



Freedom in the World 2015 - Venezuela

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2015 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 5.0

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 5

Trend Arrow: ↓

Venezuela received a downward trend arrow due to the government's repressive response to antigovernment demonstrations, including violence by security forces, the politicized arrests of opposition supporters, and the legal system's failure to protect basic due process rights for all detained Venezuelans.

OVERVIEW

Venezuela was convulsed in 2014 by widespread protests that featured violence on the part of both police and demonstrators. A harsh governmental response to a student protest in March over insecurity in Táchira State prompted demonstrations in many cities, led by students and middle-class Venezuelans who were generally aligned with the political opposition. Grievances included quality-of-life concerns centered on crime, inflation, and scarcity of goods, as well as anger about the deterioration of political rights and civil liberties under the governments of President Nicolás Maduro and his predecessor, Hugo Chávez. The government blamed opposition leaders for the unrest and encouraged both the official security forces and armed progovernment civilian groups to forcibly prevent the opposition's alleged goal of a "soft coup." By June, the highly divisive protests had largely wound down in the face of fatigue, a tenuous government-opposition dialogue, and violent repression. More than 40 people were reported dead and more than 900 injured, and local rights group PROVEA documented more than 3,100 arrests. Human Rights Watch noted severe physical abuse of detainees both during and after arrest, as well as the use of falsified evidence as cases moved through Venezuela's highly politicized judicial system. Although the vast majority of detainees were released, Leopoldo López, a leader of a more confrontational faction within the opposition, was held in a military prison through the end of the year on charges of inciting violence.

Politics in Venezuela continue to play out in the shadow of former president Chávez, who died of cancer in 2013 after 14 years in power and left Venezuela sharply divided. After December 2013 local elections resulted in a victory for Chavismo, rifts within the opposition deepened in early 2014. The moderate faction led by Henrique Capriles largely encouraged a nonconfrontational, electoral route to political change, while the group led by López and parliamentarian María Corina Machado espoused the use of popular protests to achieve goals ranging from major policy shifts to Maduro's resignation.

The Maduro administration has focused significant attention on stabilizing the economy, which suffers from fiscal and monetary stresses – especially a mismanaged exchange-rate regime and dependence on oil exports. However, it has failed to halt widespread shortages of consumer goods and the hemisphere's highest inflation rate. In January 2014, Maduro decreed the Law on Fair Prices in an attempt to address those problems, but the year closed with a rate of over 60 percent. As oil prices fell during the summer and fall of 2014, increasing fiscal pressures threatened the government's ability to pay its debts and provide the social benefits upon which its diminishing popularity depended.

The United States is one of the primary importers of Venezuelan oil, but it has not had an ambassador in Caracas since 2010, and relations deteriorated further in 2014. Bilateral friction has been attributed to Venezuela's long-standing aspirations to regional leadership as well as its history of rhetorical support for and economic cooperation with countries such as Cuba and Iran. Venezuela's external influence has waned due to Chávez's death and ongoing economic instability.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 13 / 40 (-1)

A. Electoral Process: 5 / 12

The president serves six-year terms, and since 2009 neither he nor other elected officials have been subject to term limits. In the presidential election of April 2013, Maduro – Chávez's vice president and handpicked successor – narrowly defeated opposition leader Capriles, 50.6 percent to 49.1 percent. Turnout was nearly 80 percent. Maduro was officially declared the winner by the Chavista-dominated National Electoral Commission (CNE). 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 Supreme Tribunal of Justice (TSJ) rejected the opposition petitions in August 2013, thereby concluding the electoral process.

The unicameral, 165-seat National Assembly is popularly elected for five-year terms. In the run-up to the 2010 legislative elections, the ruling Unified Socialist Party of Venezuela (PSUV) benefited from significant exposure on state-run media and pressure on public employees and neighborhood groups. The opposition, grouped together as the Democratic Unity Roundtable (MUD), took more than 47 percent of the vote, and the PSUV captured 48 percent. Due to electoral rules revised in 2009, however, PSUV candidates secured 98 of the 165 seats, MUD candidates took 65, and the opposition-leaning Fatherland for All (PPT) party won the remaining 2. The ruling party's

legislative majority has acted as a reliable rubber stamp for the executive, and although the 2011-15 assembly features a much larger opposition presence than its predecessor, it has been unable to check government power. The legislature has voted to hand the president wide-ranging decree powers several times in recent years, and the central government has stripped opposition-led municipalities of responsibilities and resources, leaving those officials with a reduced role in governance.

While the act of voting in Venezuela is relatively free and the count is generally considered fair, the political playing field favors government-backed candidates, and the distinction between state institutions and the ruling party is virtually nonexistent. In all recent elections, the CNE has failed to limit the use of state resources by the 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, and state vehicles are frequently used to transport supporters to rallies and voting sites.

Ballot secrecy has long been a source of controversy, despite a lack of evidence of secrecy violations in the past several elections. Suspicion stems from the period after a failed 2004 presidential recall referendum, when tens of thousands of people who had signed petitions in favor of the effort found subsequently that they could not gain government jobs or contracts, or qualify for public assistance programs.

