

# VENEZUELA 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

While Venezuela is legally a multiparty, constitutional republic, the authoritarian regime led by Nicolas Maduro usurped control over all branches of government: executive, judicial, legislative, the offices of the prosecutor general and ombudsman, and the electoral institutions. In December 2020 the Maduro regime organized parliamentary elections that were rigged in favor of the regime, and approximately 60 countries and international bodies publicly declared the elections were neither free nor fair.

Civilian authorities' control over the security forces continued to decline and was deeply politicized. Increasingly unpopular with citizens, the Maduro regime depended on civilian and military intelligence services, and to a lesser extent, progovernment armed gangs known as *colectivos*, to neutralize political opposition and subdue the population. The Bolivarian National Guard – a branch of the military that reports to the Ministry of Defense and the Ministry of Interior, Justice, and Peace – is responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior, Justice, and Peace controls the National Scientific Criminal, and Investigative Corps, which conducts most criminal investigations, and the Bolivarian National Intelligence Service, which collects intelligence within the country and abroad and is responsible for investigating cases of corruption, subversion, and arms trafficking. Police include municipal, state, and national police forces. Mayors and governors oversee municipal and state police forces. The Bolivarian National Police report to the Ministry of Interior, Justice, and Peace. The national police largely focused on policing Caracas' Libertador municipality; patrolling Caracas-area highways, railways, and metro system; and protecting diplomatic missions. The national armed forces patrolled other areas of the country. There were credible reports that members of security forces committed numerous abuses, and a 2020 United Nations report concluded there were reasonable grounds to believe that Maduro regime authorities and security

forces committed crimes against humanity.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by regime forces; forced disappearances by the regime; torture and cruel, inhuman, and degrading treatment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention by security forces; political prisoners or detainees; serious problems with independence of the judiciary; unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, and censorship; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence; significant barriers to accessing reproductive health; trafficking in persons; crimes involving violence or threats of violence targeting indigenous persons and lesbian, gay, bisexual, transgender, queer, or intersex persons; and the worst forms of child labor.

The Maduro regime took no effective action to identify, investigate, prosecute, or punish officials who committed human rights abuses or corruption.

## **Section 1. Respect for the Integrity of the Person**

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

There were numerous reports that the Maduro regime committed arbitrary or unlawful killings. Although the regime did not release statistics on extrajudicial killings, nongovernmental organizations (NGOs) reported that national, state, and municipal police entities, as well as the armed forces and regime-supported

colectivos, carried out hundreds of such killings during the year. In September the UN Independent Fact-Finding Mission (FFM) on Venezuela also noted, for the second consecutive year, concern regarding “extrajudicial executions, enforced disappearance, arbitrary detentions, and torture and cruel, inhuman, and degrading treatment, including sexual and gender-based violence.” The FFM report stated “real and perceived opponents or critics” of the Maduro regime increasingly included individuals and organizations that documented, denounced, or attempted to address human rights or social and economic problems in the country. The FFM concluded that it had reasonable grounds to believe the justice system had played a significant role in the state’s repression of government opponents.

The Public Ministry is responsible for initiating judicial investigations of security force abuses. The Office for Protection of Human Rights in the Public Ministry is responsible for investigating cases involving crimes committed by public officials, particularly security officials. There was, however, no official information available on the number of public officials prosecuted, convicted, 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 Office of the UN High Commissioner for Human Rights (OHCHR) reported a reduction in the rate of killings in the context of security operations or protests, yet the number remained high. No official data was available, but the NGO Monitor de Víctimas reported 87 extrajudicial killings by the National Scientific, Criminal, and Investigative Corps (CICPC), Special Action Forces (FAES), Bolivarian National Guard, and Bolivarian National Police in greater Caracas from June 2020 to March 2021. The NGOs Venezuelan Education-Action Program on Human Rights (PROVEA) and Fundación Gumilla documented 825 extrajudicial killings in the context of security operations or protests in the first half of the year.

According to the OHCHR, there were fewer allegations of extrajudicial killings attributed to FAES since September 2020 but more attributed to other forces, including state and municipal police forces and the CICPC.

On January 8-9, members of FAES, the Bolivarian National Police, and other security forces killed at least 24 persons, including two minors, in a police operation in Caracas’ La Vega parish. Investigations by human rights NGOs

determined that at least 14 deaths constituted extrajudicial killings. Families of victims refuted the argument that the deaths stemmed from “resistance to authority,” the charges alleged by the Maduro regime to justify killings committed by security forces. The families reported security forces entered their homes without a warrant, robbed and killed the victims, and altered the crime scene to suggest a violent confrontation. Although human rights NGOs and international organizations demanded an investigation, the Maduro regime attorney general and human rights ombudsman did not issue a statement responding to the allegations. The Inter-American Commission on Human Rights (IACHR) and other international organizations demanded the regime investigate and convict the security forces responsible for the violence. No arrests had been made as of November regarding any of these killings.

The Maduro regime attorney general reported that from 2017 through February, 1,019 officers were accused of homicide, torture, or inhuman, cruel, or degrading treatment, but only 177 were convicted for such crimes, with no reference to arbitrary killings. The regime did not release details on officer convictions or other investigations of security officers involved in killings. The OHCHR found that investigations of human rights violations committed by regime security forces were hampered by the regime’s refusal to cooperate, tampering with evidence, judicial delays, and harassment of relatives of victims. According to NGOs, prosecutors occasionally brought cases against perpetrators of extrajudicial killings, but prosecutions often resulted in light sentences, and convictions were often overturned on appeal. In many cases the regime appeared to be scapegoating low-level functionaries while allowing high-level officials who issued the illegal orders to continue in their positions.

On March 21, the armed forces launched a military operation against a group of the Revolutionary Armed Forces of Colombia dissidents (FARC-D) in Apure State. NGOs denounced serious human rights violations committed by Maduro regime security forces during the operation. PROVEA reported that members of the notoriously violent FAES kidnapped a family of five in El Ripial, executed them, and dressed the bodies with uniforms and weapons to suggest an affiliation with FARC-D. Local residents reported intense fear of members of the armed forces and noted that FAES officers seized cell phones to monitor communications.

Maduro regime defense minister Vladimir Padrino Lopez criticized coverage of the violence by media outlets and NGOs as the propagation of “falsehoods and terror.” The attorney general designated a special commission to investigate human rights violations committed during the conflict, but as of October the investigation had not resulted in charges.

## **b. Disappearance**

The NGO Foro Penal confirmed incidents of forced disappearances continued and said the forced disappearances were deployed by the state to control and intimidate opponents. This practice also extended to family members to coerce them to turn in relatives. In 2019 Directorate General of Military Counterintelligence (DGCIM) officials arrested Hugo Marino Salas, a civilian who had worked as a military contractor, but authorities did not respond to habeas corpus petitions filed by his relatives, and his whereabouts remained unknown as of November, according to OHCHR documentation. Foro Penal documented 33 disappearances through the end of May, with 14 persons still missing as of November.

The Maduro regime continued to deny requests by the UN Working Group on Enforced or Involuntary Disappearances to visit the country to conduct an investigation. On September 21, the Working Group requested the regime clarify the status of 20 disappearance cases in a report it presented to the UN Human Rights Council.

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

Although the constitution and law prohibit such practices, there were credible reports that Maduro-aligned security forces regularly tortured and abused detainees. As of November the Maduro regime had not revealed information regarding individuals convicted or accused of torturing or abusing detainees.

The Maduro regime-aligned Office of the Human Rights Ombudsman did not publish statistics regarding allegations of torture by police during the year. Several NGOs detailed cases of widespread torture and “cruel, inhuman, and degrading treatment.” Human rights groups and the FFM reported the regime continued to

influence the attorney general and public defenders to conduct investigations selectively and subjectively. The FFM also found that at times judges ordered pretrial detention in Bolivarian National Intelligence Service (SEBIN) or DGCIM facilities, despite the risk or commission of torture, even when detainees in court rooms denounced, or displayed signs consistent with, torture. No official data were 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. The OHCHR found that in some cases doctors issued false or inaccurate medical reports intended to cover up signs of torture.

Media and NGOs reported that beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies and the military controlled by the Maduro regime. Cases of torture and other cruel, inhuman, or degrading treatment or punishment of prisoners were also reported during the year. Regime-aligned authorities reportedly subjected detainees to asphyxiation, electric shock, broken bones, being hung by their limbs, and being forced to spend hours on their knees. Detainees were also subjected to cold temperatures, sensory deprivation, and sleep deprivation; remained handcuffed for extended periods of time; and received death threats to themselves and their relatives. Detainees reported regime-aligned security forces moved them from detention centers to houses and other clandestine locations where abuse took place. Cruel treatment frequently involved Maduro regime authorities denying prisoners medical care and holding them for long periods in solitary confinement. The latter practice was most prevalent with political prisoners. NGOs detailed reports from detainees who were victims of sexual and gender-based violence by security units. The OHCHR noted instances of detainees telling judges they had been tortured or mistreated but then returned to the custody of those allegedly responsible for the reported mistreatment. In some cases the alleged perpetrators were called to testify against the victims in the criminal processes against them. The OHCHR continued to receive allegations of such cases, with no precautionary measures taken by judges or prosecutors to protect the alleged victims or address related due process concerns.

The Casla Institute for the Study of Latin America continued to denounce the

construction of new places of torture utilized by FAES and colectivos. NGOs reported new torture patterns employed by military authorities, including the use of continuous loud noise, metallic spikes applied to the face, cells without ventilation or light, and exposure to the point of hypothermia.

Foro Penal reported multiple instances of political prisoners denied adequate medical treatment while in Maduro regime custody, including political prisoners who died in custody. As of October Foro Penal reported that 50 of the 260 individuals detained on politically motivated grounds were in a critical health situation. The health reports detailed muscle problems, severe fractures, hernias, and high blood pressure. Foro Penal also noted instances in which regime authorities transferred detainees to a medical facility, where instead of receiving treatment, they were interrogated by security officials.

The NGO Una Ventana por la Libertad (UVL) denounced the shooting and killing of Daniela Figueredo by a police officer while in custody in Zamora, Miranda State, on March 13. The officer was allegedly attempting to sexually assault the victim. The NGO also denounced that seven other prisoners in the cell were sexually assaulted and raped by police officers.

Impunity was a significant problem in the security forces. Despite continued reports of police abuse and involvement in crime, particularly in the activities of illegally armed groups, including illegal and arbitrary detentions, extrajudicial killings, kidnappings, and the excessive use of force, the Maduro regime took no effective action to investigate officials who committed human rights abuses. 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. NGOs noted that many victims did not report violent crimes to police or other regime authorities due to fear of retribution or lack of confidence in police.

On November 3, International Criminal Court chief prosecutor Karim Khan announced a formal investigation into crimes against humanity committed in Venezuela under the Maduro regime and signed a memorandum of understanding “to facilitate cooperation and mutual assistance to advance accountability for atrocity crimes.”

## **Prison and Detention Center Conditions**

Most prison conditions were harsh and life threatening due to gross overcrowding, food shortages, inadequate sanitary conditions and medical care, systemic violence, and poor infrastructure.

