

# VENEZUELA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Venezuela is legally a multiparty, constitutional republic, but for more than a decade, political power has been concentrated in a single party with an authoritarian executive exercising significant control over the judicial, citizens' power (which includes the prosecutor general and ombudsman), and electoral branches of government, and standing up a parallel, illegitimate legislative body alongside the existing elected one. On January 10, the term of former president Nicolas Maduro ended. He sought to remain in power based on his claimed "victory" in the 2018 presidential elections widely condemned as neither free nor fair, a claim not accepted by the democratically elected National Assembly (AN). On January 23, Juan Guaido, as president of the National Assembly, assumed the role of interim president pursuant to the provisions of the constitution related to vacancies. Former president Maduro, with the backing of hundreds of Cuban security force members, refused to cede control over the instruments of state power, preventing interim president Guaido from exercising authority within the country. In the 2015 legislative elections, opposition political parties gained supermajority (two-thirds) control of the AN. The former Maduro regime, however, used its control over the Supreme Court (TSJ) to create the illegitimate Constituent National Assembly (ANC) that placed the AN in contempt, usurped its constitutional role to legislate, and weakened the constitution's separation of powers principle.

Civilian authorities' control over the security forces declined and was deeply politicized. The National Guard (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 National Scientific Criminal and Investigative Corps (CICPC), which conducts most criminal investigations, and the Bolivarian National Intelligence Service (SEBIN), which collects intelligence within the country and abroad and is responsible for investigating cases of corruption, subversion, and arms trafficking. Police include municipal, state, and national police forces. Mayors and governors oversee municipal and state police forces. The Venezuelan National Police (PNB) reports to the Ministry of Interior, Justice, and Peace. According to its website, the PNB largely focused on policing Caracas's Libertador municipality; patrolling Caracas-area highways, railways, and

metro system; and protecting diplomatic missions. The PNB maintained a minimal presence in seven of the country's 23 states.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by security forces of the former Maduro regime, including *colectivos* (regime-sponsored armed groups); forced disappearances; torture by security forces; arbitrary detention by security forces; harsh and life-threatening prison conditions; political prisoners; unlawful interference with privacy; and lack of judicial independence. The former Maduro regime restricted free expression and the press by routinely blocking signals and interfering with the operations of, or shutting down, privately owned television, radio, and other media outlets. Libel, incitement, and inaccurate reporting were subject to criminal charges. The former Maduro regime used violence to repress peaceful demonstrations and repressed freedom of assembly. Other issues included: intimidation, harassment, and abuse of AN members, including denial of due process and parliamentary immunity; pervasive corruption and impunity among all Maduro-aligned security forces and in other national and state regime offices, including at the highest levels; trafficking in persons; violence against indigenous persons; and the worst forms of child labor, which the former regime made minimal efforts to eliminate.

There were continued reports of police abuse and involvement in crime, particularly in the activities of illegally armed groups, including illegal and arbitrary detentions, extrajudicial killings, kidnappings, and the excessive use of force, but the former regime at the national, state, and local levels took no effective action to investigate officials who committed human rights abuses, and there was impunity for such abuses. The Office of the Human Rights Ombudsman did not provide information regarding alleged human rights violations committed by police and military personnel. Nongovernmental organizations (NGOs) noted that many victims did not report violent crimes to police or other regime authorities due to fear of retribution or lack of confidence in police. The former Maduro regime backed by Cuban security force members refused to cede power, preventing the interim government from taking action.

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

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

Although the former Maduro regime did not release statistics on extrajudicial killings, NGOs reported national, state, and municipal police entities, as well as the

armed forces and regime-supported colectivos, carried out such killings during the year.

There was also no official information available on the number of public officials prosecuted or sentenced to prison for involvement in extrajudicial killings, which, in the case of killings committed by police, were often classified as “resistance to authority.”

The UN’s Office of the High Commissioner for Human Rights (OHCHR) reported in July that security forces committed 1,569 killings between January and May and an additional 5,287 killings in 2018, many of which “may constitute extrajudicial killings.” The OHCHR called for the dissolution of one of the deadliest regime security units, the Special Actions Force (FAES), a specialized PNB unit created by former president Maduro in 2017 to quash large-scale countrywide protests. Between January and June, FAES committed 70 percent of homicides by Maduro-aligned security forces, according to NGO Monitor of Victims. FAES tactics implemented the former regime’s nationwide anticrime strategy begun in 2015, called the Operation for the Liberation and Protection of the People, which was characterized by large-scale neighborhood raids conducted by hundreds of security agents.

NGO Venezuelan Observatory of Social Conflict reported at least six extrajudicial killings during arrests of protesters in the first six months of the year. Jhonny Godoy was killed on January 25 when approximately 20 armed members of the PNB and FAES raided his home in Caracas to arrest him. Godoy had published a video that went viral on social media in which he denounced Maduro amid the large-scale protests that took place on January 23. According to statements from witnesses, upon entering Godoy’s home, regime security forces threatened and locked his family in a room before beating Godoy. Security agents subsequently brought him outside and shot and killed him. NGOs and human rights groups called Godoy’s death a targeted killing by FAES.

The former Maduro regime reported that 388 members of FAES were under investigation for murder and other crimes committed since 2017. An OHCHR investigation, however, found that investigations were hampered by a refusal to cooperate, tampering with evidence, judicial delays, and harassment of relatives of victims. According to NGOs, prosecutors occasionally brought cases against perpetrators of extrajudicial killings, but prosecutions often resulted in light sentences, and convictions were often overturned on appeal. In many cases the regime appeared to be scapegoating low-level functionaries while allowing the

high-level officials who issued the illegal orders to continue in their positions.

