

Venezuela

The April 2013 presidential election, held weeks after the death of President Hugo Chávez, resulted in a narrow victory for Chávez's hand-picked successor, Nicolás Maduro, according to Venezuelan electoral authorities. The Supreme Court and the National Electoral Council rejected appeals filed by the opposition candidate, Henrique Capriles Radonski, challenging the results. The controversy over the results touched off street demonstrations and counterdemonstrations, which led to at least nine deaths and dozens of injured, as well as excessive use of force and arbitrary detentions by security forces.

Under the leadership of President Chávez and now President Maduro, the accumulation of power in the executive branch and the erosion of human rights guarantees have enabled the government to intimidate, censor, and prosecute its critics. While many Venezuelans continue to criticize the government, the prospect of facing reprisals—in the form of arbitrary or abusive state action—has undercut the ability of judges to fairly adjudicate politically sensitive cases, and forced journalists and rights defenders to weigh the consequences of publicizing information and opinions that are critical of the government. In September 2013, the Venezuelan government's decision to withdraw from the American Convention on Human Rights took effect, leaving Venezuelans without access to the Inter-American Court on Human Rights, an international tribunal that has protected their rights for decades in a wide array of cases.

Police abuse, prison conditions, and impunity for abuses by security forces remain serious problems.

Post-Election Violence

Security forces used excessive force and arbitrary detentions to disperse anti-government demonstrations after the April elections, according to local groups. For example, the Forum for Life, a network of 18 Venezuelan human rights organizations, reported that security forces had arbitrarily detained at least 62 individuals and injured 38 others in

demonstrations in the state of Lara on April 15 and 16. The detainees reported that they were severely beaten, threatened with sexual violence, and deprived of food for more than 24 hours.

According to official information, six “violent and aggressive” demonstrations took place after the elections, in which 35 people were injured; and 15 health centers, five headquarters of political parties, and one ombudsman’s office were vandalized. Official sources reported that nine individuals were killed at the time, although the circumstances in which the deaths occurred remain unclear.

President Maduro and other high level officials have used the threat of criminal investigations as a political tool, attributing responsibility for all acts of violence during demonstrations to Capriles. The Attorney General's Office has investigated incidents involving victims who were government supporters, but has failed to conduct thorough investigations into credible allegations of post-electoral abuses by security forces.

Judicial Independence

Since then, President Chávez and his supporters in the National Assembly conducted a political takeover of the Supreme Court in 2004, the judiciary has largely ceased to function as an independent branch of government. Members of the Supreme Court have openly rejected the principle of separation of powers, publicly pledged their commitment to advancing the government’s political agenda, and repeatedly ruled in favor of the government, validating the government’s disregard for human rights.

Judge María Lourdes Afiuni remains under criminal prosecution as a result of a 2009 ruling against the government. In December 2009, Afiuni was detained on the day she authorized the conditional release of a government critic who had spent nearly three years in prison awaiting trial on corruption charges. Although Afiuni’s ruling complied with a recommendation by international human rights monitors—and was consistent with Venezuelan law—a provisional judge who had publicly pledged his loyalty to Chávez ordered her to stand trial on charges of corruption, abuse of authority, and “favoring the evasion of justice.” Afiuni spent more than a year in deplorable conditions in a women's prison, and over two years under house arrest. In June 2013, she was granted conditional

liberty, but at time of writing remained bound by a court order forbidding her to make any public statements about her case.

Freedom of Media

Over the past decade, the government has expanded and abused its powers to regulate media. While sharp criticism of the government is still common in several newspapers and some radio stations, fear of government reprisals has made self-censorship a serious problem.

In 2010, the National Assembly amended the telecommunications law to grant the government power to suspend or revoke concessions to private outlets if it is “convenient for the interests of the nation.” It also expanded the scope of a restrictive broadcasting statute to cover the Internet, allowing the arbitrary suspension of websites for the vaguely defined offense of “incitement.” Previously, amendments to the criminal code had expanded the scope and severity of defamation laws that criminalize disrespect of high government officials.

The government has taken aggressive steps to reduce the availability of media outlets that engage in critical programming. Venezuela’s oldest private television channel, RCTV, which was arbitrarily removed from public airwaves in 2007, was then driven off cable TV in 2010.

The government subsequently pursued administrative sanctions against Globovisión, which was for years the only major channel that remained critical of Chávez. The broadcasting authority opened nine administrative investigations against the channel. In one case, it imposed a fine of US\$2.1 million for allegedly violating the broadcasting statute when Globovisión aired images of a prison riot in 2011. In April 2013, Globovisión was sold to government supporters because, according to its owner, it had become politically, economically, and legally unviable. Since then, it has significantly reduced its critical programming.

The government has also targeted other media outlets for arbitrary sanction and censorship. For example, in a case brought by the ombudsman, a specialized court to

protect children fined *El Nacional* newspaper in August 2013 for publishing on its front page a photograph of a dozen naked corpses in the Bello Monte morgue in Caracas. The image accompanied an article about illegal arms and violence, which are major public concerns in Venezuela. Since the picture was printed in 2010, the court forbade the paper from publishing “images, information and publicity of any type containing blood, arms, and messages of terror, physical aggression, images with contents of war and messages about deaths that could alter the psychological well-being of boys, girls, and adolescents in Venezuela.”

