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2020 Trafficking in Persons Report: Venezuela

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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VENEZUELA: Tier 3

The Government of Venezuela does not fully meet the minimum standards for the elimination of trafficking and is not making any efforts to do so; therefore Venezuela remained on Tier 3. On January 10, 2019, the term of former president Nicolas Maduro ended. On January 23, 2019, Juan Guaido, assumed the role of interim president; however, former president Maduro refused to cede control preventing interim president Guaido from exercising authority within the country. Despite the lack of significant efforts, in 2019, Venezuelan authorities under Maduro created a specialized prosecutor's office to oversee trafficking investigations and prosecutions and according to press reports, began legal proceedings against three complicit officials in a notable case involving potential victims of trafficking who disappeared at sea. However, authorities did not report assisting any victims, or investigating, prosecuting, or convicting any traffickers. Venezuelan authorities did not make sufficient efforts to curb the forced recruitment of

Venezuelan children by Colombian illegal armed groups operating in their territory with impunity and did not make any efforts to screen Cuban medical professionals for trafficking indicators.

PRIORITIZED RECOMMENDATIONS:

Investigate, prosecute, and convict trafficking cases, including complicit officials and anyone involved in the forcible recruitment of children into illegal armed groups. • Provide specialized services for all trafficking victims, including repatriated victims, child soldiers, men, boys, and LGBTI individuals. • Draft and enact comprehensive anti-trafficking legislation criminalizing all forms of trafficking, including the criminalization of child sex trafficking without elements of force, fraud, or coercion, and the trafficking of men and boys. • Increase staffing and funding for the office of the special prosecutor to combat trafficking. • Educate Venezuelans fleeing the country on the risks of human trafficking, as well as where and how to seek services. • Train all migration and law enforcement officials operating in border crossings on trafficking indicators. • Given significant concerns about forced labor indicators in Cuban Medical Missions, screen Cuban medical professionals for trafficking indicators and refer those identified to appropriate services. • Work in partnership with civil society organizations and other service providers to assist victims. • Implement formal procedures and training for identifying victims among vulnerable populations, such as individuals in commercial sex, and for referring victims for care. • Develop and publish an anti-trafficking action plan taking into account present challenges and allocate resources for its implementation. • Enhance interagency cooperation by forming a permanent anti-trafficking working group. • Improve data collection on government anti-trafficking efforts and make this data publicly available.

PROSECUTION

Venezuelan authorities under Maduro maintained very weak law enforcement efforts. Venezuelan law did not criminalize all forms of trafficking. Venezuelan law criminalized labor trafficking and some forms of sex trafficking of women and girls through a 2007 law on women's rights that prescribed penalties of 15 to 20 years' imprisonment. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute child sex trafficking and therefore, did not criminalize all forms of trafficking. Venezuelan law failed to criminalize trafficking of men and boys when perpetrators were

not part of an organized criminal organization. The law addressing organized crime criminalized trafficking by organized criminal groups of three or more individuals with penalties of 20 to 30 years' imprisonment. The penalties for these trafficking crimes were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The organized crime office (ONCDOFT), with a staff of approximately 60 employees, continued to be the lead investigative entity for trafficking crimes; however, most officers did not investigate trafficking or trafficking-related offenses. Venezuelan authorities did not report any training or operations in 2019, despite an increase in reports of trafficking of Venezuelans in border regions. Authorities did not report investigating, prosecuting, or convicting anyone for trafficking; however, press reports indicated 17 individuals were either arrested or indicted for trafficking crimes in 2019, compared with 99 in 2018. In a notable case, authorities under Maduro arrested and indicted nine individuals, including three complicit officials, with trafficking crimes after a ship en route to Trinidad and Tobago, alleged to have been transporting 90 fleeing Venezuelan migrants, was found wrecked at sea. According to stakeholders, traffickers sometimes abandon ships at sea and exploit women and girls in sex trafficking in nearby Caribbean islands. In November, the Maduro regime's attorney general created a special prosecutor's office to investigate trafficking crimes against women, develop anti-trafficking policies, and facilitate victims' access to justice. Stakeholders commended the decision but indicated the office remained understaffed with one prosecutor for the entire country, and its mandate did not include trafficking crimes against transgender individuals, children, or men. As a result, they are left unprotected and at risk of re-victimization.