### **b. Disappearance**

An investigation published by the OHCHR in July found that, of 135 persons determined to have been arbitrarily deprived of their liberty since 2014, some cases constituted enforced disappearances. An October 2018 study by NGO Espacio Publico and Andres Bello Catholic University documented 19 alleged cases of disappearances for days or weeks until the former Maduro regime revealed the whereabouts of detainees.

On April 26, SEBIN agents detained AN deputy Gilber Caro. Caro was not brought before a judge within 48 hours of his detention, as required by law, making his arrest an enforced disappearance, according to the United Nations. On May 31, the regime disclosed that Caro was detained at SEBIN headquarters in Caracas, although his lawyers were prevented from seeing him. Caro was released on June 17 without a public explanation of the basis for his detention.

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

Although the constitution and law prohibit such practices, there were credible reports that Maduro-aligned security forces tortured and abused detainees. There were no reports of any regime officials being charged under the law.

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

Press and NGO reports of beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies and the military of the former Maduro regime. Torture and other cruel, inhuman, or degrading treatment or punishment of prisoners were reported during the year. Regime-aligned authorities reportedly subjected detainees to asphyxiation, electric

shock, broken bones, being hung by their limbs, and being forced to spend hours on their knees. Detainees reported regime-aligned security forces moved them from detention centers to houses and other clandestine locations where abuse took place. Cruel treatment frequently involved former regime authorities denying prisoners medical care and holding them for long periods in solitary confinement. The latter practice was most prevalent with political prisoners. NGOs detailed reports from detainees whom regime-aligned authorities allegedly sexually abused.

Foro Penal reported multiple instances of political prisoners denied adequate medical treatment while in regime custody. Foro Penal noted instances in which regime authorities transferred detainees to a medical facility, where instead of receiving treatment, detainees were interrogated by security officials. The executive director of the Casla Institute for the Study of Latin America, Tamara Suju, noted an increase in the use of torture during the year, with 72 new cases of torture and the detention of five relatives of military deserters as of July.

On June 21, the Directorate General of Military Counterintelligence (DGCIM) arrested retired naval captain Rafael Acosta Arevalo for allegedly plotting to overthrow Maduro. The former Maduro regime withheld his whereabouts for a week before bringing Acosta before a military tribunal. At a June 28 hearing, Acosta appeared in a wheelchair, unable to speak or stand, and showed clear signs of having been tortured, according to his lawyer. Authorities transferred Acosta to a military hospital, where he died shortly thereafter. An autopsy showed Acosta suffered multiple broken bones, burns, and other wounds. On September 24, two low-ranking GNB officers were sentenced to imprisonment of six years and eight months for intentional homicide, although the law against torture calls for 15 to 25 years' imprisonment. On October 1, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures of protection to Acosta's family, due to alleged intimidation and harassment by the former Maduro regime.

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

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

Physical Conditions: According to the NGO A Window to Liberty (UVL), the capacity was approximately 19,000 inmates for penitentiaries and 5,000 for police

station jails. Overcrowding was 172 percent for penitentiaries and 415 percent for police station jails on average, although the NGO Venezuelan Observatory for Prisons (OVP) noted that in some jails the overcrowding ranged from 800 to 1,200 percent.

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

The CICPC detention facility, police station jails, and detention centers also were overcrowded, causing many police station offices to be converted into makeshift prison cells. Prisoners reportedly took turns sleeping on floors and in office chairs, and sanitation facilities were inadequate or nonexistent. A 2019 UVL study of 203 facilities holding pretrial detainees revealed 509 percent overcrowding. A 2017 UVL study found that more than 80 percent of facilities provided no medical services, recreational areas, designated visiting areas, or laundry facilities; more than 60 percent did not have potable water; and more than 50 percent did not have regular trash collection or proper restrooms.

The GNB and the Ministry of Interior, Justice, and Peace have responsibility for prisons' exterior and interior security, respectively. The former Maduro regime failed to provide adequate prison security. The OVP estimated a staffing gap of 90 percent for prison security personnel, with only one guard for every 100 inmates, instead of one for every 10 as recommended by international standards. UVL reported 305 prisoner deaths in 2018, of which more than one-half were the result of violence, including riots, fights, and attempted escapes. UVL also reported inmate deaths due to generally unsanitary and unsafe conditions prevalent in prisons, with 38 percent the result of tuberculosis. The OVP reported that due to inadequate nutrition plans and lack of potable water, stomach illnesses were common among inmates.

During the year prison and detention center riots resulted in inmate deaths and injuries. For example, on May 24, a confrontation between prisoners and FAES at a police station in Portuguesa State left 30 prisoners dead and 19 police officers injured. Media reported detainees petitioned for improved conditions and visiting

privileges at the jail, which held more than 500 prisoners in a space designed for 60. Regime-aligned officials described the event as an attempted escape and fight between rival gangs, while NGOs called it a massacre.

A 2016 law limiting cell phone and internet availability inside prisons to prevent inmates from using the technology to engage in criminal activity remained unimplemented.

A UVL study found that nearly one-half the detention centers required family members to provide food, water, and medicine for prisoners due to inadequate provisioning of food by the prison administration, and in 21 percent of the centers, guards charged for family visits.

NGOs reported records for detainees were not properly maintained and often contained incomplete information. The former regime restricted information regarding deaths in prisons from tuberculosis, HIV/AIDS, and other diseases, or from lack of medical care. A study by the NGO Solidarity Action found prison rules resulted in the isolation of those with HIV/AIDS in “inadequate spaces without food and medical attention.” The OVP reported a generalized lack of medical care, drugs, equipment, and physicians for prisoners. Inmates often received the same pills regardless of their symptoms, and pregnant women lacked adequate facilities for their medical attention.

