiting trial. 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.

PROVEA stated that between January and October, there were 390 deaths and 692 injuries, compared with 498 deaths and 1,023 injuries during 2007. Most inmate deaths resulted from prisoner-on-prisoner violence, riots, fires, and generally unsanitary and unsafe conditions. The Capital Yare II penitentiary documented the highest number of death and injuries due to violence, with 20 deaths and 11 injuries in the first half of the year. The Occidental (Uribana) penitentiary recorded there were 18 deaths and 38 injuries in the same time period.

Prisoners also died as a consequence of poor diet and inadequate medical care. The media reported that in the Rodeo I penitentiary, 50 inmates had contracted hepatitis due to unsanitary prison conditions.

In April, 3,000 inmates from three different prisons staged a hunger strike to protest lengthy administrative delays in their cases and inhumane prison conditions.

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.

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 generally were held in separate prison facilities. The OVP indicated that, while no prison had good conditions, women's facilities were generally less violent and healthier than those for men.

Human rights observers continued to experience lengthy administrative delays and restricted access to prisons and detention centers.

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 Scientific, Penal, and Criminalistic Investigative Body (CICPC), which conducts most criminal investigations, and the Office of Intelligence and Prevention Services (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.

In October the Ministry of Interior and Justice reported that 18,313 police officials, or 16 percent of the country's police force, were under investigation for misconduct and alleged human rights violations, including kidnapping, torture, unlawful arrest and detention, and extrajudicial killings stemming from cases filed from 2000-07. In 2007 alone, 1,948 police officers were accused of alleged misconduct, according to the Ministry. The National Organic Police Law was passed in April 2007. This law created a national police force; however, there have been no efforts to staff this organization. In January the Caracas Metropolitan Police Force was placed under the authority of the Ministry of Interior and Justice.

Some local police forces offered human rights training for their personnel. During the year the Chacao borough of Caracas again provided mandatory human rights training to all new recruits. Amnesty International worked with the municipality to offer workshops on how to process cases of domestic violence.

Arrest and Detention

A warrant is required for an arrest or detention. A detention is possible without an arrest when the individual is caught in the act of committing a crime. 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.

Although there is a functioning system of 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 that there is a danger that the accused may flee or impede the investigation. Detainees were provided access to counsel and family members.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, judicial independence remained compromised. 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 Court and lower courts, the Attorney General's Office, and the Ministry of Interior and Justice. The Supreme Court 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, almost 40 percent of the judges were provisional and temporary. The Supreme Court'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, particularly were 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 Court judges by a simple majority vote.

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 accordance with President Chavez's December 2007 amnesty decree, the charges against governor-elect of Miranda State Henrique Capriles Radonski, for his alleged involvement in the arrest of Ramon Rodriguez Chacin, were dropped. In October the courts reopened the case against Capriles related to a violent demonstration in 2002 outside the Cuban Embassy.

In March an ex-prosecutor accused former attorney general Isaias Rodriguez of altering witness testimony and falsely implicating critics of the government in the Danilo Anderson case. Anderson was a high-profile prosecutor killed in a car bomb explosion in November 2004. The government's one-time key witness, Giovanni Vasquez, told the media that Rodriguez paid him 1,075,000 Bs.F (approximately \$500,000) to present false testimony in the case. The government reportedly reopened the case following the allegations against Rodriguez.

Trial Procedures

The law provides for open, public, and fair trials with oral proceedings for all individuals. 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 do not necessarily have access to government-held evidence. Defendants are considered 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 after 1999 be held in civilian rather than military courts.

Political Prisoners and Detainees

There were an estimated 12 political prisoners in the country. In some cases the political prisoners were held in distinct penal facilities, including DISIP installations and the Ramo Verde military prison. The International Committee of the Red Cross was permitted access to these political prisoners.

In December 2007 President Chavez decreed a partial amnesty for persons implicated in the drafting or signing of the 2002 Carmona Decree, which recognized an interim government during the 2002 coup against Chavez, and in a series of enumerated acts surrounding the coup. Human rights organizations welcomed the measure but urged Chavez to broaden the amnesty to include all those accused of involvement in the events of 2002 and to all implicated in political crimes.

