

Venezuela | Freedom House

POLITICAL RIGHTS: 3 / 40 (−5)

A. ELECTORAL PROCESS: 0 / 12 (−2)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4 (−2)

The president serves six-year terms. Since 2009, neither the president nor other elected officials have been subject to term limits.

Incumbent president Nicolás Maduro won the 2018 snap presidential election with 67.9 percent of the vote, defeating Henri Falcón of the Progressive Advance party, who took 20.9 percent, and independent candidate Javier Bertucci, who took 10.8 percent. The election saw record-low turnout, with only 46 percent of voters participating, a sharp decline from the nearly 80 percent who participated in the last presidential election in 2013.

The poll was initially planned for December, but was moved up to April and then ultimately to May by the National Constituent Assembly, the progovernment body that in 2017 controversially supplanted the opposition-controlled National Assembly elected two years before. The decision to hold the poll early was widely criticized as a move to benefit Maduro by leaving a crippled and divided opposition little time to coalesce around a unity candidate, and by holding it before increasingly dire economic conditions became even worse. Leading opposition figures, including Leopoldo López and Henrique Capriles, were barred from competing. Maduro sought to intimidate voters by insisting that they present the so-called Fatherland ID card—the special identity card required to receive subsidized food and other services—at government-run booths near polling places. This drove a perception that those who did not vote could see aid revoked.

By most international accounts, the election lacked even a veneer of competitiveness. The Organization of American States (OAS) called it a “farce,” while the Lima Group—comprised of mostly Latin American governments seeking address the crisis in Venezuela—deemed it illegitimate. The European Union said it did not comply with “minimum international standards for a credible process.”

Score Change: The score declined from 2 to 0 because prominent opposition political parties and candidates were banned from participating in the presidential election, which was marked by voter intimidation and was held on an accelerated schedule designed to advantage the incumbent.

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

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. In the 2015 elections, the opposition Democratic Unity Roundtable (MUD) coalition won 109 seats, while the United Socialist Party of Venezuela (PSUV) took 55. Subsequent government challenges against certain opposition victories—and notably the decision by the Supreme Tribunal of Justice (TSJ) to block the swearing-in of four representatives, three of whom were members of the opposition—deprived the MUD of a two-thirds majority.

The TSJ repeatedly nullified legislation passed by the National Assembly during 2016, and in 2017 the Maduro administration effectively replaced it with the National Constituent Assembly, a new body elected through an undemocratic process and comprised entirely of regime loyalists. Elections to the new assembly did not give voters the option to reject its establishment, were widely derided as unconstitutional, and were dismissed by the opposition, which boycotted the vote. Throughout 2018, the National Constituent Assembly functioned as a legislative body, solidifying its de facto replacement of the legitimate National Assembly. It is reportedly drafting a new constitution.

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

Venezuela's electoral system is heavily influenced by political manipulation and institutional interference in favor of the ruling party. The National Electoral Council (CNE) consists of five members, four of whom are openly aligned with the PSUV. The CNE rarely finds the ruling party has violated any rules, leading to a system in which the opposition is heavily regulated, while the government is unconstrained. After the National Constituent Assembly was created in 2017, it assumed the National Assembly's constitutional role of selecting and confirming members of the CNE. In addition, the National Constituent Assembly has taken over certain CNE functions, including setting election dates—a move that prompted significant controversy in 2018.

Recent elections, including the 2018 presidential election, 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, and intimidation of state employees.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16 (–3)

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? 0 / 4 (–1)

Opposition leaders are harassed, attacked, imprisoned, and otherwise impeded from participating in political processes or leading political parties in peaceful activities. Leopoldo López, founder of two opposition parties, remains under house arrest after spending more than three years in prison on spurious charges. Intelligence officials raided his home in March 2018 after the *New York Times* published an article based

on dozens of interviews he had secretly given to one of its journalists.

