

# VENEZUELA 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Venezuela is formally a multiparty, constitutional republic, but for more than a decade, political power has been concentrated in a single party with an increasingly authoritarian executive exercising significant control over the legislative, judicial, citizens', and electoral branches of government. The Supreme Court determined Nicolas Maduro to have won the 2013 presidential elections amid allegations of pre- and postelection fraud, including government interference, the use of state resources by the ruling party, and voter manipulation. The opposition gained super majority two-thirds control of the National Assembly in the 2015 legislative elections. The executive branch, however, used its control over the Supreme Court (TSJ) to weaken the National Assembly's constitutional role to legislate, ignore the separation of powers, and enable the president to govern through a series of emergency decrees.

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

Democratic governance and human rights deteriorated dramatically during the year as the result of a campaign of the Maduro administration to consolidate its power. On March 30, the TSJ annulled the National Assembly's constitutional functions, threatened to abolish parliamentary immunity, and assumed significant control over social, economic, legal, civil, and military policies. The TSJ's actions triggered large-scale street protests through the spring and summer in which approximately 125 persons died. Security forces and armed progovernment paramilitary groups known as "colectivos" at times used excessive force against protesters. Credible nongovernmental organizations (NGOs) reported indiscriminate household raids, arbitrary arrests, and the use of torture to deter protesters. The government arrested thousands of individuals, tried hundreds of civilians in military tribunals, and sentenced approximately 12 opposition mayors to 15-month prison terms for alleged failure to control protests in their jurisdictions.

On May 1, President Maduro announced plans to rewrite the 1999 constitution, and on July 30, the government held fraudulent elections, boycotted by the opposition, to select representatives to a National Constituent Assembly (ANC). On August 4, the ANC adopted a "coexistence decree" that effectively neutralized other branches of government. Throughout the year the government arbitrarily stripped the civil

rights of opposition leaders to not allow them to run for public office. On October 15, the government held gubernatorial elections overdue since December 2016. The ruling United Socialist Party (PSUV) maintained it won 17 of the 23 governors' seats, although the election was fraught with deficiencies, including a lack of independent, credible international observers, last-minute changes to polling station locations with limited public notice, manipulation of ballot layouts, limited voting locations in opposition neighborhoods, and a lack of technical audit for the National Electoral Council's (CNE) tabulation. The regime then called for mayoral elections on December 10, with numerous irregularities favoring government candidates.

The most significant human rights issues included extrajudicial killings by security forces, including government sponsored "colectivos"; torture by security forces; harsh and life-threatening prison conditions; widespread arbitrary detentions; and political prisoners. The government unlawfully interfered with privacy rights, used military courts to try civilians, and ignored judicial orders to release prisoners. The government routinely blocked signals, interfered with the operations, or shut down privately owned television, radio, and other media outlets. The law criminalized criticism of the government, and the government threatened violence and detained journalists critical of the government, used violence to repress peaceful demonstrations, and placed legal restrictions on the ability of NGOs to receive foreign funding. Other issues included interference with freedom of movement; establishment of illegitimate institutions to replace democratically elected representatives; pervasive corruption and impunity among all security forces and in other national and state government offices, including at the highest levels; violence against women, including lethal violence; trafficking in persons; and the worst forms of child labor, which the government made minimal efforts to eliminate.

The government took no effective action to combat impunity that pervaded all levels of the civilian bureaucracy and the security forces.

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

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

Although the government did not release statistics on extrajudicial killings, NGOs reported that national, state, and municipal police entities, as well as the armed forces and government-supported "colectivos," carried out such killings during the

year.

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

The National Police Scientific, Penal, and Criminal Investigative Corps (CICPC) reportedly committed 30 percent of extrajudicial killings, with others committed by regional and municipal police. According to NGOs, prosecutors occasionally brought cases against such perpetrators, but prosecutions often resulted in light sentences, and convictions were often overturned on appeal. Before her August 5 dismissal, then attorney general Luisa Ortega Diaz denounced the government’s failure to pursue officers suspected of committing human rights abuses. Ortega and her husband fled the country on August 17.

Government and NGO sources estimated at least 125 persons were killed in antiregime protests from April 1 to July 31. The Public Ministry reported 65 percent were victims of government repression. The NGO Foro Penal put the number at 75 percent, with “colectivos” responsible for half the deaths and the remainder divided between the Venezuelan National Police (PNB) and National Guard (GNB) forces. The Venezuelan Program for Human Rights Action and Education (PROVEA) estimated that 83 percent of regime victims died from gunshot wounds. On numerous occasions, security forces also used nonlethal ammunition at close range, severely injuring and in some cases killing protesters.

According to a Public Ministry investigation, in April a GNB officer shot and killed Juan Pablo Pernalet with a tear gas canister fired at point-blank range. Government and security officials rejected then attorney general Luisa Ortega’s findings and refused to apprehend potential suspects. On September 7, the newly appointed attorney general, Tarek William Saab, stated that this and other cases implicating government forces would be reopened. Saab’s appointment and subsequent decision to reopen investigations conducted during his predecessor’s tenure were widely criticized by local and international NGOs.

Protesters were also responsible for some deaths that occurred during and on the

margins of demonstrations. On April 19, a protester in an apartment building threw a frozen water bottle at security forces but missed and killed a passerby.

The government continued its nationwide anticrime strategy begun in 2015, the Operation for the Liberation and Protection of the People (OLP), which was characterized by large-scale raids conducted by hundreds of government security agents in neighborhoods allegedly harboring criminals. NGOs documented a number of operations that were carried out without court orders. OLP operations often resulted in civilian deaths; NGOs reported that at least 560 persons were killed as a result of OLP exercises between July 2015 and June, with illegal raids and violent attacks on homes becoming more widespread and far reaching. The Public Ministry reported that security forces killed 241 citizens during OLP exercises in 2016. The victims were largely considered to have been “resisting authority,” and only 17 security officials were formally charged for their involvement. The Public Ministry reported that authorities detained 2,310 persons during OLP operations between July and February 2016. Based on victim testimony, NGOs reported OLP operations were characterized by grave human rights violations, including extrajudicial killings, arbitrary detention, torture, blackmail, and destruction of personal property.

The Public Ministry continued to investigate the killings of 331 individuals during the 1989 “Caracazo.” In October 2016 the TSJ ruled that the 1988 El Amparo massacre case, in which government security forces allegedly killed 14 persons, would be reopened and tried before a military tribunal. NGOs appealed to the TSJ to hear the case in civilian court, but the TSJ denied their appeal, and the case remained open in military court.

### **b. Disappearance**

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

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

Although the constitution prohibits such practices, there were credible reports security forces tortured and abused detainees.

