

ENGLISH ESPAÑOL



Freedom on the Net 2020

Venezuela

28

NOT FREE

/100

A. <u>Obstacles to Access</u>	5/25
B. <u>Limits on Content</u>	13/35
C. <u>Violations of User Rights</u>	10/40

LAST YEAR'S SCORE & STATUS

30 /100 Not Free

Scores are based on a scale of 0 (least free) to 100 (most free)



Overview

Internet freedom in Venezuela further deteriorated; connectivity was frequently disrupted by infrastructural failings and service providers temporarily blocked key sources of independent news and information during politically sensitive moments. Independent reporters, many of whom work online, showed signs of increasing self-censorship, while a number of outlets were victims of cyberattacks. State surveillance remained rampant, including through the assistance of telecommunications companies.

As Venezuela's economic and political crisis deepens, President Nicolás Maduro's regime has sought to tighten its grip on power and clamp down on dissent. Changes aiming to strengthen the government in power, such as the installation of a new National Constituent Assembly in August 2017, have been accompanied by new laws curtailing freedom of expression and privacy and continuous attacks against human rights defenders, journalists, and the opposition. The country's severe humanitarian crisis has left millions struggling to meet basic needs, and driven mass emigration. Following the contested 2018 presidential elections, tensions escalated in January 2019 when Juan Guaidó, the leader of the opposition-controlled National Assembly, assumed the role of interim president according to constitutional processes. Despite this, Maduro has maintained his power because of widespread support in the military, his tight control over the country's institutions, and a sustained and repressive intimidation campaign against the opposition.

Key Developments, June 1, 2019 - May 31, 2020

- A series of power outages throughout the coverage period hindered users' ability to connect to the internet (see A1).
- During politically sensitive moments, including those involving activities of the opposition-controlled National Assembly and during the COVID-19 pandemic, service providers blocked access to communications platforms and independent sources of information (see A3 and B1).
- Amid the deterioration of internet freedom in Venezuela over the last year, online journalists showed signs of increasing self-censorship (see B4).

- Social media users and online journalists continued to be arbitrarily arrested, including for sharing information about the country's controversial fuel shortage and the COVID-19 pandemic (see C3).
- An online platform created by the Venezuelan opposition to provide health workers with financial assistance was subjected to a phishing attack. Separately, the former director of the country's intelligence services contended that telecommunications companies help facilitate state surveillance (see C5 and C6).
- A number of independent online media outlets were targeted with distributed denial-of-service (DDoS) attacks, likely perpetrated by military forces (see C8).

A. Obstacles to Access

During the coverage period Venezuelans experienced frequent internet service failures and poor-quality connections, which have continued to hinder reliable access to the internet, as did a series of major blackouts. Communications platforms continued to be blocked, typically during politically sensitive moments, while plans to establish an internet exchange point could further facilitate state censorship and surveillance.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

2/6

Venezuela's economic crisis, marked by multiple years of recession and hyperinflation, has hindered the country's telecommunications infrastructure and the quality of internet access. The country's decaying infrastructure suffers from failures, theft, and vandalism, resulting in more frequent blackouts and poor connection speeds. ¹

During the coverage period many power outages, some for hours at a time, occurred in several regions of the country including the capital city. One of them, originating in Caracas in August 2019, reportedly affected around 12 out of the country's 23 states for one to two hours, while Puerto Cabello's February 2020 blackout lasted over 36 hours. ² A major power outage on March 1, 2020 disabled

35 percent of the country's telecommunications infrastructure for several hours.

3 Connectivity was similarly disrupted by outages on March 8 (affecting thirteen states), 20 (affecting seven states), and 25 to 26 (affecting six states). **4** A major outage on May 5 interrupted connectivity in more than 10 states, which the government blamed on an attack on one of the transmission lines of the national grid. **5** Also around this time, nearly 100 families in a neighborhood in the state of Portuguesa reported a blackout of at least two weeks after a transformer exploded and was not properly replaced. **6**

In addition to disruptions stemming from blackouts, cities such as Maracaibo and San Cristóbal remain under constant electricity rationing schemes that impact connectivity, **7** while a fuel shortage has hindered the use of generators upon which many people and institutions are dependent. **8** Moreover, in April 2020, a fire broke out at the state-owned provider CANTV, reportedly due to issues with the headquarters' backup power supply, leading to service disruptions that affected at least six states. **9**

According to analysts, demand for connectivity exceeds the supply, particularly during the COVID-19 pandemic and quarantine orders. **10** During the pandemic, in March 2020, major mobile provider Movistar asked customers to use data "rationally" as consumption had sharply increased on a network "already operating at maximum capacity." **11**

Internet service has also been suspended for long periods of time in pockets of the country; parts of Caracas were reportedly without internet service for at least three months beginning in June 2019 when a blackout occurred, while in July 2019 residents in two areas of the municipality of Baruta protested over claims that service had been unavailable for over a year. **12** Residents of the city of El Tigre reached three years without CANTV service in May 2020. **13** During the same month, residents in one area of Caracas protested amid reports that they had been without internet and phone service from CANTV for three years. **14**

Internet penetration rates vary by source. According to official figures regarding the second quarter of 2019, 59 percent of Venezuelans used the internet. Mobile subscribers account for 80 percent of total subscribers to internet services. Mobile penetration was estimated at 69 percent, down from 78 percent in 2018.

15 June 2019 estimates from the Venezuelan Observatory of Public Services,

though, reported that just 46.6 percent of households had home internet access, while 63.8 percent have it through mobile phones. Of those who access the internet through mobile phones, nearly 60 percent of users felt that the quality of mobile internet service was very poor; over 40 percent had experienced daily service failures. ¹⁶ The market research company Tendencias Digitales placed internet penetration at 65 percent in 2019. ¹⁷

As of June 2020, Venezuela continued to occupy last place for fixed broadband speed on the Speedtest Global Index, with an average download speed of 3.50 Mbps. For mobile speed, Venezuela ranked third to last with an average download speed of 7.80 Mbps. ¹⁸

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

0/3

The economic crisis has impacted Venezuelans' ability to afford internet services and devices, as many devote their meager salaries to cover basic needs such as food and health. A digital divide also became more evident during the coverage period; as the economy has become informally dollarized, the gap between those who have access to US dollars to purchase goods and services and those who do not has exacerbated inequality in internet access. ¹

Affordable access to the internet is out of reach for many Venezuelans. The purchase of a mid-range smartphone—around \$400—was worth approximately 250 months of pay at minimum wage in April 2020, compared to around 60 months of pay at minimum wage in May 2019. ² The high cost of smartphones, coupled with connectivity and electricity problems, sets the stage for high rates of misinformation (see B5). ³

Fixed and mobile plans have also risen in cost. Mobile service providers have stopped publishing their plans, and those that do make available information that is not necessarily accurate. However, based on consultations with users, a minimally reliable fixed 4MB monthly plan costs on average approximately 10 months of pay at minimum wage in 2020. ⁴