Dozens of other political leaders have been subjected to harassment or arrest, and an apparent assassination attempt against President Maduro in August prompted a major crackdown. Opposition lawmaker Juan Requesens and Caracas councilman Fernando Albán were among those arrested for alleged involvement in the incident. After more than two days in which Requesens' whereabouts were unknown, videos surfaced in which he appeared to have been physically abused and likely tortured by state officials. Alban was arrested in October upon returning from an advocacy trip to the United Nations in New York. He was held by intelligence services for several days until his death was reported by officials as a suicide. Many opposition leaders and several foreign governments believe he was tortured and murdered by state officials; the United Nations has called for an investigation into his death. A number of other opposition figures have fled the country.

In 2018, the government increasingly adopted what human rights groups termed a “revolving door” approach to repress critics, employing more frequent detentions but for shorter periods of time. In many cases, detained individuals disappear for multiple days before any information is provided about their whereabouts. The effect has been to broaden the government’s campaign to stifle protest and dissent while roughly maintaining the total number of political prisoners at a given time. A May report published by the OAS detailed the widespread use of torture to persecute government opponents. There have been over 12,800 arbitrary detentions since 2014 and there were 288 political prisoners at the end of 2018.

Score Change: The score declined from 1 to 0 due to sustained state-sanctioned violence and attacks against opposition leaders, including arbitrary arrests, forced disappearances, and torture.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4 (–1)

While discontent with the Maduro administration continues to grow, the government has cut off virtually all avenues for political change. After pushing through the de facto replacement of the National Assembly with the National Constituent Assembly in 2017, Maduro went further in 2018 by ensuring that no publicly known opposition figure would be able to challenge him in the 2018 election. Opposition parties that had boycotted the 2017 municipal elections due to the unjust conditions were banned by the National Constituent Assembly from competing under their names in the presidential election, prompting the opposition MUD coalition to declare a boycott of the process. Opposition parties also boycotted the December 2018 municipal elections, in which, as a sign of widespread dissatisfaction, only 27 percent of voters participated.

Both Lopez and Henrique Capriles, a prominent opposition figure and former governor of Miranda State, are banned from holding public office.

Score Change: The score declined from 1 to 0 because major opposition political parties and candidates were denied the ability to compete in presidential elections.

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.

The government's 2017 deployment of the Fatherland ID card—which is necessary to access subsidized food, subsidized oil medical procedures, and other services—has enabled authorities to institutionalize a form of political discrimination. In the lead-up to the 2018 presidential election, the government directed aid recipients to display their identification cards at government-run booths near polling stations. This fueled a widespread perception that those who failed to vote would see food aid withdrawn. Moreover, the government has also effectively bought votes by offering prizes of food to ID holders who vote. There were additionally reports of state employees being pressured to send photographs of themselves voting to their managers. The Reuters news agency, in a 2018 story on the Fatherland ID card, reported on the existence of a Justice Ministry list of state employees who had failed to vote.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4 (–1)

While several women hold senior positions in government, the general underrepresentation of women in politics contributes to a lack of policy discussions about issues that primarily affect women, such as gender-based violence. Discrimination against LGBT (lesbian, gay, bisexual, and transgender) Venezuelans impacts their ability to fully engage in political and electoral processes. The government has professed support for the rights of indigenous people, but in practice they too lack meaningful political representation. Three indigenous legislators were prevented from taking office after their victories in 2015 elections to the National Assembly in order to deny the opposition a two-thirds majority. Some indigenous leaders have been impeded from running for office and others have been targeted by government stigmatization campaigns.

The de facto replacement of the National Assembly with the progovernment National Constituent Assembly in 2017 effectively erased constitutional protections designed to ensure political representation for indigenous and other groups. Members of these groups now have little opportunity to advance any interests that fall outside of the body's agenda.

Score Change: The score declined from 3 to 2 because authorities' drive to quash dissent has left women, indigenous populations, and LGBT people with fewer opportunities to advocate for their interests.

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 has had no practical ability to carry out its constitutional mandate since the 2015 elections, and since August 2017 has been supplanted by a body packed with regime loyalists who were elected under undemocratic conditions. While the National Assembly was never formally dissolved, the new National Constituent Assembly granted itself sweeping legislative powers, essentially leaving the old assembly with no functional role.

