

2024 Trafficking in Persons Report: Venezuela

VENEZUELA (Tier 3)

Venezuela does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Venezuela remained on Tier 3. The United States does not recognize Maduro and his representatives as the Government of Venezuela. U.S. policy supports the 2015 National Assembly and the Venezuelan people in their struggle for a stable, democratic, and prosperous Venezuela. On January 10, 2019, the term of former president Nicolás Maduro ended. The 2015 National Assembly remains the only national democratically elected institution in Venezuela. On January 5, 2023, the 2015 National Assembly elected new leadership. Maduro refused to cede control, preventing the National Assembly from exercising authority within the country. References herein reflect efforts made, or lack thereof, by Maduro and his representatives and not the democratically elected officials unable to exercise their authority within the country. Mentions of “Maduro and his representatives” or “Maduro representatives” below are not intended to indicate that the United States considers such entities to be the Government of Venezuela. Despite a lack of significant efforts, Maduro and his representatives took some steps to address trafficking, including charging a complicit official and sentencing two traffickers to significant prison time. However, lack of reliable public information and restrictions on the press limited reporting on anti-trafficking efforts. Complicity, including in trafficking crimes, continued to be a serious problem. Complicit representatives overlooked and participated in sex trafficking crimes with impunity. In addition, Maduro and his representatives were complicit in trafficking crimes as they maintained a permissive environment for non-state armed groups (NSAGs) and other illegal armed groups that forcibly recruited and used children for conflict or forced criminality, and exploited in sex trafficking and forced labor, while operating with impunity.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit individuals and those involved in child sex trafficking, the recruitment or use of children by NSAGs or other illegal armed groups, trafficking of men, and LGBTQI+ persons. * Provide specialized services for all trafficking victims, including repatriated victims, men, boys, and LGBTQI+ individuals, as well as former soldiers. * Proactively inform Venezuelans fleeing the country about the risks of human trafficking and where and how to seek services. * Implement formal procedures and training, including for migration and law enforcement personnel at border crossings, to identify victims among vulnerable populations, such as individuals in commercial sex and children recruited or used by armed groups, and refer victims for care. * Draft and enact comprehensive anti-trafficking legislation criminalizing all forms of trafficking, including child sex trafficking without elements of force, fraud, or coercion and the trafficking of men and boys. * Proactively screen Cuban medical workers for trafficking indicators and protect those who are identified as victims. * Fund and collaborate with civil society organizations and other service providers to increase protection and assistance for victims. * Finalize, fund, and implement a NAP to address trafficking and present challenges, including mass migration and displacement, complicity, and the recruitment or use of children for armed conflict. * Enhance interagency cooperation by forming a permanent anti-trafficking working group. * Improve data collection of anti-trafficking efforts and make this data publicly available.

PROSECUTION

Maduro and his representatives maintained inadequate law enforcement efforts. Venezuelan law did not criminalize all forms of trafficking. The 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, it 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 the 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 trafficking crimes by organized criminal groups were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other grave crimes, such as rape.

Maduro and his representatives did not report investigating, prosecuting, or convicting any traffickers. Media reports indicated Maduro representatives investigated at least two cases involving five suspects. In one case, two suspects were charged with trafficking crimes, including a complicit official, and in the other, three traffickers were prosecuted, convicted, and sentenced to at least 22 years' imprisonment. The Scientific, Penal, and Criminal Investigations Corps (CICPC) was the specialized law enforcement unit charged with the investigation of trafficking crimes. The organized crime office (ONCDOFT) was the lead entity charged with the prosecution of trafficking crimes against women and girls; however, its efforts did not include prosecuting crimes against male victims or LGBTQI+ persons, which likely led to impunity of traffickers and left victims unprotected and at risk of re-victimization. Survivors of trafficking reported having to travel long distances to reach the courts for legal proceedings in their cases and having to wait long periods of time. Survivors indicated the judicial process moved slowly, and technical and privacy issues were pervasive. In coordination with an international organization, the Attorney General's Office (AGO) developed a guide for the investigation of trafficking crimes, but the government did not report if the guide included indicators of trafficking crimes or if any officials received training on its use. In 2023, an international committee noted concern with the lack of measures to prosecute and punish cases of human trafficking. Maduro and his representatives did not report cooperating with foreign governments to investigate trafficking crimes, despite the identification of Venezuelan trafficking victims in numerous countries over the last five years.

