

# Venezuela 2023 Human Rights Report

## Executive Summary

There were no significant changes in the human rights situation in Venezuela during the year.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; enforced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention by security forces; serious problems with the independence of the judiciary; political prisoners or detainees; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; unlawful recruitment or use of children by illegal armed groups; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; restrictions on freedom of movement and on the ability to leave the country; inability of citizens to

change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, femicide, and other forms of such violence; significant barriers to access to sexual and reproductive health services; crimes involving violence or threats of violence targeting Indigenous peoples such as the Yanomami; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; prohibiting independent trade unions or significant or systematic restrictions on workers' freedom of association, such as violence and threats against labor activists; and the worst forms of child labor.

Representatives of Nicolás Maduro Moros did not take credible steps or action to identify and punish officials who may have committed human rights abuses.

There were reports nonstate armed groups and criminal gangs engaged in violence, human trafficking, child recruitment, exploitation of Indigenous communities, and sexual abuse.

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

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

## Politically Motivated Killings

There were numerous reports that Maduro agents committed arbitrary or unlawful killings, including extrajudicial killings. Although Maduro representatives 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 *colectivos* (Maduro-aligned armed neighborhood gangs), carried out hundreds of killings during the year.

The NGOs Venezuelan Education-Action Program on Human Rights (Provea) and La Fundación Centro Gumilla (Gumilla Center Foundation) documented 355 presumed extrajudicial killings in the context of security operations in the first six months of the year. According to Provea and the Centro Gumilla, the National Bolivarian Police (PNB) was responsible for 27 percent of the killings, followed by the National Scientific, Criminal, and Investigative Corps (CICPC), 19 percent; the National Bolivarian Armed Forces, 18 percent; and state police, 17 percent. Of the victims, 96 percent were male, among whom 60 percent were ages 18 to 30. Most victims were from poor areas in the country.

The NGO Monitor of the Use of Lethal Force recorded 432 deaths involving security forces from January 1 to August 20. The NGO reported PNB was involved in the largest percentage of cases, followed by CICPC and the armed forces.

There were no known credible efforts by the Public Ministry, Ombudsman's Office, or judiciary to investigate and punish perpetrators involved in arbitrary killings. NGOs stated security forces characterized most killings as confrontations with alleged criminals. While NGOs noted a decrease in arbitrary killings since 2021, they attributed the reduction to the existence of international accountability mechanisms, such as the UN Independent Fact-Finding Mission (FFM) and the newly opened International Criminal Court (ICC) investigation into crimes against humanity in the country, rather than a change in human rights protection policies.

In March, the Inter-American Commission on Human Rights (IACHR) filed an application before the Inter-American Court of Human Rights regarding the extrajudicial killings of brothers Israel Benjamín, Martín Daniel, Leonel David, and Leonardo José Manaure Flores in 2017 in Aragua State after CICPC officers raided their home. The officers involved in the raid told media the brothers were criminals; however, the brothers' mother said none of her sons had criminal records and noted that three of them were students and one worked in construction. Although Maduro's Public Prosecutor's Office called for an investigation, the IACHR found no evidence of significant progress in the investigation.

There was no significant progress regarding investigations into arbitrary killings in 2022, including of Venezuelan Communist Party member and local activist Jose Urbina, four members of the Yanomami Indigenous community,

and Indigenous rights and environmental activist Virgilio Trujillo Arana.

## **b. Disappearance**

Domestic human rights NGO FundaRedes documented 63 disappearances or kidnappings between January and March in the border states of Amazonas, Apure, Bolívar, Falcón, Táchira, and Zulia and 27 disappearances or kidnappings in these and six additional states between April and June. Most victims were men. In many cases, FundaRedes reported the perpetrators were criminal organizations engaged in extortion. In 2022, FundaRedes recorded 80 women disappeared along the border with Colombia.

FundaRedes noted disappearances were likely underreported due to fear of reprisals or to mistrust in Maduro-controlled institutions. According to FundaRedes' investigations, security agents were complicit with irregular armed groups and criminal gangs in committing human rights abuses, including disappearances.

In August, the National Committee of Victims of Forced Disappearances on the Coasts of Venezuela protested the lack of progress in investigations into the disappearance at sea of 150 migrants since 2015. Maduro representatives continued to deny requests by the UN Working Group on Enforced or Involuntary Disappearances to visit the country to conduct investigations. In 2022, the Working Group reported 29 outstanding cases of enforced or involuntary disappearances.

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

Although the constitution and law prohibited such practices, there were credible reports that Maduro-aligned security forces regularly tortured and abused detainees.

The Maduro-aligned Office of the Human Rights Ombudsman did not publish statistics regarding allegations of torture by police during the year. Several NGOs reported cases of torture and cruel, inhuman, and degrading treatment. Human rights groups and the FFM reported Maduro representatives continued to influence the attorney general and public defenders to conduct investigations selectively and subjectively. The domestic human rights NGOs Foro Penal (Penal Forum) and Coalición por los Derechos Humanos y la Democracia (Coalition for Human Rights and Democracy) maintained that hundreds of cases of torture were not reported because victims feared reprisal.

The FFM documented 28 cases of torture or cruel, inhuman, or degrading treatment of detainees from January 2020 to August 2023.

The FFM reported that at times judges ordered pretrial detention in national intelligence service (SEBIN) or military counterintelligence agency (DGCIM) facilities even when detainees alleged in court that they had been tortured or displayed signs consistent with torture. Media and NGOs reported

Maduro-aligned law enforcement agencies and the military regularly beat and humiliated suspects during arrests. Cases of torture and other cruel, inhuman, or degrading treatment or punishment of prisoners were also reported. Maduro-aligned individuals subjected detainees to asphyxiation, electric shock, broken bones, and hanging by their limbs. Detainees were also subjected to cold temperatures, sensory deprivation, and sleep deprivation; forced to spend hours on their knees; and handcuffed for extended periods of time. Some detainees and their relatives reported receiving death threats. Detainees reported Maduro-aligned security forces moved them from detention centers to houses and other clandestine locations where abuse took place. Cruel treatment frequently involved denying prisoners medical care and holding them for long periods in solitary confinement. NGOs reported some detainees were victims of sexual and gender-based violence by security units.

On January 29, army Lieutenant Colonel Igbert José Marín Chaparro, a political prisoner detained by DGCIM, ended a second hunger strike he began in November 2022 to protest continued poor detention conditions and torture received while detained.

In August, the PNB arrested Venezuelan Central University student John Álvarez on conspiracy charges related to the case of six labor activists who were arrested in July 2022 and sentenced to 16 years in prison. Álvarez's lawyer told a court that security officials tortured Álvarez with beatings and

electric shocks and forced him to confess to an alleged plan by National Union Coalition of Workers leader Carlos Salazar to place explosives on a Caracas highway. Álvarez was released on December 23, but the charges against him were not dropped and he was ordered to appear before a court every 15 days.

The Casla Institute for the Study of Latin America reported that security forces continued to engage in torture. A February report detailed 19 testimonies of torture between January 2022 and January 2023 reportedly committed by DGCIM, SEBIN, PNB, and high-ranking officers in the armed forces. The report described psychological and physical torture, extreme sensory deprivation, sexual violence, and cruel and unusual punishment as common tactics used by security forces.

In July, the investigative journalism website *Armando.info* identified 25 cases of *Sippenhaft*, a torture method by which family members of detainees were also punished. Among the victims identified were the family of Captain Anyelo Heredia, the wife of a Bandera Roja (Red Flag) party militant, the girlfriend of a person who worked with the former interim government, the son of an opposition mayor, the brothers and parents of four dissident soldiers, the family of an agricultural producer, and more than a dozen others. According to the report, Maduro representatives systematically punished family members of detainees since 2017. The report identified DGCIM and SEBIN as the primary perpetrators of this practice. According to



the NGO Justicia, Encuentro y Perdon (Justice, Encounter, and Forgiveness, or JEyP), at least 60 percent of relatives of political prisoners experienced torture, harassment, or recurring mistreatment at the hands of security officers.

The NGO Control Ciudadano (Citizens Control) criticized Maduro's promotion of military officers involved in human rights violations. In July, Maduro promoted Rafael Antonio Franco Quintero to the rank of major general. Franco Quintero was named in the September 2022 FFM report as being involved in torture, sexual violence, arbitrary detentions, the suppression of military and political dissidents, and other human rights abuses. Foro Penal reported political prisoners were denied adequate medical treatment while in custody. As of August, Foro Penal reported at least 50 individuals detained on politically motivated grounds were in critical health and were not being provided adequate medical attention. Foro Penal highlighted the cases of Emirlendris Carolina Benítez Rosales and José Javier Tarazona Sánchez. Benítez was sentenced to 30 years in prison for alleged involvement in the 2018 drone attack against Maduro. While in prison, she was tortured and suffered a miscarriage and required medical attention, according to family members. Tarazona, a human rights defender arrested in 2021, suffered chronic conditions that required daily medication, but prison authorities did not permit proper medical treatment, according to Foro Penal and family members.

Impunity for security forces was a significant problem. There were continued reports of police abuse and involvement in crime, particularly in the activities of illegally armed groups, including illegal and arbitrary detentions, extrajudicial killings, kidnappings, and the excessive use of force. Maduro representatives took no effective action to investigate members of security forces who committed these and other human rights abuses. Corruption, inadequate police training and equipment, and insufficient funding, particularly for police forces in states and municipalities governed by opposition officials, reduced the effectiveness of security forces. NGOs noted that many victims did not report violent crimes due to fear of retribution or lack of confidence in police.

