

# VENEZUELA 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

While Venezuela is legally a multiparty, constitutional republic, the illegitimate authoritarian regime led by Nicolas Maduro usurped control over the executive, judicial, citizens' power (which includes the prosecutor general and ombudsman), and electoral branches of government, and stood up a parallel, illegitimate legislative body alongside the existing elected one. On January 10, 2019, Maduro's constitutional term as president ended, but he refused to cede control based on his claimed "victory" in the 2018 presidential elections, which were widely condemned as neither free nor fair. On January 23, 2019, Juan Guaido, as president of the National Assembly, assumed the role of interim president pursuant to the provisions of the constitution related to vacancies. Maduro, with the backing of Cuban security force members, refused to cede control over the instruments of state power, preventing interim president Guaido from exercising authority within the country despite his constitutional mandate. On December 6, the illegitimate Maduro regime organized parliamentary elections that were rigged in favor of the regime, and nearly 60 countries and international bodies publicly declared the elections were neither free nor fair.

Civilian authorities' control over the security forces declined and was deeply politicized. Increasingly unpopular with Venezuelans, the illegitimate 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 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 Venezuelan National Police reports to the Ministry of Interior, Justice, and Peace. According to its website, the national police largely focused on policing Caracas' Libertador municipality; patrolling Caracas-area highways, railways, and metro system; and protecting diplomatic missions. The national police maintained

a minimal presence in seven of the country's 23 states. Members of security forces committed numerous abuses, and a UN report concluded that there were reasonable grounds to believe that government authorities and security forces committed crimes against humanity.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by security forces of the illegitimate Maduro regime and colectivos; forced disappearances; torture and cases of cruel, inhuman, and degrading treatment by security forces; harsh and life-threatening prison conditions; arbitrary detention by security forces; political prisoners or detainees; serious problems with the independence of the judiciary; and unlawful interference with privacy. The regime imposed serious restrictions on free expression, the press, and the internet, routinely blocking signals and interfering with the operations of, or shutting down, privately owned television, radio, and other media outlets. The regime essentially criminalized freedom of speech by declaring reporting unfavorable to its policies as libel and slander, incitement to violence, or terrorism, including accurate reporting regarding COVID-19 infection rates. The illegitimate Maduro regime used violence to repress peaceful demonstrations and freedom of assembly. The regime and its aligned groups disrupted church services, attacked churchgoers, and destroyed church property and that of other nongovernmental organizations and civil society. Citizens were unable to change their government peacefully through free and fair elections, and there were restrictions on political participation as well as intimidation, harassment, and abuse of National Assembly members, including denial of due process and parliamentary immunity. Pervasive corruption and impunity continued among all Maduro-aligned security forces and in other national and state regime offices, including at the highest levels, which the illegitimate regime made minimal efforts to eliminate. Other significant issues included trafficking in persons, including forced labor; violence against indigenous persons; and existence of the worst forms of child labor.

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

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

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

There were numerous reports that the illegitimate 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 thousands of such killings during the year.

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 also 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 that security forces committed more than 2,000 killings between January and September, amounting to more than 25,000 such killings since 2014, many of which “may constitute extrajudicial killings.” The OHCHR called for the dissolution of one of the deadliest regime security units, the Special Actions Force (FAES), a specialized national police unit created by Maduro in 2017 to quash large-scale countrywide protests. Between January and June, FAES committed 25 percent of homicides by Maduro-aligned security forces, according to the NGO Venezuelan Programs for Education and Action on Human Rights (PROVEA). FAES’ implementation of the 2015 nationwide anticrime strategy, called the Operation for the Liberation and Protection of the People, was characterized by large-scale neighborhood raids conducted by hundreds of security agents. According to the September OHCHR report, from 2015 to 2017, raids under the Operation for People’s Liberation resulted in 413 persons killed, sometimes shot at point-blank range. Human rights NGOs also noted with concern the growing involvement of the armed forces in these killings.

On August 20, FAES officers shot and killed journalists Andres Nieves Zacarias and Victor Torres during a raid at the headquarters of Guacamaya TV in Zulia State. Torres’ father, the director of the television station, stated FAES officers then seized all of the station’s audiovisual equipment and planted weapons on the victims’ bodies to simulate an alleged confrontation. Illegitimate regime attorney general Tarek William Saab called the homicides extrajudicial killings, and four FAES officers were arrested in connection with the killings.

The illegitimate regime attorney general reported that from 2017 to July, one officer was convicted of homicide for killings in the context of security operations.

The regime did not release details on the officer's conviction 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 its 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.

A UN Independent International Fact-Finding Mission (FFM) on Venezuela report released in September stated that extrajudicial killings were committed by officers belonging to the military, police, and intelligence services, including in more recent years by FAES and the National Scientific Criminal and Investigative Corps (CICPC) officers. The FFM asserted that some high-level authorities had knowledge of and contributed to the crimes, while others who knew or should have known of the crimes did not take measures to prevent or stop them. Victims were typically young men, targeted due to alleged criminal activity, revenge, or mistaken identity, who were shot and killed in their homes or neighborhoods. Media and NGOs reported security forces attempted to cover up extrajudicial killings by planting evidence or altering crime scenes to suggest an altercation or attempted escape by the victim. The FFM concluded there were reasonable grounds to believe that authorities and security forces planned and executed serious human rights violations, including killings, some of which amounted to crimes against humanity, since 2014. The FFM report also stated there were reasonable grounds to believe that Maduro and other regime officials either ordered, contributed to, or were involved in the commission of the crimes and human rights abuses documented in the FFM report.

## **b. Disappearance**

The NGOs Foro Penal and Robert F. Kennedy Human Rights documented 753 enforced disappearances of political detainees between 2018 and June 2020. An OHCHR investigation found that almost all individuals detained by the Directorate General of Military Counterintelligence (DGCIM) were subjected to enforced disappearances for periods of seven to 40 days after their arrest, raising their risk of also becoming victims of torture and abuse. The illegitimate 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 March 10, FAES officers detained National Assembly (AN) deputy Renzo Prieto and two assistants, without a warrant for their arrest, after the three participated in a protest in support of interim president Guaido. The illegitimate Maduro regime authorities did not disclose Prieto's location, nor did they allow any form of communication between Prieto and his family or lawyers during his detention. Prieto's family expressed significant concern for his state of health, due to an injury that required urgent surgical care and risk of contracting COVID-19. While in regime custody, Prieto stated he was forced to sleep on the floor in a frigid, windowless, four-by-eight-foot cell with five other detainees. On August 31, Prieto was released. Prieto previously had been in regime detention from 2014 to 2018, also after participating in a protest, in what the UN Working Group on Arbitrary Detention concluded was an arbitrary arrest.