Years of corruption, incompetence, and abuse weakened institutional capacity and fostered a permissive environment for NSAGs and other illegal armed groups, such as transnational criminal organizations, powerful mining gangs, and criminal groups (*grupos de control*) that operate in illegal mining areas and exploit women and girls in sex trafficking. According to stakeholders, individuals at high levels who were linked to Maduro and his representatives were complicit in trafficking crimes themselves or provided support and a permissive environment to groups perpetrating these crimes. NGOs indicated Maduro and his representatives continuously overlooked the recruitment and use of children by illegal armed groups. Near land and maritime border crossings, survivors reported Maduro representatives and coast guard personnel facilitated and sometimes actively participated in trafficking crimes. In 2023, concern for official complicity in sex trafficking crimes continued. According to sources, the pervasive environment of impunity likely emboldened complicit individuals to engage in human trafficking crimes, and the absence of a free press prevented adequate reporting; state and local media ignored documented cases of official complicity in human trafficking crimes. Maduro and his representatives did not report any investigations, prosecutions, or convictions of public representatives complicit in trafficking crimes. However, according to press reports, in 2023, a military officer was arrested and charged with trafficking crimes after attempting to send three girls and a woman to Peru to be exploited in sex trafficking. Family members of individuals who disappeared at sea and civil society organizations alleged Maduro and his representatives were unwilling to investigate a trafficking network between Venezuela and Caribbean countries because Maduro-linked individuals were complicit in the perpetration of trafficking crimes. Media sources reported complicit Maduro representatives charged \$300 to \$400 to allow the departure of boats transporting trafficking victims to nearby Caribbean islands. Maduro representatives did not make notable efforts to investigate complicity, particularly the long-standing allegation that national guard and the coast guard members active in coastal states, such as Sucre and Falcon facilitated the transport of victims to Aruba, Curaçao, and Trinidad and Tobago. According to an international organization, members of the national guard working in mining zones contributed to the demand for commercial sex in

communities that lacked oversight because of an absence of regulatory mechanisms and may have exacerbated trafficking crimes as those involved may have been trafficking victims.

PROTECTION

Maduro and his representatives maintained minimal protection efforts and did not report identifying or referring victims to services. In 2023, Maduro representatives and an international organization developed a guide for the protection of trafficking victims in emergency shelters. While the guide was thorough and addressed the importance of adequate care, the government did not report if measures outlined in the guide were adopted, or if training or funding were provided to the relevant stakeholders for effective implementation. According to an NGO, by mid-2023, approximately 267 Venezuelan women and girls had been identified in operations against trafficking networks inside and outside the country, 34 of whom were girls. This compared with 1,390 victims identified in 2022, and 415 victims reported by the NGO in 2021. According to media reports, Maduro representatives identified one adult female victim of unspecified trafficking, compared with eight victims identified in 2022. Civil society actors identified nine girl victims, eight of whom were exploited in sex trafficking in Peru and one victim exploited in forced labor in a spa in Trinidad and Tobago. Availability of victim services remained limited, with no specialized shelters for trafficking victims in the country. An international NGO, without government support, reported assisting two Venezuelan victims exploited in Colombia, one man victim of forced labor and one woman victim of sex trafficking. In 2023, UNHCR launched a Global Protection Cluster convening several U.N. agencies, international NGOs, and domestic civil society partners to establish a protection response to the humanitarian crisis facing the country, including addressing protection for victims of human trafficking. Venezuelan law and efforts focused primarily on women and girls as potential victims of human trafficking crimes to the exclusion of boys, men, and LGBTQI+ persons, leaving them more vulnerable and unprotected. An NGO reported LGBTQI+ victims had trouble accessing services, and in some cases, were turned away from shelters. Sources noted LGBTQI+ trafficking victims were “invisible” to Maduro representatives. NGOs reported efforts by Maduro representatives to increase oversight of their foreign funding might limit their ability to provide services to trafficking victims. Maduro and his representatives did not have specialized services, and reportedly provided services based on a victim’s degree of vulnerability and social risk, the type of crime involved, the victim’s relationship with the aggressor, and the victim’s individual psychological, social, and economic profile. There was a 24-hour hotline to report cases of abuse against women, including trafficking; however, observers noted it was not consistently operational, and the government did not report if it was operated by Maduro representatives or a humanitarian organization. There was an NGO-operated hotline, and in 2023, one victim was identified in coordination with the AGO. Maduro representatives did not report what assistance, if any, they provided Venezuelan victims upon their return to Venezuela or if they coordinated with foreign governments to ensure the protection of those victims. NGOs and international organizations facilitated training and workshops on trafficking, including improvement of protection services, but the government did not report what support if any, these organizations received from Maduro and his representatives.

