

VENEZUELA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Venezuela is formally a multi-party, constitutional republic, but in recent years, political power has been concentrated in a single party with an increasingly authoritarian executive exercising significant control over the legislative, judicial, and electoral branches of government, as well as the human rights ombudsman. President Nicolas Maduro won the presidency in April 2013 by a 1.49 percent margin, amid allegations of pre- and post-election fraud based on a number of irregularities, including government interference, the use of state resources by the ruling party, and voter manipulation. The electoral and judicial bodies rejected the opposition's claims and refused to conduct a full audit of the electoral process. Authorities maintained effective control over the security forces.

Security forces and armed progovernment groups committed human rights abuses against participants in widespread protests that took place across the country, especially between February and May. There were widespread reports of use of force to break up antigovernment protests, arbitrary detention, torture, and imprisonment of protesters. The government arrested and imprisoned several opposition figures, including Leopoldo Lopez, Enzo Scarano, and Daniel Ceballos, and consistently delayed their trials.

The principal human rights abuses reported during the year included lack of government respect for the freedom of assembly, lack of due process compounded by politicization of the judicial system, and government actions to impede freedom of expression and restrict freedom of the press. The government did not respect judicial independence or permit judges to act according to the law without fear of retaliation. The government used the judiciary to intimidate and selectively prosecute political, civil society, union, and business leaders who were critical of government policies or actions. The government blocked and coopted media outlets, harassed and intimidated privately owned television stations, other media outlets, and journalists throughout the year, using threats, fines, property seizures, proxy buyouts, targeted regulations, arrests, and criminal investigations and prosecutions.

In addition the following human rights problems were reported by nongovernmental organizations (NGOs), the media, and in some cases the government itself: unlawful killings, including extrajudicial killings by police and security forces; torture and other cruel, inhuman, or degrading treatment; harsh and

life-threatening prison conditions and lack of due process rights that contributed to widespread violence, riots, injuries, and deaths in prisons; inadequate juvenile detention centers; corruption and impunity in police forces; arbitrary arrests and detentions; political prisoners; interference with privacy rights; corruption at all levels of government; threats against domestic NGOs; violence against women; anti-Semitism in statements by senior government officials; trafficking in persons; violence based on sexual orientation and gender identity; and restrictions on workers' right of association.

The government sometimes took steps to punish lower-ranking government officials who committed abuses, but there were few investigations or prosecutions of senior government officials for alleged corruption or abuses. Impunity remained a serious concern in the security forces.

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

a. Arbitrary or Unlawful Deprivation of Life

Although the government reported no statistics on arbitrary or unlawful killings, NGOs received numerous reports such killings occurred, including involvement by national, state, and municipal police entities as well as the armed forces.

Although there was no official information available on the number of public officials prosecuted or sentenced to prison for involvement in extrajudicial killings, the most recent available government figures reported by the media were in 2011, when the government reported 8,813 killings committed by police, which it classified as "resistance to authority." Of those cases, 97 percent were dismissed or remained pending with no action taken by the Public Ministry. The Committee for the Families of Victims of February-March 1989 (COFAVIC) reported there was no publicly accessible national registry of reported cases of extrajudicial killings, which limited statistical information about high-profile cases.

COFAVIC reported that in 2013 there were 669 alleged extrajudicial killings, the majority of which members of the Scientific, Penal, and Criminal Investigative Corps (CICPC) perpetrated; 18 percent involved regional and municipal police. According to NGOs, prosecutors occasionally brought cases against such perpetrators, but prosecutions often resulted in light sentences, and convictions often were overturned on appeal. The Network of Support for Justice and Peace reported that, between January and August, 16 persons were executed by members of security forces.

During the widespread protests that occurred between February and May, NGOs stated that 43 individuals were killed. Local NGOs called on the government to investigate the deaths to determine how many individuals were killed by law enforcement officials. Government officials claimed 42 individuals were killed: 10 were military or police officials and 32 were civilians.

The NGOs COFAVIC, Network of Support for Justice and Peace, and Venezuelan Program for Education/Action on Human Rights (PROVEA) continued to express concern that the Safe Homeland Plan, the military-civilian crime prevention program, resulted in increased extrajudicial killings committed by security forces, primarily against poor youth in low-income neighborhoods. President Maduro launched the program in May 2013 in response to high crime rates and public pressure, dispatching more than 50,000 central government law enforcement officials and military troops – including the Venezuelan Armed Forces, Bolivarian National Guard (GNB), CICPC, and Venezuelan Intelligence Service (SEBIN) – to 14 states and the Caracas metropolitan area to combat crime.

COFAVIC reported cases of what it defined as extrajudicial killings in 20 states committed by elements within local and state police forces. COFAVIC reported these groups systematically and arbitrarily detained and killed individuals (mainly young individuals from lower social classes) without any recourse to proper investigation by the government.

On February 12, Bassil Da Costa, a 24-year-old marketing student, was shot in the head as he and an estimated 100 other protesters ran from rapid gunfire in Caracas. An investigative report by the newspaper *Ultimas Noticias* concluded SEBIN officers were responsible for the killing. The Public Ministry charged eight law enforcement officers implicated in the case, but after a hearing on June 17, seven of the eight accused were released. SEBIN Commissioner Jose Ramon Perdomo Camacho remained jailed pending trial.

State-sponsored grassroots groups known as “colectivos” were allegedly involved in 12 deaths during the first 40 days of the major protests that began in February. Local media reported that on five different occasions, witnesses said law enforcement agencies acted in coordination with armed civilians riding motorcycles. The witnesses stated the armed civilians opened fire on protesters. Between February 4 and March 24, according to media reports, the colectivos were involved in killing 52 percent of civilians who died during the protests, including 22-year-old marketing student and former beauty queen Genesis Carmona.

COFAVIC categorized the colectivos as “parapolice” forces acting on behalf of the state.

The government continued to prosecute individuals connected with the 1989 killings in Caracas known as the “Caracazo,” in which the Public Ministry estimated 331 individuals died, and the 1988 El Amparo massacre, in which government security forces allegedly killed 14 persons.

In 2011 the Public Ministry established a special commission pursuant to the 2011 Law to Punish Crimes, Disappearances, Torture, and Other Human Rights Violations for Political Reasons in the Period 1958 to 1998 (Law against Forgetting).

b. Disappearance

There were no substantiated reports of politically motivated disappearances.

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

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

There were no reports of any government officials being charged under the Prevention and Punishment of Torture and other Inhumane, Cruel, and Degrading Treatment Law that President Maduro signed in 2013. The law states an agent or public official who inflicts pain or suffering – whether physical or mental – on another individual to obtain information or a confession, or seeks to punish an individual for an act the individual has committed, could face up to 25 years in prison and be dismissed from office and barred from holding public office for up to 25 years. The law also sanctions coconspirators or collaborators for the same amount of time. Prison and detention center officials who commit torture can face up to five years in prison and fines up to 53.5 million bolivars (Bs) (\$8.5 million). The law also includes mechanisms for reparations to victims and their families and creates a special National Commission for Torture Prevention composed of several government ministries. At year’s end the commission had not released the national action plan announced in August 2013 to focus on abolishing and eradicating all forms of torture in all the uniformed services.

The Public Defender's Office did not publish statistics for the year regarding allegations of torture by police. Several NGOs detailed cases of widespread torture and "cruel, inhumane, and degrading treatment." The Venezuelan Criminal Forum reported more than 153 cases of torture against those involved in the February-May protests were filed with the Attorney General's Office. Criminal Forum maintained that hundreds of cases had not been reported to state institutions because of victims' fear of reprisal. NGOs detailed reports from detainees who were allegedly sexually abused by the authorities, threatened with death, and forced to spend hours on their knees in detention centers. The Human Rights Center at the Andres Bello Catholic University in Caracas said that as of April 1, it had collected testimony on 30 cases of torture by authorities of detained protesters, 27 of those of students. The NGO reported "systemic conduct" including detained students being doused with gasoline and sprayed with pepper gas and others submitted to electric shocks. The majority of the allegations about torture were directed at the CICPC.

On March 28, Attorney General Luisa Ortega Diaz stated the government was investigating two cases of torture and 75 cases of "cruel treatment." The attorney general said in a televised interview 17 security force members had been arrested. The government had not released the results of the investigations into these cases as of mid-November.

Criminal Forum reported the case of Juan Manuel Carrasco, a 21-year-old whom the GNB reportedly sodomized with a rifle barrel after he was arrested in Carabobo on February 12. Attorney General Ortega Diaz denied torture occurred and maintained the action was a forensic medical exam. Another student-protester, Marco Coello, was reportedly taken to the CICPC headquarters on February 12, where authorities wrapped him in foam rubber and beat him with blunt objects, including bats. CICPC officials reportedly doused him in gasoline and threatened to kill him.

On August 21, SEBIN Director of Strategic Research Carlos Calderon allegedly tortured student Gerardo Carrero, detained since May 8, after Carrero began a hunger strike. He reportedly beat Carrero repeatedly with a table and tied him to the bars of a cell for more than 12 hours. Carrero's parents filed a complaint with the Office of the Attorney General. PROVEA complained that on August 27, authorities prevented its investigators from visiting students detained at the SEBIN headquarters. PROVEA said it reported the irregularity to the ombudsperson, Gabriela Ramirez.

Human rights groups continued to question the commitment of the prosecutor general and the public defender to conduct impartial investigations. No data were available on convictions in cases of alleged torture.

Press and NGO reports of beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies and the military. Torture and other cruel, inhuman, or degrading treatment or punishments of prisoners were reported during the year. A common method of torture or degrading treatment was the denial of medical care by prison authorities.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to poorly trained and allegedly corrupt prison staff; violence and alleged extortion by guards and inmates, some of which was gang related and fueled by trafficking in arms and drugs; severe overcrowding in most prisons; lack of adequate medical care; and shortages of food and potable water. NGOs and the press frequently claimed prison gang leaders, rather than government authorities, controlled the prisons.

