

Document #2055309

USDOS – US Department of State

2021 Trafficking in Persons Report: Venezuela

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, even considering the impact of the COVID-19 pandemic, on its anti-trafficking capacity; therefore Venezuela remained on Tier 3. On January 10, 2019, the term of former president Nicolás Maduro ended. On January 23, 2019, Juan Guaidó assumed the role of interim president; however, former president Maduro refused to cede control, preventing interim president Guaidó from exercising authority within the country. The United States continues to recognize the authority of the democratically elected 2015 National Assembly and of Juan Guaidó as the interim president of Venezuela. References to a “regime” or “Maduro regime” below are not intended to indicate that the United States considers such entity a government. Despite the lack of significant efforts, in 2020, according to press reports, Venezuelan authorities under the illegitimate Maduro issued arrest warrants for seven complicit officials in a notable case involving potential trafficking victims who perished at sea. However, authorities did not report assisting any victims or prosecuting or convicting any traffickers. Venezuelan authorities provided support and a permissive environment to non-state armed groups, including Colombian illegal armed groups that recruited and used child soldiers for armed conflict and engaged in sex trafficking and forced labor while operating in Venezuelan territory with impunity. Venezuelan authorities did not make sufficient efforts to curb forced recruitment of Venezuelan children by non-state armed groups.

PRIORITIZED RECOMMENDATIONS:

Investigate, prosecute, and convict alleged traffickers, 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 LGBTQI+ 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. • Proactively inform 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 to identify and respond appropriately to 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. • Fund and collaborate with civil society organizations and other service providers to increase protection and assistance for 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—such as mass migration and displacement—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 the Maduro regime 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 trafficking crimes by organized criminal groups 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 approximately 24 employees, focused on trafficking crimes and continued to be the lead entity for trafficking issues. According to a press report, regime authorities investigated 66 cases of trafficking in 2020. Press reports indicated authorities either arrested or indicted 63 individuals for trafficking crimes in 2020, compared with 17 in 2019 and 99 in 2018. In a notable case, authorities continued to

investigate six suspected traffickers and issued arrest warrants for seven national guard officers suspected of complicity in facilitating trafficking crimes after a ship en route to Trinidad and Tobago capsized and killed 28 alleged victims. Some observers asserted some of the arrests and investigations reported in the media were politically motivated cases of persecution by the Maduro regime of individuals helping opposition supporters and others depart Venezuela. Reports indicated one additional investigation of officials for alleged complicity in trafficking crimes; however, authorities did not indicate if any complicit officials were prosecuted or convicted for trafficking crimes. Years of corruption, incompetence, and abuse weakened the Maduro regime’s capacity to govern and hollowed out legitimate institutions, fostering a permissive environment for non-state armed groups to operate with impunity. According to stakeholders, officials at high levels linked to Maduro were complicit in trafficking crimes perpetrated by non-state armed groups and provided support and a permissive environment. A civil society organization alleged forced recruitment of children by non-state armed groups, including the ELN and FARC dissidents, was rampant in Venezuela. Colombian illegal armed groups recruited and used child soldiers for armed conflict and engaged in sex trafficking and forced labor. Another NGO indicated school drop-out rates during the pandemic reached 82 percent in border states, and 75 percent of those who left school had direct or indirect links to irregular armed groups. Contacts reported that school closures, lack of access to school lunches, and school supplies increased non-state armed groups’ ability to recruit children as they sought to fill this gap. A civil society organization indicated FARC dissidents and the ELN registered more than 20,000 students to receive school supplies as the first step in the recruitment process. Representatives of the Guaidó-led interim government estimated that non-state armed groups recruited 75 percent of children unable to attend school in border regions. The special prosecutor’s office charged with investigating trafficking crimes against women, developing anti-trafficking policies, and facilitating victims’ access to justice did not report updates on its activity. The special prosecutor’s mandate did not include trafficking crimes against transgender individuals, children, or men, leading to impunity of traffickers, and leaving victims unprotected and at risk of re-victimization. Venezuelan authorities reported holding one training session, in collaboration with an international organization, in Anzoátegui state; authorities also reported conducting additional training activities but did not provide additional details.

PROTECTION

Venezuelan authorities did not report making efforts to identify or protect victims. In 2020, one civil society organization estimated authorities under the Maduro regime had identified approximately 233 victims exploited by 11 trafficking rings between January and June. 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. Stakeholders reported unemployment caused by the pandemic and quarantine measures adopted to mitigate the spread of the virus increased the vulnerability of Venezuelans to sex trafficking and forced labor, as many were unable to secure employment in the formal or informal sector. Civil society organizations reported the regime used resources that would otherwise have been dedicated to victim identification and support to address the impact of the pandemic.