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

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

Independent Monitoring: Human rights observers continued to experience lengthy delays and restrictions in gaining access to prisons and detention centers. More than 300 lay members from the Venezuelan Episcopal Conference of the Roman Catholic Church volunteered in 40 prisons. Although prohibited from formally entering prisons, Catholic laity visited prisoners on family visitation days. In March the International Committee of the Red Cross visited two civilian and

military prisons in Caracas, the organization's first visit since 2012. Between March and September, the OHCHR conducted six visits of detention centers.

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

The constitution prohibits the arrest or detention of an individual without a judicial order and provides for the accused to remain free while being tried, but judges and prosecutors often disregarded these provisions. The law provides for the right of persons to challenge the lawfulness of their arrest or detention in court, but the former Maduro regime generally did not observe this requirement. While NGOs such as Foro Penal, the Committee for the Families of Victims of February-March 1989, the Institute for Press and Society, Espacio Publico, and the Venezuelan Program for Education and Action on Human Rights (PROVEA) noted at least 2,000 open cases of arbitrary detentions, former Maduro regime authorities rarely granted them formal means to present their petitions. Regime authorities arbitrarily detained individuals, including foreign citizens, for extended periods without criminal charges.

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

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

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

these requirements.

Arbitrary Arrest: Foro Penal reported 2,169 cases of arbitrary detention between January 1 and August 31, the majority of whom were detained during protests.

On March 21, SEBIN agents arrested Interim President Juan Guaido's chief of staff, Roberto Marrero; his bodyguard, Luis Alberto Paez; and his driver, Luis Aguilar. Media reported contradictory and conflicting evidence submitted by prosecutors, who charged Marrero with conspiracy, treason, and weapons smuggling. If convicted, Marrero faced up to 30 years in prison. The case remained pending at year's end. Many international entities, including the Lima Group and the EU, condemned Marrero's arbitrary arrest as politically motivated.

Pretrial Detention: Pretrial detention remained an egregious problem. According to UVL, approximately 70 percent of the prison population was in pretrial detention. The NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges.

Despite constitutional protections that provide for timely trials, judges reportedly scheduled initial hearings months after the events that led to the detention. Proceedings were often deferred or suspended when an officer of the court, such as the prosecutor, public defender, or judge, failed to attend. Prisoners reported to NGOs that a lack of transportation and disorganization in the prison system reduced their access to the courts and contributed to trial delays.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detained individuals may challenge the grounds for their detention, but proceedings were often delayed and hearings postponed, stretching trials for years. Courts frequently disregarded defendants' presumption of innocence. Authorities often failed to allow detainees to consult with counsel or access their case records when filing challenges. Some detainees remained on probation or under house arrest indefinitely.

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

The constitution provides for an independent judiciary, but the former Maduro regime judiciary lacked independence and generally judged in favor of the former regime at all levels. There were credible allegations of corruption and political influence throughout the judiciary. According to reports from the International Commission of Jurists, as many as 85 percent of all judges had provisional

appointments and were subject to removal at will by the TSJ Judicial Committee. Provisional and temporary judges, who legally have the same rights and authorities as permanent judges, allegedly were subjected to political influence to make proregime determinations. In January Ediluh Guedez Ochoa, a juvenile court judge in the state of Yaracuy, filed a complaint stating she had been pressured to sentence 11 adolescents for participating in a protest. When she moved to dismiss the charges, the president of the circuit court pressured her to proceed with the sentencing, and she later received death threats. Authorities subsequently removed her from her position.

There was a general lack of transparency and stability in the assignments of district attorneys to cases and a lack of technical criteria for assigning district attorneys to criminal investigations. These deficiencies hindered the possibility of bringing offenders to justice and resulted in a 90 percent rate of impunity for common crimes and a higher percentage of impunity for cases of alleged human rights violations.

### **Trial Procedures**

The law provides for the right to a fair and public trial with oral proceedings for all individuals. By law defendants are considered innocent until proven guilty. The law requires that detainees be informed promptly of the charges against them, but the requirement was often ignored and, even when respected, involved dubious allegations, according to human rights organizations. Defendants have the right to consult with an attorney. According to the Office of the Human Rights Ombudsman, there were approximately 1,300 public defenders, but indigent defendants' right to free counsel was often not respected because of attorney shortages. Free interpretation was often not available to defendants. Some NGOs provided pro bono counsel to defendants.

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

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

could “disturb the normal development of the trial.”

On July 4, the former Maduro regime stated Judge Maria Lourdes Afiuni was to receive a full unconditional release, although her release was pending at year’s end. In 2009 authorities arrested Afiuni on charges of corruption and abuse of authority for her decision to release a businessman who had been held in pretrial detention beyond the maximum time prescribed by law. Following her release to house arrest in 2011, regime-aligned authorities limited her movements and ability to speak to the press. On March 26, a court sentenced Afiuni to another five years in jail, which the UN special rapporteur on independence of judges and lawyers said was “an act of reprisal against her.”

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

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts. In addition, under the Organic Code of Military Justice, an individual may be tried in the military justice system for “insulting, offending, or disparaging the national armed forces or any related entities.” NGOs and the IACHR expressed concern with the former regime’s practice of trying civilians under the military justice system for protests and other actions not under military jurisdiction. According to Foro Penal, since 2014 military courts processed 848 civilians.

### **Political Prisoners and Detainees**

The former Maduro regime used the judiciary to intimidate and prosecute individuals critical of regime policies or actions. Foro Penal reported 399 political prisoners in regime custody as of November 11, up from 286 political prisoners at the end of 2018. The regime routinely held political prisoners in SEBIN installations or the Ramo Verde military prison without an explanation of why they were not being held in civilian detention facilities.

On February 23, the GNB detained Elwin Mendoza, an opposition party activist in

Zulia State, for protesting in favor of the entry of humanitarian aid into the country. According to media reports, the military tribunal handling Mendoza's case refused requests by his family and lawyers for medical examinations due to his deteriorating health. On March 25, Mendoza died of respiratory failure stemming from tuberculosis and pneumonia.