Physical Conditions: The Ministry of Penitentiary Services reported there were 55,007 inmates in the country's 32 prisons and penitentiaries. The NGO Venezuelan Observatory for Prisons (OVP) reported approximately 6 percent (3,260) of inmates were women. The OVP estimated prisons nationwide held more than three times their estimated capacity of 19,000 inmates. Pretrial detainees and convicted prisoners were held in the same facilities. Women and men generally were held in separate prison facilities. The OVP stated women's facilities were generally less violent than those for men. Security forces and law enforcement authorities often held minors together with adults, even though separate facilities existed. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were reportedly crowded into small, unsanitary cells.

The CICPC and police station jails and detention centers also faced overcrowding, causing police station offices to be converted into makeshift prison cells. Prisoners slept on floors and office chairs. In Caracas seven jails and detention centers with an estimated capacity of 197 held more than 300 detainees awaiting transport to their assigned prisons.

The National Guard and the Ministry of Interior, Justice, and Peace have responsibility for prisons' exterior and interior security, respectively. The

government failed to provide adequate prison security. The OVP reported 150 prisoner deaths during the first six months of the year. Most deaths and injuries resulted from prisoner-on-prisoner violence, riots, fires, and generally unsanitary and unsafe conditions. The OVP also reported 110 prisoner injuries during the first six months of the year, compared with 423 in the same period in 2013.

During the year persistent prison riots resulted in inmate deaths and injuries. On June 23, a clash between prisoners and government authorities at Urbana Prison in Lara state reportedly left three guards dead, according to press reports. Urbana Prison is reportedly one of the most violent in the country, and the Public Ministry did not release the results of a 2013 investigation into riots that killed more than 64 inmates and left 123 injured. The incident on June 23 resulted from a group of inmates using a grenade to overcome, kidnap, rob, and then kill the guards, according to the Penitentiary Service Ministry. Government authorities stated they were investigating 26 inmates and three visitors in relation to the killings. According to media reports, Urbina held 53,000 prisoners in a building with a capacity for 16,000.

On September 7, the media reported five inmates were shot to death after rival gangs started fights in Penitenciaría General de Venezuela in Guarico state. The Guarico state public defender declared that by the time the authorities arrived, 44 inmates were standing on the prison roof in protest.

Statistics were not available regarding deaths in prison during the year due to HIV/AIDS, tuberculosis, and lack of medical care. A study by the NGO Solidarity Action found prison rules regarding the classification of inmates resulted in the isolation of those with HIV/AIDS in “inadequate spaces without food and medical attention.”

Administration: The government’s recordkeeping on prisoners was inadequate. Prison authorities did not maintain accurate counts of inmates. In February 2013 Minister Varela acknowledged the Ministry of Penitentiary Services controlled only 14 of the country’s 32 prisons. According to press reports, the most recent accurate daily counts at the General Penitentiary of Venezuela and the La Planta Penitentiary occurred in 2009 and 2010, respectively.

In 2012 then president Hugo Chavez enacted a reform of the code of criminal procedures (COPP) that mandates municipal courts to handle “less serious” crimes, i.e., those carrying maximum penalties of imprisonment for less than eight years. Under the reform, municipal courts can levy penalties that include three to eight

months of community service. Besides diverting some “less serious” crimes to the municipal courts, the reform also permits individuals accused of “lesser crimes” to ask the courts to conditionally suspend their trials in exchange for their admission of responsibility, commitment to provide restitution “in a material or symbolic form,” community service, and any other condition imposed by the court.

Prisoners conducted hunger strikes and violent uprisings to protest administrative delays and harsh prison conditions. The government did not respond to most requests from independent organizations to investigate these conditions. The Ministry of Penitentiary Services did not respond to any of the requests it received regarding inmates from the OVP. According to the OVP and press reports, Minister Iris Varela did not respond to demands of inmates and relatives to meet to discuss prison conditions.

The OVP reported 41 prisoners died at Uribana prison in Lara state from drug overdoses. On November 28, prisoners initially began a hunger strike to protest alleged mistreatment by the institution’s director. According to the Ministry for the Venezuelan Prison Service, the protesting prisoners stormed the prison’s infirmary and consumed all available drugs. The OVP said some family members and other prisoners alleged it was a “poisoning” by prison officials. The Public Ministry reported the arrest of the prison director for his alleged role in the incident.

Prisoners and detainees could observe their religious practices and had access to visitors, but in some cases prison officials allegedly harassed or abused visitors.

Independent Monitoring: Human rights observers continued to experience lengthy delays and restrictions in accessing prisons and detention centers. The International Committee of the Red Cross (ICRC) did not have access to prisons except the two prisons designated for security detainees controlled by SEBIN and the military. The Venezuelan Episcopal Conference of the Roman Catholic Church had more than 300 lay members who volunteered in 40 prisons. Although prohibited from formally entering prisons, Catholic laity visited prisoners on family visitation days.

Improvements: On January 14, the Ministry of Penitentiary Services initiated a program called Plan Cambote Administrativo to improve supplies, personnel, and infrastructure of prisons in all regions. On September 6, Minister Varela started a program called Plan Combinadito, combining the objectives of Plan Cambote with Plan Cayapa Judicial of 2013, which was created to address trial delays faced by

prisoners in pretrial detention by sending government officials, including judges, prosecutors, and public defenders to prisons nationwide to process cases and to provide social services and medical attention to prisoners and prisoners' families. National Assembly Deputy Oscar Ronderos, a member of an opposition party, praised the government's progress in this regard but lamented the new system benefitted only 30 percent of prisons.

d. Arbitrary Arrest or Detention

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

Between February and May, large protests took place across the country. The Venezuelan Observatory of Social Conflict (OVCS) reported that during that period there were 6,369 protests, an average of 35 per day. According to the NGO Criminal Forum, GNB officials had arbitrarily detained 3,400 individuals for their involvement in the protests as of November 12. Criminal Forum reported 78 of those individuals remained in detention as of November 12.

On November 13, the 17th Trial Court of Caracas under Judge Marilda Rios postponed for the third time in two years the trial of Maria Lourdes Afiuni, who was accused of corruption and abuse of authority for her 2009 decision to release imprisoned banker Eligio Cedeno. Afiuni was required to appear before the court every 15 days and could not leave the country, talk to media, or use social media.

On September 21, the Supreme Court (TSJ) released former police commissioner Ivan Simonovis, who was convicted and sentenced to 30 years' imprisonment for being an accomplice to murder committed during the civil disturbances in 2002, from the Ramo Verde military prison after 10 years of imprisonment and placed him under house arrest due to his deteriorating health condition. Simonovis was reportedly required to check in with the court every three months, and authorities stated he would be returned to prison as soon as his health improved.

Role of the Police and Security Apparatus

The GNB, a branch of the military that reports to both the Ministry of Defense and the Ministry of Interior, Justice, and Peace, is responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior, Justice, and Peace controls the CICPC, which conducts most criminal investigations, and SEBIN, which collects intelligence within the country and is responsible for investigating cases of corruption, subversion, and arms trafficking. Police include municipal, state, and national police forces. Mayors and governors oversee municipal and state police forces. The Bolivarian National Police (CPNB) reports to the Ministry of Interior, Justice, and Peace and had 14,478 officers as of mid-November. The CPNB largely focused on policing one Caracas municipality and had a minimal presence in eight of the country's 23 states. The CPNB patrolled Caracas-area highways, railways, metro system, and diplomatic missions.

Corruption, inadequate police training and equipment, and insufficient central government funding, particularly for police forces in states and municipalities governed by opposition officials, reduced the effectiveness of the security forces. There were continued reports of police abuse and involvement in crime, including illegal and arbitrary detentions, extrajudicial killings, kidnappings, and the excessive use of force. According to a PROVEA report, of the 205 killings committed by security forces in 2013, CICPC officials were responsible for 99 deaths and the armed forces and GNB for 16. During the spring protests, 42 individuals were killed and 873 were injured, according to a June 11 Public Ministry report.

Impunity remained a serious problem in the security forces. The Public Ministry is responsible for initiating judicial investigations of security force abuses. The Office of Fundamental Rights in the Public Ministry is responsible for investigating cases involving crimes committed by public officials, particularly security officials. Crimes include homicides, injuries, arbitrary detention, torture, abuse of authority, and forced disappearances.

According to the Public Ministry's annual report for 2013, the Office of Fundamental Rights handled 8,196 new cases in a total of 18,366 cases but did not indicate the types of crimes or security body against which the cases were filed. Of these cases, 1,032 resulted in indictments; the remainder were either dismissed or suspended. The Public Defender's Office did not provide information regarding human rights violations committed by police and military personnel.

State and municipal governments also investigated their respective police forces. By law national, state, and municipal police forces have a police corps disciplinary council, which takes action against security officials who commit abuses. The National Assembly can investigate security force abuses. The General Police Council put in place policies and reforms in response to systematic abuses.

According to the NGO Network of Support for Justice and Peace, the lack of sufficient prosecutors made it difficult to prosecute police and military officials allegedly involved in human rights abuses. In addition NGOs reported the following problems contributed to an ineffective judicial system: long procedural delays, poor court administration and organization, lack of transparency in investigations, and impunity of government officials.

During the year the government at both the local and national levels took few actions to sanction officers involved in abuses.

The National Experimental University for Security (UNES), tasked with professionalization of the law enforcement training for CPNB and other state and municipal personnel, had centers in Caracas and five other cities. UNES requires human rights training as part of the curriculum for all new officers joining the CPNB, state, and municipal police forces. Members of the CPNB, state, and municipal police forces also enrolled for continuing education and higher-learning opportunities as part of the Special Plan of Police Professionalization at UNES.

