Document #1418374

Freedom House

Freedom on the Net 2017 - Venezuela

Country:
Venezuela (https://freedomhouse.org/country/venezuela)
Year:
2017
Status:
Not Free
Total Score:
63 (0 = Best, 100 = Worst)
Obstacles to Access:
19 (0 = Best, 25 = Worst)
Limits on Content:
18 (0 = Best, 35 = Worst)
Violations of User Rights:
26 (0 = Best, 40 = Worst)
Population:
31.6 million
Internet Penetration:
60%
Social Media/ICT Apps Blocked:
Yes
Political/Social Content Blocked:
Yes

Bloggers/ICT Users Arrested:

Yes

Press Freedom Status:

Not Free

Key Developments:

June 2016-May 2017

- Strict foreign exchange controls and high inflation have hindered the country's telecommunications industry, inhibiting individuals' abilities to get online (see **Availability and Ease of Access**).
- While independent digital media, journalists, and citizens continued to actively
 use digital platforms to access and share critical information, arbitrary website
 blockings continued to be reported, notably a handful of sites that provided live
 coverage of the protests (see **Blocking and Filtering**).
- Along with eroding civil and political freedoms, President Nicolas Maduro's declaration of a State of Exception and Economic Emergency, extended in May 2017, dictated "strict regulations" to prevent "destabilization campaigns" on the internet (see Legal Environment).
- In the midst of heightened tensions and a series of antigovernment protests, online journalists faced brutal attempts to thwart their coverage of events, including arbitrary arrests, confiscation of equipment, threats and physical attacks by state security forces and progovernment groups (see Intimidation and Violence).
- A director of a news site was placed under house arrest after spending more than
 eight months in jail since September 2016. While officially charged with money
 laundering, Braulio Jatar's detention was denounced as retaliation for online
 coverage about a protest against President Maduro (see Prosecutions and
 Detentions for Online Activities).

Introduction:

Growing obstacles to access, arbitrary censorship, and deteriorating user rights resulted in Venezuelan internet freedom declining to "Not Free" in 2017.

Venezuela's failing economic situation has effectively limited internet access. Strict foreign currency exchange controls, high inflation, and price regulations have hindered the country's telecommunication industry and the quality of internet access. Average connection speeds fell under 2 Mbps at the end of 2016. By all accounts, various estimates showed internet penetration either remained static or declined over the past year.¹ (https://freedomhouse.org/print/49870#sdfootnote1sym)

Restrictions on internet freedom have intensified with the country's deepening political crisis and unrest. In October 2016, the National Electoral Council blocked a proposed referendum to recall President Nicolas Maduro and postponed regional elections scheduled for December 2016. Elections held to form a constituent assembly in July and to elect state governors in October-both outside of the coverage period of this flawed.² characterized report—were as (https://freedomhouse.org/print/49870#sdfootnote2sym) The "State of Exception and Economic Emergency," in place since May 2016, was extended by a presidential decree in May 2017. The decree also mentions measures to censor and monitor the internet to prevent "destabilization campaigns." Deepening restrictions on content have in turn resulted in the blocking of a handful of video-streaming websites providing coverage of antigovernment protests. Senior officials also announced initiatives to regulate the use of social networks, arguing that they are dangerous and a tool for unconventional warfare.3 (https://freedomhouse.org/print/49870#sdfootnote3sym)

Online reporters continued to face attacks, arbitrary detentions, and confiscation of equipment while covering political events, protests, or even long lines to buy basic supplies.⁴ (https://freedomhouse.org/print/49870#sdfootnote4sym) On September 3, 2016, police arrested Braulio Jatar, director of the independent news website *Reporte Confidencial*, after he published photos and videos of a spontaneous demonstration against President Maduro in Margarita Island. After more than eight months in prison, he was placed under house arrest in May 2017. Several media and nonprofit websites also reported a surge technical attacks aiming to take them offline in early 2017.

Obstacles to Access:

Internet and mobile subscriptions have declined with Venezuela's economic crisis, impacted by foreign currency controls and high inflation. Frequent internet service failures and poor quality connections also continued to hinder reliable access to the internet. During the coverage period, users in different states reported service breakdowns that lasted for several hours.

Availability and Ease of Access

Venezuela's economic crisis, marked by foreign currency controls and the highest inflation rate in the world, has hindered the country's telecommunication infrastructure and the quality of internet access.

Civil society organizations continued to denounce connectivity problems and low connection speeds, which negatively impacted the flow of information online in Venezuela.⁵ (https://freedomhouse.org/print/49870#sdfootnote5sym) Following years of improvements in internet penetration, for the first time in 2016 ITU figures showed a decline in the percentage of individuals using the internet, down from almost 62 percent in 2015 to 60 percent in 2016. The country's electricity crisis resulted in months of rationing imposed on most of the country in the first half of 2016. Outages are

common: while critics have denounced that they stem from a lack of investment and poor planning, the government has blamed some of the blackouts on acts of "sabotage" against the electrical system.⁶ (https://freedomhouse.org/print/49870#sdfootnote6sym)

Mobile penetration figures have also declined over the years, dropping from 102 percent in 2012 87 in 2016.7to percent (https://freedomhouse.org/print/49870#sdfootnote7sym) Representatives of mobile companies Digitel and Movistar noted how strict currency exchange controls have negatively impacted them, by restricting investment and improvements in the services they provide.8 (https://freedomhouse.org/print/49870#sdfootnote8sym) Unable to meet financial obligations agreed with suppliers in U.S. dollars, mobile operators eliminated long 2016.9 distance and roaming services in (https://freedomhouse.org/print/49870#sdfootnote9sym) The telecommunications regulator CONATEL officially announced in April 2016 that difficulties arising from the country's economic situation had forced operators to suspend some services.¹⁰ (https://freedomhouse.org/print/49870#sdfootnote10sym)

