



Venezuela

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Venezuela is a constitutional democracy with a population of approximately 26 million. In December 2006 voters reelected President Hugo Chavez of the Fifth Republic Movement (MVR) with approximately 63 percent of the popular vote. Official observation missions from both the European Union and Organization of American States (OAS) deemed the elections generally free and fair but noted some irregularities. While civilian authorities generally maintained control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

Politicization of the judiciary and official harassment of the media and of the political opposition continued to characterize the human rights situation during the year. The following human rights problems were reported: unlawful killings; disappearances reportedly involving security forces; torture and abuse of detainees; harsh prison conditions; arbitrary arrests and detentions; a corrupt, inefficient, and politicized judicial system characterized by trial delays, impunity, and violations of due process; searches without warrants of private homes; official intimidation and attacks on the independent media; government-promoted anti-Semitism; widespread corruption at all levels of government; violence against women; trafficking in persons; and restrictions on workers' right of association.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings; however, security forces committed unlawful killings, including summary executions of criminal suspects. In the 12 months prior to September, the human rights nongovernmental organization (NGO) Venezuelan Program of Action and Education in Human Rights (PROVEA) reported 51 deaths resulting from mistreatment while in custody.

PROVEA documented 165 unlawful killings by government security forces from October 2006 through September 2007.

On March 22, members of the Intervention and Assistance Brigade (BIA), the primary police force of Guarico State, detained five men, shot each in the head, and left their bodies on a deserted road. At year's end eight BIA members were being investigated for their involvement in the case.

On July 13, members of the Anzoategui state police killed taxi driver Juan Ernesto Rodriguez during a shootout with suspected criminals. Following Rodriguez's death, police officers allegedly planted a gun on Rodriguez in order to corroborate their version of the incident. No information was available on the status of the case at year's end.

At year's end 24 individuals were implicated, 18 faced charges, and six were formally charged in the April 2006 killings of the three teenage Faddoul brothers and their driver. There was no apparent state involvement in the killings.

There were no developments in the April 2006 shooting death of news photographer Jorge Aguirre, for which former Caracas police officer Boris Blanco Arcia was charged with murder but not arraigned by year's end.

Eight of the nine bodies of activists killed in the so-called 1986 Yumare Massacre had been exhumed by year's end, in accordance with a December 2006 ruling by judicial authorities in Yaracuy. Thirteen persons, including a former commander of the Office of Intelligence and Prevention Services (DSIP), were banned from traveling outside the country, pending completion of an investigation.

There were no developments in the 2005 killing of Rigoberto Barrios or in the 2005 burning deaths of two soldiers in a "punishment cell" in Sucre State.

Prosecutors rarely brought cases against perpetrators of unlawful killings. Sentences frequently were light, and convictions often were overturned on appeal. Members of the security forces charged with or convicted of crimes rarely were imprisoned.

b. Disappearance

There were no substantiated reports of politically motivated disappearances.

Human rights groups claimed that police officers sometimes disposed of their victims' bodies to avoid investigations. PROVEA recorded seven reports of disappearances allegedly involving security forces in the 12 months through September 2007.

There were no significant developments in the 2005 disappearance of Silvino Bustillos or in the 1999 forced disappearances of Oscar Blanco Romero, Roberto Hernandez Paz, and Jose Rivas Fernandez, for which the government acknowledged culpability in 2005.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

Although the constitution states that no person shall be subjected to cruel, inhuman, or degrading punishment, there were credible reports that security forces continued to torture and abuse detainees.

PROVEA reported that in the 12 months prior to September, it received 11 complaints of torture (down from 19 the previous year), and 692 complaints regarding cruel, inhuman, and degrading treatment, a sharp decrease from the 1,394 cases reported in 2006. PROVEA defines "torture" as methods used by state security forces to extract information from victims and "cruel and inhuman treatment" as methods used by members of state security forces in order to punish or intimidate victims.

The government did not authorize independent investigation of torture complaints. Human rights groups continued to question the attorney general's commitment to oversee neutral investigations. Few cases of alleged torture resulted in convictions.

Reports of beatings and other humiliating treatment of suspects during arrests were common and involved various law enforcement agencies.

There were no developments in the alleged 2005 torture of retired National Guard Major General Felipe Rodriguez, who was arrested and held at Military Intelligence Headquarters and allegedly subjected to sensory deprivation and psychological torture.

Prison and Detention Center Conditions

Prison conditions were harsh due to scarce resources, poorly trained and corrupt prison staff, and violence by guards and inmates. The prison-monitoring NGO Venezuelan Prison Observatory (OVP) estimated that existing prisons were designed to hold approximately 60 percent of the estimated 21,200 prisoners. Severe overcrowding in some prisons and food and water shortages remained problems.

The government failed to provide adequate prison security. The National Guard and the Ministry of Interior and Justice have responsibility for exterior and interior security, respectively. The OVP estimated that the prison guard force was 10 percent of the required strength. Violence among prison gangs, including shootouts and riots, was common. OVP recorded 498 deaths and 1,023 injuries in the prisons at year's end. Most inmate deaths resulted from prisoner-on-prisoner violence, riots, fires, and generally unsanitary and unsafe conditions. Prisoners also died as a consequence of poor diet and inadequate medical care.

Inmates often had to pay guards and other inmates to obtain necessities such as space in a cell, a bed, and food. Most prisoners obtained food from their families, by paying prison guards, or in barter with other prisoners. Many inmates also profited from exploiting and abusing others, particularly since convicted violent felons often were held with pretrial detainees or first-time petty offenders. Trafficking in arms and drugs fueled gang-related violence and extortion. Prison officials often illegally demanded payment from prisoners for transportation to judicial proceedings.