The illegitimate Maduro regime arrested AN deputy Gilber Caro in December 2019, his third detention since 2017, and did not reveal his location or permit contact with his lawyer until January 21. On August 31, he was released.

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

Although the constitution and law prohibit such practices, there were credible reports that Maduro-aligned security forces tortured and abused detainees. According to the illegitimate Maduro regime, as of May, 26 individuals had been convicted of torturing or abusing detainees.

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

Press 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 illegitimate Maduro regime. 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 illegitimate 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 regime-aligned authorities. The FFM found that regime-aligned security forces, specifically the Bolivarian National Intelligence Service (SEBIN) and DGCIM, subjected detainees to torture and cruel, inhuman, and degrading treatment, and that high-level regime officials committed, ordered, or contributed to the abuses or were aware of their activities and failed to prevent or stop them.

Foro Penal reported multiple instances of political prisoners denied adequate medical treatment while in regime custody. Foro Penal noted instances in which regime authorities transferred detainees to a medical facility, where instead of receiving treatment, they were interrogated by security officials. PROVEA identified 574 cases of torture by regime-aligned security forces in 2019, resulting in the deaths of at least 23 individuals. NGOs reported that members of the military represented a growing number of victims of torture, such as retired naval captain Rafael Acosta Arevalo, who died of injuries sustained from torture while in regime custody in June 2019.

Political activist Vasco Da Costa, who had been detained in the Ramo Verde military prison despite being a civilian, was released in August 2019 after more than two years in regime custody. Da Costa described extended periods of torture at the hands of the DGCIM, including use of electric shocks, simulated drownings, and beatings to the feet and stomach to the point that he lost control of his bowels. According to Da Costa, prison guards systematically beat and mutilated detainees according to the detainees' occupations, targeting the legs of soldiers, the hands of a surgeon who was arrested because he was the spouse of a soldier wanted by the regime, and in the case of Da Costa, his eyes due to his role as an academic.

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 illegitimate 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. The regime, backed by Cuban security force members embedded in Maduro's security and intelligence services, refused to cede power, preventing the interim government from taking action.

### **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 A Window to Liberty (UVL), prison capacity was approximately 19,000 inmates for penitentiaries and 5,000 for police station jails. Conditions were most acute in pretrial detention facilities such as police station jails. Overcrowding was 172 percent for penitentiaries and 415 percent for police station jails on average, although the NGO Venezuelan Observatory for Prisons (OVP) noted that in some jails the overcrowding ranged from 800 to 1,200 percent. Overcrowding and generally unsanitary conditions placed prisoners at increased risk of contracting respiratory diseases such as tuberculosis and COVID-19.

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

The CICPC detention facility, police station jails, and detention centers also were overcrowded, causing many police station offices to be converted into makeshift prison cells. 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 248 facilities holding pretrial detainees revealed 315 percent overcrowding. The UVL also found that 5 percent of facilities provided medical services, more than 90 percent did not have potable water, 50 percent did not have regular trash collection or proper restrooms, and 35 percent lacked electricity.

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

According to the UVL and OVP, between March and August, 287 prisoners died in prisons and jails, more than double the number compared with the same period in 2018. Some deaths resulted from prison and detention center riots. For example, on May 1, GNB officers opened fire on prisoners during a riot at the Los Llanos penitentiary in Portuguesa State, leaving 47 prisoners killed and 67 injured. Illegitimate regime Minister of Prisons Iris Varela claimed the riot began as an attempted prison escape, an account disputed by inmates and their family members, who stated the prisoners were protesting malnutrition. Media reported the prison, which was designed for 750 prisoners, held at least 2,500 inmates. AN members called the violence a massacre, and human rights NGOs and the OHCHR called for an investigation. The illegitimate Maduro regime charged 10 persons for their involvement in the violence.

The OVP reported inmate deaths 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 reported that in more than 90 percent of detention facilities, prisoners depended upon family visits to supply them with food, water, and medicine. Media reported prison guards regularly stole food families purchased for inmates. Prisoners were unable to meet their basic needs when illegitimate Maduro regime authorities suspended family visits to prisons and detention centers on April 2 due to the COVID-19 pandemic. A study by the NGO Solidarity Action found prison rules resulted in the isolation

of those with HIV/AIDS in “inadequate spaces without food and medical attention.” The OVP reported a generalized lack of medical care, drugs, equipment, and physicians for prisoners. Inmates often received the same pills regardless of their symptoms, and pregnant women lacked adequate facilities for medical attention.

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

Prisoners and detainees generally had access to visitors, including some with overnight privileges, until authorities suspended family visits in April due to the COVID-19 pandemic. 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. As of September the OHCHR had conducted 15 visits of 13 detention centers.

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

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

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

While a warrant is required for an arrest, detention is permitted without an arrest warrant when an individual is apprehended in the act of committing a crime or to secure a suspect or witness during an investigation. Police often detained individuals and raided their homes without a warrant. The OHCHR found that in several cases the illegitimate Maduro regime issued warrants retroactively or forged the warrant's date of issuance. 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 281 cases of arbitrary detention between January 1 and July 31.

On May 9, illegitimate regime security forces arrested Junior Pantoja, a former city councilman and soup-kitchen manager, during a violent police confrontation with armed gangs in a Caracas neighborhood. Pantoja's relatives and neighbors, as well as AN, called the arrest arbitrary and politically motivated due to his role as a community leader. Pantoja's lawyer claimed security forces planted five bullets on Pantoja in order to arrest him for gang-related activity and arms trafficking. On June 24, he was released and on August 23, he died of a respiratory infection after his health deteriorated while in regime custody.

On October 4, the illegitimate Maduro regime, without providing explanation, prevented interim president Juan Guaido's chief of staff, Roberto Marrero, from boarding a flight to Spain. Marrero had been released from regime custody on

August 31, following his March 2019 arrest and months of arbitrary judicial delays. Media reported contradictory and conflicting evidence submitted by prosecutors--including allegations that rifles and a grenade were planted at Marrero's residence on the day of his arrest. Marrero was charged with conspiracy, treason, and weapons smuggling. Many international entities, including the Lima Group and the EU, condemned Marrero's 2019 arrest as politically motivated.

Pretrial Detention: Pretrial detention remained an egregious problem. 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.