Less costly mobile plans are also available. The cheapest plan from Movistar, a subsidiary of Telefónica, costs almost two months of pay at minimum wage, with a consumption cap of 5 GB per month. **5** Regarding broadband service, the state-owned company CANTV also announced new rates in February 2020. The most popular plan, available only to existing customers, of 1.5Mbps increased from a monthly cost of 1,348 to 14,508 bolivars. **6** Although an extremely low rate, the service, when available, is of very poor quality. **7**

Venezuelans continue to experience a significant geographical divide in internet access. According to official figures from the second quarter of 2019, higher rates of internet use are concentrated in the Capital District and states on the more developed northern coast, such as Miranda, Aragua, and Carabobo. The state of Amazonas, which has a high indigenous population, only reached 18 percent penetration. **8** There is also inequality in available speeds. While speeds of up to 2.9 Mbps were recorded in Caracas during the first four months of 2019, they did not even reach 1 Mbps in the states of Apure, Barinas, Delta Amacuro, Falcón, Mérida, Portuguesa, and Táchira. **9** Residents of towns along the Colombia-Venezuela border have resorted to purchasing services from Colombian operators **10**.

The economic crisis has also affected a variety of sectors. Due to financial constraints, for instance, universities struggle to reconnect in the face of electricity deficits and thefts. **11**

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

2/6

Score Change: The score improved from 1 to 2 because, though interruptions to social media platforms are common during politically sensitive events, users are not subjected to intentional, prolonged blocking of fixed and mobile internet connectivity.

The state owns most of the infrastructure of the national network through CANTV. Deliberate shutdowns and throttling may seem practically unnecessary given the state of the country's infrastructure and recurring power outages. However,

disruptions in connectivity have coincided with rising political tensions in Venezuela.

Users do not experience intentional, prolonged restrictions on fixed and mobile internet connectivity. However, “tactical blocks” on communications platforms are employed to minimize coverage of politically sensitive news. ¹ During the reporting period, internet monitoring groups such as Venezuela Inteligente and Netblocks documented a series of such restrictions.

On June 18, 2019, both CANTV and the private internet service provider (ISP) Supercable restricted access to Instagram and Twitter for two hours during the live broadcast of a National Assembly session in which deputies were set to discuss topics including a political prisoner and a corruption case. ² On June 19, during the visit of United Nations High Commissioner for Human Rights Michelle Bachelet, CANTV blocked access to YouTube for just over half an hour. ³

On November 16, 2019, further restrictions by CANTV targeted Twitter, Facebook, and Instagram. The restrictions coincided with planned protests demanding credible elections. At the start of a speech by Guaidó, YouTube, Google services, and Bing were blocked. They became accessible after his address ended. ⁴

On January 5, 2020 as the opposition-controlled National Assembly was scheduled to swear in new leadership, CANTV blocked access to YouTube, Twitter, Facebook, and Instagram for two and a half hours. Opposition members, including Guaidó, as well as journalists, were physically blocked from entering the building by security forces. ⁵

On May 31, 2020, as the National Assembly met to reject both the rise in and dollarization of gasoline prices, CANTV restricted access to YouTube and Instagram via domain name system (DNS) blocking. ⁶

In March 2020, the National Commission of Telecommunications of Venezuela (CONATEL), the country’s regulatory body, launched a series of discussions with private operators about the creation of an internet exchange point (IXP). Academics and activists have opposed such a project, as administration of the IXP would fall to the government. The government’s control of this infrastructure would beget high risks of censorship and surveillance that would outweigh the technical benefits of the IXP’s creation. ⁷

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

1/6

Although there are private providers, the state dominates the information and communications technology (ICT) market. Telecommunications companies have struggled to remain financially sustainable during the economic crisis. At the same time, new, smaller companies have been able to enter the market.

CONATEL's latest report shows the progressive increase of new ISPs. According to two telecommunications companies' chief executives who asked to remain anonymous, the market is difficult and expensive for large operators that have high fixed costs. With smaller investments, and in the absence of the exchange rate control, the new companies can provide services, available in US dollars, for consumers with high and medium purchasing power. Politically, companies must remain neutral and refrain from expressing any kind of opinions against the government. **1**

According to CONATEL's figures on the second quarter of 2019, state-owned provider CANTV represents around 66 percent of fixed internet subscriptions. Three major players dominate the country's mobile internet market: state-owned Movilnet (39.5 percent), Telefonica's Movistar (43.5 percent), and locally owned Digitel (17 percent). Digitel and Movistar are the leading long-term evolution (LTE) network operators, a technology that has not been fully utilized—of all the subscribers with smartphones, only 18.47 percent use LTE services. **2**

A May 23, 2019 government decree created a new state-run Socialist Telecommunications and Postal Services Corporation of Venezuela, to be headed by CONATEL's president. According to Article 3, its aim would be to manage the state's telecommunications companies, enabling it to “acquire all or part of the shares in all those companies and services directly or indirectly related to its corporate purpose, whether owned by national or foreign entities, or merge with them, with prior authorization of the President of the Bolivarian Republic of Venezuela in the Council of Ministers.” **3** After the announcement, Maduro also said that Venezuela would sign agreements with Chinese companies Huawei and ZTE to promote the introduction of new technologies. **4**

As of May 2020, the only development related to the new Socialist Telecommunications and Postal Services Corporation occurred in December 2019, when 91 percent of CANTV shares and 100 percent of Movilnet shares were transferred to the company. **5** The move sparked speculation that the companies may have been sold to Huawei, but fact-checkers warned that this speculation was based only on unconfirmed rumors. **6**

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

0 / 4

CONATEL is the entity responsible for regulating and licensing 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 Law) 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. **1**

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, **2** highlighting CONATEL's lack of independence from the executive.

B. Limits on Content

Censorship continued during the coverage period as service providers blocked access to independent sources of news and information, including about the COVID-19 pandemic. A fire that broke out at CANTV's headquarters, however, destroyed some blocking tools and left some websites newly accessible for a brief period. Self-censorship among online journalists increased over the last year, while state-backed disinformation campaigns appeared to continue during the reporting period.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content?