In November 2013, the broadcasting authority opened an administrative investigation against eight Internet providers for allowing web sites that published information on unofficial exchange rates, and threatened to revoke their licenses if they did not immediately block the sites. Days later, it asked Twitter to suspend accounts related to such websites.

Human Rights Defenders

The Venezuelan government has sought to marginalize the country’s human rights defenders by repeatedly accusing them of seeking to undermine Venezuelan democracy with the support of the US government. For example, in July 2013, the minister of interior accused Rocío San Miguel, the director of the nongovernmental organization Citizen Control, of being a “CIA operator in Venezuela” who is conducting a “psychological campaign” against the government’s security policies.

In 2010, the Supreme Court ruled that individuals or organizations that receive foreign funding could be prosecuted for “treason.” In addition, the National Assembly enacted legislation blocking organizations that “defend political rights” or “monitor the performance of public bodies” from receiving international assistance.

In October 2013, the National Assembly created a “special commission” to investigate the sources of funding of “offices or organizations with political purposes and groups that act with the purpose of destabilizing and generating social commotion and coup d’etat[s] to undermine the constitutional order.”

Abuses by Security Forces

Violent crime is rampant in Venezuela. In May 2013, President Maduro launched the “Secure Homeland Plan,” deploying 3,000 military officials to participate in joint public security operations with police forces. Military officials lack the training to perform these tasks.

Killings by security forces are a chronic problem. According to the most recent official statistics, law enforcement agents allegedly killed 7,998 people between January 2000 and the first third of 2009. In July 2013, military officials opened fire at a car in the state of Falcon, killing the driver and one of her daughters, and injuring her two other children. After the case received widespread media coverage, prosecutors charged 10 military officials for their alleged responsibility in the killings. However, impunity remains the norm.

In April 2008, the government created the National Bolivarian Police (NBP) and enacted measures to promote non-abusive policing proposed by a commission comprised of government and NGO representatives. As of August 2013, there were 14,478 NBP officers working in eight states.

In June 2013, the National Assembly passed a new Law to Prevent and Sanction Torture and other Cruel or Inhuman Treatment, which penalizes the commission, collaboration, cover up, and obstruction of criminal investigations into these acts. The law, which has entered in force, imposes penalties of up to 25 years for these crimes.

Prison Conditions

Venezuelan prisons are among the most violent in Latin America. Weak security, deteriorating infrastructure, overcrowding, insufficient and poorly trained guards, and corruption allow armed gangs to effectively control prisons. Hundreds of violent prison deaths occur every year. For example, in January 2013, at least 56 prisoners and one member of the National Guard were killed during a clash between members of the National Guard and inmates in which security forces used lethal force during a weapons search in the Urbana prison in Lara state. Forty-six prisoners were hospitalized with serious injuries.

Labor Rights

Political discrimination against workers in state institutions remains a problem. In April 2013, Minister of Housing Ricardo Molina called on all ministry personnel who supported the opposition to resign, saying that he would fire anyone who criticized Maduro, Chávez, or the “revolution.” The Human Rights Center of the Catholic University Andrés Bello received complaints involving hundreds of workers from public institutions—including the state oil company, the office in charge of customs and taxes, and state electrical companies—who were allegedly threatened with losing their positions for supporting Capriles, or for not openly supporting the government, after the April elections.

Labor legislation adopted in April 2012 includes provisions that limit the full freedom that unions should have to draft their statutes and elect their representatives. In practice, the National Electoral Council (CNE), a public authority, continues to play an excessive role in union elections, violating international standards that guarantee workers the right to elect their representatives in full freedom, according to conditions they determine.

Key International Actors

On September 10, 2013, the Venezuelan government's decision to denounce the American Convention on Human Rights entered into effect. Venezuelan citizens and residents are unable to request the Inter-American Court of Human Rights' intervention when local remedies are ineffective or unavailable for any abuses committed since that date.

As a member of the UN Human Rights Council, Venezuela has spoken out against UN action to respond to human rights violations in places such as North Korea. During the September 2013 session of the Human Rights Council, it was the only country to vote against a resolution condemning human rights violations committed against the Syrian people. For years, Venezuela's government has refused to authorize UN human rights experts to conduct fact-finding visits in the country.

In June 2013, Venezuela became the pro-tempore president of Mercosur, a year after joining the regional bloc. The Asunción Protocol on Commitment with the Promotion and Protection of Human Rights of Mercosur states that “full respect of democratic institutions and the respect of human rights” are essential for regional integration, and that state

parties will “cooperate for the effective promotion and protection of human rights.” By not addressing the absence of an independent judiciary in Venezuela, as well as the government's efforts to undermine human rights protections, the other Mercosur member states have failed to uphold these commitments.

Venezuela supported a campaign by Ecuador to undermine the independence of the Inter-American Commission on Human Rights, and limit the funding and effectiveness of its special rapporteurship on freedom of expression. While they were unable to win support for this effort at the March 2013 meeting Organization of American States General Assembly, both governments, as well as other members of the Bolivarian Alliance for the Americas (ALBA), made clear their intent to continue pressing for these changes in the future.