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

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detained individuals may challenge the grounds for their detention, but proceedings were often delayed and hearings postponed, stretching trials for years. Courts frequently disregarded defendants' presumption of innocence. Illegitimate 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 illegitimate regime at all levels. There were credible allegations of corruption and political influence throughout the judiciary. According to reports from the Inter-American Commission on Human Rights (IACHR), more than 75 percent of all judges had provisional appointments and were subject to removal at will by the Supreme Court (TSJ) Judicial Committee. Provisional and temporary judges, who legally have the same rights and authorities as permanent judges, allegedly were subjected to political influence to make proregime determinations. 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 AN 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 rate of impunity for common crimes and a higher percentage of impunity for cases of alleged human rights abuses.

### **Trial Procedures**

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

Defendants may request no fewer than 30 days and no more than 45 days to prepare their defense. Defendants have the right to question adverse witnesses and present their own witnesses. By law defendants may not be compelled to testify or confess guilt. Defendants and plaintiffs have the right of appeal. The OHCHR documented cases in which the illegitimate Maduro regime prevented lawyers from meeting with defendants and denied them confidentiality or access to case files.

Trial delays were common. Trials in absentia are permitted in certain circumstances, although opponents of the procedure claimed the constitution prohibits such trials. The law also states that, in the absence of the defense attorney, a trial may proceed with a public defender 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.”

On November 8, the TSJ convicted judge Maria Lourdes Afiuni of “spiritual

corruption,” an offense that does not exist under criminal law, and sentenced her to five years’ imprisonment. Human rights NGOs and lawyers called the charges fabricated and an attempt to coerce other judges to take action against opposition politicians. In 2009 authorities arrested Afiuni on charges of corruption and abuse of authority for her decision to release a businessman who had been held in pretrial detention beyond the maximum time prescribed by law. Following her release to house arrest in 2011, regime-aligned authorities limited her movements and ability to speak to the press before granting her an unconditional release in July 2019.

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,” community service, or any other condition imposed by the court.

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts. In addition, under the Organic Code of Military Justice, an individual may be tried in the military justice system for “insulting, offending, or disparaging the national armed forces or any related entities.” NGOs and the IACHR expressed concern with the 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 870 civilians.

### **Political Prisoners and Detainees**

The illegitimate Maduro regime used the judiciary to intimidate and prosecute individuals critical of regime policies or actions. Foro Penal reported 351 political prisoners in regime custody as of December 28, compared with 388 political prisoners at the end of 2019. The regime routinely held political prisoners in SEBIN installations or the Ramo Verde military prison without an explanation of why they were not being held in civilian detention facilities.

On August 31, the illegitimate Maduro regime announced the “pardon” of 110 political prisoners. These pardons were conditional, with regime officials threatening to rescind the benefit if any individuals “return to any act of terrorism, violence, or coup mongering,” as arbitrarily determined by the regime. According

to Foro Penal, however, only 50 of those named were in regime custody at the time. Of the prisoners, 23 had already been released, and the remaining 37 were AN deputies either in exile, in foreign embassy asylum in Caracas, or facing prosecution. Media and NGOs noted that since most on the list were not duly convicted or even charged with any crime, the move was a dismissal rather than a pardon. The list did not include any members of the military, although they represented 20 percent of political prisoners, according to Foro Penal. On September 7, regime attorney general Tarek William Saab encouraged the released detainees to participate in the December 6 parliamentary elections, but he warned they would be rearrested if found to have committed additional “crimes.”

On March 15, SEBIN officers arrested AN deputy Tony Geara. Geara was charged with financing terrorism and weapons trafficking after he posted comments on social media noting that a local hospital did not have running water. Media reported in August that Geara tested positive for COVID-19 while in SEBIN custody in Bolivar State. On August 31, Geara was released.

On August 28, AN deputy Juan Requesens was released to house arrest after being detained for more than two years for his alleged involvement in an attempted assassination of Maduro. International observers criticized irregularities in Requesens’ trial, which was marred by lengthy judicial delays as well as a lack of transparency and legal due process.

On October 14, opposition party leader Leopoldo Lopez fled to Spain after more than one year inside the Spanish embassy in Caracas. He previously escaped house arrest during mass demonstrations in April 2019, and in May 2019 the illegitimate Maduro regime issued a warrant for his arrest. Lopez was notably not included in the August 31 “pardon” of political prisoners.

In 2017 the head of state-owned oil company PDVSA summoned six executives of U.S.-based subsidiary CITGO to Venezuela for an emergency budget meeting: U.S. citizens Tomeu Vadell, Gustavo Cardenas, Jorge Toledo, Alirio Jose Zambrano, and Jose Luis Zambrano and U.S. Legal Permanent Resident Jose Angel Pereira (collectively known as the CITGO-6). Upon their arrival in Caracas, they were detained by masked security agents; charged with embezzlement, money laundering, and criminal association for an alleged deal they signed to restructure CITGO bonds; and confined in one of the country’s most dangerous prisons. After their initial appearance before a judge was cancelled dozens of times during three years, the trial of the six began in August. On November 21, they were convicted and sentenced as soon as closing arguments concluded to terms of eight to 13 years

in prison. Their cases were marred by a lack of legal due process and based on politically motivated charges. The illegitimate regime denied media and human rights groups access to the trial.

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

There were credible reports that the illegitimate Maduro regime attempted to misuse international law enforcement tools for politically motivated purposes as a reprisal against specific individuals located outside the country. On October 22, the TSJ issued an extradition request for Ivan Simonovis, former political prisoner and sitting interim government commissioner for security. The regime charged Simonovis with the attempted murder of Maduro, treason, terrorism, and weapons trafficking. Simonovis escaped from house arrest in May 2019 and fled the country.

### **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.

### **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 illegitimate 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, or 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 and their relatives.

State surveillance remained rampant, including through the assistance of telecom regulator the National Telecommunications Commission (CONATEL) and state-run telecommunications provider CANTV. In February 2019 the interim government created a website for volunteers to participate in the delivery of international humanitarian aid. CANTV manipulated the Domain Name System to redirect visitors to a fake website registered to CONATEL that was designed to

phish visitors' personal information. Further, telecommunications companies reportedly assisted the government 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 government with the 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 Maduro regime made it obligatory to present the card to obtain social services, including pensions, medicine, food baskets, and subsidized fuel. 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 were also supporting financially and technologically these surveillance methods.

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

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

The law provides for freedom of expression, including for the press, but the combination of laws and regulations governing libel, 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 illegitimate Maduro regime efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

Freedom of Speech: 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. In 2017 the illegitimate Constituent National Assembly (ANC) gave final approval to the Constitutional Law against Hate, for Political Coexistence and Tolerance, which stipulates prison sentences of up to 20 years. While the 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. *Espacio Publico*

reported 795 violations of freedom of expression, including 135 arrests, between January and August.