There were no reports of any government officials being charged under the law that states an agent or public official who inflicts pain or suffering--whether physical or mental--on another individual to obtain information or a confession or

seeks to punish an individual for an act the individual has committed, may be imprisoned for a maximum of 25 years, dismissed from office, and barred from holding public office for a maximum of 25 years. Prison and detention center officials who commit torture may face a maximum of five years in prison and a maximum fine of 90.6 million bolivars (\$34,300 at the Dicom exchange rate). The law also includes mechanisms for reparations to victims and their families and creates a special National Commission for Torture Prevention composed of several government ministries.

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

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

On July 27, GNB officers arrested protester and musician Wuilly Moises Arteaga during antiregime protests in Caracas. GNB officers repeatedly beat Arteaga, a frequent target for playing the violin, on the head with their helmets, causing him to lose hearing in one ear. They also burned his hair with lighters. An 18-year-old viola player, Armando Canizales, a graduate of the Simon Bolivar Musical Foundation, was shot in the neck at a May 3 protest and died from the wound.

NGOs detailed reports from detainees whom authorities allegedly sexually abused, threatened with death, and forced to spend hours on their knees in detention centers. Foro Penal reported multiple instances of political prisoners denied adequate medical treatment while in government custody. Foro Penal noted instances where authorities transferred detainees to a medical facility, where instead of receiving treatment, detainees were interrogated by security officials.

On November 4, Bolivarian National Intelligence Service (SEBIN) officials released jailed opposition leader Yon Goicoechea 11 months after a judge ordered his release in October 2016 due to insufficient evidence. In April Goicoechea reported being tortured while in SEBIN custody. Goicoechea said he was held in solitary confinement without a toilet or proper ventilation and that the cell was covered in maggots and excrement from previous prisoners. He also reported officials used electric shock and other forms of torture against him.

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

Most prison conditions were harsh and life threatening. Armed gangs effectively controlled some prisons in which they were incarcerated. Conditions were most acute in pretrial detention facilities such as police station jails.

Physical Conditions: The government had not updated prison statistics since 2015, and NGOs reported records for detainees were not properly maintained and often contained incomplete information. The Ministry of Penitentiary Services reported there were 50,791 inmates in the country's 59 prisons and penitentiaries and an estimated 33,000 inmates in police station jails. According to the NGO Venezuelan Observatory for Prisons (OVP), the capacity was 22,459 inmates for penitentiaries and 5,000 for police station jails. Overcrowding was 154 percent for penitentiaries and 415 percent for police station jails on average, although the OVP noted that in some jails the overcrowding ranged from 800 to 1,200 percent.

There were two women's prisons, one in Miranda State, with a 150-detainee capacity, and the other in Zulia State, designed for 450. The law stipulates women in mixed prisons must be held in annexes or separate women's blocks. A local NGO reported that in practice male and female prisoners intermingled. Security forces and law enforcement authorities often held minors together with adults, even though separate facilities existed. Because institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers, where they were reportedly crowded into small, unsanitary cells.

The CICPC and police station jails and detention centers also 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 study by the NGO A Window to Liberty (UWL) of 89 facilities housing pretrial detainees revealed 432 percent overcrowding. According to the study, more than 80 percent of facilities

provided no medical services, recreational areas, designated visiting areas, or laundry facilities. More than 60 percent did not have potable water, and more than 50 percent did not have regular trash collection or proper restrooms.

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

During the year prison riots resulted in inmate deaths and injuries. On April 25, at least 14 persons were killed and 15 injured during a riot in Jose Antonio Prison, better known as Puente Ayala, in Anzoategui State. NGOs attributed the prisoner-on-prisoner clash to a gang turf war. There were credible reports that high-ranking government officials may have had a hand in directing the violence.

A 2016 law limiting cellphone and internet availability inside prisons to prevent inmates from using the technology to engage in criminal activity remained unimplemented. A high-level government official admitted communicating with inmates immediately before and during the Puente Ayala riot.

The UVL reported that authorities required family members to provide food for prisoners at police station jails throughout the country due to inadequate provisioning of food by the prison administration. At least eight prisoners died during the year from complications associated with malnutrition. The OVP reported that due to inadequate nutrition plans and lack of potable water, stomach illnesses were common among inmates.

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

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

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

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

Independent Monitoring: Human rights observers continued to experience lengthy delays and restrictions in accessing prisons and detention centers. Authorities have rejected requests by the International Committee of the Red Cross (ICRC) to visit penitentiary centers and interview inmates in confidentiality since 2013. More than 300 lay members from the Venezuelan Episcopal Conference of the Roman Catholic Church volunteered in 40 prisons. Although prohibited from formally entering prisons, Catholic laity visited prisoners on family visitation days.

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

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

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

The GNB--a branch of the military that reports to both the Ministry of Defense and the Ministry of Interior, Justice, and Peace--is responsible for maintaining public



order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior, Justice, and Peace controls the CICPC, which conducts most criminal investigations, and SEBIN, which collects intelligence within the country and abroad, and is responsible for investigating cases of corruption, subversion, and arms trafficking. SEBIN maintained its own detention facilities separate from those of the Ministry of Penitentiary Services. Police include municipal, state, and national police forces. Mayors and governors oversee municipal and state police forces. The PNB reports to the Ministry of Interior, Justice, and Peace. According to its website, the PNB largely focused on policing Caracas's Libertador municipality; patrolling Caracas-area highways, railways, and metro system; and protecting diplomatic missions. The PNB maintained a minimal presence in seven of the country's 23 states. The PNB, in coordination with the GNB, took a leading role in repressing antigovernment protests between April 1 and July 31.

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

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

According to the Public Ministry's 2016 annual report, the Office of Fundamental Rights cited 13,343 specific actions taken to "process claims" against police authorities for human rights abuses and charged 320 with violations. The Office of the Human Rights Ombudsman did not provide information regarding alleged human rights violations committed by police and military personnel, nor did the Attorney General's Office release data.

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

During the year the government at both the local and national levels took few actions to sanction officers involved in abuses. According to the NGO Network of Support for Justice and Peace, the lack of sufficient prosecutors made it difficult to prosecute police and military officials allegedly involved in human rights abuses. In addition, NGOs reported the following problems contributed to an ineffective judicial system: long procedural delays, poor court administration and organization, lack of transparency in investigations, and impunity of government officials. On June 15, Human Rights Watch reported that then attorney general Luisa Ortega Diaz had opened investigations in more than 600 cases of injury caused during the protests that began in April. In at least 10 cases, her office charged security forces with unlawful killings of demonstrators or bystanders. After her removal, her successor did not pursue the cases.

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

Societal violence was high and continued to increase. In the absence of official data, media outlets compiled violent death statistics using information from hospitals and morgues. According to media reports, there were at least 5,486 homicides in the first quarter of the year. The NGO Venezuelan Observatory of Violence (OVV) reported approximately 28,479 homicides, a rate of 91.8 per 100,000 residents in 2016, while the Public Ministry cited 21,752 violent deaths. NGOs and police noted that many victims did not report kidnappings to police or other authorities due to fear of retribution or lack of confidence in the police and that the actual occurrence was likely far higher.