Societal violence remained high and continued to increase. The NGO Venezuelan Observatory of Violence (OVV) reported 24,763 homicides in 2013, compared with 21,692 homicides in 2012. Media reports indicated former minister of interior, justice, and peace Miguel Rodriguez Torres said the government would not release official homicide figures for 2013 so as not to increase feelings of insecurity among the population. The ministry reported 16,072 homicides in 2012. The minister said the homicide rate for 2013 was 39 per 100,000 inhabitants, compared with 57 per 100,000 inhabitants in 2012.

Criminal kidnappings for ransom were widespread in both urban centers and rural areas; kidnappings included both “express kidnappings,” in which victims were held for several hours and then released, and traditional kidnappings. On August 18, former minister Rodriguez Torres reported kidnappings so far in the year had decreased by 52 percent nationwide--from 245 in 2013 to 117. NGOs and police noted many victims did not report kidnappings to police or other authorities.

The former minister also stated the Safe Homeland Plan was responsible for a 21 percent reduction in homicides nationwide during the year. He attributed 76 percent of the year's homicides to clashes between gangs and security forces. Rodriguez Torres reported the Safe Homeland Plan resulted in arrests of 9,523 persons linked to murder, 507 to kidnappings, and 3,015 to robbery and theft of vehicles between May 2013 and August 2014, adding that 255 gangs had been dismantled, and 814 individuals linked to criminal organizations had been arrested by security forces. Conversely, local news reports stated homicides and crime in Caracas had increased since the plan's inception.

The disarmament law promulgated by President Maduro in 2013 resulted in seizure of 12,603 illegal weapons and destruction of 84,158 weapons by government forces, according to media reports. Media reported this represented approximately 7 percent of the 1.2 million weapons recorded by the Presidential Commission on Disarmament. According to the OVV, however, six million weapons remained in circulation.

Arrest Procedures and Treatment of Detainees

A warrant is required for an arrest or detention. Detention is possible without an arrest warrant when the individual is caught in the act of committing a crime. Individuals were sometimes apprehended 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. The law requires detainees be informed promptly of the charges against them; the requirement was sporadically met.

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 there is a danger the accused may flee or impede the investigation. The law allows detainees access to counsel and family members, and that requirement was occasionally met. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime or for longer than two years, for whichever is shorter, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings.

Arbitrary Arrest: The NGO Criminal Forum reported 3,400 cases of arbitrary detention in Valencia, Barquisimeto, Barinas, and Caracas occurred during widespread protests across the country between February and May. Detainees claimed security personnel subjected them to inhuman and degrading treatment,

and in some cases torture. The attorney general declared 3,356 individuals were arbitrarily detained. Criminal Forum reported that 78 of those individuals remained in detention as of November 12 and more than 1,700 were awaiting a court date. Some of those detained were released conditionally but had to present themselves to the court every 15 days, were prohibited from leaving the country, and could not engage in public protests. Their cases remained open at year's end.

Pretrial Detention: Pretrial detention was a serious problem. According to the OVP, of the 55,007 prisoners in prison, only 17,369 were serving sentences, while the rest faced trial delays. Of those, the OVP reported 1,598 (2.9 percent of all prisoners) were in work detachments, and 528 (0.9 percent) were awaiting trial and held at local police stations. According to the TSJ, only 17 percent of trials concluded or reached sentencing. The NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges (4.7 penal judges per 100,000 inhabitants in 2010). The Public Ministry's 2013 annual report indicated it had 803 prosecutors, of whom 708 processed criminal cases. The Public Ministry reported it processed 599,868 cases during the year, of which 538,613 were criminal investigations. According to media reports, the country required 70 percent more prosecutors and 50 percent more judges to handle the large number of criminal cases.

TSJ President Gladys Gutierrez stated cases were often deferred or suspended when pertinent parties, such as the prosecutor, public defender, or judge, were absent. In an effort to reduce pretrial delays, in 2013 the TSJ announced implementation of an information system that automatically scheduled trial hearings around the availability of the prosecutor, public defender, and judge handling each case. The automated calendar would select dates based on the availability of all pertinent parties in order to avoid suspending or deferring the trial. Judges were prohibited from scheduling more than 10 hearings per day in order to avoid overscheduling. During the first year of its implementation, the system reportedly increased the backlog because of fewer scheduled hearings. In some instances judges scheduled hearings six months from the start of the case.

According to the Public Ministry's 2013 annual report, approximately 11.5 percent of the 335,333 cases involving common crimes went to trial, more than the approximately 1 percent of common crime cases that went to trial in 2012. The Public Ministry reported it closed 329,796 of those cases but did not indicate the final outcomes. Prisoners reported that a lack of transportation and the disorganization of the prisons reduced their access to the courts and contributed to trial delays.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, there was significant evidence the judiciary lacked independence. There were credible allegations of corruption and political influence throughout the judiciary. According to reports more than 60 percent of all judges had provisional appointments. TSJ justices, elected by the National Assembly, sat on the TSJ's Judicial Committee responsible for hiring and firing temporary judges, actions the committee took without cause or explanation. Provisional and temporary judges, who legally have the same rights and authorities as permanent judges, allegedly were subject to political influence from the Ministry of Interior, Justice, and Peace and the prosecutor general to make progovernment determinations. The Executive Office of the Judiciary, responsible for administration management and oversight of funding and human resources of the judiciary branch, was headed by late president Hugo Chavez's brother, Argenis Chavez Frias. PROVEA reported that in 2013 of the 102 cases involving the state, the TSJ ruled in favor of the government 94 percent of the time.

Trial Procedures

Defendants are considered innocent until proven guilty. The law requires detainees be informed promptly of the charges against them, and the requirement was generally respected. The law provides for open, public, and fair trials with oral proceedings for all individuals. In 2012 then president Chavez enacted a reform of COPP that eliminated trial by jury. Defendants have the right to consult with an attorney. Public defenders are provided for indigent defendants, but there continued to be a shortage of such attorneys. According to Public Defender General Ciro Araujo, the number of public defenders as of July 10 was 1,300, an increase from 910 in 2012.

While defendants and their attorneys have the right to access government-held evidence, access often was not allowed; in some instances, particularly in politically motivated cases, the court or prosecution did not allow defendants or their attorneys access to information. Under the reformed COPP, defendants can request no less than 30 days and no more than 45 days to prepare the defense. Defendants have the right to question adverse witnesses and present their own witnesses. By law defendants cannot be compelled to testify or confess guilt. Defendants and plaintiffs have the right of appeal. Trial delays were common. The reformed COPP permits trials "in absentia" in certain circumstances, although

opponents of the reforms claimed the constitution prohibits such trials. The law also states the trial will proceed with the defense attorney, or in his absence, with a public defender whom the court designates. The COPP gives judges discretion to hold trials behind closed doors if a public trial could “disturb the normal development of the trial.”

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts. In addition, under the Organic Code of Military Justice, an individual can be tried in the military justice system for “insulting, offending, or disparaging the national armed forces or any related entities.” NGOs expressed concern with the government’s practice of trying citizens under the military justice system for protests and other actions not under military jurisdiction.

Political Prisoners and Detainees

At year’s end the NGO Due Process Foundation (Fundepro) reported that 91 political prisoners remained incarcerated, 83 of whom were detained during the year. An additional seven military members were unaccounted for because Fundepro had not been able to determine their location. Then president Chavez reportedly ordered the imprisonment of nine of those individuals, most of whom were either convicted for their alleged actions during the 2002 coup attempt or charged with alleged financial crimes. The government used the judiciary to intimidate and selectively prosecute individuals critical of government policies or actions.

In some cases political prisoners were held in SEBIN installations and the Ramo Verde military prison. Authorities permitted the ICRC access to these individuals.

Popular Will party leader and former Caracas Chacao municipality mayor Leopoldo Lopez turned himself in to government authorities after they issued a warrant for his arrest on February 18 during a large demonstration in Caracas. President Maduro publicly called for his arrest, accusing Lopez of destabilizing the government and instigating violence. At year’s end Lopez remained imprisoned in the Ramo Verde military prison, charged with public incitement, damage to property, fire damage, and association for conspiracy. Lopez’s trial began on July 23 in a Caracas Tribunal Court, along with the trials of four students (Marco Coello, Christian Holdack, Demian Martin, and Angel Gonzalez). Judge Susana Barreiros refused defense lawyers’ requests to allow media to cover the proceedings officially but allowed some media representatives to enter as guests of

the defendants, although they were not allowed to take notes. Soldiers blocked access to several streets around the court. Defense lawyers were not allowed to submit any evidence to refute the charges, and Judge Barreiros refused a defense team motion to allow key evidence to be included. On July 25, media reports indicated military intelligence officials attacked Lopez in his prison cell.

On March 19, SEBIN agents arrested Popular Will leader and former mayor of San Cristobal Daniel Ceballos for allegedly failing to stop protests in San Cristobal. On March 28, he was charged with civil rebellion and conspiracy and sentenced to one year in prison.

Another mayor, Enzo Scarano, the opposition party mayor of San Diego, was arrested on March 19 and sentenced by the TSJ to 10 months and 15 days' imprisonment for supposedly failing to comply with a court order to take down barricades in San Diego, in Carabobo state. The government charged Scarano with new charges of gender violence on October 6 for allegedly attacking three women in April 2013 during the presidential elections when, as the representative of the electoral coalition Democratic Unity Roundtable in Carabobo, he visited the Lisandro Lecuna voting precinct and was not permitted to go inside. According to his attorney, he was being charged with gender violence by causing mild injuries, and if convicted it could result in six to 18 months' imprisonment, plus disqualification from running for office for the same amount of time as the conviction. The judge deferred judgment on November 10 whether to try Scarano in a military court for allegedly attacking a sentinel in April 2013, which could result in 14-20 years' imprisonment.