B. Political Pluralism and Participation: 6 / 16 (-1)

Nearly all government-aligned parties have merged into the PSUV, 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 subsequent local, parliamentary, and presidential elections. Tensions within the MUD in 2014 resulted in the appointment of Jesús Torrealba, a reporter and community activist, as secretary in an attempt to deepen the opposition's outreach to poorer Venezuelans.

The year 2014 featured a general increase in both legal and physical attacks against opposition sympathizers. Opposition leadership in some states and localities has been blunted in recent years by laws allowing the national government to cut budgets and strip important functions from subnational administrations. Several opposition mayors, including Daniel Ceballos of San Cristóbal, the flashpoint of the protests, were jailed in 2014 for allegedly inciting or failing to halt violent demonstrations in their jurisdictions.

Rather than stimulating pluralistic policymaking, the opposition's sizable presence in the National Assembly has made it a forum for polarized and occasionally violent partisan confrontation. Two opposition members were stripped of their seats in 2013 despite a lack of formal charges against them. In March 2014, Machado was expelled from the parliament for allegedly entering the service of a foreign state when the government of Panama invited her to speak at a gathering of the Organization of American States; she was charged in December with conspiring to assassinate Maduro, though she remained free at year's end. The government's majority ensures that the opposition is denied any meaningful opportunity to play a role in proposing and debating legislation and monitoring government operations. In December 2014, the PSUV obtained approval from the TSJ for its reinterpretation of a constitutional article on government appointments, gaining the power to confirm officials by a simple majority rather than the two-thirds mandated in the

constitution. This enabled the party to unilaterally fill the positions of the ombudsman, comptroller, attorney general, several CNE members, and 14 new TSJ members.

C. Functioning of Government: 2 / 12

The government plays a major role in the economy and has created regulatory restrictions that increase opportunities for corruption, particularly via the selective disbursement of scarce U.S. dollars at the greatly distorted official exchange rate. Several large development funds, such as the Joint Chinese-Venezuelan Fund, which is based on a loans-for-oil arrangement, are controlled by the executive branch without independent oversight. The largest such fund, the National Development Fund, has received more than \$100 billion since 2005 with no legislative examination of its many large-scale, unproductive allocations.

Anticorruption efforts have been a low government priority, and the lack of state transparency makes citizen investigation and exposure of corruption difficult. In 2014, the government emphasized combating smuggling, which has become extremely lucrative because of Venezuela's subsidies and price controls; gasoline smuggling alone costs the government several billion dollars per year. Complaints among Chavistas about government corruption increased after Jorge Giordani, the minister of planning and a prominent advocate of deepening Venezuelan socialism, was dismissed in June 2014 and then accused the government of tolerating graft. In November, Maduro announced the creation of a new National Anticorruption System under the control of the presidency. Venezuela was ranked 161 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Civil Liberties: 22 / 60 (-2)

D. Freedom of Expression and Belief: 8 / 16

Although the constitution provides for freedom of the press, the media climate is permeated by intimidation, sometimes including physical attacks, and strong antimedia rhetoric from the government. The 2004 Law on Social Responsibility of Radio and Television gives the government the authority to control radio and television content. Opposition-oriented outlets have a substantial presence among the print media, but their share has been shrinking in recent years as government-friendly business groups purchase newspapers and other outlets that are critical of the state, and narrow the range of permissible critique. In 2014, new managers at two of Venezuela's most prominent newspapers, *Últimas Noticias* and *El Universal*, were accused of imposing censorship. Other papers have faced increasing difficulty acquiring newsprint from the government-controlled distributor or dollars to purchase it from abroad; some have been forced to temporarily close, and in 2014 venerable dailies *El Impulso* and *Tal Cual* repeatedly warned that they may have to shut down.

The opposition presence in the broadcast media has declined even further in recent years, in part due to closures by regulators and other forms of official pressure. The last large domestic station with a marked oppositionist line, Globovisión, was sold in March 2013 and subsequently softened its political coverage. Reporting on 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.

Local press watchdog the Institute for Press and Society registered 347 press violations in 2014. These included dozens of arbitrary detentions and acts of aggression against reporters covering social protests.

A 2010 law extended the 2004 broadcasting law's restrictions to the internet. Social-media sites such as Twitter remain enormously popular. In recent years, dozens of prominent opposition activists and journalists have found that their Twitter accounts had been hacked and used to disseminate threats and denunciations aimed at the opposition.

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.

Academic freedom came under mounting pressure during Chávez's tenure, 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 over both academic and political matters.

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

E. Associational and Organizational Rights: 3 / 12 (-1)

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. In the past, workers, particularly employees of state-owned enterprises, had been the most frequent demonstrators, followed by citizens protesting poor delivery of public services. In 2014, however, protests rejecting the president and demanding political rights – including the very right to protest – were the most abundant. Although Venezuelan police are trained in managing protests, the more militarized, untrained National Guard and armed progovernment civilian groups were more frequently dispatched to confront protesters in 2014; some individuals detained in relation to deaths in the early protests were members of the Bolivarian Intelligence Service (SEBIN).

