

## ↓ Venezuela

**Population:** 27,900,000

**Capital:** Caracas

**Political Rights:** 4

**Civil Liberties:** 4

**Status:** Partly Free

**Trend Arrow:** Venezuela received a downward trend arrow due to the politically motivated disqualification of opposition candidates and the abuse of state resources by incumbent politicians during state and local elections.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

Year Under Review	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Rating	4,4,PF	3,5,PF	3,5,PF	3,4,PF	3,4,PF	3,4,PF	4,4,PF	4,4,PF	4,4,PF	4,4,PF

### Overview:

The run-up to Venezuela's state and local elections in November 2008 was characterized by politically motivated disqualifications of opposition candidates and the abuse of state resources, though the balloting itself was orderly and the vote count appeared fair. A large majority of races were won by candidates associated with President Hugo Chavez, but the opposition won in a number of populous states and districts. In July, Chavez issued a set of decrees that signaled the increased militarization of society. Meanwhile, bilateral relations with both neighboring Colombia and the United States deteriorated significantly during the year.

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The Republic of Venezuela was founded in 1830, nine years after independence from Spain. Long periods of instability and military rule ended with the establishment of civilian rule in 1958 and the approval of a 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 Andres Perez (1989–93) of the AD, already weakened by the violent political fallout from his free-market reforms, was nearly overthrown by Lieutenant Colonel Hugo Chavez and other nationalist military officers in two 1992 coup attempts, in which dozens of people were killed. Perez 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.

Chavez won the 1998 presidential contest on a populist, anticorruption platform, ousting the long-ruling political parties, which were unable to agree on a single candidate. A Constituent Assembly dominated by Chavez followers drafted a new constitution that strengthened the presidency and introduced a unicameral National Assembly. After voters approved the charter in a 1999 referendum, the bicameral Congress and the Supreme Court of Justice were dismissed,

and fresh elections were called for 2000. Although Chavez was reelected president, opposition parties won most governorships, about half of the mayoralties, and a significant share of National Assembly seats.

In April 2002, following the deaths of 19 people in a massive antigovernment protest, dissident military officers attempted to oust Chavez, the vice president, and the National Assembly with backing from some of the country's leading business groups. However, the coup was resisted by loyalist troops and protests by Chavez supporters. Chavez was reinstated and moved swiftly to regain control of the military, replacing dozens of senior officers.

The country was racked by continued protests, and in early December, 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, Chavez launched bold social-service initiatives, including urban health care and literacy projects, many of which were staffed by thousands of experts from Cuba. Chavez won a 2004 presidential recall referendum—triggered by an opposition signature campaign—with 58 percent of the vote amid high turnout.

Even as Venezuela faced multiple social and economic problems, Chavez continued to focus on increasing his influence over the judicial system, the media, and other institutions of civil society. The National Assembly, controlled by his supporters, approved a measure allowing it to remove and appoint judges to the Supreme Tribunal of Justice, which had replaced the old Supreme Court in 1999 and controlled the rest of the judiciary. The legislation also expanded the tribunal's membership from 20 to 32 justices.

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 on election day, and all 167 deputies in the resulting National Assembly were government supporters.

In the 2006 presidential election, Zulia state governor Manuel Rosales ran for the opposition under the banner of the Un Nuevo Tiempo (A New Time) party, railing against crime and corruption while pledging to maintain generous social programs. However, most poor Venezuelans continued to support Chavez, who had delivered material benefits to the lower classes. State resources were again deployed on Chavez's behalf, and the incumbent defeated Rosales 61 percent to 38 percent. The balloting generally proceeded without incident and was pronounced fair by international observers.

Soon after the vote, Chavez pressed forward with his program of institutional changes. All progovernment parties merged into the Unified Socialist Party of Venezuela (PSUV), and the "Bolivarian revolution" deepened economically with a series of nationalizations. At the end of January 2007, the National Assembly voted to give the president decree power on a broad array of issues for 18 months.

In May 2007, the state took control of the frequency and equipment of the nation's oldest television station, RCTV. The renewal of its license was denied based on what Chavez claimed were the station's ongoing efforts to destabilize the government. The decision was decried by human rights and press freedom organizations and challenged by groups of university students, who mounted large street protests that gained wide sympathy but were at times forcibly repressed.

