

VENEZUELA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Venezuela is formally a multiparty, constitutional republic, but for more than a decade, political power has been concentrated in a single party with an increasingly authoritarian executive exercising significant control over the legislative, judicial, citizen, and electoral branches of government. Nicolas Maduro won the presidency in 2013 by a 1.5 percent margin amid allegations of pre- and post-election fraud, including government interference, the use of state resources by the ruling party, and voter manipulation. The executive-controlled electoral and judicial bodies rejected the opposition's claims and refused to conduct a full audit of the electoral process. These bodies, however, accepted the results of the December 6 election in which a coalition of opposition parties won two-thirds of the seats in the Legislative Assembly, ending the governing party's control of that body. Civilian authorities maintained effective control over the security forces.

Principal human rights abuses reported during the year included use of the judiciary to intimidate and selectively prosecute government critics; indiscriminate police action against civilians leading to widespread arbitrary detentions and unlawful deprivation of life; and government actions to impede freedom of expression and restrict freedom of the press. The government arrested and imprisoned opposition figures and did not respect judicial independence or permit judges to act according to the law without fear of retaliation. The government blocked media outlets, and harassed and intimidated privately owned television stations, other media outlets, and journalists throughout the year using threats, fines, property seizures, arrests, criminal investigations, and prosecutions.

Nongovernmental organizations (NGOs), the media, and government agencies reported extrajudicial killings by police and security forces; torture and other cruel, inhuman, or degrading treatment; harsh and life-threatening prison conditions and lack of due process rights that contributed to widespread violence, riots, injuries, and deaths in prisons; inadequate juvenile detention centers; corruption and impunity in the police; arbitrary arrests and detentions; abuse of political prisoners; interference with privacy rights; lack of government respect for freedom of assembly; lack of protection for Colombian migrants; corruption at all levels of government; threats against domestic NGOs; violence against women; anti-Semitic statements by senior government officials; trafficking in persons; violence based on sexual orientation and gender identity; and restrictions on workers' right of association.

The government sometimes took steps to punish lower-ranking government officials who committed abuses, but there were few investigations or prosecutions of senior government officials. Impunity remained a serious concern in the security forces.

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

a. Arbitrary or Unlawful Deprivation of Life

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

There was also no official information available on the number of public officials prosecuted or sentenced to prison for involvement in extrajudicial killings, which, in the case of killings committed by police, were classified as “resistance to authority.” The NGO Committee for the Families of Victims of February-March 1989 (COFAVIC) continued to report there was no publicly accessible national registry of reported cases of extrajudicial killings.

COFAVIC reported that in 2014 there were 1,018 alleged extrajudicial killings committed by members of the national police agency Scientific, Penal, and Criminal Investigative Corps (CICPC), as well as by regional and municipal police. According to NGOs, prosecutors occasionally brought cases against such perpetrators, but prosecutions often resulted in light sentences, and convictions often were overturned on appeal.

COFAVIC reported cases in all 23 states and the national capital district of what it defined as extrajudicial killings committed by elements within local and state police forces. COFAVIC reported these elements systematically and arbitrarily detained and killed individuals (mainly young individuals from lower social classes) without any recourse to proper investigation by the government.

In July the government initiated a new nationwide anticrime strategy, the Operation for the Liberation and Protection of the People (OLP), characterized by large-scale raids conducted by as many as hundreds of government security agents in neighborhoods allegedly harboring criminals. These operations often resulted in widespread deaths of suspected criminals. The NGO Venezuela Program for

Education/Action on Human Rights (PROVEA) noted that in the Cota 905 neighborhood of Caracas alone, 43 people were killed during multiple OLP-branded security exercises between July and September. PROVEA reported that a September 15 OLP involving 400 security officers resulted in the deaths of five residents of the Maracaibo neighborhood of Santa Rosa de Agua.

The government continued to prosecute individuals connected with the 1989 killings in Caracas known as the “Caracazo,” in which the Public Ministry estimated 331 individuals died, and the 1988 El Amparo massacre, in which government security forces allegedly killed 14 persons.

b. Disappearance

There were no substantiated reports of politically motivated disappearances.

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

Although the constitution states no person shall be subjected to cruel, inhuman, or degrading punishment, there were credible reports security forces tortured and abused detainees.

There were no reports of any government officials being charged under the law that states an agent or public official who inflicts pain or suffering--whether physical or mental--on another individual to obtain information or a confession, or seeks to punish an individual for an act the individual has committed, may be imprisoned for a maximum of 25 years, dismissed from office, and barred from holding public office for a maximum of 25 years. Prison and detention center officials who commit torture may face a maximum of five years in prison and a maximum fine of 53.5 million bolivars (Bs) (\$8.5 million at the official rate). The law also includes mechanisms for reparations to victims and their families and creates a special National Commission for Torture Prevention composed of several government ministries.

The Office of the Human Rights Ombudsman and the Public Ministry did not publish statistics regarding allegations of torture by police during the year. Several NGOs detailed cases of widespread torture and “cruel, inhumane, and degrading treatment.” The Venezuelan NGO Foro Penal documented more than 138 cases of torture in the country between February 2014 and May 2015. Foro Penal maintained that hundreds of cases were not reported to government institutions

because of victims' fear of reprisal. NGOs detailed reports from detainees whom authorities allegedly sexually abused, threatened with death, and forced to spend hours on their knees in detention centers.

In September authorities released student-protester Marco Coello, who then fled the country. CICPC authorities had detained Coello in February 2014 for participating in protests, and reportedly beat and threatened to kill him while he was in their custody. A government official publicly rejected his accusations of torture.

Human rights groups continued to question the commitment of the prosecutor general and the public defender to conduct impartial investigations. No data was available on investigations, prosecutions, or convictions in cases of alleged torture.

Press and NGO reports of beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies and the military. Torture and other cruel, inhuman, or degrading treatment or punishment of prisoners were reported during the year. Two common methods of cruel treatment were the denial of medical care by prison authorities and the remanding of prisoners to long periods in solitary confinement. In the case of opposition leader Leopoldo Lopez, family members stated he was in solitary confinement for much of his imprisonment and prison authorities denied him permission to see his doctor during a 30-day hunger strike in June.

The NGO Foro Penal reported multiple instances of political prisoners denied adequate medical treatment while in government custody. Foro Penal noted instances where detainees were transferred to a medical facility, where instead of receiving treatment, they were interrogated by security officials.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to poorly trained and allegedly corrupt prison staff; violence and alleged extortion by guards and inmates, some of which was gang related and fueled by trafficking in arms and drugs; severe overcrowding in most prisons; lack of adequate medical care; and shortages of food and potable water. NGOs, human rights lawyers, and the press frequently claimed prison gang leaders, rather than government authorities, controlled the penitentiaries and were able to lead organized crime networks based outside the prison system.

Physical Conditions: The Ministry of Penitentiary Services reported there were 51,256 inmates in the country's 51 prisons and penitentiaries, 170 percent more than their capacity as estimated by the NGO Venezuelan Observatory for Prisons (OVP).

According to OVP reports, pretrial detainees (31,860) and convicted prisoners (18,316) were held in the same facilities. Authorities assigned another 590 individuals to work detachment programs, and held 490 individuals in police station facilities not fit to serve as detention centers. Women and men generally were held in separate prison facilities. The OVP stated women's detention centers were generally less violent than those for men. There was only one penitentiary exclusively for women, and female prisoners in other detention centers were held in annexes or separate women's departments in otherwise male-only prisons. Security forces and law enforcement authorities often held minors together with adults, even though separate facilities existed. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were reportedly crowded into small, unsanitary cells.

The CICPC and police station jails and detention centers also were overcrowded, causing police station offices to be converted into makeshift prison cells. Prisoners slept on floors and office chairs. In Caracas seven jails and detention centers with an estimated capacity of 197 held more than 300 detainees awaiting transport to prisons.

The National Guard and the Ministry of Interior, Justice, and Peace have responsibility for prisons' exterior and interior security, respectively. The government failed to provide adequate prison security. The OVP reported 309 prisoner deaths and 1,709 serious injuries in 2014. Most deaths and injuries resulted from prisoner-on-prisoner violence, riots, fires, and generally unsanitary and unsafe conditions. In late December 2014, a National Assembly deputies' ad hoc commission confirmed 45 inmates died and 250 were injured at David Vilorio Penitentiary in Lara State following accidental overdoses from expired medicines provided by the prison's pharmacy. In August a total of 18 prisoners and visiting family members died and 10 individuals were severely injured in a fire in Tocuyito Penitentiary in Carabobo State.

