

2022 Trafficking in Persons Report: Venezuela

Venezuela (Tier 3)

The 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, National Assembly president Juan Guaidó assumed the role of interim president based on a presidential vacancy clause in the Venezuelan Constitution. 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 Juan Guaidó as the interim president of Venezuela. References herein reflect efforts made, or lack thereof, by the Maduro regime representatives and not the democratically elected administration that was unable to exercise its' authority within the country during the reporting period. Mentions of "representatives," "regime," "regime representatives," or "Maduro regime" below are not intended to indicate that the United States considers such entities to be the recognized government of Venezuela. Despite the lack of significant efforts, the regime representatives took some steps to address trafficking, including arresting some complicit individuals and issuing a decree for the development of the national action plan (NAP). However, regime representatives did not report assisting any victims or prosecuting or convicting any traffickers. Regime restrictions on the press and pandemic-related measures limited reporting. Maduro and regime representatives continued to provide support and maintained a permissive environment to non-state armed groups that recruited and used child soldiers for armed conflict and engaged in sex trafficking and forced labor while operating with impunity. Despite such reports, representatives did not make sufficient efforts to curb forced recruitment of children by non-state armed groups.

PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate, prosecute, and convict traffickers, including complicit regime representatives and those 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.
- 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 personnel operating in border crossings to identify and respond appropriately to trafficking indicators.
- 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.
- Given significant concerns about forced labor indicators in Cuban international work programs, screen Cuban overseas workers, including 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.
- Finalize, fund, and implement a NAP to address trafficking and present challenges, including mass migration and displacement, regime complicity, and forced recruitment

- 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

Regime representatives under Maduro 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 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) focused on trafficking crimes and continued to be the lead entity for trafficking issues. Regime representatives did not report investigating, prosecuting, or convicting any traffickers. A media outlet reported that the regime arrested between 26 and 30 alleged traffickers in 2021, compared with similar reports from previous years noting the arrest or indictment of 63 individuals in 2020, 17 in 2019, and 99 in 2018. In previous years, observers asserted some of the arrests and investigations reported in the media were politically motivated persecutions by the Maduro regime of individuals helping opposition supporters and others depart Venezuela. Years of corruption, incompetence, and abuse weakened the Maduro regime's capacity to govern and hollowed out the country's institutions, fostering a permissive environment for non-state armed groups to operate with impunity. According to stakeholders, regime representatives at high levels linked to Maduro were complicit in trafficking crimes perpetrated by non-state armed groups and provided support and a permissive environment. NGOs indicated that regime representatives continued to overlook the forced recruitment of children by illegal armed groups. Near border crossings, survivors reported national guard personnel facilitated, and sometimes actively participated in, trafficking crimes. According to family members of those who disappeared at sea, regime representatives were unwilling to investigate a trafficking network between Venezuela and Caribbean countries because those same individuals were involved in the perpetration of trafficking crimes. Media sources reported some regime representatives charged between \$300 to \$400 to allow the departure of boats transporting trafficking victims to nearby Caribbean islands. The regime did not make notable efforts to investigate official complicity, including in a case reported last year involving 13 alleged traffickers, including seven members of the national guard who may have facilitated the transport of victims to Trinidad and Tobago in a ship that capsized and killed 28 alleged victims of trafficking. In a press statement, the regime reported arresting five civil servants for trafficking crimes. Regime representatives did not report any prosecutions or convictions of public representatives complicit in trafficking crimes.

There were two special prosecutor's offices responsible for investigating trafficking crimes against women, developing anti-trafficking policies, and facilitating victims' access to justice. 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. Media reporting indicated the specialized prosecutor's office was handling the investigation of a child sex trafficking ring operating in Apure that led to numerous arrests including some complicit regime-affiliated individuals. Civil society organizations expressed some doubt whether the special prosecutor's offices were active. Venezuelan prosecutors facilitated two workshops for civil servants on the criminalization of trafficking crimes.