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

Conditions at most prisons were harsh and life threatening due to gross overcrowding, food shortages, inadequate sanitary conditions, inadequate medical care, systemic violence, and poor infrastructure.

**Abusive Physical Conditions:** According to the NGO Venezuelan Observatory for Prisons (OVP), the designed capacity of the country's 52 prisons was approximately 20,450, but only 41 prisons were operable, and the estimated inmate population was more than 33,500 inmates. Pretrial detention facilities such as police station jails were also overcrowded. The NGO Una Ventana a la Libertad (A Window to Freedom, or UVL) reported the 161 pretrial detention centers it surveyed were overcrowded by 170

percent. Prisoners took turns sleeping on floors and in office chairs, and sanitation facilities were inadequate or nonexistent.

Unsanitary conditions placed prisoners and detainees at increased risk of contracting diseases such as COVID-19, pneumonia, skin infections, malaria, and tuberculosis. Lack of water and cleaning supplies, inadequate access to recreation and sunlight, and insufficient food also increased the risk of contracting diseases. UVL recorded 240 suspected cases of tuberculosis among prisoners in 161 pretrial detention centers between October 2022 and July. Overcrowding was identified as the main cause of tuberculosis and other infectious diseases that spread easily. UVL also registered 45 detainees with HIV or AIDS, seven with COVID-19, and 411 with apparent malnutrition.

Between January and July, OVP recorded 29 deaths in prisons and pretrial detention centers. Of those, 59 percent resulted from causes associated with health conditions. In May, OVP registered five deaths of detainees related to tuberculosis or malnutrition.

OVP recorded many detainees showed symptoms of severe malnutrition, and malnutrition was one of the main causes of deaths in prisons and detention facilities. OVP reported that in most detention facilities, detainees depended on family members to supply them with food, water, and medicine. In prisons and detention facilities, sanitary controls for food preparation were lacking, and facilities did not have adequate spaces to

prepare and consume food. Media reported prison guards regularly stole food that families purchased for inmates and extorted families attempting to bring food into prisons.

OVP reported a general lack of medical care, drugs, equipment, and medical personnel for prisoners. OVP also reported transfers to medical centers were frequently denied, except in the most extreme cases. None of the detainment facilities had proper infrastructure for persons with disabilities. There were no adequate restroom facilities.

Because institutions were filled beyond capacity, hundreds of children accused of infractions were confined to juvenile detention centers, where they were reportedly crowded into small, unsanitary cells.

There were no policies that addressed woman-specific prison needs.

According to OVP, there was one women's prison and 16 women's annexes. The National Institute for Women's Orientation, which was designed to hold 350 inmates, held 655 women. Pregnant or lactating women lacked proper facilities, medical assistance, prenatal supplements, and basic hygiene products. Women were also victims of sexual violence, abuse, and torture, and were frequently coerced into sexual acts in exchange for food or water. NGOs reported guards knew of and tolerated these abuses and sometimes facilitated them or committed abuses outright. NGOs reported instances of inmates and family members being threatened if they reported abuses.

The PNB and the Ministry of Interior, Justice, and Peace claimed

responsibility for prisons' exterior and interior security, respectively.

Maduro representatives failed to provide adequate prison security. OVP estimated there was only one guard for every 100 inmates instead of one for every 10, as recommended by international standards. OVP estimated at least 46 percent of the prison population was under the control of armed gangs, known as *pranes*. Pranes were involved in weapons and drug smuggling and often extorted funds from other inmates. Several NGOs noted pranes also contributed to human rights abuses by operating illegal businesses and criminal networks outside of prisons and within the region. OVP reported prison authorities often perpetrated acts of violence against inmates and harassed them via homophobic and transphobic comments, other abusive verbal attacks, and exposure to public ridicule. OVP documented cases where prison staff carried out punishments such as long-term isolation and torture, cruel, degrading, and inhuman treatment for reasons of sexual orientation, gender identity, or in retaliation for complaints.

On August 16, protests occurred at the National Institute for Women's Orientation. The protesters demanded the resignation of the prison director, Anyi Martínez, concerning allegations of torture, mistreatment, and harassment of inmates. OVP reported Maduro's Ministry of Penitentiary Services removed Martínez following the protests. In July, inmates at La Morita pretrial detention center in Aragua State held four PNB officials captive for two days to demand transfers to prisons with better

conditions.

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

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

**Independent Monitoring:** Some human rights observers faced restrictions in gaining access to prisons and detention centers. The Ministry of Penitentiary Services prohibited NGOs from conducting prison visits. The Roman Catholic Church was also banned from conducting visits. The Office of the High Commissioner for Human Rights (OHCHR) conducted visits to detention centers and interviewed persons in detention. OHCHR was also able to visit two military detention centers.

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

The constitution prohibited the arrest or detention of an individual without

a judicial order and provided for the accused to remain free while being tried, but judges and prosecutors often disregarded these provisions. Maduro representatives rarely granted detainees the right to challenge the lawfulness of their detentions in court, even though the right to do so was stipulated by law. Maduro representatives arbitrarily detained individuals, including foreign citizens, for extended periods without criminal charges.

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

While a warrant was required for an arrest, detention was permitted without an arrest warrant when an individual was apprehended in the act of committing a crime or to secure a suspect or witness during an investigation. Nonetheless, police often detained individuals and raided their homes without a warrant. OHCHR reported some detainees had new arrest warrants issued against them after issuance of a release order. Foro Penal maintained detentions were often conducted without warrants, which were provided retroactively by complicit prosecutors and judges.

The law mandated 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 required that detainees be informed promptly of the charges against them. Prosecutors and judges routinely ignored these requirements. NGOs reported detainees were presented before a court days after being disappeared and without access to proper legal counsel.

Although the law provided for bail, release on bail was not afforded to persons charged with certain crimes. Bail also could be denied if a person was apprehended in the act of committing a crime or if a judge determined the accused might flee or impede the investigation. The law allowed detainees access to counsel and family members, but that requirement was often not met, particularly for political prisoners. The constitution also provided any detained individual the right to immediate communication with family members and lawyers who, in turn, had the right to know a detainee's whereabouts.

**Arbitrary Arrest:** Foro Penal reported 14 cases of politically motivated arbitrary detentions between January 1 and June 30. The UN Working Group on Arbitrary Detentions issued five opinions, finding 14 persons were arbitrarily detained.

In June, Foro Penal reported Leonardo Jesús Azócar, from the Workers Union of Steel and Similar Industries, and José Daniel Romero, union representative of state-owned steel company Siderúrgica del Orinoco, were detained without a warrant by DGCIM agents for their participation in a week-long labor protest in Bolívar State for better working conditions and salaries. Azócar and Romero were charged with criminal association and incitement to hatred. Foro Penal reported the detainees were denied the right to choose their own lawyers and were instead assigned a public defender. According to their families' testimony, they were held



incommunicado for 10 days.

**Pretrial Detention:** Prolonged pretrial detention remained a significant problem. The law stated a person accused of a crime could not be detained for longer than the possible minimum sentence for that crime or for longer than two years, whichever was shorter, except in certain circumstances, such as when the defendant was responsible for the delay in the proceedings. Maduro representatives routinely ignored these requirements. According to OVP, there were 920 pretrial detention centers identified in 2020, including CICPC and SEBIN detention facilities and police station jails. Due to overcrowding, many police station offices were used as makeshift prison cells. While police station jails were designed to hold individuals for only 48 hours, according to the criminal procedure organic code, long delays in court proceedings and prison transfers caused some prisoners to be held in these facilities for years.

Between May 2022 and April, OHCHR documented at least 135 cases of individuals in pretrial detention beyond the legally established period. Additionally, 39 individuals were sentenced despite having surpassed the legally established pretrial detention period. Foro Penal reported there were 113 political prisoners in pretrial detention for more than three years without conviction.

Despite constitutional protections that provided 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.

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

The law provided for the right to a fair and public trial with oral proceedings for all individuals. OHCHR noted that continued delays in judicial procedures (including investigations, hearings, and prosecutions) eroded guarantees of procedural fairness and due process. The constitution provided for an independent judiciary, but the judiciary lacked independence and generally ruled in favor of Maduro and his representatives at all levels. There were credible allegations of corruption and political influence throughout the judiciary.

On July 15, JEP denounced a Supreme Court (TSJ) decision to transfer the jurisdiction of terrorism cases from the Third and Eighth Trial Courts to the 29th Trial Court of Caracas. This move restarted from the beginning the trials of at least 45 political prisoners, including Javier Tarazona and Roland Carreño, whose cases were pending for nearly two years.

Provisional and temporary judges had the same authorities as permanent judges, but due to their employment status, they allegedly were subjected

to political pressure to rule in favor of Maduro and his representatives. Low salaries for judges at all levels increased the risk of corruption.

NGOs reported the lack of judicial independence impeded the normal functioning of investigations and judicial processes and highlighted the fragility of norms and procedures. NGOs reported constant procedural delays deterred individuals from reporting crimes. There was a general lack of transparency and technical criteria in the assignments of district attorneys to criminal investigations. These deficiencies hindered the possibility of bringing offenders to justice and resulted in a high rate of impunity for common crimes and cases of alleged human rights abuses.