**Physical Conditions:** According to the NGO Venezuelan Observatory for Prisons (OVP), prison capacity was approximately 21,200, while the estimated population was 37,500 inmates as of October. Conditions were most acute in pretrial detention facilities such as police station jails. Overcrowding was 177 percent on average across detention facilities, exacerbated by the excessive use of pretrial detention. Generally unsanitary conditions placed prisoners at increased risk of contracting respiratory diseases such as COVID-19 and tuberculosis, which had become the main cause of death among inmates. Lack of water and cleaning supplies, inadequate access to recreation and sunlight, and insufficient food also increased the risk of respiratory diseases. The OVP reported that deaths from malnutrition rose during the year.

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

The CICPC and SEBIN detention facilities, police station jails, and detention centers also were overcrowded, causing many police station offices to be converted into makeshift prison cells. Long delays in court proceedings and prison transfers created a parallel system that held prisoners in police station jails, in some cases for years, although these facilities were designed to hold individuals only for 48 hours. Prisoners reportedly took turns sleeping on floors and in office chairs, and sanitation facilities were inadequate or nonexistent. A UVL study of 111 facilities holding pretrial detainees revealed 311 percent overcrowding. These centers had a designed capacity of 3,702 persons; as of April they housed 11,527 detainees. The



UVL also found that only 9 percent of facilities provided medical services, one in 26 detention centers had potable water, 16 percent had running water, 22 percent did not have regular trash collection, 63 percent lacked proper restrooms, and 35 percent lacked electricity. None of the centers had proper infrastructure for persons with disabilities.

The Bolivarian National Guard and the Ministry of Interior, Justice, and Peace have responsibility for prisons' exterior and interior security, respectively. The Maduro regime failed to provide adequate prison security. The OVP estimated a staffing gap of 90 percent for prison security personnel, with one guard for every 100 inmates instead of one for every 10, as recommended by international standards. Armed gangs, known as *pranes*, exercised de facto control within some prisons and used these bases to operate criminal networks on the outside.

According to the OVP, between January and June, 170 prisoners died in prisons and pretrial detention centers. Some deaths resulted from detention center riots and unsafe prison conditions. On February 7, a grenade exploded in the Monagas Police Coordination Center, killing two prisoners killed and injuring 26. Official reports claimed the deaths resulted from a riot, but media reported one of the inmates was handling a grenade, indicating the lax security controls inside prisons.

There are no gender-oriented policies that address female-specific prison needs. According to the OVP, the female population was 2,327 inmates (6.6 percent of the total population), with only one prison dedicated exclusively to women. That facility, the Feminine Orientation Institute, with a designed capacity of 350, was overcrowded with 533 women. Pregnant or lactating women lacked proper facilities, medical assistance, prenatal supplements, and basic hygiene goods. Women were also victims of sexual violence, abuse, and torture, and they were frequently asked for sexual favors in exchange for food or water. NGOs reported guards knew and tolerated these abuses and sometimes were also accomplices.

The OVP reported inmate deaths were due to generally unsanitary and unsafe conditions prevalent in prisons, with 73 percent the result of tuberculosis and malnutrition. The OVP reported that due to inadequate nutrition and lack of potable water, stomach illnesses were common among inmates. The UVL and OVP reported that in 98 percent of detention facilities, prisoners depended upon

family visits to supply them with food, water, and medicine. Media reported prison guards regularly stole food that families purchased for inmates and extorted families attempting to bring food into prisons. The NGO Solidarity Action found prison rules resulted in the isolation of those with HIV/AIDS in “inadequate spaces.” 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 medical attention.

On January 3, indigenous political prisoner Salvador Franco died in regime custody after he was denied court-ordered medical attention due to his declining health. Franco and 12 other members of the Pemon indigenous community had been in the custody of the Maduro regime since 2019 for their alleged participation in an uprising against the regime. Human rights NGOs denounced the arbitrary arrest, torture, and violations of due process during the detention of the Pemon political prisoners. On February 12, the regime released the 12 surviving political prisoners, although they remained subject to restrictions of movement and other unspecified court orders. (See section 6, Indigenous Peoples for more.)

On August 29, military officer Gabriel Medina died in La Pica Prison, in Monagas State, after being held for three months for allegedly attempting to kidnap regime vice president Diosdado Cabello. Medina died due to respiratory arrest after requesting but not receiving medical attention for more than 30 days.

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

Prisoners and detainees generally had access to visitors, including some with overnight privileges, every other week until the COVID-19 pandemic, which led to visit restrictions. In some cases prison officials harassed or abused visitors. For political prisoners, prison officials imposed significant restrictions on visits by family and legal representation. When allowed access, visitors were at times subjected to strip searches.

**Independent Monitoring:** Human rights observers experienced lengthy delays and restrictions in gaining access to prisons and detention centers. More than 300 lay members from the Venezuelan Episcopal Conference of the Roman Catholic Church volunteered in 40 prisons. Although prohibited from formally entering prisons, Catholic laity visited prisoners on family visitation days. The OHCHR conducted visits of eight detention centers, and the Red Cross was allowed access to three.

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

The constitution prohibits the arrest or detention of an individual without a judicial order and provides for the accused to remain free while being tried, but judges and prosecutors often disregarded these provisions. NGOs such as Foro Penal, the Committee for the Families of Victims of February-March 1989, the Institute for Press and Society, Espacio Publico, and PROVEA noted at least 2,000 open cases of arbitrary detentions; however, Maduro regime authorities rarely granted detainees the right to challenge the lawfulness of their detentions in court, even though the right to petition is stipulated under law. Regime authorities arbitrarily detained individuals, including foreign citizens, for extended periods without criminal charges.

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

While a warrant is required for an arrest, detention is permitted without an arrest warrant when an individual is apprehended in the act of committing a crime or to secure a suspect or witness during an investigation. Police often detained individuals and raided their homes without a warrant. The OHCHR found that in several cases the Maduro regime issued warrants retroactively or forged the warrant's date of issuance. Foro Penal maintained that detentions were often conducted without a warrant, which were provided retroactively by complicit prosecutors and judges. Detainees were presented without proper defense before a court days after being disappeared; public defenders were imposed in violation of detainees' right to choose their own lawyers.

The law mandates that detainees be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the detention. The

law also requires that detainees be informed promptly of the charges against them. The regime routinely ignored these requirements.

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

**Arbitrary Arrest:** Foro Penal reported 266 cases of arbitrary detention between January 1 and August 16. More than 10 cases were referred to the UN Working Group on Arbitrary Detentions, but the cases received no response from the regime.

On January 12, five members of the UNAIDS-affiliated HIV-prevention NGO Azul Positivo were detained in Zulia State by military police without explanation. They were released on February 10, but the charges they faced, relating to terrorism, terrorism financing, and money laundering, were not dropped.

The Maduro regime arbitrarily detained 15 journalists from January to July, according to a report from the NGO Un Mundo Sin Mordaza.

On July 2, SEBIN officers arrested Javier Tarazona, director of the domestic human rights NGO Fundaredes, two days after he held a news conference alleging links between members of the Maduro regime and illegal armed groups accused of human rights abuses (see section 5). He and two other Fundaredes workers were detained in Falcon State. As of November, two had been released, but Tarazona remained in custody without trial and in need of medical treatment (see section 5).

In November 2020 unionized oil worker Guillermo Zarraga was detained in Coro,

Falcon State, without a warrant. He was later transferred to a military facility, the DGCIM headquarters in Caracas, with no contact with family or lawyers through October.

**Pretrial Detention:** Pretrial detention remained an egregious problem. According to the Maduro regime attorney general, there were 22,759 persons in pretrial detention in December 2020, representing more than two-thirds of the total prison population. According to the UVL, approximately 70 percent of the prison population was in pretrial detention. The NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges. The OHCHR also observed the routine use of pretrial detention without due consideration of alternative measures to detention, even in the context of the COVID-19 pandemic. The FFM found that judges ordered pretrial detention as routine, rather than an exceptional measure, and without providing sufficient or appropriate justification.

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

On June 12, Rodney Alvarez, a Ferrominera (state-owned industrial iron firm) union leader, was sentenced to 15 years in prison after waiting in pretrial detention for 10 years.

#### **Detainee's Ability to Challenge Lawfulness of Detention before a Court:**

Detained individuals may challenge the grounds for their detention, but proceedings were often delayed and hearings postponed, stretching trials for years. Courts frequently disregarded defendants' presumption of innocence. Maduro regime authorities often failed to allow detainees to consult with counsel or access their case records when filing challenges. Some detainees remained on probation or under house arrest indefinitely.

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

The constitution provides for an independent judiciary, but the judiciary lacked independence and generally judged in favor of the Maduro regime at all levels. There were credible allegations of corruption and political influence throughout the judiciary. According to the International Commission of Jurists, 85 percent of judges had provisional appointments and were subject to removal at will by the Supreme Court (TSJ) Judicial Committee. The IACHR also reported the judiciary operated with opacity, which obfuscated whether judges were appointed according to established procedures or political imperatives. Provisional and temporary judges, who legally have the same rights and authorities as permanent judges, allegedly were subjected to political influence to make proregime determinations. The OHCHR reported that lower courts received instructions from the TSJ on cases, especially those of a political nature, and observed that TSJ decisions related to the legitimate National Assembly were inconsistent and raised concerns regarding politicization. Low salaries for judges at all levels increased the risk of corruption.

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 impunity rate for common crimes and a higher percentage of impunity for cases of alleged human rights abuses.

NGOs reported the lack of independence of the judiciary impeded the normal functioning of investigations and judicial processes and highlighted the fragility of norms and procedures.

The September FFM report noted judges interviewed by the OHCHR experienced regular threats of dismissal, or pressure to resign or seek early retirement. The judges alleged the presidents of the criminal judicial circuits were responsible for many such threats for retaliatory or coercive purposes. Former judges and prosecutors reported they and their family members had been subjected to threats and intimidation, including phone tapping, surveillance, and monitoring.

## **Trial Procedures**

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

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

The FFM and OHCHR reports concluded that authorities frequently violated the rights to a fair trial without undue delay and to legal counsel. Lack of judicial independence allowed authorities to use the judiciary to arbitrarily prosecute opponents and led to rampant impunity of rights violations.

The OHCHR documented cases in which the Maduro regime prevented lawyers from meeting with defendants and denied them confidentiality or access to case files. The OHCHR also identified that in the context of COVID-19, restrictions were placed on lawyers' visits to detention places and at times used as an additional tool of the state to manipulate trial procedures. The excessive application of these restrictions impeded the right of prisoners to effectively access legal assistance, communicate freely and privately with counsel, and prepare an adequate defense.

Trial delays were common. Trials in absentia were 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 whom 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.”

In eight cases documented by the OHCHR, public defenders were appointed against the defendants’ express will, preventing access to legal counsel of their choice. For example, two foreign citizens who did not speak Spanish were represented, without understanding the proceedings, by a public defender. The UVL reported that, with the intention of lowering overcrowding in detention centers, 29 prisoners were pressured to accept charges to be released.

The law mandates that municipal courts handle “less serious” crimes, i.e., those carrying maximum penalties of imprisonment of fewer 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,” such as community service or any other condition imposed by the court.

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts. In addition, under the organic code of military justice, an individual may be tried in the military justice system for “insulting, offending, or disparaging the national armed forces or any related entities.” NGOs and the IACHR expressed concern regarding the Maduro regime’s practice of trying civilians under the military justice system for protests and other actions not under military jurisdiction. According to Foro Penal, since 2014 military courts had processed 872 civilians.

