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COUNTRY SUMMARY

Venezuela

President Hugo Chávez and his supporters have effectively neutralized the independence of Venezuela's judiciary. In the absence of a judicial check on its actions, the Chávez government has systematically 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

In 2004 Chávez and his supporters in the National Assembly launched a political takeover of the Supreme Court, filling it 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.

Prosecution of Political Opponents

In 2009 several prominent opposition figures were targeted for criminal prosecution, raising concerns that without independent courts they have little chance of a fair trial. The targeted leaders included the former governor of Zulia state and opposition candidate in the 2006 presidential election, Manuel Rosales, whose arrest on corruption charges was ordered in March 2009. In an October 2008 speech, Chávez had publicly appealed to the attorney general and the Supreme Court to take this action against Rosales: "[A] type like that should be in prison.... I'll put myself in charge of the operation, and the operation will be called 'Manuel Rosales, you go to jail.'" To avoid arrest, Rosales left Venezuela and was granted political asylum in Peru in April 2009. Raúl Baduel, an army general who commanded the military operation that returned Chávez to power during the April 2002 coup attempt, is currently in Ramo Verde military prison, facing trial by a military court on corruption charges. Baduel was an outspoken critic of constitutional reforms proposed by Chávez and his supporters in the National Assembly.

Media Freedom

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.

Laws introduced since Chávez took office that have contributed to a climate of self-censorship include amendments to the criminal code extending the scope of *desacato* (disrespect) laws, and a broadcasting statute that encourages self-censorship by allowing the arbitrary suspension of channels for the vaguely defined offense of "incitement."

The government has used the broadcasting law to target Globovisión, the only remaining outspokenly critical television outlet on public airwaves. As of November 2009 the channel was facing six investigations by CONATEL, the state telecommunications commission, for alleged infractions of the law's vague public order provisions. In May 2009, for example, CONATEL opened an investigation against Globovisión on the grounds that its coverage of an earthquake, which called for calm but also criticized the government for slowness in providing information, "could generate alarm, fear, anxiety, or panic in the population."

The government has abused its control of broadcasting frequencies to punish radio stations with overtly critical programming. In July 2009, 32 stations were summarily taken off the air after CONATEL found that their licenses were not in order. The stations were given no opportunity to present arguments or evidence so that their claims could be assessed in a transparent manner. Moreover, many argued that over the years CONATEL had failed to respond to their requests to regularize their legal status. CONATEL's director announced in September that another group of 29 radio stations would shortly be closed, and that the status of a further 177 was under review. By early November, however, no action had been taken.

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 the 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.

The government has taken, or proposed, other measures to extend government control over broadcasting content. Under a decree issued in September 2009, private radio stations will have to broadcast for three-and-a-half hours every day programs selected by the government and produced by government-certified independent producers. In July CONATEL's director proposed imposing limits on the ability of private radio stations to share their own programming on a voluntary basis. No more than three private radio stations would be allowed to group together to transmit programming of their own, and for no longer than half an hour a day.

In July 2009 the attorney general proposed legislation on "media crimes" that would establish prison sentences of up to four years for anyone who, through media outlets, provides "false" information that "harm[s] the interests of the state." After strenuous objections to the proposal both within Venezuela and by international organizations, the president of the National Assembly announced that it would not be debated.

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. Established unions whose elections have not been certified by the CNE are barred from participating in collective bargaining.

The government has promised for several years to reform the relevant labor and electoral laws to restrict state interference in union elections. Yet new regulations introduced by the CNE in May 2009 set out detailed rules governing union elections, and fail to state clearly that elections not organized and certified by the CNE are legally valid. At this writing, a long-awaited reform of labor legislation is still under consultation and no bill has yet been presented in the legislature.

In the crucial state oil industry, government officials have themselves interfered in union elections. In 2009 the CNE repeatedly postponed an election in the oil workers' federation, FUTPV, due to challenges to the electoral register lodged by union factions backed by the government, thereby delaying negotiation of a collective contract for the industry. The president of the state oil company, PDVSA, who is also the minister of energy and oil, announced at a televised political rally that he would "discuss the collective contract only when the revolution gains control of the FUTPV," and would not "sit down to discuss a collective contract with any enemy of Chávez." He said he was backing one of the factions in the elections and accused its opponents—most of whom also supported the government, but were critical of the company management—of being "disguised enemies" of the revolution. The union elections, finally held on October 1, resulted in the victory of the faction backed by PDVSA.

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. The attorney general reported in 2009 that investigations had been opened into 6,422 cases of human rights abuses by police by September 2008, resulting in the prosecution of 463 officers.

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. Implementation of the law, however, has been slow.

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. In May 2009 the director of the prison service claimed that levels of violence had fallen by 52 percent as a result of government efforts to "humanize" the penitentiary system. Venezuelan prison reform advocates deny that violence has declined.

Human Rights Defenders

The Chávez government has aggressively sought to discredit local and international human rights organizations. In September 2009, for example, a senior official of the ruling United Socialist Party of Venezuela, who has his own show on state television, accused Liliana Ortega, director of COFAVIC, an NGO that works for the victims of police violence, of pocketing part of their compensation money. Officials, including the president, have repeatedly made unsubstantiated allegations that human rights advocates were engaged in efforts to destabilize the country. The government often tries to have local rights advocates barred from international human rights gatherings, typically on grounds that their work is political or that they receive US or other foreign funding. Rights advocates have also faced prosecutorial harassment.

Key International Actors

The Venezuelan government has increasingly rejected international monitoring of its human rights record. In May 2009, reacting to the Venezuela chapter of the Inter-American Commission on Human Rights annual report, President Chávez threatened to take Venezuela out of the Organization of American States and create an alternative organization of “free peoples.” The government has referred to the commission’s “biased position” as its reason for not inviting it to visit the country since 2002.

In a December 2008 ruling, the Supreme Court called on the government to revoke Venezuela’s ratification of the American Convention on Human Rights.