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[Home](#) > Venezuela

Venezuela

Country:

Venezuela

Year:

2018

Freedom Status:

Not Free

Political Rights:

6

Civil Liberties:

5

Aggregate Score:

26

Freedom Rating:

5.5

Overview:

Venezuela's democratic institutions have deteriorated since 1999, but conditions have grown sharply worse in recent years due to a concentration of power in the executive and harsher crackdowns on the opposition. Following a strong performance by the opposition in 2015 legislative elections, the legislature's powers were curtailed by a politicized judiciary, and in 2017 the body was supplanted by a new National Constituent Assembly that serves the executive's interests. Government corruption is pervasive, and law enforcement has proven unable to halt violent crime. The authorities have restricted civil liberties and prosecuted perceived opponents without regard for due process.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 8 / 40 (-3)

A. ELECTORAL PROCESS: 2 / 12 (-3)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The president serves six-year terms. Since 2009, neither the president nor other elected officials have been subject to term limits. The most recent presidential election was held in April 2013, after longtime incumbent Hugo Chávez died of cancer. Maduro, Chávez's vice president and handpicked successor, narrowly defeated opposition leader Henrique Capriles, 50.6 percent to 49.1 percent. The opposition accused the government of multiple violations, including election-day abuses and the rampant misuse of state resources during the campaign, and for the first time since 2005 it refused to accept the outcome's legitimacy without a more complete audit. Protests in the election's immediate aftermath left nine people dead and hundreds injured. A limited audit conducted by the CNE revealed few discrepancies, while the TSJ rejected the opposition's petitions in August 2013, concluding the electoral process.

Gubernatorial elections that took place in October 2017 had been set for December but were abruptly moved up. The campaign and voting were marred by significant restrictions on opposition candidates' participation, changes to polling locations without proper notice, diminished access to polling stations in opposition-oriented neighborhoods, government abuse of public resources, vote buying, and intimidation of voters and election observers affiliated with the opposition. PSUV candidates won in 18 of 23 states. Opposition leaders accused the PSUV of fraud, though disillusionment with the political process among opposition figures and supporters may also have influenced the results.

The PSUV dominated the December 2017 mayoral elections, as three of the main opposition parties boycotted the polls, alleging unjust conditions. The National Constituent Assembly responded by effectively banning those parties from participating in the presidential election planned for 2018, fulfilling a threat made by Maduro. Meanwhile, the PSUV captured the Zulia state governorship in a rerun vote after the opposition candidate who won in October refused to be sworn in by the constituent assembly.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4 (-2)

The unicameral, 167-seat National Assembly is popularly elected for five-year terms, using a mix of majoritarian and proportional-representation voting. Three seats are reserved for indigenous representatives. The 2015 elections were marred by a campaign environment that clearly favored the ruling PSUV. Nevertheless, the opposition Democratic Unity Roundtable (MUD) coalition won 109 seats, and MUD-aligned candidates won the three indigenous seats, leaving the PSUV with 55.

In late 2015, government challenges against certain opposition victories—and specifically the TSJ's decision to block the swearing-in of four representatives, three of whom were members of the opposition—deprived the MUD of a two-thirds majority in the assembly that would have allowed it to remove or appoint various executive and judicial officials, among other powers.

After repeatedly nullifying legislation passed by the National Assembly during 2016, the TSJ moved to further cripple the opposition-controlled body in 2017. A ruling in March effectively disbanded the legislature and granted its constitutional powers to the TSJ, limited lawmakers' immunity, and held them in contempt. While the decision was reversed a few days later following domestic and international condemnation, the Maduro administration followed through with a proposal to convene a National Constituent

Assembly that would be superior to and effectively replace the National Assembly while drafting a new constitution. Elections to the new assembly at the end of July did not give voters the option to reject its establishment; they were widely derided as unconstitutional, and were dismissed by the opposition, which boycotted the vote. The government loyalists elected to the National Constituent Assembly were sworn in shortly afterward, and many observers expressed concern that they would ultimately hand greater power to Maduro.

Score Change: The score declined from 2 to 0 due to creation of a National Constituent Assembly that effectively replaced the elected legislature, and whose members were elected under undemocratic conditions.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (-1)

Venezuela's electoral system is heavily influenced by political manipulation and institutional interference, mainly in favor of the ruling party. The CNE consists of five members, four of whom are openly aligned with the PSUV. The body rarely finds the party out of compliance with any rules, leading to a system in which the opposition is heavily regulated while the government enjoys significant leeway.

Recent election cycles have been characterized by disqualifications of prominent opposition candidates, government abuse of public resources, uneven access to the state-dominated media, the diminished presence of international observers, isolated incidents of violence, and intimidation of state employees and others. These inequities were on display in October 2017 gubernatorial elections, alongside a last-minute decision by the CNE to move 205 polling stations from areas with high levels of opposition support to areas that tend to support Maduro. The CNE also presided over the highly orchestrated elections for the National Constituent Assembly in July, which did not offer voters the opportunity to oppose the new body's creation and were boycotted by the opposition.

Score Change: The score declined from 1 to 0 due to the severe deterioration of the electoral system.