Referendum voters in December 2007 narrowly defeated a package of constitutional amendments that had been drafted by the executive and National Assembly with little outside consultation. The raft of changes, which would have amended 69 of the charter's 350 articles,

included new presidential powers to redraw the country's territorial divisions and appoint local officials; the establishment of an official six-hour workday and a new pension scheme for informal workers; the formalization of new, ambiguous property classifications; and an expansion of the president's power to declare indefinite states of emergency, which could include limits on due process and freedom of information. However, the most prominent amendment—which the opposition considered the key motivation behind the larger package—would have removed 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 Chavistas, including some formerly prominent leaders. As the ballots were counted, it became clear that apathy among Chavista voters had cost the government victory; whereas the “no” vote was comparable to what Rosales had won in 2006, the “yes” vote was some three million ballots short of what Chavez had tallied at that time.

In June 2008, the government announced a new intelligence law that would have obliged citizens to inform the security services of potential “counterrevolutionary” threats and allowed warrantless raids, anonymous witnesses, and secret evidence. However, immediate domestic and international outcry led to the law's rapid withdrawal. In late July, at the end of his 18 months of decree-making power, Chavez unveiled a set of 26 new laws. Some appeared designed to institute measures that were rejected in the December 2007 referendum, including presidential authority to name new regional officials and the reorganization of the military hierarchy.

The playing field for the November 2008 state and local elections was more skewed than in previous years. In July, the nominally independent but government-friendly comptroller general announced the disqualification of over 300 candidates, including a number of opposition leaders, primarily on charges of corruption. The disqualified candidates and other legal experts questioned the legality of the ban, which appeared to violate the constitutional provision that only citizens convicted of a crime can be excluded from candidacy, but the Supreme Court validated the disqualifications.

PSUV and other Chavez-aligned candidates enjoyed massive publicity in state-controlled media and other resource advantages, allegedly including the distribution of appliances and cash to voters. Opposition candidates focused on perceived failures in public services by Chavista officials and benefited, to a lesser degree, from coverage in the opposition press.

The balloting was deemed peaceful and fair by the Organization of American States, and turnout was high at 65 percent. Despite the Chavistas' advantages, the opposition captured the mayoralty of Caracas and 4 of the capital's 5 districts, as well as Venezuela's second-largest city and 5 of 22 states, including the three richest and most populated—Zulia, Miranda, and Carabobo. Several of Chavez's top lieutenants lost their races. Meanwhile, the government candidates won 17 states and some 80 percent of the mayoralties; the opposition had failed to field unity candidates in many of the mayoral races. While both the government and the opposition claimed victory, most analysts considered the opposition to have done better than expected. Meanwhile, the nascent “dissident Chavista” movement was all but wiped out, again reaffirming Venezuela's polarization.

Also in 2008, Chavez announced plans for a new referendum on lifting presidential term limits in early 2009. Critics said the vote was designed to secure the president's political future before the country felt the full impact of the global economic crisis, and the associated plunge in oil revenues, in the second half of 2008.

Venezuela's relations with Colombia soured in early 2008 after a March raid into Ecuador by Colombian forces yielded alleged evidence of ties between Venezuelan officials and Colombian rebels. Relations with the United States also suffered setbacks during the year. Chavez in September expelled the U.S. ambassador to show solidarity with Bolivia, which was engaged in a separate diplomatic spat with Washington. However, analysts also blamed U.S.-Venezuelan disagreements over drug policy, supposed U.S. coup-mongering, and a U.S. court case that appeared to expose Venezuelan financing of an Argentine election campaign. Later in September, Chavez expelled two Human Rights Watch representatives after the U.S.-based group released a critical report on Venezuela. Over the past several years, Chavez had increased friction with the United States by creating ostensible leftist alternatives to U.S.-backed trade pacts and institutions like the World Bank and the Organization of American States; garnering regional support with generous oil subsidies; seeking weapons purchases and other cooperation from Iran and Russia; and either explicitly or tacitly supporting favored electoral candidates in neighboring countries.

### **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 opposition is forced to operate under extremely difficult conditions, and the separation of powers is nearly nonexistent.

The 2005 National Assembly elections were marred by an opposition boycott based on concerns that ballot secrecy would be compromised by mechanized voting machines and fingerprint-based antifraud equipment. 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 Chavez's political opponents. In April 2006, a new CNE board of directors was appointed by the legislature. Although a majority of the board were supporters of President Hugo Chavez, the opposition decided to actively contest the 2006 presidential election. The voting was generally considered free and fair, but the CNE was ineffectual at limiting Chavez's use of state resources. He enjoyed a massive advantage in television exposure, and the promotion of social and infrastructure projects often blurred the line between his official role and his electoral campaign.