## **Political Prisoners and Detainees**

The Maduro regime used the judiciary to intimidate and prosecute individuals critical of regime policies or actions. Foro Penal reported 260 political prisoners in regime custody as of October, 50 of whom were in a critical state of health. Since 2014, a total of 15,761 persons had been detained for political reasons, many without knowing the charges against them or having access to legal defense. Foro Penal recorded more than 9,400 persons remained subject to arbitrary criminal proceedings for political reasons under precautionary measures. The regime



routinely held political prisoners in SEBIN installations or the Ramo Verde military prison without an explanation of why they were not being held in civilian detention facilities.

According to Foro Penal, the state security forces that detained the most political prisoners were DGCIM, FAES, municipal police, the Bolivarian National Guard, and CICPC.

On February 25, legitimate National Assembly deputy Gilberto Sojo was arbitrarily imprisoned by FAES agents without a warrant or an evident excuse. Sojo, previously a victim of the Maduro regime's arbitrary detentions, was released on September 3.

In July legitimate National Assembly deputy Freddy Guevara livestreamed his detention without a warrant by SEBIN officers on one of the main highways in eastern Caracas. Regime attorney general Tarek William Saab publicly accused Guevara of maintaining links with Colombian paramilitary groups and announced without providing evidence that Guevara was to be prosecuted for terrorism, assault on the constitutional order, treason against the homeland, and conspiracy to commit a crime. Guevara's lawyers were not allowed access to him, in violation of Guevara's right to defense and due process. Guevara remained imprisoned in the SEBIN headquarters of El Helicoide in Caracas until August 15, when he was released with the condition of reporting to a court every 30 days.

As of November political leader and journalist Roland Carreno, arrested in October 2020, remained arbitrarily detained on grounds of conspiracy, weapons smuggling, and terrorism financing, despite facing serious health problems.

The six executives of the state-owned petroleum company's (PDVSA) U.S.-based CITGO remained in prison, serving eight- to 13-year sentences delivered in a November 2020 trial marred by a lack of legal due process and based on politically motivated charges. Since their arrest in 2017, they had been granted house arrest twice but subsequently reimprisoned each time, most recently in October. Family members expressed concern regarding the deteriorating health of some of the men and the potential for contracting COVID-19 in prison.

Political prisoner and former Chavez defense minister Raul Isaias Baduel died in

regime custody on October 12, the third political prisoner death of the year and 10th since 2014. Regime attorney general Tarek William Saab tweeted that Baduel died of complications from COVID, but Baduel's family denied he was ill and claimed he was killed. Baduel, also a former general in the Venezuelan Armed Forces, was jailed from 2009 to 2015 on politically motivated charges after he broke with Chavez and again from 2017 until his death. A lawyer for the family told press that Baduel's son, also detained by the regime, was threatened with torture in an attempt to force him to declare that his father had died of COVID. Other family members and the lawyer were also threatened. The OHCHR called for an independent investigation to determine the cause of death.

**Misuse of International Law-enforcement Tools:** There were credible reports that the Maduro regime attempted to misuse international law enforcement tools, including Interpol Red Notices, for politically motivated purposes as a reprisal against specific individuals located outside the country. On May 11, the TSJ issued an extradition request for Leopoldo Lopez, former political prisoner and opposition leader. The regime sentenced Lopez in absentia to 14 years' imprisonment for allegedly instigating violence during protests in 2014.

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

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

### **Property Seizure and Restitution**

Widely circulated social media posts documented army soldiers threatening civilians, looting their homes, and destroying property. More than 5,000 Venezuelans and Colombian refugees fled across the border to Colombia amid widespread panic and distrust.

### **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 Maduro regime generally failed to respect these prohibitions. In many

cases, particularly regarding the political opposition, regime-aligned authorities searched homes without judicial or other appropriate authorization, seized property without due process, and interfered in personal communications. FAES and other security forces regularly conducted both politically motivated and indiscriminate household raids. Throughout the year media reports documented raids by security forces on the homes of opposition party politicians, their relatives, and members of independent media. NGO offices were also subject to arbitrary raids and their work equipment seized.

State surveillance remained rampant, including through the assistance of telecom regulator the National Telecommunications Commission (CONATEL) and state-run telecommunications provider CANTV. Furthermore, telecommunications companies reportedly assisted the regime in monitoring communications of political opponents. Technical attacks against media outlets appeared to be linked to the armed forces.

China, through its telecommunications corporation ZTE (Zhongxing Telecommunication Equipment Corporation), provided the Maduro regime with technology to monitor citizens' social, political, and economic behavior through an identity card called *carnet de la patria* (homeland card). To force citizens to comply, the regime made it obligatory to present the card to obtain social services, including pensions, medicine, food baskets, subsidized fuel, and in some instances COVID vaccinations. Citizens essentially had no choice but to obtain and use the card despite the known tracking methods. Chinese companies such as Huawei and the China National Electronics Import-Export Company also supported, financially and technologically, these surveillance methods.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression for the Members of the Press and Other Media**

The law provides for freedom of expression, including for members of the press and other media, but the combination of laws and regulations governing libel, slander, and media content as well as legal harassment, physical intimidation of individuals and media, and executive influence on the judiciary resulted in

significant repression of these freedoms. National and international groups, such as the IACHR, Human Rights Watch, Freedom House, Inter American Press Association, Reporters without Borders, and Committee to Protect Journalists, condemned Maduro regime efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

**Freedom of Expression:** The law makes conviction of insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. The Maduro regime’s 2017 “Constitutional Law against Hate, for Political Coexistence and Tolerance” stipulates prison sentences of up to 20 years for violations. While the regime stated the purpose of the law was to “promote peace and tolerance,” NGOs observed the vaguely written law could be used to silence political parties, activists, and civil society leaders as well as media outlets and journalists. Conviction of exposing another person to public contempt or hatred is punishable by prison sentences of one to three years and fines. In August the OHCHR reported that at least five journalists were arrested, or threatened with arrest, on charges of “incitement to hatred” under this law and that two individuals were charged with incitement to hatred after posting content critical of the regime on social media or a messaging application.

The NGO Espacio Publico reported 150 violations of freedom of expression in 74 cases, including 135 arrests, between January and April. The NGO Institute of Press and Society reported 213 violations of freedom of expression in 126 cases between January and June.

The Maduro regime threatened, harassed, and arrested journalists, opposition politicians, and health-care workers for speaking out regarding COVID-19 and the response to the pandemic. Espacio Publico documented at least 90 arrests from March 2020 to January 2021 for COVID-19 coverage, of which 40 percent were journalists and reporters.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** The law provides that inaccurate reporting deemed to disturb the public peace is punishable by prison terms of two to five years. The requirement that media disseminate only “true” information was undefined and open to politically motivated interpretation.

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

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

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

The Maduro regime continued legal actions against high-profile independent media outlets *TalCual*, *El Nacional*, *El Nuevo Pais*, *La Patilla*, *El Pitazo*, and *Efecto Cocuyo*.

On January 11, CONATEL and the national tax agency SENIAT conducted a raid at the offices of independent broadcaster Venezolanos por la Informacion (VPI TV), seizing equipment and ordering the station to cease operations. Observers said the Maduro regime used the controversial antihate law to justify a shutdown of VPI for its reporting on corruption and gasoline shortages. Also on January 11, SENIAT forced the closure of the newspaper *Diario Panorama* for alleged tax arrears, while digital news sites *Efecto Cocuyo* and *TalCual* reported they had suffered a cyberattack.

Maduro regime-owned and -influenced media provided almost continuous proregime programming. In addition, private and public radio and television stations were required to transmit mandatory nationwide broadcasts throughout the year, including a daily 15-minute news broadcast that provided reports and summaries of regime activities. Media reported the Bolivarian National Guard regularly barred journalists from covering legitimate National Assembly debates and activities. The country's online independent newspapers were frequently blocked by regime-owned internet service provider CANTV. NGOs noted that CANTV also routinely blocked commercial streaming and web searches during Interim President Guaido's speeches and during weekly National Assembly sessions; private internet companies did the same under pressure from CONATEL.

Several times Nicolas Maduro instructed the illegitimate National Assembly to include "very strict regulations on social networks" in reforms made to the Law of Social Responsibility in Radio, Television, and Electronic Media (Resorte Law). The illegitimate National Assembly also contemplated a chapter to regulate social media.

NGOs identified threats and intimidation to social networks users for publishing content critical of the regime on Facebook, Twitter, and WhatsApp. The online media monitor ProBox noted the regime used bots to flood social media platforms such as Twitter with proregime information. ProBox estimated that more than 60 percent of progovernment messages on Twitter appeared to originate from bots. There is no legislation to protect data.

Media and NGOs reported increased repression and intimidation of journalists following the emergence of COVID-19, with restrictions and persecutions intensifying during the year. Despite a specific exception permitting travel for members of the press during quarantine, the Maduro regime limited the freedom of movement of journalists.

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 were waived for foreigners and opinion columnists.

**Violence and Harassment:** Senior national and state leaders of the Maduro regime continued to harass and intimidate privately owned and opposition-oriented television stations, media outlets, and journalists by using threats, property seizures, administrative and criminal investigations, and prosecutions. Un Mundo Sin Mordaza reported a total of 63 acts of harassment, threats, and aggressions against journalists and press workers during the first half of the year.

Espacio Publico registered 12 arbitrary detentions for online publication workers through the end of August, most of them NGO activists, public workers, health workers, human rights NGOs, individuals, and journalists. In at least five cases, the antihate law was cited in the accusations.

On February 25, a SEBIN commission visited the home of journalist Luisana Suarez, a reporter for a radio station in Cojedes, to discuss a publication made on social networks. The officers assured Suarez's relatives that they wanted to discuss the information published on her Facebook profile about the lack of contraceptives in the outpatient clinic in the Anzoategui municipality of the region. Concerned that Suarez could be arbitrarily detained, relatives and neighbors of the reporter posted themselves at the house, and after several minutes the officials left. Suarez reported police forces had visited her residence without apparent cause on previous occasions.

On March 31, Kevin Arteaga from the news outlet *El Carabobeno* was conducting interviews at a gasoline station in Valencia, Carabobo, when he was intercepted by two members of the national police. He was forced to delete information from his cell phone, and a criminal investigation was opened against him.

Also in March, Milagros Mata Gil, a 70-year-old writer, was arrested and charged with incitement to hatred for a satirical message she published on WhatsApp and Facebook. Juan Manuel Munoz, another writer, was also detained. Mata Gil's message gave an account of a double wedding carried out in the northeastern city of El Tigre despite strict government quarantine requirements. Maduro regime attorney general Tarek William Saab was present. After 24 hours authorities released both writers under precautionary measures.

In August the National Union of Press Workers said the regime shadow governor

in Merida State, Jehyson Guzman, launched attacks on independent media in the area who attempted to cover the Maduro regime's response to major flooding.

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

The regime also exercised control over content through licensing and broadcasting requirements. CONATEL acted selectively on applications from private radio and television broadcasters for renewal of their broadcast frequencies. According to NGO reports, approximately 80 percent of radio stations throughout the country were in "illegal" status due to CONATEL's not having renewed licenses for most radio stations since 2007, a tool used to intimidate and censor.