### **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 caught 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 detainees be informed promptly of the charges

against them. Authorities routinely ignored these requirements.

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

Arbitrary Arrest: Foro Penal reported 5,462 protest-related cases of arbitrary detention between April 1 and December 31.

Several cases remained pending related to a series of arbitrary detentions the government carried out against opposition activists in the weeks before a planned opposition rally in September 2016. On May 24, authorities released independent journalist Braulio Jatar to house arrest after he had served eight months in SEBIN custody for reporting on an impromptu protest against President Maduro; a date for his next hearing had not been set by year's end.

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

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

According to the Public Ministry's 2015 annual report, the ministry pressed charges in 9.7 percent of the 556,000 cases involving common crimes. The

ministry reported the closure of the remainder of the complaints but did not indicate final outcomes. Prisoners reported to NGOs that a lack of transportation and disorganization in the prison system reduced their access to the courts and contributed to trial delays.

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

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

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

#### **Trial Procedures**

The law provides for the right to a fair and public trial with oral proceedings for all individuals. 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 sources. Defendants have the right to consult with an attorney. According to the Office of the Human Rights Ombudsman, there were approximately 1,500 public defenders, but indigent

defendants' right to free counsel was often not respected because of attorney shortages. Free interpretation was often not available to defendants. COFAVIC and Foro Penal noted that, in trials related to the 2014 student protests, the government pressured defendants into using public defenders instead of private defense attorneys with the promise of receiving more-favorable sentences. Several NGOs provided pro bono counsel to defendants.

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

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

At the April 7 hearing of Judge Maria Lourdes Afiuni, the five remaining witnesses refused to appear for the prosecution. Afiuni was accused of corruption and abuse of authority for her 2009 decision to conditionally release a businessman who had been held in pretrial detention beyond the maximum time prescribed by law. Afiuni continued to be subject to protective measures in place since her release to house arrest in 2011 that mandate she may not leave the country, talk to the media, or use social media, although the law states that such measures may not last more than two years.

The law mandates that municipal courts handle "less serious" crimes, i.e., those carrying maximum penalties of imprisonment for 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 expressed concern with the government’s practice of trying civilians under the military justice system for protests and other actions not under military jurisdiction. During nationwide spring and summer protests, NGOs estimated at least 500 civilians were tried before military tribunals.

### **Political Prisoners and Detainees**

The government used the judiciary to intimidate and selectively prosecute individuals critical of government policies or actions. The regime reportedly continued the policy it began in 2012 of denying the International Committee of the Red Cross access to Venezuelan prisons. The number of political prisoners skyrocketed compared with 2016. Foro Penal reported 213 political prisoners were incarcerated as of December 31, down from 676 prisoners in late summer but well above the number at the beginning of the year. Many of those were detained for participating in protests, with the government deliberately engaging in a campaign to “catch and release” individuals. In some cases, political prisoners were held in SEBIN installations or the Ramo Verde military prison without an explanation of why they were not being held in traditional facilities. On December 24, the government said it would release 80 political prisoners as a “good will” gesture, releasing 44 individuals as of December 26, although many of those released were still under house arrest.

On June 22, SEBIN arrested opposition coalition leader Roberto Picon. Media reports and NGO contacts claimed SEBIN operated without an arrest warrant. At a military hearing on charges of rebellion and theft of items belonging to the military, NGO sources claimed the prosecution entered evidence that included a paperweight and a reference to the Inter-American Democratic Charter. Picon remained in custody at year’s end.

On July 8, the Attorney General’s Office called for the immediate release of former San Cristobal mayor Daniel Ceballos, but the government failed to comply. On October 20, his lawyer reported that Ceballos had been held in solitary confinement for 14 days.

On August 1, SEBIN detained former metropolitan Caracas mayor Antonio Ledezma in his home, where he was under house arrest, and returned him to Ramo Verde military prison. Ledezma’s return to prison occurred after he released a video calling on citizens to support antiregime protests. On August 4, SEBIN officials returned Ledezma to house arrest. On November 17, Ledezma escaped

from house arrest and fled to Spain.

On August 1, SEBIN returned opposition party leader and former Caracas Chacao municipality mayor Leopoldo Lopez to prison for allegedly violating his house arrest conditions by posting a video in support of antigovernment protests. The TSJ had released him on July 8 to house arrest, allegedly due to health concerns. On August 5, SEBIN officials returned Lopez to house arrest, and the TSJ ordered him to cease outside communications.

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

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

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

The constitution provides for the inviolability of the home and personal privacy, but the government generally did not respect these prohibitions. In some cases, government authorities searched homes without judicial or other appropriate authorization, seized property without due process, or interfered in personal communications. From April to October, government-sponsored raids on private property increasingly targeted opposition-controlled areas.

On May 22, more than 100 security officers invaded an apartment complex in Miranda State, allegedly in search of terrorists. Residents reported that masked officers using tear gas, rubber bullets, and other weapons destroyed the building's security cameras and went door to door, threatening to kill anyone who did not grant them access. The officers interrogated residents about protest activity, stole valuables, damaged vehicles, and physically assaulted several residents.

The 60-day "states of exception" first declared by President Maduro in 2015 continued in 23 municipalities bordering Colombia in Zulia, Tachira, Apure, and Amazonas States, thereby suspending the constitutional requirement for authorities to obtain a court order prior to entering a private residence or violating the secrecy of a person's private communications, among other constitutional rights.

### **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 the media, and executive influence on the judiciary resulted in significant repression of these freedoms. National and international groups, such as the Inter-American Commission on Human Rights (IACHR), the UN Human Rights Committee, Human Rights Watch, Freedom House, the Inter-American Press Association, Reporters without Borders, and the Committee to Protect Journalists, condemned government efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

Freedom of Expression: The law makes insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. Comments exposing another person to public contempt or hatred are punishable by prison sentences of one to three years and fines. PSUV officials threatened violence against opposition figures and supporters, in particular during the four months of antiregime protests that began on April 1. On October 2, SEBIN arrested Lenny Josefina Martinez Gonzalez, a worker at Pastor Oropeza hospital in the city of Barquisimeto in Lara State, who, according to the local human rights group Funpaz, photographed women giving birth while in the hospital waiting room. The photographs--indications of the medical crisis--were widely viewed on social media. As of year's end, authorities had not charged her with crimes.

Press and Media Freedom: The law provides that inaccurate reporting that disturbs the public peace is punishable by prison terms of two to five years. The requirement that the media disseminate only "true" information was undefined and open to politically motivated interpretation. An August report issued by the Office of the UN High Commissioner for Human Rights (OHCHR) highlighted that the National Telecommunications Commission (CONATEL) shut down 24 radio stations and ordered internet service providers to block certain digital outlets during the April-July protests.