The illegitimate 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 59 arrests by September for COVID-19 coverage.

On March 17, the DGCIM detained medical doctor Ruben Duarte for publishing a video deploring the lack of supplies and personal protective equipment (PPE) at the San Cristobal Central Hospital. In August the NGO United Doctors for Venezuela reported at least 12 health-care workers were arrested for demanding PPE. Doctors, nurses, and other health-care professionals, who feared for their own and others' safety by working without PPE, reported they also faced regime repression for failing to appear for work.

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

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

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

The law declares telecommunications a “public interest service,” thereby giving the government authority to regulate the content and structure of radio, television, and audiovisual production sectors. The law provides that the government may suspend or revoke licenses when it judges such actions necessary in the interests of

the nation, public order, or security. The law empowers the government to impose heavy fines and cancel broadcasts for violations of its norms; CONATEL oversees the law's application.

The illegitimate Maduro regime continued legal actions against high-profile independent media outlets *Tal Cual*, *El Nacional*, *El Nuevo Pais*, *La Patilla*, *El Pitazo*, and Globovision. Following the shuttering of DirecTV's operations on May 19, the TSJ ordered the seizure of all property and equipment of DirecTV and banned DirecTV's executives from leaving the country. On August 14, DirecTV resumed operations, although multiple regime-independent outlets reported challenges--including veiled threats, outright blocks, and fines--preventing them from broadcasting freely over DirecTV when service was re-established.

The illegitimate 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 GNB regularly barred journalists from covering AN debates and activities. The country's online independent newspapers were frequently blocked by CANTV. NGOs noted that regime-owned internet service provider CANTV also routinely blocked commercial streaming and web searches during interim president Guaido's speeches and during weekly AN sessions. On January 5, CANTV restricted access to social media on the same day as a leadership vote in the AN, while security forces blocked lawmakers and media from accessing the premises.

The illegitimate regime arbitrarily detained 28 journalists from January to July, according to the national journalists' union.

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

On March 21, FAES officers arrested freelance journalist Darvinson Rojas and his family for inciting hatred. Rojas' reporting questioned figures published by the illegitimate Maduro regime regarding COVID-19 cases. On August 2, the illegitimate regime granted Rojas a conditional release. DGCIM officers arrested Nicmer Evans on July 13, also for inciting hatred. NGOs and journalists called the arrest a retaliation against Evans due to his role as the founder and director of news

site *Punto de Corte*, which frequently published articles critical of the regime. On August 31, Evans was released.

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

Violence and Harassment: Senior national and state leaders of the illegitimate Maduro regime continued to harass and intimidate privately owned and opposition-oriented television stations, media outlets, and journalists by using threats, property seizures, administrative and criminal investigations, and prosecutions. The national journalists' union reported 260 attacks on journalists from January to August. On February 11, regime supporters and colectivos attacked at least 12 journalists covering the return of interim president Guaido from an international tour. Maduro and illegitimate regime-aligned officials used regime-controlled media outlets to accuse private media owners, directors, and reporters of fomenting antiregime destabilization campaigns and coup attempts. Regime officials also harassed foreign journalists working in the country.

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

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

According to the local journalists' union, print news outlets closed due to the illegitimate 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 had been blocked, censored, or closed by May.

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

A study by the NGO Institute for Press and Society (IPYS) found that more than five million citizens lived in “media deserts,” 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.

Libel/Slander Laws: Regime-aligned officials engaged in reprisals against individuals who publicly expressed criticism of Maduro or regime policy. Maduro did not act on his 2017 announcement that he would use libel and slander laws to “defend his honor” in court against opposition leaders’ allegations that he was responsible for protest-related deaths. In October investigative journalist Clavel Rangel was forced to leave the country promptly after publishing an expose on corruption in Bolivar State. The subject of the report, a businessman with links to the regime, filed a defamation suit against Rangel, which would have prohibited her from discussing the case in media or leaving the country.

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 illegitimate Maduro regime exercised control over the press through a public entity, the Strategic Center for Security and Protection of the Homeland (CESPPA), established in 2013, which is similar to the governmental entity Center for National Situational Studies (CESNA) established in 2010. CESNA and CESPPA have similar mandates and are responsible for “compiling, processing, analyzing, and classifying” both regime-released and other public information with the objective of “protecting the interests and objectives of the state.”

During the year Maduro renewed three times the “state of alarm” issued on March 13, 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 AN endorsement to be effective, allows the president to block any action he deems could “undermine national security” or could “obstruct the continuity of the implementation of economic

measures for the urgent reactivation of the national economy.” The 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.

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 illegitimate Maduro regime restricted or disrupted access to the internet and censored online content. The illegitimate regime exercised broad control over the internet through the state-run 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 commercialized version of China’s “Great Firewall” to maintain online censorship, control information, and prevent the internal dissemination of content deemed undesirable by political leadership. Free Access, an NGO focused on freedom of expression and social justice, reported that CONATEL supported monitoring of private communications and repression of internet users who expressed dissenting opinions online. According to media reports, users of social networks accused CONATEL of monitoring their online activity and passing identifying information to regime intelligence agencies, such as SEBIN. According to Free Access, CONATEL provided information to SEBIN, including internet protocol addresses, which assisted illegitimate Maduro regime authorities in locating users.

The law puts the burden of filtering prohibited electronic messages on service providers, and it allows CONATEL to order service providers to block access to websites that violate these norms and sanctions service providers with fines for distributing prohibited messages. As of September the illegitimate Maduro regime blocked 40 websites and online platforms that contained information regarding COVID-19.

CONATEL’s director, Jorge Elieser Marquez Monsalve, reiterated the claims of his predecessors that CONATEL’s role is to enforce the law and prevent dissemination of illegal information or material unsuitable for children and adolescents. Nevertheless, the illegitimate Maduro regime continued to block internet sites that posted dollar- and euro-to-bolivar currency exchange rates differing from the illegitimate regime’s official rate, as well as cryptocurrency

exchanges. The regime-controlled internet service provider CANTV facilitated blockages. According to IPYS 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, YouTube, and Periscope were blocked during the AN's January 5 session and also during live speeches made by interim president Guaido throughout the year. In a September 15 televised address, Maduro denounced the news site *Monitoreamos.com* as an "enemy" and its journalists as "manipulators and bandits." On September 16, internet service providers blocked access to the site.

Regime-aligned intelligence agencies, which lacked independent oversight, conducted surveillance for political purposes. Courts relied on evidence obtained from anonymous *patriotas cooperantes* (cooperating patriots) to harass perceived opponents of the illegitimate 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.