During the year numerous prison riots resulted in inmate deaths and injuries. On April 26, the media reported 40 prisoners took two prison guards hostage at the National Bolivarian Police Headquarters in Caracas, resulting in one inmate dead

and several injured. The incident occurred after inmates used two firearms and several improvised knives to subdue the guards. The inmates demanded that Minister of Penitentiary Services Iris Varela personally respond to their complaints of overcrowding in the center and requested that she personally order their transfer to other facilities. Following resolution of the hostage situation, government authorities appointed a Caracas district attorney to investigate the case, and 25 inmates were moved to Puente Ayala penitentiary in Anzoategui State.

There was not sufficient information regarding deaths from tuberculosis, HIV/AIDS, and other diseases, or lack of medical care in prisons. A study by the NGO Solidarity Action found prison rules regarding the classification of inmates resulted in the isolation of those with HIV/AIDS in “inadequate spaces without food and medical attention.” The OVP reported a generalized lack of medical care, drugs, equipment, and physicians for prisoners; and reportedly inmates often received the same pills regardless of their symptoms. The OVP reported that due to inadequate nutrition plans and lack of potable water, stomach illnesses were common among inmates.

Administration: The government’s recordkeeping on prisoners was inadequate. Prison authorities did not maintain accurate counts of inmates. In 2013 Minister Varela acknowledged the Ministry of Penitentiary Services controlled only 14 of the country’s prisons, while criminal gangs controlled 35. According to press reports, the most recent accurate daily counts at the General Penitentiary of Venezuela and the La Planta Penitentiary occurred in 2009 and 2010, respectively.

The NGO Una Ventana a la Libertad (UVL) reported that prisoners’ dietary needs at the Fenix, Rodeo I, Rodeo II, Rodeo III, Yare III, and National Institute of Feminine Orientation (INOF) penitentiaries were provided by family members due to the inadequacy of food supplied by the prison administration. Authorities asked family members to bring nonperishable food items for inmates, and in cases where this was not possible, UVL reported authorities provided a single bowl of rice a day to prisoners, which resulted in cases of malnutrition. UVL released video footage of prisoners in Yare III cooking stray cats for lack of any other food. Subsequently, Minister Varela accused UVL Executive Director Carlos Nieto Palma of forging the video to undermine the ministry’s work.

Prisoners conducted hunger strikes and violent uprisings to protest administrative delays and harsh prison conditions. The government did not respond to most requests from independent organizations to investigate these conditions. The Ministry of Penitentiary Services did not respond to any of the requests regarding

inmates it received from the OVP, UVL, or other human rights organizations. According to OVP and press reports, Minister Varela did not respond to demands of inmates and relatives to meet to discuss prison conditions.

Prisoners and detainees had access to visitors, but in some cases prison officials allegedly harassed or abused visitors. Prison officials imposed significant restrictions on visits to political prisoners. In June Patricia Gutierrez de Ceballos denounced the Bolivarian Intelligence Service (SEBIN) officers who denied her and her children permission over a 90-day period to visit her husband, jailed Popular Will leader and former mayor of San Cristobal, Daniel Ceballos. Authorities refused to allow family members and the attorney of Laided Salazar, an air force captain accused of conspiracy to overthrow President Maduro, to visit her for two months from May to July. On February 12, Ingrid Diaz, mother of imprisoned political activist Rosmit Mantilla, stated that her son was kept in isolation in SEBIN headquarters and was not able to receive visits from family members or his attorney.

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

Improvements: On April 6, the Ministry of Penitentiary Services announced the temporary closure of Yare I workshop and Yare II prison facilities in Miranda State to curb violence and provide a safer environment for inmates. A total of 583 prisoners were moved to other government penitentiaries while renovation continued. The ministry implemented educational programs for inmates, although reports from an NGO claimed enrollment was low.

d. Arbitrary Arrest or Detention

The constitution prohibits the arrest or detention of an individual without a judicial order and provides for the accused to remain free while being tried, but individual judges and prosecutors often disregarded these provisions. While NGOs such as Foro Penal, COFAVIC, the Institute for Press and Society (IPYS), Public Space, and PROVEA maintained at least 2,000 open cases of arbitrary detentions, authorities rarely granted them formal platforms to present their charges.

In the first deployment of the government's OLP strategy (see section 1.a.) into the Caracas neighborhood of Cota 905 on July 13, security forces killed a reported 14 suspected criminals and detained 100 others. According to PROVEA, authorities detained more individuals during the first six weeks of OLP activity than during all of the 2014 antigovernment protests. PROVEA reported that in the first month of OLP-related activity, 90 percent of the reported detentions were illegal or arbitrary.

The government continued to harass private-sector businesses, in some instances detaining executives for vaguely defined economic crimes. In February authorities detained two senior executives from the major pharmacy chain Farmatodo on charges of sabotage and destabilization due to the presence of long lines at many of the company's locations. On February 2, police arrested Morales Ordosgiotti, director of supermarket chain Dia Dia, and the company's external counsel, Tadeo Arrieche, on charges of "boycotting and destabilizing the economy" and detained them at SEBIN headquarters. On March 25, a judge formally charged them with violations of the Law of Just Prices. In late July, SEBIN officers detained Fray Roa, head of the Venezuelan Liquor Federation, after Roa told the press that due to the extreme scarcity of raw materials, the beer industry would soon have to suspend beer production. Officials charged Roa with "causing public anxiety or panic" under a provision of law.

Since April there were 13 hearings in the case of Judge Maria Lourdes Afiuni, who was accused of corruption and abuse of authority for her 2009 decision to release imprisoned banker Eligio Cedeno. According to defense counsel, there has been no evidence to show Afiuni committed a crime in issuing her decision. Six years have elapsed since Afiuni's arrest, and she has never been convicted or sentenced. She continued to be subjected to protective measures that mandate she may not leave the country, talk to the media, or use social media, although the law states that such measures may not last more than two years.

On October 15, authorities arrested opposition politician and former Maracaibo mayor Manuel Rosales upon his return to the country following a six-year exile. The state prosecutor's office said it would resume Rosales' trial on charges of corruption, charges Rosales considered politically motivated.

On November 17, a judge delayed for the ninth time the trial of Metropolitan Caracas Mayor Antonio Ledezma, who has remained under house arrest since April 24 following surgery (see also section 1.e., Political Prisoners and Detainees).

Role of the Police and Security Apparatus

The Bolivarian National Guard (GNB), a branch of the military that reports to both the Ministry of Defense and the Ministry of Interior, Justice, and Peace, is responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior, Justice, and Peace controls the CICPC, which conducts most criminal investigations, and SEBIN, which collects intelligence within the country and is responsible for investigating cases of corruption, subversion, and arms trafficking. Police include municipal, state, and national police forces. Mayors and governors oversee municipal and state police forces. The Bolivarian National Police (PNB) reports to the Ministry of Interior, Justice, and Peace and had a reported 16,000 officers. The PNB largely focused on policing one Caracas municipality; patrolled Caracas-area highways, railways, metro system, and diplomatic missions; and had a minimal presence in eight of the country's 23 states.

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

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

According to the Public Ministry's annual report for 2014, the Office of Fundamental Rights cited 11,317 specific actions taken to "process claims" against police authorities, but it disclosed only 105 judgments against security officials and did not indicate the types of crimes or security body against which the cases were filed. The Office of the Human Rights Ombudsman did not provide information regarding human rights violations committed by police and military personnel, nor has the Attorney General's Office released data.

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

During the year the government at both the local and national levels took few actions to sanction officers involved in abuses. According to the NGO Network of Support for Justice and Peace, the lack of sufficient prosecutors made it difficult to prosecute police and military officials allegedly involved in human rights abuses. In addition NGOs reported the following problems contributed to an ineffective judicial system: long procedural delays, poor court administration and organization, lack of transparency in investigations, and impunity of government officials.

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

Societal violence remained high and continued to increase. The NGO Venezuelan Observatory of Violence (OVV) reported 24,980 homicides in 2014, a rate of 82 per 100,000 residents. Criminal kidnappings for ransom were widespread in both urban centers and rural areas. Kidnappings included both “express kidnappings,” in which victims were held for several hours and then released, and traditional kidnappings. The Public Ministry reported 599 cases of kidnapping or extortion in 2014. NGOs and police noted many victims did not report kidnappings to police or other authorities due to fear of retribution, and that the actual occurrence was likely far higher.

Arrest Procedures and Treatment of Detainees

While a warrant is required for an arrest, detention is permitted without an arrest warrant when an individual is caught in the act of committing a crime or to secure a suspect or witness during an investigation. Police often detained individuals without a warrant. The law mandates that detainees be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the

detention; the law also requires detainees be informed promptly of the charges against them. Authorities routinely ignored these requirements.