B. POLITICAL PLURALISM AND PARTICIPATION: 6 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Members of the opposition continue to be harassed, imprisoned, and otherwise impeded from participating in the political process. Opposition leader Leopoldo López was moved to house arrest in July 2017 after spending more than three years in prison on spurious charges. Dozens of other political leaders have been subjected to harassment, including Capriles, who in April was banned from holding public office for 15 years due to alleged financial "irregularities." López and former Caracas mayor Antonio Ledezma, who was also under house arrest, were taken from their homes by security officials in August for speaking publicly against the vote for the National Constituent Assembly, which violated the terms of their detention; both were eventually returned to house arrest, though Ledezma was able to flee to Spain in November. At least five mayors were removed from

office in August for failing to stop protesters from blocking roads earlier in the year; they included David Smolansky, mayor of El Hatillo in Caracas, who was also sentenced to 15 months in jail.

The number of political prisoners increased from 103 at the end of 2016 to over 600 in July 2017. Most were later released, leaving about 200 behind bars at year's end.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The MUD's victory in the 2015 legislative elections demonstrated that it had improved its ability to compete for voters. However, the aftermath of the elections underscored the fact that for the opposition, victory at the polls does not necessarily translate into governing power or influence over policymaking. In 2017, the de facto replacement of the National Assembly with the National Constituent Assembly effectively removed opposition members from their democratically elected posts. The opposition expressed its disapproval of the National Constituent Assembly by holding a plebiscite two weeks before the assembly's elections so that voters could express their rejection of the new body; opposition leaders said their vote, which was largely symbolic, drew over 7 million participants.

The PSUV dominated the October gubernatorial elections, which the opposition called fraudulent. Three of the main opposition parties boycotted the December municipal elections, a move that prompted the National Constituent Assembly to prohibit those parties from competing in the 2018 presidential election.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

State-affiliated *colectivos* routinely commit acts of violence against civilians with impunity, particularly at antigovernment protests, and carry out government efforts to intimidate voters. Public-sector employers exert influence over workers' political choices. In 2017, there were reports that state workers were driven to polling stations by employers and threatened with dismissal if they failed to vote in the gubernatorial elections. Meanwhile, authorities made statements indicating that they could monitor individuals' voting behavior, which carried an implied threat for citizens who depend on state benefits and subsidies.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Venezuela's constitution provides specific protections for women and minorities, and government officials have been vocal in supporting the rights of indigenous people. However, historically marginalized groups have been particularly affected by the country's economic and health crises, which have undermined their ability to participate politically.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Venezuela does not function as a representative democracy. The opposition-controlled legislature had no practical ability to carry out its constitutional mandate after the 2015 elections, and in August 2017 it was supplanted by a body packed with regime loyalists who were elected under undemocratic conditions. While the National Assembly was not formally dissolved, the new National Constituent Assembly granted itself sweeping legislative powers, essentially leaving the old assembly with no functional role. In a show of force in July, regime supporters stormed the National Assembly building, beating and injuring several legislators.

Military officials, many of them in active service, occupy a number of top positions in government ministries and state-level administrations, and the armed forces perform routine government duties, blurring the lines between civilian and military functions.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is rampant in Venezuela. The government's economic policies—particularly its currency and price controls—have greatly increased opportunities for corruption, black-market activity, and collusion between public officials and organized crime networks, which have thrived in recent years. The government loses billions of dollars in revenue each year to gasoline smuggling. Continued restrictions on foreign currency and imports have greatly affected poor and middle-class Venezuelans and exacerbated the effects of the economic crisis, while elite groups and favored entities such as the military benefit from valuable exemptions and privileges.

C3. Does the government operate with openness and transparency? 0 / 4

There is little transparency regarding government spending. The government has consistently failed to publish vital economic data, including monthly inflation statistics.

CIVIL LIBERTIES: 18 / 60 (–1)**D. FREEDOM OF EXPRESSION AND BELIEF: 8 / 16****D1. Are there free and independent media? 1 / 4**

The Maduro government maintains a state communications infrastructure that is used to propagate its political and ideological program. Laws such as the 2004 Law on Social Responsibility of Radio and Television give the government the authority to control media content, and because the judiciary and regulatory agencies lack political independence, the legal framework is effectively used to control or punish any media owner or journalist whom the leadership perceives as an adversary. Critical media also face harassment in the form of tax penalties, equipment confiscation, and withdrawal of government advertising. A series of private news outlets have changed ownership under financial pressure in recent years, and their coverage subsequently grew more favorable to the authorities.

In November 2017, the National Constituent Assembly passed a hate-speech law mandating fines and up to 20 years' imprisonment for anyone who disseminates information deemed "intolerant" via radio, television, or social media. Rights advocates condemned the vaguely written law, saying it could be used to penalize government critics.