Security forces and law enforcement authorities often imprisoned minors together with adults, even though separate facilities existed for juveniles. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were crowded into small, unsanitary cells, fed only once a day, and forced to sleep on bare concrete floors. Women and men were generally held in separate prison facilities. The OVP indicated that, while no prison had good conditions, women's facilities were generally less violent and healthier than men's.

Human rights observers experienced lengthy administrative delays and restricted access to prisons and detention centers.

d. Arbitrary Arrest or Detention

The constitution prohibits the arrest or detention of an individual without a judicial order; provides for the accused to remain free while being tried, except in specific cases where the laws of the state or individual judges can supersede this provision; and provides that any detained individual has the right to immediate communication with family and lawyers, who in turn have the right to know of the detainee's whereabouts.

Role of the Police and Security Apparatus

The National Guard, a branch of the military, is largely responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior and Justice controls the Scientific, Penal and Criminalistic Investigative Body (Scientific Police), which conducts most criminal investigations, and the Office of Intelligence and Prevention Services, which collects intelligence within the country and is responsible for investigating cases of corruption, subversion, and arms trafficking. Mayors and governors oversee local and state police forces. Corruption was a major problem among all police forces, whose members were poorly paid and trained. Impunity for corruption, brutality, and other acts of violence were major problems.

By year's end the government had not acted on the National Commission for Police Reform's recommendations published in May for a more defined mechanism to report police abuses. Human rights NGOs PROVEA, Criminal Forum (Foro Penal), and Network of Assistance (Red de Apoyo) criticized the government for its lack of commitment to police reform.

Some local police forces offered human rights training for their personnel. During the year the Chacao borough of Caracas provided mandatory human rights training to all new recruits. The municipality also worked with Amnesty International to provide additional training to 400 of its 700 police officers.

Arrest and Detention

Persons were sometimes apprehended openly without warrants from judicial authorities. Detainees must be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the detention. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime nor for longer than two years, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings. Detainees were promptly informed of the charges against them.

There was a functioning system of bail, although bail was not available for certain crimes. Bail also may be denied if the person was apprehended in the act of committing a crime or if a judge determines that there is a danger that the accused may flee or impede the investigation. Detainees were provided access to counsel and family members.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, judicial independence was increasingly compromised. The judiciary also was highly inefficient, sometimes corrupt, and subject to political influence, particularly from the Attorney General's Office, which in turn was pressured by the executive branch.

The judicial sector consists of the Supreme Court and lower courts, the Attorney General's Office, and the Ministry of Interior and Justice. The Supreme Court is the country's highest court and directly administers the lower courts through the Executive Directorate of the Judiciary.

According to the NGO Foro Penal, almost 40 percent of the judges were provisional and temporary. The Supreme Court's Judicial Committee may hire and fire temporary judges without cause and without explanation, and it did so. Provisional judges legally have the same rights and authorities as permanent judges. The provisional and temporary judges, lacking tenure in their profession, were particularly subject to political influence from the Ministry of Interior and Justice and the attorney general.

The law provides that the Moral Council (attorney general, human rights ombudsman, and comptroller general) may suspend judges and allows the National Assembly to revoke the appointment of Supreme Court judges by a simple majority vote.

Lower court judges hear pretrial motions, including prosecution and defense motions, prior to criminal cases going to trial judges. Executive judges oversee the application of sentences. Appeals courts, consisting of three-judge panels, review lower court decisions. The attorney general oversees the prosecutors who investigate crimes and bring charges against criminal suspects.

In May a judge overruled the December 2006 decision acquitting Baruta mayor Henrique Capriles Radonski and ordered that Capriles stand trial again on the original charges relating to a violent 2002 demonstration in front of the Cuban Embassy.

In February Salvador Romani, Jr., suspected material author of the 2004 killing of prosecutor Danilo Anderson, was exonerated of all charges due to a lack of evidence connecting him to the killing. The cases against businessman Nelson Mezerhane and two others, who had been charged with intellectual authorship of the killing, were also dropped due to lack of evidence.

Trial Procedures

The law provides for open, public, and fair trials with oral proceedings. The accused have the right to be present and consult with an attorney. Public defenders are provided for indigent defendants, but there continued to be a shortage of public defenders. Defendants have the right to question witnesses against them and present their own witnesses. The accused and their attorneys have access to government-held evidence. Defendants are considered innocent until proven guilty. Defendants and plaintiffs have the right of appeal.

Trial delays were common. A professional judge and two "lay judges" try serious cases; a single judge may hear serious cases if requested by the defendant or victim or if attempts to appoint lay judges have failed. Difficulty in finding persons willing to serve as lay judges also resulted in delays.

The law provides that trials for military personnel charged with human rights abuses be held in civilian rather than military courts; the provision does not apply to cases that predate the 1999 constitution.

Political Prisoners and Detainees

There were an estimated 11 political prisoners in the country. In some cases the political prisoners were held in distinct penal facilities, including DISIP installations. The International Committee of the Red Cross was permitted access to these political prisoners.

On December 31, President Chavez decreed a partial amnesty for those persons implicated in the drafting or signing of the 2002 Carmona Decree, which recognized an interim government during the April 2002 coup against Chavez, and in a series of enumerated acts surrounding the events of April 2002. The decree covers persons alleged to be involved in the "commission or instigation of acts of civil and/or military rebellion until December 2, 2007." The decree applies only to individuals who have a criminal case open against them for the above-mentioned incidents; it does not benefit those who have evaded the country's judicial system or who are accused of "crimes against humanity." The decree also included a "humanitarian" pardon to 36 persons imprisoned for matters unrelated to the events of 2002. Human rights organizations welcomed the measure but urged Chavez to broaden the amnesty to include all those accused of involvement in the events of 2002 and to all implicated in political crimes.

