



Freedom of the Press 2017 - Venezuela

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Press Freedom Status: Not Free

Total Score: 81/100 (↓1) (0 = Most Free, 100 = Least Free)

Legal Environment: 26/30

Political Environment: 31/40 (↓1)

Economic Environment: 24/30

Quick Facts

Population: 31,000,000

Freedom in the World Status: Not Free

Net Freedom Status: Partly Free

Internet Penetration Rate: 61.9%

Key Developments in 2016:

- Journalists faced violence, obstruction, and detention by security forces while covering demonstrations held across the country on several occasions. Some media workers were also subject to violence by civilians during these events.
- A number of journalists faced politically motivated prosecutions and spurious charges; among them were David Natera Febres, who was convicted of criminal defamation in March, and Braulio Jatar Alonso, who was arrested in September and charged with money laundering.
- Venezuela's economic crisis continued to affect the media industry, leaving dozens of publications in chronic danger of closure due to the difficulty of meeting basic operational costs. Many outlets also faced robberies, vandalism, and hackings.

Executive Summary

Following a sharp decline in press freedom under the government of Hugo Chávez, conditions for media have grown worse under the administration of President Nicolás Maduro, who has increased government interference in private media and continued developing a communications apparatus that is meant to act as a state mouthpiece. Media organizations and workers face

intimidation, threats, and violence by both state and nonstate actors, and are also deeply constrained by Venezuela's ongoing economic crisis.

The opposition's victory in the 2015 legislative elections and the growing economic crisis heightened the Maduro administration's sensitivity to criticism in 2016. Officials continued to use state outlets to threaten and intimidate private media, and harassed them with politically motivated prosecutions. Local and international watchdogs suggested that the money laundering charges against Jatar were likely filed in retaliation for his website's coverage of protesters chasing Maduro on Margarita Island. The criminal defamation conviction of Natera Febres, editor of *Correo del Caroní*, was tied to articles that the newspaper published in 2013 about corruption at a state-owned mining company.

Espacio Público, a domestic watchdog, identified 366 violations of freedom of expression during 2016, a 28 percent increase from 2015. Most were acts of violence, aggression, or intimidation against reporters, and 44 percent of all violations occurred during public gatherings. Security services frequently interfered with domestic and foreign journalists covering mass demonstrations, held on several occasions during the year to express demands for a solution to the economic crisis and a recall of Maduro. Some reporters covering demonstrations were detained and interrogated, and many had their photographs, recordings, and equipment confiscated. Journalists covering other aspects of the crisis, including hospital conditions and food queues, faced similar treatment. Media workers were also subject to violence by civilians during protests, and some reported receiving no protection from security forces who were present.

The dire economic landscape continued to undermine media sustainability and exacerbated security challenges. The scarcity of resources forced some newspapers to close and others to downsize or reduce circulation. Many outlets were victims of robberies and vandalism, but the climate of insecurity made it difficult in some cases to differentiate between targeted attacks and common crime. Digital media outlets also reported hackings.

Legal Environment: 26 / 30

Article 57 of Venezuela's 1999 constitution guarantees freedom of expression, but this right is not respected in practice. Reforms to the penal code in 2005 expanded the scope of defamation as a criminal offense; when directed at the president, it can result in a prison term of up to 30 months.

The Law on Social Responsibility in Radio, Television, and Electronic Media (Resorte Law), contains vaguely worded restrictions that can be used to severely limit freedom of expression. For example, the law bans content that could "incite or promote hatred," "foment citizens' anxiety or alter public order," "disrespect authorities," "encourage assassinations," or "constitute war propaganda." The government is particularly sensitive about news reports that feature criticism of Maduro's administration, or address the country's increasingly severe shortages of basic goods and services. Alleging that "democratic security" is at stake, the National Telecommunications Commission (CONATEL) uses the Resorte Law to stifle critical coverage of national and international news, partly by imposing heavy fines on private television and print media. Many outlets have responded by softening their reporting.

Maduro regularly uses the Resorte Law to interrupt regular programming on the nation's television and radio stations and deliver live official broadcasts (known as *cadena*s), including propaganda on behalf of progovernment officials, announcements of new presidential decrees, and attacks on political opponents. The Resorte Law obliges national stations to carry the messages, which the government issues frequently, at random, and without regard for regular programming. The state does not pay for these institutional publicity spots.

The judicial system is highly politicized at all levels, and journalists and private media outlets cannot rely on impartial adjudication of cases affecting press freedom. In March 2016, a court in the state of Bolívar found Natera Febres, editor of the influential regional newspaper *Correo del Caroní*, guilty of defamation. He was sentenced to four years in prison and was also issued a large fine. The conviction stemmed from a 2013 investigative report his newspaper published on corruption within the state-run mining company CVG Ferrominera Orinoco. Natera Febres's appeal was ongoing at year's end. Separately, in August, three regional newspapers in Barinas State were prohibited by a court order from publishing reports about possible corruption charges against Governor Adán Chávez, the elder brother of the late former president. The order warned that publishing any such information could be viewed as an act of criminal defamation.

In September, Jatar, manager of the news website *Reporte Confidencial*, was arrested on allegations of money laundering a day after covering a visit by Maduro to Porlamar, the largest city on Margarita Island, at which he was met by protesters who jeered him and eventually chased him down the street. Jatar says the case is a political prosecution based on his association with the opposition. At year's end, Jatar remained in detention while his case proceeded. Also in September, police arrested the journalist Alejandro Puglia for flying a drone to take photographs of an opposition protest, an action they said was prohibited. He was released in October, after 55 days in detention.