2/6

As the political crisis continued into 2020, Maduro's government continued blocking digital media and social networks. A December 2019 report by the Press and Society Institute of Venezuela (IPYS Venezuela) detailed widespread and persistent online censorship. Using the Open Network Interference Observatory's mobile application, 57 journalists from eighteen states tested 25 news sites and social media platforms in October 2019, including Twitter, Facebook, Instagram, YouTube, and Venezuelan and international media sites. The study found that while the state-owned CANTV was responsible for most of the restrictions, private operators including Movistar and Digitel were not far behind. ¹

Local media sites faced the most blocking; the online TV channels Vivoplay and VPltv and the independent news site El Pitazo were the most frequently restricted, and by all three ISPs tested. Independent media sites Armando.info, Efecto Cocuyo, and La Patilla were also blocked, as were the news sites Caraota Digital, Noticia al Día, Punto de Corte, and even Aporrea—an outlet considered to be friendly to the government. The websites of traditional media outlets like newspapers *El Nacional*, *Correo del Caroní*, *Correo del Orinoco*, *2001*, as well as international media like Colombian television channel NTN24, Colombian newspaper *El Tiempo*, Argentinean news site Infobae, the BBC, Spanish newspaper *El País*, and EVTV Miami were blocked. DNS blocking was the most common technique applied by the three operators. Hypertext transfer protocol (HTTP) blocking and server name identification (SNI) filtering were also used by CANTV and, to a lesser extent, Movistar and Digitel. ²

Moreover, amid the COVID-19 pandemic, a website created by the National Assembly and Guaidó (coronavirusvenezuela.info) was blocked through HTTP and DNS methods. The National Assembly's site, intended to provide information about the COVID-19 virus, redirected to Guaidó's site presidenciave.com, which was also blocked in March 2020, as was the alternative domain pvenezuela.com. According to VeSinFiltro, all three sites were filtered by CANTV, while Movistar, Digitel, and Supercable applied a DNS block to presidenciave.com. ³ They remained blocked through the end of the coverage period.

Between January and April 2020, IPYS Venezuela tested 26 news sites and internet speeds in sixteen states. The results revealed that all of the sites had been blocked, some temporarily. VIVOplay faced the most blocking through DNS and HTTP methods, followed by VPltv and NTN24, using the same methods. Digitel led the three companies in blocking, likely because CANTV's headquarters caught on fire in April 2020. ⁴ The fire rendered some equipment unusable, including those that allowed HTTP, SNI, and TCP blocking, and caused numerous websites, such as El Cocuyo, coronavirusvenezuela.info, and Vivoplay, to become temporarily accessible. However, sites that were DNS blocked, the most common technique, remained restricted. ⁵

The online outlet Punto de Corte was blocked after publishing a January 2020 investigation detailing the severe deterioration of CANTV's facilities. According to VeSinFiltro, Punto de Corte was blocked by DNS filtering by the main internet providers in Venezuela, including CANTV, Movistar, Digitel, Inter, Supercable, and Movilnet. ⁶ It remained inaccessible at the end of the coverage period. In April 2020, the portal Alberto News was added to the list of news sites blocked by CANTV's broadband network, ⁷ and in May, the news site Runrun.es was also blocked by CANTV and the provider Inter. ⁸

Editors of online media outlets have noted that the state is selective in its blocking decisions. Censorship orders are tied to concrete events in which the outlet has criticized or undermined the government. For example, the blocking of Efecto Cocuyo began in January 2019 when the site decided, by editorial policy, to refer to the president of the National Assembly, Juan Guaidó, as interim president of Venezuela. ⁹ However, the site was accessible as of May 2020.

Experts have noted that this new escalation of censorship is becoming more sophisticated and harder to circumvent, as HTTP, hypertext transfer protocol secure (HTTPS), and SNI filtering require the use of virtual private networks (VPNs) or anonymization services to bypass censorship. ¹⁰ In turn, CANTV had blocked some censorship circumvention tools, such as Tunnel Bear and Windscribe in 2019. ¹¹ Commentators have linked these increasingly sophisticated tactics with the Chinese government's influence in the country. The Chinese company ZTE notably won a contract with CANTV to implement the government's "Patria" platform (see C5). ¹²

Though the censorship circumvention tools were subsequently made available, VeSinFiltro reported in August 2020, after the coverage period, that the websites of VPNs Psiphon and Tunnelbear, and anonymization service Anonymouse had been blocked by CANTV, Movistar, Digitel, and Supercable, mostly through DNS methods. The blocks were implemented as the National Assembly tried to promote its health program for medical workers. **13**

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content?

1/4

Several laws provide avenues for limiting speech by making intermediary platforms and websites responsible for content posted by third parties. According to observers consulted for this report (who preferred to remain anonymous), this legal framework has resulted in preemptive censorship, mainly among media executives who exert pressure on their reporters' coverage for fear of suffering closure or reprisals. **1**

In March 2020, two journalists from the online site Crónica.uno who were reporting on movement restrictions in response to the COVID-19 pandemic were arrested. Police forced them to delete their material, which could "misrepresent the information in a delicate situation." **2**

Transparency reports produced by Twitter, Facebook, and Google did not show significant numbers of removal requests by the Venezuelan government during the past year. Between July and December 2019, Google registered one removal request for defamation. **3** Artists have frequently complained about the removal of content by Facebook, for allegedly violating its terms of service when publishing works or photographs that contain nude figures. **4**

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

0/4

In the absence of rule of law and without institutions offering avenues for appeal, Venezuelan authorities have restricted digital content with no independent oversight and accountable procedures.

Blocking has been implemented by state-owned providers CANTV and Movilnet, but also by private companies such as Movistar and Digitel. ¹ Digital rights organizations and groups have denounced the lack of transparency of blocking procedures that are not made public.

Frequently blocked online news outlets, such as El Pitazo, have disclosed emails demonstrating how CONATEL gives blocking orders to private operators. In June 2019, El Pitazo published an email from CONATEL ordering Movistar, Inter, and Digitel to block the website without citing an administrative or court order. César Batiz, director of El Pitazo, requested explanations from both CONATEL and the ISPs but received no responses. In July 2019, Batiz and other directors filed a complaint with the Victim Care Unit of the Public Ministry that has also gone unanswered. ²

Legislation places excessive responsibility on intermediaries and leave room for abuse. The Law on Social Responsibility on Radio, Television, and Electronic Media (the Resorte Law) establishes that intermediary websites can be held liable for content posted by third parties, and grants CONATEL discretionary 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 violation of existing laws. Promulgated in November 2017, the Law Against Hatred for Peaceful Coexistence and Tolerance (known as the Law Against Hatred) establishes that intermediaries must remove content containing “hate speech” within six hours of being posted or face fines. The law also empowers authorities to block websites when, in their opinion, they promote hatred or intolerance. ³

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

2/4

Score Change: The score declined from 3 to 2 because self-censorship, particularly by online journalists, increased over the last year.

Legal and extralegal restrictions on certain forms of online speech have encouraged increased self-censorship and preemptive censorship within media outlets. ¹

An October 2019 annual report by the Venezuelan nongovernmental organization (NGO) Medianálisis based on interviews with 365 journalists from 141 media outlets, showed evidence of journalists' vulnerability and their progressive loss of autonomy and independence, due in part to both censorship and self-censorship. According to the report, 38 percent of journalists said they had changed or omitted information to protect their sources. ²

Prominent journalist Nelson Bocaranda, the founder of the news site Runrun.es, noted in a February 2020 interview that practicing self-censorship, more than the presence of state censorship, allows independent media to continue functioning. He also stated he had self-censored over fear of what might happen to his family.