Availability of victim services remained limited, and there were no specialized shelters for trafficking victims in the country. While civil society and religious organizations provided some services to victims of trafficking—including assistance 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—such assistance may have been temporarily suspended or limited as a result of the pandemic. In addition, these organizations noted the pandemic and regime efforts to restrict foreign funding limited their ability to provide services to trafficking victims. 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 did not consider males as potential victims of trafficking; therefore, it was likely services for male victims of trafficking, particularly for men, did not exist. Authorities 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 minimal. International media sources continued to report on the growing number of Venezuelan victims identified abroad, many repatriated or deported back to Venezuela; authorities did not report what assistance, if any, they provided victims upon their 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. Regime authorities did not report any activities carried out under a new, media-reported 2020-2025 national action plan; regime authorities also did not report on the content of the plan, including whether it addressed present challenges, such as the increase in cases of forced labor in domestic service, the forced recruitment of children into armed conflict, 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 held a three-week virtual event series that provided presentations and training to an unknown number of participants on ways to prevent trafficking. 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 5.6 million Venezuelans have fled Venezuela to neighboring countries. Traffickers have exploited Venezuelan victims in Aruba, The Bahamas, Bolivia, Brazil, Colombia, Costa Rica, Curacao, Dominican Republic, Ecuador, Guyana, Haiti, Iceland, Macau, Mexico, Panama, Peru, Spain, Suriname, and Trinidad and Tobago. Venezuelan women and girls were particularly vulnerable to sex trafficking in Colombia, Ecuador, and Trinidad and Tobago. In 2020, 23 percent of victims identified in the Mexican state of Quintana Roo were Venezuelan. In 2019, Spanish authorities reported that Venezuela was the number one source country for victims exploited in Spain. In 2019, NGOs noted an increase in cases of sex trafficking and forced labor in domestic service and, in 2020, an increase in cases of sex trafficking and forced labor in the mining sector within the country. Traffickers increasingly exploit Venezuelan men in forced labor in other countries, including Aruba and Curacao.

Non-state armed groups, including 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 Maduro regime officials, including members of security forces and local authorities, including those near border regions, colluded with, tolerated, and allowed Colombian illegal armed groups to operate in Venezuelan territory with impunity. These officials reportedly provided support and a permissive environment to non-state armed groups that recruited children for armed conflict and forced criminality. These non-state armed groups grew through the recruitment of child soldiers and engaged in sex trafficking and forced labor. They lured children in vulnerable conditions and dire economic circumstances with gifts and promises of basic sustenance for themselves and their families to later recruit 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 non-state armed groups indoctrinated, recruited, and engaged children in five Venezuelan states using lectures, brochures, and school supply donations. Reports have documented the presence of six dissident movements comprising ex-FARC combatants in at least seven of 24 Venezuelan states, including Amazonas, Apure, Bolivar, Guárico, Mérida, Táchira, and Zulia, five of which are border states. In 2019, Colombian authorities estimated there were approximately 36 ELN camps located on the Venezuela side of the Colombia-Venezuela border. Members of the Maduro regime probably profit from such non-state armed groups' criminal and terrorist activities inside Venezuela, including human trafficking, and such funds likely contribute to their efforts to maintain their illegitimate control. According to documents reportedly from Venezuela's intelligence agency (SEBIN) and published in Colombian press, the Armed Forces in 2019 ordered members of the Army, National Guard, and militias present in four states along with Colombia-Venezuela border to avoid 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 forced recruitment. 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. 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 domestic servitude 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 domestic servitude. Illegal gold mining operations exist in some of the country's most remote areas, including the Orinoco Mining Arc in Bolivar state, where traffickers exploit girls in sex trafficking, forcibly recruit youth to join armed criminal groups, and force children to work in the mines under dangerous conditions. In 2019, there was an increase in sex and labor trafficking in the informal gold 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 in 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. Some doctors participating in Cuba's overseas medical program showed indicators of forced labor. The Cuban government may have forced Cubans medical workers 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. An NGO reported failure to obtain adequate personal protective equipment for medical workers could have contributed to the death of at least one Cuban medical worker.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2020 to March 2021)

Country:

Venezuela

Source:

[USDOS – US Department of State](#)

Original link:

[https://www.state.gov/reports/2021-
trafficking-in-persons-
report/venezuela/](https://www.state.gov/reports/2021-
trafficking-in-persons-
report/venezuela/)

Document type:
Periodical Report

Language:
English

Published:
1 July 2021

Document ID:
2055309

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

