

2023 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 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 19, 2023, the 2015 legitimate National Assembly elected new leadership. The 2015 National Assembly remains the only national democratically elected institution in Venezuela. Maduro refused to cede control, preventing the National Assembly from exercising authority within the country. References herein reflect efforts made, or lack thereof, by the Maduro regime and not the democratically elected officials unable to exercise their authority within the country during the reporting period. Mentions of the “regime,” or “Maduro regime” 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, the regime took limited steps to address trafficking, including arresting some traffickers and identifying some victims. However, the Maduro regime did not report assisting any victims or prosecuting or convicting any traffickers. Lack of reliable public information and regime restrictions on the press limited reporting on anti-trafficking efforts. The Maduro regime continued to provide support and maintained a permissive environment for non-state armed groups (NSAGs) and other illegal armed groups that forcibly recruited and used children for armed conflict or forced criminality and engaged in sex trafficking and forced labor while operating with impunity. Despite such reports, the regime did not make sufficient efforts to curb forced recruitment and use of children for armed conflict or forced criminality.

PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate, prosecute, and convict traffickers, including complicit regime members and those involved in the forcible recruitment of children into NSAGs or other illegal armed groups.
- 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 on 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 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.
- Increase staffing and funding for the special prosecutor’s office to combat trafficking.
- Proactively screen Cuban medical workers for trafficking indicators and protect those who are victims of trafficking.
- 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, 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

The Maduro regime 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 serious crimes, such as rape.

The Maduro regime did not report investigating, prosecuting, or convicting any traffickers. The organized crime office (ONCDOFT) was the lead entity for trafficking issues. In 2022, the Maduro regime announced the creation of specialized law enforcement units for the investigation of trafficking crimes under the Scientific, Penal, and Criminal Investigations Corps (CICPC). The CICPC also created regional coordination groups to investigate trafficking crime; however, civil society organizations reported these groups were not operational. In public announcements and according to media reports, the CICPC and the national police dismantled 11 trafficking networks and arrested between 27 and 30 alleged traffickers. This compared with similar media reports from 2021 noting the arrests of 26 to 30 alleged traffickers. Years of corruption, incompetence, and abuse weakened the Maduro regime's capacity and hollowed out the country's institutions, fostering a permissive environment for NSAGs and other illegal armed groups, such as transnational criminal organizations, pro-regime criminal groups, and powerful mining gangs, that often operated with impunity. According to stakeholders, individuals at high levels who were linked to Maduro were complicit in trafficking crimes perpetrated by some of these groups as they provided support and a permissive environment. NGOs indicated the Maduro regime continuously overlooked 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. The regime rarely reported cooperation with foreign governments to investigate trafficking crimes, despite the identification of Venezuelan trafficking victims in 24 countries over the last five years. According to family members of those who disappeared at sea, the Maduro regime was unwilling to investigate a trafficking network between Venezuela and Caribbean countries because regime individuals were complicit in the perpetration of trafficking crimes. Media sources reported the Maduro regime charged \$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 regime complicity, including in the long-standing allegation that national guard members facilitated the transport of victims to Trinidad and Tobago in a ship that capsized and killed 28 alleged trafficking victims in 2021. 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. The Maduro regime did not report any investigations, 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. Civil society organizations expressed some doubt whether the special prosecutor's offices were active.

PROTECTION

The Maduro regime maintained minimal protection efforts and did not report identifying or referring victims to services during the reporting period. According to an NGO, 1,390 Venezuelan women and girls had been identified in operations against trafficking networks inside and outside the country, compared with 415 victims reported by the NGO in 2021. The same NGO attributed the increase to better monitoring but noted the number of victims was likely greater. An assessment of press reports indicated the Maduro regime identified at least eight victims in 2022. Availability of victim services remained limited, with no specialized shelters for trafficking victims in the country. Civil society and charity organizations provided psychological care and shelter to female and child victims of sexual exploitation, including sex trafficking. NGOs reported regime efforts to increase oversight of their foreign funding might limit their ability to provide services to trafficking victims. The regime claimed to have a non-specialized victim care program under the public ministry. The Maduro regime 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. Venezuelan law and the regime 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. The 24-hour hotline, established to receive general reports of abuse against women, including trafficking, was not operational. Media outlets shared a list of phone numbers victims could use to report crimes and seek assistance, including the CICPC, the women's institute, and three NGOs. International media sources continued to report on the growing number of Venezuelan victims identified abroad, many of whom were repatriated or 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. The Ombudsman's office reportedly facilitated a series of workshops for 72 personnel, representing 23 states and the capital district of Caracas on the protection of victims.

PREVENTION

The Maduro regime maintained inadequate prevention efforts. No permanent anti-trafficking interagency body existed, and the regime did not report efforts to implement or fund the 2021-2025 NAP, approved by decree in 2021. The regime did not report on the content of the plan, including whether it addressed present challenges, such as forced labor in domestic service, the forced recruitment 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. ONCDOFT representatives participated in an international trafficking conference in October 2022 and separately organized events leading up to international day against trafficking, including forums focused on raising awareness and online safety. During one of the forums, ministry of interior representatives highlighted the forcible recruitment of children by armed groups and emphasized the importance of tending to their needs. The regime 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 the economic, political, and humanitarian crises continued, more than seven million Venezuelans have fled to countries around the world, more than six million have settled in 18 countries in the region. Traffickers allegedly

recruit Venezuelan migrants 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, 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. In 2022, Peruvian authorities reported identifying 589 Venezuelan women and girls exploited in sex trafficking between January and October. Many of them were exploited in mining encampments and in 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 – particularly migrants – to forced criminality and use child soldiers. In 2019, the UN, foreign governments, media outlets, and credible NGOs reported members of the Maduro regime – 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. The regime reportedly provided support and a permissive environment to NSAGs that recruited children for armed 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 and used in armed conflict after receiving threats their children would be taken. These NSAGs grew through the recruitment of child soldiers and engaged in sex trafficking and forced labor. In some 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-D 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 National Liberation Army camps located on the Venezuela side of the Colombia-Venezuela border. The regime imprisoned a civil society activist under politically motivated pretexts after his organization documented and denounced the regime's support for NSAGs, including those that recruited children for armed conflict, among other crimes. Members of the Maduro regime likely profit from NSAGs' criminal and terrorist activities inside Venezuela, including human trafficking, and such funds likely contribute to their efforts to maintain control. According to documents reportedly from the regime's intelligence agency 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. The Maduro regime 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 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 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.

Cuba's labor export program had strong indicators for forced labor. There were between 19,500 and 21,000 Cuban medical workers in the country. In 2022, 17 Cuban medical workers stationed in Venezuela attempted to defect to Colombia but were arrested by the Maduro regime and turned over to Cuban authorities. These potential victims faced eight years of imprisonment upon arrival in Cuba. Cuban authorities ordered minders to take the passport of the remaining Cuban medical workers in Venezuela to prevent them from fleeing. 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.