3

On the other hand, many reporters courageously pursue their responsibility to inform despite experiencing frequent harassment, threats, and violence. A notable example during the coverage period was that of the journalists, including online journalists, who attempted to report on the security forces' physical blocking of opposition representatives into the building of the National Assembly in January 2020; several were physically attacked and robbed due to their work (see C7). ⁴

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	1/4
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The government has sought to expand its influence online, using state-controlled media and progovernment trolls, and encouraging loyal social media users to harass those with opposing views. ¹ With a high number of politicized users, Twitter has frequently been used to spread disinformation. ² Studies released

during the coverage period continue to demonstrate the government and Maduro-aligned outlets' manipulation of online information. **3**

The political battle on Twitter is fierce, which has led to the foundation of NGOs that analyze this online environment. The digital observatory ProBox, launched in March 2020, **4** has developed a tool to monitor political and social conversations that are trending in Venezuela. According to ProBox, the *chavismo* state mainly seeks to fill space on Twitter with messages that show alleged support to the government; that divert attention away from events that could negatively affect the government or favor the political opposition; and that create division within opposition groups. The executive director of ProBox noted that the abundance of messages produced by Maduro-aligned accounts limits the potential for other actors to have an impact through the platform. Through its tools, the observatory has shown that more than 70 percent of the posts associated with civil society groups come from real users, while 60 percent of messages issued by *chavismo* accounts come from bots. **5**

In recent years, the government and progovernment actors have flooded the digital sphere with coordinated content from both official and automated accounts, among other tactics. **6** In May 2020, for instance, ProBox detected a large number of posts on Twitter with false information originating from the Ministry of Communication and Information. Virtually all the posts had been produced by bots. **7**

Amid the COVID-19 pandemic, in March 2020 Twitter removed a post by Maduro that had violated its rules against false information related to the coronavirus. In the message, Maduro shared links of alleged investigations into the virus as a bioterrorist weapon, and provided homemade remedies to counter it. **8**

Fact-checkers have noted that when a specific political event occurs that could reflect poorly on the government, distractive hashtags are amplified; for example, in late February 2020, a trending hashtag about COVID-19 in Venezuela was displaced by one that railed against interim president Guaidó. **9** Fact-checkers have also verified the existence of a group of fake news portals that largely seek clicks from users to gain money and post each other's false articles, contributing to filling the Venezuelan cybersphere with digital garbage. **10**

According to Atlantic Council’s Digital Forensic Research Lab (DFRLab), in January 2020, during the disputed swearing-in of proregime National Assembly member Luis Parra to replace Guaidó as the body’s president, a coordinated campaign to elevate two anti-Guaidó hashtags, #NoQueremosAWaido (We Don’t Want Guaidó) and #HastaNuncaWaido (Until Never Guaidó) were deployed on Twitter. The hashtags appeared to be spread through accounts that “had signs of inauthenticity.” The Twitter campaign was also accompanied by false and misleading information that was published by state media and posted by several foreign and Venezuelan politicians. ¹¹

Also in January 2020, Twitter suspended several accounts belonging to public entities and officials, including the central bank, petroleum ministry, army, navy, and national guard. IPYS Venezuela noted that some accounts had been restored while others had created new accounts. ¹² In September 2019, Twitter suspended Tuiteros Patriotas (@tuiteros_vzla), an account with more than 70,000 followers that was actively used by the communications ministry to amplify progovernment hashtags. Twitter did not elaborate on why it was suspended. ¹³ Observers have noted that to evade Twitter’s detection of inauthentic behavior, progovernment accounts have changed their names and posted at different times. ¹⁴

Reports from past coverage periods also affirm the state’s widespread efforts in online manipulation. A February 2019 study by the DFRLab showed how the Ministry of Communication and Information led a coordinated operation by setting a “hashtag of the day.” Users registered their Twitter accounts via the app and posted with hashtags promoted by the government. A parent account detected the most active users and transferred money to their digital wallets (see C5). ¹⁵

In 2017, IPYS Venezuela reported on a plan by the interior ministry to manipulate online conversation between citizens through the use of a “digital army” made up of trolls. ¹⁶

In response to disinformation efforts, a group of journalists, in alliance with the Communication Research Institute of the Central University of Venezuela (UCV) teamed up to create a “verified news” platform. They produce newscasts disseminated via WhatsApp, Twitter, Telegram, SoundCloud, and their website. ¹⁷ Digital media have also created data verification sections such as Cocuyo Check.

18 NGOs such as Transparencia Venezuela and Medianálisis have created their own verification units. **19**

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	1/3
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Digital media face various difficulties in Venezuela, hindered by the cost of equipment, the lack of financing, as well as the exodus of professionals seeking better living conditions abroad. Due to the economic crisis, some specialized digital media, such as Cochino Pop, had to close. **1**

Independent media do not receive advertising from public entities. Although it is practically impossible to obtain public statements from private companies regarding the pressures they receive, the few companies that still exist in the country are under pressure to refrain from advertising in independent media. Some publishers have said publicly that there is no way to be sustainable in Venezuela, and that “digital media exist thanks to Google Ads.” **2**

Digital media have tried various business and financing models: crowdfunding campaigns, international support, payment gateways, digital advertising, and media alliances. **3** According to some editors, though, one of the problems of receiving philanthropic support is that they receive grants in US dollars, necessitating the payment of operating costs through a combination of methods. Employees, for example, can be paid through a mix of PayPal and cash in US dollars and in Venezuelan bolivars. Another problem is that because dollarization has not been formalized, the government can arbitrarily confiscate funding using US currency. Moreover, access to a reliable connectivity service has become extremely difficult because the new dollarized rates comprise a large share of the budget. **4**

B7 0-4 pts

Does the online information landscape lack diversity?	2/4
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Compared to traditional media, the digital sphere presents a relatively more vibrant space for political and social expression, though connectivity problems and

recurring blocks hinder access to diverse and independent sources of information online.

An October 2019 survey by Medianálisis reported that 90 percent of the participating journalists that are based in Caracas work in digital media. However, the majority of those surveyed from other regions of the country work in traditional outlets, particularly radio and television. ¹ The absence of coverage beyond the capital has thus hindered the diversity of online information. El Pitazo, one of the only online outlets with correspondents throughout the country, is very frequently blocked (see B1).

Wikipedia has been used as an independent newspaper. Although it was blocked for one week in January 2019 and was then available during the coverage period, it is very difficult to edit, as many of the volunteers have left the country. Some have been accused of working for foreign governments. Nevertheless, the dozen or so key editors remaining continue to contribute information to articles. ²

Newspapers have migrated to the web due to restrictions on printed content, while broadcast media have also forged an online presence. Some long-established media such as El Nacional (which had to discontinue its print edition in December 2018), ³ Radio Caracas Radio (which has a digital broadcast), as well as most of the new digital media that have emerged since 2014, maintain an independent editorial line. ⁴

Online news initiatives have also emerged in remote areas. The news portal Tana Tanae, for example, is directed by indigenous Warao journalists. Based in the state of Delta Amacuro, it covers a range of stories relevant to indigenous communities.