The government granted retired army general Francisco Uson conditional release from the Ramo Verde military prison on December 25, several weeks after his mid-November release eligibility date. Uson had served three years and six months for allegedly "defaming" the army. In April he was denied visitors for a week for allegedly violating prison rules on sending and receiving correspondence following widespread publication of his letter in support of Radio Caracas Television (RCTV), which was under threat of closure by the government. The conditions for his release included not traveling outside of greater Caracas and reporting before a judge every 15 days. He was also prohibited from participating in demonstrations or commenting on his case to the media.

Former Caracas Metropolitan Police commissioners Ivan Simonovis, Henry Vivas, and Lázaro Forero, along with eight other police officers, remained imprisoned without conviction, stemming from charges of being accomplices to murder during the events related to the civil disturbances in 2002.

Simonovis, Forero, and Vivas launched a hunger strike on April 10 to protest inhumane prison conditions and their continued detention; the ex-commissioners were previously held in DISIP headquarters in Caracas but were transferred in April to a DISIP installation with harsher conditions in Maracay, Aragua. The eight other police officers were moved

September 3 from their cells in Caracas to the Ramo Verde military prison.

Eduardo Lapi, former opposition governor of Yaracuy State, escaped from prison on March 31 or April 1. In May 2006 DISIP officials arrested and detained Lapi on charges of corruption and misappropriation of government funds, stemming from a highway project during his administration, which ended in 2004. Due to delays in pursuing a case against him, Lapi remained imprisoned even though his trial had been postponed indefinitely.

Civil Judicial Procedures and Remedies

There were separate civil courts that permitted citizens to bring lawsuits seeking damages. Like all courts in the country, however, the civil elements of the judiciary remained subject to strong executive control.

There were administrative remedies available, but they were generally inefficient. The most common consumer-protection mechanism is the Institute for the Defense of the Consumer and the User (INDECU), which falls under the rubric of the Ministry of Light Industry and Commerce. INDECU used reconciliation, mediation, and arbitration to settle disputes and was empowered to sanction the providers of goods and services who violated the law.

Other entities that provided administrative or civil remedies included the superintendencies of banks, free competition, insurance, leasing, and securities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the inviolability of the home and personal privacy; however, security forces routinely infringed on citizens' privacy rights by searching homes without warrants, frequently targeting the homes of opposition leaders.

On December 2, members of the DISIP conducted a search of a Jewish community center in Caracas in a search for a purported weapons cache.

On December 12, members of the Military Intelligence Police (DIM) searched the home of Helen Fernandez, a member of the National Resistance Movement, an ardent left-wing movement critical of the government, in pursuit of "subversive material against the armed forces." The search lasted eight hours, after which Fernandez's computer and other personal documents were confiscated.

The government was complicit with others, including MVR deputy Luis Tascon, in maintaining the "Tascon" and "Maisanta" Lists, which were used to identify and punish regime opponents. Human rights NGOs noted that persons listed were often ineligible to receive government jobs or services.

During the December 2 referendum to reform the constitution, leaders of the antireform bloc complained that technical problems with digital fingerprinting machines and voting machines caused significant voting delays in opposition neighborhoods.

NGOs expressed concern over official political discrimination against, and firing of, state employees whose views differed from those of the government. According to PROVEA, the government used coercion and the threat of dismissal to compel state employees to attend partisan political functions. In September the NGO Citizen Security released a report documenting 1,222 victims of political discrimination from January 2003 to June 2007. According to the report, government officials and other state actors were the primary offenders.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the combination of laws governing libel and broadcast media content, legal harassment, and physical intimidation of both individuals and the media resulted in limitations on these freedoms and a climate of self-censorship. The government employed a variety of mechanisms--legal, economic, regulatory, judicial, and rhetorical--to harass the private media and engender an environment of intolerance towards a critical press.

The president preempted broadcasting on the nation's airwaves to present hours-long government programs several times a week. Independent media observers criticized the state media for extreme progovernment politicization.

The government denied private media equal access to many official events, and, in cases when private media had access to government facilities, they often did not have access to officials and information. For example, only the government radio and television stations were authorized to have reporters at the presidential palace. State-controlled television and radio stations and many foreign news reporters continued to have full access to official events.

Amendments to the penal code in 2005 make insulting the president punishable by six to 30 months in prison and eliminate bail, with lesser penalties for insulting lower-ranking officials. Comments exposing another person to public contempt or hatred are punishable by a one- to three-year prison sentence and a fine. Inaccurate reporting that disturbs the public peace is punishable with a prison sentence of two to five years. The requirement that media disseminate only "true" information was undefined and open to politically motivated interpretation.

The law requires that practicing journalists have journalism degrees and be members of the National College of Journalists, and it prescribes three- to six-month jail terms for those who practice journalism illegally. These requirements were waived for foreigners and opinion columnists.

The vaguely termed Media Law of Social Responsibility gives the government wide powers to impose heavy fines and cancel broadcasts. The law requires that "national producers" allot 45 minutes of free air time per day for "state information"; carry "cadenas," (lengthy, commercial-free government programming, usually consisting of presidential speeches); and play the national anthem twice a day. The National Telecommunications Regulatory Agency (CONATEL), under the Ministry of Communications and Information, oversees the application of the law. Media observer organizations called on the government to appoint an independent body to regulate the implementation of the law.