PREVENTION

Maduro and his representatives maintained inadequate prevention efforts. No permanent anti-trafficking interagency body existed, and Maduro representatives did not report efforts to implement, fund, or publish the 2021-2025 NAP, approved by decree in 2021. Maduro representatives did not report on the content of the plan, including whether it addressed present challenges, such as forced labor in domestic service, the recruitment and use of children for armed conflict, the pervasive recruitment and use of children by illegal armed groups in forced criminality, the increase in victim repatriations from other countries, or efforts necessary to mitigate the exploitation of those leaving the country as a result of the economic crisis. Maduro and his representatives did not make efforts to inform Venezuelans fleeing the country about the risks of human trafficking despite notable concerns with the vulnerability of this population to exploitation

and trafficking crimes. NGOs reported carrying out awareness-raising activities and events with minimal support Maduro representatives. Maduro representatives did not provide any known anti-trafficking training for their diplomatic personnel and did not report any efforts 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 Venezuela's economic, political, and humanitarian crises continued, more than seven million Venezuelans have fled to countries around the world, and more than six million have settled in 18 countries in the region. Traffickers allegedly recruit Venezuelan migrants and refugees into trafficking networks, particularly women and girls, using false promises of safe migration. Venezuelan trafficking victims have been identified in 24 countries over the last five years. Traffickers exploit Venezuelan nationals in Aruba, The Bahamas, Bolivia, Brazil, Chile, the People's Republic of China (PRC), Colombia, Costa Rica, Curaçao, the Dominican Republic, Ecuador, Egypt, Germany, Guyana, Haiti, Iceland, Macau, Mexico, Panama, Peru, Spain, Suriname, Trinidad and Tobago, and Uruguay. Venezuelan women and girls are particularly at risk of sex trafficking in neighboring countries. Venezuelan women and girls are exploited in sex trafficking in Peru's mining encampments and businesses serving miners. Traffickers lured women, including transgender women, to Spain and Germany with fraudulent employment opportunities and subjected them to forced surgical procedures before exploiting them in commercial sex. Traffickers increasingly exploit Venezuelan men in forced labor in other countries, including Aruba and Curaçao.