## **Trial Procedures**

By law, defendants were considered innocent until proven guilty. The law required that detainees be informed promptly of the charges against them. The law also stated that in the absence of the defense attorney, a trial could proceed with a public defender whom the court designated. These requirements were often ignored, according to human rights organizations. Indigent defendants' right to free counsel was often not respected due to attorney shortages. Free interpretation was often not available to non-Spanish-speaking defendants.

Trials in absentia were permitted in certain circumstances, although opponents of the procedure claimed the constitution prohibited such trials.

The law gave judges the discretion to hold trials behind closed doors if a public trial could “disturb the normal development of the trial.”

The law provided that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts. Although the organic code of military justice was reformed to prohibit civilians from being tried in the military justice system, in 2021 the TSJ issued a decision that left open the possibility of civilians to be tried in military courts if the executive branch considered it appropriate.

## **Political Prisoners and Detainees**

Maduro representatives used the judiciary to intimidate and prosecute individuals critical of their policies or actions, commonly using charges of conspiracy, terrorism, and treason to arrest individuals. Foro Penal reported that between January 2014 and October 23, 15,805 persons were arrested for political reasons. On September 29, Maduro released eight military political prisoners. The detainees, arrested in 2018 on charges related to an alleged coup against Maduro, spent five years in Ramo Verde military prison without a trial. On October 18-19, Foro Penal announced Maduro representatives released six political prisoners. Among them was political leader and journalist Roland Carreño, arrested in 2020 on grounds of conspiracy, weapons smuggling, and terrorism financing. Foro Penal reported that as of December 4, 275 political prisoners remained in custody. On December 6, opposition primaries organizer and NGO Director Roberto

Abdul and three campaign staff members of Unitary Platform (UP) presidential candidate Maria Corina Machado were arrested. In December, Abdul, the three staff members, and an additional 20 political prisoners were released. NGOs noted Maduro representatives did not pardon Venezuelan political prisoners released from custody, and many continued to be subject to movement restrictions and required court appearances. Later in December, an additional 20 political prisoners were released. Political prisoners were routinely held in SEBIN installations, the Ramo Verde military prison, or DGCIM headquarters in Caracas. In addition, Foro Penal recorded more than 9,000 persons remained subject to arbitrary criminal proceedings for politically motivated precautionary measures.

On March 22, the FFM expressed concern regarding the lack of access to food and medical care for political prisoners and other detainees. The FFM warned family members of detainees continued to be subject to threats and reprisals. Yosida Vanegas, mother of military political prisoner Juan Carlos Monasterios, was detained at a Guardia Nacional Bolivariana (Bolivarian National Guard, or GNB) checkpoint in Táchira State on August 15 and taken to DGCIM headquarters, according to her daughter. Vanegas was accused of criminal association and terrorism financing. Lawyers of the Monasterios family sought a writ of habeas corpus for Vanegas on August 20 alleging she was detained without judicial order or reason. Criminal lawyer Zair Mundaray noted the Monasterios family was previously subject to harassment, including home raids, and that Vanegas was previously taken in

for interrogation.

## **f. Transnational Repression**

**Misuse of International Law Enforcement Tools:** There were credible reports Maduro representatives attempted to misuse international law enforcement tools, including Interpol Red Notices, to carry out politically motivated reprisals against specific individuals located outside the country. On January 9, Maduro's attorney general Tarek William Saab Halabi announced arrest warrants were issued and Interpol Red Notices requested against Dinorah Figuera, Marianela Fernández, and Auristela Vásquez, who made up the leadership board of the 2015 National Assembly. Figuera and Vásquez resided in Spain and Fernández resided in the United States. On August 21, Saab announced he was seeking the arrest and extradition of Antonio Ledezma, who resided in Spain; he was international political advisor to opposition leader María Corina Machado. In October, Saab announced he had issued an arrest warrant for opposition leader Juan Gerardo Guaidó Márquez and would request an Interpol Red Notice.

## **g. Property Seizure and Restitution**

Observers noted Maduro representatives confiscated the assets of political opponents to intimidate and punish them. In January, de facto authorities broke into Auristela Vásquez's apartment and announced that it was being confiscated. There were no reports of restitution being made for such

property seizures.

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

The constitution provided for the inviolability of the home and personal privacy, but Maduro representatives generally failed to respect these prohibitions. Maduro-aligned individuals interfered in personal communications or raided homes, particularly in cases involving political opponents. NGOs reported their offices were subject to arbitrary raids and having their websites or social media profiles blocked. In January, the president and vice president of the 2015 National Assembly, Dinorah Figuera and Auristela Vásquez, respectively, reported raids on their homes in Caracas by DGCIM agents. In August, the international advisor to opposition leader María Corina Machado said his house in Caracas was raided by officials from the National Anticorruption Police.

State surveillance remained rampant, including through the assistance of telecom regulator the National Telecommunications Commission (CONATEL) and state-run telecommunications provider Venezuelan National Telephone Company (CANTV).

The People's Republic of China reportedly continued to provide Maduro representatives with technology to monitor citizens' social, political, and economic behavior through the identity homeland card (*carnet de la patria*).

As the card was required to obtain social services, including pensions, medicine, food baskets, and subsidized fuel, citizens had little choice other than to obtain and use the card.

## **i. Conflict-related Abuses**

The NGO Alerta Venezuela warned that irregular armed groups in the country committed human rights abuses, including killings, torture, kidnapping, internal displacement of Indigenous communities, trafficking in persons, and exploitation of women and children.

**Child Soldiers:** The Secretary of State determined Venezuela had government-supported armed groups that recruited or used child soldiers during the period of April 2022 to March 2023.

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

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

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

The law provided for freedom of expression, including for members of the press and other media, but the combination of laws and regulations governing libel, slander, and media content as well as legal harassment,



physical intimidation of individuals and media, and Maduro's influence on the judiciary resulted in significant repression of these freedoms. National and international groups condemned Maduro's efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

**Freedom of Expression:** The law made conviction for insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. The Constitutional Law against Hate for Political Coexistence and Tolerance (law against hate) stipulated prison sentences of up to 20 years. While the stated purpose of the law was to "promote peace and tolerance," NGOs observed the vaguely written law was used to silence freedom of expression activists and journalists. The law was also used to limit their rights following their release by banning international travel and requiring regular court appearances. OHCHR documented nine cases of individuals, including human rights defenders and journalists, charged or prosecuted under the law. According to the human rights NGO Espacio Público (Public Space), in the last five years, 83 persons were unjustly accused under this legislation, including public servants, journalists, and members of NGOs.

**Violence and Harassment:** Senior national and state leaders and Maduro-aligned figures 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. Maduro and his United Socialist Party of Venezuela (PSUV) used the nearly 600 PSUV-aligned media outlets to intimidate the political opposition. PSUV's Vice President Diosdado Cabello Rondón continued to use his weekly television program to denounce individual journalists and media outlets.

The National College of Journalists estimated nearly 4,000 journalists emigrated from the country due to threats in the last 20 years.

Between May and August, the Instituto Prensa y Sociedad de Venezuela (Press and Society Institute of Venezuela, or IPYS) registered 177 abuses of freedom of expression, of which 39 were physical or verbal aggression. IPYS reported the abuses affected reporters and journalists most often. On June 12, IPYS reported military and police officers intimidated the press teams of seven media outlets during coverage of a protest by workers of state-owned steel company Siderúrgica del Orinoco in Ciudad Guayana, in Bolívar State. GNB and PNB officials reportedly photographed reporters because they were "inciting disruption."

On September 10, several journalists from Amazonas State reported the detention of fellow journalist Luis Alejandro Acosta Romero. The journalists denounced the lack of information regarding Acosta's whereabouts and conditions. The National Union of Press Workers suggested Acosta's detention could be related to his reporting on illegal mining and military operations in Yapacana National Park.

**Censorship or Content Restrictions for Members of the Press and Other**

**Media, Including Online Media:** The law provided that inaccurate reporting deemed to disturb the public peace was 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 declared 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 provided that the government could suspend or revoke licenses when it judged such actions necessary in the interests of the nation, public order, or security.

The law empowered the government to impose heavy fines and cancel broadcasts for violations of its norms; CONATEL oversaw the law’s application.

NGOs noted Maduro representatives’ preference for using legal proceedings, financial sanctions, and administrative actions against unfavorable news outlets instead of shutting them down outright. Espacio Público recorded the closures of seven radio stations between January and July. Most stations were closed allegedly for not having the necessary permits to be on the air. Some radio stations also had equipment confiscated by CONATEL. In September, political cartoonist and commentator Fernando Pinilla denounced the PSUV mayor of Guacaipuro in Miranda State for ordering the cancellation of his radio program *Al Día con*

*Nosotros* (Up to Date With Us). According to Pinilla, the order was retaliation for a political cartoon he published criticizing the poor economic conditions in Miranda.

Maduro representatives also exercised control over content through licensing and broadcasting requirements. CONATEL acted selectively on applications from private radio and television broadcasters for renewal of its broadcast frequencies to limit the use of radio space by media not aligned with Maduro. According to NGO reports, approximately 80 percent of radio stations throughout the country were in “illegal” status due to CONATEL not having renewed licenses for most radio stations since 2007. Espacio Público estimated 20,000 jobs were lost over the past 20 years due to the closure of media outlets.