On October 27, prison guards reportedly hurled bags of feces and urine against Lopez', Scarano's, and Ceballos's cell windows. The bags burst, covering the prisoners' cells with excrement. The prisoners' water and electricity were then shut off. Lopez, Scarano, and Ceballos remained in the Ramo Verde military prison awaiting judgment at year's end.

Civil Judicial Procedures and Remedies

There are separate civil courts that permit citizens to bring lawsuits seeking damages. There are no procedures for individuals or organizations to seek civil remedies for human rights violations. Like all other courts in the country, the civil courts remained subject to strong executive control.

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

The constitution provides for the inviolability of the home and personal privacy, but the government generally did not respect these prohibitions. In some cases government authorities infringed on citizens' privacy rights by searching homes without judicial authorization, seizing properties without due process, or interfering in personal communications.

On January 2, former minister of communications and information Delcy Rodriguez made public a list of names, personal identification numbers, and destinations and dates of departure for the travel of 27 opposition leaders, journalists, and NGO representatives. The list was published on the minister's Twitter account. On December 26, President Maduro appointed Delcy Rodriguez foreign minister.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press; however, the combination of laws and regulations governing libel and media content, as well as legal harassment and physical intimidation of individuals and the media, resulted in practical limitations on these freedoms. National and international groups, such as Reporters without Borders, the Inter American Press Association, and the Committee to Protect Journalists, condemned government efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

The NGO Press and Society Institute (IPYS) reported the government prevented access to official information in 69 instances, especially during the widespread protests between February and May, the months with the highest homicide rates in Caracas; it also prevented access to information related to the spread of the Chikungunya virus.

On September 24, the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) released a statement expressing its "deepest concern" for the deterioration of freedom of expression in Venezuela. The IACHR cited President Maduro's comments on September 18 accusing media outlets of "psychological terrorism" for reporting on a series of mysterious deaths that took place at a Maracay hospital.

Freedom of Speech: The law makes insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. Comments exposing another person to public contempt or hatred are punishable by prison sentences of one to three-year and fines starting at Bs 55 (\$8.75).

The government took reprisals against individuals who publicly expressed criticism of the president or government policy. On January 18, a Central University of Venezuela professor wrote an article critical of the government in the opposition-leaning newspaper *Tal Cual*. The president of the National Assembly, Diosdado Cabello, brought a criminal complaint against *Tal Cual* and Professor Genatios, arguing the opinion piece amounted to defamation. Judge Barbara Cesar Siero imposed a travel ban on Genatios and the directors of *Tal Cual*. IPYS criticized the move as an attempt to keep local press from criticizing the government.

Press Freedoms: The law provides that inaccurate reporting that disturbs the public peace is punishable by prison terms of two to five years. The requirement that media disseminate only “true” information was undefined and open to politically motivated interpretation.

The Law of Social Responsibility for Radio and Television and the Organic Law for Telecommunications prohibit all media from disseminating messages that incite or promote hate or intolerance for religious, political, gender-related, racial, or xenophobic reasons; incite, promote, or condone criminal acts; constitute war propaganda; foment anxiety in the population or affect public order; do not recognize legitimate government authorities; incite homicide; or incite or promote disobedience to the established legal order. Penalties range from fines to the revocation of licenses.

The law declares telecommunications a “public interest service,” thereby giving the state greater authority to regulate the content and structure of the radio, television, and audiovisual production sectors. The law provides that the government can suspend or revoke licenses when it judges such actions necessary in the interests of the nation, public order, or security. The telecommunications law empowers the government to impose heavy fines and cancel broadcasts for violations of its norms, and the National Telecommunications Commission (CONATEL) oversees the law’s application.

The government's economic policies made it difficult for newspapers to access foreign currency, preventing many newspapers from purchasing critical supplies and equipment necessary for day-to-day business operations. Items that needed to be imported included ink, printing plates, camera equipment, and especially newsprint. According to IPYS, between August 2013 and September 2014, six regional newspapers permanently closed due to the lack of paper, and four newspapers temporarily stopped circulation. Nearly every newspaper in the country reduced pages and news content in an attempt to conserve paper.

During the February and May protests, local NGOs complained of 37 arbitrary detentions of journalists, 67 assaults on journalists, 31 burglaries or thefts of property, and one journalist. During the first quarter of the year, the NGO Public Space reported 174 cases of violations of freedom of expression, an increase of 240 percent compared with the same period in 2013. The most common violations were aggression against journalists, threats, intimidation, and censorship. Public Space also reported that in February alone there were 85 cases of violations of the right to freedom of expression, an increase of 500 percent from the previous February.

State-owned media provided almost continuous progovernment programming. In addition private and public radio and television stations were required to transmit mandatory nationwide broadcasts throughout the year. According to the e-mail newsletter *Citizen Monitor*, between January and December 3, the government imposed 166 hours of mandatory showing of presidential "cadenas." The minimum cost in lost revenue for mandatory broadcasts in the year, according to estimates comparing with equivalent television advertising time, was Bs 88,785,065 (\$14.1 million). During the February protests, Maduro averaged 84 minutes per day of broadcast time. During the first six months of the year, he broadcasted an average of 61 minutes per day. The minimum cost of all broadcasts (mandatory and nonmandatory) was more than Bs 113 million (\$18 million).

During the protests earlier in the year, the National Press Workers' Union (SNTP) documented 46 cases of physical aggression against journalists. Dozens more were illegally detained, had their equipment stolen by government officials, or were subjected to illegal raids on their organizations' headquarters or their residences by military intelligence.

The SNTP claimed *Ultimas Noticias* censored the articles its journalists wrote that were critical of the government.

On July 4, *El Universal*, a 105-year-old private newspaper, was reportedly sold to a small Spanish company, Epalisticia, for \$22 million. Local NGOs criticized the secrecy surrounding the sale and the anonymity of the new owners. Reporters and editors accused the new president of the company, Jesus Abreu Anselmi, of censoring a story on a protest of steelworkers at the state-owned steel plant SIDOR. Media reports indicated 30 editorial contributors had been fired and 15 other contributors resigned in protest. On September 17, longtime political cartoonist Rayma Suprani was reportedly fired from *El Universal* for a cartoon that satirized equipment and medical shortages at hospitals.

In March, Globovision censored footage of violent attacks by armed individuals and GNB personnel on residents in Maracaibo neighborhoods, causing Globovision's correspondents Madelyn Palmar, Doricer Alvarado, and Jesus Gonzalez to resign. Doricer Alvarado, former correspondent of Globovision in Lara, explained the new editors censored terms such as "protest" and "civil society" in favor of the blander terms "demonstration" and "collectivity." On April 3, journalist Reimy Chavez stated Globovision regularly censored its journalists, correspondents, and writers.

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

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

On February 12, CONATEL ordered NTN24, an international news channel that provided live coverage of the student protests, off the air. At year's end NTN24 remained available only via internet. On February 20, President Maduro revoked the credentials of reporters from CNN but restored them the next day after public outcry.

Censorship or Content Restrictions: An IPYS study released on October 6 indicated censorship is an "umbrella" that not only suppresses information and

opinion but affects freedom of expression overall. In its 2014 report, IPYS stated legal proceedings, financial sanctions, and administrative actions against news outlets incurred lower political costs than shutting down news outlets directly. Members of the independent media privately said they regularly engaged in self-censorship due to fear of government reprisal. Public Space reported that between January and September 10, there were 107 cases involving censorship, 28 cases of harassment of the media through legal means, 85 cases of aggression against journalists, and 25 cases of administrative restrictions. Twenty-nine percent of the cases occurred in February during the height of the protests.

While the country's major newspapers were independently owned, some print media tended to exercise caution to secure government advertising.

The government also exercised control over content through licensing and broadcasting requirements. CONATEL acted selectively on applications from private broadcasters for renewal of their broadcast frequencies. Public Space reported many station owners requested renewal of their broadcast licenses, but CONATEL did not respond in a timely manner and then punished the radio stations by sanctioning them or refusing to renew their licenses. According to Nelson Belfort, former president of the Venezuelan Radio Chamber, there were approximately 2,000 illegal radio stations in the country. According to local NGOs, CONATEL had not renewed licenses for most stations since 2007. CONATEL's website showed 250 community radio stations registered. Local NGOs considered this a government tactic to encourage self-censorship by being able to close the radio station if it transmits antigovernment content.

Libel Laws/National Security: The government exercised control over the press through the government entity known as the Strategic Center for Security and Protection of the Homeland (CESPPA), established in 2013, which is similar to the government entity Center for National Situational Studies (CESNA), established in 2010. CESNA and CESPPA have similar mandates and are responsible for "compiling, processing, analyzing, and classifying" both government-released and other public information with the objective of "protecting the interests and objectives of the state." The TSJ took no further action at year's end on a complaint filed by NGOs in 2012 seeking the annulment of CESNA.

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

Internet Freedom

The government blocked the use of Twitter's photograph-sharing tool during widespread protests. The government also regulated internet speeds by the government-owned internet provider CANTV as a method of preventing groups from organizing protests.

The law prohibits the dissemination of messages or information that could incite violence, promote hatred and intolerance, lead to killings or other crime, foment anxiety in the populace or disturb public order, or be considered disrespectful of public offices or officeholders. The law puts the burden of filtering electronic messages on service providers, and it allows CONATEL to order service providers to block access to websites that violate these norms and sanctions them with fines for distributing prohibited messages. Human rights and media freedom advocates complained the law limited freedom of expression.