⁵ The news site Efecto Cocuyo, meanwhile, is led by a team of women, and covers topics little explored by other outlets, such as gender and sexual diversity.

⁶

The use of VPNs or other anonymization tools, in addition to being unknown to most common users, slow down the already precarious connections. In March 2020, El Pitazo updated its app on Google Play, allowing its content to be download and consumed offline. ⁷ In October 2018, Google launched a new application called Intra, aimed at fighting censorship online, after several months of testing in Venezuela with local reporters.

According to a February 2020 HootSuite report, Venezuela has about 12 million active users on social media, an increase from the previous year. ⁸

Interim President Juan Guaidó said that because of the blocking of platforms and outlets, he had to increase engagement on WhatsApp, “but limited information also means (...) no way of separating fact from fiction. Misinformation has flourished on the app.” ⁹ Venezuelans abroad, usually better informed, also provide information to the Venezuelans inside the country. ¹⁰

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on political and social issues?

4/6

Despite limitations to internet access, as the country’s political and economic crisis deepened citizens and opposition leaders actively engaged on digital platforms to express discontent about the government and to make their demands known. An April 2020 report from ProBox found a growth in opposition trends linked to social protest, with grievances stemming from the gasoline shortage, collapse of public services, and high costs for food and medicine. ¹

On January 15, 2020, the national Teacher’s Day in Venezuela, teachers protested to demand salary increases. The hashtag #15Ene (January 15) served to mobilize people online. ² Similarly, on February 13, journalists, members of civil society, and teachers marched to the ombudsman’s office to protest attacks against the media. The hashtag #13Feb was used on social media. ³

The NGO Foro Penal, which provides legal assistance to victims of arbitrary detention and other human rights violations, keeps a list of political prisoners on its website and in recent years has also launched awareness campaigns on Twitter that call attention to people who have been disappeared. ⁴ In March 2020, one year after the arbitrary arrest of journalist and human rights defender Luis Carlos Díaz, the NGO Espacio Público launched the campaign #RedesSinMiedo (Networks without Fear) and #LibertadParaLuisCarlos (Freedom for Luis Carlos) to demand respect for the right to disclose, seek, and receive information through social networks. ⁵

Despite growing restrictions, civil society organizations have continued efforts to raise awareness online and create apps with civic uses. For example, Transparencia Venezuela has developed strategies to collect citizen complaints through a web platform, the app Dilo Aquí (Say it Here), and email. **6**

Other initiatives have also emerged such as Farmarato, a Twitter account that lists the WhatsApp number of a small pharmacy in Caracas to address the country's shortage of medicine. In addition to informing people about available medicines and responding to customer queries, Farmarato acts as a medicine collection and distribution channel, facilitating connections between those who need certain medicines and those who have them. **7**

C. Violations of User Rights

Internet users and digital reporters continued to be arbitrarily arrested for sharing critical content online. Significant surveillance occurred throughout the coverage period, including a phishing attack that targeted a platform created by the government opposition to allow health workers to register for assistance. Further, a report emerged that telecommunications companies assist the state in monitoring political opponents. Technical attacks against media outlets appeared to be linked to the armed forces.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

1/6

Although the constitution guarantees freedom of expression, **1** the government has passed laws and regulations that curtail this right. Several laws, such as the 2017 anti-hate speech law and the Resorte Law, provide avenues for limiting speech that is deemed to incite hatred, violence, or “anxiety” among the population, including on the internet. Moreover, the prolonged state of exception, in place since 2016, included provisions on countering cyberthreats, authorizing regulations to prevent “destabilization campaigns.” **2** 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. **3**

Power has increasingly concentrated in the executive, and the judiciary is highly politicized. In June 2019, the Supreme Court ordered the site La Patilla to pay \$5 million to Diosdado Cabello, the current, proregime president of the National Constituent Assembly. Cabello had lodged a defamation complaint against the outlet for a 2015 article that linked him to drug traffickers. La Patilla had appealed a lower court's 2017 order that it pay around \$500,000. The Committee to Protect Journalists claimed that the disproportionate fines imposed on La Patilla constituted an "attempt to bankrupt and shut down a critical outlet" and "is the latest example of how the Venezuelan judicial system is being used to retaliate against critical media." **4**

To bring more power to the executive, and acting against the provisions of the constitution, Maduro convened a National Constituent Assembly by presidential decree in May 2017. Installed in August that year and composed exclusively of pro-Maduro supporters, this new de facto legislative body was handed sweeping powers over other state institutions. According to the World Justice Project Rule of Law Index 2020, which evaluates 128 countries, Venezuela ranks last. **5**

Legislative proposals signal moves to further broaden surveillance and control over the digital sphere in Venezuela. In January 2019, a leak to the media revealed that the National Constituent Assembly was drafting a bill called "Constitutional Law of the Cyberspace of the Bolivarian Republic of Venezuela." **6** The text revealed plans to create a single authority that would determine the "correct use of cyberspace," perform unlimited surveillance tasks, apply sanctions, and adopt preventive measures against what the government considers to be cyberthreats. As of May 2020, the bill had not been considered by the assembly. **7**

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities?

0/4

The Maduro government has tightened its grip on online speech through a series of restrictive laws establishing criminal penalties for online activities. A vaguely

worded anti-hate speech law enacted in 2017 imposes hefty prison sentences of 10 to 20 years for those who incite hatred or violence through any electronic means, including social networks. It also establishes that intermediaries can be fined if they do not remove the messages subject to sanctions within six hours of their dissemination, with amounts ranging between 50,000 and 100,000 tax units. ¹

The Resorte Law, which was amended by the National Assembly in 2010, also includes vague prohibitions and severe sanctions that grant authorities sweeping discretion to restrict speech. 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. ² 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. ³

C3 0-6 pts

Are individuals penalized for online activities?	2/6
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Though several digital journalists, publishers, and users were released from prison during the coverage period, many others continued to be arbitrarily detained. ¹

Journalists' coverage of the COVID-19 pandemic also led to multiple arrests. For instance, María Luisa Arriaga and Marco Aurelio Antonima, both former employees of the private television outlet Venevision, were arrested in June 2020 and charged with incitement to hatred, under the anti-hate law, which establishes penalties of up to 20 years in prison. Both reporters were ultimately released but remain under house arrest ahead of the trial. The arrest came after they, along with two other journalists, were accused of running the Twitter account "@VV_periodistas" which published what were allegedly censorship directives ordered by Venevision's management. The account was suspended by Twitter in 2012, but similar anonymous accounts had since emerged. ²