CONATEL censured, closed, and seized equipment of seven radio stations, while four others stopped broadcasting their programs after administrative processes were applied against them.

According to the local journalists' union, print news outlets closed due to the Maduro regime's economic policies, which made it difficult for independent newspapers to access foreign currency, preventing many from purchasing critical supplies and equipment necessary for day-to-day business operations. In January, 16 print outlets suspended circulation, generally for lack of supplies, and at least 200 media outlets were blocked, censored, or closed by May.

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

According to Espacio Publico, citizens in 10 states lived in "media deserts" or "silenced zones" – areas that had no access to print, television, radio, or digital media due to censorship, forced closures of television and radio stations, and reprisals against journalists. Access to information was most heavily restricted in border territories and indigenous communities, and these areas also faced greater



internet restrictions.

**Libel/Slander Laws:** Regime-aligned officials engaged in reprisals against media organizations and individuals who publicly expressed criticism of Maduro or regime policy.

On May 14, the Maduro regime expropriated *El Nacional*'s headquarters in service of a foreclosure after the TSJ ruled the newspaper committed libel when reporting facts about regime corruption in 2015. A judge accompanied national guard units during the May 14 raid of *El Nacional*'s 162,000-square-foot property. On April 21, the IACHR and its Office of the Special Rapporteur for Freedom of Expression (RELE) expressed concern regarding the TSJ decision that ordered *El Nacional* to pay 13.4 million dollars for moral damages to Diosdado Cabello. In a lawsuit first presented in 2015, Diosdado Cabello sued *El Nacional* because it had republished an article of the Spanish newspaper *ABC* that linked Cabello to known drug traffickers. The IACHR and RELE called on the state to refrain from using direct or indirect pressure mechanisms to silence journalistic work, and they called for the Maduro regime to remove all disproportionate restrictions that prevent media from doing their job.

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

During the year Maduro renewed several times the “state of alarm” issued in March 2020, citing the COVID-19 pandemic, and granted himself the power to restrict rights otherwise provided for in the constitution. The 60-day emergency decree, which by law is renewable only once and requires 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 regime also threatened, harassed, and arrested journalists, opposition politicians, and health-care workers for speaking out on COVID-19 and the response to the pandemic.

The regime continuously used the law against organized crime and the financing of terrorism to implicate and accuse political opponents of committing crimes.

**Nongovernmental Impact:** Widespread violence in the country, often encouraged or left undeterred by the Maduro regime, made it difficult to determine whether attacks on journalists resulted from common criminal activity or whether criminals or others targeted media members.

### **Internet Freedom**

The Maduro regime restricted or disrupted access to the internet and censored online content. The regime exercised broad control over the internet through CONATEL. The China National Electronics Import-Export Company provided the regime with cyber support, technical experts, and a suite of software and hardware that was a commercial version of China’s internet regulator Great Firewall to maintain online censorship, control information, and prevent the internal dissemination of content deemed undesirable by political leadership. According to media reports, users of social networks accused CONATEL of monitoring their online activity and passing identifying information to regime intelligence agencies, such as SEBIN.

The 2020 *Freedom on the Net* report noted Maduro regime authorities’ efforts to block a web page created by the president of the National Assembly, Juan Guaido, to provide information on the pandemic and the temporary arrest of several journalists who reported on the virus. Freedom House noted in its 2021 *Freedom on the Net* report that detentions, imprisonment, legal, and extralegal restrictions on certain forms of online speech led to widespread self-censorship by journalists and media outlets.

The law puts the burden of filtering prohibited electronic messages on service providers; it allows CONATEL to order service providers to block access to websites that violate these norms and sanctions service providers with fines for distributing prohibited messages. As of July the Maduro regime blocked 13

websites and social media platforms. The regime used both direct means and administrative sanctions to cause HTTP (Hypertext Transfer Protocol) or DNS (Domain Name System) blocks by CANTV or indirect means through cyberattacks or false reports on social networks that led to the closure of the accounts of the related users.

According to the Institute for Press and Society and the VE Sin Filtro (VE without Filter) internet monitoring project sponsored by internet freedom watchdog Venezuela Inteligente, the regime blocked websites during events of public interest. Social media and video streaming sites such as Facebook, Twitter, YouTube, and Instagram were blocked during live speeches made by Interim President Guaido throughout the year. Espacio Publico registered through July four episodes of internet manipulation and blocking that affected the websites of nine journalists, two media outlets, one NGO, and one interim government website, TelesurLibre.

Regime-controlled 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 Maduro regime, and senior regime-aligned officials used personal information gathered by patriotas cooperantes to intimidate regime critics and human rights defenders. Users were arrested and criminally accused of actions such as tweeting information publicly available on webpages.

In December 2020 VE Sin Filtro identified a series of blocks against servers used by the Voatz app, a digital voting tool implemented as one of the participation mechanisms for the Consulta Popular (People's Consultation) organized and promoted by the National Assembly as a foil to the December 2020 fraudulent parliamentary elections, which were boycotted by the opposition and not recognized by the opposition-controlled National Assembly. The IP (Internet Protocol) blocks carried out by CANTV partially affected some functions of the Voatz app. Mobile telephone services providers in the country appeared to have blocked the SMS (Short Message Service) messages used by Voatz to verify users' telephone numbers.

On May 24, internet providers blocked the *TeleSur Libre* website, a news outlet

source supported by the interim government of Juan Guaido. VE Sin Filtro reported the Maduro regime launched multiple phishing attacks against users of platforms organized by Juan Guaido.

On May 29, VE Sin Filtro documented a significant increase in internet blockages against media outlets, including measures that affected digital news outlets *Caraota Digital*, *Alberto News*, and *La Patilla*, the most visited news web portal in the country. They also observed the blockage of at least two alternative domains of the news portal *Caraota Digital* used to evade censorship.

State-controlled CANTV is the leading internet provider in the country with 70 percent of subscribers. CANTV implemented a blocking HTTP/HTTPS that required the use of a VPN (virtual private network) to evade censorship. Other internet providers Inter, Movistar, Digitel, Supercable, and NetUno implemented a DNS block, which could be circumvented by simply changing the DNS of the devices.

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

There were no substantiated reports of Maduro regime restrictions on cultural events, but the regime imposed restrictions on academic freedom. Aula Abierta (Open Classroom), a local human rights NGO focused on academic freedom, reported the regime retaliated against opposition-oriented autonomous universities by denying them sufficient funding and failing to adjust budgetary allocations to inflation. During the year several of the country's most important universities operated with deficits averaging 97 percent.

According to Aula Abierta, there were 151 security incidents, including fires, thefts, threats, and violence, directed by unidentified perpetrators towards university students, professors, and school property.

The Maduro regime continued to increase its control over local universities, including the admissions process. In March the University Sector Planning Office ordered the transfer of the payroll system of the entire university community to the Maduro regime's Sistema Patria (Homeland System), eroding the financial autonomy of universities and raising fears of political recrimination among teachers and staff. The Maduro regime continued its practice of educational

financial incentives for holders of the carnet de la patria. NGOs and university students denounced the use of the card as a discriminatory policy that politicized the issuance of scholarships and restricted academic freedom.

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

The Maduro regime restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The constitution provides for the right of peaceful assembly, but the Maduro regime generally repressed or suspended it. A 2015 public decree regulates the right to assembly and grants the armed forces authority to control public order. Human rights groups continued to criticize the law as enabling the regime to charge protesters with serious crimes for participating in peaceful demonstrations. Ambiguous language in the law also allows the Maduro regime to criminalize organizations and persons critical of it. Protests and marches require advance authorization from the regime and are forbidden within designated “security zones.” In addition NGOs and opposition deputies expressed concern that the illegitimate Maduro regime used quarantine restrictions as a form of social control to criminalize protests and silence critics.

Citizens organized sporadic and often spontaneous small-scale protests throughout the year to demand basic goods and services such as water, gasoline, electricity, and access to vaccines. Workers also periodically demonstrated to demand a living wage. Some political parties and candidates staged small-scale demonstrations to protest moves to deny their registration for November’s regional elections. The Venezuelan Observatory of Social Conflict documented 3,393 protests in the first six months of the year, 59 of which were repressed by regime-aligned security forces and armed groups. The observatory documented 25 detentions, seven injured, and one death during protests as of September.

In at least three cases documented by the OHCHR, armed colectivos participated in the repression of demonstrations. The OHCHR also documented the killing of an 18-year-old fisherman from Toas Island, Zulia State, who was allegedly shot by Coast Guard officers on July 16 in a protest regarding access to fuel.

The OHCHR documented the detention of 34 persons in the context of protests and was informed of dozens of protesters who went into hiding or left the country due to fear of reprisals.

On July 21, Ada Macuare and Jhoana Paredes, nurses at the Ali Romero Hospital, were detained by police officers in Barcelona, Anzoategui State, after protesting for better working conditions, wages, and COVID-19 precautions. Paredes was released, but the state brought charges of terrorism and incitement to hatred against Macuare. Macuare was released in August without charges but with a requirement to report to court every 30 days.

On October 4, two members of the Tachira state police were sentenced to 27 and 21 years in prison, respectively, for the 2019 shooting of protester Rufo Chacon, blinding Chacon as he demonstrated in the city of San Cristobal for access to cooking gas.

### **Freedom of Association**

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

According to Aula Abierta, 73 percent of university teacher association group boards had expired, but registration obstacles imposed by proregime actors at the CNE prevented them from electing new board members.

The Maduro regime created the Association of Bolivarian Rectors to supplant the Venezuelan Association of University Rectors to exercise greater control over nonautonomous universities. Likewise, in the student sphere, the regime promoted the National Federation of Students as a parallel creation to the Federation of University Centers, and in the administrative sphere, the regime developed the Federation of University Workers of Venezuela to supplant the Federation of Teachers Associations University.

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

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

### **d. Freedom of Movement and the Right to Leave the Country**

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

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

The “state of alarm,” declared by Maduro in March 2020 to limit the spread of COVID-19, restricted freedom of movement and suspended social and business activities, and it was extended several times during the year. The decree authorized regime-aligned security forces broad latitude and discretion to enforce the decree and conduct investigations. Media reported the Maduro regime employed the armed forces, FAES, and armed colectivos to enforce quarantine measures. PROVEA documented an excessive use of force in implementing the lockdown, including arbitrary detentions, beatings, torture, and humiliating treatment for individuals allegedly failing to comply with quarantine measures. NGOs documented police and military forces utilizing the movement restrictions as a premise to solicit bribes from citizens at checkpoints. In November 2020 the Maduro regime reopened airports for limited international travel, beginning with travel to Mexico, the Dominican Republic, Turkey, and Iran and later expanding in June to Russia, Bolivia, and Panama.

Due to continued border closures through much of the year, Venezuelans traveling into and out of the country had no choice but to use informal border crossings that largely were controlled by illegal armed groups. While no official statistics were available, activists and NGOs reported that citizens utilizing the crossings faced significant risks, such as gender-based violence and human trafficking, including forced labor, sexual servitude, and the forced recruitment of children into armed

conflict at the hands of criminal groups. Human traffickers used sea routes to transport victims to nearby countries, and migrant smugglers also sent refugees and migrants on dangerous sea journeys. On April 21, at least 10 intending migrants were killed when their boat sank on its way to Trinidad and Tobago in the Boca de Serpiente sector, Delta Amacuro State; another 12 individuals survived and seven were missing.