The law prohibits all media from disseminating messages that incite or promote hate or intolerance for religious, political, gender-related, racial, or xenophobic reasons; incite, promote, or condone criminal acts; constitute war propaganda; foment anxiety in the population or affect public order; do not recognize legitimate government authorities; incite homicide; or incite or promote disobedience to the



established legal order. Penalties range from fines to the revocation of licenses. The threat of nonrenewal of operating licenses systematically led to self-censorship on the part of several media outlets.

Despite such laws, President Maduro and the ruling PSUV used the nearly 600 government-owned or controlled media outlets to insult and intimidate the political opposition throughout the year. Maduro regularly referred to Miranda state governor Henrique Capriles as insane on live television, while PSUV first vice president and ANC member Diosdado Cabello continued to use his weekly television program to bully journalists and media outlets.

The law declares telecommunications a “public interest service,” thereby giving the government greater authority to regulate the content and structure of the radio, television, and audiovisual production sectors. The law provides that the government may suspend or revoke licenses when it judges such actions necessary in the interests of the nation, public order, or security. The law empowers the government to impose heavy fines and cancel broadcasts for violations of its norms; CONATEL oversees the law’s application. Minister of Communications and Information Ernesto Villegas highlighted this power during an August 30 interview, declaring that “operating licenses are not a right” and that the government may elect to deny them without providing justification.

The government continued legal actions against high-profile independent media outlets *Tal Cual*, *El Nacional*, *El Nuevo Pais*, *La Patilla*, and Globovision. A court found the online newsource *La Patilla* responsible for moral damage and ordered it to pay the equivalent of \$500,000 in bolivars to Diosdado Cabello. The remaining outlets were awaiting trial at the end of the year.

The government’s economic policies made it difficult for newspapers to access foreign currency, preventing many newspapers from purchasing critical supplies and equipment necessary for day-to-day business operations. *Ultima Hora*, a regional news outlet, and *Tal Cual*, a national newspaper, stopped printing in August and November, respectively, the latest nongovernment-owned media outlets to cease production due to lack of access to dollars to purchase newsprint from the government. Other sources, such as regional newspaper *La Prensa*, opted to print fewer pages or to print weekly rather than daily publications. The National Press Workers Union (SNTP) estimated that, of 115 print news outlets that operated in the country in 2013, 93 remained in operation.

The NGO Public Space reported 887 cases of violations of freedom of expression

between January and September--a nearly three-fold increase over 2016. The most common violations were aggressions against journalists and censorship. State-owned and state-influenced media provided almost continuous progovernment programming. In addition, private and public radio and television stations were required to transmit mandatory nationwide broadcasts (“cadenas”) throughout the year, including a daily 15-minute news broadcast that provided reports and summaries of government achievements. According to the online tracking program Citizens Monitoring, run by the civil society network Legislative Monitor, between January and October the government implemented more than 160 hours of national cadenas featuring President Maduro, interrupting regular broadcasts. Both Maduro and other ruling-party officials utilized mandatory broadcast time to campaign for progovernment candidates. Opposition candidates generally did not have access to media broadcast time.

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

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

The Venezuelan Institute of Press and Society (IPYS) reported 539 violations and assaults on media offices, press equipment and tools, journalists, and media employees from January to August. The report also stated that IPYS recorded at least 280 cases of journalists affected by state-sponsored violence from January to August. On February 25, the Public Ministry charged Santiago Guevara, a University of Carabobo professor, with “betrayal of the homeland” after he published a series of editorials on the nation’s economic crisis.

According to IPYS, during the four months of antiregime protests, journalists reported 108 assaults against journalists by security forces, 40 injuries due to tear gas canisters, and 11 gunshot injuries. The August OHCHR report on the protests noted that authorities arrested an estimated 60 journalists, deleting their video footage before releasing them within a few hours, and conducted a smear campaign

against journalists, including death threats, that caused a number of them to leave the country.

Government officials also harassed foreign journalists working in the country. On March 31, GNB officers attacked Elyangelica Gonzalez, a reporter for Univision Noticias and the Colombian-based station Caracol Radio, while she reported outside the Supreme Court.

Censorship or Content Restrictions: In its 2016 report, IPYS noted the government's preference for using legal proceedings, financial sanctions, and administrative actions against unfavorable news outlets instead of shutting them down outright. Members of the independent media stated they regularly engaged in self-censorship due to fear of government reprisals. This resulted in many journalists posting articles to their personal blogs and websites instead of publishing them in traditional media. The NGO Public Space reported 50 cases involving censorship as of September.

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

On February 17, CONATEL banned the international news network CNN En Espanol, labeling its coverage "war propaganda" after the station broadcast a story about Venezuelan visa fraud allegations. On August 23, CONATEL forced two Colombian television stations, Caracol TV and RCN, off the air after they reported on former attorney general Luisa Ortega Diaz's corruption allegations against President Maduro. On August 25, CONATEL shut the nationally broadcast radio stations 92.9 Tu FM and Magica 99.1 FM, immediately replacing them with progovernment outlets. According to SNTP statistics, using this method CONATEL closed 49 radio stations and six television stations through August.

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

Libel/Slander Laws: Government officials engaged in reprisals against individuals who publicly expressed criticism of the president or government policy. In June

President Maduro announced he would use slander laws to “defend his honor” in court against opposition leaders’ allegations he was responsible for protest-related deaths. As of December Maduro had not acted on these threats.

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

During the year President Maduro renewed 11 times the “state of exception” he first invoked in January 2016, citing a continuing economic emergency, and granted himself the power to restrict rights otherwise guaranteed in the constitution. The 60-day emergency decree, which by law is renewable only once and requires National Assembly endorsement to be effective, allows the president to block any action he deems could “undermine national security” or could “obstruct the continuity of the implementation of economic measures for the urgent reactivation of the national economy.” The National Assembly continued systematically to refuse to ratify each renewal, and the Supreme Court annulled each refusal, reasoning that the assembly’s “contempt” status made its failure to endorse the renewal “unconstitutional.” According to Human Rights Watch, the “state of exception” negatively affected the right 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 members of the media.

## **Internet Freedom**

The government restricted or disrupted access to the internet and censored online content. The executive branch exercised broad control over the internet through the state-run CONATEL. Free Access reported that CONATEL supported monitoring of private communications and persecution of internet users who expressed dissenting opinions online. According to media reports, users of social networks accused CONATEL of monitoring their online activity and passing

identifying information to intelligence agencies, such as SEBIN. According to Free Access, CONATEL provided information to SEBIN, including internet protocol addresses, which assisted authorities in locating the users. Free Access cited arrests of Twitter users during the April-July protests.