On August 28, internet providers blocked access to anticensorship tools to prevent health-care workers from accessing the Health Heroes financial assistance program announced by interim president Guaido, according to VE Sin Filtro. The group also found the financial platform used to distribute payments to health workers had been blocked and the illegitimate Maduro regime launched a phishing campaign that redirected users to a malicious site in order to capture their data.

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

There were no substantiated reports of illegitimate 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 providing insufficient funding and failing to adjust budgetary allocations to inflation. According to media reports, universities ran deep deficits, receiving less than 10 percent of the funds they budgeted to cover operating costs. In 2017 the National University Council, the government's regulating body for university education, relinquished its functions to the ANC, disregarding the law requiring university autonomy. According to Aula Abierta, there were 151 security incidents, including fires, thefts, threats, and violence directed towards university students, professors, and school property.

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

In August 2019 the TSJ ordered the Central University of Venezuela to hold university elections in six months. The ruling, which applied to eight other public and private universities as well, stipulated the elected candidate must win in at least three of the five electoral sectors (teachers, students, graduates, administrative staff, and laborers) and must receive an absolute majority of votes. Students and university leaders called the ruling an attack on university autonomy, in violation of the constitution, and stated it would lead to the installation of regime-aligned sympathizers heading universities. On February 27, the TSJ announced a suspension of the ruling. University professors clarified that the suspension only removed the deadline imposed by the TSJ but left in place the changes to electoral process and granted the Ministry of University Education the power to oversee the elections.

On May 8, the Academy of Physical, Mathematical, and Natural Sciences issued a report that accused the illegitimate Maduro regime of underreporting COVID-19 infections. On May 13, PSUV vice president Diosdado Cabello announced an investigation into the academy and invited regime-aligned security forces to summon the report's authors. Domestic research institutions and international organizations condemned Cabello's actions as unacceptable intimidation, and interim president Guaido denounced the attack on the independence and academic freedom of researchers.

The illegitimate regime continued its practice, announced in 2018, of educational financial incentives for holders of the carnet de la patria, a regime-issued identity and social benefits card provided primarily to regime supporters (see section 3, Political Parties and Political Participation). 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 illegitimate Maduro regime restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The constitution provides for the right of peaceful assembly, but the illegitimate Maduro regime generally repressed or suspended it. The law regulates the right to assembly. Human rights groups continued to criticize the law as enabling the regime to charge protesters with serious crimes for participating in peaceful demonstrations. Ambiguous language in the law also allows the illegitimate regime to criminalize organizations critical of it. Protests and marches require authorization from the regime in advance and are forbidden within designated “security zones.” Citizens organized sporadic and often spontaneous small-scale protests throughout the year to demand basic goods and services such as water, gasoline, and electricity. The political opposition and civil society organized marches to support interim president Juan Guaido and demand a transitional government and new presidential elections. The Venezuelan Observatory of Social Conflict (OVCS) documented 4,414 protests in the first six months of the year, 221 of which were repressed by regime-aligned security forces and armed groups. The OVCS documented 129 detentions, 62 injured, and two deaths during protests. An OHCHR investigation found three cases of torture and a sexual assault of protesters committed on May 20 by regime security forces in Lara State. Media reported a group of armed colectivos attacked protesters and journalists gathered at a protest convened on February 29 by interim president Guaido in Lara State.

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. On May 23, FAES officers arrested Giovanni Meza and four others during a protest in Sucre State to demand water and electricity. Meza, who suffered from multiple sclerosis, had a seizure during his hearing. When the judge ordered a medical examination, doctors found that Meza showed signs of torture, including five broken ribs. Meza was charged with instigation to commit a crime, obstruction of public roads, possession of incendiary objects, and criminal association.

### **Freedom of Association**

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

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

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

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

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

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

In-country Movement: The illegitimate 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 to limit the spread of COVID-19 restricted freedom of movement and suspended social and business activities. The decree authorized regime-aligned security forces broad latitude and discretion to enforce the decree and conduct investigations. Media reported the illegitimate 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 allegedly failing to comply with quarantine measures.

On March 17, the illegitimate regime suspended all international travel, although it authorized a number of humanitarian and repatriation flights. On March 16, restrictions were put in place to prevent travel among different states and cities. Many countries experienced severe difficulties in repatriating their citizens due to these restrictions.

Throughout the year high-level regime officials stigmatized returning citizens, blaming them for rising COVID-19 cases and calling them “bioterrorists” and “biological weapons.” On July 15, Maduro called on all citizens to report and apprehend returnees who crossed into the country through unofficial border crossings.

The illegitimate Maduro regime required returnees to spend a mandatory two-week quarantine period at shelters run by the armed forces at the border. Humanitarian organizations and interim government officials reported overcrowding and unsanitary conditions in quarantine shelters that increased the likelihood of COVID-19 transmission. Returnees held in these facilities suffered from insufficient food, water, electricity, and hygiene items, as well as physical insecurity that put vulnerable groups, particularly women and children, at risk of sexual violence and abuse. A COVID-19 diagnostic test was required for release from the quarantine shelters, but in view of the regime's limited testing capacity, several returnees were held for as long as one month. Media reported returnees were kept from returning to their regions of origin and threatened by armed groups controlling the shelters not to report the poor conditions.

Media reported regime authorities blocked citizens from returning to the country. On June 6, the illegitimate Maduro regime adopted measures to limit the number of citizens returning to the country through the border with Colombia. Migrants were only allowed to return on three specific days a week, and regime authorities set a limit of 1,200-1,300 returnees weekly through Arauca, Cucuta, and Paraguachon. As of September more than 40,000 citizens waited to cross the border into the country through Cucuta, according to the Organization of American States (OAS) commissioner-general for the Venezuela refugee crisis David Smolansky. NGOs reported citizens unable to return to their country faced uncertain legal and financial statuses and were at high risk of victimization for crime, trafficking, and gender-based violence by criminal armed groups.

Following the illegitimate Maduro regime's closure of official ports of entry, Venezuelans traveling into and out of the country had no choice but to use informal border crossings (*trochas*) that largely were controlled by illegal armed groups. While no official statistics were available, activists and NGOs reported citizens utilizing the *trochas* faced significant risks, such as gender-based violence and human trafficking, including forced labor and sexual servitude at the hands of criminal groups. Smugglers and human traffickers also sent refugees and migrants on dangerous sea journeys. In December at least 21 individuals attempting to flee the country and reach Trinidad and Tobago died when their boat capsized. 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, and sexual violence. 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 became increasingly difficult during the year. Prospective applicants waited overnight in lines and often did not receive passports after years of delays. Several applicants reportedly paid several thousand U.S. dollars to obtain a passport. The illegitimate regime repeatedly seized passports from journalists, members of the opposition, and AN deputies at ports of entry without explanation as they attempted to depart the country.

