



Partecipazione e Conflitto
** The Open Journal of Sociopolitical Studies*
<http://siba-ese.unisalento.it/index.php/paco>
ISSN: 1972-7623 (print version)
ISSN: 2035-6609 (electronic version)
PACO, Issue 10(1) 2017: 89-118
DOI: 10.1285/i20356609v10i1p89

Published in March 15, 2017

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RESEARCH ARTICLE

THE QUALITY OF THE VENEZUELAN DEMOCRACY UNDER HUGO CHÁVEZ (1999–2013)*

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ABSTRACT: Following the work of Morlino (2012) and Katz and Morlino (2012), we evaluate the quality of democracy in Venezuela under Hugo Chávez. We argue that by the end of this administration, Venezuela became a hybrid regime. In those instances in which operated as a democracy, institutional quality was low; in other instances, the regime exhibited clear autocratic features.

KEYWORDS: Venezuela, democracy, hybrid regime, quality, political competition, participation, rule of law, accountability, freedom, equality, responsiveness.

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* Revised version of the presentation prepared for Meeting of the Network of Studies on the Quality of Democracy in Latin America, Lima, October 17–18, 2012. We would like to thank CENDES and IESA for their assistance in carrying out the field work in Venezuela. Special thanks to Daniel Mogollón, Maurelyn Rangel, Carlos Sabatino and Federico Sucre for the support of the research they provided.

The literature on the quality of democracy has experienced a boom in recent years (see, for example, Diamond and Morlino, 2005; Levine and Molina, 2011; Katz and Morlino, 2012). The purpose of this paper is to assess the quality of democracy in the case of Venezuela under the Hugo Chávez Frías administration (1999–2013). Scholars studying the quality of democracy have not necessarily reached a consensus (Levine and Molina, 2012: 158–159). Our assessment is that, at least until the year 2004, Venezuela met the minimum procedural requirements to be considered a democratic nation; since then, the regime underwent wide-ranging changes and became hybrid in character (Corrales and Hidalgo, 2013). Therefore, a study of democratic quality in Venezuela requires analyzing this transition from democracy to hybridity.

Our evaluation of the quality of democracy is informed by the work of Morlino (2012) and Katz and Morlino (2012). According to these authors, democratic quality is defined as “a stable institutional structure, allowing its citizens to attain freedom and equality through the correct and legitimate functioning of its institutions and mechanisms” (Katz and Morlino, 2012: 4). Based on that idea, our central proposition is that the Chávez regime, in the instances in which it did operate as a democracy, exhibited low quality, and in the other instances, it functioned with characteristics of authoritarianism. The mixture of democracy and authoritarianism, along with elements of low-quality democracy, is Chávez’s primary legacy.

In the first section, we analyze the most relevant features of procedural variables (political competition and participation, rule of law, and accountability). We then examine freedom, equality, and responsiveness.

1. Procedures

Competition

Along with participation, political competition is one of the fundamental engines driving quality (Diamond and Morlino, 2005). And this element must be present in multiple spheres: the party system, political organizations, special interest groups, and other related forums (Katz and Morlino, 2012: 11). In Venezuela, given the political polarization generated by the measures that Chávez took from the beginning of his rule, the level of competition has increased—but not without flaws.

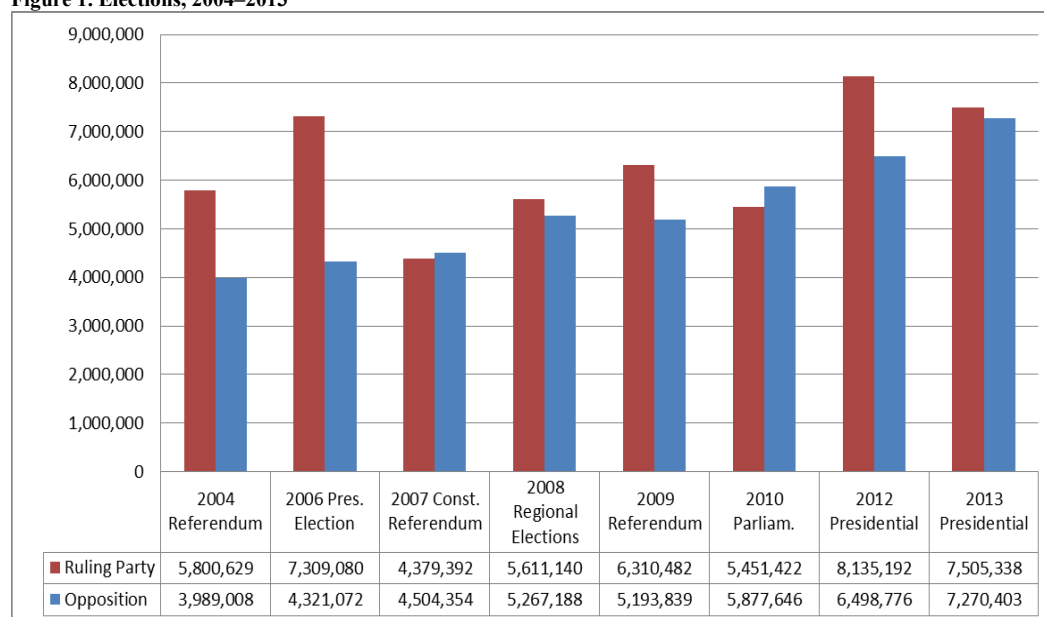
Signs of political polarization have been visible since the formation of two major blocs in 1998. On one side, the government party, today called, the United Socialist Party of

Venezuela (PSUV), along with some small allied parties, has dominated the political competition within the framework of a barely institutionalized and highly polarized party system. The PSUV was created in 2007 following the dissolution of the Fifth Republic Movement (MVR). Since 1998, the government's party has won in all of the electoral processes except for the 2007 constitutional referendum.

On the other side, the majority of the opposition ended up centered around an electoral coalition, today called Democratic Unity Roundtable (MUD). It formed in 2008. The MUD is a coalition of very ideologically heterogeneous parties. It is a highly pluralistic alliance, much more so than the PSUV. Despite its diversity and internal divisions, the MUD has managed to achieve unity in every election since the 2010 legislative elections.

During the Chávez period, no political rotation occurred (see figure 1). Chávez was reelected on three occasions (2000, 2006 and 2012) and managed to get the citizens to approve a constitutional amendment in 2009 permitting the indefinite reelection of all popularly-elected offices (in the 1999 Constitution, only one consecutive reelection was possible), becoming the first country in the region to introduce unlimited reelection.

Figure 1. Elections, 2004–2013



Note: In 2010 the votes obtained by the principal opposition coalition were added to those obtained by the party Fatherland for All. Source: National Electoral Council.