The law puts the burden of filtering prohibited electronic messages on service providers and it allows CONATEL to order service providers to block access to websites that violate these norms and sanctions them with fines for distributing prohibited messages. In 2016 IPYS reported that local internet providers following CONATEL orders blocked at least 42 internet domains.

CONATEL's director, Andres Eloy Mendez, appointed in October 2016, repeatedly declared in press statements that the government did not block websites, although officials ordered internet service providers to block certain digital outlets. Mendez reiterated the claims of his predecessor that CONATEL's role was to enforce the law and prevent dissemination of illegal information or material unsuitable for children and adolescents. Nevertheless, the government continued to block internet sites that posted dollar- and euro-to-bolivar currency exchange rates differing from the government's official rate. The government-owned internet service provider CANTV facilitated blockages. The government used Twitter hashtags to attain "trending" status for official propaganda and employed hundreds of employees to manage and disseminate official government accounts. At least 65 official government accounts used Twitter to promote the ruling PSUV party.

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

According to the International Telecommunication Union, 60 percent of the population used the internet in 2016, the latest figure available.

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

There were some government restrictions on academic freedom and cultural events. University leaders and students alleged the government retaliated against opposition-oriented autonomous universities by providing government subsidies

significantly below the annual inflation rate to those universities. Autonomous universities, which are partially funded by the government, received considerably less than the amounts they requested. Furthermore, budgetary allocations were based on figures not adequately adjusted for inflation and covered expenses only through March. On September 26, the National University Council, the government regulating body for university education, relinquished its functions to the ANC, disregarding the law requiring university autonomy.

On August 9, University Education Minister Hugbel Roa announced that the “carnet de la patria,” a new government-issued social benefits card provided primarily to government supporters, would be required for enrollment in public universities, affecting approximately 305,000 students.

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

### **Freedom of Peaceful Assembly**

The constitution provides for this right, but the government generally repressed or suspended it. The Law on Political Parties, Public Gatherings, and Manifestations and the Organic Law for Police Service and National Bolivarian Police Corps regulate the right to assembly. Human rights groups continued to criticize such laws that enable the government to charge protesters with serious crimes for participating in peaceful demonstrations. Ambiguous language in the laws also allowed the government to criminalize organizations that were critical of the government. Protests and marches require government authorization in advance and are forbidden within designated “security zones.”

As part of the “states of exception” in place throughout the year in municipalities bordering Colombia and imposed via an economic emergency decree, the government ordered the suspension of the constitutional right to meet publicly or privately without obtaining permission in advance as well as the right to demonstrate peacefully and without weapons.

The political opposition organized frequent nationwide protests from April 1 to July 31 demanding elections, respect for constitutional norms, freedom for political prisoners, and effective government action to relieve severe economic and humanitarian crises. Demonstrations, which involved marches, sit-ins, and at times coordinated blockages of the country’s infrastructure, frequently attracted thousands of participants. According to Foro Penal, security forces arrested more than 5,000 persons during protests between April 1 and July 31; of those detained,

1,381 remained in custody at the end of December.

Violent security force repression, often coordinated with armed “colectivos,” resulted in thousands of injuries and more than 125 deaths. On April 5, GNB officers attacked student protesters at the University of Carabobo in Carabobo State and injured dozens of students, including one who was shot in the back.

The government blamed the protest violence and deaths on opposition “terrorists.” On July 30, several PNB officers were injured when a pyrotechnic/gasoline device detonated in Caracas. The device appeared placed and timed to ignite while a column of PNB on motorcycles was passing. Video of the explosion was similar to that of a July 10 pyrotechnic explosion that also targeted security forces. The opposition did not denounce the attack.

### **Freedom of Association**

The constitution provides for freedom of association and freedom from political discrimination, but the government did not respect these rights. Although professional and academic associations generally operated without interference, a number of associations complained that the TSJ and the National Electoral Council (CNE), which is responsible for convoking all elections and establishing electoral dates and procedures, repeatedly interfered with their attempts to hold internal elections. In February the TSJ suspended all elections at the Central University of Venezuela (UCV), citing a complaint submitted to them by four students and their attorney. According to credible sources, the students were regime supporters seeking to halt processes that were almost certain to elect students politically inclined toward the country’s opposition. On February 17, UCV student leaders nonetheless held elections, electing vocal opposition supporter Rafaela Requesens as head of the student government.

The president’s 2016 “state of exception” decree called on the Foreign Ministry to suspend international funding to NGOs when “it is presumed” that the funding is used with “political purposes or for destabilization.” There were no reports that the government implemented the decree.

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

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

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

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

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

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

In addition to arbitrary deportations, Colombians expelled from the country complained of abuses by security forces. The IACHR reported that many deported Colombians alleged Venezuelan security forces used excessive force to evict them from their homes, which were subsequently destroyed, and that security agents subjected them to physical abuse and forceful separation from their families. The government implemented OLP security measures and increased the presence of security forces in Tachira State on the Colombian border.

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

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

In-country Movement: The government systematically deployed thousands of security forces and crowd control vehicles to hinder movement and restrict access to designated protest rally points in Caracas during spring and summer protests. The government also restricted the movement of certain opposition leaders from moving around the country and traveling internationally. Others were effectively forced into self-exile.



## **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to UNHCR, the vast majority of asylum seekers came from Colombia. UNHCR estimated there were approximately 7,860 recognized refugees and 173,000 persons in need of international protection in the country. 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 challenges to achieving sufficient protection and long-term integration. Authorities permitted Colombian children to attend school but did not grant them diplomas or certificates of completion without residency documentation, resulting in high dropout rates for Colombian children. According to the Hebrew Immigrant Aid Society, an NGO dedicated to providing assistance to refugees, Colombian asylum seekers said nationwide antigovernment, antiregime protests further hindered their access to basic services and movement to and from service centers.

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

The 1999 constitution, the country's 26th since independence, provides citizens the ability to change their government through free and fair elections, but government interference, electoral irregularities, and manipulation of voters and candidates restricted the exercise of this right in the July 30 ANC elections, the October 15 gubernatorial elections, and the December 10 mayoral elections.

### **Elections and Political Participation**

Recent Elections: Even though there had been no referendum to approve efforts for constitutional reform, the president directed, and on July 30 the CNE held, fraudulent and violently-protested elections to choose representatives for the ANC that would rewrite the constitution.

The ANC was composed of 500 government-aligned representatives chosen in a bifurcated process, with 200 to 250 chosen by "classes" of workers, indigenous

persons and persons with disabilities, and farmers through direct votes in factories and offices. The other half was composed of “community leaders” chosen by direct, anonymous vote at the municipal level. President Maduro announced his intention, among other things, to use the ANC to incorporate government social welfare programs into the fabric of the constitution. During its first three weeks in office, the ANC dismantled the Attorney General’s Office, granted itself unchecked governing powers, moved up elections for governors, usurped legislative power, and stripped a parliamentarian of his immunity.

