

FREEDOM IN THE WORLD

Venezuela

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OVERVIEW:

President Hugo Chávez was reelected in October 2012 following a campaign in which economic growth, abuse of state resources, and public sympathy for the ailing incumbent trumped the opposition's increased level of unity and discipline. Chávez-linked candidates also dominated state elections in December, winning 20 of 23 gubernatorial races. Nonetheless, the government's acknowledgment the same month that Chávez's undisclosed form of cancer had returned fueled uncertainty about the future of the president and his socialist revolution.

The Republic of Venezuela was founded in 1830, nine years after independence from Spain. Long periods of instability and military dictatorship ended with the establishment of civilian rule in 1958 and approval of a democratic constitution in 1961. Until 1993, the center-left Democratic Action (AD) party and the Social Christian Party (COPEI) dominated politics under an arrangement known as the Punto Fijo pact. President Carlos Andrés Pérez (1989–93) of AD, already weakened by the violent political fallout from his free-market reforms, was nearly overthrown in two 1992 coup attempts—one led by Lieutenant Colonel Hugo Chávez, and the other by a group of disgruntled military officers. Pérez was subsequently impeached as a result of corruption and his inability to stem the social consequences of economic decline, which had coincided with lower oil prices beginning in the 1980s. Rafael Caldera, a former president (1969–74) and founder of COPEI, was elected president in late 1993 as head of a 16-party coalition.

Chávez won the 1998 presidential contest on a populist, anticorruption platform, and immediately proceeded to draft a new constitution. The resulting document, approved by voters in 1999, strengthened the presidency and introduced a unicameral National Assembly. Although Chávez retained his post in elections held under the new charter in 2000, opposition parties won most governorships, about half of the mayoralties, and a significant share of the National Assembly seats.

Chávez's use of decrees to enact controversial laws in 2001 provoked the largest street protests ever recorded in Venezuela. In April 2002, following the deaths of 19 people in a massive antigovernment protest, dissident military officers attempted to oust Chávez, the vice president, and the National Assembly with backing from some of the country's leading business and labor groups. However, the coup was resisted by loyalist troops and protesters, who brought Chávez back to power. The country was racked by continued protests, and in December 2002, oil workers backed by opposition leaders called a general strike that lasted 62 days. With the help of the military, the president managed to survive the strike and place loyalists in charge of the national oil company. The opposition then sought to trigger a recall referendum through a signature campaign. Under strong international pressure, Chávez agreed to the referendum, which was scheduled for 2004. In preparation, he launched a

2013 SCORES

STATUS

Partly Free

FREEDOM RATING

5.0

CIVIL LIBERTIES

5

POLITICAL RIGHTS

5

series of bold social initiatives in 2003, including urban health and literacy projects, many of which were staffed by thousands of experts from Cuba. He also continued to increase the number of loyalists in the judiciary, electoral bodies, the media, and other institutions.

Chávez won the recall referendum, taking 58 percent of the vote amid high turnout. National Assembly elections in 2005 were boycotted by the opposition, which accused the National Electoral Council (CNE) of allowing violations of ballot secrecy. A mere 25 percent of eligible voters turned out, and all 167 deputies in the resulting National Assembly were government supporters.

In the 2006 presidential election, Chávez defeated Zulia state governor Manuel Rosales of the opposition A New Time party, 61 percent to 38 percent. The incumbent exploited state resources during the campaign and drew on enduring support among poorer Venezuelans who had benefited from his social programs. He was also aided by high abstention rates among opposition voters who were convinced that the balloting was futile or not entirely secret.

Soon after the vote, Chávez pressed forward with his program of radical institutional changes. Most progovernment parties merged into the Unified Socialist Party of Venezuela (PSUV), and the socialist “Bolivarian revolution” deepened economically with a series of nationalizations of private assets. Cuban advisers acquired increasing influence in the health and intelligence services, among other sectors.

Referendum voters in December 2007 narrowly defeated a package of constitutional amendments, among them the removal of presidential term limits. The vote reflected a new push for electoral participation among the opposition, public disappointment with rising inflation and crime rates, and a degree of disaffection among Chávez supporters. However, a set of 26 new laws decreed by Chávez in July 2008 appeared designed to institute measures that were rejected in the referendum.

State and local elections in November 2008 were preceded by the disqualification of over 300 candidates, including some opposition leaders, by the nominally independent but government-friendly comptroller. The opposition captured the mayoralty of greater Caracas as well as five of 22 states, including the three richest and most populous. Government candidates won 17 states and some 80 percent of the mayoralties.