Political competition for congress (the National Assembly) is impaired by a variety of factors stemming from electoral system. First, the system has a majority bias: although it combines the election of representatives by list and by means of a roll-call vote, it dissociates the election from both of these by calculating the number of seats corresponding to each party. Furthermore, in the 2009 electoral reform, the number of representatives to be elected by roll-call was increased to approximately 70% above the national average. The remaining 30% are chosen by list, without establishing any electoral barriers, so that parties can participate in the distribution of seats. Finally, districts were reconfigured in eight out of the twenty-three states plus a Federal District that make up the nation, which, in the vast majority of cases, resulted in electoral success in the 2010 parliamentary elections. Nevertheless, this gerrymandering did not always benefitted the ruling party in every district. That said, on the whole, the reform allowed the ruling party to gain comfortable majority, winning a reasonably higher percentage of seats relative to its share of the vote (Hidalgo, 2011a).

The majoritarian effects were observed from 1989 until the 2009 reform. Although in theory a system of personalized proportional representation system was in place, in reality, the ruling party's effective use of *morochas*¹ (beginning in 2004 regional elections) reinforced the majoritarian bias of the system (Molina, 2009: 144–54). The ruling party ended up being overrepresented, forcing other powers to initiate agreements or form coalitions in order to maximize their probability of gaining representatives. The reform in 2009 had the effect of “legalizing” *morochas*.

Another factor contributing to diminished competition was the constitutional ban on the use of public funds to finance political organizations. Only the financing of publicity campaigns was allowed. Because the Constitution and anti-corruption laws prohibit the use of public funds, the candidates must gain resources through direct support of sympathizers. And, because no financing law exists, the National Electoral Council (CNE) approves regulations for each electoral appointment with the objective of controlling the campaign money, a goal it did not achieve. The problem was exacerbated due to the lack of any regulation in the preliminary campaigns. Meanwhile, the government party funneled state resources into canvassing but received no sanctions.

The CNE, an institution obligated to apply equitable competition guidelines, was the entity charged with regulating the elections. However, its composition was biased: of the five rectors who serve as its board, four were clearly pro-ruling party while the other

¹ The practice consisted of a party or coalition creating another ad hoc organization (*morocha*) that was formally separate and presented a poll in the electoral circuits. In this way, the parties avoided their number of seats being reduced through the plurality/majoritarian system.

had connections with the opposition. The CNE did little to control the ruling party's abuses, but it was always strict toward the opposition.

Additionally, by the time of Chávez's second term, a deep asymmetry had been established in media access through the following mechanisms (Corrales 2015): 1) Legal restrictions; 2) closures; 3) heavy fines; 4) intimidation; 5) expansion of state-controlled media, including newspapers; and 6) abuse of privilege.

A new feature of the regime was the expansion of local media outlets, which according to some estimates, exceeded 2000 in the year 2010.² However, these outlets became too dependent on the state: they dependent too much on public funding and most frequencies were awarded to sympathetic voices (Human Rights Watch, 2008: 114–145).

In part, government supporters carried out this media seizure to counteract the scarcity of pro-government information coming from most private media. Yet, from 2006 onward, the seizure of public media also stemmed from Chávez's stated goal of building a "communications hegemony" (Bisbal, 2009).

In short, following Chávez's death, all public media supported the ruling party, whereas private media became a minority and extremely constricted (Committee to Protect Journalists 2012; Hidalgo, 2011b). Along with Cuba, Honduras, and Paraguay, Venezuela figured among the Latin American countries classified worst in terms of freedom of press according to Freedom House.³

Political Participation

Participation is the foundation of all democratic systems. In a high-quality democracy, citizens participate freely, not only in elections, but also in other formal and informal, standard and non-standard, processes in order to influence decision making (Diamond and Morlino, 2005: xvi). Under Chávez, some advances were made in terms of participation, although, due to the political-institutional context, major limitations and obstructions were created.

² <http://www.derechos.org/ve/2010/05/03/movimiento-para-el-periodismo-necesario-mas-de-2-000-medios-alternativos-y-comunitarios-avalan-el-respeto-de-la-libertad-de-expresion-en-venezuela/>. However, the number of media outlets enabled by Conatel at the beginning of 2012 did not exceed two hundred fifty. (<http://www.radiomundial.com.ve/article/conatel-y-medios-comunitarios-afinaron-estrategias-comunes>).

³ <http://www.freedomhouse.org/sites/default/files/Global%20and%20regional%20tables.pdf>

Chavismo reversed the tendency of the nineties, during which participation in the electoral processes decreased significantly (Morgan, 2011). An explosion of socio-political participation followed Chávez's rise (López Maya, 2011). During the initial years (1999–2004), when polarization broke out, both the ruling party and the opposition attracted and mobilized a record number of people who turned out to the ballot boxes and/or when out to the streets in protest.

However, after the presidential recall referendum in 2004, which consolidated Chávez in power, participation became asymmetrical: the ruling party continued to mobilize Venezuelans, attracting a high number of voters to the register (some would say that, between 2004 and 2006, the voters register grew by too much to be credible), and they won elections (regional in 2004, parliamentary in 2005, and presidential in 2006, the latter by a landslide). In contrast, the opposition suffered from serious abstentionism. In part, this occurred because many citizens did not believe it was worth the trouble to turn out for the vote given that, in their understanding, the government was committing fraud, but in part it was also due to demobilizing strategies and poor decisions made by opposition leaders (among others, sitting out for the 2005 National Assembly elections).

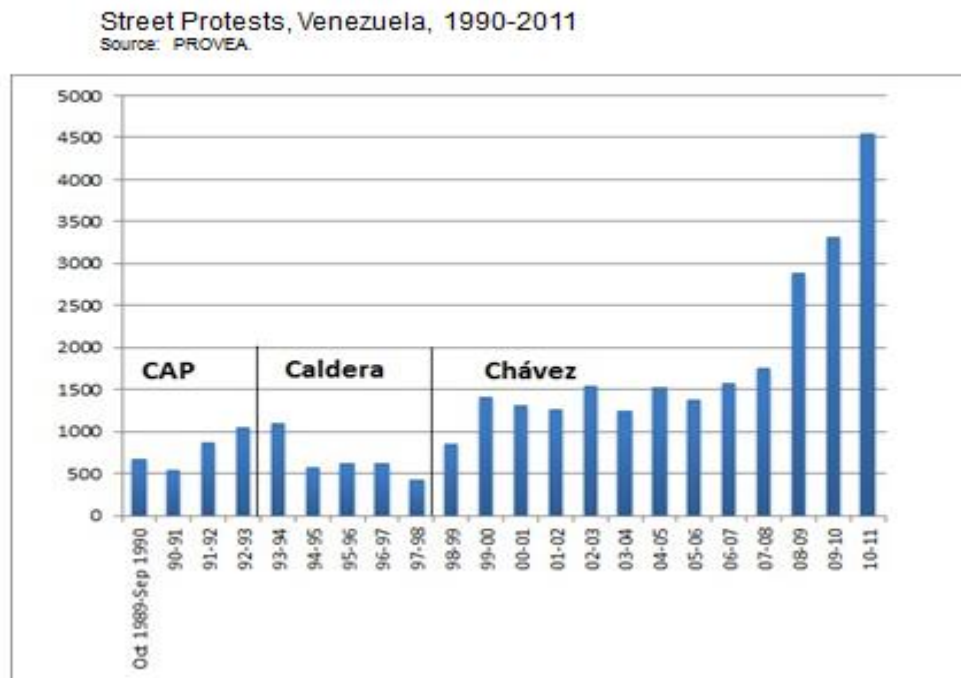
After 2007, this asymmetry reversed: abstentionism increased in the ruling party, and decreased in the ranks of the opposition. Likewise, the parties' local headquarters typically experienced little activity, given that they continued to encounter very low confidence from the citizens. And that trend, in part, translated into low affiliation rates, except in the case of the PSUV.⁴ On the other hand, due to polarization, militants and activists met with greater obstacles to carrying out political activities, experiencing risks even for physical integrity. And, in the sphere of the ruling party, workers in the public sector saw themselves to be "forced," under threat, to participate in a variety of events.⁵ This kind of mandatory involvement compromised the quality of participation.