As of December 18, National Assembly (AN) deputy Juan Requesens remained in prison. After two postponements, his trial began on December 12. International observers criticized irregularities in Requesens's trial, including a lack of transparency and due legal process. In August 2018 authorities had arrested Requesens for his alleged involvement in an attempted assassination of Maduro. Videos released shortly after his arrest showed a visibly weak Requesens in unsanitary conditions.

Following two years of house arrest, jailed opposition party leader Leopoldo Lopez escaped during mass demonstrations on April 30 and sought refuge at the Spanish embassy, where he remained. On May 2, the former Maduro regime issued a warrant for his arrest.

### **Politically Motivated Reprisal Against Individuals Located Outside the Country**

There were credible reports that the former Maduro regime attempted to misuse international law enforcement tools for politically motivated purposes as a reprisal against specific individuals located outside the country.

### **Civil Judicial Procedures and Remedies**

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

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

The constitution provides for the inviolability of the home and personal privacy, but the former regime generally did not respect these prohibitions. In many cases, particularly regarding the political opposition, regime-aligned authorities searched homes without judicial or other appropriate authorization, seized property without due process, or interfered in personal communications. FAES and other security

forces regularly conducted indiscriminate household raids. Media reports documented raids by security forces on the homes of at least 10 opposition party politicians during the year.

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

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

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

Freedom of Expression: The law makes insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. In 2017 the illegitimate ANC gave final approval to the Constitutional Law against Hate, for Political Coexistence and Tolerance, which stipulates prison sentences of up to 20 years. While the former regime stated the purpose of the law was to “promote peace and tolerance,” NGOs observed the vaguely written law could be used to silence political parties, activists, and civil society leaders as well as media outlets and journalists. Comments exposing another person to public contempt or hatred are punishable by prison sentences of one to three years and fines. In April Espacio Publico reported 24 persons were arrested in 2018 for online criticism of the regime.

On June 1, members of the DGCIM arrested Karen Palacios Perez, a clarinetist, for “instigating hate.” Palacios posted tweets critical of the regime after losing her position with the National Philharmonic Orchestra for signing a petition in opposition to Maduro. On July 16, Palacios was released from prison, one month after a judge ordered her immediate release.

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

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

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

The former Maduro regime continued legal actions against high-profile independent media outlets *Tal Cual*, *El Nacional*, *El Nuevo Pais*, *La Patilla*, *El Pitazo*, and Globovision. In June the TSJ ordered *La Patilla* to pay 30 billion bolivares (\$1.4 million) to ANC president Cabello for “moral damage and injury” for reprinting an article by the Spanish newspaper *ABC* that indicated Cabello was under investigation in the United States for drug trafficking.

Espacio Publico reported 522 violations of freedom of expression between January and April, a 314 percent increase compared with the same period in 2018 and the second highest figure since the organization began tracking cases in 2002. The most common violations were aggressions against journalists and censorship. The former Maduro regime-owned and -influenced media provided almost continuous proregime programming. In addition, private and public radio and television stations were required to transmit mandatory nationwide broadcasts (*cadenas*) throughout the year, including a daily 15-minute news broadcast that provided reports and summaries of former regime activities. Media reported the GNB regularly barred journalists from accessing the AN to cover the legislative body’s

debates and activities. NGOs noted that state regime-owned internet service provider CANTV also routinely blocked commercial streaming and web searches during Interim President Guaido's speeches and during weekly AN sessions.

The former regime detained 39 journalists in the first three months of the year, up from 22 detentions during all of 2018, according to NGO Institute for Press and Society (IPYS). On March 11, SEBIN agents detained journalist Luis Carlos Diaz and confiscated equipment, following his reporting on nationwide blackouts that struck the country in early March, according to media reports. On his weekly television program, ANC president Cabello accused Diaz of being involved in a conspiracy to sabotage the country's electrical system. After being charged with "instigating crimes," Diaz was released, although he was prohibited from leaving the country or making public statements.

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 leaders of the former Maduro regime 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. The national journalists' union reported 244 attacks on journalists from January to June. Former president Maduro and regime-aligned officials used regime-controlled media outlets to accuse private media owners, directors, and reporters of fomenting antiregime destabilization campaigns and coup attempts. Former Maduro regime officials also harassed foreign journalists working in the country.

Censorship or Content Restrictions: NGOs noted the former Maduro regime's preference for using legal proceedings, financial sanctions, and administrative actions against unfavorable news outlets instead of shutting them down outright. Members of the independent media stated they regularly engaged in self-censorship due to fear of regime reprisals. This resulted in many journalists posting articles to their personal blogs and websites instead of publishing them in traditional media.

The former regime also exercised control over content through licensing and broadcasting requirements. CONATEL acted selectively on applications from private radio and television broadcasters for renewal of their broadcast frequencies.

According to Nelson Belfort, former president of the Venezuelan Radio Chamber, and NGO reports, approximately 80 percent of radio stations were in “illegal” status throughout the country due to CONATEL’s not having renewed licenses for most radio stations since 2007.

According to the local journalists’ union (SNTP), print news outlets closed due to the former Maduro regime’s economic policies, which made it difficult for independent newspapers to access foreign currency, preventing many from purchasing critical supplies and equipment necessary for day-to-day business operations. National and regional newspapers went out of print for lack of supplies, especially newsprint, including national newspaper *El Nacional*, *El Regional* of Zulia, *El Aragueno* of Aragua, *El Luchador* of Bolivar, and *Panorama* of Zulia.

The former Maduro regime controlled a large portion of the country’s businesses and paid for advertising only with regime-owned or regime-friendly media.

Libel/Slander Laws: Regime-aligned officials engaged in reprisals against individuals who publicly expressed criticism of Maduro or regime policy. Maduro did not act on his 2017 announcement that he would use slander law to “defend his honor” in court against opposition leaders’ allegations that he was responsible for protest-related deaths.