In July 2016, the government suspended an increase in rates for telecommunications services. 11 (https://freedomhouse.org/print/49870#sdfootnote11sym) A few months later, in November, CONATEL announced that it was working with companies to prepare a new tariff plan to encourage access among Venezuelans, while at the same time boosting growth of the sector.12 (https://freedomhouse.org/print/49870#sdfootnote12sym) In February 2017, it was unofficially revealed that the government had agreed with telecommunications companies to increase rates. Social network users complained that such a measure was government the the openly announced by nor companies.¹³ (https://freedomhouse.org/print/49870#sdfootnote13sym) Users reported that mobile and broadband rates rose sharply for new lines, in some cases by more than 1,000 percent, although companies imposed more moderate increases for long-time customers.¹⁴ (https://freedomhouse.org/print/49870#sdfootnote14sym) The increases are sharp if looking at prices in Venezuelan Bolivars (VEF) compared to the minimum wage.15 (https://freedomhouse.org/print/49870#sdfootnote15sym) Calculated in dollars on the other hand, the figures are derisory, and companies continued to work at a loss. 16 (https://freedomhouse.org/print/49870#sdfootnote16sym)

Figures from the main ISP, the state-owned CANTV, show that the average cost of an month.17 internet service is VEF 272 per (https://freedomhouse.org/print/49870#sdfootnote17sym) At the official floating 2017,18 SIMADI exchange calculated on May rate (https://freedomhouse.org/print/49870#sdfootnote18sym) this would represent US\$ 0.37. Although the service is not available for new subscriptions, the main mobile company, Movilnet, has a limited prepaid mobile data plan costing VEF 1,000 (or US\$ 1.38 at the SIMADI rate). (https://freedomhouse.org/print/49870#sdfootnote19sym)

Shortages of ICT devices prevail and the few products that end up on the market are priced at the free dollar rate, which was more than VEF 5,200 to US\$ 1 in May 2017. While accurate calculations are almost impossible to make in an economy with exchange controls and high inflation, smartphones, laptops, PCs and other ICT devices are prohibitively expensive for the majority of the population.²⁰ (https://freedomhouse.org/print/49870#sdfootnote20sym)

Differences in internet access between the capital and rural areas have continued to evidence a significant digital divide in Venezuela. Mobile broadband offers are concentrated in cities with populations of more than 50,000 people and in high-income zones. In January 2017, state-owned operator Movilnet began offering 4G technology, but only in the states of Aragua, Carabobo, Anzoátegui, Zulia, Miranda, and the Capital District.²¹ (https://freedomhouse.org/print/49870#sdfootnote21sym) Some ISPs such as IPNet also offer speeds up to 25 Mbps in wealthy areas of Caracas. Among this elite minority with access to superior connections, some small online TV initiatives, such as Vivo VPITv, users.22 Play and have also gained (https://freedomhouse.org/print/49870#sdfootnote22sym)

The National Transportation Network, which was supposed to take optical fiber to rural and neglected areas of the country, was meant to be completed in 2012, but CONATEL'S website has not released updated information regarding this project. Some reports have said that CANTV had laid 5,700 new kilometers of optical fiber,²³ (https://freedomhouse.org/print/49870#sdfootnote23sym) but in April 2016, when the director of CONATEL met with businesspeople to discuss progress of the National Transportation Network,²⁴ (https://freedomhouse.org/print/49870#sdfootnote24sym) some attendees mentioned that "no figures were shown in detail."

The government has said that the Simón Bolívar satellite has provided internet and mobile connectivity to remote areas of the country, but independent sources could not yet verify these claims.²⁵ (https://freedomhouse.org/print/49870#sdfootnote25sym) Meanwhile, a state-funded initiative for digital inclusion developed by the Infocentro Foundation has created some 900 centers offering free computer and internet access, and has progressively been handed over to the communities, although its sustainability is not guaranteed.²⁶ (https://freedomhouse.org/print/49870#sdfootnote26sym)

Restrictions on Connectivity

Although exact figures are not available, the state owns most the national backbone through CANTV.27 the state provider (https://freedomhouse.org/print/49870#sdfootnote27sym) The government discussed plans to establish an internet exchange point (IXP) in 2015, but has not indicated whether will ahead with plan future.28 move this in the (https://freedomhouse.org/print/49870#sdfootnote28sym)

On June 28, 2017,²⁹ (https://freedomhouse.org/print/49870#sdfootnote29sym) users in several cities reported that social media and video streaming platforms such as Twitter, Facebook, Instagram, Periscope, and YouTube were inaccessible for approximately one hour. The organization Venezuela Inteligente noted that CANTV's DNS servers were not responding to DNS requests for these sites, and that Movistar also began to block Twitter briefly.³⁰ (https://freedomhouse.org/print/49870#sdfootnote30sym) The reason for the blocking was unknown.

Deliberate shutdowns and throttling may seem practically unnecessary given the state of the country's infrastructure, which does not guarantee a stable and quality connectivity.31 (https://freedomhouse.org/print/49870#sdfootnote31sym) Impacted by a lack of investment and maintenance, deteriorating services have heavily impacted connectivity. In March 2017, the president of the Chamber of Telecommunications Companies (Casetel) warned that if the government did not take the necessary corrective measures, telecommunication services would continue to deteriorate.32 (https://freedomhouse.org/print/49870#sdfootnote32sym) On the other hand, the president of CONATEL announced the creation of awareness-raising campaigns to reduce consumption the country.33 data in (https://freedomhouse.org/print/49870#sdfootnote33sym)

Public networks, such as those of state universities, also faced a crisis because of the cuts.34 of and budgetary shortage foreign currency (https://freedomhouse.org/print/49870#sdfootnote34sym) In February 2017, a group of 12 universities risked a digital blackout due to an almost insignificant debt between the National Information Technology Center (CNTI) and LACNIC, the organization responsible for number resource allocation and registration services. Two days before the deadline expired, the government honored its commitment.35 (https://freedomhouse.org/print/49870#sdfootnote35sym)