Regarding non-standard participation, the key issue is the great socio-political conflict that engulfed Venezuela. Under Chávez, and particularly in his final years, the number of protests increased (see figure 2) (PROVEA, 2012: 346). The number of protests in the last stage was greater than the average over the previous six years, which had to do with increased discontentment in response to unfulfilled promises, largely around issues of socio-economic rights (about two thirds of the total), versus the high expectations at the beginning.

⁴ According to numbers from that party, 7,253,6191 people had been registered by mid-June 2009. See: <http://www.psuv.org.ve/temas/noticias/PSUV-sobrepaso-los-7-millones-de-inscritos-en-sus-filas/>

⁵ <http://www.eluniversal.com/nacional-y-politica/elecciones-2012/121004/mud-hostigan-a-empleados-publicos-para-que-asistan-a-acto-de-chavez>

Figure 2. Protests in Venezuela, 1990–2011



Source: Production with data from PROVEA (various years).

Limitations on Participation

Before Chávez's rise, Venezuela's two traditional parties, AD and COPEI, underwent a crisis. Many of their voters' defected. Midway through the 2000s, AD recovered somewhat, but not COPEI. In its place, at least three new parties eventually arose: A New Era, Popular Will, and Justice First. One of the challenges of this party fragmentation was achieving unity during election time.

At the same time, the ruling party's control of important social organizations demobilized many Venezuelans, who rejected being "rojo, rojito [red, very red]." Likewise, polarization along with some the ruling party's belligerent discourse generated fear among wide sections of the population about discussing politics, leading often to refusal to talk or even vote.

In the electoral arena, serious failings in representation developed. The first occurred after the opposition's collection of signatures in 2003, calling to bring a presidential recall referendum to the CNE. This so-called Tascón list, subsequently revised as the Mairanta list, which included the names of millions of Venezuelans who signed the recall referendum, was employed by the Executive Branch to discriminate against the signers on issues like employment, scholarships, or civil-service contracts. After 2006, the government claimed it was no longer making use of those lists. The opposition then became concerned about the use of fingerprint scanners (which authenticate a person's identity) in certain electoral processes. Even though the president of the CNE asserted on several occasions that the rule of "one voter, one vote" was followed, that fact that these machines allowed identities to be traced led voters to mistrust the voting process.

In other areas, fear, discrimination, and the criminalization of certain activities were frequent. For example, in lower-income districts, many citizens (42.6% according to a 2009 survey by the Centro Gumilla) were afraid to speak openly about politics with their neighbors; fear was more prevalent among the middle-lower strata (66.7%) and non-Chavistas (71.4%) than among Chavistas and the lowest strata (Salamanca, 2011: 18).

Finally, Chávez created a plethora of social organizations in order to foster social participation, but this participation was neither equal nor impartial (López Maya, 2011). Hawkins, Rosas and Johnson (2011) performed a detailed study the level of pluralism in these organizations; they found that the Bolivarian Circles, the state-affiliated NGOs which took control in the mid-2000s, evidenced little presence of non-Chavistas even though they managed to gain autonomy from the State, and worse still, they displayed an ambivalent attitude toward respecting the rights of their opponents. The study also found that the well-known social missions developed an absolute dependency on the State, not only in terms of raising funds, but also in decision-making. The staff as well as many people participating in the missions worked on behalf of the government party, and they were often underqualified, particularly the teachers.

Rule of Law

A high-quality democracy is characterized by a strong rule of law with well evenly regulated competition, limitations on governmental power, and guarantees afforded to the opposition. The processes must be clear, universal, public, and impartial (Diamond and Morlino, 2005: xiv–xvi). An independent judiciary is fundamental to preserve the rule of law, not just on society, but also on how the state functions.

In Venezuela, the rule of law was weakened during Chávez, at least along five dimensions: 1) individual security; 2) the judicial system; 3) state capacity; 4) the fight against

corruption; and 5) law and order. With respect to individual security, this became the key for most Venezuelans. Although homicide rates were high before 1998, under Chávez they reached record levels by worldwide standards (OVV). The number of homicides reached 73 people killed per 100,000 in 2012, compared to 25 in 1999. Compared to countries with similar income levels, what stands out is not only the high rate of violence but also its profound increase during this period (note that the rate for Colombia descends; figure 3). Although there are questions about these figures, no one denies the magnitude of crime in Venezuela, including not just killings, but also widespread theft, burglary, kidnapping, extortion, etc.

The Executive Branch implemented several security initiatives (more than 15 by 2012) as well as other measures such as passing regulations, improving law enforcement, calling for disarmament, and even creating the Bolivarian National Police (PNB). None of these plans generated results. Some have posited that, at root, the problem is a lack of political will to confront the problem of security. A real commitment to security would require dealing with criminality inside law enforcement and the judiciary, a step that Chávez may not have wanted to take.

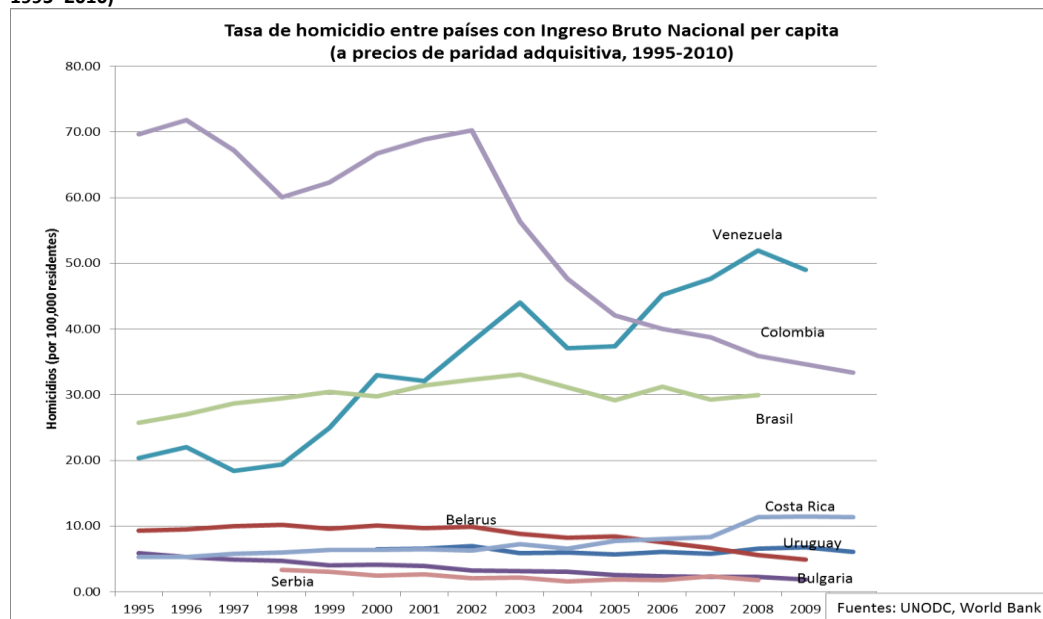
Another relevant issue was the increase in political violence. In relative terms, political violence has not been excessive; in fact, the opposition systematically opposes it. Nevertheless, some political violence did occur during one of the periods of greatest conflict (2001–2004). Perhaps more concerning was the fact that the government always maintained a virulent discourse against detractors, which served to legitimize violence “in the name of revolution” by societal actors. Many have asserted that the government exhorted civilian groups (*colectivos*) to use political violence on behalf of the ruling party. Chavista “*colectivos*” controlled specific neighborhoods. And even though Chávez periodically refused to support them, the reality is that many *colectivos* groups carried out their actions with impunity, fueling suspicions that the State welcomed them. Groups of armed civilians also operated with impunity along the border with Colombia, carrying out massacres, kidnappings, contract killing, drug trafficking, smuggling, etc. The government steadfastly denied providing them with any aid, but some scholars consider that it at least tolerated them.