Individuals were often subjected to debt bondage or forced to pay a form of taxation at the informal border crossing to illegal armed groups, increasing the vulnerability of migrants to labor exploitation, harassment, sexual violence, and human trafficking, including forced labor and sex trafficking. Many were vulnerable to recruitment, sometimes forced, into drug trafficking rings or illegal and other armed groups.

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

**Foreign Travel:** Obtaining a passport remained difficult during the year. Prospective applicants waited overnight in lines and in some instances did not receive passports after years of delays. The regime repeatedly seized passports from journalists, members of the opposition, and National Assembly deputies at ports of entry without explanation as they attempted to depart the country.

## **e. Status and Treatment of Internally Displaced Persons**

The NGOs PROVEA and COFAVIC documented cases of internal displacement of families fleeing violent gang clashes in the communities of La Vega and La Cota 905 in western Caracas. Clashes between military forces and nonstate armed groups in Apure caused hundreds of civilians to be displaced to neighboring states and municipalities.

## **f. Protection of Refugees**

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



**Access to Asylum:** The law provides for the granting of asylum or refugee status, and there is an established system for providing protection to refugees, although delays in the system allowed for abuse at the hands of private individuals and representatives of the state.

**Abuse of Migrants and Refugees:** With the refugee status determination process centralized at the National Refugee Commission (CONARE) headquarters in Caracas, asylum seekers often waited years to obtain a final decision. During this period they had to continue renewing their documentation every three months to stay in the country and avoid arrest and deportation. While traveling to the commission's headquarters, particularly vulnerable groups, including women with young children, older persons, and persons with disabilities, faced increased personal risks such as arrest and deportation, extortion, exploitation, and sexual abuse by regime authorities at checkpoints and other locations.

**Employment:** Refugees without legal residency permits had limited access to the job market.

**Access to Basic Services:** Asylum seekers without legal residency permits had limited access to education and health systems. The lack of documentation created significant difficulties in achieving sufficient protection and long-term integration. Maduro regime authorities permitted Colombian children to attend school but inconsistently granted them diplomas or certificates of completion without residency documentation, resulting in high dropout rates for Colombian children. In 2019 CONARE announced the creation of a border migration control card for refugees present in the country, similar to the carnet de la patria.

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

The 1999 constitution provides citizens the ability to change their government through free and fair elections, but Maduro regime interference, electoral irregularities, unconstitutional appointments of electors, and harassment and manipulation of voters and candidates restricted the exercise of this right in the 2018 presidential and municipal elections, the 2020 legislative elections, and the November 21 regional elections for governor, mayor, and state and local officials. The regime continued to arbitrarily ban key opposition figures from participating,

maintained hundreds of political prisoners, utilized judicial processes to steal the legal personages of political parties, and denied opposition political representatives equal access to media coverage and freedom of movement in the country.

## **Elections and Political Participation**

**Recent Elections:** Nicolas Maduro's illegitimate second term as president began on January 10, 2019, following flawed presidential elections in 2018, which were widely condemned by the political opposition and international observers as fraudulent and constitutionally invalid. On January 23, 2019, legitimate National Assembly president Juan Guaido invoked Article 233 of the constitution, which calls on the National Assembly president to assume the role of interim president in the event of presidential vacancy.

In December 2020 the Maduro regime conducted fraudulent legislative elections that failed to meet any minimum standard of credibility. The regime usurped the TSJ's legislative powers and illegally appointed members to the CNE; hijacked political parties through the theft of their brand name, assets, and ballot logos, including those from the left that challenged the regime's control of Chavez's political legacy; prohibited many political opponents of the regime from running for office and stripped them of their political rights; kidnapped, exiled, and tortured opposition politicians; suppressed indigenous political representation; and arbitrarily increased the number of seats in the National Assembly from 167 to 277. Consequently, electoral and constitutional experts, most independent political parties, and civil society organizations rejected the process. Despite international nonrecognition of the electoral results, the new assembly was sworn in on January 5, and Jorge Rodriguez elected president of the body.

The interim government utilized a provision in the constitution to hold a public referendum, the Consulta Popular, in December 2020. The referendum questions focused on rejecting the Maduro regime's December 6 farce election and restoring democracy through free and fair presidential and legislative elections.

Participation was open to both citizens in the country and abroad, who could vote via a secure online platform. In-person voting was also available within the country.

Additionally, the National Assembly elected in 2015 (AN-2015) reformed the Statute for the Transition to allow a smaller body called the Delegate Commission to assume the legislative competences beyond the expiration of its constitutional period in January 2021. A group of opposition deputies from different political parties did not support the decision and ended their mandate on January 5. The Delegate Commission continued to hold Ordinary Session throughout the year, led by Interim President Juan Guaido.

On February 9, the illegitimate National Assembly elected the members of the Nominations Committee, starting the process stipulated in the constitution to elect CNE members. After three months the process resulted in the appointment of 15 new rectors (council members) – five main rectors and 10 assistants. With participation of the civil society group Foro Civico, which engaged in discussions with members of the Maduro regime, the illegitimate assembly appointed five opposition-linked rectors. Of those, two were main and the other three assistant. The reconstituted CNE returned the Democratic Unity Roundtable (MUD) ticket, barred in 2018, to the opposition, paving the way for the opposition to run under the MUD ticket in the November 21 regional elections. Although the appointment of two of the five principal rectors to opposition-linked candidates helped provide greater balance in the CNE, major electoral problems remained. Control of party and candidate registration remained outside the hands of legitimate political party leaders and in the hands of regime representatives, hundreds of opposition figures remained barred from running for elections, and the electoral registry remained out of date and incomplete.

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

The Maduro regime regularly targeted National Assembly deputies, interim government staffers, and other opposition politicians and their relatives through violence or threats of violence, arbitrary arrest, politically motivated prosecution, violation of privacy, and restrictions on movement. Multiple opposition politicians fled the country or sought refuge in diplomatic missions to avoid arbitrary detention and the possibility of torture. On February 25, FAES detained AN-2015

Popular Will (VP) deputy Gilberto Sojo, violating legal procedures for detention and holding him incommunicado for more than 96 hours. Sojo was detained until September 3 for allegedly violating the previous terms of his arrest in 2016 when he was held for two years on spurious terrorism charges. On July 12, VP deputy Freddy Guevara was detained by Maduro regime forces on false accusations of terrorism and treason related to violent clashes in the neighborhood of La Cota 905 in western Caracas. The detention was recorded live by Guevara himself. Guevara was freed one month later without judicial charge. On the same day, Interim President Juan Guaido was harassed in the parking lot of his residence by SEBIN agents. On July 13, the regime attorney general alerted that capture orders were issued against VP militants Luis Somaza, Emilio Grateron, Gilber Caro, and Hasler Iglesias. Grateron sought refuge in the Chilean embassy where he remained as of November, while Caro fled the country on August 31.

According to a March 23 OHCHR report, the Maduro regime attorney general announced 25 investigations had been opened against members of the opposition for the alleged seizure of national assets abroad. The attorney general indicated they were under investigation for crimes of usurpation of functions, corruption, aggravated embezzlement, fraudulent use of public funds, conspiracy with foreign governments, terrorism, rebellion, trafficking in weapons of war, treason, and criminal conspiracy.

In negotiations held in Mexico between the regime and political opposition figures in August-September regarding the crisis in Venezuela, the regime granted apparent flexibility to some opposition party members who were competing in or supporting the November 21 regional elections. Social Christian Party leader Roberto Enriquez, who had taken refuge in the Chilean embassy in 2017, joined the negotiations on August 12, ending his asylum. Freddy Guevara also joined the negotiations weeks after his release. Other opposition figures in exile returned to the country as well, including AN-2015 deputies Americo De Grazia (former Radical Cause member) and Justice First party members Jose Manuel Olivares and Tomas Guanipa, all running for office. Other exiled returnees included Enzo Scarano (Clean Accounts) and Ramon Martinez.

Despite these changes, the Maduro regime continued to hold hundreds of individuals in prison on politically motivated charges and prevented hundreds of

opposition candidates from exercising their full rights to run for office. On September 26, Bolivarian National Guard forces temporarily detained Caroni (Bolivar State) mayoral candidate Carlos Chancellor as he was campaigning; they released him three hours later without explanation or charges.

In November the regime allowed some political opponents to participate in the elections for governors, mayors, and regional and local officials, but it did not allow for conditions that would permit free and fair conditions for true competition. Civil society organizations noted the elections were marred by credible reports of election irregularities and violations of election law and that the regime had stifled the possibility of a fair competition through pre-election manipulation to include arbitrary arrests and harassment of political and civil society actors, criminalization of opposition parties' activities, bans on candidates across the political spectrum, manipulation of voter registration rolls, and persistent media censorship.

**Participation of Women and Members of Minority Groups:** No law limits participation of women or members of minority groups in the political process, and they did participate.

On July 29, the CNE published the Norms on Gender Parity for Alternative Nominations for political parties during regional and municipal elections. According to the norms, the political parties must present a list of candidates with a 50-50 percent gender parity both in their principal candidates' nominations and their alternates.

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

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

government resources.

**Corruption:** According to Maduro regime attorney general Tarek William Saab, during 2020, 802 persons were convicted for corruption, with a total of 2,274 convicted since August 2017, although observers claimed regime statistics were unreliable. From January to June, 269 public prosecutors were charged and 24 convicted of corruption. Between February and July, 51 senior managers at companies and state-owned institutions were prosecuted on corruption grounds.

Corruption was a major problem in all security and armed forces, whose members were generally poorly paid and minimally trained. No data were publicly available on 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.

The NGO Transparencia Venezuela reported an increase of corruption in the country amid the pandemic crisis, highlighting the opacity of the vaccination plan and the purchase of medical equipment from the governments of Russia, China, Cuba, and Iran. NGOs also documented an increase in bribes requested by military and police during the quarantine periods in exchange for allowing citizens to move freely throughout the country.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of independent domestic and international human rights groups generally operated with restrictions from the Maduro regime. Major domestic human rights NGOs conducted investigations and published their findings on human rights cases. Regime officials were rarely cooperative or responsive to their requests. Domestic NGOs reported fear the regime would use the 2017 law against hate to justify widespread repression of their activities, jailing of the participants and organizers, and threats against family members. Some domestic NGOs reported threats against and harassment of their leaders, staff, and organizations, in addition to raids and detentions, but they were able to publish dozens of reports during the year. Some human rights activists reported regime authorities barred them from

traveling abroad or that they feared not being able to return to the country if they traveled. NGOs played a significant role in informing citizens and the international community regarding alleged abuses and key human rights cases.

On March 30, the regime promulgated a decree that obligates NGOs to register in the unified registry of the Office Against Organized Crime and Terrorism Financing in the Ministry of Interior and Justice. Human rights watchdogs assessed the decree as a mechanism that would allow the Maduro regime to force civil society organizations to provide information with the intent of supervising and controlling their activities. Among the registration requirements were a list of international donors from whom they receive contributions, a list of the overseas headquarters of the organizations, and a list of all beneficiaries. Critics said the legal instrument criminalizes international cooperation and prequalifies the NGOs as terrorists. These new requirements and conditions were lightened in an amendment introduced on May 3, but it included four other mandatory registries for NGOs, raising concerns regarding the right to freedom of association.