Throughout the year various international organizations expressed concern about the country's lack of press freedom and the harassment, intimidation, and violence directed at journalists. Such harassment came from government actors as well as other government supporters.

On January 29, the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) presented a report covering the period from October through December 2006, which highlighted infringements on freedom of expression in the country. Specifically, the Special Rapporteur referenced a July 2006 advisory notice sent by the IACHR to the Ministry of Foreign Affairs reminding the government that the OAS Democratic Charter establishes that signatory states refrain from infringing on freedom of expression by indirect methods such as abuse of official controls or other actions that limit the free flow of ideas.

In March the Inter-American Press Society condemned the country's record on press freedom, saying the government was exercising a "deliberate campaign" against freedom of expression. In its annual report released May 2, Freedom House categorized the country as "not free," citing worrisome patterns of decline in press freedom.

Unlike in the previous year, there were no reported killings of journalists. However, independent media outlets and journalists were subject to public harassment by high-ranking government officials on state-owned media.

The independent print media regularly engaged in self-censorship due to fear of government reprisal and in order to comply with laws regulating the media.

The country's major newspapers were independently owned but depended to a greater or lesser extent on government advertising. The government operated one newspaper, *Vea*, with national circulation and contributed to and influenced the editorial content of several regional print media.

On January 29, Aragua's state police raided the office of the daily newspaper *El Siglo* following a dispute among the board of directors over the creation of a pro-Chavez workers' union. According to press reports, some board members solicited assistance from progovernment Aragua Governor Dialco Bolivar to undertake the raid. *El Siglo* remained closed for 11 days.

On February 22, the daily *Tal Cual* paid a court-mandated \$75,000 (161.25 million bolivares) fine after a judge charged newspaper owner Teodoro Petkoff and humorist Laurencio Marquez with "violating the rights of children" for publishing a satirical article that made a passing reference to the president's daughter.

On March 29, a government official sent a letter to daily newspaper *Ultimas Noticias* director Eleazar Diaz and journalist Luz Mely Reyes, threatening to file charges against them if they continued to publish their series of reports on corruption cases involving government officials. No charges had been filed by year's end.

The country's nonsubscription broadcast media was largely government-owned. The government operated seven channels with nationwide coverage.

The law permits the government to order broadcasting of cadenas nationwide and to require all broadcast media to

preempt scheduled programming and transmit the government's entire message.

The president invoked the law permitting the suspension of telecommunication broadcasts. On May 28, the government refused to renew the broadcasting license of RCTV, a network with an independent editorial line, accusing it of violating broadcast norms. The government replaced the network with a state-funded station. In the days prior to RCTV's closure, the Ministry of Communications and Information distributed to all television stations a public service announcement celebrating RCTV's impending closure.

Several international bodies and media observer organizations strongly criticized the closure of RCTV. Human Rights Watch condemned the closure, saying that Chavez was "misusing" the state's regulatory authority to "punish a media outlet for its criticism of the government." Reporters without Borders called the government's decision "a serious setback to democracy and pluralism." The president of the European Commission, Jose Manuel Barroso, referred to the incident as a "step backwards."

On July 26, Minister of Telecommunications and head of CONATEL Jesse Chacon ordered the cable network Radio Caracas Television International (RCTVI) to register with CONATEL as a "national producer" and thus adhere to the Media Law of Social Responsibility or cease broadcasting by August 1. The Venezuelan Chamber of Cable Television Providers (CAVETSU) petitioned the Supreme Court to stay CONATEL's order and provide RCTVI and 40 other unregistered regional cable providers relief from sanctions until CONATEL provided further guidance on which networks should be classified as "national producers." The Supreme Court ruled in CAVETSU's favor and ordered CONATEL to rewrite its regulations addressing national producers. By year's end CONATEL had not modified its regulations.

On August 22, five journalists were severely beaten by government supporters as they attempted to cover the judicial appeal hearing of Oscar Perez, an opposition regional deputy from Miranda State and leader of the National Resistance Movement. According to local press reports, the attackers were bused in from surrounding areas to harass Perez's supporters. Following the hearing Glen Ribas, a regional deputy and government supporter, accused the journalists of being coup plotters. The insult apparently served as a signal for the government supporters to physically attack the journalists. Reporters affiliated with RCTVI were primary targets. A RCTVI cameraman (who had an Inter-American Court of Human Rights protection order) was severely injured, his assistant suffered a broken rib, and a pregnant journalist required hospitalization.

Some commercial radio stations complained that broadcasting frequencies for community radios were not allocated in accordance with broadcast regulations. The government reportedly funded the community stations, whose broadcasting was progovernment.

Government officials in Bolivar State closed three radio stations between late October and early November after radio station workers criticized President Chavez's constitutional reform project.

On September 11, members of the DIM raided the offices of the Graficas Madu printing press in order to halt alleged "subversive activity" against Chavez's constitutional reform package. The local press reported that DIM officials removed two computers and pamphlets printed for opposition political party Un Nuevo Tiempo.

Internet Freedom

There were no government restrictions on access to the Internet. The government sometimes monitored some e-mails. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Journalist Roger Santodomingo resigned as editor of the on-line news forum Noticiero Digital after threatening telephone calls, e-mails, and letters made mention of his minor son. On May 22, Santodomingo also was harassed on the government-affiliated television show *La Hojilla* for his editorial line.