Venezuela severely reduced the presence of the US Drug Enforcement Administration (DEA) in 2005. Estimates indicate that drug trafficking out of Venezuela grew dramatically since. Some suggest that drug trafficking was run from the heart of the ruling party, with the Soles Cartel being the most cited group.⁶ Crime rates also undermined property rights. After 2006, when the state launched its heavy nationalization campaign, with

⁶ <http://www.insightcrime.org/venezuela-organized-crime-news/cartel-de-los-soles-profile>

thousands of businesses being expropriated (Paullier, 2012), citizens often responded by increasing “invasions” (occupations) of property. All of this helps explain why Venezuela, according to the International Property Rights Index (2013), moved to position 129 of 130 with respect to legal and political environment, 126 in terms of physical property rights, and 115 in guaranteeing intellectual property rights.

Figure 3. Homicide Rate among countries, with Gross National Income per capita (purchasing power price levels, 1995–2010)



Source: Produced by the authors with data from the UNODC and World Bank.

While corruption and bias in the judiciary preceded Chávez, during his these flaws deepened (Brewer-Carías, 2010). Under Chávez, the judiciary became partisan; judges were fired in large number, unthinkable during the previous period, replaced by provisional judges (Human Rights Watch, 2004). At the end of 2003, only 20% of the 1,732 Venezuelan judges were permanent (Louza, 2007: 166). The provisional quality caused the judges to fear losing their jobs, which undermined the autonomy of the judicial branch.

Low autonomy became worse with the Organic Law of the Supreme Tribunal of Justice (TSJ, 2004), which increased the number of magistrates from twenty to thirty-two and gave the NA a large amount of discretion in nullifying the appointments of practicing

magistrates. Furthermore, no constitutional tribunal exists as such; instead, a Constitutional Court was created within the TSJ to control the constitutionality of the actions of all branches of the State (article 334), which in time became a “super power” informally appended to the Executive branch (Brewer-Carías, 2010; PROVEA, 2011: 285–286). In 2010, to give an example, 24.32% of provisional judges were dismissed, 21.62% of pro tem judges, 27.02% of presiding judges, 5.40% of acting judges, and 21.62% of other judges (PROVEA, 2011: 287).

A study of the 45,474 sentences delivered between 2004 and 2013 by the Politico-Administrative, Electoral, and Constitutional courts of the TSJ concludes that no sentence was ever pronounced against the Government.⁷ Likewise, although the resources dedicated to justice increased as a percentage of the country’s budget (moving from 2.30% in 2001 to 2.77% in 2012), justice became an instrument of the Executive Branch, in clear violation of democratic precepts (Human Rights Watch, 2012).

In the struggle against corruption, the ruling party not only did little, but in fact adopted policies that bolstered corruption by expanding statism: it abused public discretionary spending and non-audited investments. The excess of regulation in the private sector also contributed, especially when it came to the changing and fixing of prices.

In various indices (World Bank; Corruption Perceptions Index (IPC) by Transparency International), Venezuela often ranked as one of the most corrupt countries in the world. Numerous reports documented the lack of success (plan Bolívar 2000, Central Azucarera Ezequiel Zamora, Corpoelec, Metro de Caracas, PDVAL, etc.) In the Follow-up Mechanism of the Inter-American Convention against Corruption, of the 113 recommendations on 15 subjects that were issued from 2004 onward (third report, 2011), Venezuela had only fulfilled 4, made progress in another 12 and had 97 pending.⁸

Some believe that corruption was tolerated as a way to create alliances with elite groups, such as the “Bolibourgeois,” criminal groups, and sectors of the army (Corrales and Penfold, 2011). That is, Chavismo aided the elites as much as or more than the disadvantaged.

Despite its extensiveness, corruption did not figure among the main problems for the majority of Venezuelans.⁹ Instead, Venezuelans expressed concerns with other issues: insecurity, unemployment, a variety of economic problems (inflation, scarcity), etc.

With respect to the military, the typical control by civilians, expected in democratic systems, did not exist during Chávez. Chávez gave power to the military faction in the

⁷ http://internacional.elpais.com/internacional/2014/12/12/actualidad/1418373177_159073.html

⁸ Transparency of Venezuela: <http://www.transparencia.org.ve/Recomendaciones.aspx>

⁹ <http://www.elmundo.com.ve/noticias/actualidad/politica/los-problemas-de-los-venezolanos-no-distinguen-col.aspx>

government coalition and, consequently, in decision-making. In the regional elections held in December of 2012, out of the 20 governors elected from the PSUV, 11 were military professionals.

With respect to law enforcement, these elements essentially collapsed in term of efficiency and respect for human rights. The state also lost its hegemony over law enforcement with the emergence of “*colectivos*” and semi-official criminal groups. Despite the fact that resources were increased and mechanisms for citizen security involving greater military presence were implemented, there continued to be a high number of complaints continuously (see the Scientific, Penal, and Criminal Investigations or the National Bolivarian Armed Forces (FANB). In short, public actions in matters of citizen security were very lacking and sometimes only exacerbated the instability (CIDH, 2013: 425).

Electoral Accountability

Accountability refers to the exchange of responsibilities for potential sanctions between leaders and citizens. This relationship is complicated and multi-dimensional (Schmitter, 2005: 18). Here, we focus on a type of accountability: the one between citizens and representatives during the electoral processes. As Diamond and Morlino (2005: xix) demonstrate, vertical accountability (which includes accountability to different social actors as well as in the elections) requires effective political competition (Diamond and Morlino, 2005: xx).