NGOs noted the Maduro regime created a dangerous atmosphere for them to operate. The regime continued to implement increasingly stringent legal means aimed at controlling and supervising the actions of human rights and humanitarian organizations, including additional oversight of the banking operations of NGOs, resulting in raids, arrest warrants, and attempted prosecutions against members of organizations such as Azul Positivo, Accion Solidaria, Prepara Familia, Convite, Alimenta la Solidaridad, and Caracas Mi Convive.

Human rights organizations claimed they were subject to frequent internet hacking attacks and attempts to violate their email privacy. The regime targeted multiple humanitarian NGOs by issuing politically motivated arrest warrants against their staff and directors, raiding their facilities, and stealing their computers and other electronic devices.

The Maduro regime attempted to discredit and threaten NGOs with criminal investigations for allegedly illegally accepting foreign funds. Various regime officials accused human rights organizations on national television and other media of breaking the law by receiving funding from international donors.

The NGO Center for Defenders and Justice published a report that recorded 374 attacks and security incidents against human rights defenders and civil society organizations in the first half of the year, a 243 percent increase compared with the same period in 2020. In April alone there were at least 115 incidents. The NGO remarked that one of the mechanisms used by the Maduro regime to subdue human rights defenders was the Unified Registry of Obligated Subjects of the Office of Organized Crime and Terrorism Financing. The regime used the registry to seek information on external sources of support to civil society under the premise of terrorism or crimes against the state.

In February a draft law on international cooperation that threatened to restrict funding for NGOs was once more placed on the agenda of the illegal National Assembly. Although the law did not pass, the revival of the draft created a climate of fear among human rights NGOs and a hesitancy to seek international assistance.

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

The OHCHR recorded 97 incidents related to human rights defenders, including journalists, union leaders, human rights activists, and civil society organizations. They included two killings, six acts of violence, 62 instances of criminalization, 17 accounts of threats and intimidation, and 10 cases of stigmatization. At least 16 members of the opposition were arbitrarily arrested; most were released shortly their detention.

On July 1, the OHCHR gave an update on the human rights situation, indicating it continued to receive credible reports of torture, new cases of forced disappearance, and other forms of Maduro regime-authorized violence and intimidation. The report also focused on the deteriorated condition of the country's prisons and detention centers and discussed the regime's pattern of voter intimidation and coercion.



On January 14, five human rights defenders and humanitarian workers of Azul Positivo – Johan Leon Reyes, Yordy Bermudez, Layners Gutierrez Diaz, Alejandro Gomez Di Maggio, and Luis Ferrebuz – were indicted on charges of “fraudulent handling of smart cards, money laundering, and criminal association.” On February 11, they were released on probation and subsequently required to report to court every 30 days.

On July 2, Javier Tarazona, director of the human rights NGO Fundaredes, was detained by SEBIN officers. Tarazona had gone to the Public Ministry to report the persecution he was suffering in Falcon State by police officers and unidentified individuals. He was arbitrarily detained along with Omar de Dios Garcia and Jose Rafael Tarazona, also human rights defenders. Regime attorney general Tarek William Saab accused Fundaredes members of issuing public accusations that incited hatred and compromised the peace of the country after Tarazona demanded an investigation into the alleged links of the country with Colombian guerrilla groups. As of November Tarazona remained in custody without trial and in need of medical treatment, but the other two had been released.

**The United Nations or Other International Bodies:** The Maduro regime was generally hostile toward international human rights bodies and continued to refuse to permit a visit by the IACHR, which last visited the country in 2002. In 2019 the regime and the OHCHR signed a memorandum of understanding that provided for the presence of two UN human rights officers, and in October the UN Human Rights Council voted to extend the mandate of the OHCHR until 2022. In 2019 the UN Human Rights Council adopted a resolution to establish a one-year FFM to investigate “extrajudicial executions, enforced disappearances, arbitrary arrests, torture, and other cruel, inhumane, or degrading treatment committed in Venezuela since 2014.” The FFM was extended again in 2020 until 2022.

In September the FFM issued its second report demonstrating the Maduro regime had systematically deployed the judicial system since 2014 as a tool to attack and repress members of independent civil society and political opponents.

In November Chief International Criminal Court prosecutor Karim Khan visited the country, culminating in the announcement of the opening of an investigation into crimes committed under the Maduro regime.

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

The TSJ continued to hold the National Assembly in “contempt” status, which diminished the purview and operational effectiveness of the assembly’s subcommission on human rights. The regime’s human rights ombudsman failed to advocate for citizen victims of human rights neutrally and objectively, especially in the most emblematic of cases. In September regime attorney general Tarek William Saab announced the formation of a new Office to Attend to Victims of Human Rights Abuses; the office showed limited public progress by year’s end.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of men or women, including spousal rape, making it punishable by a prison term of eight to 14 years. A man may legally avoid punishment by marrying (before he is sentenced) the person he raped. The law allows authorities to consider alternative forms of punishment, including work release, for those convicted of various crimes, including rape, if they have completed three-quarters of their sentence. The law was not consistently enforced.

The law criminalizes physical, sexual, and psychological violence in the home or community and at work, with increased penalties for intimate partner violence. The law punishes perpetrators of domestic violence with penalties for conviction 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. The law was often not followed or enforced.

The Maduro regime did not publish statistics on gender-based violence. The OHCHR reported a lack of due diligence in investigations of gender-based violence cases. According to NGOs, government efforts to protect victims of gender-based violence were ineffective or nonexistent. Enforcement of laws and access to justice were limited, as victims of gender-based violence reported a lack of progress and inability to follow up on cases after filing reports with authorities.

Many advocates observed there was a lack of public awareness among women regarding resources and support available to prevent and combat domestic violence. There were four shelters for victims of gender-based violence, one each in Aragua, Cojedes, Sucre, and Trujillo States, but only two remained open; the remaining two struggled to operate effectively due to a lack of government support. NGOs provided most domestic abuse support services.

NGOs and media reported an increase of domestic abuse and gender-based violence during the COVID-19 pandemic. The NGO Center for Justice and Peace reported 207 femicides between January and September 30.

On February 21 and 22, Eduarlys Falcon and Eliannys Martinez Ronoz were killed in Turen, Portuguesa State. The two young women were missing for more 24 hours and were later found with signs indicating they were tortured and sexually assaulted before being strangled to death. On February 28, the regime attorney general declared the alleged murderer had been arrested. In his annual report before the illegitimate National Assembly, the attorney general stated since 2017 there had been 610 femicide cases, of which 50 percent had been resolved.

**Sexual Harassment:** Sexual harassment is illegal and punishable by fines and a prison sentence of one to three years. Although allegedly common in the workplace, sexual harassment cases were rarely reported. Several cases of harassment at the hands of security forces – both police and military – were reported during the year.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of the Maduro regime. The regime restricted access to sexual and reproductive health services for sexual violence survivors, including

emergency contraception for the clinical management of rape.

The regime's economic mismanagement and neglect of the country's health-care infrastructure severely restricted access to resources for menstrual health and hygiene as well as to skilled health attendance during pregnancy and childbirth. Media reported access to methods of contraception and emergency contraception were limited. When available, birth control pills cost almost 10 times the monthly minimum wage, and an intrauterine device cost 25 times the monthly minimum wage. A pack of condoms cost three times the monthly minimum wage. According to NGOs, the COVID-19 pandemic further reduced access to contraception and the ability to see doctors and pharmacies. A 2020 study by the Venezuelan Association for Alternative Sex Education (AVESA) found that fewer than 50 percent of women of reproductive age had their need for family planning satisfied with modern methods.

The IACHR found that many young women who were pregnant or had young children migrated to other countries to gain access to prenatal care and health and reproductive services. The IACHR also reported that women seeking neonatal or obstetric care had to provide their own surgical and personal protective equipment. Pregnant women frequently did not receive prenatal care or take prenatal supplements containing iron or folic acid needed for correct child formation, which affected child development and caused possible malnutrition and diseases. The precarious economic situation limited access to food to the entire population, which had a direct negative impact on pregnant women and their unborn children.

Hospitals lacked qualified health-care professionals, medicine, and necessities such as water, electricity, and cleaning supplies. The country's health-care crisis, including the inability to attend to maternal health, was compounded by the pandemic as hospitals prioritized COVID-19 cases over other health services. AVESA also studied the impact the COVID-19 pandemic on the sexual and reproductive health of women in reproductive age in the Capital District and Miranda State. A report released during the year showed that between October and December 2020, there was a reduction of 18 percent in health assistance centers with family planning services, with no increase of the numbers of centers for assistance regarding sexually transmitted infections. Media reported sexually transmitted infections, including those passed onto children, were on the rise and

citizens had limited access to resources to address them.

Women, children, and teenagers lacked the conditions and information to safely make decisions about their sexual and reproductive health and also lacked access to services and contraceptive methods in a timely manner and in terms of quality. The pandemic's mobility restrictions and closure of services aggravated the situation.

The Maduro regime claimed in its report to the UN Women's Convention for the Elimination of All Forms of Discrimination towards Women that maternal mortality had dropped, which experts doubted. According to the Society of Obstetrics and Gynecology of Venezuela, the maternal death rate in 2019 was 112 per 100,000 live births, with postpartum hemorrhages, sepsis, and pregnancy-induced hypertension cited as the leading causes of maternal mortality. Doctors stated these were "predictable and treatable" conditions but were often fatal due to hospitals' lack of adequate beds, medical resources, and medicine. Statistics were unreliable due to the compounded crisis in the country, and experts believed the numbers could potentially be higher. An increasing number of births took place at home due to faltering medical services.

According to the UN Population Fund, the adolescent birth rate in 2019 was 95 births for every 1,000 adolescents ages 15 to 19.

In October 2020 Vanesa Rosales, a human rights defender from the city of Merida, was arrested on accusations of providing information and medications for the voluntary termination of pregnancy for a 13-year-old adolescent who became pregnant as a result of rape. Rosales was charged with conspiracy, conspiracy to commit a crime, and abortion induced by a third party, exposing her to severe penalties. She was detained without due process and was released in May.

**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 regarding 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. Gender disparities persisted despite guarantees provided by law.

## **Systemic Racial or Ethnic Violence and Discrimination**

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

## **Indigenous Peoples**

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 continued without representation due to the TSJ’s annulment of the 2015 election of Amazonas State’s indigenous representatives.

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

Indigenous groups and NGOs expressed concern regarding mining in the expanding Arco Minero, an area between the states of Bolivar, Amazonas, and Delta Amacuro. Indigenous communities reported the Maduro regime developed and expanded mining zones without consulting those native to the region, resulting in a rise in environmental degradation, water contamination, and malaria. Illegal armed groups, including the National Liberation Army and FARC-D, had a considerable presence in the area, increasing the level of violence and insecurity in the communities. There was also an unprecedented influx of disease; drugs;

human trafficking, including commercial sexual exploitation and forced labor; and other illegal activities in the mining areas, putting indigenous communities at risk.