Some NGOs, members of the opposition, and government critics expressed concern the government monitored e-mails and web searches without appropriate legal authority. Public Space reported that social networking sites, e-mails, and websites of political figures, civil society activists, writers, journalists, and newspapers were hacked during the year. According to the NGO, social network identities were usurped and personal communications and messages were broadly disseminated, some in government-controlled media.

There were multiple cyberattacks, particularly hacking, on websites, Twitter, and Facebook accounts of political officeholders and candidates that appeared politically motivated.

The government continued to block seven internet sites that post dollar and euro currency exchange rates other than the government's official rate. In August the government announced it would request information from Twitter on the handles of several users active during the February-May protests to pursue criminal proceedings against them.

The International Telecommunication Union reported 44 percent of individuals used the internet during the year. According to the newspaper *El Nacional*, 14 million citizens had internet access and connected to the internet five to seven days a week.

Academic Freedom and Cultural Events

There were some government restrictions on academic freedom and cultural events. University leaders and students alleged the government retaliated against opposition-oriented autonomous universities by allocating budgets for those universities significantly below the annual inflation rate. Autonomous and other public universities not affiliated with the government had not received a budget increase since 2006.

Government supporters sometimes disrupted university classes, marches, and rallies and used violence and intimidation to protest university policies and to discourage opposition students from political participation. According to media reports, there were 31 attacks on 18 universities in 11 states during the spring protests. Security officials and government-supported armed civilians led most of the attacks, although some were committed by students. For example, five persons were injured and 14 cars were destroyed at the University Lisandro Alvarado in Barquisimeto.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but the government did not respect this right.

Human rights groups continued to criticize the 2005 penal code revision for its strict penalties for some forms of peaceful demonstration.

Government security forces routinely used tear gas, water cannons and hoses, and rubber bullets to suppress peaceful protests. Between February and May, large protests took place across the country calling for political change. The OVCS reported that during that period, 6,369 protests occurred, an increase of 278 percent over the same period in 2013. According to the NGO Criminal Forum, GNB officials arbitrarily detained 3,400 individuals for their involvement in the protests. According to a report released by the Public Ministry in June, 3,306 persons were detained due to involvement in protests, 42 were killed, 873 were injured, and 148 were imprisoned. Criminal Forum reported 78 of those individuals remained in detention as of November 12.

In February the IACHR expressed deep concern about the alleged use of criminal proceedings to punish peaceful protesters and government critics. In March, six

UN special rapporteurs asked the government to clarify allegations of arbitrary detention and excessive use of force and violence against protesters. Allegations continued of arbitrary detention of protesters (some in military facilities), torture, and denial of legal assistance.

Nine human rights NGOs reported that between February and April, a sample taken in seven states (Caracas, Lara, Tachira, Bolivar, Merida, Carabobo, and Zulia) indicated the government repressed 34 percent of protests and the GNB was the state security apparatus that most commonly suppressed peaceful protests. The states of Lara and Zulia had the highest proportion of repressed protests. The report also documented the injuring or wounding of 854 persons due to participation in a protest between February and April--138 of them by gunshot wounds and 330 by pellet wounds. GNB officials were reportedly responsible for 333 of these cases. NGOs reported 157 cases of torture of individuals for participating in protests during those four months.

Freedom of Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

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

providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Protection of Refugees

Access to Asylum: The UNHCR estimated there were more than 200,000 persons in need of international protection, mostly Colombians. Most of them, however, had not accessed procedures for refugee status determination, mainly due to the inefficiency of the process. The UNHCR reported only 4,685 persons were legally recognized as refugees. The influx of individuals in search of international protection was continuous through the different border areas; the vast majority of such persons remained invisible and without any protection.

Security actions of the country during 2013 and at the beginning of 2014 included the deportation of Colombians (justified by the fight against criminality and terrorism) and stricter access to refugee status determination and documentation in the country. In August the media reported the deportation of more than 100 Colombians.

With the refugee status determination process centralized in Caracas with the National Refugee Commission, asylum seekers could wait up to three years to obtain a final decision. During this period they had to continue renewing their documentation to stay in the country and avoid arrests and deportation. While travelling to the commission, particularly vulnerable groups, such as women with young children, the elderly, and persons with disabilities, faced increased protection risks such as arrest and deportation, extortion, and sexual abuse by authorities at checkpoints and other locations.

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

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

Access to Basic Services: Colombian asylum seekers without legal residency permits had limited access to the job market, education, and health systems. The lack of documentation created significant challenges to achieving sufficient protection and long-term integration.

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

The constitution provides citizens the ability to change their government through free and fair elections, but widespread pre- and post-election fraud, including electoral irregularities, government interference, and manipulation of voters, reportedly restricted the exercise of this right. The terms for three of the five rectors of the CNE expired in 2013; the TSJ ruled that rectors whose terms had expired could continue to serve on the CNE until the National Assembly designated their replacements. On December 26, the TSJ ruled the National Assembly failed to complete the rector process, giving the court authority to name three new CNE rectors. The opposition denounced the selection process as nontransparent and called for the rectors to resign.

Elections and Political Participation

Recent Elections: Municipal elections took place in December 2013 to choose 337 mayors and 2,455 local counselors for their 2013-17 terms. The NGO Sumate reported the elections were marked by irregularities that included malfunctioning voting machines, unauthorized assisted voting, absence of personnel, and untimely closure of voting centers. Sumate documented 425 complaints of irregularities in 324 voting centers countrywide, affecting an estimated 981,000 voters.

Political Parties and Political Participation: Opposition political parties operated in a restrictive atmosphere characterized by intimidation, the threat of prosecution or administrative sanction on questionable charges, and restricted media access. During the series of protests and political demonstrations that occurred from February to May, some political organizations reported their main activists and leaders were victims of harassment, violence, and persecution by the government and by progovernment groups.

The government, according to NGOs, regularly accused the opposition party Voluntad Popular (VP) and its leaders of promoting violent and unlawful protests, causing civic unrest, or attempting to overthrow the established order. On February 17, according to news reports, presumed military intelligence officers burst into the VP office and attempted forcibly to remove several activists after throwing tear gas inside. The government politically persecuted VP leaders, including Leopoldo Lopez, Carlos Vecchio, and Daniel Ceballos, who remained incarcerated at a military prison at year's end. The president of the National Assembly, Diosdado Cabello, publicly denounced the VP mayor of El Hatillo

municipality, David Smolansky, as a promoter of violent unlawful protests in Caracas.

The TSJ ousted elected opposition officials from office. On March 31, the TSJ stripped National Assembly Deputy Maria Corina Machado of her elected position and legislative immunity, after National Assembly President Cabello stated Machado's acceptance of an invitation by Panama to speak at the Organization of American States indicated her resignation from office because she did not ask permission to do so. The TSJ targeted seven opposition mayors for dismissal, alleging their noncompliance with a resolution to quell the unrest and dismantle protesters' barricades. On March 12, the TSJ issued injunctions against mayors Gerardo Blyde of Baruta municipality, Enzo Scarano of San Diego municipality, and David Smolansky of El Hatillo municipality, and on March 17, the TSJ issued injunctions against mayors Ramon Muchacho of Chacao municipality, Daniel Ceballos of San Cristobal municipality, Gustavo Marcano of Diego Bautista Urbaneja municipality, and Eveling Trejo of Maracaibo municipality. On March 19, Enzo Scarano was dismissed from office, put on trial, and sentenced to prison for 10 months and 15 days. Daniel Ceballos, also arrested on March 19, was dismissed from office and sentenced to 12 months' imprisonment on March 25. Ceballos had a separate pending trial scheduled for October 8 based on charges by the Attorney General's Office accusing him of involvement in rebellion and supporting antigovernment protests in February.

Participation of Women and Minorities: Women headed three of the five branches of government (judicial, electoral, and human rights ombudsman) and occupied seven of the 28 cabinet positions, including as minister of interior, justice, and peace. There were 17 women among the 32 TSJ justices.

The constitution reserves three seats in the National Assembly for indigenous persons. Three deputies were elected for these seats in the 2010 elections. There was one indigenous member in the cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and the press reported officials sometimes engaged in corrupt practices with impunity. The government frequently investigated and prosecuted its political opponents selectively on corruption charges to harass, intimidate, or imprison them. There were numerous reports of government corruption during the year.

Corruption: In December 2013 President Maduro announced a campaign for the first trimester of 2014 to tackle corruption through fast-track authority and executive powers, but critics contended the government's efforts focused only on low- to mid-level public officials while targeting high-level opposition politicians. The presidential decree to tackle corruption includes enforcement against smuggling of goods carried out by private citizens as part of what the government calls the fight against the "economic war" waged by the political opposition and foreign governments. According to Transparency Venezuela, weak government institutions and a lack of transparency allowed public officials at all levels to participate in nefarious activity with impunity.

The Comptroller General's Office is responsible for investigating and administratively sanctioning corruption by public officials. The Public Ministry investigates and criminally prosecutes individuals and entities in the public and private sectors for corruption. The National Assembly can order the Public Ministry to undertake investigations. The Public Ministry and the Public Defender's Office investigate abuses by police and military officials.

On June 30, the acting comptroller general stated 1,600 public officials were sanctioned for alleged corruption and acknowledged most of the cases involved United Socialist Party of Venezuela (PSUV)/progovernment officials. Comptroller General Adelina Gonzalez stated the impeachment process could average 36 months.

On June 5 and July 3, the National Assembly Accountability and Finance Committee called opposition former-governor of Zulia, Pablo Perez, to appear for hearings on alleged financial irregularities during his term in office. Deputy Isabel Lameda (PSUV) from Lara state brought the case to the committee.

The Public Ministry and the Public Defender's Office also investigate abuses by police and military officials. Corruption was a major problem in all police forces, whose members were generally poorly paid and minimally trained. Impunity for corruption, brutality, and other acts of violence were major problems explicitly acknowledged by some government officials. There was no information publicly available about the number of investigations, prosecutions, and convictions of police and military officials during the year.