In terms of the quality of elections several studies have shown a deterioration in the levels of freedom, neutrality, and equitability under Chávez (Kornblith, 2007: 114) (Pereira Almas and Pérez Baralt, 2011). Consequently, Venezuela has been labeled among the Latin American countries with one of the lowest-quality elections (Levine and Molina 2012). Particular issues include: i) the worsening of governmental opportunism and the imbalance of resources between government and opposition (Corrales and Penfold, 2011), ii) the politicization, already mentioned, of the CNE, iii) certain limitations in the sphere of liberties. According to one count, 44 types of electoral abnormalities were reported in the electoral processes from 1999 to 2013.¹⁰

Nevertheless, certain improvements in the electoral process have been made. More people are now registered to vote (however, it has not been possible to audit voter registry (Jiménez and Hidalgo, 2014). Improvements were also introduced in the (automated) voting system, particularly with the reinforcement of oversight, which led to a

¹⁰ <http://www.americasquarterly.org/electoral-irregularities-under-chavismo-tally>

greater degree of transparency and trustworthiness in the electoral processes, a visible feature since the 2006 presidential elections (Hidalgo, 2009; Corrales and Penfold, 2011).

Having said that, the 2012 presidential elections, the improvements were partially cancelled out with the emergence of many electoral irregularities (Pantin and Mújica, 2012). While no one has been able to prove electoral fraud, some studies have found anomalous statistical patterns since the 2004 presidential recall referendum. Furthermore, abnormal alterations in the electoral census have been found (Jiménez and Hidalgo, 2014; Hidalgo 2014). This array of electoral irregularities has led organizations like Freedom House (starting in 2008) to no longer call Venezuela an “electoral democracy.”

The restrictions that the ruling party imposed on political competition provided incentives, paradoxically, for the opposition to come together and put forward single candidates (Kornblith, 2013: 54). This led to the decreased levels of volatility among blocs in the NA elections. During this period, third-party attempts to break away from the government-opposition dynamic failed; for example, in the 2010 legislative elections, the PPT dissociated itself from the ruling party and introduced a less radical socialist bid, but this garnered poor results (2 seats out of a total of 165). And the presidential elections have remained limited to the real competition between two candidates.

In short, the ruling party remained unified and organized top-down. Likewise, the opposition parties had enormous individual weaknesses, but they united to face the most critical electoral dates and successfully combatted the tendency toward abstentionism. This unity within the opposition, maintained since 2006, is uncommon in the region.

Inter-Institutional Accountability

Inter-institutional accountability is defined as the responsibility of leaders under other institutions or actors that have the capability and power to control them (O'Donnell, 1998: 117). The relationship between the executive and legislative branches suffered a profound transformation in comparison with the period before Chávez.

Relative to the Legislative Branch, the Executive Branch enjoyed significant formal powers and even greater partisan powers after 1999 (Hidalgo 2009; Corrales and Penfold, 2011). According to an index developed by Javier Corrales (2013), the 1999 Constitution is one of the constitutions in Latin America that granted the most formal powers to the Executive branch compared to the Constitution that preceded it. Thereafter, the president obtained informal partisan powers: the NA under the ruling party essentially renounced its accountability functions, approving four enabling acts (1999, 2000, 2007 and 2010). Furthermore, the President also used his power to veto frequently and without challenge.

Regarding other state agencies, they too became rubber stamps. By 2004, the CNE, the TSJ, the Attorney General, the Comptroller, and the Ombudsman also lost their independence.

Regarding decentralization, with the only exception of subnational elections, the advances made in the eighties and early nineties were almost entirely reversed under Chávez (Eaton 2013). Beginning in 1989, governors and mayors began to lose financial autonomy, particularly if they were not in the hands of the ruling party. Likewise, the national state fortified its fiscal control over subnational governments. And, as a response to the electoral headway of opposition sectors in the 2008 regional elections, the state took away duties (and thus budgets) exercised by the states on an exclusive basis, particularly those related to the administration, conservation, and infrastructure (reform of the Organic Law of Decentralization, Delimitation and Transfer of Responsibilities of Public Authorities, 2009).

2. Freedom, Equality, and Responsiveness

Freedom

We now discuss three major types of freedoms: political, civil and social. Respecting these freedoms is essential to fortify other democratic features such as participation, political competition, and vertical accountability (Diamond and Morlino, 2005: XXV).

Although important progress in terms of rights was achieved in the 1999 Constitution, in practice, flaws in their application were striking. Regarding the right to life, Venezuela not only registered very high homicide rates, but also high rates of extrajudicial executions, contract killing (particularly of union leaders), impunity of *colectivos* (civilians armed and organized or tolerated by the State), expanding unsafety in prisons, vigilante groups across the country, and threats and coercion toward witnesses and their family members. Torture became a common occurrence among police and security forces. Provea reports 355 cases of torture during October 1999–December 2012 (PROVEA, 2013: 290). Few cases were brought to justice. Despite the fact that the Constitution, the Penal Code, and several treaties signed by Venezuela prohibit torture, legislation punishing torture never happened. In addition, Chávez showed himself to be very critical of the international system of human rights protection, particularly the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. In the fall of 2012, Venezuela struck down a treaty that involved remaining outside, one year later, of the IHR Court's jurisdiction.

Regarding the recognition of past human rights violations, the balance was lacking. The failed coup d'état of 2002—which resulted in deaths and hundreds of casualties—has not been handled satisfactorily. On the one hand, Chávez granted amnesty to persons who had open legal processes. On the other hand, a variety of people were condemned with sentences from three to thirty years for crimes against humanity and instigation of violence in 2009. Opposition sectors have solicited amnesty, which has been refused repeatedly. The ruling party continues to argue that the opposition is involved in a “continuous coup.”

Regarding the proper functioning of justice, one element that stands out is the delay in procedures. The situation is more critical with respect to demonstrations and deaths in prisons, most of which are extremely over-congested (PROVEA, 2013: 305). Impunity is very widespread: the vast majority of cases investigated by the Public Ministry are neither processed nor sanctioned. Furthermore, the Ombudsman does little against abuses of power (PROVEA, 2013: 310). With respect to procedural guarantees, the mentioned case of Judge Afiuni revealed the existence of problems around rape in custody and indictment, once again demonstrating the weakness of the rule of law (IBAHRI, 2014). Another issue were cases of civilians subjected to military trial in possible violation of the Constitution (article 49, 4th).

Freedom of information and expression became severely constrained due to the regime's contempt for pluralism. In particular, a reform to the Penal Code in 2005 imposed restrictions on protests and demonstrations, deeming it a criminal offence to show disrespect toward public officials. In July of 2010, the TSJ ruled that people who had received funds from abroad could be convicted of treason. The Law of Sovereignty proclaimed that any person invited by an organization who expresses opinions that offend institutions of the State and their authorities or attack the national sovereignty may be expelled, and the sponsor organization may be fined.

Before Chávez, Venezuela was very tolerant toward educational pluralism. Under Chávez, this tolerance suffered a decline. The new Organic Law of Education in 2009 conferred powers onto the State and contained loopholes that could jeopardize the autonomy of private education. Chávez also tried to eliminate the autonomy of universities; he did not accomplish this end, but he was able to reduce their budgets and create alternative universities. The government established and financed affinity groups within the public universities to compete, often successfully, for positions of responsibility. Frequently, these party-line groups carried out obstructionist or aggressive actions against independent or opposition groups. In December of 2011, after suffering an electoral defeat in the elections of the Central University of Venezuela (CUV), Chavista groups incited violence without facing any consequences under the law.