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

During the year former President Maduro renewed four times the “state of exception” he first invoked in 2016, citing a continuing economic emergency, and granted himself the power to restrict rights otherwise provided for in the constitution. The 60-day emergency decree, which by law is renewable only once and requires AN endorsement to be effective, allows the president to block any action he deems could “undermine national security” or could “obstruct the continuity of the implementation of economic measures for the urgent reactivation

of the national economy.” The AN continued systematically to refuse to ratify each renewal, and the Supreme Court annulled each refusal, reasoning that the assembly’s “contempt” status made its failure to endorse the renewal “unconstitutional.” According to Human Rights Watch, the “state of exception” negatively affected the rights to freedom of association and expression.

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

## **Internet Freedom**

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

The law puts the burden of filtering prohibited electronic messages on service providers, and it allows CONATEL to order service providers to block access to websites that violate these norms and sanctions service providers with fines for distributing prohibited messages. IPYS reported that in the first six months of the year, private and regime-controlled internet providers following CONATEL orders blocked access to 48 webpages. Seventy percent of the censored domains during this period belonged to social media platforms and news outlets, including NTN24, VIVOplay, *El Pitazo*, VPItv, *El Nacional*, *Aporrea*, and *Noticia al dia*.

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

websites during events of public interest. According to Reporters Without Borders, on January 21, shortly after an attempted uprising by a military unit in Zulia State that was widely covered on social networks and by online media outlets, there were several internet cuts in the region, affecting YouTube and Google Search users in particular, combined with restrictions on access to Twitter and Instagram. Facebook, Instagram, YouTube, and Periscope services were all temporarily blocked, according to NetBlocks.

Regime-aligned intelligence agencies, which lacked independent oversight, conducted surveillance for political purposes. Courts relied on evidence obtained from anonymous *patriotas cooperantes* (cooperating patriots) to harass perceived opponents of the former regime, and senior former Maduro regime-aligned officials used personal information gathered by *patriotas cooperantes* to intimidate regime critics and human rights defenders. Users were arrested and criminally accused for actions such as tweeting information publicly available on webpages.

In February proregime Twitter accounts published a database of opposition sympathizers' personal data, which was the result of a former regime-linked phishing operation.

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

There were no substantiated reports of former Maduro regime restrictions on cultural events, but the former regime imposed restrictions on academic freedom. Aula Abierta (Open Classroom), a local human rights NGO focused on academic freedom, reported the former regime retaliated against opposition-oriented autonomous universities by providing insufficient funding and failing to adjust budgetary allocations to inflation. According to media reports, universities ran deep deficits, receiving less than 10 percent of the funds they budgeted to cover operating costs. In 2017 the National University Council, the government's regulating body for university education, relinquished its functions to the ANC, disregarding the law requiring university autonomy.

The former Maduro regime continued to increase its control over local universities, including the admissions process.

In August the TSJ ordered the Central University of Venezuela to hold university elections in six months. The ruling, which applied to eight other public and private universities as well, stipulates that the elected candidate must win in at least three of the five electoral sectors (teachers, students, graduates, administrative staff, and

laborers) and must receive an absolute majority of votes. Students and university leaders called the ruling an attack on university autonomy, in violation of the constitution, and said it would lead to the installation of regime-aligned sympathizers at the heads of universities.

The former regime continued its practice, announced in 2018, of educational financial incentives for holders of the *carnet de la patria* (homeland card), a regime-issued social benefits card provided primarily to regime supporters (see section 3, Political Parties and Political Participation).

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

### **Freedom of Peaceful Assembly**

The constitution provides for this right, but the former Maduro regime generally repressed or suspended it. The law regulates the right to assembly. Human rights groups continued to criticize the law as enabling the former regime to charge protesters with serious crimes for participating in peaceful demonstrations. Ambiguous language in the law also allowed the former regime to criminalize organizations that were critical of it. Protests and marches require authorization from the former regime in advance and are forbidden within designated “security zones.” Citizens organized sporadic and often spontaneous small-scale protests throughout the year to demand basic goods and services such as water, gasoline, and electricity. The political opposition and civil society organized marches to support Interim President Juan Guaido and demand a transitional government and new presidential elections. The Venezuelan Observatory of Social Conflict documented 10,477 protests in the first six months of the year, more than double the number in the same period of 2018. According to the OHCHR, between January and May, a total of 66 persons died during protests; some of these incidents were marked by an alleged excessive use of force by FAES, the GNB, PNB, and armed colectivos. Security forces detained more than 1,300 persons during protests between January and May, according to Foro Penal.

During a July 2 protest in Tachira State, 16-year-old Rufo Chacon was blinded after police forces fired 52 rubber pellets at his face. According to media reports, a police investigation found that security forces moved to repress the protest without warning when they fired rubber bullets into the crowd. Former Maduro regime attorney general Tarek William Saab announced that authorities charged two police officers with cruel treatment in the case.

## **Freedom of Association**

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

A 2016 presidential decree called on the Foreign Ministry to suspend international funding to NGOs when “it is presumed” that the funding is used with “political purposes or for destabilization.”

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

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

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

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

On February 22, the former regime closed its borders with Aruba, Brazil, and Colombia to prevent the entry of international aid. Media reported the borders with Aruba and Brazil were reopened on May 10 and partially reopened with Colombia one month later.

In July the former Maduro regime announced the deployment of a special migration police unit in Tachira State, on the border with Colombia. Although some NGOs expressed concern the former regime would use the unit to restrict international travel of select individuals, the former regime asserted the force would essentially be customs and border patrol units. The former regime declared the migration police would provide citizen security at migration points and established 72 points of control to monitor the border situation and dispel what it called myths regarding a supposed in-country migration crisis.