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

Arbitrary Arrest: PROVEA reported that more than 3,400 cases of arbitrary detention occurred nationwide during the first six weeks of the government's OLP campaign. Detainees claimed security personnel subjected them to inhuman and degrading treatment and in some cases torture. Foro Penal reported that 76 of the individuals arrested during 2014 protests remained in detention as of October.

Pretrial Detention: Pretrial detention was a serious problem. According to the OVP, approximately 68 percent of the prison population was in pretrial detention. According to the Supreme Court of Justice (TSJ), only 17 percent of trials concluded or reached sentencing. The NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges (4.7 penal judges per 100,000 inhabitants in 2010). The Public Ministry's 2014 annual report stated it had 724 prosecutors who processed more than 573,000 criminal cases during that year (approximately 790 cases per prosecutor).

Cases were often deferred or suspended when pertinent parties, such as the prosecutor, public defender, or judge, were absent. An automated scheduling calendar in use since 2013, which selected dates based on the availability of all pertinent parties and prohibited judges from scheduling more than 10 hearings per day, did not reduce the backlog. In some instances judges scheduled hearings six months from the start of the case.

According to the Public Ministry's 2014 annual report, the ministry took action in approximately 11.7 percent of its 348,000 cases involving common crimes. The ministry reported the closure of the remainder of the complaints but did not

indicate final outcomes. Prisoners reported to NGOs that a lack of transportation and disorganization in the prison system reduced their access to the courts and contributed to trial delays.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, there was significant evidence the judiciary lacked independence. There were credible allegations of corruption and political influence throughout the judiciary. According to reports from the International Commission of Jurists (ICJ), between 66 and 80 percent of all judges had provisional appointments, and the TSJ Judicial Committee could remove them from office at will. Provisional and temporary judges, who legally have the same rights and authorities as permanent judges, allegedly were subject to political influence from the Ministry of Interior, Justice, and Peace and the attorney general to make progovernment determinations. The ICJ reported a lack of transparency and stability in the assignments of district attorneys to cases and the lack of technical criteria to assign district attorneys to criminal investigations. These deficiencies hindered the possibility of bringing offenders to justice and resulted in a 90-percent rate of impunity for common crimes and a higher percentage of impunity for human rights violation cases.

An investigation conducted in 2014 by attorneys Antonio Canova, Luis Alfonso Herrera, Rosa Rodriguez, and Giuseppe Graterol established that between 2005 and 2013 the TSJ Administrative, Constitutional, and Electoral chambers with jurisdiction over governmental acts favored the government in nearly all of the 45,474 sentences analyzed.

Trial Procedures

Defendants are considered innocent until proven guilty. The law requires that detainees be informed promptly of the charges against them, and the requirement was generally respected. The law provides for open, public, and fair trials with oral proceedings for all individuals. In 2012 reformed criminal procedure eliminated trial by jury. Defendants have the right to consult with an attorney. Public defenders are provided for indigent defendants, but there continued to be a shortage of such attorneys. According to the Office of the Human Rights Ombudsman, there were approximately 1,500 public defenders. COFAVIC and Foro Penal noted that the government pressured defendants in trials related to the 2014 student protests into utilizing public defenders instead of private defense

attorneys with the promise of receiving more favorable sentences. Additionally, several NGOs provide pro bono counsel to defendants.

While defendants and their attorneys have the right to access government-held evidence, access often was not allowed; in some instances, particularly in politically motivated cases, the court or prosecution did not allow defendants or their attorneys to access such information. Defendants may request no fewer than 30 days and no more than 45 days to prepare their defense. Defendants have the right to question adverse witnesses and present their own witnesses. By law defendants may not be compelled to testify or confess guilt. Defendants and plaintiffs have the right of appeal.

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

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

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

Political Prisoners and Detainees

At year’s end the NGO Foro Penal reported that 76 political prisoners remained incarcerated, 15 of whom were initially detained during the year. An additional

2,057 individuals who participated in the 2014 protests were still subject to either restricted movement or precautionary measures. The government used the judiciary to intimidate and selectively prosecute individuals critical of government policies or actions. The UN Human Rights Council Working Group on Arbitrary Detentions issued a resolution in support of 317 persons arbitrarily detained during the 2014 protests.

In some cases political prisoners were held in SEBIN installations and the Ramo Verde military prison without a specific rationale behind the locale decisions. Authorities have denied the ICRC access to these prisoners since 2013.

On February 19, without presenting a court order, SEBIN arrested Metropolitan Caracas Mayor Antonio Ledezma for alleged conspiracy to topple the government. President Maduro later stated on national television that Ledezma was arrested on the orders of the prosecutor general. On June 9, authorities released Ledezma to his home under precautionary measures for humanitarian reasons while he awaited trial.

On March 4, a court sentenced Raul Emilio Baduel (son of former army general Raul Baduel, released from prison in August) and Alexander Tirado to eight years in prison for conspiracy, incitement to crime, and public intimidation. They were arrested in March 2014 in San Jacinto, Aragua, where they were participating in what they maintained was a peaceful protest. Subsequently, the comptroller general declared them ineligible to run for public office.

On September 10, Judge Susana Barreiros found Popular Will party leader and former Caracas Chacao municipality mayor Leopoldo Lopez guilty on all four counts of public incitement, damage to property, fire damage, and association for conspiracy, in a trial that began in July 2014. The judge issued the maximum sentence of 13 years and nine months in prison. She also found codefendant Christian Holdack guilty of organizing delinquency, arson, and property damage and sentenced him to 10 years and six months; she found Demian Martin and Angel Gonzalez guilty of public incitement and sentenced them each to four years and six months in prison. Codefendant Marco Coello failed to appear for the final hearing (see section 1.c, Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment); the judge separated his case from the others and did not conclude it. Barreiros issued the formal sentencing document on October 2. President Maduro appointed Barreiros as the Venezuelan government's Public Defender in December.

Throughout the 14-month trial, Barreiros refused defense lawyers' requests to allow the media to cover the proceedings and denied admission to international observers. She accepted more than 100 witnesses for the prosecution and rejected all but two for the defense. On February 13, armed masked men ransacked Lopez's cell, destroyed his books and personal trial preparation materials, violently removed him from his cell, and put him in a small isolation cell that had no toilet or running water. Approximately a week later, an estimated 30 heavily armed, masked military personnel again raided Lopez's isolation cell. They reportedly struggled with Lopez, pointed a gun at him, and removed him from his cell, which they searched for seven hours.

In February, Daniel Ceballos concluded an 11-month sentence on charges he failed to take down barricades in San Cristobal in February 2014. As of September there were 19 hearings in the trial, which began in September 2014, for a second pending charge of civil rebellion. Conviction for rebellion may result in a maximum sentence of 25 years. Ceballos carried out a hunger strike in May and June to demand that the government release political prisoners and set a date for legislative elections. On June 3, the UN high commissioner for human rights publicly requested that the government provide medical attention to and release Daniel Ceballos, as well as political prisoners Leopoldo Lopez, Raul Emilio Baduel, and Alexander Tirado who were also on a hunger strike. On August 11, authorities released Ceballos to house arrest.

The case of former San Diego opposition mayor Enzo Scarano, arrested in March 2014, remained pending at the end of the year. The TSJ originally sentenced him to 10 months and 15 days in prison for allegedly failing to comply with a court order to take down barricades in San Diego, in Carabobo State. In October 2014 the government further charged Scarano with verbally assaulting several women during the 2013 presidential elections. According to Foro Penal, if convicted, Scarano could be sentenced to six to 18 months' imprisonment, plus disqualification from running for office for the same amount of time as the conviction. On January 16, authorities moved Scarano to his house under "liberty with restrictions" due to health reasons.

Civil Judicial Procedures and Remedies

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

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the inviolability of the home and personal privacy, but the government generally did not respect these prohibitions. In some cases government authorities infringed on citizens' privacy rights by searching homes without judicial authorization, seizing property without due process, or interfering in personal communications.

Beginning in August, President Maduro declared 60-day "states of exception" in 23 municipalities bordering Colombia in Zulia, Tachira, Apure, and Amazonas states, thereby suspending the constitutional requirement for authorities to obtain a court order prior to entering a private residence or violating the secrecy of a person's private communications, among other constitutional rights. The government extended the state of exception for an additional 60 days in Tachira on October 20 and in three municipalities in Zulia on November 20.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, but the combination of laws and regulations governing libel and media content, as well as legal harassment and physical intimidation of individuals and the media, resulted in practical limitations on these freedoms. National and international groups, such as the Inter-American Commission on Human Rights, the UN Human Rights Committee, Freedom House, the Inter American Press Association, Reporters without Borders, and the Committee to Protect Journalists, condemned or expressed concern over government efforts throughout the year to restrict press freedom and create a climate of fear and self-censorship.