Regarding unions, the effort to work exclusively with only government-loyalists was striking. Unions were some of the most important groups to challenge Chávez in the 2001-2004 period. Since then, rather than negotiate with unions, the government attempted to create party-line unions and, at the same time, exclude independent ones from any type of decision making. The conflict between State and non-party-line unions gave rise to an increase in union protests.

In addition, restrictions were placed on the activities of NGOs. The Law for the Defense of Sovereignty (2010) prohibits individuals and organizations from receiving financial contributions from external sources. Note that the Executive Branch, in violation of this same law, made use of loans from the Chinese government to carry out discretionary and political spending.

In the treatment of minority rights, the best accomplishment is probably the legal treatment of indigenous communities. It's a minority community of approximately 725,128 people according to the 2011 census, and thus, no more than 3 percent of the total population. For this historically marginalized community, fundamental rights were laid down in the 1999 Constitution (Preamble, art. 100, 126) (Angosto, 2008). Nevertheless, at the end of the Chávez period, a large disparity still existed between what was proclaimed and the government policies in health and protection of their collective ownership of their lands (PROVEA, 2013).

Important declines in political freedoms occurred as well (Human Rights Watch, 2012):

Restrictions on leaders elected from the opposition: For the 2008 regional elections, the ruling party responded by increasing political restrictions on opposition leaders. The government increased the number of administrative disqualifications of candidates, all without due process. Although the opposition still managed to win the governorships of several important states, the government responded by denying resources, stripping them of powers, or preventing them from taking office by accusing them of corruption (see table 1).

Freedoms within the government party.

Whereas the opposition became more democratic in terms of procedures, making increased use of open and competitive elections to choose its candidates, the ruling party became more vertical and submissive toward the President. Several times, Chávez nominated electoral candidates at whim, without elections and with very little consultation with the base. In fact, certain political liberties were taken inside the ruling party, including violating the law, and openings may have existed for new groups to participation

politically. Within the PSUV freedom to question the ruler ceased to exist. By 2012, Chávez was already naming leaders and making every form of decision that concerned the party; open primaries, as such, were not held.

Freedom of electoral campaigns. On election day, there was low probability of fraud in the counting of votes. However, the opposition saw itself increasingly surrounded by formal obstacles, restrictions on financing, harassment of its main constituents, and demonstrations of aggression on the part of the ruling party.

Secrecy of the vote: The worst violations toward the secrecy of the vote were committed between 2004 and 2006 (Jatar, 2006). The government made use of the previously mentioned Tascón List, which had the names of those who signed in favor of a recall referendum against the President, to determine who would receive assistance/subsidies and public employment. In 2005, the opposition boycotted the parliamentary elections after learning that voter identity was not protected. Since then, protections improved (Veneconomía, 2012). The government declared that it was no longer using the list of signers, and the CNE carried out a more open effort to decrease the probability that fingerprint scanners could be used to connect voters to their votes. One testament to the progress made in voter identity protection is that the opposition participated in and accepted the results of every election that took place from 2006 until 2012. The opposition even made use of the CNE to authenticate the results of the MUD primaries in 2012.

Despite the fact that the voter identity protection improved for the opposition, it declined for members of the ruling party. The government forced—and even physically transported—public employees to attend political rallies and polling places (Rivera and Zerpa, 2013). In the 2012 presidential elections, the PSUV controlled lists of people required to vote for Chavism, and they were mobilized to seek them out and take them to the polling stations (Rosales, 2012).

Equality

The equality of political rights (among those who encounter non-discrimination by gender, religion, ideology, race, etc.) has a clear impact on other features such as accountability, participation and freedoms (Diamond and Morlino, 2005: XXVII). In Venezuela, there was improvement in economic equality (at least until 2012), but not in political equality.

Table 1: Restrictions on governors/mayors elected from the opposition, 2008

Leader	Profile	Restriction
Leopoldo López	Mayoral Candidate for Caracas	Disqualified
Antonio Ledezma	Mayor of Caracas	“Unique Authority” office created, overriding the mayor’s office.
Henrique Capriles	Governor of Miranda	40 percent of budget denied and hospitals were nationalized.
Manuel Rosales	Mayor Elect of Maracaibo	Accusation of corruption forces him to abandon the country.
Morel Rodríguez	Governor of Nueva Esparta (Margarita)	Nationalization of ports
Henrique Salas Feo	Governor of Carabobo	Nationalization of Puerto Cabello
César Pérez Vivas	Governor of Táchira	Creation of a parallel government: Government Revolutionary Council, directed by Rafael Ramírez (Feb. 2010). The territory can be declared a warzone at any time since it is a border state.
Pablo Pérez	Governor of Zulia State	See previous
Jorge Barboza	Mayor of Zulia State	Election voided

Source: Author’s elaboration.

Chávez made the Venezuelan economy even more dependent on the petroleum industry. No other case exists in Latin America of so much dependence on a single sector

(Monaldi, 2013). By 2012, the energy sector represented 11% of the GDP, 42% of fiscal revenues, and 96% of exports (Economic and Commercial Office of the Spanish Embassy, 2013: 4). During the period from 2003–2008, the country experienced an oil boom greater than that of any other country in the region (Monaldi). That government used the boom in oil prices to set expansive fiscal policies, including various social programs, contributing to a significant increase in consumption and a decrease in economic inequality and poverty. According to the government, “social investment” as a percentage of total public investment increased from 55.4 percent in 2002 to 70.7 percent in 2011 (INE, 2012). That is, social spending grew both in absolute terms (thanks to greater petroleum incomes) and in relative terms (due to the government’s emphasis on social spending). The middle class (defined as homes with a per capita income of at least \$10 but not belonging to the wealthiest 5% of the nation), which suffered one of the most brutal declines in the region—falling from 21% to 3% of the population between 1990 and 2005 (Birdsall, Lustig and McLeod, 2011)—recovered under Chávez. The change in the Gini coefficient, which measures inequality, is -0.24 percent annually for Venezuela between the years 2000 and 2008 (Birdsall, Lustig and McLeod, 2011: 2). A negative value in this percentage indicates a decrease in inequality. Economic inequality between the wealthiest 20% and the rest of the population declined (figure 4). And, drawing from CEPAL, a considerable recovery with respect to the middle classes occurred as well (González, 2014). Additionally, several poverty indices also indicated progress; the number of “poor homes” and “homes in extreme poverty” descended from 43.9 and 17.1 percent respectively to 21.2 and 6.0 percent between the ends of 1998 and 2012 (INE).