Authorities did not report investigating complicity in trafficking crimes; however, some observers reported Venezuelan authorities facilitated and sometimes actively participated in trafficking crimes near border areas. According to stakeholders, officials at high levels linked to Maduro were complicit in trafficking crimes perpetrated by illegal armed groups, which operate in Venezuelan territory with impunity. An investigation conducted by the democratically elected National Assembly indicated coast guard officials, armed forces, and security services were acquiescent in transnational trafficking crimes, allowing the departure of vessels transporting trafficking victims to Caribbean islands.

PROTECTION

Venezuelan authorities did not report making efforts to identify or protect victims. According to media sources, the ONCDOFT continued to operate a 24-hour hotline to receive general reports of abuse against women, including trafficking allegations; however, several of the numbers provided were often inactive. Venezuelan authorities did not report identifying trafficking victims among vulnerable populations or referring victims to services. In 2019, one civil society organization estimated authorities under Maduro had identified approximately 273 victims exploited by trafficking rings between January and June.

In previous reporting years, victim referrals to different Venezuelan authorities, including ONCDOFT and the women's ministry, occurred on an ad hoc basis. The availability of victim services remained limited, and there were no specialized shelter for trafficking victims in the country. Civil society and religious organizations provided some assistance to victims of trafficking, including services for child victims of forced labor in Táchira state; outpatient psychological assistance for adult and child victims of sexual exploitation, including trafficking; and shelter for women victims of sexual exploitation, including trafficking. Historically, victims could reportedly access government centers for victims of domestic violence or at-risk youth, although services for male victims were minimal. Venezuelan law and authorities under Maduro did not conceptualize males as potential victims of trafficking; therefore, it was likely services for male victims of trafficking, particularly for men, did not exist. Authorities under Maduro reportedly made psychological and medical examinations available to trafficking victims, but additional victim services, such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance, were extremely limited. International media sources continued to report on the growing number of Venezuelan victims identified abroad, many repatriated or deported back to Venezuela; authorities under Maduro did not report what assistance, if any, they provided victims upon the victims' return or if authorities coordinated with foreign governments to ensure the protection of those victims.

PREVENTION

Venezuelan authorities under Maduro maintained inadequate prevention efforts. No permanent anti-trafficking interagency body existed, and although, authorities allegedly had a national action plan since 2006, it was unclear if it was used or updated to include present challenges, such as the increase in cases of forced labor in domestic service, a greater number of victims repatriated from other countries, and efforts necessary to mitigate the exploitation of those leaving the country as a result of the economic crisis. ONCDOFT organized a film screening with the participation of volunteer police officers to raise awareness of trafficking crimes, and the Ministry of Women in Miranda State convened a forum to discuss trafficking issues. In both cases, it was unclear who attended or what the audience was. Venezuelan authorities did not provide anti-trafficking training for its diplomatic personnel and did not report any specific activities to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Venezuela, and traffickers exploit Venezuelan victims abroad. As the economic situation continued to spiral into critical deterioration, more than 5 million Venezuelans have fled Venezuela to neighboring countries. The UN estimates approximately 6.5 million Venezuelans will have fled the country by the end of 2020. Traffickers have exploited Venezuelan victims in Aruba, The Bahamas, Bolivia, Brazil, Colombia, Costa Rica, Curacao, Dominican Republic, Ecuador, Guyana, Macau, Mexico, Panama, Peru, Spain, Suriname, and Trinidad and Tobago. Venezuelan women and girls were particularly vulnerable to sex trafficking in Colombia and Ecuador. An uncorroborated press report alleged the Spanish Ministry of Interior reported that by mid-2019, 391 Venezuelan victims of trafficking had been identified in Spain. While Spanish authorities did not confirm the exact number of Venezuelan victims identified, they reported in 2019, Venezuela was the number one source country for victims exploited in Spain. NGOs noted sex trafficking and forced labor in domestic service within the country increased in 2019. Traffickers increasingly exploit Venezuelan men in forced labor in other countries, including islands of the Dutch Caribbean. Dissident Colombian illegal armed groups, especially near border regions, subjected Venezuelans to forced criminality and forced recruitment. In 2019, the UN, foreign governments, media outlets, and credible NGOs reported Venezuelan government officials, including members of security forces and local authorities, mostly those near border regions, colluded with, tolerated, and allowed