On September 11, the Supreme Court declared nonbinding a September 8 ruling of the Inter-American Court of Human Rights that criticized the government's refusal to grant a broadcasting license to the nation's oldest television channel, Radio Caracas Television (RCTV), on grounds it backed a 2002 coup against then-president Chavez. Lawyers for RCTV argued the government's refusal was a political move based on RCTV's criticisms of the government. The Inter-American Court ordered the government, which was signatory to the American Convention on Human Rights at the time of the offense, to reinstate RCTV's license. The Supreme Court argued RCTV had not exhausted its case in domestic

courts and that, as a company rather than an individual, RCTV was not entitled to the protection of human rights.

Freedom of Speech and Expression: The law makes insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. Comments exposing another person to public contempt or hatred are punishable by prison sentences of one to three years and fines starting at Bs 55 (\$8.74).

Press and Media Freedoms: The law provides that inaccurate reporting that disturbs the public peace is punishable by prison terms of two to five years. The requirement that the media disseminate only “true” information was undefined and open to politically motivated interpretation. The NGO IPYS reported that from January 1 through September 25, the government violated freedom of expression in 294 instances, affecting 324 journalists, editors, and human rights activists, as well as 143 media companies, including *El Nacional*, *Tal Cual*, and *La Patilla*.

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

The law declares telecommunications a “public interest service,” thereby giving the government greater authority to regulate the content and structure of the radio, television, and audiovisual production sectors. The law provides that the government may suspend or revoke licenses when it judges such actions necessary in the interests of the nation, public order, or security. The law empowers the government to impose heavy fines and cancel broadcasts for violations of its norms; the National Telecommunications Commission (CONATEL) oversees the law’s application. According to IPYS, CONATEL violated freedom of speech eight times from January 1 through September 25, by opening punitive administrative cases against CNN and private cable company Supercable, ordering two regional radio stations off the air, and suspending three radio programs in Barinas.

The government’s economic policies made it difficult for newspapers to access foreign currency, preventing many newspapers from purchasing critical supplies and equipment necessary for day-to-day business operations. Items that must be

imported included ink, printing plates, camera equipment, and especially newsprint. As the government prevented newspapers from purchasing foreign currency, media companies were forced to buy newsprint from the government-run Alfredo Maneiro Editorial Complex, the only company allowed by the government to import it. Consequently, nearly every newspaper in the country reduced pages and news content in an attempt to conserve paper. The IPYS registered 22 cases in which the government restricted access to paper for those outlets considered critical of the government. For instance, *Tal Cual* ceased daily publication in February and limited its print edition to once a week, citing financial troubles and lack of raw materials due to government restrictions. Newspapers *Notidiario* in Delta Amacuro, *El Propio* in Caracas, and *Nuevo Guayanes* in Bolivar ended circulation during the year due to lack of newsprint.

As of August 31, the NGO Public Space reported 187 cases of violations of freedom of expression, defined as the “obstruction, impediment, or criminalization of the search, receipt, and distribution of information by the media,” noting an increasing trend. The most common violations were aggressions against journalists and censorship. State-owned and state-influenced media provided almost continuous progovernment programming. In addition private and public radio and television stations were required to transmit mandatory nationwide broadcasts throughout the year. According to the online tracker run by the *Citizen’s Monitor*, between January 1 and September 11, the government imposed 113 hours and 17 minutes of mandatory broadcast time for presidential “cadenas” or regular broadcasts. The president used his airtime in the second half of the year to campaign for National Assembly candidates from his party, skirting rules that limit campaigning to two weeks before the December 6 election and mandate equal broadcast time for all political parties. Opposition candidates generally did not have access to media broadcast time.

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

Violence and Harassment: Senior national and state government leaders continued to harass and intimidate privately owned and opposition-oriented television stations, media outlets, and journalists by using threats, property seizures, administrative and criminal investigations, and prosecutions. Government officials, including the president, used government-controlled media outlets to

accuse private media owners, directors, and reporters of fomenting antigovernment destabilization campaigns and coup attempts.

The NGO Public Space recorded nine cases of journalists detained while covering supermarket lines or police and military activity. On June 19, military officials detained journalist Gabriela Di Giancaterino of the *Diario La Nacion* for taking a photograph with her cell phone of anticontraband operations near the border with Colombia. Authorities detained Di Giancaterino without access to legal representation for more than an hour and warned her that her work would bring her “legal consequences.” On July 29, a GNB member pointed a gun at journalist Nazareth Montilla of *Diario El Norte* and subsequently detained her to pressure her to erase a recording she took of officials shooting pellets or plastic bullets into a crowd protesting long supermarket lines.

Censorship or Content Restrictions: In its 2015 report, the IPYS asserted that legal proceedings, financial sanctions, and administrative actions against news outlets incurred lower political costs for the government than shutting down news outlets directly. Members of the independent media stated they regularly engaged in self-censorship due to fear of government reprisals. This resulted in many journalists posting articles to their personal blogs and websites. Public Space reported that between January and August 31, there were 35 cases involving censorship.

The government also exercised control over content through licensing and broadcasting requirements. CONATEL acted selectively on applications from private radio and television broadcasters for renewal of their broadcast frequencies. According to Nelson Belfort, former president of the Venezuelan Radio Chamber, approximately 2,000 radio stations were in “illegal” status throughout the country. According to local NGOs, CONATEL has not renewed licenses for most radio stations since 2007.

The government controlled a large portion of the country’s businesses and paid for advertising only with government-owned or government-friendly media. The brother of the vice president and the husband of a United Socialist Party of Venezuela (PSUV) National Assembly deputy run the main government-contracting advertising agency, Advertising Scope.

Libel/Slander Laws: Government officials took reprisals against individuals who publicly expressed criticism of the president or government policy. On April 21, National Assembly President Diosdado Cabello lodged a civil suit against 22 editors and board directors of opposition media outlets *El Nacional*, *Tal Cual*, and

La Patilla for reprinting news stories linking Cabello to a drug cartel. The charges of “aggravated defamation” are punishable by two to four years in jail. The judge in the civil suit enacted measures normally limited to criminal cases and prohibited the defendants from leaving the country. The IPYS said the case was emblematic of the increased pressure on media outlets critical of the government.

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

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

Internet Freedom

The law puts the burden of filtering prohibited electronic messages on service providers, and it allows CONATEL to order service providers to block access to websites that violate these norms and sanctions them with fines for distributing prohibited messages.

CONATEL blocked 1,008 websites during the year, according to testimony by CONATEL’s director, William Castillo, before the UN Human Rights Council. The government continued to block seven internet sites that post dollar- and euro-to-Bolivar currency exchange rates differing from the government’s official rate. The government used Twitter hashtags to attain “trending” status for official propaganda and employed hundreds of employees to manage and disseminate official government accounts. At least 65 official government accounts used Twitter to promote the PSUV, the ruling party. The NGO Public Space reported that on August 18 police detained Colonel Jose Martin Raga Garavito for more than a month for expressing an opinion critical of the government on Twitter and subsequently to a *Newsweek* journalist. Upon his release authorities relieved Raga of his duties.

Some NGOs, members of the opposition, and government critics expressed concern the government monitored e-mails and web searches without appropriate legal authority. Public Space reported that it suspected the government hacked social networking sites, e-mails, and websites of political figures, civil society activists, writers, journalists, and newspapers during the year, but it did not give specifics. According to the NGO, social network identities were usurped and personal communications and messages were broadly disseminated, some in government-controlled media.

CONATEL reported 51 percent of the population used the internet during the year and estimated that 16.2 million citizens connected to the internet five to seven days per week. Most access to the internet was through computers (75 percent) and mobile telephones (17 percent).

Academic Freedom and Cultural Events

There were some government restrictions on academic freedom and cultural events. University leaders and students alleged the government retaliated against opposition-oriented autonomous universities by allocating government subsidies for those universities significantly below the annual inflation rate. Autonomous universities, which receive partial funding from the government, received approximately 40 percent of the total budgets they requested, although calculations were based on figures not adequately adjusted for inflation and only covered expenses through July.

Unlike in 2014, there were no reported government-sponsored attacks on universities.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but the government did not respect this right. Human rights groups continued to criticize the law for its strict penalties for some forms of peaceful demonstration.

As part of the “States of Exception” in municipalities bordering Colombia, the government ordered the suspension of the constitutional right to meet publicly or privately without obtaining permission in advance, as well as the right to demonstrate peacefully and without weapons.