Retired army General Francisco Uson remained free on conditional release from Ramo Verde after being released in

December 2007. Usón served three years and six months for allegedly "defaming" the army. The conditions for his release included not traveling outside of greater Caracas and reporting before a judge every 15 days. He was also prohibited from participating in demonstrations or commenting on his case to the media.

Former Caracas Metropolitan Police commissioners Ivan Simonovis, Henry Vivas, and Lázaro Forero, along with eight other police officers, remained imprisoned without conviction, stemming from charges of being accomplices to murder committed during the events related to the civil disturbances in 2002. The three commissioners were held in DISIP installations, while the eight other police officers were in Ramo Verde. On January 16, a judge denied a motion to dismiss the charges under President Chávez's December 2007 amnesty decree. The ruling followed statements by Chávez and Attorney General Luisa Ortega Díaz that the accused were not eligible to benefit from the amnesty.

In September 2007 government officials imprisoned and accused José Sánchez "Mazuco," former chief of security for Zulia State, which is controlled by opposition governor and former presidential candidate Manuel Rosales, in connection with the killing of Claudio Macías, a Military Intelligence Police (DIM) informant who was jailed at the time. Prosecutors contended that Sánchez authorized the hanging of Macías. Sánchez remained in custody at the Ramo Verde military prison at year's end.

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 is the Institute for the Defense of the Consumer and the User (INDECU), which falls 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 home and personal privacy; however, in some cases security forces infringed on citizens' privacy rights by searching homes without warrants, particularly targeting the homes of opposition leaders.

On December 12, according to media reports, two men dressed in the uniforms of officers of the Scientific and Criminal Investigative Police (CICP) brutally attacked former gubernatorial candidate Lenny Manuitt in her San Juan de los Morros home. The attackers forced entry into her home and repeatedly punched and kicked her. An investigation was pending at year's end.

On September 10, DIM personnel and officials from the Military Prosecutor's Office forcibly searched the home of former Defense Minister and government critic Raúl Baduel, citing his alleged involvement in the misappropriation of funds during his tenure. DIM officials forcibly detained Baduel for questioning on October 3, citing similar allegations. He was later released with a prohibition against leaving the country and speaking to the media and a requirement to appear before a military court every 15 days.

The government was complicit with others, including National Assembly deputy Luis Tascon, in maintaining the

"Tascon" and "Maisanta" Lists, which were used to identify and punish persons who signed a petition to hold a recall referendum on President Chavez. Human rights NGOs noted that persons listed were often ineligible to receive government jobs or services.

NGOs 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.

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 laws governing libel and broadcast media content, legal harassment, and physical intimidation of both individuals and the media resulted in practical limitations on these freedoms and a climate of self-censorship. The government employed a variety of mechanisms--legal, economic, regulatory, judicial, physical, and rhetorical--to harass the private media and engender an environment of intolerance towards a critical press.

The president preempted broadcasting on the nation's airwaves to present hours-long government programs several times a week. The law mandates that all free-to-air television and national radio networks air these programs, called "cadenas," in real time and uninterrupted. Independent media observers criticized the state media for extreme pro-government politicization. As of August 31, there were 89 "cadenas," which tended to average more than one hour, some lasting up to six hours. The government media was used almost exclusively to promote the Socialist Party of Venezuela (PSUV), which is headed by Chavez, and publicly harass opposition figures.

Government officials, in some instances including Chavez, used government-controlled media outlets to air unsubstantiated accusations against private media owners, including Alberto Federico Ravell, director of all-news cable television network Globovision; Miguel Henrique Otero, director of El Nacional newspaper; and Andres Mata, director of El Universal, alleging that they were fomenting destabilization campaigns and coup attempts against the government.

On May 27, state-owned television network Venezolana de Television (VTV) issued a communique requiring private media outlets to pay a fee of 120 Bs.F (approximately \$56) per second, or more than 430,000 Bs.F (\$200,000) per hour, to retransmit VTV television footage beginning June 1. After media watchdog organizations and private media outlets reacted negatively to the high costs of retransmission and the lack of prior notification, VTV retracted its notification on May 29.

On September 11, Minister of Interior and Justice Tarek El-Aissaini claimed intelligence bodies had detected a plot against Chavez and implicated "businessmen, the 2-D Movement [civil society group headed by the director of one of the country's leading newspapers], and military officials."