Maduro-aligned figures controlled a large portion of the country’s businesses and paid for advertising only with Maduro-friendly media. Maduro-aligned and -influenced media provided almost continuous pro-Maduro 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 Maduro representatives’ activities. Media reported the GNB regularly barred journalists from covering the debates and activities of the 2015 National Assembly.

Globovisión, a 24-hour news network, fired journalist Seir Contreras on

August 22 after he argued on live television with PSUV congressman Ramón Magallanes regarding the country's political and economic problems. Contreras noted PSUV-controlled municipalities lacked basic public services and criticized PSUV Vice President Diosdado Cabello for his role in unfinished public projects. According to the National Union of Press Workers, Contreras was fired via a telephone call immediately following the interview. The union called the firing a violation of freedom of expression and opinion.

Members of the independent media and human rights activists who limited or ceased their activities said they regularly engaged in self-censorship due to fear of reprisals. Many journalists posted articles to their personal blogs and websites instead of publishing them in traditional media. IPYS and Espacio Público reported that in Barinas State on May 11, Leonaldi Meza, host of the radio program *Mesa de Análisis* (Analysis Table) on Furia 89.9 FM, decided to leave the program after the station's director ordered him to limit the program's political commentary. IPYS reported most radio stations refrained from covering electoral processes due to censorship or self-censorship.

Prior to the October 22 opposition primary election, CONATEL sent messages to journalists stating that the election was not an officially sanctioned event and should not receive press coverage. Journalists responded to this apparent media ban by resorting to social media to report

news of the election.

According to IPYS, approximately seven million persons, or 21 percent of the population, lived in “media deserts” or “silenced zones,” areas where access to information was insufficient. Access to information was most heavily restricted in border territories and areas where Indigenous communities resided, and these areas also faced greater internet restrictions.

Additionally, IPYS considered border areas high-risk territories for journalists due to the presence of criminal groups.

**Libel/Slander Laws:** Libel and slander were criminal offenses, punishable by one to three years’ imprisonment and a significant fine. Maduro-aligned individuals engaged in reprisals against media organizations and individuals who publicly expressed criticism of Maduro or his policy.

**National Security:** The law allowed the government to suspend or revoke licenses when it determined such actions necessary in the interests of public order or security. Maduro representatives exercised control over the press through a public entity, the Strategic Center for Security and Protection of the Homeland, which was similar to the governmental entity Center for National Situational Studies. The two entities had similar mandates and were responsible for “compiling, processing, analyzing, and classifying” public information with the objective of “protecting the interests and objectives of the state.”

Maduro representatives regularly used laws against criminal groups and

financing of terrorism to implicate and accuse political opponents of committing crimes.

**Nongovernmental Impact:** Widespread violence in the country, often encouraged or left undeterred by Maduro and his representatives, made it difficult to determine whether attacks on journalists resulted from common criminal activity or whether criminals or others targeted media members as a form of censorship. In February, IPYS denounced that investigative journalist Ronna Rísquez and some of her family members were threatened through social media prior to the publication of her investigative book on the criminal gang El Tren de Aragua.

## **Internet Freedom**

Maduro representatives restricted or disrupted access to the internet and censored online content. They exercised broad control over the internet through CONATEL. State-controlled CANTV was the leading internet provider in the country, with 70 percent of subscribers. CANTV implemented a blocking system that required the use of a virtual private network to evade censorship. Other internet providers Inter, Movistar, Digitel, SuperCable, and NetUno also implemented blocks. The China National Electronics Import-Export Company continued to provide cyber support, technical experts, and a suite of software and hardware (in the form of a commercial version of China's internet regulator Great Firewall) to maintain online censorship, control information, and prevent the internal

dissemination of content deemed undesirable by political leadership.

OHCHR documented 44 website blockages between May 2022 and April, including 29 national media sites, four international media sites, three civil society organization webpages, five online digital services, and three privacy services. OHCHR reported the blockages were carried out by Maduro-controlled and privately-owned internet service providers without formal order or notifications.

The NGO VE Sin Filtro (Venezuela Without Filters), an internet monitoring project sponsored by internet freedom watchdog Venezuela Inteligente, reported there were 97 blocked online domains, 62 of which belonged to media outlets. Freedom House noted in its *Freedom on the Net 2023* report that citizens often struggled to afford internet access, experienced difficulties obtaining trusted information due to progovernment disinformation and blocks of independent media, and faced potential reprisals for expressing their opinions on politically sensitive topics in the digital space. According to Freedom House, Maduro representatives manipulated online discussion through influence operations and online platforms for government services, which also prompted privacy concerns due to their large-scale collection of citizens' personal data.

The law put the burden of filtering prohibited electronic messages on service providers. The law allowed CONATEL to order service providers to block access to websites that violated Maduro-established norms and fine



service providers for distributing prohibited messages.

Using CONATEL, Maduro representatives implemented censorship through all major internet service providers and exploited both direct means and administrative sanctions to cause HTTP (Hypertext Transfer Protocol), DNS (Domain Name System) blocks, or SNI (Server Name Indication) filtering by CANTV. On September 11, VE Sin Filtro reported major internet providers, including CANTV, blocked the National Primary Commission's webpage listing voting center locations for the opposition primary election. According to the NGO, the internet providers used DNS and HTTP blocks to limit access to the webpage. On October 22, at the conclusion of the self-organized primary, the National Primary Commission reported attacks on the website the commission was using to tally votes and report the results.

The country's online independent newspapers were frequently blocked by Maduro-aligned internet service provider CANTV. Maduro representatives also used indirect means through cyberattacks or false reports on social media to discredit political opponents. In January, Maduro representatives targeted schoolteacher and labor protest leader Elsa Castillo by using social media to accuse her of receiving external funding and traveling in private jets to attend protests.

NGOs identified threats and intimidation of social networks' users for publishing content critical of Maduro on Facebook, X (formerly Twitter), and WhatsApp. The online media monitor ProBox noted Maduro

representatives used bots, trolls, and cyborgs to flood social media platforms such as X with pro-Maduro information and control online communications. Freedom House noted that in February, the NGO Cazadores de Fake News (Fake News Hunters) and the Spanish newspaper *El País* reported on the existence of a YouTube channel that used artificial-intelligence-generated avatars to publish progovernment messages.

According to VE Sin Filtro, Maduro representatives' practice of blocking websites, combined with precarious internet connections and interruptions in electricity service, made normal browsing exceedingly difficult and contributed to an exponential growth in online media censorship since 2014.

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

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

Maduro representatives restricted the freedoms of peaceful assembly and

association.

## **Freedom of Peaceful Assembly**

The constitution provided for the right of peaceful assembly, but Maduro representatives generally repressed or suspended it. A 2015 public decree regulated the right to assembly and granted the armed forces authority to control public order. Human rights groups criticized the law as enabling Maduro representatives to charge protesters with serious crimes for participating in peaceful demonstrations. Ambiguous language in the law also allowed Maduro representatives to criminalize organizations and persons critical of them. FFM Chair Marta Valiñas warned that fear of detention hindered freedom of expression.

Protests and marches required advance authorization from Maduro representatives and were forbidden within designated “security zones.” The PNB blocked labor demonstrations several times, while some counterprotests organized by Maduro representatives took place.

## **Freedom of Association**

The constitution provided for freedom of association and freedom from political discrimination, but Maduro representatives did not respect these rights. Although professional and academic associations generally operated without interference, some associations complained the TSJ and the National Electoral Council (CNE), which was responsible for convoking all

elections and establishing electoral dates and procedures, interfered with their attempts to hold internal elections.

Although Maduro representatives relied on antiterrorism financing laws to support increased control and regulation of civil society organizations, the Caribbean Financial Action Task Force found in its 2023 *Mutual Evaluation Report* that Venezuelan NGOs were at low risk for terrorism financing and concluded Maduro representatives were attempting to impose disproportionate supervision measures on these organizations.

The IACHR condemned the Maduro-ordered restructuring of the Red Cross in August as a violation of freedom of association. According to the NGO Transparencia Venezuela, as of August, the TSJ had issued 14 judgments that interfered in the internal affairs of private groups.

<https://supremainjusticia.org/el-tsj-ha-propinado-14-golpes-al-derecho-a-la-asociacion-en-lo-que-va-del-2023/>**c. Freedom of Religion**

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

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

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation; however, Maduro representatives did not

respect these rights. Several human rights defenders reported security officials detained and questioned them when leaving or entering the country, particularly if traveling to or from the United States.

**In-country Movement:** Maduro representatives restricted the movement of some opposition leaders, at times refusing to allow them to board domestic flights.

**Foreign Travel:** Obtaining a passport remained difficult. Maduro representatives repeatedly seized passports from journalists, members of the opposition, and legitimate national assembly deputies at ports of entry without explanation as they attempted to depart the country. The cost of a passport was approximately 5,300 bolívares (\$216), too expensive for many citizens.

In July, opposition primary candidate Freddy Superlano Salinas reported the Administrative Service for Identification, Migration, and Immigration confiscated his passport as he attempted to depart by land to Colombia.

Leading opposition candidate María Corina Machado was unable to leave the country due to an exit ban approved by Maduro representatives in 2014.