Internet service failures are common and often take a long time to fix.³⁶ (https://freedomhouse.org/print/49870#sdfootnote36sym) During the coverage period, users in different states reported service breakdowns that lasted for several hours, particularly affecting the largest internet provider (ABA, from the state-owned CANTV).³⁷ (https://freedomhouse.org/print/49870#sdfootnote37sym) Internet service failures are particularly notorious in rural areas, where even the local media cannot, through public requests, obtain official information from CANTV about the causes of the connection problems.³⁸ (https://freedomhouse.org/print/49870#sdfootnote38sym) A measurement (https://freedomhouse.org/print/49870#sdfootnote39sym) showed significant fall in connectivity in the month of August 2016, coinciding with the announcement of a ban on tariff increases, and in the days leading up to the citizens' mobilizations in favor recall referendum.40 of the (https://freedomhouse.org/print/49870#sdfootnote40sym) In March 2017, users from states in the west of the country reported a massive failure that affected CANTV and Movilnet services and lasted more than 12 hours. The presidents of both operators attributed the failure to several cuts produced in the fiber-optic network. After calling it sabotage, they said they would initiate investigations.41 (https://freedomhouse.org/print/49870#sdfootnote41sym)

Companies have also frequently complained about robberies. In the first nine months of 2016, 506 cases were recorded in 306 transmission stations of Movistar;⁴² (https://freedomhouse.org/print/49870#sdfootnote42sym) this figure increased in 2017.⁴³ (https://freedomhouse.org/print/49870#sdfootnote43sym) Sometimes whole were left without internet due vandalism.44 towns to (https://freedomhouse.org/print/49870#sdfootnote44sym) In October 2016, a new Telecommunications Security Directorate, attached to the Ministry of People's Power for Internal Relations, Justice and Peace, was created to deal with criminal incidents affecting operators in the sector who are victims of theft and vandalism in their facilities. A dedicated phone line was also launched to receive reports of failures or attacks to the telecommunications service. The Corps of Scientific, Penal, and Criminal Investigations (CICPC) is in charge of carrying out investigations into cases that affect country.45 telecommunications (https://freedomhouse.org/print/49870#sdfootnote45sym)

ICT Market

Although there are private providers, the state dominates the ICT market. One of the objectives of the Second Socialist Plan for the Economic and Social Development of the Nation (2013-2019) is for Venezuela to reach "non-vital levels" of connections with communication and information networks "dominated by neo-colonial powers." (https://freedomhouse.org/print/49870#sdfootnote46sym)

Foreign currency controls have prevented private companies from repatriating their earnings and accessing the foreign currency necessary for investment, which has led to a deterioration of their services. It also created a substantial barrier to new firms who might seek to enter the market. The shortage of equipment is also rampant due to the lack of dollars to pay for imports.

According to CONATEL's figures for the first quarter of 2017, almost 70 percent of users Access).47 internet through CANTV's ABA (Broadband access the (https://freedomhouse.org/print/49870#sdfootnote47sym) The of the rest population accesses the internet through one of several private telecommunications (https://freedomhouse.org/print/49870#sdfootnote48sym) Representing almost 9 percent of the market, Inter is the second most widely used ISP, though it offers services only in major cities. Three major players dominate the country's mobile market: state-owned Movilnet, Telefonica's Movistar, and locally owned Digitel.⁴⁹ (https://freedomhouse.org/print/49870#sdfootnote49sym) Digitel is the leading LTE network operator, a technology that has not been fully utilized due the shortage of smartphones.⁵⁰ (https://freedomhouse.org/print/49870#sdfootnote50sym)

Regulatory Bodies

CONATEL is the entity responsible for regulating and licensing of the telecommunications sector and is administratively dependent on the Ministry of Information and Communication. The Law on Social Responsibility on Radio, Television,

and Digital Media (Resorte-ME) grants the regulatory body the power to make decisions on the blocking or deletion of content, and to sanction service providers—an ability it has exercised without granting due process to the affected parties (see Blocking and Filtering).⁵¹ (https://freedomhouse.org/print/49870#sdfootnote51sym)

During the report's coverage period, President Maduro appointed a new director of CONATEL, Andrés Eloy Méndez,⁵² (https://freedomhouse.org/print/49870#sdfootnote52sym) former director of the National Superintendence for the Defense of Socio Economic Rights (SUNDDE) and, like the previous head William Castillo, a member of the governing party.⁵³ (https://freedomhouse.org/print/49870#sdfootnote53sym)

While Article 35 of the Organic Law of Telecommunications provides for CONATEL's operational and administrative autonomy, Article 40 states that the president has the power to appoint and remove the agency's director and the other four members of its board,⁵⁴ (https://freedomhouse.org/print/49870#sdfootnote54sym) pointing to CONATEL's lack of independence from the executive. Although the National Assembly approved in September 2016 a reform of the Telecommunications Law, which stipulated that the appointment of the director of CONATEL was to be submitted to the legislative body, it was declared unconstitutional by the Supreme Court of Justice.⁵⁵ (https://freedomhouse.org/print/49870#sdfootnote55sym)

Venezuela's political and regulatory environment was ranked last out of 143 countries in the World Economic Forum's Networked Readiness Index, which measures the capacity of countries to leverage ICTs for increased competitiveness and well-being. (https://freedomhouse.org/print/49870#sdfootnote56sym)

Limits on Content:

Extended in May 2017, the state of emergency deepened concerns about increasing restrictions on online content in the midst of political turmoil. Under opaque orders from the regulator, in April 2017 ISPs blocked three online TV sites that provided live coverage of antigovernment protests. Blocking procedures lack transparency and avenues for appeal, and digital rights groups suspect many more sites are blocked.