A government-backed referendum in February 2009 abolished term limits. In March and April, the legislature passed laws allowing the national government to strip states of key governing functions and cut budget allocations; in practice, opposition-governed states and particularly the Caracas mayor's office were most affected.

In the run-up to National Assembly elections in September 2010, the PSUV benefited from significant exposure on state-run media and pressure on public employees and neighborhood groups. The opposition, grouped together as the Unity Roundtable (MUD), took more than 47 percent of the vote, the PSUV captured 48 percent, and the opposition-leaning Fatherland for All (PPT) party obtained over 3 percent. Due to electoral rules revised in 2009, however, PSUV candidates secured 98 of the 165 seats, MUD candidates took 65, and the PPT won the remaining two.

With the PSUV facing the loss of its supermajority in the new legislature, Chávez urged the outgoing chamber to enact a raft of new legislation before dissolving. Over 20 laws were passed or modified in December, including highly controversial regulations related to the internet, funding for civil society groups, education, procedural issues within the National Assembly, territorial reorganization, and the distribution of resources to subnational governments and community groups. In addition, the legislature again voted to grant Chávez wide-ranging decree powers for 18 months.

In 2011, the opposition began its primary campaign for the 2012 presidential contest; Miranda state governor Henrique Capriles received a majority of the 3 million votes cast during the February 2012 primary. Also during 2011, after weeks of rumors surrounding an operation he underwent while visiting Cuba, Chávez revealed in late July that he had been diagnosed with cancer, though he refused to divulge specifics and made clear his intention to run for reelection in

2012. Critics bemoaned the lack of transparency, particularly given Chávez's personalized style of rule and the absence of a clear line of succession within the PSUV. Meanwhile, unstable social and economic conditions continued to pose difficulties for the government, as moderate economic growth was paired with electrical blackouts in parts of the country, stagnant industrial production, escalating crime, and persistent shortages of some food items.

The economy regained strength in 2012, spurred by continued high oil prices and, typical of electoral years under Chávez, a boom in state spending. Real wages were increased substantially, especially for public employees. The largest disbursements went to a project known as the Great Venezuelan Housing Mission, which provided or promised new housing for over a million Venezuelans. Other spending included payments to senior citizens and the distribution of appliances to low-income households.

Capriles sought to project a centrist, positive image in his campaign, pledging to maintain popular social programs while improving the quality and efficiency of governance. The Chávez campaign was more negative, alleging that an opposition victory would signify the end of the Bolivarian revolution, a return to the "oligarchic" model of the Punto Fijo era, and the start of a new era of violence in politics. Campaigning was largely peaceful, although several violent episodes targeting Capriles supporters occurred. Capriles could not match the government's turnout machinery, due in part to the collection of detailed personal information from recipients of state support. Moreover, the Chávez campaign enjoyed a significant resource advantage, including the melding of official publicity and campaign propaganda, the use of state vehicles to transport supporters to rallies and voting sites, Chávez's legal ability to take over the airwaves to make speeches, and generally weak oversight provided by the CNE. The skewed media coverage was especially noticeable in nonurban areas, where most media are state controlled.

Turnout proved decisive on election day in October, and Chávez was reelected with over 55 percent of the vote, to Capriles's 44 percent, with some 80 percent of eligible voters participating.

Chavismo maintained its momentum in the December state elections, with PSUV candidates winning 20 of 23 contests, including in several populous states that had been governed by the opposition. However, Capriles was narrowly reelected as governor of Miranda, reaffirming his status as the opposition's standard bearer.

In early December, Chávez acknowledged the return of his cancer and departed for Cuba for an indefinite course of treatment. In a sign of the gravity of his condition, before leaving he anointed Vice President and Foreign Minister Nicolás Maduro as his preferred successor; in the event of the president's death, new elections would be required within 30 days. As the year ended, Chávez's ability to return for his inauguration on January 10, 2013, remained uncertain, and the constitutional implications of a failure to do so were the subject of heated debate.