Public resources were also exploited ahead of the December 2007 constitutional referendum and the November 2008 state and local elections. The balloting in 2007 was conducted largely without incident, and the opposition expressed satisfaction with the auditing system, but full, final results, which could have allayed any lingering suspicions, were not released.

The unicameral National Assembly is composed of 167 members elected by popular vote to serve five-year terms. Chavez's control of the Assembly was virtually complete after the opposition's boycott of the 2005 elections, though it ebbed slightly after the 2007 defection of the PODEMOS party. His powerful grip allows him to curb the independence of government institutions, including the Supreme Tribunal of Justice, the intelligence services, and the Citizen Power branch of government, which was created by the 1999 constitution to fight corruption and protect citizens' rights. Chavez also benefited from the January 2007 "enabling law" that granted him authority to legislate by decree on a wide range of topics through mid-2008. The president,

who is both head of state and head of government, is directly elected for up to two six-year terms.

The merger of government-aligned parties into the PSUV was largely complete by 2008. The opposition has struggled to overcome ideological and programmatic shortcomings, the taint of discredited leaders from the pre-Chavez era, and the obstacles presented by Chavez's popularity and access to state resources. However, opposition factions appeared to cooperate more effectively in 2007 and 2008. Newer opposition parties include Un Nuevo Tiempo, which presidential candidate Manuel Rosales adopted in 2006, and Primero Justicia (Justice First).

The Chavez government, plays a highly active role in regulating the economy, 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 oversight. Anticorruption efforts are sporadic and focus on violations by the regime's political opponents. Transparency International ranked Venezuela 158 out of 180 countries surveyed in its 2008 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. During 2008, the local nongovernmental organization (NGO) Public Sphere reported 52 cases of aggression and 47 cases of intimidation among the total of 186 violations of free expression it registered during the year. This included several incidents in which armed progovernment groups assaulted the offices of opposition outlets; these actions were disavowed by the government. Opposition outlets remain hostile toward the government, but their share of the broadcast media has declined markedly in recent years. The 2004 Law on Social Responsibility of Radio and Television gives the government the authority to control the content of radio and television programs. According to the Inter American Press Association, the government "has used public funds to establish many publications, television and radio stations which enjoy unlimited budgets." During the 2006 and 2008 elections and the 2007 referendum campaign, coverage by state media was overwhelmingly biased in favor of the government; private outlets also exhibited bias, though to a somewhat lesser degree. When explaining the nonrenewal of RCTV's license in 2007, the government referred repeatedly to the station's "undemocratic" actions during the 2002 coup attempt; however, other stations that had been equally anti-Chavez but subsequently toned down their criticism were not similarly punished. The government does not restrict internet access.

Constitutional guarantees of religious freedom are generally respected by the government, though tensions with the Roman Catholic Church remain high. Government relations with the small Jewish community have also been strained, particularly due to Chavez's ties with Iranian president Mahmoud Ahmadinejad and his anti-Israel rhetoric, which was especially harsh during the Gaza conflict that began near the end of 2008. Academic freedom has come under mounting pressure in recent years with the formulation of a new curriculum that emphasizes socialist concepts; though implementation has been delayed, the curriculum is set to be applied in all private and public schools. Ideological friction in universities has increased; elections for student associations and administration positions have become even more politicized, and rival groups of students have clashed repeatedly, especially during the run-up to the 2007 constitutional referendum.

Freedom of peaceful assembly is guaranteed in the constitution, and protests are common. However, the rise of the student movement in 2007 caused a spike in confrontations with the government. Local human rights group Provea noted an increased "tendency toward the

criminalization of protest” in 2007, with more arrests and repression of marches. Its 2008 report described a diminution of repression, but tensions appeared to be on the rise at year’s end with the approach of the 2009 term-limits referendum.

In 2000, the Supreme Tribunal ruled that NGOs with non-Venezuelan leaders or foreign government funding are not part of “civil society.” As a result, they may not represent citizens in court or bring their own legal actions. The Chavez government has also made an effort to undermine the legitimacy of human rights and other civil society organizations by questioning their ties to international groups. Dozens of human rights defenders have been subject to threats and even violent attacks in recent years; in 2008, the list of prominent defenders reporting threats included Liliana Ortega of the human rights NGO COFAVIC, Humberto Prado of the Venezuelan Prison Observatory, and Jose Luis Urbano of the Foundation for the Defense of the Right to Education, who had been shot and wounded in 2007.