Blocking and Filtering

Blocking of political, social, and economic content continued to occur during this report's coverage period. CONATEL's new director, Andrés Eloy Méndez, has justified blocking certain digital media for "instigating war" based on unspecified judicial decisions.⁵⁷ (https://freedomhouse.org/print/49870#sdfootnote57sym) Digital rights organizations have increasingly denounced the lack of transparency of blocking orders that are not made public and provide no avenues for appeal.⁵⁸ (https://freedomhouse.org/print/49870#sdfootnote58sym) In a joint press release in April 2017, freedom of expression experts of the United Nations and the Inter-American Commission on Human Rights condemned blockings and stressed that: "Even under a

state of emergency, the regulation as well as limitation or restrictions on websites and television signals transmitted over the internet are disproportionate and incompatible with international standards."59 (https://freedomhouse.org/print/49870#sdfootnote59sym)

On April 7 2017, a day after a violent antigovernment protest, major ISPs started blocking the online TV and streaming sites Vivo Play, El Capitolio TV, and Venezolanos por la información, in apparent retaliation for providing live coverage of protests.⁶⁰ (https://freedomhouse.org/print/49870#sdfootnote60sym)Venezuela Inteligente technically documented those blockings, noting that they started between through DNS 10am on April 7, mainly (https://freedomhouse.org/print/49870#sdfootnote61sym) A group of NGOs requested a formal response from CONATEL about the reasons that led to the blocking, but as of received May they had no (https://freedomhouse.org/print/49870#sdfootnote62sym) On the other hand, blocked platforms such as Vivo Play were able to evade censorship and multiply viewers by sharing their channel through other news websites, as well as their app. 63 (https://freedomhouse.org/print/49870#sdfootnote63sym)

Rights groups supporting people living with HIV/AIDS also reported that in August 2016 CONATEL issued an order to block four of their websites without notification or known justification.⁶⁴ (https://freedomhouse.org/print/49870#sdfootnote64sym) In February 2017, news aggregators such as *Maduradas* reported being blocked by all operators in the country.⁶⁵ (https://freedomhouse.org/print/49870#sdfootnote65sym) Technical tests by *Venezuela Inteligente* corroborated DNS blocking by CANTV, Movistar and Digitel.⁶⁶ (https://freedomhouse.org/print/49870#sdfootnote66sym) As on May 2017, *Maduradas* remained inaccessible.

More recently, on June 28, users from various cities in Venezuela reported that several social media platforms — including Facebook, Twitter, YouTube, and Periscope — were inaccessible for approximately one hour. Tests by *IPYS Venezuela* and *Venezuela Inteligente* confirmed DNS blocking affecting both CANTV and Movistar users.⁶⁷ (https://freedomhouse.org/print/49870#sdfootnote67sym) The motives behind the move remained unknown.

In January 2017, the Attorney General asked a court in Caracas to formally block the website DolarToday, which publishes daily black market exchange rates, on the grounds that it caused a serious distortion in the foreign exchange market. (https://freedomhouse.org/print/49870#sdfootnote68sym) The site had already been blocked in 2013 without a judicial order. International news sites such as Infobae (https://freedomhouse.org/print/49870#sdfootnote69sym) and NTN 2470 (https://freedomhouse.org/print/49870#sdfootnote70sym) were also blocked. In February 2017, Méndez also announced plans to block the "CNN en Español" channel on YouTube after the outlet took its programming online in response to the Venezuelan government cutting its signal. (https://freedomhouse.org/print/49870#sdfootnote71sym) However,

the YouTube channel remained accessible to Venezuelans. Websites of various advocacy and human rights organizations were freely accessible.⁷² (https://freedomhouse.org/print/49870#sdfootnote72sym)

Content Removal

Content related to economic issues or political criticism were targeted for removal during the coverage period.

The Law on Social Responsibility on Radio, Television, and Electronic Media (the Resorte-ME law) establishes that intermediary websites can be held liable for content posted by third parties, and grants CONATEL the discretional capacity to impose severe penalties for violations. Its provisions notably forbid messages that promote anxiety among the population, alter public order, disregard legal authorities, or promote the violation of existing laws. This legal framework has resulted in self-censorship and preemptive censorship, as webmasters and editors may avoid publishing information that contradicts the government (See "Media, Diversity and Content Manipulation").

Although transparency reports produced by Twitter and Google do not show significant numbers of requests for withdrawal of content by Venezuelan entities, reports have documented several requests to various digital media to remove news items or erase URLs. According to the investigative journalist Lissette Boon, from *RunRunes*, a company called Eliminalia was tasked with "cleaning up the reputation" of Venezuelan politicians and businesspeople on the web. According to the reporter, in less than 9 months, at least 5 news sites received such requests, under the justification that the right to privacy and reputation were being damaged. Those requests were rejected as a form of censorship.⁷³ (https://freedomhouse.org/print/49870#sdfootnote73sym)

In June 2016, two court decisions also restricted certain content prior to publication. In one case, a court in the state of Carabobo ruled in favor of Carlos Osorio, a former food minister, for alleged moral damages caused by opposition deputies who accused him of acts of corruption. The deputies were prohibited from publishing by any means—especially through Cuentas Claras, a website specialized in organized crime information—any indications that violate the honor, decorum and reputation of (https://freedomhouse.org/print/49870#sdfootnote74sym) In decision, the Constitutional Chamber of the Supreme Court of Justice (TSJ) banned all online media from publishing videos of lynchings because they created "anxiety and uncertainty."⁷⁵ (https://freedomhouse.org/print/49870#sdfootnote75sym) Civil society organizations such as Espacio Público criticized such a decision for imposing "prior censorship that affects the necessary dissemination of issues of public interest (...) to discuss solutions."⁷⁶ problems, generate debate and (https://freedomhouse.org/print/49870#sdfootnote76sym)

Media, Diversity and Content Manipulation

Compared to traditional media, the digital sphere presents a more vibrant space for political and social expression and is a popular way to access information. Despite economic constraints and a climate of censorship, the emergence of new digital years has been remarkable.77 ventures over the past few (https://freedomhouse.org/print/49870#sdfootnote77sym) Print media have migrated web restrictions newsprint,78 the due to on (https://freedomhouse.org/print/49870#sdfootnote78sym) while broadcast media have also forged an online presence. Especially given government pressure on television stations to limit critical coverage of the protests, online outlets and platforms such as Instagram, Snapchat, Facebook and Twitter, have gained prominence as a means of information.⁷⁹ accessing and sharing live footage and (https://freedomhouse.org/print/49870#sdfootnote79sym)