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. The unpopular Maduro administration relies heavily on support from the military to maintain power. In 2018, a growing number of military officers were arrested, as the administration became increasingly concerned about divisions within the ranks.

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 black-market activity and collusion between public officials and organized crime networks, while exacerbating the effects of the economic crisis for poor and middle-class Venezuelans. The scale of Venezuelan corruption is exemplified by Alejandro Andrade, former head of Venezuela's treasury, who was sentenced by a US court to 10 years in prison after pleading guilty to taking over \$1 billion in bribes, in exchange for helping a network of elites purchase dollars at fixed exchange rates and resell them on the black market for a massive markup.

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. In 2017, President Maduro fired the health minister after the ministry published data confirming a dramatic rise in maternal and infant mortality.

CIVIL LIBERTIES: 16 / 60 (−2)

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16 (−1)

D1. Are there free and independent media? 1 / 4

Venezuela's independent journalists operate within a highly restrictive regulatory and legal environment, and risk arrest and physical violence in connection with their work. Most independent newspapers have shut down or moved to a digital format.

The Maduro government maintains a state communications infrastructure, bolstered by a broad legal framework, which is used to propagate its political and ideological program. Critical media face various forms of harassment. 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 traditional or social media. In September 2018, two men were arrested by military counterintelligence officers under the law for posting a video that compared President Maduro to a donkey. They were held for several weeks before being "freed with restrictions."

Obstruction, intimidation, physical attacks, confiscations of equipment, and detentions and arrests of media workers continued in 2018. Venezuela's Press and Society Institute (IPYS) reported that there were 25 arbitrary detentions of journalists in the first nine months of 2018, and that two journalists had been prohibited from leaving the country as punishment for their reporting. A German freelance writer was detained in a military detention facility in mid-November on charges of spying and "violating security zones," and remained there at year's end, though authorities have not provided any evidence to support the charges.

In September, the National Telecommunications Commission (CONATEL) ordered internet service providers in Venezuela not to allow an investigative journalism website, *Armando.info*, to publish a report about Alex Saab, a Colombian businessman responsible for importing staple foods for the government food-distribution program.

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 and prompted an exodus of academics from the country.

The OAS and Venezuelan civil society organizations have noted growing government efforts to stifle political speech by university students. In late 2017, the Inter-American Commission on Human Rights (CIDH), an OAS body, released a report expressing concern over the detention of more than 300 university students involved in a 2017 protest movement calling for political reforms. The report added that 21 students had been murdered amid the movement, and that 92 demonstrations called by university students or lecturers have been repressed.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4 (-1)

Authorities' monitoring of citizens' behavior via their use of the Fatherland ID card

and through scrutiny of content posted on social media platforms has created a climate of fear. Social media users have been subject to arrest in response to comments posted online, with at least 17 individuals detained since 2014 for opinions expressed on Twitter alone. In May 2018, Pedro Jaimes Criollo, a private citizen, was detained for tweeting information about the flight route of an aircraft carrying President Maduro. The incident was considered by many human rights groups to be a forced disappearance, given that after he was detained his whereabouts were unknown for more than a month. He was reportedly tortured while in custody.

The government has also employed the Fatherland ID system to monitor citizens' activities. With guidance from Chinese company ZTE, authorities have reportedly developed a sophisticated monitoring system that not only allows them to withhold food aid and other services from political opponents, but also enables them to gather vast troves of data on individuals' voting patterns, medical history, and other activity. Authorities have strongly encouraged citizens to sign up for the card.

Score Change: The score declined from 2 to 1 due to arrests of social media users for online comments, and the Maduro administration's use of the Fatherland ID card to monitor citizens' activities.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12

E1. Is there freedom of assembly? 0 / 4

Freedom of assembly is guaranteed in the constitution, but is not protected in practice. Widespread antigovernment protests in 2017 gave way to violent clashes with security forces, leading more than 1,900 injuries and 136 deaths, at least 102 of whom were apparently killed directly by security forces or state-affiliated *colectivos*.