On September 3, Attorney General Luisa Ortega Diaz announced that as of August, 966 individuals were in detention, 568 persons were charged, and 822

prosecuted for corruption crimes. Ortega stated 478 individuals were convicted and 41 had trials pending. Government officials, Ortega stated, were prosecuted and convicted of crimes related to foreign-exchange adjudications, but no numbers were disclosed.

The Public Ministry issued an arrest warrant for the former president of the Bolivarian Alliance for the Peoples of Our America Bank, former minister of finance, and PSUV former governor, Rafael Isea, who was accused of embezzlement. The attorney general requested Interpol issue a red notice for Isea, who allegedly acquired hard currency through criminal actions.

Financial Disclosure: Public officials, as well as all directors and members of the boards of private companies, are required to submit sworn financial disclosure statements pursuant to the Organic Law on the Comptroller General of the Republic and the National Fiscal Control System (LOCGR) and the Law against Corruption. According to the LOCGR, the entities responsible for ensuring compliance with this requirement are the Central Bank, the comptroller general of the republic, the comptroller general of the Bolivarian National Armed Forces, and the comptrollers of states, districts, metropolitan districts, and municipalities. Under the Law against Corruption, the Public Ministry and competent criminal courts can require statements from any other persons when circumstantial evidence arises during an investigation. In 2013(date of most recent data available), the acting comptroller general received 1,842 complaints. The Comptroller General's Office fined 65 individuals for administrative responsibility, sanctioned 107 public officials for engaging in illicit enrichment or influence peddling, administratively disqualified 101 individuals from holding public office during the year, and suspended six individuals without pay.

Public Access to Information: Although the law provides for citizen access to government information, human rights groups reported the government routinely ignored this requirement. The law requires a government agency to respond to a petition within 20 days of filing. The agency must also notify the applicant within five days of any missing information needed to process the request. Government agencies are subject to sanctions if they do not respond to a request. If the agency rejects the petition, an individual can file another petition or appeal to a higher level within the government agency. The agency must respond to the appeal within 15 days. On March 28, the Pro Access Coalition, composed of NGOs advocating for the right to access public information, denounced difficulties in accessing public information. The NGO Transparency Venezuela reported it filed

six petitions for information with government agencies between January 19 and April 24, of which only two had been answered.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of independent domestic and international human rights groups generally operated with some government restrictions. Major domestic human rights NGOs conducted investigations and published their findings on human rights cases. Government officials were not cooperative or responsive to their requests. Some domestic NGOs reported government threats and harassment against their leaders, staff, and organizations in addition to government raids and detentions. NGOs reported heightened scrutiny of their work, as well as increased government hostility between February and May, when there were widespread protests across the country. Nonetheless, NGOs published dozens of reports during this period and played a significant role in informing citizens and the international community about alleged violations and key human rights cases.

The government threatened NGOs with criminal investigations for allegedly illegal receipt of foreign funds. Various government officials accused human rights organizations of breaking the law by receiving international funding from international donors. The government threatened NGOs with criminal investigations for their alleged illegal receipt of foreign funds. The law prohibits domestic NGOs that have a “political intent” or that seek to “defend political rights” from receiving funds from abroad. Organizations involved in the defense of “political rights,” according to the law, include those that “promote, disseminate, inform, or defend the full exercise of the political rights of citizens.”

For violations the law stipulates monetary penalties, a potential five- to eight-year disqualification from running for political office, or both. The law defines political organizations as those involved in promoting citizen participation, exercising control over public offices, and promoting candidates for public office. The law also prohibits foreign citizens sponsored by Venezuelan individuals or political organizations from “issuing opinions that offend the institutions of the state and its high officials or go against the exercise of sovereignty.” There was no formal application or enforcement of this law, although it created a climate of fear among human rights NGOs and a hesitancy to seek international assistance. Numerous NGOs reported a decrease in their investigations and advocacy efforts due to the limitations imposed on them by the foreign funding law.

In addition to the restrictions placed on fund raising, domestic NGOs also faced regulatory limitations on their ability to perform their missions. The COPP includes provisions eliminating the right of human rights NGOs to represent victims of human rights abuses in legal proceedings. The COPP provides that only the public defender and private individuals can file complaints in court or represent victims of alleged human rights abuses committed by public employees or members of the security forces. While NGOs such as Criminal Forum, COFAVIC, IPYS, Public Space, and PROVEA generated thousands of case-file investigations, they were rarely granted formal platforms within the country to present their charges, and they reported a lack of cooperation by the Attorney General's Office or the Office of the Human Rights Ombudsman. In July the Attorney General's Office accused human rights groups--as well as international organizations such as Amnesty International and Human Rights Watch--of "irresponsibility" in reporting details and statistics associated with alleged cases of human rights abuses while never providing these organizations a formal audience to discuss their data.

In mid-February NGOs such as OVP, PROVEA, and Criminal Forum reported their staff had been detained by police or intelligence services. Among those affected was OVP's Inti Rodriguez, who was arrested by SEBIN officials on February 13, according to several NGO witnesses. Another prominent human rights defender, lawyer Tamara Suju, was called into the SEBIN headquarters in June to answer questions about her advocacy activities. Separately, the director of the NGO A World Without Censorship, Rodrigo Diamante, was detained for nearly a week for alleged conspiratorial activities of the NGO, which is dedicated to the right of free expression. SEBIN later released Diamante, but he remained prohibited from leaving the country and was obliged to check in regularly with the courts.

During a May 7 nationally televised press conference, former interior, justice, and peace minister Rodriguez Torres named several human rights activists and NGOs--among them A World Without Censorship, Public Space, and Criminal Forum -- as contributors to an attempt to "create chaos" within the country. Similar accusations and name calling directed against NGOs occurred in National Assembly floor speeches, on radio and television programs hosted by President Maduro and National Assembly President Diosdado Cabello, and throughout the government-controlled media. In June PROVEA's executive director, Marino Alvarado, stated in a press conference the government was engaging in "selective repression" of certain human rights advocates and civil society representatives.

NGOs asserted the government created a dangerous atmosphere for them to operate. Several organizations, such as OVP, PROVEA, and Citizen Control, reported threats to their staff, conducted electronically or sometimes in person, following negative publicity. Certain human rights organizations claimed they were subject to frequent internet hacking attacks and attempts to violate their e-mail privacy.

The United Nations or Other International Bodies: Although a member of the UN Human Rights Council, the government was generally hostile toward international human rights bodies and refused to permit a visit by the IACHR, which had not visited the country since 2002. The government withdrew from the Inter-American Convention on Human Rights in September 2013, but the IACHR can receive complaints from Venezuelan NGOs and citizens. On September 22, the IACHR expressed its concerns regarding freedom of speech and press in the country. On October 28, civil and nongovernmental organizations testified at the IACHR on human rights, including judicial independence and freedom of expression. The government called the commission “biased.”

Government Human Rights Bodies: Although the public defender, appointed by the National Assembly, is responsible for ensuring citizen rights are protected in any conflict with the state, human rights NGOs claimed the Public Defender’s Office was not independent and rarely acted on public interest cases. Reports or recommendations issued by the office were not widely available. According to its 2012 annual report, the Public Defender’s Office considered 34,678 complaints during that year, of which 13,123 related to human rights.

The human rights ombudsman is responsible for representing victims of human rights violations and promoting human rights. NGOs claimed the ombudsman did not act on any human rights cases between 2007 and 2014.

The National Assembly’s subcommission on human rights played an insignificant role in human rights debates.

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

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; however, discrimination occurred against women; persons with disabilities; members of the lesbian, gay, bisexual, and transgender (LGBT) community; and indigenous persons.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, making it punishable by a prison term of eight to 14 years. Cases often were not reported to police, however, due to fear of social stigma and retribution, particularly in light of widespread impunity. There were no reliable statistics on the incidence of, prosecutions, or convictions for rape. A man may avoid punishment by marrying (before he is sentenced) the person he raped. Women faced substantial institutional and societal prejudice with respect to reporting rape and domestic violence. The law allows authorities to consider alternative forms of punishment, including work release, for those convicted of various crimes, including rape, if they have completed three-quarters of their sentence.

The law criminalizes physical, sexual, and psychological violence in the home, in the community, and at work. The law punishes perpetrators of domestic violence with penalties ranging from six to 27 months in prison. The law requires police to report domestic violence to judicial authorities and obligates hospital personnel to notify authorities when admitting patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence or were not properly trained to handle cases of domestic violence. The law also establishes women's bureaus at local police headquarters and tribunals specializing in gender-based violence. In August the National Assembly approved reforms to the law that criminalizes femicide as a crime against human rights, increasing the possible sentence to 28-30 years in prison.

Violence against women continued to be a serious and underreported problem. Francis Hernandez, associate director of the Public Ministry's Directorate for the Defense of Women, announced in August the ministry recorded 60 cases of femicide in the first three months of the year. According to COFAVIC, there were 452 cases of femicide in 2013, of which 62 percent were committed with firearms. According to a recent study by the Institute for Citizen Security for the Metropolitan Observatory on Citizen Security, 21 percent of female homicides in Caracas were a result of domestic violence. In 2013 the Public Ministry recorded 102,676 cases of violence against women. According to the Venezuelan Center for Women's Studies, the majority of incidents of violence against women involved psychological abuse (42.7 percent), followed by physical abuse (37.6 percent), verbal abuse (15.2 percent), and sexual violence (3.8 percent).

According to the Public Ministry, 108 prosecutors and 50 courts were exclusively responsible for dealing with such crimes. Statistics were not available for the year on the number of cases involving violence against women or their outcomes.