## **e. Protection of Refugees**

Maduro representatives did not cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations

in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. Additionally, in August, the TSJ dismissed the president of the National Red Cross, Mario Enrique Villaroel, and the entire board of directors. Villarroel's removal by the Maduro-affiliated TSJ left local and international organizations concerned regarding government overreach, the role of politics in humanitarian assistance, and the precedent this dismissal created for government interference in civil service organizations.

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

**Abuse of Refugees and Asylum Seekers:** The refugee status determination process was managed by the National Refugee Commission. Its administrative obstacles resulted in lengthy delays for asylum seekers waiting to obtain legal documentation and status determinations. Frequent and inconsistent administrative changes made it exceedingly difficult for refugees to regularize their status and prevented full access to basic rights. Government offices charged high fees for documents used in immigration and foreign affairs processes. Additionally, the National Refugee Commission announced persons who had been recognized as refugees but had not begun the process of requesting an identification document from

the Administrative Office of Immigration and Foreign Affairs before 2021 were required to first request a certification card to establish their refugee status.

**Employment:** There were credible reports that the government imposed restrictions on refugees' ability to work after their status as refugee was official. Refugees without legal residency permits had limited access to the formal labor market.

**Access to Basic Services:** Asylum seekers without legal residency permits had limited access to education and health systems. The lack of documentation created significant difficulties in achieving sufficient protection and long-term integration.

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

The constitution provided citizens the ability to change their government through free and fair elections. Maduro's interference, electoral irregularities, unconstitutional appointments of electors, and harassment and manipulation of voters and candidates restricted the exercise of this right.

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** Presidential elections in 2018

were widely condemned by the political opposition and international observers as fraudulent and constitutionally invalid. In the 2018 presidential and municipal elections, 2020 legislative elections, and 2021 regional elections for governor, mayor, and state and local officials, Maduro representatives arbitrarily banned key opposition figures from participating in the political process, threatened them with spurious judicial charges, held hundreds of political prisoners, utilized judicial processes to deprive political parties of legal standing, and denied opposition political representatives equal access to media coverage and freedom of movement in the country.

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

On October 17 in Barbados, Maduro representatives and the UP signed an agreement to serve as an electoral roadmap that contained key guarantees in the period preceding the 2024 presidential election. UP negotiators highlighted portions of the accord calling for a comprehensive update to the national electoral registry, for candidates to enjoy freedom of movement and equal access to media, and for the next presidential election to be scheduled for the second half of 2024, among other provisions.

For the most part, prior to the signing of the October 17 roadmap agreement, political parties, including Acción Democrática (Democratic



Action), Primero Justicia (Justice First), and Voluntad Popular (People's Will), were unable to use their party symbols or register candidates due to Maduro representatives' intervention. Instead, the names and symbols of the parties were used by Maduro-controlled coopted opposition groups. The TSJ appointed a new leadership board for the Venezuelan Communist Party (PCV) on August 11, stripping control of the party from its legitimate leaders. The PCV denounced the TSJ decision and said party leadership was transferred to PSUV members.

In October, prodemocracy forces held a primary election organized by the independent National Primary Commission to select a presidential candidate to oppose Maduro in the 2024 presidential election. At least four opposition primary candidates reported attacks, harassment, or intimidation while campaigning. On August 25, media reported primary candidates were attacked at least 12 times in seven months while campaigning or engaging in public events. Primero Justicia candidate Henrique Capriles Radonski reported that on August 15, at least 10 of his supporters were assaulted by a group of alleged colectivos at a campaign event in Apure State. Vente Venezuela (Come-on Venezuela) candidate María Corina Machado reported that the National Guard detained individuals who provided sound equipment for her campaign activities in Nueva Esparta State. Members of the National Primary Commission were also threatened, as were volunteer poll workers and individuals who offered the use of their homes and businesses as voting locations.

On October 22, the day of the primary election, domestic observers reported PSUV-affiliated colectivos caused disturbances at some voting sites around the country by stealing ballot boxes, firing gunshots into the air, and using tear gas against voters waiting in line. Voting for the most part took place unimpeded, and domestic observers estimated as many as 2.4 million voters participated.

While the National Electoral Registry remained open for rolling registrations and updates, citizens were for the most part required to report to the one CNE office in the capital of each state to register, which represented a logistical and financial burden for many.

NGOs reported that public-sector employees faced discrimination and harassment for their political beliefs or activities.

Prodemocracy forces condemned the appointment of a new CNE in August led by Elvis Eduardo Hidrobo Amoroso, a former comptroller general responsible for disqualifying various political opposition leaders. Civil society organizations doubted the impartiality of the new CNE, noting most of the new CNE authorities were linked to Maduro.

### **Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** On August 25, 74 civil society organizations reported harassment and political violence disproportionately affected women seeking public office. Actions against women included death threats, physical aggressions, and other forms of intimidation.

## Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but it was not implemented effectively. Several officials explicitly acknowledged corruption as a major problem. According to Transparency International, among the main reasons for the country's widespread corruption were impunity, systematic institutional weakening, and a lack of transparency in the management of government resources.

**Corruption:** In April, the Anti-Corruption Police arrested at least 61 individuals linked to corruption cases in state-owned oil company *Petróleos de Venezuela S.A. (PDVSA)*, cryptocurrency regulator *Superintendencia Nacional de Criotactivos y Actividades (Sunacrip)*, and state-owned conglomerate *Guyana Venezuelan Corporation*. Human rights activists expressed concern regarding the lack of due process in the arrests and the perceived political motives.

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

The Orinoco Mining Arc was the center of illicit mining and gold smuggling.

Armed groups and corrupt security forces reportedly threatened or attacked Indigenous leaders who refused to allow smuggling or mining in their territories.

On April 28, Maduro representatives approved the Asset Recovery Law, which allowed them to confiscate property and assets derived from allegedly illegal activities and use them to reinvest in social protection, public services, infrastructure, reparation to victims, and strengthening of institutions that dealt with corruption. On May 2, president of the Maduro-controlled national assembly Jorge Jesús Rodríguez Gómez threatened to apply the law against opposition leaders who participated in “stealing overseas assets such as Monómeros in Colombia or Citgo in the United States.”

For additional information about corruption in the country, please see the Department of State’s *Investment Climate Statement* for the country, and the Department of State’s *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

A variety of independent domestic and international human rights groups

operated in the country. Despite restrictions from Maduro representatives, domestic human rights NGOs monitored or investigated human rights cases and published their findings. Maduro-aligned officials were rarely cooperative or responsive to the views of these groups.

**Retribution against Human Rights Defenders:** The NGO Center for Defenders and Justice recorded more than 300 attacks and security incidents against human rights defenders and civil society organizations in the first half of the year, a 44 percent increase compared with the same period in 2022. The NGO recorded almost 200 cases that appeared intended to discredit the work of human rights defenders and organizations and noted Maduro representatives consistently linked the actions of human rights defenders and civil society to criminal activities such as terrorism or destabilization. Some human rights activists reported Maduro representatives barred them from traveling abroad or that they feared not being able to return to the country if they traveled. OHCHR reiterated its concern regarding the widespread application of the law against hate to criminalize and delegitimize the work of human rights defenders.

NGOs also faced regulatory limitations on their ability to carry out their work, including difficulties in registering or updating their information in the Autonomous Registry and Notary Service. NGOs reported their requests were denied for procedural reasons, such as lack of personnel available to process the requests.

**The United Nations or Other International Bodies:** Maduro representatives were generally hostile toward international human rights bodies and continued to refuse access to the IACHR, which last visited the country in 2002.

The FFM worked out of Panamá due to lack of access to Venezuela because of restrictions imposed by Maduro.

On June 9, the ICC announced it was opening an office in Caracas per a 2021 memorandum of agreement, and on June 27, the ICC authorized the resumption of its stalled investigation into crimes against humanity allegedly committed in the country since 2014. On August 14, Maduro representatives appealed the decision to resume the investigation, arguing it was politically motivated and the ICC did not consider evidence produced by their own investigations.

**Government Human Rights Bodies:** Maduro's human rights ombudsman failed to advocate for citizen victims of human rights neutrally and objectively, especially in cases of egregious abuses such as enforced disappearances.

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

### **Women**

**Rape and Domestic Violence:** The law criminalized rape of women or men,

including spousal rape and domestic or intimate partner rape and other forms of domestic and sexual violence. The law did not explicitly address so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. Femicide had a penalty of 20-25 years in prison and aggravated femicide a penalty of 28-30 years. The law was not consistently enforced.

The law criminalized physical, sexual, and psychological violence in the home or community and at work, with increased penalties for intimate partner violence. The law stipulated penalties ranging from six to 27 months in prison for perpetrators of intimate partner violence. The law required police to report intimate partner violence to judicial authorities and obligated hospital personnel to notify authorities when admitting patients who were victims of intimate partner violence. The law was rarely followed or enforced. Police generally were reluctant to intervene to prevent intimate partner violence and were not properly trained to handle such cases.

The law also established women's bureaus at local police headquarters and tribunals specializing in gender-based violence, and two-thirds of states had specialized courts for cases of gender-based violence. NGOs reported these courts and police units tended to be ineffective at addressing gender issues and delivering justice. 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-based violence, and other crimes against women.