Indigenous groups regularly reported violent conflicts with miners and cattle ranchers regarding land rights. There were reports of harassment, attacks, and forced evictions against indigenous persons living in areas included as part of Maduro regime mining concessions. Indigenous persons reported a lack of consultation by the regime on the social and environmental impact of mining activity in indigenous and protected areas.

Border disputes with Colombia affected indigenous groups living in border regions. There were many reported cases in which movements of indigenous groups were restricted, including from border closures. After more than 18 months, these regions continued to suffer severe restrictions that impeded tourism and forced indigenous communities of Santa Elena de Uairen, Bolivar State, to practice mining. The tourism chamber affirmed that approximately 28 indigenous communities stopped working in tourism due to the closure of the country's borders and gasoline shortages, which made them depend on illegal mining for 60 percent of their income.

NGOs stated that quarantine measures imposed by the Maduro regime unduly affected indigenous communities, preventing transit to and through territories and making it impossible for indigenous persons to obtain sufficient food, water, and access to medical care, which was already difficult due to gasoline shortages in the area. PROVEA alerted that the migration of indigenous communities from Amazonas State to Colombia had increased in the past five years due to the worsening of the political-economic crisis and the increase in mining activity and invasion of indigenous territories. Colombian authorities estimated 3,900 Venezuelans had registered in 25 indigenous and nonindigenous settlements in Puerto Carreno as migrants or displaced persons.

In January there was concern for the 12 indigenous members of the Pemón community detained in the Rodeo II prison, due to the poor detention conditions. All were detained on allegations of having assaulted the 513 Jungle Infantry Battalion Mariano Montilla in 2019. Foro Penal called on authorities to grant them priority medical assistance, since they had tuberculosis due to poor sanitary

conditions and lack of adequate food and water. Their lawyers affirmed in their case that due process was not guaranteed and that they had been subject to cruel and inhuman treatment. Advocacy groups decried that they should have been tried in an indigenous jurisdiction to respect indigenous rights. The National Observatory for Human Rights demanded the detainees be transferred to another facility closer to their community where they could have access to family and community. They also requested as a minimum condition to receive medical assistance according to their indigenous practices. They were released on February 13.

On February 21, an assembly of indigenous leaders in Bolivar State denounced the continued presence of illegal armed groups engaged in illegal mining activities on indigenous lands and declared a state of emergency in the community of San Luis de Morichal. The National Assembly denounced environmental degradation, instability, human rights violations, and the closure of schools. Leaders condemned the inaction and complicity of the Maduro regime and called on the regime to enforce protections for indigenous communities as enshrined in the constitution.

On June 21, Fundaredes in Apure State reported FARC dissidents killed six indigenous individuals in the Macanilla sector, located in the Pedro Camejo municipality. According to the NGO, the deaths occurred on June 15 after the FARC dissidents allegedly looted a food truck that was moving from San Juan de Payara to a church in Puerto Paez, in the Codazzi parish. Fundaredes also said the indigenous communities were unprotected by the state and suffered from malnutrition, sexual abuse, human trafficking, and displacement by irregular armed groups.

Also in June the OHCHR expressed concern regarding the death of indigenous Pemon leader Salvador Franco while he was in detention and called on authorities to conduct an immediate and independent investigation and to protect the rights of the detainees, especially their right to receive medical assistance. As of November neither the Attorney General's Office nor the human rights ombudsman had made a statement regarding the case.



## Children

**Birth Registration:** Citizenship is derived by birth within the country's territory. The children's rights NGO Cecodap reported that families struggled to register births due to quarantine measures related to the COVID-19 pandemic.

**Child Abuse:** According to UNICEF and NGOs working with children and women, child abuse, including incest, occurred but was rarely reported. The Maduro regime made efforts to detain and prosecute some perpetrators of child abuse. Although the judicial system acted to remove children from abusive households, the press reported public facilities for such children were inadequate. According to NGOs, in many cases children were returned to their homes without proper reintegration measures or follow-up. An investigation by Cecodap documented the lack of information from official sources regarding the violation of child and adolescents' rights, noting that only 23 percent of the monitored news came from official sources.

During the first quarter of the year, Cecodap identified 209 violent episodes involving child and adolescents and said they were the victims in 86 percent of the cases. Cecodap reported that 30 percent of episodes monitored involved sexual abuse and most victims were between seven and 12 years old.

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

**Displaced Children:** Children's rights advocates and media reported an increase

in the number of abandoned children living on the street. State-run facilities, already filled to capacity, were unable to support the influx. Cecodap estimated that as many as one million minors had been left behind with family members when their parents fled the country's economic crisis, many of whom also struggled with the country's economic downturn. These children resided in limbo, since their parents who left were unable legally to transfer guardianship to a third party. Private institutions denounced the Maduro regime's refusal to provide subsidized food benefits to support the country's population.

NGOs noted young girls constituted almost one-half of the children living on the streets. This shift posed particular challenges for shelters, which historically housed predominantly male populations. With institutions filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.

The Human Rights Center of the Catholic University Andres Bello documented that between October 2020 and February, at least 430 children and adolescents permanently left the country alone or accompanied by other minors. An additional 51,250 minors were recorded as regularly crossing the border between Venezuela and Colombia.

Save The Children affirmed that 70 percent of children and adolescents left the country to find their parents and to achieve a family reunion; the remainder fled domestic violence. Many of these children were motivated by deceptive job offers. NGOs confirmed cases of unaccompanied Venezuelan girls who were victims of sex trafficking in Colombia, Ecuador, Panama, and Peru.

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

## **Anti-Semitism**

The Confederation of Israelite Associations in Venezuela estimated there were 10,000 Jews in the country. Jewish community leaders expressed concern

regarding anti-Semitic pieces in regime-aligned media outlets. They stated regime-owned or -associated media and supporters of the Maduro regime promoted Zionist conspiracy theories. There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, including anti-Semitism.

## **Trafficking in Persons**

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

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities, but the Maduro regime did not implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were almost nonexistent. Many persons with disabilities expressed concern that public transportation workers often were unwilling to transport them and forced them to find taxis, which were often unaffordable and frequently not equipped to support patrons with disabilities. NGOs reported hospitals lacked infrastructure to accommodate persons with mobility problems and staff to communicate with deaf persons. Parents of children with disabilities also complained they were forced to wait in long lines for services rather than receive preference as afforded by law. Online resources and access to information were generally available to persons with disabilities, although access to closed-captioned or audio-described online videos for persons with sight and hearing disabilities was limited. Leading advocates for persons with hearing disabilities lamented difficult access to public services due to a lack of interpreters in public courts, health-care facilities, and legal services, as well as a lack of other public accommodations.

The National Council for Persons with Disabilities, an independent agency, advocated for the rights of persons with disabilities and provided medical, legal, occupational, and cultural programs. All forms of organization, whether public or private, are required by law to incorporate no less than 5 percent of persons with disabilities in their work area, according to their condition, their abilities, their

skills, and their specialties with the aim of seek job placement. There was no available information regarding the number of persons registered with regime health programs who were fully employed. The law was generally not followed or enforced.

Some children with disabilities attended separate schools, while others were in mainstream schools with their peers without disabilities. Media reported that schools for children with disabilities suffered from underfunding, decaying infrastructure, and little consideration for the specific needs of individual disabilities. Parents of children with disabilities reported significant difficulties in school enrollment, which prevented their children from receiving formal education. NGOs reported that in the shift to online classes due to COVID-19, children with disabilities had limited access to educational materials, and the Ministry of Education did not adapt curricula for children with disabilities.

The NGOs Cecodap and Deaf Confederation of Venezuela reported three legal cases where the accused were individuals with cognitive disabilities who were arbitrarily detained and deprived of liberty. In each case the court omitted information about the defendant's mental disability, even when the disability was reflected and endorsed by medical reports from each of the accused. The most recent case was in December 2020, regarding a 15-year-old adolescent in Yaracuy State who allegedly was involved in crimes of extortion and kidnapping. He was linked to the crime by a cell phone that was used by his mother, who went missing at that time.

## **HIV and AIDS Social Stigma**

The law provides for the equal rights of persons with HIV or AIDS and their families. Nevertheless, leading advocates alleged discrimination occurred against such persons. Media and NGOs denounced that during the pandemic more than one thousand persons died due to lack of antiretroviral treatment, as well as poor care in public hospitals. Since 2016 the regime had not purchased antiretroviral medicine, which also affected a great number of children with HIV. The NGO Citizen Action Against AIDS reported there was permanent discrimination in public hospitals and refusal of medical attention against persons with HIV and mistreatment of pregnant women with HIV at the time of delivery.

The number of persons with HIV in treatment increased in the last two years from 24 percent to 54 percent in December 2020, according to UNAIDS. On January 12, DGCIM arbitrarily detained six members of NGO Azul Positivo that provided humanitarian aid to the HIV-positive population of Zulia State, raided the NGO's offices, and seized equipment.

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

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

The armed forces criminalize homosexual relations in the military justice code, punishing members of the LGBTQI+ community with prison from one to three years and fines.

NGOs reported incidents of bias-motivated violence against LGBTQI+ persons. Reported incidents were most prevalent against transgender individuals. Leading advocates noted that law enforcement authorities often did not properly investigate to determine whether crimes were bias motivated.

In June media reported at least seven hate crimes against LGBTQI+ persons. These cases should have been processed by the Special Ombudsman's Office for the Protection of Persons of Sexual Diversity (an entity created in December 2020 and attached to the Ombudsman's Office), but NGOs affirmed the office was ineffective and that most related hate crimes were not investigated.

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

orientation, but the ruling was rarely enforced.

The law establishes the principle of no discrimination for sexual orientation as well as no discrimination in the workplace for sexual preferences; however, there were no mechanisms to denounce violations of the law.

## **Section 7. Worker Rights**

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

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

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

By law employers may negotiate a collective contract only with unions that

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

The law recognizes the right of all public- and private-sector workers to strike, subject to conditions established by law. 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, but this was not enacted in practice. The law requires that employers reincorporate striking workers and provides for prison terms sufficient to deter violations for employers who fail to do so. This law also was not enforced. 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 for the law to be amended to exclude from the definition of "essential services" activities "that are not essential in the strict sense of the term...so that in no event may criminal sanctions be imposed in cases of peaceful strikes."

The minister of labor may order public- or private-sector strikers back to work and submit their disputes to arbitration if a strike "puts in immediate danger the lives or security of all or part of the population." Other legal provisions establish criminal penalties for exercising the right to strike in certain circumstances. For example, anyone who "organizes, supports, or instigates the realization of activities within security zones that are intended to disturb or affect the organization and functioning of military installations, public services, industries and basic (i.e., mining) enterprises, or the socioeconomic life of the country" could be punished with five to 10 years in prison. The law also provides for prison terms sufficient to deter violations by those who restrict the distribution of goods and "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 organic code of military justice establishes arrest sentences between six months and one year for expressing outrage to a sentry, a public official, or the armed forces. This type of criminal offense was used against indigenous leaders and workers unconstitutionally subjected to military jurisdiction.

The Maduro regime restricted the freedom of association and the right to collective bargaining through administrative and legal mechanisms. The regime did not effectively enforce the law, and penalties were not commensurate with those for other laws involving denial of civil rights, such as discrimination.