Workers are legally entitled to form unions, bargain collectively, and strike, with some restrictions on public-sector workers’ ability to strike. Control of unions is actively contested between traditional opposition-allied labor leaders, who allege that upstart workers’ organizations mask Chavez’s intent to create government-controlled unions, and the president’s supporters, who maintain that the old labor regime was effectively controlled by AD, COPEI, and employers. The growing competition has contributed to a substantial increase in violence in the labor sector as well as confusion during industry-wide collective bargaining.

Politicization of the judicial branch has increased under Chavez, and the courts continue to be undermined by the chronic corruption (including the growing influence of narcotics traffickers) that permeates the entire government system. The judiciary’s effectiveness remains tenuous, and it is unresponsive to charges of rights abuses. Conviction rates remain low, the public defender system continues to be underfunded, and the level of provisionality (lack of tenure) among judges is high. The courts generally do not rule against the administration, and Chavista officials accused of corruption or other offenses rarely face trial.

With over 50 homicides per 100,000 inhabitants, Venezuela’s murder rate is now one of the world’s highest. In this environment of rising crime, the police and military have been prone to corruption, widespread arbitrary detention and torture of suspects, and extrajudicial killings, according to both Provea’s and the Public Ministry’s own reports. Such abuses are generally committed with impunity; although hundreds of police are investigated each year, few are convicted. A plan to modify and purge the police was completed in early 2008, but structural reforms are still in the early stages. Although prison reform is under discussion, the prison budget has moderately increased, and pretrial detention has been limited to two years, prison conditions remain among the worst in the Americas. The NGO Venezuelan Prison Observatory reported at least 422 violent deaths within prison walls in 2008.

Venezuela’s military, which has long been largely unaccountable to civilian authorities, has grown more politicized under Chavez, even as its participation in social development and the delivery of public services has increased. In early 2007, Chavez obliged military personnel to recite the “fatherland, socialism, or death” slogan and declared that those who refused should exit the armed forces. However, a faction of the military is perceived as wary of the Bolivarian project. Meanwhile, former defense minister Raul Isaias Baduel asserts, as do foreign officials, that the military has adopted an increasingly permissive attitude toward narcotics trafficking and Colombian rebel activity inside Venezuela. In 2008, the formation of civilian militias received increased attention, as that year’s package of decree laws included a measure that formalized executive control over the groups. There is also concern that the government has lost control

over some of its supporters; one group, the “La Piedrita collective,” controls a Caracas neighborhood, attacks opposition groups, and explicitly models itself on Cuba’s revolutionary defense committees.

Property rights in Venezuela are affected by the government’s penchant for nationalization. Following a series of strikes in 2002–03, Chavez replaced technocrats at PDVSA, the state oil company, with his own loyalists, to the detriment of the firm’s technical reputation. The expropriation of large, idle landholdings has slowed in the last several years, but the nationalization of industrial holdings continues apace. In 2007, national telecommunications provider CANTV and electric utility Electricidad de Caracas were nationalized, while all oil producers in the Orinoco belt were obliged to hand majority stakes to the state; in 2008, the state took control of cement producers, a steel producer, and a Spanish bank.

The formal rights of indigenous people have improved under Chavez, although those rights—specifically the groups’ ability to make decisions affecting their land, cultures, and traditions, and the allocation of natural resources—are seldom enforced by local political authorities. Indigenous communities trying to defend their land rights are subject to abuses, including murder, by gold miners and corrupt rural police. Indigenous-populated zones along the Colombian border are particularly troubled. The constitution reserves three seats in the National Assembly for indigenous people and also provides for “the protection of indigenous communities and their progressive incorporation into the life of the nation.”

Women enjoy progressive rights enshrined in the 1999 constitution, as well as benefits offered under a major legislative act passed in March 2007. However, Amnesty International reported in 2008 that while some programs, such as a hotline for victims of domestic abuse, have been established to assist women, profound efforts at implementation are necessary for the law to have a major tangible impact. Meanwhile, domestic violence and rape remain common, and the courts have provided limited means of redress for victims. The problem of trafficking in women remains inadequately addressed by the government.