Relations with the United States remained stable but tense, and the United States continued to lack an ambassador in Caracas in 2012. The bilateral friction was partly attributable to Chávez's creation of ostensible leftist alternatives to U.S.-backed regional trade pacts and political bodies; his weapons purchases from Russia; and his rhetorical support for and economic cooperation with Cuba, Iran, Syria, and other nondemocratic states. The Venezuelan government stirred regional controversy in September 2012 when it announced its withdrawal from the American Convention on Human Rights following a series of decisions against it by the Inter-American Court of Human Rights.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Venezuela is not an electoral democracy. While the act of voting is relatively free and the count has become fairer since 2006, the political playing field favors government-backed candidates, and the separation of powers is virtually nonexistent.

Ballot secrecy has been a source of controversy. After the failed 2004 presidential recall referendum, tens of thousands of people who had signed petitions in favor of the effort found that they could not get government jobs or contracts, or qualify for public assistance programs; they had apparently been placed on a blacklist of President Hugo Chávez's alleged political opponents. After a boycott of the 2005 National Assembly elections, the opposition decided to actively contest all subsequent elections, and the voting is generally considered free and fair, but the CNE has failed to limit the use of state resources by Chávez and the ruling PSUV. The promotion of social and infrastructure projects often blurs the line between PSUV candidates' official roles and their electoral campaigns. Public employees are subjected to heavy pressure to support the government.

The unicameral, 165-seat National Assembly is popularly elected for five-year terms. The ruling party's majority acts as a reliable rubber stamp for the executive, and Chávez's control of the 2006–10 assembly allowed him to further curb the independence of institutions including the judiciary, the intelligence services, and the Citizen Power branch of government, which was created by the 1999 constitution to fight corruption and protect citizens' rights. The December 2010 grant of decree powers to Chávez was the third time he received such authority. He used it to enact 54 laws before the period expired in June 2012. The president serves six-year terms, but due to the results of the 2009 referendum, he and other elected officials are no longer subject to term limits.

The merger of government-aligned parties into the PSUV is largely complete, though several groups retain nominal independence. PSUV leaders are generally selected by the president, rather than through internal elections.

In 2009, opposition parties established the MUD, which selected unity candidates—in part via primaries—for the 2010 and 2012 elections. Opposition leadership in some states and localities has been blunted in recent years by laws allowing the national government to strip important functions from subnational administrations.

The government plays a major role in the economy and has generated regulatory restrictions that increase opportunities for corruption. Several large development funds are controlled by the executive branch without independent oversight. The largest, the National Development Fund (FONDEN), has received over \$100 billion since 2005 and provides half of Venezuela's public investment, with no legislative examination of its many large-scale, unproductive allocations. Anticorruption efforts are a low government priority, and the lack of state transparency makes citizen investigation and exposure of corruption difficult. Venezuela was ranked 165 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Although the constitution provides for freedom of the press, the media climate is permeated by intimidation, sometimes including physical attacks, and strong antimedia rhetoric by the government is common. The 2004 Law on Social Responsibility of Radio and Television gives the government the authority to control radio and television content. Opposition-oriented outlets make up a large portion of the print media, but their share of the broadcast media has declined in recent years, in part due to closures by regulators and other forms of official pressure such as selective exchange rate controls. Coverage of election campaigns by state media has been overwhelmingly biased in favor of the government; private outlets have also exhibited bias, though to a somewhat lesser degree. As of December 2012, the local press watchdog Institute for Press and Society had registered 194 press violations during the year.

The government does not restrict internet access, but in 2007 it nationalized the dominant telephone company, CANTV, giving the authorities a potential tool to hinder access. A law passed during the December 2010 lame-duck legislative session extended the 2004 broadcasting law's restrictions to the internet. In 2011 and 2012, dozens of prominent opposition activists and journalists found that their Twitter microblog accounts had been hacked and used to disseminate antiopposition messages.

Constitutional guarantees of religious freedom are generally respected, though government tensions with the Roman Catholic Church remain high. Government

relations with the small Jewish community have also been strained at times. Academic freedom has come under mounting pressure since Chávez took office, and a school curriculum developed by his government emphasizes socialist concepts. A 2008 Organic Education Law included ambiguities that could lead to restrictions on private education and increased control by the government and communal councils. In universities, elections for student associations and administration positions have become more politicized, and rival groups of students have clashed repeatedly over both academic and political matters.

Freedom of peaceful assembly is guaranteed in the constitution. However, the right to protest has become a sensitive topic in recent years, and rights groups have criticized legal amendments that make it easier to charge protesters with serious crimes. According to the local rights group Provea, at least 10 protesters were subjected to unconstitutional trials within the military justice system in 2012. Workers, particularly employees of state-owned enterprises, are the most frequent demonstrators, followed by citizens protesting poor public-services delivery and high crime rates.