The UN Women's Rights Committee expressed concern regarding the lack of regulations and gender-sensitive protocols for the implementation of the Organic Law on Women's Right to a Life Free from Violence and urged Maduro representatives to adopt the necessary regulations so that the law could be implemented without further delay.

Enforcement of laws and access to justice were limited. Survivors of gender-based violence reported a lack of progress in investigations and inability to follow up on cases after filing reports. Advocates observed there was a lack of public awareness regarding resources and support available to prevent and combat gender-based violence. Protection and other resources for survivors of gender-based violence were inadequate.

The Committee on the Elimination of Discrimination Against Women (CEDAW) expressed concern regarding the high incidence of gender-based violence against women and girls, including the persistence of femicides, disappearances, and psychological and sexual violence against women and girls, and the lack of gender-sensitive protocols for the investigation of femicides, hate crimes, and other forms of gender-based violence. CEDAW also reported the five shelters for victims of gender-based violence against women in the country did not meet the requirements of the Organic Law on Women's Right to a Life Free from Violence. NGOs provided most support



services to survivors of gender-based violence.

**Other Forms of Gender-based Violence or Harassment:** Sexual harassment was illegal and punishable by fines and a prison sentence of one to three years. Although common in the workplace according to media reports, sexual harassment cases were rarely reported. Several cases of harassment at the hands of security forces – both police and military – were reported during the year.

The NGO Utopix Femicide Monitor reported 121 femicides between January and July. Utopix noted there were no policies to specifically prevent femicides and no official records showing the results of femicide investigations or convictions.

Provea reported illegal armed groups subjected Indigenous women in rural areas to physical and sexual violence in the context of illegal mining.

**Discrimination:** Women enjoyed the same legal status and rights as men under the constitution. Women and men were legally equal in marriage, and the law provided for gender equality in exercising the right to work. The law specified that employers could not discriminate against women regarding pay or working conditions. Nevertheless, women earned less than men for equivalent work. Maduro representatives did not enforce the law effectively.

**Reproductive Rights:** There were no reports of coerced abortion or

involuntary sterilization on the part of Maduro representatives.

Women and girls lacked the conditions and information to safely make decisions concerning their sexual and reproductive health and lacked timely access to services and quality contraceptive methods. Lack of access to transportation and cost of basic services aggravated the situation.

Maduro representatives restricted access to sexual and reproductive health services for sexual violence survivors, including emergency contraception and postexposure prophylaxis for the clinical management of rape.

Economic mismanagement and neglect of the country's health-care infrastructure severely restricted access to resources for menstrual health and hygiene as well as to skilled health attendants during pregnancy and childbirth. The NGO Acción Solidaria (Solidarity Action) reported one in four women did not have menstrual hygiene products at home, which forced them to use unhygienic and improvised alternatives that could cause infections and make them miss school and work.

The NGO Venezuelan Association for Alternative Sex Education (Avesa) found that 35 percent of women surveyed did not have their needs for family planning met with modern methods, and 64 percent of the women who had been pregnant had not planned their pregnancy. A survey of 411 women by Avesa reported only 24 percent of the women surveyed reported they could afford contraceptives. When available, a month's supply of birth control pills cost 350 to 700 bolívars (\$10 to \$20), emergency contraceptive

pills 250 bolívares (\$7), and an intrauterine device approximately 1,400 bolívares (\$40), according to Avesa.

Pregnant women faced inadequate conditions for childbirth, leading to high rates of maternal and newborn deaths, most of which were preventable. There were no official statistics available since 2017, but according to the UN report *Trends in Maternal Mortality*, the maternal mortality rate rose from 92 deaths per 100,000 live births in 2000 to 259 deaths per 100,000 births in 2020. In 2022 in Lara State, the NGO Laboratorio de Desarrollo Humano (Human Development Laboratory) reported a maternal mortality rate of 155.6 per 100,000 live births. Common causes of maternal death were postpartum hemorrhages, sepsis, and pregnancy-induced hypertension. Doctors stated these “predictable and treatable” conditions were often fatal due to hospitals’ lack of adequate beds, medical resources, medicine, and qualified doctors and specialists. CEDAW expressed concern regarding the criminalization of abortion in cases of rape, incest, or severe fetal impairment.

OHCHR reported sexual and reproductive health services, such as obstetric care and cervical treatment, were often unavailable or inaccessible. Civil society reported the cost of the Human Papillomavirus vaccine, which exceeded 3,500 bolívares (\$100), contributed to a reported rate of 70 per cent increase in deaths caused by cervical cancer since 2019. Journalists reported that women seeking neonatal or obstetric care had to provide their

own surgical and personal protective equipment. Pregnant women frequently did not receive prenatal care or supplements containing iron or folic acid, which were crucial for a healthy pregnancy and prevention of developmental problems and malnutrition.

In March, the UN Population Fund revealed teenage pregnancy continued to be a major problem. According to the latest available data, for adolescents ages 15 to 19, the pregnancy rate was 97.7 per 1,000. Causes of the high adolescent birth rate included lack of education, lack of communication, and lack of access to contraception, according to NGOs.

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

The constitution prohibited discrimination based on race. The law prohibited all forms of racial discrimination and provided 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, little was done to enforce laws against discrimination or prosecute cases of discrimination.

The environmental NGO Clima 21 (21st Climate) reported that due to the uncontrolled expansion of mining activities in Bolívar State, there was an increase in violence and serious environmental deterioration disproportionately affecting Afro-Venezuelan communities in El Callao and

Aripao. Clima 21 attributed the worsening situation to persistent systemic and structural racism implicit in Maduro's environmental and economic policies.

## **Indigenous Peoples**

OHCHR documented threats and intimidation by nonstate armed and criminal groups, including the U.S.-designated terrorist organizations National Liberation Army (ELN) and Revolutionary Armed Forces of Colombia (FARC-EP), against Indigenous defenders protecting their territory from drug trafficking and mining. Media and NGOs reported members of the military and police forces were often complicit in the violence by action or omission.

In February, an Indigenous community from Pendare Autana said that armed groups tried to invade their territories in Amazonas. Indigenous rights activists pointed out this was the same territory Virgilio Trujillo Arana, a member of the Yanomani Indigenous community who was killed in June 2022, worked to defend. There was no progress in the investigations into the death of Trujillo or the death of four members of the Yanomami Indigenous community in Parima B, in Amazonas.

OHCHR reported allegations of sexual violence against Indigenous women and girls, particularly in mining areas in Amazonas, Bolívar, and Zulia states where nonstate armed groups and criminal organizations involved in

narcotrafficking and mining reportedly operated. OHCHR received reports of sexual violence against Indigenous girls in Amazonas by presumed dissidents of the FARC-EP and illegal miners from Brazil. OHCHR documented threats and intimidation by nonstate armed and criminal groups against five Indigenous human rights defenders, leaders, and authorities, which led to the forced displacement of two defenders and their families. Influxes of disease, drugs, human trafficking, commercial sexual exploitation, forced labor, and other illegal activities in the mining areas put Indigenous communities at risk.

Indigenous groups and NGOs expressed concern regarding informal and illegal mining and mineral processing in the expanding Orinoco Mining Arc, an area spanning the states of Amazonas, Bolívar, and Delta Amacuro. Indigenous communities reported Maduro representatives developed and expanded mining zones, resulting in a rise in environmental degradation, water contamination with mercury and cyanide, and malaria. Indigenous leaders said the results of expanded mining zones threatened the survival of entire Indigenous communities and preservation of their traditional ways of life. They added that Maduro representatives expanded mining zones without consulting those who claimed the region as ancestral territories. UNHCR reported mining communities were exposed to dengue, sexually transmitted infections, alcoholism, violence, and drug addiction. Additionally, it was common for informal gold mines to collapse. UNHCR also reported exposure to mercury-contaminated water contributed to

displacement and endangered small subsistence farms and the livelihoods and cultural and sacred traditions of Indigenous communities.

NGOs and the press reported local de facto authorities seldom considered 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 process for demarcating Indigenous lands, with an emphasis on self-demarcation. Provea assessed the illegal and arbitrary control of Indigenous territories was normalized and permitted by security officials. According to Provea, in some areas Indigenous communities were allowed to transit through specific territories only at certain times. Otherwise, they were mistreated and threatened by the armed groups that controlled the area. Provea reported the existence of at least seven illegal armed groups that exercised power in the south and were involved in at least 21 different types of crimes.

On August 21, Maduro announced an increased military and police presence to strengthen Operation Autana 2023, which had the stated aim of combatting illegal mining and illegal armed groups in Amazonas and Bolívar states. Environmental NGOs alleged the ELN and FARC-EP battled for control of illegal mining activity in the region. According to armed forces General Domingo Hernández Lara, 6,280 illegal miners were removed from Yapacana National Park in Amazonas since Operation Autana 2023 began. NGOs and journalists criticized the excessive use of force to remove illegal

miners from the national park. On September 13, at least three individuals died and four others were injured in an altercation between military forces and presumed illegal miners in Yapacana. Additionally, Indigenous rights activists doubted the armed forces had the operational capacity to successfully combat pervasive illegal mining in the area. Indigenous rights activists reported Indigenous peoples who lived in the region were not consulted regarding Operation Autana 2023 and called the operation a violation of autonomy of Indigenous communities.