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

Female Genital Mutilation/Cutting (FGM/C): There is no law that prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Harassment: Sexual harassment is illegal and punishable by a prison sentence of one to three years. The law establishes a fine of between Bs 3,210 (\$510) and Bs 6,420 (\$1,020) for employers who engage in sexual harassment. Although allegedly common in the workplace, sexual harassment cases were rarely reported.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available.

Discrimination: Women enjoy the same legal status and rights as men under the constitution. Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women with regard to pay or working conditions. The law also prohibits the requirement of a pregnancy test to qualify for a job and provides six weeks of maternity leave prior to birth. The law extends the period of maternity leave after birth or an adoption from 12 to 20 weeks and prohibits an employer from firing either parent for two years after a birth or adoption. According to the Ministry of Labor and the Confederation of Workers, regulations protecting women's labor rights were enforced in the formal sector, although according to the World Economic Forum, women earned 36 percent less on average than men doing comparable jobs.

The Ministry of Women worked to protect women's rights but did not make statistics publicly available.

The law provides women with property rights equal to those of men; however, women frequently waived these rights by signing over the equivalent of power of attorney to their husbands.

Children

Birth Registration: Citizenship is derived by birth within the country's territory. According to the UN Children's Fund (UNICEF), 92 percent of children under five were registered at birth.

Child Abuse: According to UNICEF and NGOs working with children and women, child abuse, including incest, occurred but was rarely reported. According to a National Institute for Statistics survey, 5 percent of victims of sexual abuse were children. According to the Public Ministry, 67 specialized prosecutors were assigned to handle cases involving the protection of children. Although the judicial system acted to remove children from abusive households, the press reported public facilities for such children were inadequate.

Early and Forced Marriage: The legal minimum age for marriage is 18 for women and men, but with parental consent it is 14 for women and 16 for men.

Female Genital Mutilation/Cutting (FGM/C): There is no law that prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: By law sexual relations with a minor under age 13 or an "especially vulnerable" person, or with a minor under age 16 when the perpetrator is a relative or guardian, are punishable with a mandatory sentence of 15 to 20 years' imprisonment. The law prohibits the forced prostitution and corruption of minors. Penalties range from three to 30 years' imprisonment in the case of sex trafficking of girls.

The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years' imprisonment. The law allows authorities to consider alternative forms of punishment, including work release, for those who have committed various crimes, including "offenses against the freedom, integrity, and sexual security of children and adolescents," once they have completed three-quarters of their sentence. There was no publicly available information regarding the number of investigations or prosecutions of cases involving the commercial sexual exploitation of minors or child pornography.

Displaced Children: Leading advocates and the press estimated 10,000 children lived on the streets. Authorities in Caracas and several other jurisdictions imposed curfews on unsupervised minors to attempt to cope with this problem, but with institutions filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report on at <http://travel.state.gov/content/childabduction/english/country/venezuela.html>.

Anti-Semitism

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

There were an estimated 9,000 Jews in the country. There were no confirmed reports of anti-Semitic acts by the state, but Jewish community leaders expressed concern about anti-Semitic statements made by high-level government officials. During the summer conflict between Israel and Hamas in the Gaza Strip, President Maduro compared Israel's actions in the Gaza Strip to the Holocaust in several public speeches. On August 2, the president of the National Assembly and vice president of the ruling party reportedly said, "In Israel, there is a smell of sulfur, the demon is there, and imperialism is sown there to finish with the people of the world." On July 29, graffiti was spray-painted outside a Caracas metro station that read, "Be a patriot, kill a Jew."

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, air travel and other transportation, and the provision of other state services, but the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly

constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were almost nonexistent. Online resources and access to information were generally available to persons with disabilities, although access to close-captioned or audio-described online videos for deaf and blind persons was limited. Separately, leading deaf advocates lamented difficulty accessing public services due to a lack of government-funded interpreters in public courts, health-care facilities, and legal services, as well as lack of other public accommodations.

The National Commission for Persons with Disabilities (Conapdis), an independent agency affiliated with the Ministry for Participation and Social Development, and the Mission Jose Gregorio Hernandez advocated for the rights of persons with disabilities and provided medical, legal, occupational, and cultural programs. The national director of the mission reported that since the mission's inception in 2009, the program had assisted 336,490 persons with disabilities. He added the program had distributed, without charge, 1,000 prosthetic devices and 22,000 hearing aids. The government developed a series of employment fairs to increase the number of persons with disabilities in formal employment sectors, an initiative to help companies meet the legal requirement for 5 percent of employees to be persons with disabilities. According to Conapdis less than 20 percent of persons with disabilities registered with government health programs were fully employed. The Mission for the Children of Venezuela provided monthly subsidies of Bs 600 (\$95) to heads of households for each child or adult with disabilities they supported.

National/Racial/Ethnic Minorities

The constitution prohibits discrimination based on race. The law prohibits all forms of racial discrimination and provides for up to three years' imprisonment for acts of racial discrimination. By mid-November the government had not formally established the National Institute against Racial Discrimination provided for under the law.

The 2011 national census, which for the first time included questions regarding racial and ethnic self-identification, reported 50 percent of the population self-identified as "brown," 42 percent as "white," 3 percent as "black," 3 percent as "indigenous," and 0.7 percent as Afrodescendent.

Indigenous People

The law prohibits discrimination based on ethnic origin, and senior government officials repeatedly stated support for indigenous rights. The law provides for three seats in the National Assembly for deputies of indigenous origin and for “the protection of indigenous communities and their progressive incorporation into the life of the nation.” A member of the Wayuu indigenous group headed the Ministry for Indigenous Peoples, and the governor of Amazonas state was a member of the indigenous group Baniva.

Many of the country’s approximately 800,000 indigenous persons were isolated from urban areas; lacked access to basic health, housing, and educational facilities; and suffered from high rates of disease. The government included indigenous persons in its literacy campaigns, in some cases teaching them to read and write in their native languages as well as in Spanish.

NGOs and the press reported local political authorities seldom took account of indigenous interests when making decisions affecting indigenous lands, cultures, traditions, or the allocation of natural resources. Indigenous persons called on the government to recognize lands they traditionally inhabited as territories belonging to each respective indigenous group. The National Land Demarcation Commission, charged with implementing a land demarcation agreement reached after a violent 2008 land invasion, continued to provide land titles in several communities, but indigenous groups continued to call for faster implementation of the demarcation process.

Indigenous groups regularly reported violent conflicts with miners and cattle ranchers over land rights. According to local media, approximately 50 armed men assaulted and forcefully removed Yukpa leader Carmen “Anita” Fernandez from her land in the western state of Zulia in July. A week prior, several National Guard troops allegedly killed Fernandez’s son Cristobal. Fernandez had already lost two of her sons in 2012. Some experts noted that more than 974 acres of demarcated indigenous territory were in dispute and were not handed over to indigenous tribes.

In August a court sentenced five persons to seven years in prison for the March 2013 murder of Yukpa leader Sabino Romero in Zulia. Romero was a high-profile advocate for the demarcation of indigenous lands in the Perija Mountain range that borders Colombia. Romero’s relatives also received threats and harassment.

According to indigenous groups, the armed forces reportedly harassed, injured, and killed indigenous persons in multiple isolated incidents, often related to land demarcation disputes.

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

The constitution provides for equality before the law of all persons and prohibits discrimination based on “sex or social condition,” but it does not explicitly prohibit discrimination based on sexual orientation or sexual identity. According to a TSJ ruling, no individual may be discriminated against because of sexual orientation, but the ruling was rarely enforced. The media and leading advocates for the rights of LGBT persons noted victims of hate crimes based on sexual orientation or sexual identity frequently did not report the incidents and were often subjected to threats or extortion if they filed official complaints.

Since the law has no legal definition of a hate crime, LGBT-related violence was not reflected in any official law-enforcement statistics. Rather, most crimes against LGBT persons were classified as “crimes of passion,” not crimes of hate. According to a 2013 study by NGO Citizen Action against AIDS, the national press recorded 99 cases of crimes against the LGBT community (46 killings and 53 assaults) between January 2009 and August 2013. The incidents of violence were most prevalent in the transgender community. Leading advocates noted, however, that the media underreported most cases of LGBT-related crime and that law enforcement did not properly investigate to determine the motives for such crimes. LGBT experts also noted an estimated 6,000 same-gender families, with and without children, lacked legal protection.

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

Psychological, verbal, and physical abuses towards the LGBT community were common practice in schools and universities, according to leading advocates. No laws or policies protect LGBT persons against bullying. As a result, according to NGOs, LGBT students had a higher dropout rate than heterosexual students.

HIV and AIDS Social Stigma

Health experts confirmed HIV/AIDS was on the rise, with 6,300 new cases of HIV/AIDS reported in 2013, according to figures provided by the Ministry of Health, compared with 1,942 and 1,644 new cases in all of 2012 and 2011, respectively. According to government figures, approximately 135,000 citizens had HIV/AIDS. Leading advocates lamented discrimination against persons with HIV/AIDS, although no new studies were available. In August the National Assembly passed a law to protect the equal rights of persons with HIV/AIDS and their families.

HIV/AIDS experts reported shortages of antiretroviral treatments and other basic medicines continued to worsen. In August advocates estimated nearly 15,000 HIV/AIDS patients lacked treatment due to shortages. The government did not release official HIV/AIDS statistics.

Prison rules regarding the classification of inmates resulted in the isolation of those with HIV/AIDS in “inadequate spaces without food and medical attention” (see section 1.c.).