The government has in turn sought to expand its influence online, using statecontrolled media, "armies of trolls," and encouraging progovernment social media users to harass those with opposing views. The NGO Ipys Venezuela shared a May 2017 leak of a presentation from the Ministry for Interior, Justice, and Peace presenting government strategies of military organization and intelligence to inhibit users from networks.80 debating social (https://freedomhouse.org/print/49870#sdfootnote80sym) In March 2017, President Maduro announced the creation of the "Robinson Digital Grand Movement" aiming to "win the war" on social networks by producing content, developing communication strategies, and training people in the use of digital (https://freedomhouse.org/print/49870#sdfootnote81sym) In April, on the seventh anniversary of the opening of President Chávez's Twitter account, the government also announced that it would create "digital militias" by setting up hundreds of points throughout the country to help sign up citizens to social media accounts. According to analysts, the objective of the "militias" would be to increase counter-information and disseminate progovernment messages.82 (https://freedomhouse.org/print/49870#sdfootnote82sym)

Progovernment media have also published false information to discredit independent of as well as NGOs that defend freedom (https://freedomhouse.org/print/49870#sdfootnote83sym) With a high number of politicized users, Twitter has been frequently used to spread disinformation. On the government side, for example, footage has been used to make false claims and undermine opposition (https://freedomhouse.org/print/49870#sdfootnote84sym) On the other hand, false information kept people on edge after fake news circulated claiming that political Leopoldo López had died prisoner on (https://freedomhouse.org/print/49870#sdfootnote85sym) During the height of the protests, anonymous recordings also began circulating via WhatsApp with false information. In response, a group of journalists started recording audio notes with verified information to distribute via WhatsApp and Twitter with the hashtag #serviceofpublicinformation.86

(https://freedomhouse.org/print/49870#sdfootnote86sym)

Venezuela's legal framework, notably the Resorte-ME law, has encouraged self-censorship and preemptive censorship, as webmasters and editors may avoid publishing information that contradicts the government. Observers have also commented on the disappearance of politically sensitive information from some media websites and platforms. On May 24, when Venezuela's chief prosecutor confirmed that the National Guard had fired a tear gas canister that killed a student during protests,⁸⁷ (https://freedomhouse.org/print/49870#sdfootnote87sym) human rights organization Provea documented how progovernment media sought to erase a previous version that alleged that the young man had been killed by a bolt-gun used by protesters.⁸⁸ (https://freedomhouse.org/print/49870#sdfootnote88sym)

On the other hand, economic constraints have impacted the ability of online media outlets to remain financially sustainable. Rodolfo Rico, editor of *El Cambur*, explained in an interview that payments to journalists and developers are difficult because of the economic crisis. Costs for updating equipment, search engine optimization,⁸⁹ (https://freedomhouse.org/print/49870#sdfootnote89sym) and replacing cellphones—frequently stolen while covering local events—have become insurmountable.⁹⁰ (https://freedomhouse.org/print/49870#sdfootnote90sym)

The restrictive economic environment may also deter advertisers from taking of El Pitazo,91 risks. According Yelitza Linares to (https://freedomhouse.org/print/49870#sdfootnote91sym) financial challenges experienced by Venezuelan digital media are related to the lack of training in content marketing, as well as the fact that audiences are unwilling to pay for content.92 (https://freedomhouse.org/print/49870#sdfootnote92sym) Some media, as Runrunes, El Pitazo, and Tal Cual have established alliances to make more attractive offers advertisers and achieve financial sustainability.93 (https://freedomhouse.org/print/49870#sdfootnote93sym)

Digital Activism

Venezuelans are avid internet and social media users, despite connectivity limitations.94 (https://freedomhouse.org/print/49870#sdfootnote94sym) In the midst of the economic crisis, citizens have used the internet to find scarce goods, consult prices, as well as to exchange and goods.95 sell (https://freedomhouse.org/print/49870#sdfootnote95sym) As cooking oil, cancer medication, and other basic goods and medicines becoming increasingly hard to come people have turned to black market on а (https://freedomhouse.org/print/49870#sdfootnote96sym) Neighborhood watch groups have also formed on WhatsApp to protect themselves against criminal attacks.97 (https://freedomhouse.org/print/49870#sdfootnote97sym)

Civil society organizations have maintained efforts to raise awareness online and create apps with civic uses. For example, the organization *Transparencia Venezuela* has developed strategies to collect citizen complaints, through a web platform, the app "Dilo Aqui," and email.98 (https://freedomhouse.org/print/49870#sdfootnote98sym) New

digital media, such as *El Pitazo*, have developed alliances with community organizations to train citizen reporters so that they can improve their coverage of local issues.⁹⁹ (https://freedomhouse.org/print/49870#sdfootnote99sym)

In March 2016, the website Revocalo.com was launched to collect signatures and mobilize citizens in favor of a referendum to revoke the mandate of President Maduro, an attempt later suspended by Venezuela's electoral council.¹⁰⁰ (https://freedomhouse.org/print/49870#sdfootnote100sym) In the midst of a wave of antigovernment demonstrations in 2017, citizens also mobilized online as a way to defeat information censorship via digital media and social networks, and to share security tips and train people about the best ways to document the protests.¹⁰ (https://freedomhouse.org/print/49870#sdfootnote101sym)

Violations of User Rights:

In the midst of social and political turmoil, President Maduro's declaration of a State of Exception and Economic Emergency, extended in May 2017, dictated "strict regulations" to prevent "destabilization campaigns" on the internet. Online reporters were arbitrarily arrested, intimidated, and injured while covering antigovernment protests. In an unprecedented case of extended detention, Braulio Jatar, the editor of the digital media outlet Reporte Confidencial, was imprisoned for more than eight months after posting footage of a spontaneous protest against President Maduro. Cyberattacks also targeted several media and nonprofit websites.