Academic Freedom and Cultural Events

There were no reported government restrictions on academic freedom or cultural events. The government had proposed several revisions to the constitution that would have reduced the autonomy of the education system. The government attempted to modify the education system in order to teach "socialist principles." In addition, while the autonomous universities would still have been able to determine their rules of governance, they would have had to be "in agreement with the constitutional principles of participative and proactive democracy." The constitutional revisions were rejected in December's referendum.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, and the government generally respected this right in practice. PROVEA noted that at least 536 injuries resulted from security force interventions in peaceful demonstrations during the year, compared with 113 in 2006.

Human rights groups continued to criticize the 2005 penal code revision for the strict penalties it imposes on some forms of peaceful demonstration. PROVEA expressed concern over the law's "criminalization" of protests. Foro Penal's June 2006 official complaint before the Supreme Court challenging the legality of this measure had not been heard by year's end.

Government supporters sometimes disrupted marches and rallies. Supporters and opponents of the government demonstrated in the capital and other cities during the year.

Between May 28 and June 1, the Metropolitan Police and the National Guard arrested more than 100 protestors, including minors, in the greater Caracas area for their involvement in peaceful demonstrations against the government-ordered closure of RCTV. Government security forces used water cannons, tear gas, and rubber bullets to disperse crowds, resulting in several injuries. Human rights organizations also reported that government security forces arbitrarily arrested bystanders, mostly students, at gas stations and parking lots for their alleged participation in the marches. By year's end all persons were released; however, an unconfirmed number of minors were required to come before a judge every 15 days.

In the weeks leading up to the constitutional referendum, state security forces and government supporters clashed repeatedly with opposition-oriented students opposed to President Chavez's reform project. An unknown number of students suffered injuries resulting from the apparently excessive use of force by state security officers.

On November 7, supporters of President Chavez opened fire on opposition demonstrators with pellet guns at the Central University of Venezuela, injuring at least two students.

Freedom of Association

While the constitution provides for freedom of association, the government only partially respected this right. Although indicating that they generally operated without interference, professional and academic associations complained that the National Electoral Council (CNE) repeatedly interfered with their attempts to hold internal elections. During the year, the Venezuelan Workers' Confederation claimed that the CNE continued to hinder the efforts of its affiliate unions to hold elections.

c. Freedom of Religion

The constitution provides for freedom of religion, on the condition that its practice does not violate public morality, decency, or the public order, and the government generally respected this right in practice.

The Directorate of Justice and Religion in the Ministry of Interior and Justice maintains a registry of religious groups, disburses funds to religious organizations, and promotes awareness and understanding among religious communities. Registration is required for legal status as a religious organization. Requirements for registration are largely administrative but stipulate that groups serve the community's social interests. There were no accounts of the government refusing to register certain religious groups, although significant administrative delays were reported.

Foreign missionaries require a special visa to enter the country, and they noted increased difficulties, including refusals for first-time religious visas and, less frequently, renewals. The government continued to prohibit foreign missionary groups from working in indigenous areas. The government asked a visiting group of Seventh-day Adventist university students and professors to cease providing medical care to indigenous persons in Bolivar State after the government determined the group did not have the proper visas and permits.

On October 9, the Supreme Court dismissed the New Tribes Mission appeal of the Ministry of Interior and Justice's 2005 decision to rescind the group's permission to conduct its special program among indigenous communities.

Societal Abuses and Discrimination

President Chavez engaged in numerous rhetorical personal attacks on specific Catholic bishops. He specifically warned Catholic bishops to refrain from commenting on political issues.

There were more than 15,000 Jews in the country. The president, government institutions and officials, and government-affiliated media outlets promoted anti-Semitism through numerous anti-Semitic comments; these actions created a spillover effect into mainstream society, which witnessed a rise in anti-Semitic vandalism, caricatures, and expressions at rallies and in newspapers. Incidents of intimidation, vandalism, and physical attacks against Jewish institutions were frequent, with graffiti sprayed on walls of synagogues and other Jewish institutions. Progovernment media

figures, including television personalities, accused Jews, especially rabbis, of supporting the opposition in the run-up to the December constitutional referendum and pressured Jews to denounce other Jews whom they accused of supporting the opposition.

On June 7, the Association of Jewish Communities in Venezuela (CAIV) complained to the country's broadcasting authorities and to the director of national radio about anti-Semitic remarks journalist Cristina Gonzalez made on air on May 28.

On December 2, police raided the country's main Jewish social club on the eve of the national referendum. Members of the police unit that investigates drug trafficking and terrorism broke into the club in the middle of the night, allegedly looking for weapons and explosives, but found none.

For a more detailed discussion, see the 2007 *International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, although there were numerous reports that persons were denied passports and other official documents by government agencies for having signed the 2004 recall referendum. Extremely long waits for issuance of passports often had the effect of restricting freedom of foreign travel.

The law prohibits forced exile, and it was not used.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Office of the UN High Commissioner for Refugees (UNHCR) reported 8,801 applicants for refugee status in the country between January and July, 852 of whom were recognized as refugees by the government.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic elections held on the basis of universal suffrage.

Elections and Political Participation

In December 2006 voters reelected Hugo Chavez as president in elections that observers judged to be generally free and fair, although the observation missions noted some irregularities.

The December 2 referendum was deemed largely free and fair, but leaders of the antireform bloc noted some irregularities, including voting delays due to technical problems with the digital voting machines, reports that the indelible ink used could be washed off, and extended polling hours in progovernment neighborhoods.

There were 29 women in the 167-seat assembly, five women in the 27-member cabinet, and 10 women among the 32 justices on the Supreme Court.

The constitution reserves three seats in the National Assembly for indigenous people, which were filled in the 2000 election and remained occupied during the year. There were no indigenous members in the cabinet.

Government Corruption and Transparency

The World Bank's worldwide governance indicators reflected that government corruption was a severe problem.