Colombian illegal armed groups to operate in Venezuelan territory with impunity. Venezuelan officials acting at the behest of former president Nicolas Maduro and his inner circle or in their own personal interests, including out of fear for their safety, reportedly provided support and safe haven described below to FARC dissidents and the ELN. These groups grew through the recruitment of child soldiers and exploitation of children in sex trafficking and forced labor. Illegal armed groups lure children in vulnerable conditions and dire economic circumstances with gifts and promises of basic sustenance, denied to them and their families by the humanitarian situation in the country, to later recruit them into their ranks. These groups, including the ELN and FARC dissidents, recruit children to strengthen their operations and terrorize border communities in Venezuela and neighboring countries, especially Colombia, in areas with limited regime presence. A report published in 2019 documented the presence of six dissident movements comprising ex-FARC combatants in at least seven of 24 Venezuelan states, including Amazonas, Apure, Bolívar, Guárico, Mérida, Táchira, and Zulia, five of which are border states. Colombian authorities estimated there were approximately 36 ELN camps located on the Venezuela side of the Colombia-Venezuela border. Members of the former Maduro regime heavily relied on ELN, FARC dissidents, criminal groups, and pro-regime armed groups' criminal and terrorist activities inside of Venezuela, including human trafficking, to maintain their illegitimate control. According to documents reportedly from Venezuela's intelligence agency (SEBIN), a senior commander of the Armed Forces ordered members of the Army, National Guard, and militias loyal to former president Maduro operating in four states along with Colombia-Venezuela border to avoid engaging Colombian illegal armed groups in Venezuelan territory and encouraged them to aid and support their operations. Members of Maduro's former regime provided support and safe haven, which allowed the unhindered growth of these groups and threatened to destabilize the region, as they grow their ranks exploiting children in sex trafficking, forced labor, and forced recruitment. According to NGOs, forced labor is a common punishment for violating rules imposed by armed groups. Illegal armed groups exploited Venezuelans, including children, into forced labor in mining areas and women and girls in sex trafficking. Traffickers subject Venezuelan women and girls, including some lured from poor interior regions to Caracas, Maracaibo, and Margarita Island, to sex trafficking and child sex tourism within the country. Traffickers, often relatives of the victims, exploit Venezuelan children in forced labor for domestic service within the country. Venezuelan officials and international organizations

have reported identifying sex and labor trafficking victims from South American, Caribbean, Asian, and African countries in Venezuela. Foreign nationals living in Venezuela subject Ecuadorians, Filipinos, and other foreign nationals to forced labor in domestic service. Illegal mining operations exist in some of the country's most remote areas, including Bolivar state, where traffickers exploit girls into sex trafficking, forcibly recruit youth to join armed criminal groups, and forced children to work in the mines under dangerous conditions. In 2019, there was an increase in sex and labor trafficking in the informal mining sector. It was estimated roughly 45 percent of miners in Bolívar state were underage and extremely vulnerable to trafficking. Armed groups exploit civilians and kidnapping victims into sex trafficking and forced labor, including farming, domestic service, and construction. Workers recruited from other areas of the country were victims of forced labor and manipulated through debt, threats of violence, and even death. Traffickers exploited women and girls, especially those from indigenous communities. The Cuban government may have forced some Cubans participating in its government-sponsored medical missions in Venezuela to work. Some Cuban medical professionals posted in Venezuela indicated Cuban minders withheld their documentation and coerced them to falsify medical records.

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