Security forces often used excessive force to control residents in states along the

border with Colombia, with particular violence perpetrated by colectivos against Tachira State citizens in late February.

While no official statistics were available, a women's shelter reported recurring problems with gender-based violence and trafficking of refugee women. NGOs reported Venezuelans crossing through informal border crossings controlled by armed groups faced significant protection risks, including gender-based violence. Individuals were often forced to pay a form of taxation at the informal border crossing or be indebted to those controlling them, exposing them to risks of exploitation, harassment, and sexual violence, as well as recruitment into drug trafficking and other armed groups.

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

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

Exile: In contrast with 2018, there were no cases of citizens denied the right to return.

#### **e. Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: With the refugee status determination process centralized at the National Refugee Commission (CONARE) headquarters in Caracas, asylum seekers often waited for years to obtain a final decision. During this period they had to continue renewing their documentation every three months to stay in the country and avoid arrest and

deportation. While traveling to the commission, particularly vulnerable groups, such as women with young children, the elderly, and persons with disabilities, faced increased personal risks, such as arrest and deportation, extortion, exploitation, and sexual abuse by authorities at checkpoints and other locations.

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

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. According to UNHCR, the vast majority of asylum seekers came from Colombia. The majority of such persons remained without any protection. Most of the Colombians had not accessed procedures for refugee status determination due to the inefficiency of the process. UNHCR reported that few persons in need of international protection were legally recognized as refugees.

Access to Basic Services: Colombian asylum seekers without legal residency permits had limited access to the job market, education, and health systems. The lack of documentation created significant difficulties to achieving sufficient protection and long-term integration. Former regime authorities permitted Colombian children to attend school but inconsistently granted them diplomas or certificates of completion without residency documentation, resulting in high dropout rates for Colombian children. In June CONARE announced the creation of a new border migration control card for refugees present in the country, similar to the carnet de la patria.

#### **g. Stateless Persons**

Not applicable.

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

The 1999 constitution, the country's 26th since independence in 1811, provides citizens the ability to change their government through free and fair elections, but regime interference, electoral irregularities, and manipulation of voters and candidates restricted the exercise of this right in the 2018 presidential and municipal elections.

## **Elections and Political Participation**

Recent Elections: In May 2018 the CNE oversaw deeply flawed presidential elections condemned by the political opposition and international observers as fraudulent and constitutionally invalid. In December 2018 the CNE oversaw deeply flawed municipal elections, which featured very low turnout due to voter apathy.

Nicolas Maduro's illegitimate second term as president began on January 10, in what the opposition called a "usurpation of power." On January 23, National Assembly (AN) president Juan Guaido invoked Article 233 of the constitution, which calls on the AN president to assume the role of interim president in the event of presidential vacancy. Opposition parties backed Guaido throughout the year, and in September they endorsed him to remain as AN head in 2020 and as interim president until the former regime's usurpation of power ends.

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

The former Maduro regime regularly targeted the AN and other opposition politicians through violence or threats of violence, arbitrary arrest, politically motivated prosecution, violation of privacy, and restrictions on movement. On October 17, the body of opposition councilman Edmundo Rada was found shot in the neck and partially burned, recalling a similar killing of opposition former Cojedes governor Jhonny Yanez Rangel, whom the CICPC found shot in the face in his burned-out car on September 24. Throughout the year GNB forces denied or limited access by AN members to the federal legislative palace during regularly scheduled parliamentary sessions. As of September the regime-controlled TSJ had removed the parliamentary immunity of 24 deputies, prompting many to go into hiding or exile to avoid arbitrary arrest.

On May 8, SEBIN agents detained AN first vice president Edgar Zambrano, towing the lawmaker's car with him inside to SEBIN headquarters. During his detention Zambrano engaged in a 10-day hunger strike to protest for humane conditions, visitation rights, and the release of four detained staff members. Following months of judicial delays, the former regime released Zambrano on September 18, although his support staff remain imprisoned. Zambrano remained subject to unspecified "precautionary measures," including the requirement that he

appear before a judge every 30 days and not leave the country.

During the year the former Maduro regime expanded the carnet de la patria program, introduced in 2017 as a multipurpose identification card, as a requirement to access former regime-funded social services. Cardholders were reportedly granted financial bonuses and exclusive access to educational scholarships, subsidized food and gasoline, and other government support. According to the former Maduro regime, as of September more than 18.5 million of an estimated 28.5 million residents had registered for the card. To qualify for the card, applicants must provide proof of political affiliation and respond to questions regarding the social service benefits they receive. Opponents of Maduro asserted the card amounted to social control, a tool to leverage access to scarce subsidized consumer products in return for political loyalty.

Participation of Women and Minorities: No law limits participation of women or members of minorities in the political process, and they did participate. The former regime had high-level female politicians and ministers, while the opposition lacked high-level female and minority representation.

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

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

Corruption: According to former Maduro regime attorney general Tarek William Saab, 915 persons had been convicted of corruption-related charges since 2018. The regime, however, did not provide information regarding the alleged cases or persons convicted.

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

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

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

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

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

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

reported the former regime refused to grant them legal registration, preventing NGOs from receiving international funding.

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, or promoting candidates for public office. Although there was no formal application or enforcement of the law, it created a climate of fear among human rights NGOs and a hesitancy to seek international assistance.

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

The United Nations or Other International Bodies: The former Maduro regime was generally hostile toward international human rights bodies and continued to refuse to permit a visit by the IACHR, which last visited the country in 2002. The OHCHR conducted a visit in June to investigate the human rights situation, presided by High Commissioner Michelle Bachelet, who met with members of both the opposition and the former regime. In September the regime and the OHCHR signed a memorandum of understanding that provides for the presence of two UN human rights officers for one year. On September 27, the UN Human Rights Council adopted a resolution to establish immediately a one-year fact-finding mission to investigate “extrajudicial executions, enforced disappearances, arbitrary arrests, torture, and other cruel, inhumane, or degrading treatment committed in Venezuela since 2014.” According to media reports, the regime-aligned envoy to the United Nations in Geneva rejected the resolution and stated the former regime had no intention of cooperating.