NSAGs, including Colombian illegal armed groups, especially near border regions, subject Venezuelans – mainly migrants and refugees – to forced criminality, and they recruit and use child soldiers. The UN, foreign governments, media outlets, and credible NGOs reported Maduro representatives – including security forces and local representatives, especially those near border regions – colluded with, tolerated, and allowed Colombian illegal armed groups to operate in Venezuelan territory with impunity, while also confronting groups at other times. Maduro and his representatives reportedly provided support and a permissive environment to NSAGs that recruited and used children for conflict and forced criminality. Conflict among competing Colombian illegal armed groups for territorial control near the Venezuela-Colombia border led to the forced displacement of vulnerable Indigenous communities. Many fled in fear that their children might be recruited by armed groups after receiving threats their children would be abducted. These NSAGs grew through the recruitment of child soldiers and engaged in sex trafficking and forced labor. In most cases, they lured children in vulnerable conditions and dire economic circumstances with gifts and promises of basic sustenance for themselves and their families and later recruited them into their ranks. These groups recruited children to strengthen their operations and terrorize border communities in Venezuela and neighboring countries, especially Colombia, in areas with limited governance. An NGO reported NSAGs indoctrinated, recruited, and engaged children in five Venezuelan states by using lectures, brochures, and school supply donations. Reports have documented the presence of six dissident movements comprising FARC–People's Army (FARC-EP), a dissident group of the demobilized FARC, and combatants in several Venezuelan states, including Amazonas, Apure, Bolívar, Guárico, Mérida, Táchira, and Zulia, five of which are border states. Maduro representatives imprisoned a civil society activist under politically motivated pretexts after his organization documented and denounced Maduro representatives' complicity and support for NSAGs, including those that recruited or used children for conflict, among other crimes. Maduro and his representatives likely profit from NSAGs' criminal and terrorist activities inside Venezuela, including human trafficking, and such funds likely contribute to their efforts to maintain control. Members of the Army, National Guard, and militias present along the Colombia-Venezuela border avoided engaging unspecified allied groups in Venezuelan territory and encouraged the armed forces to aid and support their operations. These groups threaten to destabilize the region, as they grow their ranks, exploiting children in sex trafficking, forced labor, and recruitment or use of child soldiers. According to NGOs, forced labor is a common punishment for violating rules imposed by armed groups. Illegal armed groups forced Venezuelans, including children, to work in mining areas and women and girls into sex trafficking.

Maduro representatives 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 domestic servitude. Illegal gold mining operations exist in some of the country's most remote areas, including the Orinoco Mining Arc in Bolívar state, where traffickers exploit primarily women and girls in sex trafficking, forcibly recruit youth to join armed criminal groups, and force children to work in the mines under dangerous conditions. Approximately 45 percent of miners in Bolívar state were children and highly vulnerable to trafficking. Armed groups exploit civilians and kidnapping victims in sex trafficking and forced labor, including in 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. In 2021, an NGO reported that mining gangs and NSAGs operating near Delta Amacuro in Bolívar state led members of the Indigenous Warao community into Guyana to work long shifts in illegal mines with no medical care and under precarious conditions. Traffickers recruited Warao women to work as cooks in the mines and later subjected them to sex trafficking in Guyana.

A Venezuelan transnational criminal organization – El Tren de Aragua – continues to expand its operations in the region, exploiting Venezuelan women and girls in at least five countries. These traffickers use beauty contests and marketing agencies to fraudulently lure women and girls and later exploit them in other countries or sell them to other criminal organizations. NGOs reported an increased incidence of domestic servitude and sex trafficking within the country.

The Cuban government continued to exploit some Cuban government-affiliated workers in Venezuela in forced labor. There were 13,000 Cuban government-affiliated medical professionals in the country, some of whom were forced to work by the Cuban government with support from Maduro and his representatives. According to a report, Cuban government-affiliated workers in Venezuela did not receive decent living wages and had to rely on the generosity of their patients or money from their family back in Cuba. Survivors of trafficking who were in this program in Venezuela reported several indicators of forced labor, including having minders to ensure they were home after 6:00 pm and being subjected to peer-to-peer surveillance as a primary form of control. According to survivors of trafficking, they were placed in homes with more than 20 workers, two per room, and if one did something wrong, both would be punished. This created an incentive for workers to turn on each other. Survivors of trafficking who were in Venezuela reported being coerced into committing criminal acts by falsifying medical records and disposing of medicine to corroborate the fraudulent records they had to produce. Survivors of trafficking faced extensive and grave reprisals from Cuban authorities for refusing to follow orders. In 2022, 17 Cuban medical workers, likely trafficking victims, who were stationed in Venezuela, attempted to escape to Colombia but were arrested by Maduro representatives and turned over to Cuban authorities. These medical professionals, including potential victims likely faced eight years of imprisonment upon arrival in Cuba. Cuban authorities ordered minders to take the passports of the remaining Cuban medical workers in Venezuela to prevent them from fleeing.