Indigenous persons faced discrimination in employment and occupation. They were more likely than non-Indigenous persons to work without legal protections in the informal sector. A February report by the Human Rights Center of the Catholic University Andrés Bello regarding Indigenous communities in Bolívar State found that Indigenous Warao earned up to 50 percent less than their non-Indigenous peers.

## Children

**Birth Registration:** While not discriminatory, birth registration was difficult to obtain due to a shortage of paper necessary to print birth certificates. The NGO Cecodap, a domestic group focused on child and adolescent rights, reported at least eight requests for support due to difficulties in obtaining birth certificates, passports, or identity cards for children between April 2022 and March. Thousands of children reportedly left the country without a birth certificate amid the country's migration crisis.



**Child Abuse:** The law prohibited child abuse. Maduro representatives made limited efforts to detain and prosecute some perpetrators of child abuse. Although the judicial system acted to remove children from abusive households, NGOs reported public facilities for such children were few and inadequate.

In June, Maduro's attorney general Saab reported Maduro's Public Ministry had registered 7,165 cases of child sexual abuse since 2022. Saab also announced the creation of a specialized prosecutor's office for crimes of sexual abuse of children and adolescents. According to Saab, since 2017, the Public Ministry opened 28,386 child abuse cases, in which 13,443 persons were accused and 4,295 convicted.

In August, Saab presented the *Manual for the Investigation of Human Trafficking* with UNICEF, which outlined commitments to combat child trafficking.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage was 18, but with parental consent the minimum age was 16. Maduro representatives did not enforce the law effectively. NGOs noted Maduro representatives did not collect data on child, early, and forced marriage in the country and assessed this represented a grave problem.

**Sexual Exploitation of Children:** The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. Conviction for having sexual relations with a child younger than 13, with an

“especially vulnerable” person, or with a child younger than 16 when the perpetrator was a relative or guardian, was punishable with a mandatory sentence of 15 to 20 years’ imprisonment. Penalties ranged from 15 to 20 years’ imprisonment for some forms of sex trafficking of women and girls. The law did not criminalize all forms of child sex trafficking because it required demonstration of force, fraud, or coercion as essential elements of the crime. The law prohibited the production and sale of child pornography and established penalties of 16 to 20 years’ imprisonment. The government generally enforced the law.

## **Antisemitism**

The Confederation of Israelite Associations in Venezuela estimated there were 10,000 Jews in the country. Jewish community leaders expressed concern regarding antisemitic statements by Maduro-aligned actors.

## **Trafficking in Persons**

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

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

## Sex Characteristics

**Criminalization:** Consensual sex between same-sex couples was reportedly lawful. On March 16, the Maduro-aligned TSJ annulled an article of the Organic Code of Military Justice that subjected members of the armed forces who engaged in same-sex relations to one to three years' imprisonment and fines.

**Violence and Harassment:** NGOs reported incidents of discriminatory violence against LGBTQI+ persons. Advocates for LGBTQI+ rights stated law enforcement authorities often did not properly investigate to determine whether crimes were motivated by hate or gender discrimination.

The Venezuelan Observatory of LGBTQI+ Violence documented 60 acts of aggression against members of the LGBTQI+ community between January and April, including physical violence, hate speech, and discrimination in public and private places.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sex but did not specifically address sexual orientation. Maduro representatives did not enforce the law effectively. There were no legal instruments that allowed same-sex marriage, domestic partnership, or the adoption of children by same-sex couples. Maduro representatives did not provide statistics disaggregated by sexual orientation, so the needs of the LGBTQI+ population were often not considered when generating public

policies, according to advocates for LGBTQI+ rights. The LGBTQI+ community continued to demand passage of a marriage equality law.

A survey by the Venezuelan Observatory of LGBTQI+ Violence found 24 percent of respondents hid their identity due to fear of discrimination and 28 percent of respondents had been the victim of violence. As of May, the NGO documented 60 cases of violence and discrimination against the community, mostly in the form of hate speech. On April 23, a transgender woman was beaten to death in Zulia State.

LGBTQI+ groups and human rights activists condemned the arrest of 33 gay men on July 23 at a private party in Valencia, Carabobo, alleging the arrests were motivated by homophobia. The men were charged with public indecency, conspiracy, and noise pollution. Charges were dropped for 30 of the men following protests.

NGOs reported the law prevented persons who had sexual relations with individuals of the same sex from donating blood.

Transgender and intersex persons were not provided adequate medical services, including hormone therapy and psychological support. Lesbian women reported discrimination in public health services, including gynecology and prenatal and postnatal services.

**Availability of Legal Gender Recognition:** NGOs reported Maduro representatives systematically denied recognition to transgender, intersex,

and nonbinary persons by refusing to issue them identity documents in their preferred gender. As identity documents were required for access to education, employment, housing, health care, and other services, these discriminatory actions often led transgender and intersex persons to become victims of human trafficking.

**Involuntary or Coercive Medical or Psychological Practices:** The Federation of Psychologists of Venezuela condemned the practice of so-called conversion therapies to “cure” homosexuality and any other expression of sexual orientation or gender identity or expression. According to LGBTQI+ rights NGOs, some evangelical Protestant churches and some psychologists promoted so-called conversion therapy. There were no official reports that medically unnecessary and irreversible “normalization” surgeries were performed on children or on nonconsenting adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no restrictions against freedom of expression, association, or peaceful association related to LGBTQI+ matter or events.

## **Persons with Disabilities**

The law prohibited discrimination against persons with physical and mental disabilities, but no efforts were made to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities.

The law required 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. NGOs reported hospitals lacked infrastructure to accommodate persons with mobility problems and staff to communicate with deaf persons. Parents of children with disabilities reported they were forced to wait in long lines for services rather than receive preference as afforded by law. Online resources and access to information were generally available to persons with disabilities, although access to closed-captioned or audio-described online videos for persons with sight and hearing disabilities was limited. Leading advocates for persons with hearing disabilities lamented access to public services was difficult due to a lack of interpreters in public courts, health-care facilities, and legal services, as well as a lack of other public accommodations. There were some reports of sign language workshops for public servants led by the Ministry of Interior.

The constitution prohibited employment discrimination based on disability. Nonetheless, persons with disabilities regularly faced discrimination in employment and occupation. All employers, whether public or private, were required by law to have persons with disabilities represent at least 5 percent of their employees, with accommodation for their condition, abilities, skills, and specialties. There was no information available regarding the number of persons registered with health programs who were fully employed. The law was generally not followed or enforced.

The National Council for Persons with Disabilities, an agency within Maduro's office of the presidency, lacked resources to provide adequate information and services. Its webpage was not accessible, and there was no other official institution that provided information for persons with disabilities. The NGO Deaf Confederation of Venezuela (CONSORVEN) denounced continued deficiencies in program development and support services for persons with disabilities.

Some children with disabilities attended separate schools, while others were in mainstream schools with peers without disabilities. Media reported schools for children with disabilities suffered from underfunding, decaying infrastructure, and little consideration for the specific needs of individual disabilities. Schools lacked adequate materials and personnel, such as education materials in braille, sign language interpreters, and guides or interpreters for deaf or blind persons. Parents of children with disabilities reported significant difficulties in school enrollment, which prevented their children from receiving formal education. CONSORVEN reported 20 percent of children with a disability were not in formal schooling. There were no official statistics about the status of access to education for children with disabilities, according to CONSORVEN.

Many persons with disabilities expressed concern that public transportation workers often were unwilling to transport them. Persons with disabilities were forced to take taxis, which were often unaffordable and frequently not

equipped to support patrons with disabilities. Limited transportation was reported as an obstacle to obtaining identity documents for persons with disabilities.

## **Other Societal Violence or Discrimination**

The law provided for the equal rights of persons with HIV or AIDS and their families. Nevertheless, leading advocates alleged discrimination occurred against such persons. The NGO Citizen Action Against AIDS reported constant discrimination in public hospitals against persons with HIV, citing denial of medical care for persons with HIV and mistreatment of pregnant women with HIV at the time of delivery.

## **Section 7. Worker Rights**

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

The law provided for collective bargaining and all private- and public-sector workers (except members of the armed forces) with the right to form and join unions of their choice and to strike. The law, however, placed several restrictions on these rights, and Maduro representatives deployed a variety of mechanisms to undercut the rights of independent workers and unions. Minimum membership requirements for unions differed based on the type of union. Forming a company union required a minimum of 20 workers;



forming a professional, industrial, or sectoral union in one jurisdiction required 40 workers in the same field; and forming a regional or national union required 150 workers. To form an employee association, a parallel type of representation Maduro representatives endorsed and openly supported, required 10 persons.

The law prohibited “any act of discrimination or interference contrary to the exercise” of workers’ right to unionize. The law required all unions to provide the Ministry of Labor a membership roster that included the full name, home address, telephone number, and national identification number for each union member. The ministry reviewed the registration and determined whether the union fulfilled all requirements. Unions were required to submit their registration applications by December 31 of the year the union formed; if not received by the ministry or if the ministry considered the registration unsatisfactory, the union was denied legal recognition. The law also required 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 could negotiate a collective contract only with unions that represent most of their workers. Minority organizations could not jointly negotiate in cases where no union represented an absolute majority. The law also restricted unions’ ability to administer their activities. For

example, the CNE had the authority to administer internal elections of labor unions, federations, and confederations. By law, elections were required to be held at least every three years. If CNE-administered and -certified elections were not held within this period, the law prohibited union leaders from representing workers in negotiations or engaging in anything beyond administrative tasks.