It must be emphasized, however, that Venezuela’s income inequality performance is not as striking in comparative terms. According to Birdsall, Lustig, and McLeod (2011):

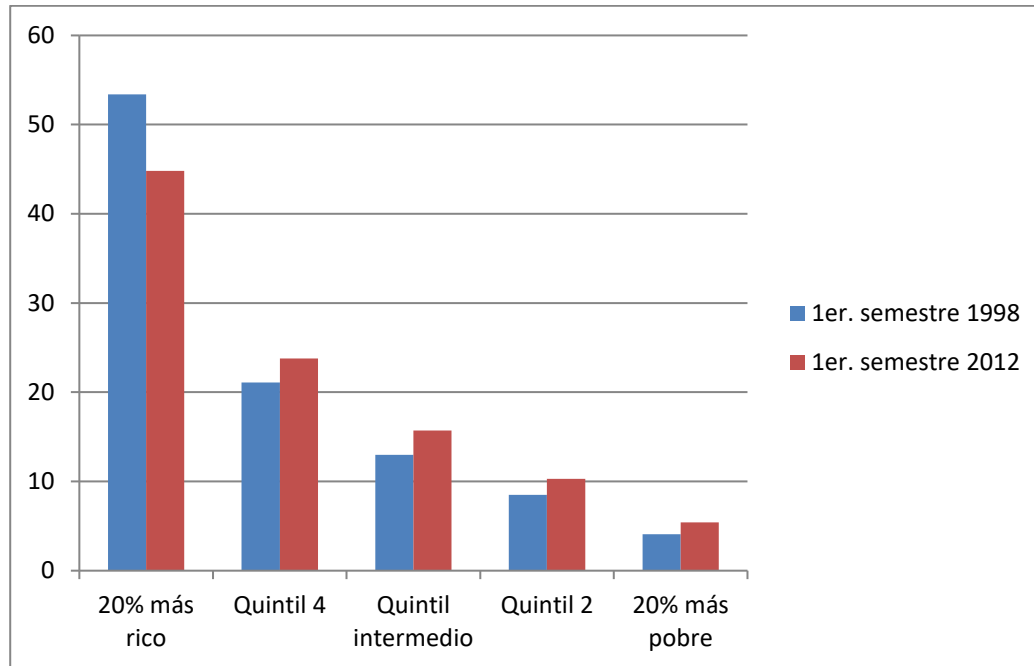
a) Of the 13 Latin American countries that improved inequality between 2000 and 2008, Venezuela obtains the lowest value.

b) Venezuela only managed to improve the level of inequality and raise it to pre-crisis levels. Venezuela’s Gini coefficient in 1992 was 0.41, it reached its peak in 2002 during Chávez’s government (0.48), and it went down once again to 0.43 in 2006. By 2012, as we have already noted, it was placed slightly lower than in 1992.

c) Other countries decreased inequality levels to their lowest figures in history. Brazil had a Gini of 0.60 in 1992 and decreased progressively to 0.54 in 2009. Chile had a Gini of 0.55 in ’92 and descended to 0.52 in 2009.

d) Although Venezuela’s Gini index was the lowest, other countries were more efficient, in relative terms, in the reduction of inequality. The decrease of 0.24 percent in the Gini was lower than the average of -0.58% among 17 Latin American countries over the same period.

Figure 4. Home income quintiles. 1st semester 1998 – 1st semester 2012



Source: INE

The Chávez administration adhered to two types of social policies that were at odds with one another. On one hand, they pursued one of the highest social-spending levels in Latin America, although this is difficult to quantify precisely given that a large part of the spending was not very transparent, the same as the revenues. It is estimated that, during the period from 1999 until 2012, Venezuela received a total of US\$699,500 million in revenue from petroleum exports, a historic record both for the country and for the region (Puente, 2014). On the other hand, the government incurred one of the highest inflation rates in the world, seven currency devaluations (see Olivares, 2013), an excess of bureaucracy, and little attention to the quality of services provided (Rodríguez 2008; Birdsall, Lustig and McLeod, 2011; Corrales, 2010). Thus, many some experts in social policy (España, 2013) attribute improvements in poverty to simply the magnitude of the oil windfall more than with the impact of social policies.

The great mystery of Venezuela's poverty, inequality, education, and health indicators is not so much whether they improved (which they did from 2000 until 2008), but rather why they did not differ more from regional and even global tendencies, particularly considering that Venezuela was earning its greatest export revenues in history. The return-

investment ration was very unfavorable. Another puzzle is why the government placed so little emphasis on environmental issues, an issue evidenced by damage to the environment and a decrease in biodiversity (for example, see PROVEA, 2013).

Chávez's food policies were also at odds with one another (Howard-Hasmann, 2013). On one hand, Chávez increased food subsidies and created food distribution apparatuses at low cost (e.g., Mercal, PDVAL). Furthermore, the government promoted the importation of food, thus supplying nutritional needs at good prices. However, the Executive Branch implemented a policy of nationalizing lands and food businesses, many of which remained or became unproductive. Likewise, it applied an excess of regulations on the economy (exchange rate, wholesale and retail prices, and labor market) that brought about a decrease in national productivity. By the end of the Chávez period, Venezuela had serious rates of shortage in a number of important dietary items such as milk, beans, sardines, and also in basic consumer items such as toilet paper, striking sectors with the least resources most severely (Landaeta-Jiménez et al., 2012). If it had not been for the policy of opening the country to imports, Venezuela would have faced a food crisis as serious as what Maduro is dealing with now.

Regarding to issues of social equality based on gender and sexual orientation, the progress is also mixed. The laws became more favorable, but any initiative supported by a non-loyalist group was rejected. The 1999 Constitution has been praised (and criticized) for employing neutral language in when referring to gender. At least 14 articles in the constitutional text support or establish rights for women (Rakowski and Espina, 2011). The 2007 gender law confers new rights to women. The percentage of women in the government during Chávez's last presidential term went from 18.5% in 2007 to close to 41.5% at the beginning of 2012, mainly Chávez supporters (García Prince, 2012: 5–6). By 2010, in the TSJ, women represented 36 percent of the total, one of the highest percentages in Latin America (Kalantry, 2012: 84).

However, very few of the proposed bills advocated by feminist groups—such as housewives' right to pensions, gender quotas, or depenalization of abortion—gained any traction. Moreover, in spite of the fact that Rakowski and Espina (2008) found that women make up more than half of those benefitting from the missions, the benefits did not come without costs. An important example is that a great deal of time and effort was demanded of women, including their giving a subsidy to the State, instead of the reverse. Furthermore, in many cases, the women who worked for the government also were politically engaged before Chávez's time, so that it remains unclear how much new empowerment occurred, and problems like gender violence were not addressed. Likewise, women confronted obstacles in areas such as education, health, housing, and work; in particular, there were high rates of informality and wage disparity in the labor

market, which persisted, even if they were reduced, in higher education (Venezuelan Observatory of Women's Human Rights). And in the public sphere, discrimination by gender also remained. Even though women represent 50% of the electoral census, there continued to be a low percentage of women in government offices, representative bodies, and political organizations.