On September 23, a pro-government organization known as the La Piedrita Collective fired tear gas canisters at Globovision's headquarters. Following the incident Lina Ron, leader of the Popular Unity for Venezuela Party (UPV), a small, radical, political party that supports Chavez, told the media that UPV and "La Piedrita" declared Ravell and Globovision "military objectives of the Venezuelan popular militias." On December 1, "La Piedrita" members hurled tear gas canisters at the home of opposition radio commentator Marta Colomina.

In early November the National Telecommunications Regulatory Agency (CONATEL) launched an investigation against Globovision in early November for its October 30 transmission of the show Hello Citizen, in which guest

Rafael Poleo, editor of the opposition daily El Nuevo Pais, said that Chavez "would end up like Mussolini." CONATEL filed suit against the network three days later, alleging that it was promoting the assassination of President Chavez.

On November 24, CONATEL announced that it would also investigate Globovision for allegedly inciting violence by airing a speech by Carabobo state-governor elect Henrique Salas Feo during which he called on supporters to march to local election headquarters to demand the release of regional election results. Globovision president Guillermo Zuloaga responded in a December 1 communique that any sanction against the network must be seen as a legal abuse.

The Venezuelan Press Association issued a December 1 communique calling on the Venezuelan public to defend Globovision. On December 5, the National Journalist Association provided a written statement alleging that "the government is waging a political offensive through the coercive bodies of the state to frighten both the opposition and people who are not aligned with its interests and goals."

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. 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 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 punishable by one-to three-year prison sentences and a fine. Inaccurate reporting that disturbs the public peace is punishable by 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. Members of the college expressed the fear that the government was monitoring their activities.

The Media Law of Social Responsibility gives the government wide powers to impose heavy fines and cancel broadcasts. CONATEL, under the Ministry of Communications and Information, oversees the application of the law. Media observer organizations called on the government to appoint an independent body to regulate the implementation of the law.

In March the Inter-American Press Association condemned the country's record on press freedom, stating that the government was exercising a "deliberate campaign" against freedom of expression. In its annual report on freedom of the press, Freedom House categorized the country as "not free," citing worrisome patterns of decline in press freedom.

On June 2, the vice president of Reporte Diario de la Economia, Pierre Fould Gerges, was killed while riding in his brother's vehicle in Caracas. It was widely speculated that the likely target of the attack was Gerges' brother, the president of Reporte, who was not in the vehicle at the time.

The independent print media regularly engaged in self-censorship due to fear of government reprisal and in order to comply with laws regulating the media. The country's major newspapers were independently owned but heavily dependent on government advertising. In regions where local newspapers competed for the same audience and a smaller pool of advertisers, print media tended to exercise even more caution in order to secure financing from

government sources. The government published one national newspaper, *Diario Ve*, with a relatively low circulation.

On July 26, Maracaibo city officials assaulted journalists Dayana Fernandez and Luis Torres from *La Verdad* newspaper in Zulia State following an interview with the Municipal Environmental Secretary. The officials confiscated the journalists' cameras, tape recorders, and phones. They were allegedly beaten and held for more than two hours by the officials.

On September 29, unknown assailants opened fire on columnist Eliecer Calzadilla. Calzadilla was shot in the neck, severing a vertebra. He had contributed to the regional newspaper *Correo del Caroni* for more than 20 years and criticized corruption and government abuses in Bolivar State. Reporters Without Borders called on local authorities to investigate the attack. At year's end there was no information available regarding an investigation.

In December progovernment supporters attacked Valencia journalist Maria Teresa Guedes following a state legislative session in Carabobo. Local media reported that she was thrown to the ground and repeatedly kicked by the assailants. The attack allegedly occurred in the presence of National Guard members, who did not intervene.

The government used radio license concessions in a discriminatory fashion. In more than 80 percent of the cases where broadcasting concessions had expired or nearly expired, CONATEL issued these retroactively or with a validity for fewer years than previous licenses. Media NGOs criticized the government's tardy issuance of licenses, asserting this was employed to close radio stations critical of the government for operating illegally. NGOs also argued that shorter license periods meant radio stations would have to undergo government review on a more frequent basis, increasing the risk of government-imposed closures.