HIV/AIDS experts said the government had not conducted an HIV/AIDS awareness and prevention campaign since 2005.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law prohibits “any act of discrimination or interference contrary to the exercise” of workers’ right to unionize. The law requires that all unions must provide the Ministry of Labor a full membership roster that includes the full name, home address, telephone number, and national identification number for each union member. The ministry reviews the registration and determines whether the

union fulfilled all requirements. Unions must submit their registration by December 31 of the year the union forms; if not received by the ministry or if the ministry considers the registration unsatisfactory, the union will cease to exist. Organized labor activists reported the process was onerous and infringed on freedom of association.

Under the law employers may negotiate a collective contract only with the union that represents the majority of their workers. Minority organizations cannot jointly negotiate in cases where no union represents an absolute majority. The law also places a number of restrictions on unions' ability to administer their activities. For example, the CNE has the authority to administer internal elections of labor unions, federations, and confederations. By law elections must be held at least every three years. If CNE-administered and -certified elections are not held within this period, the law prohibits union leaders from representing workers in negotiations or engaging in anything beyond administrative tasks. The law also requires the presence of labor inspectors to witness and legitimize unions' decisions before the Ministry of Labor. According to the labor group Autonomous Front in Defense of Employment, Wages, and Unions (FADESS), the ministry did not send labor inspectors to opposition-leaning union meetings, thus rendering their decisions moot.

The law recognizes the right of all public and private sector workers to strike, subject to conditions established by law. By law workers participating in legal strikes receive immunity from prosecution, and their time-in-service may not be reduced by the time engaged in a strike. The law requires that striking workers be re-incorporated and provides for prison terms of six to 15 months for employers who fail to do so. Replacement workers are not permitted during legal strikes.

The law prohibits striking workers from paralyzing the production or provision of essential public goods and services, but it defines "essential services" more broadly than international standards. The International Labor Organization (ILO) called on the government to amend the law to exclude from the definition of "essential services" activities "that are not essential in the strict sense of the term ... [and] so that in no event may criminal sanctions be imposed in cases of peaceful strikes."

The minister of labor and social security 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." Other laws establish criminal penalties for the exercise of the right to strike in certain circumstances. For example, the law prohibits and punishes with a five- to 10-year

prison sentence anyone who “organizes, supports, or instigates the realization of activities within security zones that are intended to disturb or affect the organization and functioning of military installations, public services, industries and basic [mining] enterprises, or the social-economic life of the country.” In addition the law provides for prison terms of two to six years and six to 10 years, respectively, for those who restrict the distribution of goods and for “those ... who develop or carry out actions or omissions that impede, either directly or indirectly, the production, manufacture, import, storing, transport, distribution, and commercialization of goods.” Labor activists were charged under these provisions as well as under provisions for “instigation to commit a crime,” “blocking public access,” and restriction of the “right to work.”

The government placed restrictions on the freedom of association and right to collective bargaining through administrative and legal mechanisms. Labor unions in both the private and public sectors noted long delays in obtaining CNE concurrence to hold elections and in receiving certification of the election results, which hindered unions’ ability to bargain collectively because union leaders were not permitted to represent workers in negotiations. The ILO reported it repeatedly found cases of interference in trade union elections by the CNE.

According to PROVEA, “large sectors of national, state, and municipal public administrations and an important number of state enterprises continued to refuse to discuss collective agreements.” According to FADESS, there were more than 300 expired public sector union contracts nationwide. The government had not yet responded to the ILO request for information about reports the majority of collective bargaining agreements in the public sector had expired (some for more than three years) but were being applied without being legally valid, with the right to collective bargaining denied due to invocation by authorities of “overdue elections” (not convoking or concluding the electoral process). For example, the state-run electric company Corpoelec had not taken steps to renew or redraft the collective bargaining agreement that expired in 2011. As of May 1, 82 of the 89 collective bargaining agreements approved were in the private sector. A 2013 Labor Ministry report stated that 91 percent of the 448 collective bargaining agreements made were in the private sector.

The government continued to support many “parallel” unions, which sought to dilute the membership and effectiveness of traditional independent unions. In general these government-supported unions were not subject to the same government scrutiny and requirements regarding leadership elections.

The OVCS reported that during the first six months of the year, there were 647 labor rights-related protests related to increased pay and benefits, the need for collective bargaining agreements, and declining workplace conditions. According to media reports, the government blacklisted and punished union leaders and workers for peaceful protests demanding wage increases and better conditions at work. For instance, a leader of the Electric Workers Single Union of Bolivar State (SUTEEB) reported government officials used media coverage of protests to identify participants in order to fire or harass them into ceasing their demonstrations. Similarly, a leader from the Electric Workers Federation (FETRAELEC) reported government officials telephoned several union members to demand suspension of the protests.

Workers at the state-owned steel plant SIDOR, in Bolivar state, protested delays in the negotiation of a new contract. On July 23, President of the National Assembly Diosdado Cabello went to Bolivar state and during a press conference stated the members of the Iron and Steel Workers Single Union (SUTISS) were mobsters, immoral, and unpatriotic for their public protests. According to FADESS, on July 28, 10,000 workers from SIDOR marched in Puerto Ordaz to demand a new collective workers' contract. According to media sources, on the morning of August 11, GNB officials violently suppressed a workers assembly at SIDOR and arrested 14 persons. Two workers, William Castillo and Johan Perez, were seriously injured by rubber pellets.

On April 23, a Caracas court absolved union leader Ruben Gonzalez of “incitement to commit crimes” for his role in organizing a 2009 strike at Ferrominera Orinoco. The strike was called to protest the company’s alleged failure to pay overdue wages and comply with other elements of the collective agreement. The government conditionally released Gonzalez in 2011, after 17 months in detention at the Caroni municipality police headquarters, following protests by labor activists and students.

The government continued to refuse to adjudicate or otherwise resolve the cases of 19,000 employees of the state oil company Venezuelan Petroleum (PDVSA) who were fired during and after the 2002-03 strike. The Ministry of Labor continued to deny registration to UNAPETROL, a union composed of these workers. In November 2013 UNAPETROL submitted an injunction to the IACHR for the protection of those workers’ rights.

Union leaders were subject to violent attacks. The lack of effective investigations made determining the motive for the killings difficult. According to OVCS and

PROVEA, the government did not investigate most violent crimes between and against union workers, and few were solved. PROVEA reported that less than 5 percent of the cases had been investigated. The ILO requested the government establish a national tripartite committee on situations of violence and provide information on the findings of the investigations carried out by the national prosecutor appointed to investigate all cases of violence against trade union leaders and members.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor but does not provide criminal penalties for certain forms of forced labor. The law prescribes penalties of between 20 and 30 years' imprisonment for most forms of forced labor; these criminal penalties under the Organic Law against Organized Crime applied to the forced labor of women and girls, as well as forced labor of men and boys, when carried out by an organized criminal group of three or more individuals. Criminal penalties for forced labor of men and boys carried out by individuals who are not members of an organized criminal group are not prescribed under the law; however, prosecutors could employ other statutes to prosecute such individuals. The law includes harsher penalties for imposing forced labor on minors. There was no comprehensive information available regarding the government's enforcement of the law.

There were isolated reports of children and adults subjected to forced labor, particularly in the informal economic sector and in domestic servitude (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum employment age at 14 years. Children younger than 14 may work only if the National Institute for Minors or the Ministry of Labor grants special permission. Such permission may not be granted to minors under 14 to work in hazardous occupations that risk their life or health or could damage their intellectual or moral development, but according to the ILO, the government had not listed specific types of work considered hazardous. Children ages 14 to 18 may not work without permission of their legal guardians or in occupations expressly prohibited by the law, and they may work no more than six hours per day

or 30 hours per week. Minors under the age of 18 may not work outside the normal workday.

The law establishes fines on employers between Bs 6,420 (\$1,020) and Bs 12,840 (\$2,038) for each child employed under the age of 12 or for adolescents between 12 and 14 years old employed without proper authorization. Anyone employing children under age eight is subject to a prison term of between one and three years. Employers must notify authorities if they hire a minor as a domestic worker.

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. There was no information available on whether or how many employers were sanctioned for violations. The Ministry of Education, Culture, and Sports had educational programs to reincorporate school dropouts and adults into the educational system. The government also continued to provide services to vulnerable children, including street children, working children, and children at risk of working. There was no independent accounting of the effectiveness of these and other government-supported programs.

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

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

d. Discrimination with Respect to Employment or Occupation

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

e. Acceptable Conditions of Work

Effective December 1, the government raised the monthly minimum wage by 15 percent, in addition to a previous increase of 30 percent in May, which raised the minimum wage to Bs 4,889.11 (\$776). According to the National Institute for Statistics, in September the monthly basic food basket cost Bs 5,741.06 (\$911) using the price index of the subsidized food products the government offered to some sectors of the population, although the NGO Workers' Center for Documentation and Analysis reported that for September a basic food basket cost Bs 14,080.98 (\$2,235), 2.9 times the minimum wage.

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

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

The law covers all workers, including temporary, occasional, and domestic workers. Reportedly the Ministry of Labor effectively enforced minimum wage rates and hours of work provisions in the formal sector, but 40 percent of the population worked in the informal sector, where labor laws and protections generally were not enforced. The government did not enforce legal protections in the public sector. According to PROVEA, while the National Institute for Prevention, Health, and Labor Security required many private businesses to correct dangerous labor conditions, the government did not enforce such standards in a

similar manner in state enterprises and entities. There was no publicly available information regarding the number of inspectors or the frequency of inspections to implement health and safety, minimum wage, or hours of work laws. Ministry inspectors seldom closed unsafe job sites. Employers can be fined between Bs 12,840 (\$2,038) and Bs 38,520 (\$6,114) for failing to pay the minimum wage or providing legally required vacation time. Employers are required to report work-related accidents within 24 hours or face penalties between Bs 8,132 (\$1,291) and Bs 10,700 (\$1,698). There was no information on whether penalties were sufficient to deter violations.

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