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FREEDOM IN THE WORLD

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Venezuela

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OVERVIEW:

President Hugo Chávez Frías sought treatment for an undisclosed form of cancer in 2011, fueling speculation about his future as the country's dominant political figure. Meanwhile, several contenders jockeyed to emerge as the opposition's unity candidate for the 2012 presidential campaign. Harassment of nongovernmental organizations and journalists persisted, and criminal violence continued to rise on the streets and in the prisons.

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 the AD, already weakened by the violent political fallout from his free-market reforms, was nearly overthrown by Lieutenant Colonel Hugo Chávez Frías and other nationalist military officers in two 1992 coup attempts, in which dozens of people were killed. 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 the 16-party Convergence coalition, which included both left- and right-wing groups.

Chávez won the 1998 presidential contest on a populist, anticorruption platform, and in 1999 voters approved a new constitution that 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.

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, and Chávez moved swiftly to regain control of the military, replacing dozens of senior officers.

The country was racked by continued protests, and in December 2002 opposition leaders called a general strike that lasted 62 days but ultimately weakened their political position as well as the economy. While fending off his opponents with legal maneuvers and intimidation tactics, Chávez launched bold social-service initiatives, including urban health and literacy projects, many of which were staffed by thousands of experts from Cuba. He also continued to increase his influence over the judiciary, the media, and other institutions of civil society. Chávez survived a 2004 presidential recall referendum triggered by an opposition signature campaign, 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, though a small number defected to the opposition in subsequent years.

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.

Soon after the vote, Chávez pressed forward with his program of radical institutional changes. Nearly all progovernment parties merged into the Unified Socialist Party of Venezuela (PSUV), and the socialist "Bolivarian

2012 SCORES

STATUS

Partly Free

FREEDOM RATING

5.0

CIVIL LIBERTIES

5

POLITICAL RIGHTS

5

revolution" deepened economically with a series of nationalizations of private assets. At the end of January 2007, the National Assembly voted to allow the president to issue decrees on a broad array of topics for 18 months.

Referendum voters in December 2007 narrowly defeated a package of constitutional amendments, among them the removal of presidential term limits. The vote reflected robust opposition participation, public disappointment with rising inflation and crime rates, and a degree of disaffection among current and former 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, including presidential authority to name new regional officials and the reorganization of the military hierarchy.

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. PSUV and other Chávez-aligned candidates enjoyed massive resource advantages and state publicity, while opposition candidates focused on perceived failures in public services and benefited from coverage in the opposition press. The opposition captured the mayoralty of greater Caracas as well as 5 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, with over 54 percent of participating voters endorsing Chávez's proposal. In March and April 2009, 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. A new electoral law enacted in August was generally perceived to favor government candidates.

In the run-up to National Assembly elections in September 2010, the PSUV benefitted from significant exposure on state-run media, pressure on public employees and neighborhood groups, and the provisions of the 2009 electoral law. 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 the revised electoral rules, 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, setting a primary election date for February 2012. Miranda state governor Henrique Capriles maintained a lead in the polls throughout the year, with Zulia governor Pablo Pérez and well-known politician Leopoldo López running second and third, respectively. In September, the Inter-American Court of Human Rights ruled that López, who was on the comptroller's list of disqualified candidates, must be allowed to run due to the absence of any formal charges against him. However, Venezuela's Supreme Tribunal of Justice (TSJ) ruled in October that the Inter-American Court's binding decision could not be carried out because, in the court's interpretation, it conflicted with the Venezuelan constitution and violated Venezuelan sovereignty. While López remained in the race, it remained unclear whether he would be allowed to take office in the event of an electoral victory.

Also during the year, it was revealed that Chávez was being treated for an undisclosed form of cancer. After weeks of rumors surrounding an operation he underwent while visiting Cuba, allegedly to remove a pelvic abscess, Chávez acknowledged in late July that he was indeed being treated for cancer, though he refused to divulge specifics. The government insisted that Chávez's prognosis was excellent, and he 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.

Unstable social and economic conditions continued to pose difficulties for the government. Though the economy grew at a rate of 4 percent, inflation remained at 27 percent, electrical blackouts struck parts of the country in early 2011, industrial production stagnated, and shortages of some food items continued. Legislation passed in November that allowed the government to set prices on consumer goods seemed to increase shortages. Meanwhile, according to local rights groups, violent crime reached unprecedented levels despite the introduction of a new military anticrime unit, the People's Guardians. In June and July, the forcible suppression of a riot in one part of the El Rodeo prison complex led to a month-long standoff in another part; the conflict ended without the massacre that prisoners' family members feared, though the episode cast new light on Venezuela's horribly violent prisons.

Relations with the United States were stable but tense, and the United States remained without an ambassador in Caracas throughout the year. Venezuela's improved relations with Colombia since 2010 have indirectly aided its ties with Washington. Although Venezuela continued to reject cooperation with the U.S. Drug Enforcement Agency, it extradited an accused Colombian drug kingpin to the United States in December. The bilateral friction is also attributable to Chávez's creation of ostensible leftist alternatives to U.S.-backed regional trade pacts; his weapons purchases from Russia; and his rhetorical support for and economic cooperation with Cuba, Iran, and other nondemocratic states. In December 2011, Venezuela hosted the first meeting of the Community of Latin American and Caribbean Nations, a new regional body that pointedly excludes the United States and Canada.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Venezuela is not an electoral democracy. While the act of voting is relatively free and the count is fair, the political playing field favors government-backed candidates, and the separation of powers is nearly nonexistent.