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

Not applicable.

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

The illegitimate 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.

Abuse of Migrants, Refugees, and Stateless Persons: With the refugee status determination process centralized at the National Refugee Commission (CONARE) headquarters in Caracas, asylum seekers often waited 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, the elderly, 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.

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.

Access to Basic Services: Asylum seekers without legal residency permits had limited access to the job market, education, and health systems. The lack of documentation created significant difficulties in achieving sufficient protection and long-term integration. Illegitimate 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, the country's 26th since independence in 1811, provides citizens the ability to change their government through free and fair elections, but regime interference, electoral irregularities, 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 as well as the 2020 legislative elections.

#### **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 condemned by the political opposition and international observers as fraudulent and constitutionally invalid. On January 23, 2019, AN president Juan Guaidó invoked Article 233 of the constitution, which calls on the AN president to assume the role of interim president in the event of presidential vacancy. In December 2019 media and AN deputies reported a campaign by the illegitimate Maduro regime to intimidate and bribe opposition lawmakers to break the opposition's majority in the AN. On January 5, the GNB forcibly barred interim president Guaidó and opposition deputies from entering the Federal Legislative Palace to elect the AN leadership for 2020. PSUV deputies and a small group of independent deputies aligned with the regime proclaimed Luis Parra, a deputy tainted by corruption allegations, head of the AN despite the lack of a quorum. Opposition deputies proceeded to meet at the headquarters of newspaper *El Nacional*, where they elected Guaidó AN president with 100 votes in favor and zero against, a clear majority of the 167-member legislature. On May 26, the TSJ issued a ruling declaring Parra the president of the AN and Guaidó "in contempt."

On June 12, the TSJ unilaterally announced the appointment of a new CNE. Opposition deputies denounced the move, noting it was AN's constitutional role to manage the selection process and election of the five-member CNE through a two-thirds majority vote in the AN. The CNE announced two changes to electoral law on June 30: increasing the number of AN deputies from 167 to 277, in violation of article 186 of the constitution; and increasing the number of deputies elected by

political parties, rather than directly by voters, to more than half of all seats, which violates the 2009 Organic Electoral Law.

On December 6, the illegitimate regime conducted fraudulent legislative elections that did not 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 AN from 167 to 277. As a result, electoral and constitutional experts, most independent political parties, and civil society organizations rejected the process.

The interim government utilized a provision in the constitution to hold a public referendum, the Consulta Popular, on December 7-12. The Consulta Popular's questions focused on rejecting the illegitimate regime's December 6 farce 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.

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 illegitimate Maduro regime regularly targeted AN deputies 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. Interim president Guaido returned to Caracas from an international trip on February 11, in defiance of a travel ban on him imposed by the illegitimate Maduro regime. As he made his way through the airport, Guaido and his entourage were harassed by regime supporters. Regime security forces and colectivos detained, assaulted, and seized the vehicles of AN deputies and journalists attempting to make their way to the airport for Guaido's arrival. The DGCIM detained Juan Jose Marquez, Guaido's uncle and an airline pilot who accompanied Guaido on his return flight, charging him with attempted smuggling of explosives, bulletproof vests, and subversive material into the country. AN and

international organizations rejected the accusation, calling Marquez' arbitrary arrest an attempt to intimidate Guaido. Marquez was released to house arrest on June 2.

Between March 26 and April 2, security forces aligned with the illegitimate Maduro regime arbitrarily arrested four Guaido staffers and the girlfriend of a fifth staffer, whom they beat, stripped naked, and threatened with sexual abuse.

On April 30, Maduro announced operations "Tun-Tun" and "Bolivarian Fury" to arrest those involved in an alleged plot to overthrow Maduro. Illegitimate regime-sponsored colectivos responded to the call by harassing and intimidating AN deputies, journalists, and their family members by sending threatening text messages and spray-painting their homes.

The illegitimate Maduro regime used its control over the TSJ to coopt or dismantle political parties not aligned with the regime. On May 25, regime attorney general Tarek William Saab requested that the TSJ declare opposition party Popular Will, Guaido's former party, a "criminal organization for terrorist purposes." During the year the TSJ unilaterally replaced the leadership of 11 political parties, including three of the largest opposition parties and four leftist parties that broke with the regime.

Throughout the year GNB forces denied or limited access by AN members to the federal legislative palace during regularly scheduled parliamentary sessions. By June the regime-controlled TSJ had removed the parliamentary immunity of 29 deputies, without following constitutional requirements or due process, prompting many to go into hiding or exile to avoid arbitrary arrest.

During the year the illegitimate Maduro regime expanded the carnet de la patria program, introduced in 2017 as a multipurpose identification card required to access regime-funded social services. To qualify for the card, applicants must provide proof of political affiliation and respond to questions regarding the social service benefits they receive. The card amounted to social control, a tool to leverage access to scarce subsidized consumer products in return for political loyalty. For example, media reported the regime used the card to prioritize testing and distribute medical and financial assistance during the COVID-19 pandemic.

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.

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

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

Corruption: According to illegitimate regime attorney general Tarek William Saab, 1,741 persons had been convicted of corruption-related charges since 2018. The regime, however, did not provide information regarding the alleged cases or persons convicted.

Corruption was a major problem in all security and armed forces, whose members were generally poorly paid and minimally trained. There were no data 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. On April 10, the Organized Crime and Corruption Reporting Project published an investigative report detailing corruption in the military. Using a cache of internal army documents, the report documented the exploits of illegitimate regime defense minister Vladimir Padrino Lopez, his businesses in a foreign country under the names of his family members, and 35 high-ranking officers who benefited from corruption and lucrative state contracts.

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

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

A variety of independent domestic and international human rights groups generally operated with restrictions from the illegitimate 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.

NGOs noted the illegitimate Maduro regime created a dangerous atmosphere for them to operate. The PSUV first vice president and ANC president, Diosdado Cabello, used his weekly talk show to intimidate NGO staff of Espacio Publico, PROVEA, and Foro Penal. Several organizations, such as the OVP, PROVEA, Foro Penal, and Citizen Control, reported their staffs received both electronic and in-person threats. Human rights organizations claimed they were subject to frequent internet hacking attacks and attempts to violate their email privacy. Multiple humanitarian NGOs were targeted by the regime, which issued politically motivated arrest warrants against their staff and directors, raided their facilities, and stole computers and other electronic devices.