Government Human Rights Bodies: Throughout the year the former regime gave its 2016-19 human rights plan minimal attention, with no announcements to renew or update the plan.

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

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

### Women

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

The law criminalizes physical, sexual, and psychological violence in the home or community and at work. The law punishes perpetrators of domestic violence with penalties ranging from six to 27 months in prison. The law requires police to report domestic violence to judicial authorities and obligates hospital personnel to notify authorities when admitting patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence and were not properly trained to handle such cases. The law also establishes women's bureaus at local police headquarters and tribunals specializing in gender-based violence, and two-thirds of states had specialized courts. The Public Ministry's Women's Defense Department employed a team of lawyers, psychiatrists, and other experts who dealt exclusively with cases of femicide, gender-related violence, and other crimes against women.

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

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

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

Discrimination: Women enjoy the same legal status and rights as men under the constitution. Women and men are legally equal in marriage, and the law provides

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

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

## **Children**

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

Child Abuse: According to UNICEF and NGOs working with children and women, child abuse, including incest, occurred but was rarely reported. The former regime made efforts to detain and prosecute some perpetrators of child abuse. Although the judicial system acted to remove children from abusive households, the press reported public facilities for such children were inadequate. According to NGOs, in many cases children were returned to their homes without proper reintegration measures or follow-up.

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

Sexual Exploitation of Children: By law sexual relations with a minor younger than 13, with an "especially vulnerable" person, or with a minor younger than 16 when the perpetrator is a relative or guardian, are punishable with a mandatory sentence of 15 to 20 years' imprisonment. The law prohibits the forced prostitution and corruption of minors. Penalties range from 15 to 20 years' imprisonment in cases of forced labor and some forms of sex trafficking of women and girls. The law requires a demonstration of force, fraud, or coercion to constitute child sex trafficking. The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years' imprisonment.

Displaced Children: Children's rights advocates and media reported an increase in the number of abandoned children living on the street. Children's rights NGO Cecodap estimated that as many as 800,000 minors had been left behind with family members as their parents fled the country's economic crisis, many of whom

also struggled with the country's economic downturn. These children resided in limbo, since their parents who left were unable legally to transfer guardianship to a third party.

State-run facilities, already filled to capacity, were unable to support the influx of children in need. Private institutions denounced the former regime's refusal to provide subsidized food benefits to support their population. NGOs noted young girls made up close to one-half of the children living on the streets. The significant shift posed particular challenges for shelters, which historically managed predominantly male populations. With institutions filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.

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

### **Anti-Semitism**

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

The Confederation of Israelite Associations in Venezuela estimated there were 9,000 Jews in the country. Jewish community leaders expressed concern about anti-Semitic statements made by high-level regime-aligned officials and anti-Semitic pieces in proregime media outlets. They said regime-owned or -associated media and supporters of the former regime promoted Zionist conspiracy theories and denied or trivialized the Holocaust. The community leaders noted many other anti-Semitic incidents occurred during the year.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental

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

The National Commission for Persons with Disabilities, an independent agency affiliated with the Ministry for Participation and Social Development, advocated for the rights of persons with disabilities and provided medical, legal, occupational, and cultural programs. According to the commission, fewer than 20 percent of persons with disabilities who registered with regime health programs were fully employed.

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

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

### **Indigenous People**

The law prohibits discrimination based on ethnic origin. The constitution provides for three seats in the AN for deputies of indigenous origin to “protect indigenous communities and their progressive incorporation into the life of the nation,” but

some indigenous communities have been without representation in the national legislature since the TSJ annulled the 2015 election of Amazonas State's indigenous representatives.

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

Indigenous groups and NGOs expressed concern regarding mining in the expanding "Arco Minero," an area that extends between the states of Bolivar and Amazonas. Indigenous communities reported the former Maduro regime developed and expanded mining zones without consulting those native to the region, resulting in a rise in environmental degradation, water contamination, and malaria. Armed groups, including Colombian guerrillas and former rebels, had a considerable presence in the area, increasing the level of violence and insecurity in the communities. There was also an unprecedented influx of disease, drugs, prostitution, forced labor, and other illegal activities in the mining areas, putting indigenous communities at risk.

Indigenous groups alleged violent encounters with security forces during the year. On February 22-23, seven persons were killed in Bolivar State in a confrontation between members of the Pemon community and soldiers during an attempt to deliver international aid at the border with Brazil. The OHCHR documented excessive use of force, indiscriminate shooting at close range by GNB soldiers, and attacks on a hospital, as well as the detention and mistreatment of 63 persons. Indigenous leaders reported the displacement of more than 1,300 members of the community as a result of this incident.

In December the OHCHR raised concern over continued high levels of violence in Bolivar State, including the presence of irregular armed groups involved in illegal exploitation of natural resources. The OHCHR provided the example of a November 22-23 massacre of eight individuals in the indigenous community of Ikaburu and noted some members of the community had fled, fearing more violence.

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

Border disputes with Colombia affected indigenous groups living in border regions. There were many reported cases in which movements of indigenous groups were restricted, including from border closures in February.

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

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

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

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

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

The law provides for the equal rights of persons with HIV/AIDS and their families. Nevertheless, leading advocates alleged discrimination against such persons. Local NGO Solidarity Action reported five cases during the year of denied employment or forced resignation due to HIV status.