Organized labor activists reported 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 ILO found previous cases of interference by the CNE in trade union elections and since 1999 called for delinking the CNE from the union election process. The CNE certified results of elections by 20 workers' unions in May and 45

more in June; however, union leaders said certifications were granted only to smaller, less influential unions. For example, the Federation of Venezuelan Teachers held elections in December 2022, but the results were not certified by the CNE as of September 8.

The law recognized the right of all public- and private-sector workers to strike, subject to conditions established by law. Workers participating in legal strikes received immunity from prosecution, and their time in service could not be reduced by the time engaged in a strike, but this was not observed. The law required that employers reincorporate striking workers and provided for prison terms theoretically sufficient to deter violations for employers who failed to do so. This law was not enforced. Replacement workers were not permitted during legal strikes. The law prohibited striking workers from paralyzing the production or provision of essential public goods and services, but defined “essential services” more broadly than ILO standards. The ILO called for the law to be amended to exclude from the definition of “essential services” activities “that are not essential in the strict sense of the term...so that in no event may criminal sanctions be imposed in cases of peaceful strikes.”

The minister of labor could order public- or private-sector strikers to return to work and submit their disputes to arbitration if a strike put “in immediate danger the lives or security of all or part of the population.” Other legal provisions established 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 enterprises, or the socioeconomic life of the country” could be punished with five to 10 years in prison. The law also provided for prison terms for those who restricted 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.”

Maduro representatives restricted the freedom of association and the right to collective bargaining through administrative and legal mechanisms. They continued to support “parallel” unions, which sought to dilute the membership and effectiveness of traditional independent unions. 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 led to interunion conflict. Maduro representatives excluded some independent union federations, including the National Union of Workers of Venezuela and the Confederation of Autonomous Trade Unions, from certain negotiations. Penalties for violations of laws on freedom of association and collective bargaining were not commensurate with those for other laws involving denial of civil rights, such as discrimination. Penalties were rarely applied against violators.

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

Maduro representatives accused opponents who planned strikes of coup plotting or other destabilizing activities and threatened legal action under national security laws to intimidate them into abandoning their plans. The crimes of association to commit a crime, instigation to commit a crime, obstruction of the public way, violation of the security zone, crimes against freedom of work, and terrorism were frequently used against union leaders who demanded labor rights.

In February, non-Maduro-aligned unions reported being excluded from participation in the Social Dialogue Forum in Caracas involving ILO officials, Maduro representatives, employers, and union representatives. At the dialogue, the ILO noted continuing persecution hindered the exercise of freedom of association and called for autonomy in trade union elections.

During the first half of the year, the Venezuelan Observatory of Social Conflict documented 4,351 protests nationwide, a 12 percent increase compared with the same period in 2022. Protesters demanded improved labor rights in 3,112 protests, 30 percent more than in 2022. Most protests regarding labor issues concerned the official minimum wage.

In response to rising inflation and depreciating wages, teachers and other public-sector workers resumed protests at the beginning of the year. Most protesters focused on five shared demands: a salary increase high enough to afford the basic monthly food basket; a renewal of their collective agreements; the release of arbitrarily detained workers and labor activists; automatic cost of living adjustments for pensions; and increased social security benefits for workers in general.

The NGO Observatorio Para la Defensa de la Vida (Observatory for the Defense of Life) registered 23 arbitrary arrests of labor activists in 2022. The NGO argued Maduro representatives turned to violence in response to increasing labor protests and relied on terrorism tribunals to persecute labor activists.

In January, at least 10 Siderúrgica del Orinoco workers and two Bauxilum workers were detained on charges of harassment, criminal association, and public disturbance in Bolívar State during protests regarding devalued salaries, reduced benefits, exploitation, and unsafe work conditions. Although they were released as part of an agreement to end the protests, some criminal proceedings against them continued.

In April, the IACHR granted precautionary measures in favor of seven union leaders from Coalición Sindical Nacional de Trabajadores (Workers National Labor Coalition) due to threats of violence for their leadership roles in labor protests.

OHCHR documented 12 cases of criminalization of union and labor leaders between May 2022 and April, including one woman. Of these leaders, nine were detained, seven were harassed, one leader's relative was kidnapped, and four received threats from Maduro-aligned officials or colectivos.

OHCHR expressed concern regarding the arrest of two Siderúrgica del Orinoco trade union leaders in June in Bolívar State on charges of incitement to hatred, criminal association, and boycott.

On August 1, a court in Caracas sentenced six labor activists to 16 years in prison on charges of conspiracy and criminal association under the Organic Law against Organized Crime and Financing of Terrorism. The activists – Alcides Bracho, Gabriel Blanco, Emilio Negrín, Alonso Meléndez, Néstor Astudillo, and Reynaldo Cortés – were arrested in July 2022 during labor protests for higher wages. Human rights defenders denounced the activists' sentence, noting the lack of evidence to support their charges, and called it an example of political persecution. On August 11, a UN panel of experts warned the detention of the six activists was evidence of Maduro representatives' chronic misuse of counterterrorism laws. On December 20, Maduro released the six activists from custody, but their cases remained pending.

On August 16, five retirees from the Guyana Venezuelan Corporation, a state-owned conglomerate, held a hunger strike to demand severance payments owed to them for more than eight months. The five retirees

claimed their pensions were so low they were able to eat only once a day. Four of the retirees ended their hunger strike on August 21 due to high blood pressure, while one continued to strike until August 24, when he met with the corporation's board. The board reportedly agreed to issue the payments. The Venezuelan Observatory of Union Freedom argued this situation was evidence of Maduro's noncompliance with the most basic labor rights.

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

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 prohibited all the worst forms of child labor. The law set the minimum employment age at 14. Children younger than 14 could work only if granted special permission by the National Institute for Minors or the Ministry of Labor. Such permission could not be granted to children who were younger than the legal age for work in hazardous occupations that risked their life or health or could damage their intellectual or moral development. According to the ILO, Maduro representatives did not publish the list of specific types of work considered hazardous. Children ages 14 to 18 could not work without permission of their legal guardians or in



occupations expressly prohibited by law, and they could work no more than six hours per day or 30 hours per week. Children younger than age 18 could not work outside the normal workday.

Anyone employing children younger than eight was subject to time in prison. Employers were required to notify authorities if they hired a child as a domestic worker. Maduro representatives did not effectively enforce the law and did not release statistics on the number of children subjected to child labor or on penalties applied against violators. High rates of student dropouts pushed children into labor situations. NGOs asserted the prevalence of child labor continued to increase throughout the country, especially in the mining sector.

The NGO Cecodap reported food insecurity, school dropouts, and domestic violence were common motivations for children and adolescents to become involved with criminal organizations.

#### **d. Discrimination (see section 6)**

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

**Wage and Hour Laws:** The law provided for a minimum wage for all sectors. The national minimum wage was below the poverty line. Minimum wage and other benefits were established through decrees. The most recent salary increase was published in March 2022.

Union leaders from the petroleum, health, telecommunications, and electricity sectors highlighted that the salary 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, according to union leaders.

The law set the workweek at 40 hours (35 hours for a night shift). The law established separate limits for “shift workers,” who could not work more than an average of 42 hours per week during an eight-week period, with overtime capped at 100 hours annually. Managers were prohibited from obligating employees to work additional time, and workers had the right to two consecutive days off each week. The law established that after completing one year with an employer, a worker had a right to 15 days of paid vacation annually. A worker had the right to an additional day for every additional year of service, for a maximum of 15 additional days.

Workers organizations reported delays in the government’s electronic wage payment system made it difficult for workers to withdraw the full value of their wages in cash.

**Occupational Safety and Health:** Occupational safety and health (OSH) standards were not appropriate for the main industries. Workplaces were required to maintain “protection for the health and life of the workers

against all dangerous working conditions.” The law obligated 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.

Media reported the continued deterioration of oil refineries under PDVSA due to lack of maintenance of facilities, which led to accidents that contaminated the environment and affected workers’ safety. Unions and opposition leaders frequently reported these accidents, but Maduro representatives usually linked them to “sabotage” or “criminal actions.”

Conditions in the mining sector were especially perilous. NGOs and media reported hazardous conditions in mines, many of which operated illegally and exposed miners to injury, disease, and mercury poisoning. OHCHR documented high levels of violence and human rights abuses linked to the control of mines by criminal and armed groups. Security forces were reportedly involved in some of the violent incidents. NGOs reported armed groups used beatings, mutilation, disappearances, and killings to enforce control in mining areas.

**Wage, Hour, and OSH Enforcement:** The law covered all workers, including temporary, occasional, and domestic workers. The Ministry of Labor reportedly enforced minimum wage rates and hours of work provisions in the formal sector to some extent, but OSH law was not effectively enforced. Penalties for wage, hour, and OSH law violations were less than those for

similar crimes, such as negligence. Penalties were rarely applied against violators. There were various administrative agencies tasked with verifying that workplaces complied with OSH regulations.

There was no publicly available information regarding the number of inspectors, their authorities to make unannounced inspections and initiate sanctions, or the frequency of inspections to implement minimum wage, overtime, and OSH laws. Official statistics regarding workplace deaths and injuries were not publicly available.

An estimated 40 percent of the population worked in the informal sector, where labor law and protections generally were not enforced.