The 2010 law prohibits domestic NGOs from receiving funds from abroad if they have a “political intent,” defined as the intent to “promote, disseminate, inform, or defend the full exercise of the political rights of citizens” or to “defend political rights.” The illegitimate Maduro regime attempted to discredit and threatened 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. On February 19, Cabello announced the ANC would revise laws governing NGOs that receive funding from foreign sources for sanctions to “the maximum extent possible.” Cabello singled out PROVEA for “destabilizing Venezuela.” NGOs and the OHCHR reported the regime refused or significantly delayed legal registration of NGOs, preventing them from receiving international funding. On November 20, Sudeban--a banking authority affiliated with the regime--directed all banks to strengthen monitoring of NGO operations in the country to detect potential illicit activity.

The law stipulates monetary penalties, a potential five- to eight-year disqualification from running for political office, or both. The law defines political organizations as those involved in promoting citizen participation, exercising control over public offices, or promoting candidates for public office. Although the law was not enforced, its existence created a climate of fear among human rights NGOs and a hesitancy to seek international assistance.

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

The United Nations or Other International Bodies: The illegitimate 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 for one year, which was extended for another year in September. The illegitimate Maduro regime failed to implement recommendations issued by the OHCHR, such as the dissolution of FAES, which the OHCHR and an independent UN FFM found reasonable grounds to believe committed extrajudicial killings. 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.” In September the FFM reported there were reasonable grounds to believe that crimes against humanity had been committed since 2014 and the illegitimate Maduro regime either ordered, contributed to, or was involved in the commission of these crimes. On October 6, the UN Human Rights Council voted to extend the mandates of the FFM and the OHCHR for an additional two years. The OAS passed resolutions citing the continued deterioration of human rights conditions in the country, and in its October 21 General Assembly resolution, it welcomed the UN’s FFM report while calling for the “immediate and complete implementation of the recommendations contained therein, including the investigation of human rights violations and the cessation of the use of excessive force, extrajudicial executions, forced disappearances, arbitrary detention, and torture.”

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

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

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

### **Women**

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

The law criminalizes physical, sexual, and psychological violence in the home or community and at work, 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 illegitimate 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 five shelters for victims of gender-based violence, most of which struggled to operate effectively due to a lack of financial resources. NGOs provided the majority of domestic abuse support services.

NGOs and media reported an increase of domestic abuse and gender-based violence during the COVID-19 pandemic. The NGO Woman Your Voice Has Power reported a 52 percent increase in domestic violence during the year. Between January and October, the NGO Utopix documented 217 femicides and an atmosphere of impunity for domestic abusers. On August 15, Mariana Lilibeth Gonzalez was assaulted in her home and shot 30 times. No suspects were arrested in connection with her death.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory. According to UNICEF, 81 percent of children younger than five were registered at birth, based on 2011 statistics provided by the government. The children's rights NGO Cecodap reported that families struggled to register births due to quarantine measures surrounding the COVID-19 pandemic.

Child Abuse: According to UNICEF and NGOs working with children and

women, child abuse, including incest, occurred but were rarely reported. The illegitimate 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. A study by the NGO Save the Children found a 30 percent increase in child abuse in homes under quarantine.

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 of 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 are punishable with a mandatory sentence of 15 to 20 years’ imprisonment. The law prohibits the forced prostitution and corruption of minors. Penalties range from 15 to 20 years’ imprisonment in cases of forced labor and some forms of sex trafficking of women and girls. The law requires a demonstration of force, fraud, or coercion to constitute child sex trafficking. The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years’ imprisonment.

Displaced Children: Children’s rights advocates and media reported an increase in the number of abandoned children living on the street. Cecodap estimated that as many as one million minors had been left behind with family members as their parents fled the country’s economic crisis, many of whom also struggled with the country’s economic downturn. These children resided in limbo, since their parents who left were unable legally to transfer guardianship to a third party.

State-run facilities, already filled to capacity, were unable to support the influx of children in need. Private institutions denounced the illegitimate regime’s refusal to provide subsidized food benefits to support the country’s population. NGOs noted young girls made up close to one-half of the children living on the streets. This significant 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.

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 9,000 Jews in the country.

Jewish community leaders expressed concern regarding anti-Semitic statements made by high-level regime-aligned officials and anti-Semitic pieces in proregime media outlets. They stated regime-owned or -associated media and supporters of the illegitimate regime promoted Zionist conspiracy theories and denied or trivialized the Holocaust.

The community leaders noted many other anti-Semitic incidents occurred during the year. 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 illegitimate 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 concerns 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 receiving preference as is afforded by law. Online resources and access to information were generally available to persons with disabilities, although access to closed-captioned or audio-described online videos for persons with sight and hearing disabilities was

limited. Separately, leading advocates for persons with hearing disabilities lamented difficult access to public services due to a lack of interpreters in public courts, health-care facilities, and legal services, as well as a lack of other public accommodations.

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

Children with disabilities attended specialized schools and integrated classes 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. On March 16, the illegitimate Maduro regime closed the country's schools through the calendar year due to the COVID-19 pandemic. NGOs reported that in the shift to online classes, children with disabilities had limited access to educational materials and the Ministry of Education did not adapt curricula for children with disabilities. A June study by the NGO Deaf Confederation of Venezuela found that nearly 90 percent of children with disabilities decreased their educational activities during the quarantine.

### **Members of National/Racial/Ethnic Minority Groups**

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 illegitimate regime did little to enforce laws against discrimination or prosecute cases of discrimination.

### **Indigenous People**

The law prohibits discrimination based on ethnic origin. The constitution provides for three seats in the AN for deputies of indigenous origin to "protect indigenous

communities and their progressive incorporation into the life of the nation,” but some indigenous communities continued without representation in the national legislature 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 that extends between the states of Bolivar and Amazonas. Indigenous communities reported the illegitimate 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 dissidents of the Revolutionary Armed Forces of Colombia 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 prostitution 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 illegitimate regime mining concessions. Indigenous reported a lack of consultation by the illegitimate Maduro 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 in February.

NGOs stated that quarantine measures imposed by the illegitimate Maduro regime unduly impacted indigenous communities, preventing transit to and through territories and making it impossible for indigenous persons to obtain food, water, and access to medical care. The UN Office for the Coordination of Humanitarian Affairs reported that 325 persons, 82 of whom were Wayuu, were forcibly displaced between January and August by armed groups.

