

Venezuela

Country:

Venezuela

Year:

2016

Freedom Status:

Partly Free

Political Rights:

5

Civil Liberties:

5

Aggregate Score:

35

Freedom Rating:

5.0

Overview:

An opposition coalition, the Democratic Unity Roundtable (MUD), won a dramatic victory in parliamentary elections on December 6, overcoming the ruling party's intimidation and continued manipulation of the electoral environment. With a turnout of over 74 percent, voters gave the opposition a tenuous supermajority in the National Assembly. The electoral authorities generally presented the results in a timely manner, and both sides of the political divide accepted the overall outcome, though court challenges against the victories of some opposition candidates were pending at year's end. The new lawmakers were set to take office in January 2016.

The December elections took place in a context of deep economic crisis. Shortages of basic goods, massive devaluation of the Venezuelan currency, and unchecked inflation were widely considered to be the main causes for social protests that took place throughout the year.

Political Rights and Civil Liberties:

Political Rights: 15 / 30 (+ 2) [Key]

A. Electoral Process: 5 / 12

The president serves six-year terms, and since 2009 neither the president nor other elected officials have been subject to term limits. The most recent presidential election was held in April 2013, after longtime incumbent Hugo Chávez died of cancer. Nicolás Maduro, Chávez's vice president and handpicked successor, narrowly defeated opposition leader Henrique 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, 167-seat National Assembly is popularly elected for five-year terms, using a mix of majoritarian and proportional-representation voting. Three seats are reserved for indigenous representatives. In early June 2015, after a very long wait, the CNE announced that parliamentary elections would be held in December. As with past elections, the campaign environment was clearly tilted in favor of the ruling Unified Socialist Party of Venezuela (PSUV). The judiciary was used to disqualify prominent opposition candidates, the PSUV freely abused public resources to boost voter support, the opposition had inadequate access to the state-dominated media, and observers from the Organization of American States were barred from monitoring the vote. The campaign was also marred by intimidation and some violence. In late November, opposition party official Luis Manuel Díaz was shot and killed at a campaign rally. Meanwhile, public employees reported intimidation and monitoring by superiors with the aim of ensuring that they voted for the government, followed by threats and firings after the results were announced.

Despite these obstacles, MUD representatives were able to supervise the voting process and access the results in a timely manner. The coalition won 109 seats, and MUD-aligned candidates won the three indigenous seats, leaving the PSUV with just 55. Under a 2009 electoral reform, the system gives a notable seat advantage to the party with the most votes, allowing the MUD to achieve its strong victory with only about 56 percent of the national vote; the PSUV received some 41 percent of the vote. Court challenges against opposition victories in some districts were pending at year's end, threatening the two-thirds majority in the assembly that would allow the MUD to make unilateral changes to legislation and executive appointments.

B. Political Pluralism and Participation: 8 / 16 (+ 2)

The MUD's 2015 campaign activities and eventual victory in the legislative elections demonstrated that it could still function effectively, giving voters a meaningful opportunity to change the country's political landscape. However, the opposition remained vulnerable to government pressure throughout the year.

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 leaders, including Mayor Daniel Ceballos of San Cristóbal, were jailed in 2014 for allegedly inciting or failing to halt violent demonstrations in their jurisdictions. Ceballos was transferred to house arrest in August 2015.

The most prominent criminal case against an opposition figure in 2015 was that of Leopoldo López, who had been held in a military prison since February 2014 for supposedly instigating violence during that year's protests. In September 2015 he was sentenced to 13 years and nine months in prison following a closed-door trial in which the judge blocked most of the evidence and witnesses proposed by the defense. Among other cases, Caracas mayor Antonio Ledezma was detained in February 2015 and remained under house arrest at year's end for allegedly plotting a coup against the government. Maria Corina Machado, who was expelled from the National Assembly in 2014 and charged that December with involvement in an alleged plot to assassinate Maduro, remained free in 2015 but was banned from running in the parliamentary elections. More than 70 people whom the opposition considered political prisoners remained in detention at year's end.

C. Functioning of Government: 2 / 12

The government's economic policies—particularly its currency and price controls—have greatly increased opportunities for corruption, black-market activity, and collusion between public officials and organized crime networks. Gasoline smuggling alone costs the government several billion dollars per year.

A series of U.S. criminal investigations in 2015 implicated high-ranking Venezuelan officials in bribery, money laundering, and drug trafficking. Those under suspicion included managers at the national oil company, a former intelligence chief, the commander of the national guard, the head of the National Assembly, and two nephews of Maduro's wife.

There is little transparency regarding government spending, and outlays reportedly rose sharply in the run-up to the 2015 elections. The government secured billions of dollars in new loans from China during the year, and overall expenditures vastly exceeded the amount originally budgeted for 2015, though the increase was driven in part by rampant inflation. Meanwhile, the government failed to publish vital economic data, including monthly inflation statistics, for most of the year.

Venezuela was ranked 158 out of 168 countries and territories in Transparency International's 2015 Corruption Perceptions Index.

Civil Liberties: 20 / 60 (-2)

D. Freedom of Expression and Belief: 8 / 16

The Chávez and Maduro governments, claiming that the private media were controlled by the right, have sought to build a state communications infrastructure with the aim of confronting the opposition and propagating their own political and ideological program. This state media apparatus includes not only the television station VTV, which has modernized and expanded its signal to cover the entire national territory, but also Vive TV, Ávila TV, and Telesur, as well as a large number of state-owned newspapers.