On August 5, the ANC unanimously voted to dismiss Attorney General and Chief Prosecutor Luisa Ortega Diaz. Ortega, formerly a Maduro government insider, began dissenting from the administration in March after the TSJ took formal measures to usurp the opposition-controlled National Assembly’s powers. She publicly described the TSJ’s decision as a “rupture of the constitutional order.” During the four months of antigovernment protests between April and July, Ortega also vocally denounced and investigated alleged human rights violations committed by government security officials. The International Commission of Jurists called for Ortega’s immediate reinstatement, describing the ANC’s decision “politically motivated.” Tarek William Saab, former human rights ombudsman and a government supporter, replaced Ortega and immediately moved to reopen cases investigated under his predecessor and remove all evidence of the investigations from the Public Ministry’s official website and social media accounts.

In the period preceding the ANC elections, PROVEA reportedly received 212 complaints from public workers whose employers threatened to fire them if they did not participate in the July 30 polling. The government reportedly fired a number of civil servants for failing to vote.

During the December 10 municipal elections, national media noted various irregularities, including: financial benefits offered to PSUV voters, government vehicles used to transport PSUV voters to voting centers, opposition party observers blocked from polling centers, media blocked from covering events at polling centers, forced mobilization of government workers and benefit recipients, and distribution of food coupons to progovernment voters.

**Political Parties and Political Participation:** Opposition political parties operated in a restrictive atmosphere characterized by intimidation, the threat of prosecution or administrative sanction on questionable charges, and very limited mainstream media access. On November 9, the ANC gave final approval to the “Constitutional

Law against Hate, for Political Coexistence and Tolerance.” While the government stated that the purpose of the law was to “promote peace and tolerance,” media observed that the vaguely written law could be used to silence political parties, activists, and civil society leaders as well as media outlets and journalists.

On August 12, the newly elected ANC usurped the CNE’s role and called for gubernatorial elections, overdue since December 2016, to be held October 15. Opposition candidates decried several electoral irregularities, including: a short period for candidate registration, campaigning, and coordination of election monitoring; a reduction in the number of voting machines in opposition neighborhoods; manipulation of ballot layouts, leading to a large number of invalid votes; a lack of official international election observers; the use of state resources to promote ruling party candidates; and a lack of a technical audit for CNE tabulation. The opposition won five of the 23 gubernatorial races. President Maduro demanded that opposition candidates submit to ANC authority by being sworn in before the body or be disqualified. The opposition governors-elect initially refused to recognize the ANC as constitutional, but on October 23, four of the governors were sworn in before the ANC president. The fifth candidate, Juan Pablo Guanipa, was disqualified, and on November 2, the CNE announced a new round of gubernatorial elections would be held in Zulia State on December 10.

In January the government began issuing a new, multipurpose identification card, the “carnet de la patria” (homeland card), required to access government-funded social services. Many applicants reported being required to provide proof of PSUV affiliation during the registration process to obtain the critical document. Government opponents said the card amounted to social control, a tool to leverage access to scarce subsidized consumer products in return for political loyalty.

Beginning on March 4, according to a new CNE mandatory registration process, political parties that won less than 0.5 percent of the 2015 legislative vote were required to participate in the CNE recertification process in order to participate in future elections. The CNE assigned each party a two-day period to register its supporters using biometric voting machines in a handful of locations across the country. Both opposition and progovernment parties described the process as punitive and biased against smaller political parties.

Participation of Women and Minorities: No laws limit the participation of women and/or members of minorities in the political process, and they did participate.

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

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Some officials explicitly acknowledged corruption as a major problem. The government frequently investigated, prosecuted, and detained political opponents on corruption charges to harass, intimidate, or imprison them.

Corruption: In July then attorney general Luisa Ortega released a Public Ministry investigation report that at least a dozen high-ranking officials and their relatives received bribes in exchange for contracts with the Brazilian construction company Odebrecht. Ortega said the government paid approximately 30 billion dollars for 20 infrastructure projects that were never finished. Ortega also claimed that Odebrecht provided campaign funding to politicians. On September 7, the newly appointed attorney general, Tarek William Saab, announced that the Public Ministry would not pursue investigations into Odebrecht infrastructure projects, including allegations that President Maduro was involved.

According to Transparency International, the main reasons for the country's widespread corruption were the government's anticorruption program, impunity, weak institutions, and lack of transparency in the management of government resources.

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

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

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

A variety of independent domestic and international human rights groups generally operated with some government restrictions. Major domestic human rights NGOs

conducted investigations and published their findings on human rights cases. Government officials generally were not cooperative or responsive to their requests. Some domestic NGOs reported government threats and harassment against their leaders, staff, and organizations, in addition to government raids and detentions, but were able to publish dozens of reports during the year. Some human rights activists reported that authorities barred them from traveling abroad or that they feared not being able to return to the country if they traveled. NGOs played a significant role in informing citizens and the international community about alleged violations and key human rights cases.

NGOs asserted the government created a dangerous atmosphere for them to operate. PSUV first vice president and ANC member Diosdado Cabello used his weekly talk show to intimidate NGO staff from Public Space, PROVEA, and Foro Penal. Several organizations, such as OVP, PROVEA, Foro Penal, and Citizen Control, reported that their staff 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 that seek to “defend political rights.” The government threatened NGOs with criminal investigations for allegedly illegally accepting foreign funds. Various government officials accused human rights organizations on national television and media of breaking the law by receiving funding from international donors.

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

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

The United Nations or Other International Bodies: The government was generally hostile toward international human rights bodies and continued to refuse to permit a visit by the IACHR, which last visited the country in 2002. The Organization of American States (OAS) openly urged President Maduro to adopt reforms to avoid a humanitarian crisis in the country, and OAS secretary general Luis Almagro wrote a series of statements highly critical of President Maduro and his government's actions on elections and political protests. Almagro also drafted several reports on the political crisis, including abuses by the government.

The OAS held a series of briefings by the country's civil society leaders, activists, and former government officials to determine whether alleged government abuses should be referred to the International Criminal Court. On April 27, the Ministry of Foreign Affairs announced that it would initiate the two-year process to withdraw from the OAS. On August 5, MERCOSUR (Southern Common Market) determined that there was a breakdown in democratic order in the country and suspended its membership in the organization. The government withdrew from the Inter-American Convention on Human Rights in 2013, but the IACHR continued to receive complaints from citizens and civil society. The government also refused to grant access to the OHCHR to investigate the human rights situation. In August and September, the UN's high commissioner for human rights warned that, as a result of "systematically using excessive force to deter demonstrations," the government may have committed crimes against humanity.