Nongovernmental organizations (NGOs) are also frequent antagonists of the government, which has sought to undermine the legitimacy of human rights and other civil society organizations by questioning their ties to international groups. In December 2010, the lame-duck parliament passed the Law on Political Sovereignty and National Self-Determination, which threatens sanctions against any "political organization" that receives foreign funding or hosts foreign visitors who criticize the government. Dozens of civil society activists have been physically attacked in recent years, and other forms of harassment are common, including bureaucratic hurdles to registration.

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 increasingly shifted from traditional opposition-allied labor leaders to new workers' organizations that are often aligned with the government. The growing competition has contributed to a substantial increase in labor violence as well as confusion during industry-wide collective bargaining. According to local rights monitors, labor violence caused the deaths of 65 workers between January and September 2012. Labor strife has also risen due to the addition of thousands of employees of nationalized companies to the state payroll, and the government's failure to implement new collective-bargaining agreements.

Politicization of the judicial branch has increased under Chávez, and high courts generally do not rule against the government. Conviction rates remain low, the public defender system is underfunded, and nearly half of all judges and prosecutors lack tenure, undermining their autonomy. The National Assembly has the authority to remove and appoint judges to the Supreme Tribunal of Justice (TSJ), which controls the rest of the judiciary. In December 2010 the outgoing legislature appointed nine new TSJ judges who are generally viewed as friendly to the government. In April 2012 a fired and exiled TSJ judge, Eladio Aponte, leveled accusations that administration officials instructed judges on decisions in sensitive cases. Judge María Lourdes Afiuni remained in confinement throughout 2012. She had been arrested on corruption charges in 2009 after ordering the release of a prominent banker who had been held without conviction for more than the maximum of two years. In November 2012 she alleged that she had been sexually assaulted while in custody; the minister of prisons responded by calling for a defamation investigation against her.

Venezuela's murder rate is among the world's highest. The nongovernmental Venezuelan Violence Observatory cited at least 21,692 murders in 2012, an unprecedented figure that represents a rate of approximately 73 homicides per 100,000 citizens. The police and military have been prone to corruption, widespread arbitrary detention and torture of suspects, and extrajudicial killings. In 2009, the justice minister admitted that police were involved in up to 20 percent of crimes; few officers are convicted, partly due to a shortage of prosecutors. Prison conditions in Venezuela remain among the worst in the Americas. The NGO Venezuelan Prison Observatory reported 523 violent deaths within prison walls between July 2011 and July 2012. In June 2012 the minister of prisons announced that 24 new prisons would be constructed over the following two years.

The increasingly politicized military has stepped up its participation in the delivery of public services. Foreign officials assert that the military has adopted a permissive attitude toward drug trafficking and Colombian rebel activity inside Venezuela, though improved relations with Colombia have led to increased cooperation, including the capture of Colombia's most wanted drug lord in Venezuela in September 2012. In recent years, the division of responsibility between the military and civilian militias has become less clear, and informal progovernment groups have been responsible for attacks on press outlets and, occasionally, individual journalists and opposition supporters.

Property rights are affected by the government's penchant for price controls and nationalizations. While the pace of nationalizations has declined from previous years—due in part to the state's dominant position in many strategic industries—the government continues to threaten to nationalize businesses deemed to lack commitment to revolutionary goals. Accusations of mismanagement, underinvestment, corruption, and politicized hiring practices within nationalized businesses are common. Declining productivity and other problems in the politically sensitive oil industry were highlighted by an August 2012 refinery explosion that killed 42 people.

The formal and constitutional rights of indigenous people, who make up about 2 percent of the population, have improved under Chávez, though such rights are seldom enforced by local authorities. The constitution reserves three seats in the National Assembly for indigenous people. Indigenous communities trying to defend their land rights are subject to abuses, particularly along the Colombian border. Afro-Venezuelans remain marginalized and underrepresented among the Venezuela elite.

Women enjoy progressive rights enshrined in the 1999 constitution, as well as benefits offered under a major 2007 law. However, despite some improvements on implementation, domestic violence and rape remain common and are rarely punished in practice. The problem of trafficking in women remains inadequately addressed by the authorities. Women are poorly represented in government, with just 17 percent of the seats in the National Assembly, but they hold a number of important offices in the executive branch.

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