Laws such as the 2004 Law on Social Responsibility of Radio and Television give the government the authority to control media content, and because the judiciary and regulatory agencies lack political independence, the legal framework is effectively used to control or punish any media owner or journalist whom the leadership perceives as an adversary. Critical media also face harassment in the form of tax penalties, equipment confiscation, and withdrawal of government advertising. A series of private news outlets have changed ownership under financial pressure in recent years, and their coverage subsequently grew more favorable to the authorities.

In September 2015, the Inter-American Court of Human Rights (IACHR) ordered Venezuela to reinstate the broadcast license of the critical private outlet Radio Caracas Television (RCTV), which the government had terminated in 2007. The court found that the decision was made for illegitimate political reasons and violated the right to freedom of expression. However, the Venezuelan TSJ quickly rejected the IACHR ruling as "unenforceable."

Journalists and other media workers continued to encounter intimidation and physical attacks during 2015. The Institute for Press and Society, a local media watchdog, recorded 380 press freedom violations, including a number of assaults and threats by state officials. In recent years, dozens of prominent opposition activists and journalists have found that their social-media 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 2015, budget cuts and the exodus of hundreds of faculty members to other countries further undermined universities' autonomy.

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 political views in situations in which they might be overheard.

E. Associational and Organizational Rights: 3 / 12

Although freedom of peaceful assembly is guaranteed in the constitution, 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. Widespread antigovernment protests during 2014 featured violence on the part of both police and demonstrators. More than 40 people were reportedly killed, and at least 3,100 were arrested. Political protests were less frequent in 2015, due in part to the previous year's crackdown and the new opposition focus on preparing for the December elections. However, labor protests reportedly increased.

The government 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. In March 2015, the Inter-American Commission on Human Rights expressed alarm over government intimidation directed against activists and others who appear before regional human rights bodies.

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 competition has contributed to a substantial increase in labor violence as well as confusion and delays during industrywide collective bargaining.

F. Rule of Law: 1 / 16 (-2)

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 most 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. In October 2015, a group of TSJ judges requested early retirement, allowing the outgoing legislature to appoint 13 new judges

to serve 12-year terms on the 32-member tribunal in December. The move was seen as an attempt to ensure PSUV control over the judiciary despite the opposition's election victory.

The detentions and trials of opposition leaders have also demonstrated political control over the judiciary. In October, a few weeks after the sentencing of Leopoldo López, prosecutor Franklin Nieves fled the country and said he had been pressured by the executive branch to defend what he called false evidence that was used to secure a conviction in the case. In December, the outgoing National Assembly appointed the trial judge in the López case, Virginia Susana Barreiros Rodríguez, as the country's chief ombudsperson.

The police and military have been prone to corruption, widespread arbitrary detention and torture of suspects, and extrajudicial killings, with few convictions. Military officials, many of them in active service, occupy many top positions in government ministries and state-level administrations, and the armed forces perform routine government duties, blurring the lines between civilian and military functions. Foreign governments assert that the military has adopted a permissive attitude toward drug trafficking. Prison conditions in Venezuela remain among the worst in the Americas. The Venezuelan Prison Observatory reported 109 deaths within prison walls in the first six months of 2015, continuing a decrease in fatalities from an annual high of 591 in 2012.

Violent crime remains a serious problem and a major source of popular discontent. According to the nongovernmental Venezuelan Violence Observatory, the murder rate in 2015 was estimated at 90 per 100,000 residents, up from 82 per 100,000 in 2014. Globally, only El Salvador had a similarly high rate. More than 100 police officers were killed during the first nine months of the year in Caracas alone.

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. Indigenous communities trying to defend their land rights are subject to abuses, particularly along the Colombian border. 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. In the December 2015 elections, transgender lawyer and political activist Tamara Adrián won a seat in the National Assembly, though she was forced to register under the name she received at birth. Separately, Rosmit Mantilla, a gay activist, was one of three candidates to win assembly seats while behind bars, having been arrested in 2014 after joining that year's protests.

G. Personal Autonomy and Individual Rights: 8 / 16

The country's currency controls and other economic policies, combined with a decline in the number of flights to and from Venezuela, have made it extremely difficult for Venezuelans to travel abroad. In April 2015, the government announced a reduction in the amount of foreign currency to be made available for the purpose of travel.

In another restriction on freedom of movement, Maduro ordered parts of the border with Colombia closed in August, ostensibly to stop smuggling activities that he blamed for food shortages in Venezuela. A state of emergency was imposed in the affected areas, allowing searches without a warrant, while security forces seized property and quickly deported more than 1,500 Colombian nationals. Many thousands of others reportedly fled their homes to avoid deportation, and some reported physical abuse by the authorities.

Property rights have also been affected by years of 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 has continued to threaten to nationalize businesses deemed to lack commitment to revolutionary goals. Accusations of mismanagement, underinvestment, graft, and politicized hiring practices within state-owned enterprises are common.

Women are guaranteed progressive rights in the 1999 constitution, and a 2007 law was designed to combat violence against women. However, domestic violence and rape remain common and are rarely punished in practice. Women are poorly represented in government, with just 14 percent of the seats in the new National Assembly, but they hold a number of important offices in the executive branch.

Trafficking of women remains inadequately addressed by the authorities. Venezuelan women and children are subjected to sex trafficking both within Venezuela and within neighboring countries. Migrants to Venezuela are also subjected to forced labor and sex trafficking.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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