The situation concerning rights for the LGBT community was very unfavorable, especially compared to high-income countries in the Americas (see table 2). By the end of the 2000s, more than 50 percent of gay or lesbian people, and more than 80 percent of transsexuals, had suffered violence at the hands of the police (Forum for Human Rights and Democracy in Venezuela, 2010). The ruling party rejected the idea of establishing a tenet against discrimination by sexual orientation (Merentes, 2010). From that time onward, neither the courts nor the NA did much to expand LGBT rights during Chávez's government. The NA blocked initiatives from LGBT groups that sought improved laws against discrimination for sexual orientation or gender identity, and no official policy existed in the areas of education, employment discrimination, police activity, and health services. There was a Chavist and pro-LGBT mayor in Caracas, but that did not produce large legal or institutional advancements; the judiciary never saw a case about hate crime.

To fight against racial discrimination, Chavism drove a series of laws and initiatives with the participation of Afro-Venezuelan movements. Among the most important, the passage of a Law Against Discrimination (2011) is particularly significant. Additionally, in the 2011 census, the Government identified persons of African descent. We do not know, however, the scope of these measures in terms of inclusion.

Finally, a word about political equality in the National Assembly. A politically equitable system would maintain more or less even correlation between votes and representation. However, in Venezuela, we encounter the opposite: there is a huge disparity between opposition votes and representation in the NA. In the 2010 elections, for instance, the opposition carried a majority in the number of votes yet obtained a significant minority of seats (Table 3).

This disproportion was due mainly to two factors. The first of these was *malapportionment*. Since the 1999 Constitution, the electoral system provides Venezuela's most populous states with fewer representation in the NA, measured according to seats per inhabitants. Each state, regardless of its population, receives three seats. This gives an advantage to the less populous states, which ultimately became an advantage for the ruling party given that since 2006 it dominated the rural/less populous Venezuelan states. According to Monaldi, Obuchi and Guerra (2010), if the system had been more proportional, the opposition would have obtained seventeen more representatives.

Table 2. LGBT rights in Latin America and the Caribbean, 2011.

Ranking*	Country
Very favorable (10–14 points)	Uruguay, Argentina, Brazil, Colombia
Favorable (5–7 points)	Chile, Ecuador, El Salvador, Puerto Rico, British Virgin Islands
Somewhat favorable (3–4 points)	Bolivia, Costa Rica, Guatemala, Mexico, Venezuela , Cuba, Aruba, The Bahamas, Bermuda, Turks and Caicos
Unfavorable (less than 2 points)	Honduras, Panama, Paraguay, Belize, Dominican Republic, Haiti, Jamaica, Barbados, St. Kitts and Nevis, Saint Vincent and the Grenadines, Trinidad and Tobago

*Note: This ranking is based on seven categories related to LGBT legal rights: legislation with respect to homosexual sexual activity, recognition of homosexual unions, right to equal marriage, right of LGBT persons to adopt, participation in military forces, laws for protection against discrimination, rights for gender identity. The information derives from: http://en.wikipedia.org/wiki/LGBT_rights_by_country_or_territory.

Source: Corrales, Crook and Pecheny (2011).

The second factor is the exacerbation of disproportionality that was introduced by the 2009 electoral reform. Under the previous system of personalized representation, the disproportionality would have been relatively acceptable (4.7%), but with the implementation of the new electoral system it raised to 11.4% in 2010 (Molina 2010). Contrary to expectations, as we have indicated previously, the manipulation of districts (gerrymandering) in 2009 did not produce very favorable results for the ruling party in the 2010 elections; the winnings were minor.

Table 3. Percentage of votes and seats. 2010 Parliamentary elections

	Votes (%)	Seats (%)
Ruling Party	48.1	59.4
Opposition	51.9	40.6

Source: Monaldi, Obuchi and Guerra (2010)

Responsiveness

Responsiveness is generally understood as the extent to which a government executes policies that satisfy and take into account citizen demands (Bingham Powell, Jr., 2005: 62). In this sphere, the case of Venezuela casts both light and shadows.

The vast majority of Venezuelans supports democracy, and that support has grown stronger during the period under review. Moreover, the data from Latinobarómetro and other national pollsters revealed that the majority rejects the establishment of a communist regime like that of Cuba (for example, 81% according to the omnibus survey by Datanálisis, March 2012). Therefore, an ideological and mental dissonance exists between the radical leadership on the part of the Chavist elite, Chávez himself among them (62% of described him as radical leftist in spring 2009), and the population, only a small percentage (20%) of whom self-identify as radical leftists (Keller and Associates, 2009). Furthermore, a significant percentage believed that the regime was only slightly or not at all democratic (in 2011, on the 1–5 scale, it placed at 24%; 33% in 2007), those identifying with Chavism certainly responding less critically.

The evaluation of various important institutions' and actors' roles has fluctuated in recent years. However, studies of public opinion have shown relatively low confidence in the main public actors. And an even poorer opinion was held of the political parties, the unions, and the government/ministers versus other private actors such as the business community.

Under Chávez, the polls demonstrated that many citizens distinguished between the role of the government/ministers and the President. The latter began his rule with an approval rating greater than 90%. By December 2001, his approval rating had fallen down to 35%, due to his highly authoritarian initial measures. It remained at levels below 40% for a few years, with the exception of the days following the coup d'état in April of 2002. With the implementation of social missions in 2003 and the context of a petroleum boom, approval rating levels increased significantly until placing at an average of 71.5% in 2006. After the failed bid for constitutional reform in 2007, the President did not recover his previous levels of approval. Nevertheless, the positive evaluation remained around 50–60%, and he would be very popular at the time of his death, after more than a decade in power.

After the year 2011, there is a notable increase in dissatisfaction toward the President's management in particular areas. Except for the missions (52.6% positive evaluation in July of that year), less than half approved of his management in other policies (electricity, housing, clinics, food, economic situation, corruption, insecurity, etc.). The dissatisfaction with the government's work led to an increase in protests. Polarization meant that the executive branch was capable of responding to the demands of its followers, yet, with few exceptions, it disregarded the majority of the demands coming from the opposition.

4. Conclusion

We have traced the evolution of democracy during the Chávez period, reviewing some of the most specialized literature relevant to each domain. In our view, retrogression is evident. In many aspects, the regime turned autocratic, and in those aspects that remained democratic, the record points toward very low quality.

There are two ways of viewing Chávez's Venezuela. One is to be astonished at the deterioration of democracy. The other is to be surprised by the fact that the government, despite its electoral victories, institutional hegemony, and control of resources did not become more authoritarian by the time of Chávez's death (Corrales, 2015; Alarcón, Álvarez and Hidalgo, 2016). Each way of seeing the case offers different possible interpretations.

The first interpretation is that the Venezuelan case shows how easy it is for a democratic backslide to occur. Venezuela after all had some of the strongest and longest democratic traditions in Latin America, a fairly high income per capita, and a sophisticated civic life. If this backslide happened in Venezuela, then it is fair to say that it could happen in many other countries as well. The other interpretation is to say that Venezuela's liberal-social-democratic tradition was still strong enough to contain the populist assault from above, at least to some extent. It also demonstrated that multiple institutional forums and political actors still existed (even within Chavismo) that were able to impede the executive branch in its effort to assemble all spheres in order to construct a socialist model. Either way, what is clear is that democratic quality in Venezuela under Chávez eroded, and in some areas, though not all, democratic life essentially disappeared.

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