Legal Environment

Although the Constitution guarantees freedom of expression, 102 (https://freedomhouse.org/print/49870#sdfootnote102sym) the government has passed a number of laws and regulations that curtail this right online.

The government has notably responded to the country's deteriorating economic crisis and growing discontent by declaring a "state of exception," sparking concerns about deepening restrictions on the right to freedom of association and expression. 103 (https://freedomhouse.org/print/49870#sdfootnote103sym)The most recent decree issued on May 13, 2017 renewed the state of exception by including specific references to cyber threats and authorizing further measures to counter them. 104 (https://freedomhouse.org/print/49870#sdfootnote104sym) Article 2, paragraph 7 of decree 6.298 authorizes "dictating strict, transitory and exceptional regulations to prevent destabilization campaigns and the distortion of the economy, propelled by national and foreign factors through technology systems and cyberspace."

In May 2017, the director of CONATEL also warned that the regulator will apply the Law on Social Responsibility in Radio, Television and Electronic Media (Resorte-ME) "more efficiently" against electronic media. 105 (https://freedomhouse.org/print/49870#sdfootnote105sym) In November 2016, he had announced a public consultation to establish a legal framework to regulate the use of

social networks in Venezuela.¹⁰⁶ (https://freedomhouse.org/print/49870#sdfootnote106sym) Senior leaders of the ruling party have stated their view that social networks are used to undermine the stability and peace of the nation.¹⁰⁷ (https://freedomhouse.org/print/49870#sdfootnote107sym)

Resorte-ME law was amended by the National Assembly in 2010 to include vague prohibitions and severe sanctions that grant authorities sweeping discretion to restrict speech.¹⁰⁸ (https://freedomhouse.org/print/49870#sdfootnote108sym) Article 27, for example, forbids messages that promote anxiety among the population, alter public order, disregard legal authorities, or promote the violation of existing laws. The law also establishes intermediary liability for content posted by a third-party and requires online media to establish mechanisms to restrict prohibited content. Websites found in violation of these provisions may be heavily fined, and service providers who do not comply risk temporary suspension of operations.¹⁰⁹ (https://freedomhouse.org/print/49870#sdfootnote109sym)

Activists and journalists also face charges of defamation under the penal code, which sets out prison sentences for defamation against public officials and the publication of false information.¹¹⁰ (https://freedomhouse.org/print/49870#sdfootnote110sym) Other laws provide additional avenues for limiting speech: for example, the Law of National Security, which was passed in January 2015, outlines prison sentences for individuals who "compromise the security and defense of the nation."¹¹¹ (https://freedomhouse.org/print/49870#sdfootnote111sym)

The opposition alliance had won a majority of seats in the National Assembly in December 2015, paving the way for possible reforms of two crucial laws: the Law of Resorte-ME.¹¹² Telecommunications (https://freedomhouse.org/print/49870#sdfootnote112sym) However, Constitutional Chamber of the Supreme Court, whose members were selected by the outgoing progovernment National Assembly, was able to rule against new legislation promoted opposition unconstitutional.¹¹³ by the as (https://freedomhouse.org/print/49870#sdfootnote113sym) In March 2017, the powers of the National Assembly were further undermined when the Supreme Court took over its functions, after ruling it was "in contempt" of court for swearing in three lawmakers who had been suspended over vote-buying accusations. 114 (https://freedomhouse.org/print/49870#sdfootnote114sym) In 2017, August illegitimate pro-Maduro Constituent Assembly announced that it was taking over all legislative powers Assembly.¹¹⁵ of the National (https://freedomhouse.org/print/49870#sdfootnote115sym)

Prosecutions and Detentions for Online Activities

Digital reporters covering protests, political events, and queues to buy food or medicine continued to be arbitrarily arrested and have their cellphones confiscated. Civil society organizations such as Espacio Público and IPYS Venezuela, as well as the journalists' guild and union, have kept a detailed record of arrests during protests, including those targeting digital outlets.¹¹⁶ (https://freedomhouse.org/print/49870#sdfootnote116sym)

Journalists were detained for several hours or even days for covering protests during the past year. One emblematic case was that of Elvis Flores, a cameraman working for the online channel *Venezolanos por la Información* (VPITV). Flores was providing live coverage of a clash between police and protesters in Caracas at the time of his arrest on April 6, when police took his equipment and stopped his broadcasting. He was held in police custody for nine hours, accused of recording in a security zone.¹¹⁷ (https://freedomhouse.org/print/49870#sdfootnote117sym)On April 10, Yonnathan Guedez, a journalist for the digital site *Las Peras*, was arrested while covering an antigovernment protest and detained in one of the headquarters of the Bolivarian National Guard. He was released on parole after 16 days and charged with crimes of resistance to authority, possession of incendiary objects, and incitement to disturb public order.¹¹⁸ (https://freedomhouse.org/print/49870#sdfootnote118sym)

The most serious case of extended detention was that of Braulio Jatar, the editor of the digital media outlet Reporte Confidencial, who was imprisoned for more than eight months and then placed under house arrest.¹¹⁹ (https://freedomhouse.org/print/49870#sdfootnote119sym) He arrested was September 3, 2016, a day after posting footage of a spontaneous protest during President Maduro's visit to Villa Rosa, an impoverished area in Margarita Island. According to family members and lawyers, the reason for the arrest was linked to the publication of these videos on Jatar's site. Jatar was officially charged with money laundering, which provides for a sentence of up to 15 years in prison. 120 (https://freedomhouse.org/print/49870#sdfootnote120sym)

Users sharing critical content on social media were also targeted during this report's coverage period. On April 28, user Dan Zambrano, who was retweeting several accounts that criticized government and state security agencies, was arrested by officials of the General Military Intelligence Division (DGIM) in Aragua (https://freedomhouse.org/print/49870#sdfootnote121sym) After three months, received a parole measure that requires him to appear in court every 15 days. 122 (https://freedomhouse.org/print/49870#sdfootnote122sym) In another case, three producers who made a video for the Primero Justicia party were arrested in September 2016 on charges of "inciting rebellion," after the video went viral on social media. They were released after two months, but ordered to present themselves before a military court every 30 days as a precautionary measures, pending a court decision. 123 (https://freedomhouse.org/print/49870#sdfootnote123sym)