PROTECTION

Regime representatives under Maduro maintained inadequate protection efforts. Regime representatives did not report identifying or referring victims to services during the reporting period. In a press statement, the attorney general noted that since 2017, the regime and its predecessor had identified nearly 696 victims of human trafficking, of which 14 were identified in 2021. 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, such assistance may have been temporarily suspended or limited as a result of the pandemic. In addition, regime efforts to restrict foreign funding limited their ability to provide services to trafficking victims. The regime claimed to have a non-specialized victim care program under the public ministry. Regime representatives 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. NGOs remained skeptical of the regime's reported efforts. Historically, victims could reportedly access regime centers for victims of domestic violence or at-risk youth, although services for male victims were minimal. Venezuelan law and the regime representatives focused primarily on women and girls as potential victims of human trafficking crimes to the exclusion of boys, men, and LGBTQI+ persons, leaving them vulnerable and unprotected. The regime 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. 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, in previous years several of the numbers provided were often inactive. Stakeholders reported unemployment, caused by pandemic quarantine measures, 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. International media sources continued to report on the growing number of Venezuelan victims identified abroad; many repatriated or were deported back to Venezuela; the regime did not report what assistance, if any, they provided victims upon their return or if they coordinated with foreign governments to ensure the protection of those victims.

PREVENTION

Regime representatives under Maduro maintained inadequate prevention efforts. No permanent anti-trafficking interagency body existed. In 2021, the regime approved a decree for the development of the 2021-2025 NAP; however, regime representatives did not report efforts to implement or fund the NAP. NGOs noted it was impossible to verify progress made due to lack of transparency and coordination with external actors. In addition, the regime 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, the increase in victim repatriations from other countries, and efforts necessary to mitigate the exploitation of those leaving the country as a result of the economic crisis. ONCDOFT conducted an awareness campaign in the State of Portuguesa and separately participated in the trafficking in persons breakout meeting at the South American Conference on Migration. The regime did not provide anti-trafficking training for their 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 continues to spiral into critical deterioration, more than six million Venezuelans have fled Venezuela to neighboring countries. Traffickers exploit Venezuelan nationals in Aruba, The Bahamas, Bolivia, Brazil, Chile, the People's Republic of China, Colombia, Costa Rica, Curaçao, Dominican Republic, Ecuador, Egypt, Germany, Guyana, Haiti, Iceland, Macau, Mexico, Panama, Peru, Spain, Suriname, and Trinidad and Tobago. Venezuelan women and girls are particularly at risk of sex trafficking in Colombia, Ecuador, and Trinidad and Tobago. In 2021, 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. A civil society organization reported 517 victims were identified in 2020, of which 124 were children, 210 were identified domestically, 60 in Colombia and Guyana, 52 in Trinidad and Tobago, 39 in Spain, 32 in the Dominican Republic, and 26 in Mexico. Traffickers increasingly exploit Venezuelan men in forced labor in other countries, including Aruba and Curaçao.

Non-state armed groups, including Colombian illegal armed groups, especially near border regions, subject Venezuelans to forced criminality and use child soldiers. In 2019, the UN, foreign governments, media outlets, and credible NGOs reported Maduro regime representatives, including members of security forces and local representatives, including 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. 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 FARC dissident combatants in at least seven of 24 Venezuelan states, including Amazonas, Apure, Bolívar, 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. In 2021, the regime imprisoned a civil society activist under politically motivated pretexts after his organization denounced and documented the regime's support for non-state armed groups, including those that recruited children for armed conflict among other crimes. 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 control. According to documents reportedly from the regime'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 the 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. Regime 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 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; Approximately 45 percent of miners in Bolivar state were children 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. In 2021, an NGO reported non-state armed groups operating near Delta Amacuro in Bolivar 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. Some doctors participating in Cuba's overseas medical program showed indicators of forced labor. In 2021, there were between 19,500 and 21,000 Cuban medical workers in the country. The Cuban government may be exploiting Cuban overseas workers, participating in its government-sponsored medical missions in Venezuela, in forced labor. 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 potential medical worker victims could have contributed to the death of at least one Cuban medical worker. NGOs reported an increased incidence of domestic servitude and sex trafficking within the country. According to civil society organizations, Venezuela has the highest rate in Latin America of people exploited in human trafficking with 5.6 per 1,000 people.