Some commercial radio stations complained that broadcasting frequencies for community radios were not allocated in accordance with broadcast regulations. The government reportedly funded several community stations, whose broadcasting was progovernment.

Government officials and military police forcibly closed two radio stations in Guarico State that did not support the PSUV candidate, William Lara, and confiscated their equipment.

On June 23, CONATEL temporarily took radio station Maxima 99.5 in Guayana State off the air for allegedly violating the Law of Social Responsibility in Radio and Television.

The country's nonsubscription broadcast media was largely government owned. The government operated seven channels with nationwide coverage.

Internet Freedom

The International Telecommunication Union reported that in 2007 approximately 21 percent of the population accessed the Internet. There were no government restrictions on access to the Internet and individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Some media NGOs expressed concern that following its nationalization of the Autonomous National Telephone Company of Venezuela (CANTV), a major telephone and Internet provider, the government monitored e-mails and Web searches.

Academic Freedom and Cultural Events

There were no reported government restrictions on academic freedom or cultural events. Several proposed revisions to the constitution that would have reduced the autonomy of the education system were rejected in the

December 2007 constitutional referendum. However, the government attempted unavailingly to reintroduce these measures to teach "socialist principles."

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 265 injuries resulted from security force interventions in peaceful demonstrations during the year, compared with 536 in 2007.

Human rights groups continued to criticize the 2005 penal code revision for the strict penalties it imposes on some forms of peaceful demonstration. PROVEA continued to express concern over the law's "criminalization" of protests. Foro Penal's 2006 official complaint before the Supreme Court challenging the legality of this measure had not been heard by year's end.

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

Persons arrested by the Metropolitan Police and the National Guard during the May-June 2007 protests were released; however, an unconfirmed number of minors were still required to come before a judge every 15 days.

Freedom of Association

While the constitution provides for freedom of association and freedom from political discrimination, the government only partially respected this right. Although indicating that they generally operated without interference, professional and academic associations complained that the National Electoral Council (CNE) repeatedly interfered with their attempts to hold internal elections. The Venezuelan Workers' Confederation (CTV) claimed that the CNE continued to hinder the efforts of its affiliate unions to hold elections.

A September report published by Human Rights Watch (HRW) stated that the Chavez administration systematically engaged in political discrimination. According to HRW, "Government officials have removed scores of detractors from the career civil service, purged dissident employees from the national oil company, denied citizens access to social programs based on their political opinions, and denounced critics as subversives deserving of discriminatory treatment."

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. There were some efforts by the government, motivated by political reasons, to limit the influence of religious groups in certain geographical, social, and political areas.

On November 4, the Supreme Court ruled that the rights of New Tribes Mission of Venezuela (NTM) had not been violated by the resolution issued by the Ministry of Interior and Justice in 2005 that gave NTM 90 days to remove its personnel from all indigenous areas. NTM believed the government resolution to be unconstitutional and had sought to have it overturned by the Supreme Court. In a written statement NTM agreed to accept the decision of the Court and stated it would not attempt any further appeals of the case.

On December 12, authorities discovered the decapitated bodies of an Evangelical preacher, Jean Carlos Salazar, his wife, and daughter in their home in the town of San Jose de Guanipa, after the fire brigade extinguished a fire in the house. Investigators indicated that the inside walls of the house had been painted with slogans suggesting a connection to an unknown satanic cult, and that the fire apparently was set to cover up the killings.

The Directorate of Justice and Religion in the Ministry of Interior and Justice maintains a registry of religious groups and disburses funds to religious organizations. Registration is required for legal status as a religious organization.

Foreign missionaries require a special visa to enter the country, and they noted increased difficulties, including refusals for first-time religious visas and, less frequently, renewals. The government continued to prohibit foreign missionary groups from working in indigenous areas.

Societal Abuses and Discrimination

President Chavez engaged in numerous rhetorical personal attacks on specific Catholic bishops and the Papal Nuncio. He warned Catholic bishops to refrain from commenting on political issues.

On February 27, Chavez supporters temporarily occupied the Archbishop's Residence in Caracas. They accused Catholic Church leaders of hindering the president's political project and criticized the "counter-revolutionary" Papal Nuncio for giving refuge to student leader Nixon Moreno.