The ILO raised concerns regarding violence against trade union members and intimidation of the Associations of Commerce and Production of Venezuela by the Maduro regime. In 2018 ILO member countries voted to establish an ILO Commission of Inquiry (COI) for Venezuela to investigate long-standing complaints first filed in 2015 of labor rights violations of ILO Conventions Nos. 26, 87, and 144, which pertain to minimum-wage fixing, freedom of association and protection of the right to organize, and tripartite consultation, respectively. In 2019 the commission submitted its report to the ILO director general, noting the regime had repeatedly committed violations of international conventions on minimum wage, freedom of association and the right to organize, and labor standards. The report also called for “the immediate release of any employer or trade unionist who may be in prison as a result of carrying out the legitimate activities of their workers’ or employers’ organization.”

On March 27, the ILO Governing Body agreed to increase the pressure on the Maduro regime to comply with the COI recommendations that requested “the immediate halt of all violent acts, threats, persecution, stigmatization, harassment, and aggression” against organization of workers and employers not affiliated with the Maduro regime and the adoption of measures to guarantee such acts would not be repeated in the future. The ILO COI also requested a tripartite social dialogue. The regime categorically rejected the COI recommendations and continued to detain individuals because of their union activities in cases where the activities



were perceived as counter to the interests of the Maduro regime.

Organized labor activists continued to report that the annual requirement to provide the Ministry of Labor a membership roster was onerous and infringed on freedom of association. They alleged the ministry removed member names from the rosters for political purposes, particularly if members were not registered voters on the CNE's rolls. 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 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 Maduro regime continued to support "parallel" unions, which sought to dilute the membership and effectiveness of traditional independent unions. The regime excluded from consideration other, independent union federations, including the Confederation of Venezuelan Workers, General Confederation of Venezuelan Workers, Confederation of Autonomous Unions of Venezuela, and National Union of Workers.

The Maduro regime continued to refuse to adjudicate or otherwise resolve the cases of thousands of PDVSA employees who were dismissed during and after the 2002-03 strike. The Ministry of Labor continued to deny registration to the National Union of Oil, Gas, Petrochemical, and Refinery Workers.

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

The crimes of association to commit a crime, instigation to commit a crime, obstruction of the public way, violation of the security zone, crimes against freedom of work, and terrorism were frequently used against union leaders who

demanded labor rights.

The OHCHR documented at least three union leaders were arrested on charges of terrorism or terrorism financing in 2020.

NGOs reported the Maduro regime continued harassment of unions by prosecuting union members in military courts.

The Venezuelan Observatory of Union Liberty reported in February that between September 2019 and November 2020, there were 28 new cases of union leaders targeted with judicial proceedings, at least five workers deprived of liberty, and more than 100 on probation.

On January 15, the Venezuelan Teachers Union went on strike to demand better salaries, benefits, and infrastructure. As a result of the protest, the Ministry of Education dismissed 200 educators and suspended their salaries without explanation.

On July 26, a member of the College of Nurses of the State of Anzoategui, Ada Macaure, was arrested in the city of Barcelona after a WhatsApp note was circulated among medical professionals indicating Macaure's attempt to call for a strike due to personal protective equipment and COVID-19 vaccine shortages. The nurse appeared before a judge on July 27 and faced charges of instigating hatred and terrorism. On August 5, Macaure was released and ordered to appear before a judge every 30 days.

On September 25, military intelligence officials from the DGCIM detained seven workers from the PDVSA-owned Paraguana refining complex in Falcon State on terrorism-related charges. The officials alleged the workers were involved in sabotaging the oil company. On October 4, human rights NGOs and family members of the detainees told media the workers had not been granted access to lawyers since the time of their arrest.

In November 2020 Eudis Felipe Girot, a PDVSA plant operator and executive director of the Unitary Federation of Oil Workers, was detained by the DGCIM at his residence, in the Diego Bautista Urbaneja municipality of Anzoategui State, for exercising union obligations and denouncing mismanagement of PDVSA facilities,

the lack of gasoline, and the violation of workers' rights. In a June 10 preliminary hearing, the court sentenced Girot to house arrest.

## **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 on organized crime prohibits human trafficking by organized crime groups. It prescribes penalties sufficient to deter human trafficking of adults carried out by a member of an organized-crime group of three or more individuals. The organized-crime law, however, fails to prohibit trafficking by any individual not affiliated with such a group. Prosecutors may employ other statutes to prosecute such individuals. The law increases penalties for child trafficking with the purpose of forced labor. There was no comprehensive information available regarding the Maduro regime's enforcement of the law. The labor group Autonomous Front in Defense of Employment, Wages, and Unions (FADESS) reported that public-sector worker agreements included provisions requiring service in the armed forces' reserves. NGOs noted sex trafficking and forced labor in domestic service within the country increased in 2019 (see section 7.c.).

Some doctors participating in Cuba's overseas medical program showed indicators of forced labor. According to FADESS, Cubans worked in the Maduro regime's social programs, such as the Mission Inside the Barrio, in exchange for the regime's provision of oil resources to the Cuban government. FADESS noted Cubans worked in the ministries of Education, Registrar, Notary, Telecommunications, and Security. FADESS also cited that the G-2 Cuban security unit was present in the armed forces and in state enterprises. Observers noted indications the Cuban government may have forced some Cubans to participate in its government-sponsored medical missions. Some Cuban medical personnel who participated in the social program Mission Inside the Barrio described indicators of forced labor, including underpayment of wages, mandatory long hours, limitations on movement, the use of "minders" to conduct surveillance of participants outside of work, forced political indoctrination, and threats of retaliatory actions against workers and their families if they left the program or did not return to Cuba as directed by government supervisors. The Cuban government acknowledged it withheld the passports of Cuban medical personnel in the country.

Authorities did not investigate allegations of forced labor in Cuba's overseas medical program. Additionally, doctors who deserted the program reported Cuban "minders" coerced them to indoctrinate the population into supporting the Maduro regime and to falsify records to bolster the number of individuals assisted.

The law does not criminalize all forms of forced or compulsory labor, and penalties were not commensurate with those for analogous serious crimes, such as kidnapping.

Illegal mining operations existed in some of the country's most remote areas, including Bolivar State, where armed groups exploited girls in sex trafficking, forcibly recruited youth to join armed criminal groups, and forced children to work in gold mines under dangerous conditions.

Reliable reports indicated that forced labor occurred throughout the Orinoco Mining Arc, a swath of land in southern Bolivar state, where most of the country's gold is concentrated. An estimated 300,000 to 500,000 gold miners were in the country. Mines were largely run by armed and violent criminal groups, and research showed evidence that officials from the Maduro regime, including members of security forces and local authorities, colluded with and allowed members of nonstate armed groups to commit human rights violations and labor abuses. Miners experienced unsafe working conditions, unsafe and degrading living conditions, extortion and financial penalties, limited freedom of communication, and threats of violence and torture.

The Human Rights Center of the Catholic University Andres Bello also documented forced recruitment in the Mining Arc, where irregular armed groups controlled the mining activity through corruption and extortion networks that involved the military. These groups recruited men and children under threats of violence, death, and debt manipulation to gain control over the zone.

An estimated 3,500 women and girls, between ages 12 and 35, were subjected to forced labor in the illegal mines, forced into prostitution, or exploited as washerwomen and cooks.

In 2020 the OHCHR identified a pattern of labor exploitation, a sharp increase in sexual exploitation and trafficking in mining areas, including of adolescent girls,

and reports that children as young as age seven were present in mining areas, often unaccompanied, leaving them vulnerable to exploitation.

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

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

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

Anyone employing children younger than eight is subject to time in prison. Employers must notify authorities if they hire a minor as a domestic worker. The Maduro regime did not effectively enforce the law. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping.

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

Child labor increased 20 percent during the COVID-19 pandemic, according to the most recent report by the NGO World Vision. Most children who worked did so 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, sexual exploitation (see section 6), and human trafficking, including sex

trafficking and forced criminality. Members of the Maduro regime supported the operations of the National Liberation Army and FARC-D by allowing the exploitation and human trafficking, including sex trafficking, forced labor, and forced recruitment of children for armed conflict.

Fundaredes reported that nonstate armed groups in the border states of Tachira and Apure forcibly recruited children, invaded property, charged for public services, and threatened communities.

A study by Cecodap found that child laborers constituted up to 45 percent of those working in mines. Media reported children as young as nine years old worked in mines. Underfunded schools and high rates of student dropouts pushed children into labor situations.

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

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

The constitution prohibits employment discrimination of every citizen. The law prohibits discrimination based on age, race, sex, social condition, creed, marital status, union affiliation, political views, nationality, disability, or any condition that could be used to lessen the principle of equality before the law. No law specifically prohibits employment discrimination based on sexual orientation, gender identity, or HIV/AIDS status. Media and NGOs, such as PROVEA and the Human Rights Center of the Catholic University Andres Bello, reported the Maduro regime did not effectively enforce applicable law, and penalties were not commensurate to those related to civil rights infractions, such as election interference.

NGOs reported public employees faced discrimination and harassment for their political beliefs or activities. According to Aula Abierta, 4,876 public servants were dismissed from their jobs for political reasons in 2018.

In March four Siderurgica del Orinoco union leaders – Alfredo Maneiro, Jose Saracual, Carlos Ramirez, and Cruz Hernandez – had their salaries frozen and were banned from entry into the workplace after they demanded the board comply with

the collective contract and improve salaries. Their names and faces were used in a campaign inside the enterprise to show others what would happen if they made such demands. They were also qualified as terrorists.

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

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

The trade union of the industrial sector stated that in 2020, 88 industries ceased operations and that at the end of the year only 2,121 remained, an 83 percent reduction from the more than 12,000 entities in 1997.

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.

**Occupational Safety and Health:** 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. Occupational safety and health (OSH) standards were not appropriate for the main industries in the country, and workers were not able to remove themselves from situations that endangered health or safety without jeopardy to their employment. The Maduro regime did not effectively enforce OSH law. Penalties for OSH law violations were not commensurate with those for crimes, such as negligence.

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 an estimated 40 percent of the population worked in the informal sector, where labor law and protections generally were not enforced. 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. Official statistics regarding workplace deaths and injuries were not publicly available.

Health workers were severely exposed to COVID-19 due to the lack of personal protective equipment. The Maduro regime cracked down on medical professionals who spoke about the realities they faced in their work. The NGO Medicos Unidos por Venezuela reported 736 health-worker deaths due to COVID-19 through August.

Nurses’ unions said that during the pandemic they were subjected to labor exploitation and persecution and could not reject or abandon these conditions due to threats, violence, coercion, deception, or abuse of power. Medical professionals lacked vaccines and biosafety equipment for individual protection, worked excessively long hours, and assumed the daily risk of infecting their family members.

NGOs and media reported hazardous conditions in mining areas, many of which



operated illegally and exposed miners to injury, disease, and mercury poisoning.

The OHCHR documented high levels of violence and human rights violations linked to the control of and dispute over mines by organized criminal and armed groups. In some cases security forces were reportedly involved in some of the violent incidents.

NGOs reported the use of beatings, mutilation, disappearances, and killings by armed groups to enforce control in mining areas.

**Informal Sector:** Vast portions of the economy operated in the informal sector, where standardized labor protections did not exist, and labor violations occurred frequently. The regime made little effort to provide social protections in this area.