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

The TSJ's continuing to hold the National Assembly in "contempt" status diminished the purview and operational effectiveness of the Assembly's subcommission on human rights, which suspended its regular meetings in order to attend to more pressing matters, most notably restoring the National Assembly's status.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, making it punishable by a prison term of eight to 14 years. A man legally may avoid punishment by marrying (before he is sentenced) the

person he raped. The law allows authorities to consider alternative forms of punishment, including work release, for those convicted of various crimes, including rape, if they have completed three-quarters of their sentence.

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

Some 108 individuals were charged and 50 convicted for 122 femicides and 57 attempted femicides.

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

Sexual Harassment: Sexual harassment is illegal and punishable by a prison sentence of one to three years. The law establishes a fine between 5,400 bolivars (\$2.04 at the Dicom exchange rate) and 10,800 bolivars (\$4.09 at the Dicom rate) for employers convicted of sexual harassment. Although allegedly common in the workplace, sexual harassment cases were rarely reported.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

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 under the age of five were registered at birth.

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

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

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

Displaced Children: Leading advocates and the press estimated that 10,000 children lived on the streets. With institutions filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.



On March 19, 12 children, ranging in age from six to 15, robbed two soldiers in civilian clothing. The soldiers chased the boys, who in turn attacked them and stabbed them to death. The case received widespread media attention and raised concerns regarding Caracas's influx of street children.

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

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

The Confederation of Jewish Associations in Venezuela estimated there were 7,000 Jews in the country. Jewish community leaders expressed concern about anti-Semitic statements made by high-level government officials and anti-Semitic pieces in progovernment media outlets. The community leaders noted that many other anti-Semitic incidents occurred during the year.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities, but the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were almost nonexistent. Online resources and access to information were generally available to persons with disabilities, although access to closed-captioned or audio-described online videos for persons with sight and hearing disabilities was limited. Separately, leading advocates for persons with hearing disabilities lamented difficult access to public services due to a lack of government-funded interpreters in public courts, health-care facilities, and legal services, as well as a lack of other public accommodations.

The National Commission for Persons with Disabilities (CONAPDIS), 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 CONAPDIS, fewer than 20 percent of persons with disabilities who registered with government health programs were fully employed. Beginning in May monthly subsidies of 70,000 bolivars (\$26.50 at the Dicom exchange rate) were provided by Mission Hogares de la Patria, a government social service program, to heads of households for each child or adult with disabilities they supported.

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

The constitution prohibits discrimination based on race. The law prohibits all forms of racial discrimination and provides for 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.

On May 18, demonstrators in a neighborhood in Caracas known as a rally point for antiregime activities surrounded Afro-Venezuelan Jose Rafael Noguera and his sister, accusing them of being government sympathizers based on their race. They beat Noguera, doused him with gasoline, and set him ablaze, causing severe burns over much of his body. In a similar incident later that month, demonstrators set on fire another Afro-Venezuelan man who was also accused of being "chavista" based on his race; the man died two weeks later.

### **Indigenous People**

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

On May 7, the governor of Amazonas, Liboro Guarulla, stated the government had administratively barred him from political participation for 15 years, allegedly for corrupt practices. Guarulla stated that the disqualification was in response to his accusations of fraud in previous regional elections.

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

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

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

The constitution provides for equality before the law of all persons and prohibits discrimination based on “sex or social condition,” but it does not explicitly prohibit discrimination based on sexual orientation or gender identity. According to a TSJ ruling, no individual may be subject to discrimination because of sexual orientation, but the ruling was rarely enforced. On January 5, the TSJ ruled that children born of same-sex couples should be granted full rights of citizenship under the law as children of heterosexual parents.

Media and leading advocates for the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons noted that since the law does not define a hate crime, official law enforcement statistics do not reflect LGBTI-related violence. Incidents of violence were most prevalent against members of the transgender community. Leading advocates noted that law enforcement authorities did not properly investigate to determine the motives for such crimes.

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

or prostitution.

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

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

## **Section 7. Worker Rights**

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

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

The law prohibits “any act of discrimination or interference contrary to the exercise” of workers’ right to unionize. The law requires that all unions must 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.

Under the law, employers may negotiate a collective contract only with the union that represents the majority of their workers. Minority organizations may not jointly negotiate in cases where no union represents an absolute majority. The law

also places a number of restrictions on unions' ability to administer their activities. For example, the CNE has the authority to administer internal elections of labor unions, federations, and confederations. By law, elections must be held at least every three years. If CNE-administered and certified elections are not held within this period, the law prohibits union leaders from representing workers in negotiations or engaging in anything beyond administrative tasks. The ILO repeatedly found cases of interference by the CNE in trade union elections, and in 1999 it began calling for the CNE to be delinked from the union election process.

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

The minister of labor may order public- or private-sector strikers back to work and submit their disputes to arbitration if a strike "puts in immediate danger the lives or security of all or part of the population." Other laws establish criminal penalties for the exercise of the right to strike in certain circumstances. For example, the law prohibits and punishes with a five- to 10-year prison sentence anyone who "organizes, supports, or instigates the realization of activities within security zones that are intended to disturb or affect the organization and functioning of military installations, public services, industries and basic [mining] enterprises, or the socioeconomic life of the country." In addition, the law provides for prison terms of two to six years and six to 10 years, respectively, for those who restrict the distribution of goods and for "those...who develop or carry out actions or omissions that impede, either directly or indirectly, the production, manufacture, import, storing, transport, distribution, and commercialization of goods."

The government restricted the freedom of association and the right to collective bargaining through administrative and legal mechanisms. Organized labor activists reported that the annual requirement to provide the Ministry of Labor a membership roster was onerous and infringed on freedom of association; they

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

The government continued to support many "parallel" unions, which sought to dilute the membership and effectiveness of traditional independent unions. In general these government-supported unions were not subject to the same government scrutiny and requirements regarding leadership elections. The government excluded from consideration other, independent union federations, including the Confederation of Venezuelan Workers, the General Confederation of Venezuelan Workers, the Confederation of Autonomous Unions of Venezuela, and the National Union of Workers (UNETE). The ILO expressed continuing concern that the government did not consult with representative worker organizations or accredit their members to the ILO. In contrast, the Labor and Trade Union Action Unit, an independent organization of labor federations and other labor groups and movements, was able to meet freely to coordinate interventions for the July meeting, analyze conclusions from the meeting, and discuss follow-up actions.

According to the labor group Autonomous Front in Defense of Employment, Wages, and Unions (FADESS), the ministry did not send labor inspectors to opposition-leaning union meetings to witness and legitimize unions' decisions, as required by law, thus rendering moot decisions by many unions.

In March the ILO urged the government without success to establish a tripartite roundtable with labor unions, FEDECAMARAS (business and producers association), and ILO experts.

Workers were systematically threatened, dismissed, or arrested based on their political affiliations. As a condition of employment, the government required that federal employees attend political rallies in support of the regime. Several public workers received threats or were dismissed for abstaining from the July 30 ANC election or for participating in the opposition's July 16 ANC straw poll.