In April 2020, Eduardo Galindo, editor of the Senderos de Apure news site, was detained after covering the gasoline shortage. His computer and camera were also

seized, while his wife and another relative were arrested at the time for refusing to hand over the devices. Galindo, who also heads the state of Apure's National Journalists' Union, was charged with the crime of disclosing false information, under Article 296 of the penal code, while his wife and nephew were charged with not complying with the authorities. All three were released within a few days under precautionary measures; Galindo must appear before a court every 8 days, while his relatives must appear every 15 days. **3**

The home of Darvinson Rojas was raided on March 21, 2020. Rojas was accused of incitement of hatred and public instigation for reporting on the virus and related posts on social media. Rojas's parents were also detained briefly. After twelve days of detention, Rojas was released. **4**

In January 2020, after more than 16 months of arbitrary detention, reporter Jesús Medina Ezaine, who has contributed to the website Dólar Today, was released, although he is similarly prevented from leaving the country and is forced to appear weekly before the authorities. **5** The charges against him remained in place at the end of the coverage period. Medina had been arrested in August 2018 while accompanying an international journalist on a reporting project in Caracas. **6** A Caracas court charged him with criminal association, inciting hate, and money laundering. Medina was taken before a judge in May 2019, who ruled that the reporter would go to trial deprived of liberty for the crimes of criminal association and inciting hate. **7** His trial was repeatedly delayed as he remained under detention in a military prison. **8**

In December 2019, the prosecutor's office, despite lacking convincing evidence, extended the investigation period of journalist, human rights defender, and cyberactivist Luis Carlos Díaz by one year. **9** Government officials had accused him of being involved in a plot to create a blackout in March 2019. **10** After being detained the same month, he was released on condition that he reports to authorities every week, does not leave the country, and does not speak to the press about his case; his lawyers were also prohibited from speaking to the media.

11 He was charged with the crime of "public incitement" which, according to Article 285 of the penal code, carries a sentence of up to six years in prison. Díaz remained under precautionary measures at the end of the coverage period. In March 2019, the Inter-American Commission on Human Rights (IACHR) had granted its own precautionary measures that compel members of the Organization

of American States (OAS) to respond to urgent requests for immediate injunctive actions in serious and urgent cases, to prevent irreparable harm to Díaz and his family. **12**

Journalist Víctor Ugas was reportedly arrested in December 2019 by the national police's special action force (FAES) officers, along with opposition legislator Gilbert Caro, to whom Ugas is an assistant. Ugas disappeared for almost a month, and reappeared in January, though Caro's whereabouts remained unknown as of May 2020. Ugas had previously been arrested in 2014 after posting photos on Twitter of the corpse of a ruling party leader who had been assassinated. **13**

Also in December 2019, agents who appeared to be from the Bolivarian National Intelligence Service (SEBIN) raided the digital news agency Venepress. A prosecutor from the public ministry had signed an order to close its offices while the outlet was under investigation. Agents removed staff from the office and reviewed documents, though no arrests were made. Venepress, though, was reportedly put under investigation for money laundering, terrorism, and association to commit a crime. **14** They were able to continue operating.

In November 2019, Ana Belén Tovar was arrested during a raid of the media company Venmedios, which shares an office and management with Entorno Inteligente, a news portal that republishes information from other sources. The prosecutor's office charged Tovar, Venmedio's operations manager, for defaming, offending, and providing false information about the minister of defense and for discrediting the military. **15** During the raid, equipment was confiscated and six journalists covering the incident for the digital media sites VPITv and Caraota Digital were also arrested, and released hours later. **16** After five months in custody, Tovar was released from detention in May 2020. Authorities prohibited photos from being taken or statements from being made as she left her place of detention, the General Directorate of Military Counterintelligence's headquarters. **17**

In July 2019, after the UN High Commissioner for Human Rights Michelle Bachelet visited and presented a critical report of Venezuela, the owner of the site Reporte Confidencial, Braulio Jatar, and 21 other prisoners were all released. Jatar had been imprisoned for nine months and then placed under house arrest in May 2017 following a 2016 arrest coinciding with a report about anti-Maduro protests.

Despite his release, he is prohibited from leaving his state of Nueva Esparta and must appear in court every 15 days. **18**

The 2017 anti-hate speech law has been used against critics of government officials. In July 2019, police officers arrested journalist Wilmer Quintana, who had accused the governor of the state of Guárico and the president of the company Alimentos Guárico of corruption in the provision of public services and food. Quintana made these allegations on Facebook and Twitter. As of June 2020, Quintana remained under investigation for inciting or promoting hate, under the anti-hate law, which carries a penalty of up to 20 years in prison. Following 37 days of detention, he was moved to house arrest after suffering a heart attack while detained. He is also prohibited from speaking to the media. **19**

Users have also been detained for spreading critical content on social networks. Other users have been arrested for posting videos to social networks showing the lines at gas stations.

In June 2020, for instance, Carlos Ríos and Karelys Betsay were accused of inciting hatred, terrorism, “disqualification of police institutions,” and destructively criticizing the state-created fuel supply system. **20**

In May 2020, doctor Andreína Urdaneta, who worked in a hospital in Cabimas in the state of Zulia, was arrested after publishing a meme depicting an image of Maduro with a rope around his neck as her WhatsApp status. Her arrest took place without a court order, and a criminal court charged her with incitement to hatred and offending the president. **21** After being detained for two weeks, Urdaneta was released on June 9, 2020, and is required to appear before the authorities every 30 days. **22**

Twitter user Pedro Jaimes Criollo was also released in October 2019, following a request made to the government by the UN’s Working Group on Arbitrary Detention. Jaimes had been detained in May 2018 and held in solitary confinement after facing charges linked to his posts on Twitter about the presidential plane’s route. He was charged in February 2019 with computer espionage and revealing a state secret. His lawyers reported that Jaimes was subjected to cruel treatment and physical torture. However, the case had yet to be dismissed as of June 2020.

23

In June 2019, clarinettist Karen Palacios was arrested by military counterintelligence agents after tweeting that she had been denied a contract with the National Philharmonic Orchestra for not supporting the government. She was charged with instigating hatred. After over a month in arbitrary detention she was released with precautionary measures, prohibited from speaking to the media and using online social networks. **24**

After appearing in a satirical video that circulated on social media, two members of the fire department in Mérida were detained in September 2018. They were accused of inciting hate under the anti-hate speech law, which provides for penalties of up to 20 years in prison. The video mocked Maduro by showing a donkey walking through the fire station, simulating a presidential visit. **25** After spending more than a month in jail, they were released but prohibited from leaving the country, publishing on social media, and making public statements. Their charges were changed to crimes of vilification and public instigation against the president, which could lead to sentences of up to six years in prison according to the penal code. **26** In June 2019, they were arbitrarily dismissed from their positions by the commander of the state's fire department, **27** and the charges remained in place at the end of the coverage period.

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?	2/4
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The constitution expressly prohibits anonymity. To buy a cell phone, a SIM card, or a USB modem to access mobile broadband, Venezuelan law requires customers to register their personal identification number, address, signature, and fingerprints.