Nongovernmental organizations are frequent antagonists of the government, which has sought to undermine the legitimacy of human rights and other civil society groups by questioning their international ties. The 2010 Law on Political Sovereignty and National Self-Determination 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 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 and delays during industrywide collective bargaining. In August 2014, the Venezuelan Observatory on Social Conflict reported 28 killings of unionists in the first half of the year, mostly in the construction sector.

F. Rule of Law: 3 / 16 (-1)

Politicization of the judicial branch increased dramatically under Chávez, and high courts generally do not rule against the government. Conviction rates remain low, the public defender system is underfunded, and more than half of all judges and prosecutors lack tenure, undermining their autonomy. The National Assembly has the authority to remove and appoint judges to the TSJ, which controls the rest of the judiciary and is viewed as friendly to the government. Several TSJ decisions on controversial issues reflected government preferences in 2014, including an April ruling giving authorities the right to break up all public protests that lack formal permits, and a December ruling allowing the confirmation of key officials by a simple majority vote rather than the constitutionally mandated two-thirds majority. Judge María Lourdes Afiuni was released from house arrest in June 2013, and the judicial process surrounding her corruption charges was ongoing in 2014. She had been arrested in 2009 after angering the government by ordering the release of a prominent banker who had been held without conviction for more than the maximum of two years.

There are few effective due process safeguards, and Human Rights Watch and Amnesty International reported that judicial processes against arrested protesters were plagued by irregularities throughout 2014. In October, the UN Working Group on Arbitrary Detentions expressed continuing concern over the prolonged detention of López and 69 other individuals. In a conciliatory gesture, authorities transferred Iván Simonovis, a former police chief viewed by the opposition as a political prisoner, from prison to house arrest in September so that he could seek medical treatment.

Venezuela's murder rate is among the world's highest: The nongovernmental Venezuelan Violence Observatory cited a rate of approximately 82 homicides per 100,000 citizens in 2014. Several anticrime initiatives formulated during Chávez's second term received praise from policy analysts and rights groups, but the same observers have decried a trend toward militarized public security under Maduro. The October murder of Robert Serra, a young, vocal PSUV congressman, and the ensuing reaction illustrated the politicization of law enforcement, as the government quickly blamed his death on an international right-wing conspiracy despite evidence of a robbery motive.

The police and military have been prone to corruption, widespread arbitrary detention and torture of suspects, and extrajudicial killings, with few convictions. Prison conditions in Venezuela remain among the worst in the Americas. The Venezuelan Prison Observatory reported 150 deaths within prison walls in the first six months of 2014, which actually represented a substantial decrease compared with 2013. Nevertheless, the crisis in the country's prison system remained in the public eye. In November in Barquisimeto, 35 inmates died and more than 140 became ill after storming the Urbana prison infirmary and ingesting stolen drugs during a protest against poor living conditions.

Since a short-lived military coup in 2002, the executive has purged the military of unsympathetic officers, politicized those who remained, and heightened military participation in the delivery of public services. Military officials, many of them in active service, occupy top positions in approximately a third of government ministries and govern half of the nation's states, and the armed

forces perform routine government duties, blurring the lines between civilian and military functions. The presence of the military in Venezuela's political and economic life continued to deepen in 2014, drawing criticism from both the opposition and many Chavistas. Maduro provided increasing privileges to the military in exchange for support for his beleaguered presidency. Foreign officials assert that the military has adopted a permissive attitude toward drug trafficking. In addition, the unclear division of responsibility between the military, the police, and civilian militias was frequently on display during the protests in 2014. Tension between the police and the informal armed groups known as collectives led to a confrontation in October that left five collective members dead and contributed to the sacking of Interior Minister Miguel Rodríguez Torres.

The formal and constitutional rights of indigenous people, who make up about 2 percent of the population, 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. In August 2014, five people were convicted for the March 2013 murder of indigenous leader Sabino Romero, who had sought greater land rights for the Yukpa indigenous group in Zulia State. Critics decried the light sentences and the fact that the intellectual authors of the crime remained free.

Afro-Venezuelans also remain marginalized and underrepresented among the country's political and economic elite, despite some state efforts to ameliorate conditions. Although discrimination based on sexual orientation is barred, LGBT (lesbian, gay, bisexual, and transgender) Venezuelans face widespread de facto discrimination and are occasionally subjected to violence.

G. Personal Autonomy and Individual Rights: 8 / 16

Property rights are affected by the government's penchant for price controls, nationalizations, overregulation, and corruption. While the pace of expropriation has declined in recent 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 state-owned enterprises are common.

The incidence of consumer-goods shortages rose sharply in 2014. The opposition pointed to the perverse effects of price controls and other economic policies, while the government blamed capitalist conspirators and used the Law on Fair Prices to penalize hundreds of businesses for usury, speculation, excessive profits, and other violations.

Women are guaranteed progressive rights in the 1999 constitution, as well as benefits under a major 2007 law. However, despite some improvements on implementation of these pledges, domestic violence and rape remain common and are rarely punished in practice. Trafficking of 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.

Scoring Key: X / Y (Z)

X = Score Received
Y = Best Possible Score
Z = Change from Previous Year

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