## **Section 7. Worker Rights**

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

The law provides that all private- and public-sector workers (except members of

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

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

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

The law recognizes the right of all public- and private-sector workers to strike, subject to conditions established by law. By law workers participating in legal strikes receive immunity from prosecution, and their time in service may not be reduced by the time engaged in a strike. The law requires that employers

reincorporate striking workers and provides for prison terms sufficient to deter violations for employers who fail to do so. Replacement workers are not permitted during legal strikes. The law prohibits striking workers from paralyzing the production or provision of essential public goods and services, but it defines “essential services” more broadly than ILO standards. The ILO called on the government to amend the law to exclude from the definition of “essential services” activities “that are not essential in the strict sense of the term...so that in no event may criminal sanctions be imposed in cases of peaceful strikes.”

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

The former Maduro regime restricted the freedom of association and the right to collective bargaining through administrative and legal mechanisms. The former regime did not effectively enforce the law.

The ILO raised concerns about violence against trade union members and intimidation by the former regime of the Associations of Commerce and Production of Venezuela. In 2018 ILO member countries voted to establish an ILO Commission of Inquiry against Venezuela to investigate longstanding complaints first lodged in 2015 of labor rights violations of ILO Conventions No. 26, 87, and 144, which pertain to minimum-wage fixing, freedom of association and protection of the right to organize, and tripartite consultation, respectively. In October the commission issued its report to the director general, noting that the former regime had repeatedly committed violations of international conventions on minimum wage, freedom of association and the right to organize, and labor standards. It also called for “the immediate release of any employer or trade unionist who may be in prison as a result of carrying out the legitimate activities of

their workers' or employers' organization.”

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

The former Maduro regime continued to support many “parallel” unions, which sought to dilute the membership and effectiveness of traditional independent unions. The former regime excluded from consideration other, independent union federations, including the Confederation of Venezuelan Workers, General Confederation of Venezuelan Workers, Confederation of Autonomous Unions of Venezuela, and National Union of Workers.

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

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

NGOs reported the former regime continued harassment of unions by prosecuting union members in military courts. Ruben Gonzalez, secretary general of miners' union Sintraferrominera, was arrested in November 2018 after participating in a protest for collective bargaining rights and salary increases. In August a military tribunal sentenced Gonzalez to five years and nine months in prison for “outrage” to the armed forces and the GNB. Union leaders described Gonzalez's arrest as part of the former regime's efforts to eliminate the union and install a more pliant,

parallel union while a new collective agreement is negotiated.

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

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

There were reports of children and adults subjected to human trafficking with the purpose of forced labor, particularly in the informal economic sector and in domestic servitude (see section 7.c.). According to FADESS, more than 60,000 Cubans worked in the former Maduro regime social programs (such as the Mission Inside the Barrio) in exchange for the regime's provision of oil resources to the Cuban government. FADESS noted Cubans worked in the Ministries of Education, Registrar, Notary, Telecommunications, and Security. FADESS also cited that the G-2 Cuban security unit was present in the armed forces and in state enterprises. Some Cuban medical personnel who participated in the social program Mission Inside the Barrio described indicators of forced labor, including underpayment of wages, mandatory long hours, limitations on movement, forced political indoctrination, and threats of retaliatory actions against workers and their families if they left the program. The Cuban government acknowledged that it withheld the passports of Cuban medical personnel in the country.

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

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

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

Anyone employing children younger than eight is subject to a prison term that is sufficient to deter violations. Employers must notify authorities if they hire a minor as a domestic worker. The former regime did not effectively enforce the law.

No information was available on whether or how many employers were sanctioned for violations. The former regime 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 former regime-supported programs.

Most child laborers worked in the agricultural sector, street vending, domestic service, or in small and medium-size businesses, most frequently in family-run operations. There continued to be isolated reports of children exploited in domestic servitude, mining, forced begging, and commercial sexual exploitation (see section 6), many of whom could be victims of trafficking. A study by Cecodap found that child laborers composed up to 45 percent of those working in mines.

Some doctors participating in Cuba's overseas medical program showed indicators of forced labor. These indicators included withholding of doctors' travel documents and pay; restricting participants' movement; using "minders" to conduct surveillance of participants outside of work; threatening to revoke medical licenses; and retaliating against family members by imposing criminal penalties, exile, and family separation if participants left the program or did not return to

Cuba as directed by government supervisors. Authorities did not investigate allegations of forced labor in the program. Additionally, doctors who deserted the program reported Cuban “minders” coerced them to indoctrinate the population into supporting the former Maduro regime and falsify records to bolster the number of individuals assisted.

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

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

NGOs reported public employees faced discrimination for their political beliefs or activities. According to Aula Abierta, 4,876 public servants were dismissed from their jobs for political reasons in 2018. In April SEBIN detained two employees of the Central Bank of Venezuela for participating in a meeting of public workers with Interim President Guaido, according to PROVEA.

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

The former Maduro regime raised the national minimum wage, but it remained below the poverty line. Labor experts noted the unilateral nature of the decision contravened ILO Convention No. 26 requiring the government to consult with employers and workers prior to enacting wage increases. Legislators noted the decree violated the law, since it supplanted collective bargaining agreements. Union leaders from the petroleum, health, telecommunications, and electricity sectors highlighted that the wage-raise decree did not include wage adjustments to keep up with hyperinflation and thus remained insufficient to afford the basic food basket. It also violated the law by nullifying previously signed collective bargaining agreements, including wage tables that scaled salaries to account for seniority and merit pay.

The trade union of the industrial sector (CONINDUSTRIA) stated that only 2,500

of the 15,000 industries existing in 2000 remained as of June.

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

The law provides for secure, hygienic, and adequate working conditions. Workplaces must maintain “protection for the health and life of the workers against all dangerous working conditions.” The law obligates employers to pay workers specified amounts for workplace injuries or occupational illnesses, ranging from two times the daily salary for missed workdays to several years’ salary for permanent injuries. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. Penalties for violations of wage and hour and occupational safety and health laws were not sufficient to deter violations.

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

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