1 There are no known government restrictions on encryption technologies or other digital privacy tools.

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	2/6
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Although the constitution recognizes principles applicable to the protection of personal data—such as safeguard of honor, privacy, public image, confidentiality, and reputation, as well as access to information—there are no laws or telecommunications regulations dedicated to data protection. There are concerns about the government’s ability to misuse personal data collected for security, welfare services, and public programs. In the absence of personal data protection legislation, the destination, storage, and ultimate purpose of the government’s collection of information remains unknown. ¹

Government surveillance and counterintelligence activities have increased since 2013, when the government released its 2013–2019 “Plan de la Patria,” which emphasized strengthening national defense among its priorities. ² Given the lack of independent oversight, there are concerns about the ease with which systematic content filtering and surveillance could be implemented. Digital activists have also expressed alarm regarding the government’s growing appetite to invest in intelligence systems and operations. ³

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 social media and other online information. ⁴ 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” in order to “truthfully” inform Venezuelans, and detect threats “to defend our national sovereignty.” ⁵

According to an April 2020 preliminary report by VeSinFiltro, during the previous month the government had launched a phishing attack against the Héroes de la Salud platform, which had been developed by Guaidó’s team to allow health workers to register for economic aid. The attack, assisted by CANTV, directed users to a look-alike website that asked registrants for personal information, including their identity card number, work and home addresses, and images of official documents. ⁶ In addition to jeopardizing users’ privacy, the attack could place registrants in danger of layoffs or other types of retaliation, as the majority of health personnel are employed in the public sector.

Similarly, in early 2019, researchers found that a sophisticated phishing campaign targeted the VoluntariosxVenezuela platform, a site developed by the Venezuelan

opposition coalition to register volunteers for the distribution of humanitarian aid. When using CANTV and Movilnet, sophisticated traffic tampering directed users to a look-alike website. Researchers found that the domain was registered with details associated with CONATEL. As a result of this campaign, researchers estimated that “tens of thousands of people submitted their data to the malicious cloned website”—a breach that has raised fears that the government, especially given its history, would use lists of opponents to subject them to political discrimination. **7**

The government also has means of collecting citizens’ personal data through the implementation of public programs. First introduced in February 2017, the “Carnet de la Patria” (the Fatherland Card), is an electronic identification card used to channel social aid. **8** The Carnet collects basic data such as address and date of birth, but also other kinds of personal information such as political party membership. **9** The mobile app “VeQR-Somos Venezuela” is associated with the Carnet. To request a public benefit, citizens must scan their card’s Quick Response (QR) code and activate the Global Positioning System (GPS) of their cellphone, potentially allowing the government to track not only their personal data, but their location. **10** According to Reuters, the Chinese company ZTE is working within a special unit of CANTV that manages the Carnet’s database. **11**

As of 2020, the program has advanced to become a comprehensive platform called “Sistema Patria” (Fatherland System). **12** Through this system, Venezuelans can register to receive social benefits, regardless of whether they own the Carnet. The system is accessed through a website where census-type, socio-personal, and family information is collected and stored. Once registered with their identity card, users have access to a virtual wallet where they can receive payments, such as pensions. **13** On the platform users find a set of surveys about the Local Committees for Supply and Production (CLAP) program; the surveys seek to determine the type of products consumed, among other data. **14**

This virtual wallet has also been integrated with the country’s biopayment system, a biometric point of sale system that is available in banks and some stores. **15** Starting on June 1, 2020, access to subsidized gas prices required the vehicle to be registered in the Sistema Patria system. **16** In addition to registering, the biopayment system will help secure the subsidy. **17**

The Sistema Patria has also been used to respond to the COVID-19 pandemic. In April 2020, a “stay at home” bonus for self-employed and independent workers was issued to those who had registered through the system. ¹⁸ Venezuelans were also asked to respond to a survey on the virus, which had reportedly received more than 5 million responses as of mid-March. ¹⁹

In 2019, the government began implementing Seas Patria, a national system to deliver subsidized food, in conjunction with the Carnet and Sistema Patria. ²⁰ In the program, the national militia, part of the armed forces, is tasked with certifying each family head, in accordance with information provided by the Sistema Patria.

²¹ According to the NGO Transparencia Venezuela, there is concern that the program, rather than seeking to mitigate a food shortage, aims to grant more power to the military. ²²

The Venezuelan government has taken steps other steps to build upon its surveillance capacities. According to human rights organizations, arrests of trade unionists, health workers, journalists, and others for messages—including those related to the pandemic—on platforms such as WhatsApp and Twitter, indicate that the government is exercising surveillance in these spaces. ²³

In late May 2020, the Fake Antenna Detection Project reported that it had found anomalous activity in at least 33 cell antennas in Caracas. These antennas were found near the offices of critical media outlets, human rights organizations, and areas of protest, along with multiple fake antennas on the Colombia-Venezuela border. Although the antennas may suggest configuration problems, they could also indicate the use of cellular surveillance equipment posing as legitimate antennas, known as international mobile subscriber identity-catchers (IMSI-catchers) or Stingrays. ²⁴

According to Carlos Guerra, one of the main researchers on the Project, who uses these surveillance devices is impossible to know. Generally, Guerra claims they are used by security forces, sometimes legally in the framework of police investigations, but also secretly to surveil extralegally. Regulations for police and security forces in Venezuela to prevent them from conducting surveillance are almost null. The Project’s study, which observed that the teams operating the equipment are in headquarters of security agencies, led researchers to believe that

the antenna can be operated by personnel from these same agencies for intelligence purposes. **25**

In July 2018, the Ministry of Popular Power for Interior Relations, Justice and Peace launched the Quadrants of Peace (Cuadrantes de Paz) a “mission” (program) to strengthen citizens’ security. The plan is joined to the Ven 911 system, which has video cameras in public spaces to “speed up the response capacity of the police and military agencies” to keep up with the demands of citizen security. **26** Also, through an agreement with the Chinese government, a biometric system began to be implemented to strengthen the management of services in the police forces. **27**

According to the journalist William Peña, who has monitored the implementation of social control measures, the installation of security cameras in certain areas of Caracas continues to progress, though the cameras have not been put into operation. Although the cameras can collect the data, the government “does not have broadband resources to transport it, or data centers prepared to handle that large amount of information.” According to Peña, digital social control initiatives, “are stalled by the lack of data transport, which is the bottleneck.” **28** However, an April 2020 press release from CANTV indicated that fiber-optic networks were being updated to ensure the operation of Ven 911. **29**

Reports indicate that the Operational Strategic Command of the Bolivarian National Armed Forces (CEOFANB) has a so-called cyberdefense room that monitors campaigns to discredit the military, as well as official statements made against Venezuela and information that could lead to a national crisis. The group also reportedly perpetrates cyberattacks against Venezuelan websites and news sites (see C8) and coordinates with CANTV to block media outlets. **30**

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users?