On January 29, the Ministry of Defense published new regulations that authorized crowd-control measures up to and including lethal force against peaceful protesters. In August private polling firm Datanalisis released a report that indicated citizens, in a reversal of 2014 sentiment, were reluctant to protest, in part because of fear of government reprisals. The Venezuelan Observatory of Social Conflict (OVCS) reported that in the first half of the year, 2,836 protests occurred. The government continued repressing protesters and their leaders.

In February the Inter-American Commission on Human Rights (IACHR) expressed deep concern about the alleged use of criminal proceedings to punish peaceful protesters and government critics. In March, six UN special rapporteurs asked the government to clarify allegations of arbitrary detention and excessive use of force and violence against protesters. Allegations continued of arbitrary detention of protesters (some in military facilities), torture, and denial of legal assistance.

Nine human rights NGOs reported that since the conclusion of the protests in May 2014, the government continued to suppress protests in Tachira State. On February 24, a National Police officer shot and killed 14-year-old Kluiverth Roa Nunez while he was participating in a San Cristobal antigovernment protest. NGO reports indicated that security forces in Tachira frequently conducted raids on houses and patrolled emergency rooms for protesters seeking medical care for injuries sustained from “nonlethal” weapons used by police.

Freedom of Association

While the constitution provides for freedom of association and freedom from political discrimination, the government did not respect these rights. Although professional and academic associations generally operated without interference, a number of associations complained the National Electoral Council (CNE), which is responsible for convoking all elections and establishing electoral dates and procedures, and the Supreme Court repeatedly interfered with their attempts to hold internal elections. On August 5, the TSJ ruled in favor of a dissident splinter group of the opposition Social Christian Party (known as COPEI), which had filed suit against COPEI leadership for failing to include the party in key decisions. The TSJ dissolved COPEI’s executive board and installed the plaintiffs as the new COPEI leadership, effectively selecting the opposition party’s political leadership.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. As part of the 60-day “States of Exception” along the Colombian border, the government suspended the constitutional right of free transit through the national territory, including across international borders.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Protection of Refugees

Access to Asylum: UNHCR estimated there were approximately 200,000 persons in need of international protection in the country, mostly Colombian citizens. Most of them, however, had not accessed procedures for refugee status determination, mainly due to the inefficiency of the process. UNHCR reported only 5,052 persons were legally recognized as refugees. The influx of individuals seeking international protection continued through the different border areas until August 21, when the government began closing key border crossings between Tachira and Zulia states and Colombia as part of the “States of Exception” and the OLPs. The vast majority of such persons remained without any protection.

The government launched its OLP strategy on July 13 to fight crime, smuggling, and terrorism. As part of these operations, authorities deported more than 1,714 Colombians, including 241 minors. In addition more than 22,000 Colombians fled the country as of September 23, according to the UN Office for the Coordination of Humanitarian Affairs. NGOs working in the border regions reported that among those deported were 120 persons needing international protection and a number of registered refugees. NGOs and the United Nations, however, also reported the government, through its office of immigration and the National Refugee Commission (NRC), made efforts to verify the migratory status of individuals before carrying out deportations. UNHCR Colombia investigated the cases of 350 potential returned refugees or people who were seeking asylum in Venezuela. The

International Organization for Migration, Refugee Education Trust, Norwegian Refugee Council, the Roman Catholic charity Caritas, and Hebrew Immigrant Aid Society worked closely with UNHCR and the government to respect migrants' rights and meet basic needs.

Following allegations of physical beatings, destruction of property, and other abuses by government authorities, NGOs, foreign leaders, and opposition parties called for the government to respect the human rights of migrants in the country and to allow family reunification, deportees to recover their property, and individuals with educational and medical needs to cross through humanitarian corridors on the border.

At the beginning of the August border crisis, the NRC stopped accepting new applications for asylum and discontinued the renewal of asylum seekers' identification papers, resulting in a de facto threat of deportation for many potential asylum seekers whose papers were out of date.

With the refugee status determination process centralized at the NRC in Caracas, asylum seekers could wait as long as three years to obtain a final decision. During this period they had to continue renewing their documentation every three months to stay in the country and avoid arrest and deportation. While travelling to the commission, particularly vulnerable groups, such as women with young children, the elderly, and persons with disabilities, faced increased protection risks, such as arrest and deportation, extortion, exploitation, and sexual abuse by authorities at checkpoints and other locations.

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

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

Access to Basic Services: Colombian asylum seekers without legal residency permits had limited access to the job market, education, and health systems. The lack of documentation created significant challenges to achieving sufficient protection and long-term integration.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to change their government through free and fair elections, but a failure to investigate and resolve electoral irregularities, government interference, and manipulation of voters restricted the exercise of this right. In December 2014, after the political opposition prevented the PSUV from appointing its chosen candidates, the PSUV-dominated National Assembly ceded to the TSJ the authority pursuant to law to choose rectors of the CNE when, by law, the decision should have been debated in the National Assembly.

Elections and Political Participation

Recent Elections: On December 6, nationwide legislative elections took place largely peacefully, and the government accepted the results. Opposition candidates won 112 seats in the 167-seat National Assembly, while ruling-party candidates took 55 seats, despite a process that heavily favored the ruling party. On December 30, the TSJ blocked three opposition and one socialist deputies-elect from taking office, after the ruling party challenged the election results. The government rejected international election observation by the Organization of American States but permitted an “accompaniment” mission by the Union of South American Nations. Domestic observers reported voting machine failures, ruling party tents illegally close to the entrance of the polls, improper use of public resources (state oil company vehicles with campaign slogans and government buses near housing projects transporting people to vote), and press intimidation. On November 27, gunmen shot and killed opposition figure Luis Manuel Diaz at a campaign rally.

Political Parties and Political Participation: Opposition political parties operated in a restrictive atmosphere characterized by intimidation, the threat of prosecution or administrative sanction on questionable charges, and very limited mainstream media access. The ruling-party-dominated CNE made decisions that affected the political opposition adversely, including affirming the comptroller general’s administrative disqualification of at least five candidates for the December 6 National Assembly elections and the sudden proclamation of a new rule requiring political parties to field at least 40 percent female candidates after the political opposition had already chosen its candidates. Citing its constitutional power to make such decisions, the CNE did not investigate complaints by the affected individuals. Some political organizations reported their main activists and leaders were victims of harassment and violence by the government and progovernment groups.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by government officials, but the government did not implement the law effectively, and the press reported officials sometimes engaged in corrupt practices with impunity. The government frequently investigated and prosecuted its political opponents selectively on corruption charges to harass, intimidate, or imprison them. In July the Comptroller General's Office declared several opposition-aligned politicians ineligible to hold public office based on allegations of corruption but did not levy bans against government-aligned politicians in similar circumstances. There were numerous reports of government corruption during the year. The Public Ministry cited numerous examples of investigations, stemming largely from improprieties in the distribution and sale of price-controlled items and government currency allocations.

Corruption: The government continued a campaign to tackle corruption through fast-track authority and executive powers, but critics contended the government's efforts focused only on low- to mid-level public officials while targeting high-level opposition politicians. The campaign includes enforcement against smuggling of goods carried out by private citizens as part of what the government calls the fight against the "economic war" waged by the political opposition and foreign governments. According to the NGO Transparency Venezuela, weak government institutions and a lack of transparency allowed public officials at all levels to participate in corrupt activity with impunity.

On April 1, the Public Ministry filed charges against a judge in the 20th Judicial Circuit of Caracas for corruption on the grounds that the judge issued "too lenient" a sentence in a high-profile narcotics trafficking case.

The Public Ministry and the Office of the Human Rights Ombudsman also investigate abuses by police and military officials. Corruption was a major problem in all police forces, whose members were generally poorly paid and minimally trained. Some government officials explicitly acknowledged impunity for corruption as a major problem. There was no information publicly available about the number of cases involving police and military officials during the year, although the Public Ministry publicized several individual cases against police officers for soliciting bribes and other monetary corruption. In one instance the ministry cited the arrest and investigation of four Aragua State police officers for allegedly soliciting a bribe to drop charges against a person suspected of trafficking in narcotics.

On May 15, Attorney General Luisa Ortega Diaz reported that 277 individuals had been convicted on charges of corruption stemming from misuse of the government's Foreign Exchange Administration Commission and that an additional 7,000 companies were under investigation for potential violations. Ortega stated that low-level government officials were prosecuted and convicted of crimes related to foreign-exchange adjudications, but disclosed no specific numbers.

On September 24, the Public Ministry reported the arrest and conviction of Jose Gregorio Velasquez Lozada, director of health economy at the Ministry of Health in Aragua State, on allegations of fraud and embezzlement stemming from the alleged misappropriation of 531,000 units of medical supplies.