Media reported that in Zulia on April 12, GNB members used tear gas and rubber bullets to disperse a group of indigenous Wayuu, primarily older women and children, who were protesting a lack of food and water. Media reported that a Wayuu teacher was injured when she was shot in the face during the confrontation.

On July 24, the CNE abolished the system of direct, confidential voting of indigenous representatives to the AN. In August the CNE reversed course again to allow secret voting but opted to maintain the introduction of “community assemblies,” which would elect an unspecified number of spokespersons, who in turn would elect AN representatives. The AN and indigenous activists criticized the regulations as unconstitutional and an infringement of indigenous autonomy and the right to self-determination.

### **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, and intersex (LGBTI) persons from entering malls, public parks, and recreational areas. NGOs reported the illegitimate Maduro regime systematically denied legal recognition to transgender and intersex persons by preventing them from obtaining identity documents required for accessing education, employment, housing, and health care. This vulnerability often led transgender and intersex persons to become victims of human trafficking or prostitution.

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

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.

### **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 against such persons. PROVEA reported that hospitals discriminated against persons with HIV.

On September 7, FAES officers raided the headquarters of Solidarity Action, an NGO that advocates for the rights of those with HIV and AIDS, seizing medication and detaining eight persons.

## **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 illegitimate Maduro regime deployed a variety of mechanisms to undercut the rights of independent workers and unions. Minimum membership requirements for unions differ based on the type of union. Forming a company union requires a minimum of 20 workers; forming a professional, industrial, or sectoral union in one jurisdiction requires 40 workers in the same field; and forming a regional or national union requires 150 workers. Ten persons may form an employee association, a parallel type of representation the illegitimate 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 the majority 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 it has called for delinking the CNE from the union election process.

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

The minister of labor may order public- or private-sector strikers back to work and submit their disputes to arbitration if a strike “puts in immediate danger the lives or security of all or part of the population.” Other legal provisions establish criminal penalties for exercising the right to strike in certain circumstances. For example, 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 if convicted. 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.” There was no information on whether penalties were sufficient to deter violations.

The illegitimate 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

illegitimate regime. In 2018 ILO member countries voted to establish an ILO Commission of Inquiry (COI) for Venezuela to investigate longstanding 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 illegitimate 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.” In late October the illegitimate Maduro regime rejected the ILO COI recommendations from 2019 on egregious labor violations.

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 illegitimate Maduro regime continued to support many “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 illegitimate regime continued to refuse to adjudicate or otherwise resolve the cases of thousands of employees of the state-owned oil company PDVSA 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 OHCHR documented restrictions on labor unions through the arbitrary detention of union leaders and five forced evictions of union headquarters. The Venezuelan Observatory of Union Freedom documented more than 100 detentions, most of which were arbitrary, of union leaders since 2010.

NGOs reported the illegitimate regime continued harassment of unions by prosecuting union members in military courts. On March 31, a labor attorney was severely beaten and taken into custody by the GNB in Barquisimeto, Lara, for recording with his cell phone a peaceful protest of health workers who were struggling to get gasoline ration vouchers promised by the regime.

Union leaders denounced the detention on May 8 of Bartolo Guerra, a PDVSA tugboat captain, for criticizing the illegitimate Maduro regime. In a meeting with the company's leadership, workers expressed frustration regarding low salaries and poor working conditions. According to the Federation for Oil Workers, Guerra had worked for 40 consecutive days, and the company had not provided food or water for employees for more than a week. Guerra blamed the misery and hunger of workers on Maduro. When Guerra refused to retract his statements, the DGCIM arrested him and charged him with treason.

On August 31, Ruben Gonzalez, secretary general of miners' union Sintraferrominera, was released after a military tribunal convicted him for "outrage" to the armed forces and the GNB and sentenced him to five years and nine months in prison. Union leaders described Gonzalez' 2018 arrest and imprisonment as part of the illegitimate regime's efforts to eliminate the union and install a more pliant, parallel union while a new collective agreement was negotiated.

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

The law prohibits some forms of forced or compulsory labor but does not provide criminal penalties for certain forms of forced labor. The law 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 illegitimate 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, more than 60,000 Cubans worked in the illegitimate 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. 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 that it withheld the passports of Cuban medical personnel in the country. Venezuelan 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 illegitimate Maduro regime and 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 into sex trafficking, forcibly recruited youth to join armed criminal groups, and forced children to work

in mines under dangerous conditions. In 2019 the OHCHR documented instances of forced labor, violence, and human trafficking related to mining activity in the Mining Arc of the Orinoco River. It estimated that approximately 45 percent of miners in Bolivar State were underage and extremely vulnerable to human trafficking.

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 illegitimate Maduro regime had not made publicly available the list of specific types of work considered hazardous. Children ages 14 to 18 may not work without permission of their legal guardians or in occupations expressly prohibited by law, and they may work no more than six hours per day or 30 hours per week. Minors younger than 18 may not work outside the normal workday.

Anyone employing children younger than eight is subject to a prison term that is sufficient to deter violations. Employers must notify authorities if they hire a minor as a domestic worker. The illegitimate 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 illegitimate 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 illegitimate regime-supported programs.

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

illegitimate Maduro regime supported the operations of the National Liberation Army and dissidents of the Revolutionary Armed Forces of Colombia dissidents by allowing the exploitation, sex trafficking, forced labor, and forced recruitment of children. 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 working in mines.

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

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

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

The illegitimate Maduro regime raised the national minimum wage, but it remained below the poverty line. Labor experts noted the unilateral nature of the decision contravened ILO Convention No. 26 requiring the government to consult with employers and workers prior to enacting wage increases. Legislators noted the decree violated the law, since it supplanted collective bargaining agreements. Union leaders from the petroleum, health, telecommunications, and electricity sectors highlighted that the wage-raise decree did not include wage adjustments to keep up with hyperinflation and thus remained insufficient to afford the basic food basket. 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 fewer than 2,000 of the 15,000 industries existing in 2000 remained as of May.

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

The law provides for secure, hygienic, and adequate working conditions. Workplaces must maintain “protection for the health and life of the workers against all dangerous working conditions.” The law obligates employers to pay workers specified amounts for workplace injuries or occupational illnesses, ranging from two times the daily salary for missed workdays to several years’ salary for permanent injuries. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. Occupational safety and health (OSH) 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 illegitimate 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 illegitimate Maduro regime cracked down on medical professionals who spoke about the realities they faced in their work.

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 perpetrated by armed groups and illegitimate Maduro regime security forces who fought for control over mining territory. NGOs reported the use of beatings, mutilation, disappearances, and killings by armed groups to enforce control in mining areas.