2/6

Score Change: The score declined from 3 to 2 due to the strict data retention requirements that are in place for mobile providers, opacity around data-sharing requirements, and a report that telecommunications companies play a key role in the government’s surveillance of opponents.

Mandatory data retention requirements are in place for telephone companies, including those providing mobile telephone services. A new administrative ruling issued by CONATEL in October 2017 established that operators must provide collected information to security services upon request, without specifying the need for a judicial order. Data to be collected includes internet protocol (IP) addresses, date and time of connections, geographic locations, and details of calls and text messages sent or received. The regulation also states that to register for a mobile phone, customers must provide data such as email, fingerprints, and a digital photograph taken at the site of the transaction. **1**

Manuel Cristopher Figuera, the former director of SEBIN, now a refugee in the United States, revealed in April 2020 to independent news outlet *Tal Cual* that telecommunications companies in Venezuela facilitate the state's surveillance of opponents. One operation, for example, had companies clone phone numbers, intercept emails, and take down webpages. He identified Movistar as one of the companies that has taken such actions. Moreover, the phone numbers of soldiers who had opposed the regime in April 2019 and fled Venezuela were cloned with telecommunications companies' knowledge. The phone numbers were then used to create fake social media accounts of the soldiers, reach out to other users, and persecute or detain anyone who expressed support. **2**

Other measures affect companies offering online services such as banking. In August 2018, the government agency that oversees banking operations (SUDEBAN) introduced a measure to restrict access to internet banking to customers outside of Venezuela, allegedly to prevent the purchase-sale of foreign currencies using unauthorized exchange rates. To prevent restrictions on online transfers, Venezuelans who travel abroad must notify the destination and duration of their trip. Banks must report details about the operations that customers undertake from abroad. **3**

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in retribution for their online activities?	1/5
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Journalists, including those who work online, face violence, intimidation, threats, and physical attacks from the state, security forces, and civilians, amidst an environment of impunity. ¹ A 2019 report by the Office of the UN High Commissioner for Human Rights relayed that political prisoners face torture or cruel, inhuman, or degrading treatment or punishment in order to “extract information and confessions, intimidate, and punish.” ² According to IPYS Venezuela, from June to October 2019 there were 45 attacks against the media. ³ Also during 2019, journalists’ devices, including cameras and mobile phones, were frequently confiscated; information on the devices was deleted by state authorities. ⁴

Journalists covering the proceedings of the National Assembly, the public body not controlled by the government, brave serious risks. The National Guard prevents journalists from entering the National Assembly when legislative debates are scheduled. Outside the Assembly, both soldiers and members of proregime paramilitary groups reportedly harass reporters, including those who work for online outlets. ⁵

Journalists covering National Assembly activities have also been physically assaulted and had their equipment stolen. In January 2020, during the dispute over the presidency of the National Assembly, seven journalists covering the events were assaulted or robbed. ⁶ On February 11, when Juan Guaidó returned to the country after a diplomatic tour, at least 11 members of the media, including digital reporters from outlets like Efecto Cocuyo, El Pitazo, and Punto de Corte, were physically attacked by Maduro supporters at Maiquetía airport, leading to a host of injuries. ⁷ Nurelyin Contreras, from Punto de Corte, was hit by around 30 people, and was even bitten. ⁸

APEX Venezuela, the foreign press association, noted that some of the attacks were carried out by airport workers, who are under the government’s control, as well as other officials. ⁹ Moreover, police officers did not intervene as the journalists were assaulted. ¹⁰ Following this, press workers, union representatives, and NGOs denounced these violent acts before the Ombudsman and the prosecutor’s office, and demanded that the attorney general open an investigation.

¹¹ Various organizations such as the Inter-American Press Association and the Committee for the Protection of Journalists (CPJ) condemned the attacks. ¹² No investigation had been carried out as of June 2020. Foreign observers, such as

journalist Anatoly Kurmanaev, understood “the level of coordination of the attacks” and the fact they had been condoned by Venezuelan top officials, as means to achieve their goal “to stop all press coverage of events not sanctioned by the Maduro government.” ¹³

Maduro’s vice minister of international communications directed other attacks at journalists and organizations that denounced the confrontation at Maiquetía airport. Among other claims, Castillo said that the journalists publicly protesting near the Venezuelan attorney general’s office following Guaidó’s arrival (and the ensuing physical escalation between journalists and security forces at the airport) intended to create a “circus and play the victim.” ¹⁴

Harassment has even extended to relatives of online reporters who have been forced into exile. In December 2019, news portal Armando.info published journalist Roberto Deniz’s investigation of corruption among government officials, Colombian businessmen, and deputies of the National Assembly. ¹⁵ Relatives of Deniz, who is in exile in Colombia, began to be intimidated by SEBIN officials. Likewise, Deniz was subject to insults and threats through WhatsApp and social networks. The Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favor of Deniz’s relatives in Venezuela, concluding that they are at risk of irreparable damage to their rights. ¹⁶ The homes of journalists in exile, sometimes rented out, have also been raided by military personnel. ¹⁷

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	0/3
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Score Change: The score declined from 1 to 0 due to strong suspicion that the state is behind technical attacks targeting online media outlets; an October 2019 report suggested that the attacks were linked to the armed forces, which are closely aligned with the government.

Technical attacks often target digital media outlets and human rights organizations, and there is strong suspicion that the state is behind them.

Digital media sites including Crónica.uno, Noticiero Digital, CNVE24, and El Pitazo have been victims of distributed denial-of-service (DDoS) attacks. According to an October 2019 report, the armed forces are likely behind the attacks, through coordination between CANTV and the Cyber Defense Room of CEOFANB. Websites belonging to news site CNVE24 received over one thousand attacks for more than 12 hours in September 2019, while El Pitazo was offline for several hours after a DDoS attack in July. ¹

Other media outlets have had their social media accounts hacked. In January 2020, the Instagram account of newspaper *Tal Cual* was hacked by unknown “professionals.” The newspaper deactivated its account for a short period, before resuming its operation. ²

Human rights organizations have also been victims of technical attacks. In June 2019, members of PROMEDEHUM, an organization that assists victims of human rights violations, experienced several hacking attempts into their social media and email accounts through requests to verify password changes. It was determined to be an orchestrated attack, though the perpetrator is unknown. ³

The Special Law against Computer Crimes, in force since 2001, has provisions that penalize these cyberattacks, however, they have not been applied. ⁴



On Venezuela

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Country Facts

Global Freedom Score

16/100 Not Free

Internet Freedom Score

28/100 **Not Free**

Freedom in the World Status

Not Free

Networks Restricted

No

Social Media Blocked

Yes

Websites Blocked

Yes

Pro-government Commentators

Yes

Users Arrested

Yes*In Other Reports*[Freedom in the World 2020](#)*Other Years*

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