Transparency Venezuela criticized the widespread practice of nepotism in the government in a September 21 announcement, citing the example of Minister of Housing, Habitat, and Eco-socialism Ricardo Molina, who appointed his wife, children, and other family members to serve in positions within the ministry. The NGO noted that nepotism of this type was not specifically illegal, which undercut effective oversight of improper benefits.

Financial Disclosure: The law requires public officials, as well as all directors and members of the boards of private companies, to submit sworn financial disclosure statements. The entities responsible for ensuring compliance with this requirement are the Central Bank; the comptroller general of the republic; the comptroller general of the armed forces; and the comptrollers of states, districts, metropolitan districts, and municipalities. By law the Public Ministry and competent criminal courts may require statements from any other persons when circumstantial evidence arises during an investigation. In 2014 (the most recent data available), the Public Ministry cited 12,319 complaints or grievances of corruption, leading to charges against 2,326 individuals.

Public Access to Information: Although the law provides for public access to government information, human rights groups reported the government routinely ignored this requirement. The law requires a government agency to respond to a petition within 20 days of filing. The agency must also notify the applicant within five days of any missing information needed to process the request. Government agencies are subject to sanctions if they do not respond to a request. If the agency rejects the petition, an individual may file another petition or appeal to a higher level within the government agency. The agency must respond to the appeal within 15 days. In a June presentation to the UN Human Rights Council, the Pro

Access Coalition, composed of NGOs advocating for the right to access public information, denounced difficulties in accessing public information. According to a 2013 study by the coalition, the government ignored 94 percent of citizen petitions for information, a trend cited as continuing during the year.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of independent domestic and international human rights groups generally operated with some government restrictions. Major domestic human rights NGOs conducted investigations and published their findings on human rights cases. Government officials were generally not cooperative or responsive to their requests. Some domestic NGOs reported government threats and harassment against their leaders, staff, and organizations, in addition to government raids and detentions. NGOs reported heightened scrutiny of their work but were still able to publish dozens of reports during the year. NGOs played a significant role in informing citizens and the international community about alleged violations and key human rights cases.

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

For violations the law stipulates monetary penalties, a potential five- to eight-year disqualification from running for political office, or both. The law defines political organizations as those involved in promoting citizen participation, exercising control over public offices, and promoting candidates for public office. The law also prohibits foreign citizens sponsored by Venezuelan individuals or political organizations from “issuing opinions that offend the institutions of the state and its high officials or go against the exercise of sovereignty.” Although there was no formal application or enforcement of the law, it created a climate of fear among human rights NGOs and a hesitancy to seek international assistance.

In addition to the restrictions placed on fund raising, domestic NGOs also faced regulatory limitations on their ability to perform their missions. The law includes provisions eliminating the right of human rights NGOs to represent victims of

human rights abuses in legal proceedings. The law provides that only the public defender and private individuals may file complaints in court or represent victims of alleged human rights abuses committed by public employees or members of the security forces.

NGOs asserted the government created a dangerous atmosphere for them to operate. National Assembly President Cabello used his weekly talk show to accuse Marino Alvarado Betancourt, director of the NGO PROVEA, of supporting Colombian paramilitary groups because of Alvarado Betancourt's denunciation of police abuses in a nationwide anticrime program. Cabello also accused Alvarado Betancourt on national television and radio of receiving foreign funds to destabilize the country. Several organizations, such as the OVP, PROVEA, Foro Penal, and Citizen Control, reported threats to their staff, conducted electronically or sometimes in person. Human rights organizations claimed they were subject to frequent internet hacking attacks and attempts to violate their e-mail privacy.

The United Nations or Other International Bodies: The government was generally hostile toward international human rights bodies and continued to refuse to permit a visit by the IACHR, which has not visited the country since 2002. The government withdrew from the Inter-American Convention on Human Rights in 2013, but the IACHR may receive complaints from Venezuelan NGOs and citizens.

Government Human Rights Bodies: The Office of the Human Rights Ombudsman, also called the Public Defender, intervened to negotiate reduced sentences in several cases monitored by human rights NGOs, according to several NGOs, including the August transferal to house arrest of noted political prisoner Daniel Ceballos (see section 1.e., Political Prisoners and Detainees). The government announced a draft national Human Rights Plan in July and opened a six-month period of public consultation. In September the government reported receiving 100,000 proposals from the public. NGOs Foro Penal and PROVEA criticized the plan for not addressing the lack of independence among the branches of government, political oppression, or arbitrary detention, and pointed out the plan called for collaboration with international organizations that provided protection mechanisms for victims of human rights abuses.

The National Assembly's subcommission on human rights played an insignificant role in human rights debates.

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

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; nonetheless, discrimination occurred against women; persons with disabilities; members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community; and indigenous persons.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, making it punishable by a prison term of eight to 14 years. Cases often were not reported to police due to fear of social stigma and retribution, particularly in light of widespread impunity. There were no reliable statistics on the incidence of rape, prosecutions, or convictions. A man may avoid punishment by marrying (before he is sentenced) the person he raped. Women faced substantial institutional and societal prejudice with respect to reporting rape and domestic violence. The law allows authorities to consider alternative forms of punishment, including work release, for those convicted of various crimes, including rape, if they have completed three-quarters of their sentence.

The law criminalizes physical, sexual, and psychological violence in the home or community and at work. The law punishes perpetrators of domestic violence with penalties ranging from six to 27 months in prison. The law requires police to report domestic violence to judicial authorities and obligates hospital personnel to notify authorities when admitting patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence or were not properly trained to handle such cases. Reportedly, police systematically sent battered women to the Public Ministry without receiving victims' complaints in cases where extreme physical violence was not visible. The law also establishes women's bureaus at local police headquarters and tribunals specializing in gender-based violence, and two-thirds of states had specialized courts. According to a Public Ministry official, 69 prosecutors were exclusively responsible for dealing with crimes against women, and an additional 27 prosecutors could process domestic violence crimes in addition to other kinds of crimes.

Violence against women continued to be a serious and underreported problem. The attorney general announced that 59,211 domestic violence complaints were filed from January to September 10, while for the period ending June 15, a Public Ministry official, citing TSJ data, stated that of those complaints, only 1,138 domestic violence charges were filed. In the same period, 510 sexual violence and rape charges were filed.

From January to June, 96 femicides were recorded out of 516 women killed, but only 17 femicide charges were filed through September 15.

Many advocates observed there was a lack of public awareness among women regarding resources and support available to prevent and combat domestic violence. In March the Public Ministry implemented a 24-hour hotline in Caracas capable of receiving domestic violence complaints. The government offered some shelter and services for victims of domestic and other violence, but NGOs provided the majority of domestic abuse support services.

Sexual Harassment: Sexual harassment is illegal and punishable by a prison sentence of one to three years. The law establishes a fine between Bs 3,210 (\$510) and Bs 6,420 (\$1,020) for employers convicted of sexual harassment. Although allegedly common in the workplace, sexual harassment cases were rarely reported.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; to manage their reproductive health; and to have access to the information and means to do so, free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Multiple women's rights NGOs stated women could not always find birth control pills due to scarcity, but pills were affordable when available. On the other hand, condoms were both scarce and prohibitively expensive when available.

Discrimination: Women enjoy the same legal status and rights as men under the constitution. In June the CNE announced a new regulation that required political parties to put forth gender-balanced slates of candidates for legislative elections.

Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women with regard to pay or working conditions. The law also prohibits the requirement of a pregnancy test to qualify for a job and provides six weeks of maternity leave prior to birth and a 20-week period of maternity leave after birth or an adoption, and prohibits an employer from firing either parent for two years after a birth or adoption. According to the Ministry of Labor and the Confederation of Workers, regulations protecting women's labor rights were enforced in the formal sector, although according to the World Economic Forum, women earned 36 percent less on average than men doing comparable jobs.

The law provides women with property rights equal to those of men, but women frequently waived these rights by signing over the equivalent of powers of attorney to their husbands.

Children

Birth Registration: Citizenship is derived by birth within the country's territory. According to the UN Children's Fund (UNICEF), 92 percent of children under five were registered at birth.

Child Abuse: According to UNICEF and NGOs working with children and women, child abuse, including incest, occurred but was rarely reported. According to a National Institute for Statistics survey, 5 percent of victims of sexual abuse were children. According to the Public Ministry, 67 specialized prosecutors were assigned to handle cases involving the protection of children. Although the judicial system acted to remove children from abusive households, the press reported public facilities for such children were inadequate.

Early and Forced Marriage: The legal minimum age for marriage is 18 for women and men, but with parental consent it is 14 for women and 16 for men.