On December 26, President Chavez, in reaction to Cardinal Jorge Urosa's criticism of a proposed constitutional amendment to eliminate presidential term limits, called Urosa immoral and suggested that the country's only Cardinal leave his position as head of the Church for publicly expressing his political opinion.

There were more than 15,000 Jews in the country. In August President Chavez met with a delegation of international and local Jewish leaders to discuss issues of concern to the Jewish community.

Despite President Chavez's overture to Jewish leaders, 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 and in newspapers. The host of *The Razorblade*, a progovernment talk show on state television, made frequent anti-Semitic slurs, and *Diario Vea* regularly published anti-Semitic comments. Incidents of spraying of graffiti, intimidation, vandalism, and other physical attacks against Jewish institutions were frequent.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, although there were numerous reports that persons were denied passports and other official documents by government agencies for having signed the petition for the 2004 recall referendum. Extremely long waits for issuance of passports often had the effect of restricting freedom of foreign travel. In at least seven instances since September, immigration and DISIP officials requested that critics of the government surrender their passports for "secondary" review at the international airport in Caracas. These authorities canceled one passport, that of Heinz Sonntag, a member of the 2-D civil society prodemocracy movement.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other

humanitarian organizations in providing assistance to refugees and asylum seekers.

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 has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The government refused to provide safe passage out of the country to student leader and government opponent Nixon Moreno. The Holy See granted Moreno political asylum in June, 15 months after Moreno sought refuge inside the Vatican's diplomatic mission following harassment by the state-controlled media. The government accused Moreno of fomenting violence during violent student elections at the University of the Andes in Merida.

The UNHCR reported 11,320 applicants for refugee status in the country as of September, 1,172 of whom were recognized as refugees by the government. UNHCR estimated that there were an additional 200,000 persons in need of international protection.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The National Committee for Refugees had extremely limited physical and human resources to address refugee issues, in addition to a lengthy process for examining individual refugee applications.

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

The constitution provides citizens 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

In 2006 voters reelected Hugo Chavez as president in elections that observers deemed to be generally free and fair, although observation missions noted some irregularities.

The December 2007 referendum on a reform package of 69 proposed changes to the 1999 Constitution was deemed largely free and fair, but leaders of the antireform bloc noted some irregularities. Voters narrowly defeated the reform package, including the elimination of presidential term limits, in the referendum. In November President Chavez announced that he would seek to amend the constitution to eliminate presidential term limits.

The November 23 nationwide state and local elections were deemed largely free and fair, although electoral nongovernmental organizations noted some irregularities, such as prohibited election-day campaigning and extended polling hours in progovernment neighborhoods.

Prior to the elections, the comptroller declared some 272 current and former public officials ineligible to run for office based on administrative sanctions. These measures disproportionately affected the opposition, including several prominent opposition candidates. Opposition leaders complained that the government used state resources, particularly government media outlets, to support the PSUV candidates.

There were 29 women in the 167-seat assembly, five women in the 27-member cabinet, and 10 women among the

32 justices on the Supreme Court.

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 is one indigenous member in the cabinet.

Government Corruption and Transparency

The law provides criminal penalties for criminal corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

The World Bank's worldwide governance indicators reflected that government corruption was a problem. 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 were investigated.

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.

The Episcopal Conference of Venezuela (CEV) expressed formal opposition to 26 decrees enacted by the president on July 31, the last day authorized by the National Assembly to enact decrees, as "apparently unconstitutional." The mid-summer last-minute issuance did not allow for review by citizens.

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 with some government restrictions, 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 the Committee for the Victims of the Events that Occurred Between February and March 1989 (COFAVIC), PROVEA, Network of Assistance, and the OVP.

Many NGOs reported threats, physical attacks, and harassment, especially in a climate of possible criminalization of receipt of foreign funding. Human rights organizations expressed concern that President Chavez's proposed constitutional amendment to regulate international support for organizations with "political goals" would be used to deny NGOs foreign funding opportunities and limit nongovernmental activities in the country.

On September 18, the government expelled Jose Miguel Vivanco, Director of the Americas Bureau for HRW, and Daniel Wilkinson, also from HRW, after they publicly released a special HRW report on the state of democracy and human rights in Venezuela which was critical of the Chavez administration. Police officials apprehended the two men at their hotel, after entering and searching their rooms, and placed them on a flight to Brazil. Government officials accused Vivanco and Wilkinson of illegal involvement in the country's internal affairs and of violating the country's constitution.