Other users targeted for ICT-related activities remained in detention:

In August 2016, the appeals court of the Supreme Court of Justice upheld the 13-year sentence against jailed political leader Leopoldo López. As evidence in his trial, prosecutors analyzed hundreds of tweets and a YouTube video.¹²⁴ (https://freedomhouse.org/print/49870#sdfootnote124sym) In July 2017, López was granted house arrest after spending three years in a military prison.¹²⁵ (https://freedomhouse.org/print/49870#sdfootnote125sym) In early August 2017,

however, he was removed in a night-time raid and detained for four days. In late July, he had shared a YouTube video from his home, urging Venezuelans to continue protesting. 126 (https://freedomhouse.org/print/49870#sdfootnote126sym)

 Two of the nine users arrested for ICT-related activities in 2014 also remained in detention, while one user, Skarlyn Duarte, was released in December 2016.¹²⁷ (https://freedomhouse.org/print/49870#sdfootnote127sym) Victor Ugas had been arrested on October 13, 2014 after publishing photos of the corpse of Robert Serra. He was charged with improper disclosure of data or personal information digital espionage.¹²⁸ (https://freedomhouse.org/print/49870#sdfootnote128sym) Despite having release order, he remained arbitrarily detained. Leonel Sánchez Camero, detained on August 22, 2014, had been accused of promoting hatred, conspiring, defamation, and unlawful access to electronic channels. He remained detained at headquarters the Intelligence Service of Bolivarian (https://freedomhouse.org/print/49870#sdfootnote129sym)

Surveillance, Privacy, and Anonymity

Government surveillance and counterintelligence activities have increased since 2013, when the government released its 2013-2019 Plan for the Homeland, which emphasized strengthening national defense among its priorities. 130 (https://freedomhouse.org/print/49870#sdfootnote130sym) Digital activists expressed alarm regarding the government's growing appetite to invest in intelligence systems and operations.¹³¹ (https://freedomhouse.org/print/49870#sdfootnote131sym) Although it is difficult to confirm and determine the full scale of surveillance, activists have denounced targeted tracking and spying by the government. The lack of independent oversight has raised concerns about the ease with which systematic content filtering and surveillance could be implemented.

A decree issued in October 2013 created the Strategic Center for the Security and Protection of the Fatherland (CESPPA), a special body charged with monitoring and tracking of social media and other online information.¹³² (https://freedomhouse.org/print/49870#sdfootnote132sym) Agents of the National Guard have also reportedly been trained by the Ministry of Information and Communication in the management of social networks for the "implementation of early warnings" that can "keep the Venezuelan people truthfully informed, and detect any threat order to defend our national sovereignty."133 (https://freedomhouse.org/print/49870#sdfootnote133sym)

Complaints about the government's purchase and use of surveillance software have progressively surfaced. Leaked emails posted on Wikileaks in July 2015 revealed that the Ministry of Interior, Justice, and Peace had shown interest in buying spyware from the company

Hacking

Team, 134

(https://freedomhouse.org/print/49870#sdfootnote134sym) a transaction that was

allegedly never completed.¹³⁵ (https://freedomhouse.org/print/49870#sdfootnote135sym) However, Citizen Lab reported that it had detected the existence of a server of the spyware FinFisher in Lithuania, which apparently served as an "intermediary" for another master server in Venezuela.¹³⁶ (https://freedomhouse.org/print/49870#sdfootnote136sym)

A group of anonymous users operating under the name of "patriotas cooperantes" (cooperating patriots) is allegedly responsible for providing illegally collected private information from citizens and activists to authorities. The "cooperating patriots" were recently included as part of a security plan (Plan Carabobo 2021) President Maduro presented by in January (https://freedomhouse.org/print/49870#sdfootnote137sym) Public attacks against dissenting voices have used information collected by "cooperating patriots," notably during the televised show hosted by the former President of the National Assembly, Diosdado Cabello.

Government officials have frequently used recordings of private conversations involving political foes, without indicating how the recordings were obtained. Such was the case in January 2017, when the former president of the National Assembly Diosdado Cabello presented a supposed recording between Lilian Tintori, the wife of jailed opposition leader Leopoldo Lopez, and the parliamentarian Gilber Caro, who was detained by the intelligence services and later imprisoned under the charge of possession of war weapons.¹³⁸ (https://freedomhouse.org/print/49870#sdfootnote138sym)

There are no known government restrictions on encryption technologies or other digital privacy tools. Furthermore, Venezuelan laws, such as the Law against Cybercrime and the Law to Protect Communication Privacy, guarantee the privacy of communications. (https://freedomhouse.org/print/49870#sdfootnote139sym) In practice, however, authorities have failed to apply these laws evenly in cases where activists have sued for protection under the law. (https://freedomhouse.org/print/49870#sdfootnote140sym)

The constitution expressly prohibits anonymity. In order to buy a cellphone, a SIM card, or a USB modem to access mobile broadband, Venezuelan law requires customers to register their personal ID number, address, signature, and fingerprints. (https://freedomhouse.org/print/49870#sdfootnote141sym) The Law against Kidnapping and Extortion also contains a provision that requires telecommunications companies and banking entities to provide the Public Ministry with information it requests. (https://freedomhouse.org/print/49870#sdfootnote142sym)

Several government initiatives seek to collect personal information from citizens, with no guarantees regarding the privacy and treatment of this data. Activists have increasingly expressed concerns about the government's ability to misuse data Food collected through the Biometric System for Security,¹⁴³ (https://freedomhouse.org/print/49870#sdfootnote143sym) as well as personal data collected through welfare programs.144 social