The government continued to refuse to adjudicate or otherwise resolve the cases of

19,000 employees of the state oil company, PDVSA, who were fired during and after the 2002-03 strike. The Ministry of Labor continued to deny registration to the National Union of Oil, Gas, Petrochemical, and Refinery Workers (UNAPETROL), a union composed of these workers.

Union leaders were also subjected to harassment and verbal attacks. The ILO raised concerns about violence against trade union members and government intimidation of the Associations of Commerce and Production of Venezuela (FEDECAMARAS).

In practice the concept of striking had been demonized since 2002 and periodically used as a political tool to accuse government opponents of coup plotting or other destabilizing activities. Legal provisions on the right to strike were used to target company management as well as labor leaders. Some companies, especially in the public sector, had multiple unions with varying degrees of allegiance to the ruling party's version of the "socialist revolution," which could trigger interunion conflict and strife.

In July the Central Federation of Petroleum Workers and the National Union of Workers (UNETE) led a 72-hour general strike against the July 30 ANC election. The Confederation of Workers of Venezuela, the National Union of Workers, the General Confederation of Labor, and the Confederation of Autonomous Trade Unions also participated. According to UNETE, 85 percent of the nation's transportation, oil, commercial, health, food, education, and electricity sector workers participated in the strike. Following elections, the ANC agreed to uphold President Maduro's threats to fire workers who abstained from voting in the July 30 ANC elections.

In August SEBIN officials arrested Rolman Rojas, a professor at University Carabobo (Aragua) and Voluntad Popular regional coordinator for Aragua State; Julio Garcia, president of the Nurses College (Carabobo State); Omar Escalante, president of Fetracarabobo; Rosemary Di Pietro, president of the College of Accountants; and Omar Vasquez Lagonel, secretary general of the National Federation of Retirees and Pensioners, for their participation in the national labor strike against the ANC election. Their cases were heard before military tribunals, and the government charged each with instigating rebellion, transporting illicit arms, and/or disobeying authority. As of December 8, Roman Rojas and Omar Escalante remained in custody; no trial date had been set.

## **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 criminal groups through its law on organized crime, which prescribes 20 to 25 years' imprisonment for the human trafficking of adults carried out by a member of an organized criminal group of three or more individuals. The organized crime law, however, fails to prohibit trafficking by any individual not affiliated with an organized criminal group. Prosecutors could employ other statutes to prosecute such individuals. The law increases penalties from 25 to 30 years for child trafficking with the purpose of forced labor. There was no comprehensive information available regarding the government's enforcement of the law. FADESS reported that public-sector worker agreements included provisions requiring serving in the armed forces' reserves.

In July 2016 the Ministry of Labor published Resolution 9855 requiring public- and private-sector businesses to provide male and female workers for 60 to 120 days in order to increase agricultural production. Amnesty International criticized the resolution as effectively amounting to forced labor. The resolution noted that the government would pay workers their normal salary while they participated in the program and that workers would not be fired from their ordinary jobs. The government did not implement the resolution during the year.

There were isolated 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.). There were also reports of Cubans working in government social programs (such as the Mission inside the Barrio) in exchange for the government's provision of oil resources to the Cuban government. Indicators of forced labor reported by some Cubans included chronic underpayment of wages, mandatory long hours, limitations on movement, and threats of retaliatory actions against workers and their families if they left the program.

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

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



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

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

The law establishes fines on employers between 6,420 bolivars (\$2.43 at the Dicom exchange rate) and 12,840 bolivars (\$4.86 at the Dicom rate) for each child employed under the age of 12 or for adolescents between the ages of 12 and 14 employed without proper authorization. Anyone employing children under the age of eight is subject to a prison term of between one and three years. Employers must notify authorities if they hire a minor as a domestic worker.

The Ministry of Labor and the National Institute for Minors enforced child labor laws effectively in the formal sector of the economy but less so in the informal sector. In 2015 the governmental statistics agency estimated that 41 percent of persons who were employed worked in the informal sector and 59 percent in the formal sector.

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

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

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

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

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

On January 3, President Maduro signed a presidential decree to protect government workers and shield them against arbitrary dismissals until 2018. Nevertheless, there were numerous reports that public workers who voted in the opposition's July 16 "national consultation" were dismissed for their participation. Reports also surfaced that employees were fired for abstaining from the July 30 ANC elections. PROVEA reported that many public-sector employers forced their employees to recruit voters and to take photographs of themselves at voting centers as proof of their participation.

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

In September President Maduro raised the monthly minimum wage by 40 percent to 136,544 bolivars (\$51.70 at the Dicom exchange rate) and the food ticket benefit by 25 percent to 89,000 bolivars (\$71.60 at the Dicom rate). The simultaneous increases--the fourth for the year--brought the combined minimum monthly income to 325,544 bolivars (\$123 at the Dicom rate, or less than \$15 per month when calculated at the widely referenced "parallel rate" quoted in December). According to the NGO Workers' Center for Documentation and Analysis, the monthly food basket for a family of five for July cost 2,043,083 bolivars (\$773.90 at the Dicom rate), or 14.9 times the minimum wage.

Nominal wages increased 212 percent through the first eight months of the year, but accumulated inflation over the same period reached 366 percent, according to a monthly study conducted by the National Assembly Finance Committee, which conducted its work without official Central Bank data.

According to FADESS, serial minimum wage increases affected company margins and drove the private sector to adjust by reducing worker hours or cutting employees. FADESS estimated 1,500,000 jobs were lost due to scarcity of investment capital to revitalize the manufacturing and agricultural sectors, as the executive government allocated most investment capital to buying imports to supply the country's food program known by the Spanish acronym CLAP.

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

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

The law covers all workers, including temporary, occasional, and domestic workers. There was reportedly some enforcement by the Ministry of Labor of minimum wage rates and hours of work provisions in the formal sector, but 40 percent of the population worked in the informal sector, where labor laws and protections generally were not enforced. The government did not enforce legal protections on safety in the public sector. According to PROVEA, while the National Institute for Prevention, Health, and Labor Security required many private businesses to correct dangerous labor conditions, the government did not enforce such standards in a similar manner in state enterprises and entities. There was no publicly available information regarding the number of inspectors or the frequency of inspections to implement health and safety, minimum wage, or hours of work provisions. Ministry inspectors seldom closed unsafe job sites. Employers may be fined between 12,840 bolivars (\$4.86 at the Dicom rate) and 38,520 bolivars

(\$14.59 at the Dicom rate) for failing to pay the minimum wage or provide legally required vacation time. Employers are required to report work-related accidents within 24 hours or face fines between 8,132 bolivars (\$3.08 at the Dicom rate) and 10,700 bolivars (\$4.05 at the Dicom rate). There was no information on whether penalties were sufficient to deter violations.

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