There were fewer mass protests in 2018, likely due in part to the government's brutal crackdown on demonstrations the previous year. Most focused on discontent with the country's economic and social conditions, rather than the political situation. A growing number of professionals in the health sector, as well as transportation workers and grocery store owners, protested food and medicine shortages and criticized government policies. A peaceful march by 400 doctors and nurses in August was broken up by police.

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

Activists and nongovernmental organizations (NGOs) are routinely harassed, threatened, and subject to legal and administrative sanctions for their work. Dozens of civil society activists have been physically attacked in recent years. In 2017 and 2018, the government has focused mainly on attempting to delegitimize these organizations by accusing them of conspiring with foreign governments.

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.

Public-sector unions, including in the oil industry, took to the streets in 2018 to express anger over low wages and poor working conditions, and to oppose government reforms that failed to stem hyperinflation.

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 further under Maduro. High courts generally do not rule against the government. In late 2015, the outgoing PSUV-controlled legislature stacked the TSJ with its own appointees before the opposition-controlled National Assembly took office. The progovernment National Constituent Assembly has since installed over a dozen regime loyalists on the TSJ, solidifying the judiciary's alignment with the executive branch. In opposition to these developments, a group of former "justices-in-exile" has been working internationally to bring largely symbolic charges against Maduro and other government officials.

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. According to Venezuelan human rights groups, at least 800 civilians have been tried in military court proceedings since 2017.

In 2017, the National Constituent Assembly dismissed prosecutor general Luisa Ortega, who has been critical of Maduro. She then fled the country, 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. A 2018 report by *Insight Crime* cited a homicide rate of 89 per 100,000 people—which would make Venezuela the most dangerous country in Latin America—and called the country a "mafia state" due to the degree of infiltration by organized crime into state institutions. Venezuela also ranked last of all 142 countries surveyed in Gallup's latest Global Law and Order report, with only 17 percent of Venezuelan respondents saying they feel safe walking at night and just 24 percent expressing confidence in the police.

The police and military have been prone to corruption, torture, and extrajudicial killings. Prison conditions in Venezuela remain among the worst in the Americas. *Pranes*, or gang leaders who operate from prisons, are able to coordinate criminal networks throughout Venezuela.

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

The rights of indigenous people, who make up about 2 percent of the population, are upheld by the constitution but poorly protected by local authorities. Although discrimination based on sexual orientation is barred, LGBT Venezuelans face widespread intolerance and are occasionally subjected to violence.

Despite legal protections, women suffer from violence and discrimination in practice, including earning lower salaries than men doing similar work.

Segments of the population that were already disadvantaged or marginalized appear to have suffered disproportionately from Venezuela's economic and health crises. Maternal mortality has increased in recent years. People living with HIV/AIDS—most of whom are gay men and transgender people—have suffered due to the government's decision to stop subsidizing antiretroviral drugs.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16 (-1)

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 an enormous decline in the number of flights to and from Venezuela, and periodic border closures, have made it extremely difficult for Venezuelans to travel abroad. Venezuelans of all social classes nevertheless fled the country in massive numbers in 2018, even as neighboring countries imposed more rigorous passport and visa controls in an effort to slow the influx.

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? 0 / 4 (-1)

Venezuelan women and children are increasingly vulnerable to sex trafficking within Venezuela and in neighboring countries, as well as in Europe, with the problem exacerbated by worsening economic conditions. Migrants to Venezuela have also been subjected to forced labor and sex trafficking. The government has reportedly done little to combat human 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, the United Nations estimated in December 2018 that roughly 5,500 Venezuelans were leaving the country each day due to a lack of employment opportunities, food shortages, and violence.

Score Change: The score declined from 1 to 0 due to the severe economic crisis, which has prompted mass emigration, and increases in sex trafficking and sexual exploitation, trafficking of children, forced child labor, and dangerous working conditions.