Sexual Exploitation of Children: By law sexual relations with a minor under age 13 or an "especially vulnerable" person, or with a minor under age 16 when the perpetrator is a relative or guardian, are punishable with a mandatory sentence of 15 to 20 years' imprisonment. The law prohibits the forced prostitution and corruption of minors. Penalties range from three to 30 years' imprisonment in the case of sex trafficking of girls.

The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years' imprisonment. There was no publicly available information regarding the number of investigations or prosecutions of cases involving the commercial sexual exploitation of minors or child pornography.

Displaced Children: Leading advocates and the press estimated that 10,000 children lived on the streets. Authorities in Caracas and several other jurisdictions imposed curfews on unsupervised minors to attempt to cope with this problem, but with institutions filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/english/country/venezuela.html.

Anti-Semitism

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

There were an estimated 9,000 Jews in the country. There were no confirmed reports of anti-Semitic acts by the government, but Jewish community leaders expressed concern about anti-Semitic statements made by high-level government officials, and they assessed that many other anti-Semitic incidents occurred from January to May. The government-sponsored website *Aporrea.org* often published editorials asserting Venezuelan Zionists were conspiring against the government. On October 8, National Assembly President Cabello stated that El Hatillo Mayor David Smolansky carried out a Zionist political project against the government; on October 19, Cabello asserted Ricardo Haussman, a professor at a foreign university, was a lobbyist for financial Zionism, which was waging an "economic war" against Venezuela.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, air travel and other transportation, and the provision of other state services, but the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. The law requires that all newly constructed or renovated public parks and buildings provide access, but persons with disabilities had minimal access to public transportation, and ramps were almost nonexistent. Online resources and access to information were generally available to persons with disabilities, although access to closed-captioned or audio-

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

The National Commission for Persons with Disabilities (CONAPDIS), an independent agency affiliated with the Ministry for Participation and Social Development, advocated for the rights of persons with disabilities and provided medical, legal, occupational, and cultural programs. The government developed a series of employment fairs to increase the number of persons with disabilities in formal employment sectors, an initiative to help companies meet the legal requirement for 5 percent of employees to be persons with disabilities. According to CONAPDIS fewer than 20 percent of persons with disabilities who registered with government health programs were fully employed. The state-run Mission for the Children of Venezuela provided monthly subsidies of Bs 600 (\$95) to heads of households for each child or adult with disabilities they supported.

There were several NGOs dedicated to assisting persons with disabilities with employment, education, and quality of life. The University of Monteavila hosted a research institute focused on the education of persons with disabilities.

National/Racial/Ethnic Minorities

The constitution prohibits discrimination based on race. The law prohibits all forms of racial discrimination and provides for a maximum of three years' imprisonment for acts of racial discrimination. As mandated by law, signage may be observed outside commercial and recreational establishments announcing the prohibition against acts of racial discrimination. The National Institute against Racial Discrimination worked under the Interior Ministry but did not have its own website or public information portal.

Indigenous People

The law prohibits discrimination based on ethnic origin, and senior government officials repeatedly stated support for indigenous rights. The constitution provides for three seats in the National Assembly for deputies of indigenous origin to “protect indigenous communities and their progressive incorporation into the life of the nation.” A member of the Wayuu indigenous group headed the Ministry for

Indigenous Peoples, and the governor of Amazonas State was a member of the indigenous group Baniva.

Many of the country's approximately 800,000 indigenous persons were isolated from urban areas; lacked access to basic health, housing, and educational facilities; and suffered from high rates of disease. The government included indigenous persons in its literacy campaigns, in some cases teaching them to read and write in their native language(s) as well as in Spanish.

NGOs and the press reported local political authorities seldom took account of indigenous interests when making decisions affecting indigenous lands, cultures, or traditions, or the allocation of natural resources. Indigenous persons called on the government to recognize lands they traditionally inhabited as territories belonging to each respective indigenous group. The National Land Demarcation Commission, charged with implementing a land demarcation agreement reached after a violent 2008 land invasion, continued to provide land titles in several communities, but indigenous groups continued to call for faster implementation of the demarcation process.

Indigenous groups regularly reported violent conflicts with miners and cattle ranchers over land rights.

According to indigenous groups, the armed forces reportedly harassed, injured, and killed indigenous persons in multiple isolated incidents, often related to land demarcation disputes. On August 14, a court sentenced five individuals to seven years in the 2013 killing of Yukpa leader Sabina Romero in Zulia State. Romero was a high-profile advocate for the demarcation of indigenous lands in the Perija Mountains.

The country's border disputes with Colombia affected indigenous groups living in the border regions. The government insisted the border closures were necessary to eradicate contraband and violence in the region. One media outlet estimated 600,000 Wayuu families lived on both sides of the border. While the president proclaimed indigenous persons on the border could cross freely, there were many reported cases in which indigenous groups were restricted. According to local media, in one case Bolivarian National Guard members shot two Wayuu men who were returning via motorcycle to Colombia from a funeral in Venezuela. One died at the scene and the other died at the Maicao hospital where he was taken for treatment.

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

The constitution provides for equality before the law of all persons and prohibits discrimination based on “sex or social condition,” but it does not explicitly prohibit discrimination based on sexual orientation or gender identity. According to a TSJ ruling, no individual may be discriminated against because of sexual orientation, but the ruling was rarely enforced. The media and leading advocates for the rights of LGBTI persons noted that victims of hate crimes based on sexual orientation or sexual identity frequently did not report incidents and were often subjected to threats or extortion if they filed official complaints.

Since the law has no definition of a hate crime, no official law enforcement statistics reflected LGBTI-related violence. Rather, most crimes against LGBTI persons were classified as “crimes of passion,” not crimes of hate. The NGO Stop VIH (HIV) denounced the September 17 stabbing death of a Margarita Island man as a hate crime motivated by the victim’s sexual orientation, and cited national statistics indicating that 47 such crimes were registered between May 2013 and May 2015. Incidents of violence were most prevalent in the transgender community. Leading advocates noted that the media underreported most cases of LGBTI-related crime and law enforcement authorities did not properly investigate to determine the motives for such crimes. LGBTI experts also noted an estimated 6,000 same-gender families, with and without children, lacked legal protection.

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

Psychological, verbal, and physical abuses towards the LGBTI community were common practice in schools and universities, according to leading advocates. No laws or policies protect LGBTI persons against bullying. As a result, according to NGOs, LGBTI students had a higher dropout rate than heterosexual students.

HIV and AIDS Social Stigma

Leading advocates lamented discrimination against persons with HIV/AIDS, although no new studies were available. In August 2014 the National Assembly passed a law to protect the equal rights of persons with HIV/AIDS and their families.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

Under the law employers may negotiate a collective contract only with the union that represents the majority of their workers. Minority organizations may not jointly negotiate in cases where no union represents an absolute majority. The law also places a number of restrictions on unions’ ability to administer their activities. For example, the CNE has the authority to administer internal elections of labor unions, federations, and confederations. By law elections must be held at least every three years. If CNE-administered and -certified elections are not held within this period, the law prohibits union leaders from representing workers in negotiations or engaging in anything beyond administrative tasks. The International Labor Organization (ILO) has repeatedly found cases of interference

by the CNE in trade union elections and has called since 1999 to delink the CNE from the union election process.

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

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

The government restricted the freedom of association and the right to collective bargaining through administrative and legal mechanisms. Organized labor activists reported that the annual requirement to provide the Ministry of Labor a membership roster was onerous and infringed on freedom of association; they alleged the ministry removed member names from the rosters for political purposes, particularly if members were not registered to vote with the CNE. Labor leaders also criticized the laborious and costly administrative process of requesting CNE approval for elections and subsequent delays in the CNE’s recognition of such union processes. Additionally, there was reportedly a high turnover of

Ministry of Labor contractors resulting in a lack of timely follow-through on union processes.

Labor unions in both the private and public sectors noted long delays in obtaining CNE concurrence to hold elections and in receiving certification of the election results, which hindered unions' ability to bargain collectively. The National Union of Public, Professional, and Administrative Health-Sector Workers was able to hold elections on February 10, almost a year after its March 2014 request to the CNE. The Ministry of Labor recognized the elections, but as of early December the CNE had not issued a certification of their validity. The CNE had required 16 notarized legal documents and three copies of each set for each of 300 electoral tables, leading to significant, costly delays.

According to PROVEA, "large sectors of national, state, and municipal public administrations and an important number of state enterprises continued to refuse to discuss collective agreements." According to the Autonomous Front in Defense of Employment, Wages, and Unions (FADESS), there were more than 300 expired public-sector union contracts nationwide. Labor leaders reported the majority of unions that failed to negotiate collective agreements were in the public sector. The Model Contract for Public Administration, which covers approximately three million public workers, was last negotiated in 2004. President Maduro promised it would be finalized in 2013, but no further progress was made during the year. The government did not respond by year's end to at least two formal ILO requests for information about reports that the majority of collective bargaining agreements in the public sector had expired but continued to be applied, with the right to collective bargaining denied by authorities due to "overdue elections" (not convoking or concluding the electoral process).