In December the Supreme Court formally rejected and criticized a judgment by the binding Inter-American Court on Human Rights seeking reinstatement of three Venezuelan judges from the First Court of Administrative Disputes. In August the court ruled that the removal of the judges in 2003 was a violation of their right to due process and ordered the government to adopt specific measures of reparation, including reinstatement and compensation.

According to a 2007 report by the Catholic Church's Office on Human Rights, incidents of threats against human rights defenders were reported throughout the year.

Jose Luis Urbano, president of the Foundation for the Defense of the Right to Education, and other members of the foundation were targeted repeatedly and received death threats after having publicly condemned corruption and violations of the right to free education. After he was shot in the stomach in February, Urbano was given temporary police protection while he was a patient in the hospital. As a result of the persistent threats and attacks on his life, Urbano had to leave his home and change his addresses repeatedly. Despite a request for protection made to the Public Prosecutors Office on June 18, no protection measures to ensure the safety of Urbano, his family, and other members of the foundation were put in place.

COFAVIC's executive director continued to operate under threats of personal harm despite a measure by the Inter-American Court of Human Rights granting her a security detail.

OVP's director received numerous death threats during the year.

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, rarely acted on public interest cases, and was named by the National Assembly in December 2007 in a nontransparent process.

The National Assembly's Subcommittee 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 was a problem.

Women

The law prohibits rape, including spousal rape, but it remained a problem. Rape is punishable by prison terms of eight to 14 years, although cases often were not reported to the police. A man guilty of raping a woman may avoid punishment if he marries the victim before sentencing. There were no reliable statistics on incidence of, or prosecution or convictions for, rape.

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 Organic Law on the Right of Women to a Life Free of Violence, enacted in March 2007, criminalizes physical, sexual, and psychological violence in the home, the community, and at work; trafficking; forced prostitution; sexual harassment; and slavery. It also establishes tribunals specializing in cases of gender-based 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 to judicial authorities 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 administered by the government's National Women's Institute. The hot line continued to enjoy much success. There were no reliable statistics on the incidence of, or prosecution or convictions for, domestic violence.

Prostitution is legal. While there was no government information on the extent of prostitution, the local anti-trafficking 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 by a prison sentence of six to 18 months. Sexual harassment was common in the workplace but rarely reported.

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 CTV, these regulations were enforced in the formal sector, although women reportedly earned 30 percent less than men on average. The National Institute for Women, a government agency, worked to protect women's rights.

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.

Children

According to UN Children's Fund (UNICEF) thousands of children in Venezuela have not been officially registered at birth.

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 15,000 children lived on the street. 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. The government's social service mission, known as Mision Negra Hipolita provided assistance to street children and the homeless. In 2007 the mission provided assistance to more than 2,790 street children, according to the NGO Community Center for Apprenticeship.

Trafficking in Persons

Although the constitution prohibits slavery or servitude and the law prohibits transnational trafficking in persons, there were reports that persons were trafficked to, from, and within the country.

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, economic conditions, and the ease with which fraudulent passports, identity cards, and birth certificates could be obtained created favorable conditions for trafficking. No statistics on trafficking were available from government or NGO sources.

Women and children from Brazil, Colombia, Peru, Ecuador, the Dominican Republic, and the People's Republic of China 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 to 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 and children from poor areas.

Organized criminal groups were widely believed to be involved in trafficking women and children to and through the country. Traffickers traveled to transport victims to large urban centers or resort destinations. In many cases traffickers placed ads for models in regional newspapers and then lured respondents to Caracas under false pretenses of employment.

Trafficking may be prosecuted under criminal laws against forced prostitution and trafficking, with penalties of up to 20 years for using force to coerce a victim to perform a sexual act for a third person, and under a law to protect children, with fines of one to 10 months' income for trafficking in children and two to six years' imprisonment for trafficking a child abroad. The Organized Crime Law provides for sentences of 10 to 15 years if the victim of trafficking or smuggling for labor or sexual exploitation is an adult, or 10 to 18 years if the victim is a child or adolescent.

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.