(https://freedomhouse.org/print/49870#sdfootnote144sym) In the midst of demands for a referendum to recall President Maduro, senior officials threatened to retaliate petition signers, warning that "there is no private (https://freedomhouse.org/print/49870#sdfootnote145sym) In addition to demanding fingerprints for the purchase of scarce products and regulated purchases, a new "Carné de la Patria" (homeland card) was introduced in February 2017: a biometric document that, in addition to basic data, compiles other information such as membership of a party.¹⁴⁶ particular (https://freedomhouse.org/print/49870#sdfootnote146sym) Opposition political leaders have denounced the card as a way to collect information without legal bases with the activism.¹⁴⁷ sole purpose of limiting political and civic (https://freedomhouse.org/print/49870#sdfootnote147sym)

Intimidation and Violence

Intimidation and physical attacks against online reporters intensified especially in the midst of violent protests. Press freedom organizations have documented numerous cases of aggressions against journalists, ranging from direct attacks on reporters by armed gangs to the confiscation of equipment by military intelligence personnel.¹⁴⁸ (https://freedomhouse.org/print/49870#sdfootnote148sym)

In April 2017, the Inter-American Commission on Human Rights (IACHR) issued a statement urging the Venezuelan government to respect and guarantee the necessary conditions for the exercise of freedom of expression in the country, noting particular concerns regarding alleged attacks and confiscation of equipment of media workers by security officials and armed gangs. 149 (https://freedomhouse.org/print/49870#sdfootnote149sym)

Assaults against digital media workers were frequently reported during the period of coverage:

- On June 2, 2016, at least 19 media workers, including reporters for digital outlets such as VivoPlay, suffered attacks by armed civilians while covering a protest against food shortages in downtown Caracas. Journalists also denounced that security forces ignored their calls for help, or acted in complicity with armed civilians who intimidated, attacked, and robbed them.¹⁵⁰ (https://freedomhouse.org/print/49870#sdfootnote150sym)
- During nationwide protests on October 26, 2016, several digital media reporters were injured and intimidated by progovernment supporters. One reporter for the news site *El Pitazo* was hit in the face with a stone.¹⁵¹ (https://freedomhouse.org/print/49870#sdfootnote151sym)

On March 31, the National Guard briefly detained and beat Andry Rincón, a cameraman for VivoPlay, and seized his equipment.¹⁵² (https://freedomhouse.org/print/49870#sdfootnote152sym) On April 6, police also detained another cameraman for VivoPlay, Elvis Flores, and beat him.¹⁵³ (https://freedomhouse.org/print/49870#sdfootnote153sym)

Robberies have also targeted digital news outlets. In August, thieves took all of the IT equipment from the offices of digital outlet Crónica. Uno in Caracas. This outlet is an initiative of the NGO Espacio Público, which on several occasions has also been the object of the same of vandalism.¹⁵⁴ type (https://freedomhouse.org/print/49870#sdfootnote154sym) In November, a massive robbery targeted El Estímulo, another digital outlet based in Caracas. Its director, Omar did the purpose intimidate.155 Lugo, not rule out that was (https://freedomhouse.org/print/49870#sdfootnote155sym)

Threats continued to happen online. After publishing the results of a corruption investigation on the portal Armando.Info, journalist Maolis Castro received a direct message via Twitter by a high military authority seeking to intimidate her. (https://freedomhouse.org/print/49870#sdfootnote156sym) The website of the former president of the National Assembly, Diosdado Cabello, also continued to be used to discredit and attack both new digital media and human rights defenders. (https://freedomhouse.org/print/49870#sdfootnote157sym)

Technical Attacks

A surge in technical attacks targeted media outlets and human rights organizations in the first part of 2017. IPYS Venezuela recorded 10 cyberattacks, including six Distributed denial-of-service (DDoS) attacks, between January and March 2017.158 (https://freedomhouse.org/print/49870#sdfootnote158sym) Targets included digital media outlets as El Cambur and Caraota Digital,¹⁵⁹ such (https://freedomhouse.org/print/49870#sdfootnote159sym) newspapers with web such as Correo del Caroní, 160 (https://freedomhouse.org/print/49870#sdfootnote160sym) as well as human rights organizations such Provea and Acción Solidaria.¹⁶¹ as (https://freedomhouse.org/print/49870#sdfootnote161sym) Even media claiming to maintain neutral position, such as *Aporrea*, were attacked.¹⁶² (https://freedomhouse.org/print/49870#sdfootnote162sym) The media outlet *El* Pitazo was notably targeted with a DDoS attack in March 2017 and forced to go offline to contain the damage. In a statement, El Pitazo said that a diagnosis by the outlet's digital security team found the attack required expensive infrastructure outside of the of capabilities of ordinary hacker.¹⁶³ (https://freedomhouse.org/print/49870#sdfootnote163sym)

Hacking and falsification of social media profiles belonging to journalists, writers, and TV figures remains common. In early 2017, Miguel Pizarro and journalist Milagros Socorro, who was one of the first victims of this type of action in 2011, were hacked through a method described by the NGO Access Now as a "Doubleswitch" attack,

whereby hackers change the account information and usernames to make recovery of the original social media account much harder. Hackers took advantage of the hijacked accounts to spread false information and delete old tweets. 164 (https://freedomhouse.org/print/49870#sdfootnote164sym)

Venezuela's telecom sector also reported a cyberattack in 2016. In early December 2016, the president of state-owned internet provider CANTV reported a denial-ofservice attack against its platform, which briefly affected internet service. 165 (https://freedomhouse.org/print/49870#sdfootnote165sym) He said this attack was unrelated to simultaneous failures in Venezuela's credit card and cash machine system, which President Maduro denounced was a deliberate "coup d'état" against Venezuela's financial system. 166 (https://freedomhouse.org/print/49870#sdfootnote166sym) The following day, President Maduro confirmed the arrest of several senior executives of them sabotage.167 CrediCard consortium, accusing of deliberate (https://freedomhouse.org/print/49870#sdfootnote167sym) The facts were sufficiently clarified, and digital activists lamented the absence of an independent investigation. 168 (https://freedomhouse.org/print/49870#sdfootnote168sym)

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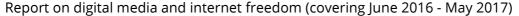
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