The law provides criminal penalties for criminal corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

There was a perception of widespread corruption at all levels of the government. Journalists reported several cases of apparent corruption implicating high-level government officials, but none were investigated.

The law provides for citizens' access to government information. Human rights groups reported that the government routinely ignored this requirement and did not make information available.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of independent domestic and international human rights groups generally operated with some government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views. Major domestic human rights NGOs that operated independently from the government included the Committee for the Victims of the Events that Occurred Between February and March 1989 (COFAVIC), PROVEA, Network of Assistance, and the OVP.

Many NGOs reported threats, physical attacks, and harassment, especially in a climate of possible criminalization of receipt of foreign funding. Human rights organizations expressed concern that President Chavez's proposed constitutional amendment to regulate international support for organizations with "political goals" would be used to deny NGOs foreign funding opportunities and limit nongovernmental activities in the country.

According to a report by the Catholic Church's Office on Human Rights, seven incidents of threats against human rights defenders were reported between January and May.

On February 10, Jose Luis Urbano, the president of the local NGO Civil Association for the Right to Education, was shot in Anzoategui State a day after he gave a press conference where he criticized the state of the public education system.

COFAVIC's executive director continued to operate under threats of personal harm. On October 3, a local judge summoned COFAVIC's director to hear her testimony that the government continued to suggest that the threats against her were fabricated to convince the courts to overrule an Inter-American Court of Human Rights ruling that she should be protected by a security detail; however, the trial was postponed and had not resumed by year's end.

OVP's director received numerous death threats during the year.

Leaders of the NGO SUMATE, Maria Corina Machado, Alejandro Plaz, Luis Enrique Palacios, and Ricardo Estevez, remained free pending trial at year's end. They had been ordered to stand trial in 2005 for conspiracy to destroy the country's republican form of government due to the group's acceptance of funds from a foreign source in 2003; in 2006 the trial was indefinitely postponed.

There were no developments in the National Assembly's separate investigation, begun in 2006, of the SUMATE leadership for treason, conspiring against the National Electoral Council, and inciting criminal activity.

In its annual report released March 3, the IACHR noted that its attempts to arrange a visit to the country in 2006 "were severely frustrated by the lack of response from the state to propose an exact date for the visit."

Although the ombudsman is responsible for ensuring that citizens' rights are protected in a conflict with the state, human rights NGOs claimed that the Ombudsman's Office was not independent and rarely acted on public interest cases.

On December 13, the National Assembly named a new human rights ombudsman and attorney general to a seven-year term. The current comptroller will serve a second term in office. Human rights organizations and some opposition political parties claimed the selection process lacked transparency and questioned the political independence of the appointees. NGOs argued they were barred from participating in the initial stages of the selection process.

The National Assembly's Sub-Commission on Human Rights played an insignificant role in the national debate on human rights.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination based on race, gender, disability, language, or social status, discrimination against women, persons with disabilities, and indigenous people was a problem.

Women

The law prohibits rape, including spousal rape, but it remained a problem. Rape is punishable with prison terms of eight to 14 years, although cases often were not reported to the police. A man guilty of raping a woman may avoid punishment if he marries the victim before sentencing. There were no reliable statistics on incidence of, or prosecution or convictions for, rape.

The law prohibits domestic violence, and violators faced penalties of six to 18 months in prison. The Organic Law on the Right of Women to a Life Free of Violence preserves the life and physical integrity of women facing violent circumstances or who may be vulnerable to violence. Violence against women continued to be a problem, and women faced substantial institutional and societal prejudice with respect to rape and domestic violence. The Supreme Court reported that two women in Caracas died every 10 days from domestic violence. The Organic Law on the Right of Women to a Life Free of Violence was enacted in March. The law criminalizes physical, sexual and psychological violence in the home, the community, and at work; trafficking; forced prostitution; sexual harassment; and slavery. It also establishes tribunals specializing in cases of gender-based violence.

According to the Pan American Health Organization, 70 percent of women killed in the country were killed by their husbands, boyfriends, or ex-partners. The law requires police to report domestic violence to judicial authorities and obligates hospital personnel to notify the authorities when they admit patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence, and the courts rarely prosecuted those accused of such abuse. Women generally were unaware of legal remedies and had little access to them. The government sought to combat domestic violence through a public awareness campaign and a national victim assistance hot line, which was created in 1999 and administered by the National Women's Institute, a government agency. It was widely advertised during the year and continued to enjoy much success. There were no reliable statistics on incidence of, or prosecution or convictions for, domestic violence.

Prostitution is legal. While there was no government information on the extent of prostitution, local antitrafficking NGO Association of Women for Welfare and Mutual Help noted that prostitution was a serious problem, particularly in Caracas and domestic tourist destinations.

Sexual harassment is illegal and punishable with a prison sentence of six to 18 months. Sexual harassment was common in the workplace but rarely reported. There were no reported cases of sexual harassment during the year.

Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women with regard to pay or working conditions. According to the Ministry of Labor and the Venezuelan Workers Confederation (CTV), these regulations were enforced in the formal sector, although women reportedly earned 30 percent less than men on average. The National Statistics Institute reported in October that the female unemployment rate was 7.6 percent, while the male unemployment rate was 7 percent. The National Institute for Women, a government agency, worked to protect women's rights.

From January to August, the Women's Development Bank (BANMUJER), administered by the Ministry of Popular Economy, awarded 5,122 loans, totaling approximately \$16 million (34 million bolivars), which benefited more than 147,000 individuals. BANMUJER also held professional training courses on the creation of microbusinesses for approximately 214,400 individuals, of which 92 percent of the beneficiaries were women.

