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COUNTRY SUMMARY

Venezuela

Venezuela currently lacks a credible, independent judiciary that can serve as a check on arbitrary state action and a guarantor of fundamental rights. In the absence of judicial oversight, the government of President Hugo Chávez has undermined journalists' freedom of expression, workers' freedom of association, and the ability of civil society groups to promote human rights.

Police abuses remain a widespread problem. Prison conditions are among the worst on the continent, with a high rate of fatalities from inmate violence.

Independence of the Judiciary

The Chávez government has effectively neutralized the judiciary as an independent branch of government. In 2004 the president and his supporters in the National Assembly launched a political takeover of the Supreme Court, filling the court with government supporters and creating new measures that make it possible to purge justices from the Court. Since then, the Court has largely abdicated its role as a check on executive power. It has failed to uphold fundamental rights enshrined in the Venezuelan constitution in key cases involving government efforts to limit freedom of expression and association.

Freedom of Expression and the Media

Venezuela enjoys vibrant public debate in which anti-government and pro-government media are equally vocal in their criticism and defense of Chávez. However, in its efforts to influence the control and content of the media, the government has engaged in discriminatory actions against media that air opposition viewpoints, strengthened the state's capacity to limit free speech, and created powerful incentives for government critics to engage in self-censorship.

In March 2005, amendments to the Criminal Code came into force that extended the scope of Venezuela's *desacato* (disrespect) laws, which criminalize expression deemed to insult public officials or state institutions, and increased penalties for criminal defamation and libel. A broadcasting law introduced in December 2004 has encouraged self-censorship by allowing the arbitrary suspension of channels for the vaguely defined offense of "incitement." Should the government choose to utilize the expanded speech offenses and incitement provisions more aggressively to sanction public expression, the existing political debate could be severely curtailed.

The government has abused its control of broadcasting frequencies to punish stations with overtly critical programming. President Chávez has repeatedly responded to critical coverage by threatening television stations that they would lose their broadcasting rights as soon as their concessions expired. Radio Caracas Television (RCTV) lost its concession in 2007, after Chávez announced at a nationally broadcast military ceremony that RCTV would not have its concession renewed because of its support for an April 2002 coup attempt. Neither this accusation nor an alleged breach of broadcasting standards was ever proved in a proceeding in which RCTV had an opportunity to present a defense. At the same time, the government renewed the concession of Venevisión, a rival channel that Chávez had also repeatedly accused of involvement in the coup but which had since cut its overtly anti-Chávez programming.

Globovisión, the only remaining channel on public airwaves that continues to overtly criticize Chávez, has been denied permission for additional broadcasting frequencies and frequently warned about possible sanctions for critical programs. By contrast, the government has quickly granted frequencies to pro-government channels that it controls or finances.

On the positive side, the government has actively supported the creation of community radio and TV stations, whose broadcasting contributes to media pluralism and diversity in Venezuela. In May 2008 more than 450 such outlets were operating across the country, according to a government official.

Labor Rights

The Chávez government has engaged in systematic violations of workers' rights aimed at undercutting established labor unions while favoring new, parallel unions that support its political agenda.

The government requires that all union elections be organized and certified by the National Electoral Council (CNE), a public authority. This mandatory oversight of union elections violates international standards, which guarantee workers the right to elect their representatives in full freedom and according to the conditions they determine. The government has been promising for several years to reform the relevant labor and electoral laws to restrict state interference in union elections. Yet at this writing these proposals remained under discussion by the National Assembly and the CNE.

Established unions whose elections have not been certified by the CNE are barred from participating in collective bargaining. In the public sector alone, more than 250 collective bargaining agreements are reported to have expired while unions were waiting for the CNE to approve their requests to hold elections and certify their election results.

In bypassing established unions on the grounds that they lack state certification for their elections, the government has promoted and negotiated with new, pro-government unions that are exempt from electoral restrictions when first formed. This practice has created strong incentives for workers to switch labor organizations and join the new organizations preferred by the government.

The government has also undermined the right to strike by banning some legitimate strike activity and engaging in mass reprisals against striking oil workers. Former state oil workers dismissed for participating in a strike in December 2002 are still barred from being rehired in either the public or private sector of the oil industry.

Police Abuses

Violent crime is rampant in Venezuela and extrajudicial killings by security agents remain a recurring problem. Thousands of extrajudicial executions have been

recorded in the past decade. Impunity for these crimes remains the norm. Between January 2000 and February 2007 the attorney general's office registered 6,068 alleged killings by the police and the National Guard. Of 1,142 officials charged, only 204 were convicted.

In April 2008 the Chávez government issued by decree an Organic Law of Police Service and National Police, which includes measures aimed at improving police accountability. It created a new office within the Ministry of Interior and Justice, called the Police Rector, to evaluate the performance of all police departments, including their compliance with human rights standards. The law also requires all police forces to establish internal affairs units and independent disciplinary units. At this writing none of these reforms had been implemented.

Prison Conditions

Venezuelan prisons are among the most violent in Latin America. Weak security, insufficient guards, and corruption allow armed gangs to effectively control prisons. Overcrowding, deteriorating infrastructure, and the poor training of guards contribute to the brutal conditions. Despite much fanfare, government plans to “humanize” the penitentiary system have not resulted in any notable improvements. Venezuelan Prison Watch, a Caracas-based group that monitors prison conditions, reported 249 prison deaths as a result of violence and 381 injuries in the first six months of 2008.

Human Rights Defenders

The Chávez government has aggressively sought to discredit local and international human rights organizations. Officials, including the president, have repeatedly made unsubstantiated allegations that human rights advocates were engaged in efforts to destabilize the country. The government has sought to block local rights advocates from participating in international human rights forums, typically on grounds that their work is political or that they receive US or other foreign funding. Rights advocates have also faced prosecutorial harassment and unsubstantiated allegations aimed at discrediting their work. The Supreme Court has ruled that nongovernmental organizations that receive funds from foreign governments are not to be considered part of civil society.

Key International Actors

The Venezuelan government has increasingly rejected international monitoring of its human rights record.

In September 2008 the Chávez government expelled two Human Rights Watch representatives from the country hours after they had presented a critical report on human rights at a news conference in Caracas. The foreign minister falsely accused Human Rights Watch of receiving funding from the US government and of “insulting the institutions of Venezuelan democracy.” He also announced, “Any foreigner who comes to criticize our country will be immediately expelled.”

In its report covering events in 2007, the Inter-American Commission on Human Rights (IACHR) stated that the Venezuelan government’s failure to invite the commission to carry out a fact-finding mission since its last visit in 2002 hindered it from carrying out its mandate in the country. The commission condemned Human Rights Watch’s expulsion from Venezuela in September 2008. The government of Chile sent a diplomatic note to Venezuela in protest of the expulsion.