Obstruction, intimidation, physical attacks, confiscations of equipment, and detentions and arrests of media workers continued in 2017. Journalists seeking to cover the October gubernatorial elections were reportedly denied access to polling sites. Journalist Braulio Jatar, who was arrested in September 2016 on specious charges, was transferred to house arrest in May after eight months in prison.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Constitutional guarantees of religious freedom are generally respected, though tensions between the government and the Roman Catholic Church remain high. Government relations with the small Jewish community have also been strained at times.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Academic freedom came under mounting pressure during Chávez's tenure, and a school curriculum developed by his government emphasizes socialist concepts. More recently, budget cuts and other funding problems have undermined universities' autonomy. The lack of resources has prompted an exodus of academics from the country.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

In recent years, the government has repeatedly aired illegally intercepted conversations of opposition members. Ordinary Venezuelans have become more reticent about calling attention to their political views in situations where they might be overheard.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12 (-1)

E1. Is there freedom of assembly? 0 / 4 (-1)

Although freedom of peaceful assembly is guaranteed in the constitution, in practice this right is not protected. Widespread antigovernment protests in 2017 gave way to violent clashes with security forces, leading to injuries for more than 1,900 people and, according to the nongovernmental organization (NGO) Foro Penal, the deaths of 136 people between April and September, at least 102 of whom were apparently killed directly by security forces or state-affiliated *colectivos*. At year's end, many of those arrested at the demonstrations remained in custody.

Score Change: The score declined from 1 to 0 due to a crackdown on antigovernment protests, including mass arrests and the killing of dozens of demonstrators by security forces and state-affiliated armed groups.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4

Activists and NGOs are routinely harassed, threatened, and subject to legal and administrative sanctions for their work. The government has sought to undermine the legitimacy of human rights organizations and other civil society groups by questioning their international ties. Dozens of civil society activists have been physically attacked in recent years.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Workers are legally entitled to form unions, bargain collectively, and strike, with some restrictions on public-sector workers' ability to strike. Control of unions has shifted from traditional opposition-allied labor leaders to new workers' organizations that are often aligned with the government. The competition has contributed to a substantial increase in labor violence as well as confusion and delays during industry-wide collective bargaining.

F. RULE OF LAW: 1 / 16

F1. Is there an independent judiciary? 0 / 4

Politicization of the judicial branch increased dramatically under Chávez and has progressed even further under Maduro. High courts generally do not rule against the government, and a number of recent judicial decisions—particularly by the TSJ—have crippled the political power of the opposition. The outgoing PSUV-controlled legislature stacked the TSJ with its own appointees in late 2015, before the opposition-controlled National Assembly took office.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Opponents of the government and ruling party are routinely detained and prosecuted without regard for due process.

In recent years, the Bolivarian National Intelligence Service (SEBIN) has increasingly carried out policing functions and arrested opposition politicians and journalists without informing the Public Ministry or presenting official charges. The military has also assumed roles previously reserved for civilian law enforcement institutions, and foreign governments allege that the military has adopted a permissive attitude toward drug trafficking.

In August 2017, the National Constituent Assembly dismissed prosecutor general Luisa Ortega, a former Maduro ally who in the preceding months had become critical of his administration, denouncing the TSJ's attempts to undermine the elected legislature and speaking out in defense of antigovernment protesters. She fled the country following her dismissal, saying she feared for her life.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Venezuela's violent crime rates rank among the highest in the world, and Insight Crime, a foundation that studies organized crime in Latin America, has reported rising murder rates in recent years. The police and military have been prone to corruption, widespread torture of suspects, and extrajudicial killings. Prison conditions in Venezuela remain among the worst in the Americas.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The formal and constitutional rights of indigenous people, who make up about 2 percent of the population, improved under the 1999 constitution, but such rights are seldom enforced by local authorities. Although discrimination based on sexual orientation is barred, LGBT (lesbian, gay, bisexual, and transgender) Venezuelans face widespread discrimination and are occasionally subjected to violence. Women also suffer from violence and discrimination in practice—including a wage gap with men doing similar work—despite legal protections. Segments of the population that were already disadvantaged or marginalized appear to have suffered disproportionately from the lack of food and health care associated with Venezuela's economic crisis.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The country's currency controls and other economic policies, combined with a decline in the number of flights to and from Venezuela and periodic border closures, have made it extremely difficult for Venezuelans to travel abroad.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Property rights have been affected by years of price controls, nationalizations, overregulation, and corruption. Accusations of mismanagement, underinvestment, graft, and politicized hiring practices within state-owned enterprises are common.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The government generally does not restrict social freedoms. A 2007 law was designed to combat violence against women, but domestic violence and rape remain common and are rarely punished in practice.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Venezuelan women and children are vulnerable to sex trafficking both within Venezuela and in neighboring countries, particularly amid worsening economic conditions. Migrants to Venezuela have also been subjected to forced labor and sex trafficking.

With job opportunities growing scarce and wages not keeping up with hyperinflation, more citizens have turned to jobs in the informal economy, where they are more exposed to dangerous or exploitative working conditions. Meanwhile, hundreds of thousands of people have fled the country in recent years due to a lack of employment opportunities, severe shortages of basic goods, and escalating violence. Over 52,000 Venezuelans sought asylum abroad in the first six months of 2017 alone, an almost 100 percent increase from the previous year's 12-month total.

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