The law provides women with property rights equal to men's. In practice, however, women frequently waived these rights by signing over the equivalent of power of attorney to their husbands.

Children

The government was committed to children's rights and welfare. The law provides for universal, compulsory, and free education up to the university-preparatory level. The UN Children's Fund (UNICEF) reported that from 2000 to 2006 the primary school attendance rate for girls was 92 percent. In 2004 UNICEF estimated 45 percent of boys and 35 percent of girls left school before the ninth grade. UNICEF reported that enrollment rates for boys and girls were the same. Many children of African and indigenous descent had no access to the education system.

The government provided numerous government health care programs for boys and girls on the basis of equal access.

Reports of child abuse were rare due to a fear of entanglement with the authorities and ingrained societal attitudes

regarding family privacy. According to UNICEF and NGOs working with children and women, child abuse, including incest, often occurred at home. Although the judicial system acted to remove children from abusive households, public facilities for such children were inadequate and had poorly trained staff.

The human rights NGO For the Rights of Children and Adolescents estimated that approximately 15,000 children lived on the street. Authorities in Caracas and several other jurisdictions imposed curfews on unsupervised minors to cope with this problem. Because reform institutions were filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers.

The government's social service mission known as "Mision Negra Hipolita" provided assistance to street children and the homeless. According to the Community Center for Apprenticeship, in the 12 months prior to August, the mission had provided assistance to more than 2,790 street children.

Trafficking in Persons

Although the constitution prohibits slavery or servitude and the law prohibits transnational trafficking in persons, there were reports that persons were trafficked to, from, and within the country. The Organized Crime Law provides for sentences of 10 to 15 years if the victim of trafficking or smuggling for labor or sexual exploitation is an adult, or 10 to 18 years if the victim is a child or adolescent.

The country was reported to be a source, destination, and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. An underdeveloped legal framework, reported corruption among immigration authorities, and the ease with which fraudulent passports, identity cards, and birth certificates could be obtained created favorable conditions for trafficking. No overall statistics on trafficking were available from government or NGO sources.

Women and children from Brazil, Colombia, Peru, Ecuador, the Dominican Republic, and the People's Republic of China were trafficked to and through the country and subjected to commercial sexual exploitation or forced labor. Citizens were trafficked internally and to western Europe, particularly Spain and the Netherlands, and to countries in the region such as Mexico, Aruba, and the Dominican Republic for commercial sexual exploitation. The country was a transit country for undocumented migrants from other countries in the region--particularly Peru and Colombia—and for Asian nationals, some of whom were believed to be trafficking victims. Subgroups particularly at risk included women and children from poor areas.

Trafficking may be prosecuted under criminal laws against forced disappearance and kidnapping, with penalties of two to six years' imprisonment, and under a law to protect children, with fines of one to 10 months' income for trafficking in children and two to six years' imprisonment for trafficking a child abroad. In addition, under a law against organized crime, child trafficking by members of an organized group is punishable by 10 to 18 years' imprisonment.

Government efforts to combat trafficking are the responsibility of the public prosecutor's Family Protection Directorate, the National Institutes for Women and Minors, and the Ministry of Interior and Justice's Crime Prevention Unit. Enforcement efforts generally were limited.

The government provided trafficking victims with psychological and physical examinations, but shelter services dedicated to helping trafficking victims remained lacking. Several NGOs complained that they lacked government support and cooperation to assist victims, although the government operated a hot line and conducted information campaigns to prevent future trafficking cases.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, and the provision of other state services. Persons with disabilities had minimal access to public transportation, and ramps practically were nonexistent, even in government buildings. The law requires that all newly constructed or renovated public parks and buildings provide access and prohibits discrimination in employment practices and in the provision of public services; however, the government had not made a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities.

Indigenous People

Although the law prohibits discrimination based on ethnic origin, members of the country's indigenous population suffered from inattention to and violation of their rights. There were approximately 300,000 indigenous people in 27 ethnic groups, many of whom were isolated from urban areas and lacked access to basic health and educational facilities. Their communities suffered from high rates of disease. The government included indigenous people in its literacy campaigns, in some cases teaching them to read and write in their own languages, as well as in Spanish.

The law creates three seats in the National Assembly for indigenous deputies and also provides for "the protection of indigenous communities and their progressive incorporation into the life of the nation." Nonetheless, local political authorities seldom took account of the interests of indigenous people when making decisions affecting their lands, cultures, traditions, or the allocation of natural resources. Few indigenous people held title to their land, and many did not want to do so because most indigenous groups rejected the concept of individual property. Instead, they called on the government to recognize lands traditionally inhabited by them as territories belonging to each respective indigenous group.

Other Societal Abuses and Discrimination

According to the NGO Citizen Action Against AIDS, persons diagnosed with HIV/AIDS were frequently discriminated against at the workplace and were often refused access to government health services.

Section 6 Worker Rights

a. The Right of Association

While the law provides that all private and public sector workers (except members of the armed forces) have the right to form and join unions of their choice, the government continued to violate these rights. Approximately 10 to 12 percent of the 12 million-person labor force was unionized. As of August, only 53,800 persons were covered under collective bargaining agreements, a sharp decline from previous years.

The president publicly attacked union autonomy during the year and exhorted union workers to form and join a workers' front within his "revolutionary" party, the United Socialist Party of Venezuela (PSUV). Chavez also harshly criticized progovernment union leaders in televised speeches on April 30 and May 1, accusing them of using union autonomy as an excuse to forgo participation in the PSUV.