In some cases the government provided trafficking victims with psychological and physical examinations. It did not, however, operate shelters for victims of trafficking. Several NGOs complained that they lacked government support and cooperation to assist victims, although the government operated a hot line and conducted information campaigns to prevent future trafficking cases.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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 did not make a significant effort to implement the law, inform the public of it, or 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 300,000 indigenous people in 27 ethnic groups. Many indigenous people were isolated from urban areas, lacked access to basic health and educational facilities and suffered from high rates of disease. In the Amacuro Delta, for example, an unknown epidemic (assumed to be similar to woodland rabies) killed 39 members of the Warao tribe. 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.

According to PROVEA, the process of government demarcation of indigenous land and habitat has stalled, resulting in only 1.6 percent of indigenous communities benefiting from the 2005 government-sponsored initiative. The Perija Sierra particularly experienced frequent violations of the rights of the indigenous Yukpa as conflict between cattle ranchers/landowners and the indigenous residents continued.

Other Societal Abuses and Discrimination

There were no reliable statistics on societal violence or discrimination based on sexual orientation.

According to the NGO Citizen Action Against AIDS, persons diagnosed with HIV/AIDS frequently were discriminated against at the workplace and often were refused access to government health services.

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. As of August only 53,800 persons were covered under collective bargaining agreements, a sharp decline from previous years.

Nevertheless, the number of recognized trade union organizations increased. The government asserted that it had registered 629 trade union organizations in 2007 and 433 trade union organizations during the first seven months of the year.

The CNE has the authority to administer internal elections of labor confederations. Labor unions complained of long delays in obtaining CNE certification of their elections.

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 not resolved any additional cases involving 19,000 PDVSA employees who were fired during and after the 2002-03 national strike, beyond those resolved in 2006. The government continued to deny the former workers severance and pension benefits, as well as access to company housing, schools, and medical clinics.

The Ministry of Labor continued to deny registration to UNAPETROL, a union composed of oil workers who were later fired for participating in the 2002-03 national strike.

The International Trade Union Confederation (ITUC) 2008 Annual Survey of violations of trade union rights indicated that labor conflicts related to recruitment practices in the construction and oil sectors and, to a lesser extent, in basic industries generated acts of violence ranging from physical and verbal assaults to killings. According

to PROVEA, in the period between September 2007 and October 2008, at least 42 workers, including 19 union leaders, were affected by violence. The ITUC report also stated that the president called on trade unions to join the PSUV.

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 International Labor Organization (ILO) has objected 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."

According to union leaders, the government organized groups of parallel construction unions to attack and intimidate construction workers affiliated with the CTV to gain control of lucrative construction projects. According to PROVEA, 29 reported deaths were associated with union clashes from October 2007 through September.

The 2008 ITUC Annual Survey of violations of trade union rights notes that an employee of Fetratel reported that 243 collective agreements had not been signed in the public sector and that the leader of the national center, the National Workers' Union, stated that the framework agreement for the public administration has not been discussed for 27 months and one covering Labor Ministry employees has not been discussed for 16 years. The survey noted that the workers' representative in the People's Front estimated that 3,500 collective agreements were not being discussed. The teachers' union, called the Venezuelan Teachers' Federation, and its 27 affiliated organizations lodged a formal complaint with the ILO to request that the state restore its collective bargaining rights, which were blocked in 2006.

There are no special laws or exemptions from regular labor laws in the sole export processing zone of Punto Fijo, Falcon State.

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.

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 and that a large percentage of them did not receive the salary and benefits due to them under the law; however, a 2006 study by Understanding Children's Work, a child labor research program sponsored by the ILO, UNICEF, and the World Bank, found that approximately 130,000 children ages 10 to 14 were working in the country. Children most frequently worked in agriculture, retail trade, hotels, restaurants, manufacturing, and community and social services.

The law sets the minimum employment age at 14. The law permits children ages 12 to 14 to work only if the National Institute for Minors or the Ministry of Labor grants special permission; children ages 14 to 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. Employers must notify authorities if they hire a minor as a domestic worker.

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.

e. Acceptable Conditions of Work

On April 30, President Chavez announced a 30 percent increase in the monthly minimum wage and in all public sector employees' salaries to 799 Bs.F (approximately \$372). 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 conducted infrequent inspections to implement the Health and Safety Law. Employers are required to report work-related accidents, and the law obligates employers 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.