The opposition boycotted the 2005 National Assembly elections due to concerns that ballot secrecy would be compromised. 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 an alleged blacklist of President Hugo Chávez Frias's political opponents. The opposition decided to actively contest the 2006 presidential and 2010 National Assembly elections, and the voting was generally considered free and fair, but the CNE failed to limit use of state resources by Chávez and the ruling PSUV. They enjoyed a massive advantage in television exposure, and the promotion of social and infrastructure projects often blurred the line between their official roles and their electoral campaigns. Public employees were also subjected to heavy pressure to support the government.

The unicameral, 165-seat National Assembly is popularly elected for five-year terms. 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 this power to enact 23 laws in 2011, compared with 19 laws passed by the National Assembly. 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. Opposition leadership in some states and localities has been blunted by laws allowing the national government to strip important functions from subnational administrations. In 2009, opposition parties established the MUD, which selected unity candidates—in part via primaries—for the 2010 elections and maintained cohesion during the campaign. The MUD is also coordinating the opposition's efforts leading up to the 2012 presidential campaign.

The government plays a major role in the economy and has done little to remove vague or excessive regulatory restrictions that increase opportunities for corruption. Several large development funds are controlled by the executive branch without independent oversight. Balance sheets for two of the largest funds, FONDEN and the Chinese Fund, were released in 2011, but a \$29 billion discrepancy between the stated total expenditure and the sum of individual line items remained unexplained at year's end. Anticorruption efforts are a low government priority; Comptroller General Clodosbaldo Russián died in June, and no permanent replacement had been selected by year's end. Several Venezuelans were convicted in U.S. courts during the year for their roles in a Ponzi scheme that pilfered money from the pension fund of the national oil company, PDVSA. Venezuela was ranked 172 out of 183 countries surveyed in Transparency International's 2011 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. The television station RCTV's terrestrial broadcast frequency and equipment was seized in 2007, based on what Chávez claimed were the station's ongoing efforts to destabilize the government. In July 2010, the National Telecommunications Commission (CONATEL) stripped 32 radio stations of their licenses for what it described as procedural and administrative problems. Also during the year, the president of Globovisión, the primary opposition-aligned television broadcaster, was charged with several violations, prompting him to take refuge in the United States. In October 2011 Globovisión was fined \$2.1 million for its reporting on a prison riot. 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.

The government does not restrict internet access, but in 2007 the government nationalized the dominant telephone company, CANTV, giving the authorities a potential tool to hinder access. In addition, a law passed during the December 2010 lame-duck legislative session extended the 2004 broadcasting law's restrictions to the internet. In 2011 a number of prominent opposition activists and journalists found that their Twitter microblog accounts had been hacked and used to disseminate anti-opposition messages. In addition, the offices of the freedom of expression advocacy group Public Space were burglarized twice in November, with computers and other valuable items stolen.

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, but have improved recently. Academic freedom has come under mounting pressure since Chávez took office, and a school curriculum developed by his government emphasizes socialist concepts. A new Organic Education Law enacted in 2009 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. In December 2011, a student election at the Central University of Venezuela in which progovernment students were defeated decisively was followed by violence that caused damage to the university's concert hall.

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 rights group Provea, the number of protests rose considerably in 2011, while police repression of demonstrations declined. Workers, particularly employees of state-owned enterprises, demonstrated most frequently, followed by citizens protesting poor public-services delivery and high crime rates. The state's harsh rhetorical and legal response has fallen most heavily on the labor sector.

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 members have been physically attacked in recent years, and other forms of harassment are common, including bureaucratic hurdles to registration and intimidation of activists. During the El Rodeo prison riots in 2011, noted prison activist Humberto Prado was repeatedly harassed and accused of orchestrating the uprising.

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. Antigovernment groups allege that Chávez intends to create government-controlled unions, while the president's supporters maintain that the old labor regime was effectively controlled by the AD, COPEI, and employers. The growing competition has contributed to a substantial increase in labor violence as well as confusion during industry-wide collective bargaining. According to Provea, labor violence caused the deaths of 36 workers between October 2010 and September 2011. 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 in a context of reduced state resources.

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. The National Assembly has the authority to remove and appoint judges to the 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. Judge Maria Lourdes Afiuni remained in confinement throughout 2011, though in February she was moved from jail to house arrest for medical reasons. She had been arrested on corruption charges in December 2009, just hours after ordering the release of a prominent banker who had been held without conviction for more than the maximum of two years.

Although exact figures remain disputed, Venezuela's murder rate is among the world's highest. One local NGO, the Venezuelan Violence Observatory, offered a "conservative" estimate of over 19,000 homicides in 2011, or over 65 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. Although hundreds of officers are investigated each year, few are convicted, partly due to a shortage of prosecutors. The government claims that units trained in human rights and deployed in 2010 and 2011 have cut crime rates substantially in some zones. Despite the April 2011 announcement of a new Ministry of Prisons, prison conditions in Venezuela remain among the worst in the Americas. The NGO Venezuelan Prison Observatory reported 487 violent deaths within prison walls between January and October 2011, up from the 2010 tally of 476.

The increasingly politicized military has stepped up its participation in social development and the delivery of public services. While a faction of the military is perceived as wary of the Bolivarian project, Chávez's institutional control is considered solid. Military salaries were raised by 50 percent in October 2011. 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 led Venezuela to deport an alleged rebel leader in April. 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 nationalization, and the fast pace of nationalization continued in 2011, though the firms affected were less prominent than those seized in past years. Accusations of mismanagement, corruption, and politicized hiring practices within nationalized businesses are common.

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 political 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. In October 2011 the government agreed to formally transfer nearly 35,000 acres of ranchland to members of the Yukpa indigenous group.

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 hold a number of important offices in the executive branch.

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