The CNE has the authority to administer internal elections of labor confederations. Labor unions complained of long delays in obtaining CNE certification of their elections. In January an International Labor Organization (ILO) delegation to the country found that the ILO Committee of Experts' request that the Basic Labor Act be amended to permit reelection of trade union leaders had not been honored.

According to union leaders, the government organized groups of parallel construction unions to attack and intimidate construction workers affiliated with the CTV to gain control of lucrative construction projects. According to union leaders in the sector, 19 reported deaths were associated with union clashes from January to mid-October.

Following the government's majority takeover of the strategic associations in the oil-rich Orinoco Belt on May 1, there were reports that the state oil company Petroleum of Venezuela (PDVSA) singled out "politically suspect" employees and requested that they move to new joint ventures or face blacklisting.

The Ministry of Labor continued to deny registration to UNAPETROL, a union composed of oil workers who were later fired for participating in the 2002-03 national strike.

b. The Right to Organize and Bargain Collectively

The law provides that all public and private sector workers have the right to conduct their activities without interference and protects collective bargaining. The law stipulates that employers must negotiate a collective contract with the union that represents the majority of their workers. The ILO has objected to this provision and requested that the government amend it so that "in cases where no union organization represents an absolute majority of workers, minority organizations may jointly negotiate a collective agreement on behalf of their members."

In a televised speech on April 30, President Chavez stated that he had no intention of returning to a tripartite bargaining system with the Federation of Chambers of Commerce or other union confederation; he claimed the government fully protected the interests of workers.

Although the law recognizes the right of all public and private sector workers to strike in accordance with conditions established by labor law, public servants may strike only if the strike does not cause "irreparable damage to the population or to institutions." Replacement workers are not permitted during legal strikes, and the president may order public or private sector strikers back to work and submit their disputes to arbitration if the strike "puts in immediate danger the lives or security of all or part of the population."

The government had not resolved any additional cases involving 19,000 PDVSA employees who were fired during and

after the 2002-03 national strike, beyond those resolved in 2006. The government continued to deny the former workers severance and pension benefits as well as access to company housing, schools, and medical clinics.

Former CTV president Carlos Ortega reportedly was granted asylum in Peru. He had escaped from prison in August 2006, after being convicted in 2005 for his role in the 2002-03 national strike.

Labor law and practice are the same in the sole export processing zone of Punto Fijo, Falcon State, as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

While the law prohibits forced or compulsory labor, including by children, there were reports of trafficking in children for employment purposes, particularly in the informal economic sector.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace. The Ministry of Labor and the National Institute for Minors enforced child labor policies effectively in the formal sector of the economy but less so in the informal sector. The Community Center of Apprenticeship, a domestic NGO promoting the rights of children, estimated that there were approximately one million minors working and that a large percentage of them did not receive the benefits due to them under the law; however, a 2006 study by Understanding Children's Work, a child labor research program sponsored by the ILO, UNICEF, and the World Bank, found that approximately 130,000 children ages 10 to 14 were working in the country.

The law permits children ages 12 to 14 to work only if the National Institute for Minors or the Ministry of Labor grants special permission; children ages 14 to 16 may not work without the permission of their legal guardians. Those under 16 years of age may by law work no more than six hours per day or 30 hours per week. Minors under the age of 18 may work only between 6 a.m. and 7 p.m. Minors may not work in mines or smelting factories, in occupations that risk life or health or could damage intellectual or moral development, or in public spectacles. Fines are established for employing children ages eight to 11, and for employing a 12- or 13-year-old without a work authorization. Employing a child younger than eight years of age is punishable by one to three years' imprisonment.

The law prohibits inducing the prostitution and corruption of minors. Penalties range from three to 18 months in prison and up to four years in prison if the minor is younger than 12 years old. If the crime is committed repeatedly or for profit, it is punishable by three to six years' imprisonment. Prison sentences for inducing a minor into prostitution are increased by up to five years if various aggravating circumstances occur. Penalties for several crimes relating to child prostitution do not apply if the perpetrator marries the victim. The production and sale of child pornography is prohibited, and the law establishes penalties of 16 to 20 years' imprisonment for this crime. The law establishes sentences of one to three years' incarceration for forced child labor. There were no substantiated reports that these penalties were enforced.

The Ministry of Education, Culture, and Sports ran educational programs to reincorporate school dropouts and adults into the educational system; however, there was no independent accounting of the effectiveness of the programs.

e. Acceptable Conditions of Work

On April 30, President Chavez announced a 20 percent increase in the monthly minimum wage to \$286 (614,790 bolivars). The national minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor enforced minimum wage rates effectively in the formal sector, but approximately 50 percent of the population worked in the informal sector, where labor laws and protections generally were not enforced.

The law stipulates that the work week may not exceed 44 hours. Managers are prohibited from obligating employees to work additional time, and workers have the right to weekly time away from work. Overtime may not exceed two hours daily, 10 hours weekly, or 100 hours annually and may not be paid at a rate less than time-and-one-half. The ministry effectively enforced these standards in the formal sector.

While the constitution provides for secure, hygienic, and adequate working conditions, authorities did not implement the Health and Safety Law. The law states that employers are obligated to pay specified amounts (up to a maximum of 25 times the minimum monthly salary) to workers for accidents or occupational illnesses, regardless of who is responsible for the injury. Workplaces must maintain "sufficient protection for health and life against sickness and accidents," and penalties range from one-quarter to twice the minimum monthly salary for first infractions. In practice ministry inspectors seldom closed unsafe job sites. Under the law workers may remove themselves from dangerous workplace situations without jeopardy to continued employment.