The government continued to support many "parallel" unions, which sought to dilute the membership and effectiveness of traditional independent unions. In general these government-supported unions were not subject to the same government scrutiny and requirements regarding leadership elections. For example, the Socialist Bolivarian Workers' Central has not held elections since 2011, yet it has been regularly accredited to participate in ILO meetings, including for the ILO International Labor Conference in Geneva in July. The government excluded from consideration other, independent union federations, including the Confederation of Venezuelan Workers, the General Confederation of Venezuelan Workers, the Confederation of Autonomous Unions of Venezuela, and the National Union of Workers (UNETE). The ILO expressed continuing concern that the government did not consult with representative worker organizations or

accredit their members to the ILO Conference. In contrast, the Labor and Trade Union Action Unit, a newly formed independent organization of labor federations and other labor groups and movements, was able to meet freely to coordinate interventions for the July meeting, analyze conclusions from the meeting, and discuss follow-up actions.

According to the labor group FADESS, the ministry did not send labor inspectors to opposition-leaning union meetings to witness and legitimize unions' decisions, as required by law, thus rendering decisions by many unions moot.

The government continued to refuse to adjudicate or otherwise resolve the cases of 19,000 employees of the state oil company, Venezuelan Petroleum, who were fired during and after the 2002-03 strike. The Ministry of Labor continued to deny registration to the National Union of Oil, Gas, Petrochemical, and Refinery Workers (UNAPETROL), a union composed of these workers. Union elections in the state steel conglomerate's workers' trade union were suspended in 2014, and the TSJ upheld the suspension on January 14.

Union leaders were subject to violent attacks--some of which resulted in killings. The lack of effective investigations made determining the motives for such attacks difficult. According to the Venezuelan Observatory of Social Conflict (OVCS) and PROVEA, the government did not make arrests or prosecute anyone for most violent crimes, including those committed between and against union workers, and few were solved.

On April 16, Ramon Jimenez, secretary general of the Barinas Construction Union, was killed. He had allegedly been threatened after denouncing a contract breach and extortion by "construction mafias." Two other union leaders, Jose Salazar from UNETE and William Lizardo from Fetraconstruccion, were also injured in the attack. PROVEA reported that fewer than 5 percent of the cases were investigated. The ILO has requested the government establish a national tripartite committee on situations of violence and provide information on the findings of the investigations carried out by the national prosecutor appointed to investigate all cases of violence against trade union leaders and members.

Union leaders were also subjected to harassment and verbal attacks. For instance, on his weekly television show, the National Assembly president made accusations against leaders from FADESS and the National Association of Autonomous Workers, Entrepreneurs, and Small Business Persons.

The OVCS reported that during the first six months of the year, there were labor rights-related protests related to increased pay and benefits, the need for collective bargaining agreements, and outsourcing and the integration of contract workers. According to media reports, the government blacklisted and punished union leaders and workers for peaceful protests demanding wage increases and better conditions at work. Labor leaders reported the alleged beating and nonfatal stabbing of Secretary General Mauro Zambrano of the Union of Workers in University Hospitals. Union organizer Julia Lugo was also beaten, and her nose was fractured. Zambrano and Lugo were requesting a meeting with the new hospital director to raise worker-rights issues when 20 hospital workers allegedly attacked them. SEBIN detained and interrogated Carlos Rosales, president of the Association of Clinics and Hospitals of Venezuela, in Maracay on February 6 following his statements about the scarcity of medicines in the country.

In practice the concept of striking has been demonized since 2002 and has been periodically used as a political tool to accuse government opponents of coup plotting or other destabilizing activities. Legal provisions on the right to strike have been used to target company management as well as labor leaders. Labor activists have been charged under legal provisions on impeding the production, manufacture, import, storing, transport, distribution, and commercialization of goods, as well as under provisions for “instigation to commit a crime,” “blocking public access,” and restriction of the “right to work.” According to some business managers, some union leaders have extraordinary power to cause the arrest and prosecution of business managers for actions that could be considered normal aspects of their jobs. Some companies, especially in the public sector, have multiple unions with varying degrees of allegiance to the ruling party’s version of the “socialist revolution,” which can trigger interunion conflict and strife. The ILO again called on the government to respond to its concerns regarding complaints by the president of the Federation of Chambers and Associations of Commerce and Production of Venezuela, Jorge Roig, that he was being followed and harassed, that senior government figures were increasingly attacking the federation in the media, and that 50 legislative decrees on economic and production-related issues were adopted in November 2014 without consulting the federation.

The law passed in 2012 set a three-year deadline, concluding on May 7, for the incorporation of all contract workers in both the public and private sectors into the companies for which they worked. (The largest number of contract workers is in the public sector.) The media reported concerns that this deadline was not met and that the status of a large percentage of workers was not regularized. While there

were no official statistics, media sources estimated that 40 percent of the contractor force has been transitioned into formal positions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor but does not provide criminal penalties for certain forms of forced labor. The law prescribes penalties of between 20 and 30 years' imprisonment for most forms of forced labor; these criminal penalties under the Organic Law against Organized Crime applied to the forced labor of women and girls, as well as the forced labor of men and boys, when carried out by an organized criminal group of three or more individuals. Criminal penalties for forced labor of men and boys carried out by individuals who are not members of an organized criminal group are not prescribed under the law; nonetheless, prosecutors could employ other statutes to prosecute such individuals. The law includes harsher penalties for imposing forced labor on minors. There was no comprehensive information available regarding the government's enforcement of the law.

There were isolated reports of children and adults subjected to forced labor, particularly in the informal economic sector, in domestic servitude (see section 7.c.), and in government social programs by Cubans working in exchange for the government's provision of resources to the Cuban government. Indicators of forced labor reported by some Cubans included chronic underpayment of wages, mandatory long hours, and threats of retaliatory actions to the workers and their families if they should leave the program.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum employment age at 14 years. Children younger than 14 may work only if granted special permission by the National Institute for Minors or the Ministry of Labor. Such permission may not be granted to minors under the age for work in hazardous occupations that risk their life or health or could damage their intellectual or moral development, but according to the ILO, the government has not listed specific types of work considered hazardous. Children ages 14 to 18 may not work without permission of their legal guardians or in occupations expressly prohibited by the law, and they may work no more than six hours per day

or 30 hours per week. Minors under age 18 may not work outside the normal workday.

The law establishes fines on employers between Bs 6,420 (\$1,020) and Bs 12,840 (\$2,040) for each child employed under age 12 or for adolescents between ages 12 and 14 employed without proper authorization. Anyone employing children under age eight is subject to a prison term between one and three years. Employers must notify authorities if they hire a minor as a domestic worker.

The Ministry of Labor and the National Institute for Minors enforced child labor policies effectively in the formal sector of the economy but less so in the informal sector. No information was available on whether or how many employers were sanctioned for violations. The government also continued to provide services to vulnerable children, including street children, working children, and children at risk of working. There was no independent accounting of the effectiveness of these and other government-supported programs.

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

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

d. Discrimination with Respect to Employment and Occupation

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

e. Acceptable Conditions of Work

Effective May 1, the government raised the monthly minimum wage by 30 percent, with 20 percent implemented as of May 1 and an additional 10 percent as of July 1, bringing it to a total of Bs 7,422 (\$1,180). According to the NGO Workers' Center for Documentation and Analysis, the monthly food basket for September cost Bs 50,625 (\$8,040), or 6.8 times the minimum wage.

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

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

The law covers all workers, including temporary, occasional, and domestic workers. Reportedly, the Ministry of Labor effectively enforced minimum wage rates and hours of work provisions in the formal sector, but 40 percent of the population worked in the informal sector, where labor laws and protections generally were not enforced. The government did not enforce legal protections in the public sector. According to PROVEA, while the National Institute for Prevention, Health, and Labor Security required many private businesses to correct dangerous labor conditions, the government did not enforce such standards in a similar manner in state enterprises and entities. There was no publicly available information regarding the number of inspectors or the frequency of inspections to implement health and safety, minimum wage, or hours of work provisions. Ministry inspectors seldom closed unsafe job sites. Employers may be fined between Bs 12,840 (\$2,040) and Bs 38,520 (\$6,110) for failing to pay the

minimum wage or provide legally required vacation time. Employers are required to report work-related accidents within 24 hours or face fines between Bs 8,132 (\$1,290) and Bs 10,700 (\$1,700). There was no information on whether penalties were sufficient to deter violations.

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