Article 51 of the constitution guarantees the right of citizens to access public information, but in practice heavy restrictions are placed on freedom of information. Journalists are routinely rebuffed in their efforts to obtain official documents. Ministries and other public bodies frequently fail to publish basic statistical information about their activities.

CONATEL, theoretically an autonomous regulator, has largely functioned as a part of the executive branch. It retains broad powers to suspend or revoke licenses at its discretion, and under a 2010 amendment to the Resorte Law, is permitted to regulate internet activity. Television station Globovisión's license expired in 2015, and although it sought a renewal within the established timeframe, the request had yet to be approved at the end of 2016. The channel remained on the air at year's end, but has been subject to increasing official pressure, including a February visit to its offices by CONATEL officials who demand to see various documents, as well as verbal attacks from President Maduro. CONATEL engages in similarly nontransparent regulation of the radio sector; hundreds of radio stations continue to operate with expired licenses, even though many have completed the legal procedures to petition for license renewal.

Contrary to norms established by the Inter-American Commission on Human Rights, the 1995 Law on the Exercise of Journalism requires journalists to hold journalism degrees and to be members of the National College of Journalists. Those who practice without these credentials can face penalties of three to six months in prison.

Political Environment: 31 / 40 (↓1)

Politicization of the press is an ongoing problem. Coverage in state-run media favors the president and his cabinet members, and public outlets adopt a clearly progovernment editorial line. Meanwhile, many previously opposition-aligned private outlets have altered their editorial stances as a result of direct and indirect pressure from the government. However, following the opposition's victory in the December 2015 parliamentary elections, Globovisión, one of Venezuela's highest profile television stations, began to offer significant coverage of the opposition and to voice criticism of the government; this marked a shift from the more muted coverage it had offered since its 2013 sale to a group of owners believed to have links to Maduro. The channel's change in tone has drawn harsh rebukes from Maduro, who in a nationally televised address in January 2016 deemed it "out of control."

Media access to government offices and agencies is often restricted. However, in January 2016, the National Assembly voted to allow the press physical access to the chamber for the first time in five years. Previously, journalists had to observe legislative proceedings via a state-run television channel in a separate room of the National Assembly building.

Venezuela's courts have issued orders that amount to censorship. Many journalists engage in self-censorship to avoid verbal threats and harassment, arbitrary arrest, physical attack, dismissal by employers, fines, or lawsuits.

Media diversity within the traditional landscape has declined in recent years, as private outlets have been subject to increasing administrative, legal, and financial sanctions, as well as financial difficulties due to the economic crisis. More diversity can be found in coverage by Venezuela's growing number of independent online news outlets.

Harassment of foreign journalists remains a problem, particularly for those reporting on the country's economic and humanitarian crisis. In August 2016, at least six foreign journalists were denied entry into the country when they traveled to Venezuela to cover mass demonstrations to demand a referendum to recall Maduro from office. Four Peruvian journalists were refused entry in October when they came to cover citizen protests in response to the National Electoral Council's rejection of the recall referendum petition. The American journalist Matt Guttman of ABC News was detained for two days in the city of Valencia for reporting on substandard hospital conditions. He was expelled from the country and prohibited from reentry.

A number of journalists were physically assaulted during the year, and the offices of several media outlets were attacked. In June, *Correo del Caroni*'s offices were vandalized; in August, the offices of another paper, *Diario de los Andes*, were shot at. Also in August, attackers hurled small-scale explosives at the Caracas headquarters of the daily *El Nacional*. In October, during antigovernment protests in Mérida, Emmanuel Rivas of the news website *El Pitazo* was hit multiple times by birdshot fired by riot police. At the same protest, Nairoby Rodríguez, also of *El Pitazo*, was hit in the head with a rock as police and government supporters clashed with demonstrators. At a protest the same month on Margarita Island, security forces assaulted and detained radio reporter Rosa Reyes while she was attempting to interview demonstrators. At the same demonstration, Anderson Herrera, a photojournalist with the newspaper *El Oriental de Monagas*, was also detained by police, who forced him to erase photographs he had taken of the event. Espacio Público identified 187 cases of physical violence against the press in 2016, including assaults, robberies of equipment, and removal from sites of coverage.

While murders of journalists are relatively rare in Venezuela, Ricardo Durán, a prominent

reporter for the state-owned television station VTV, was killed in January 2016. It was the first killing of a journalist in Venezuela since 2009, though the motive for the attack may have been robbery, as opposed to retaliation for his work as a journalist.

In April 2016, the investigative news portal *Armando Informa* experienced a distributed denial-of-service (DDoS) attack after covering the Panama Papers, a trove of leaked legal documents that revealed potentially corrupt business activities by powerful individuals around the world. Journalists continue to experience hacking of their social media profiles, and sometimes see the creation of false profiles in their names.

Economic Environment: 24 / 30

The Bolivarian Communication and Information System (SIBCI), which manages state-run radio and television outlets, has expanded rapidly in recent years. Although privately owned newspapers and broadcasters operate alongside state outlets, the overall balance has shifted considerably

toward government-aligned voices in recent years. The government officially controls 13 television networks, dozens of radio outlets, a news agency, eight newspapers, and a magazine. In addition, since 2002 CONATEL has broadened the platform of public and alternative community media outlets, adding more than 250 community radio stations, which primarily carry government-produced content. According to official records, in 2015 the private media sector featured 63 television stations, 516 radio outlets, and 97 newspapers.

Since 2012, currency controls have made acquiring newsprint difficult. Maduro has exacerbated the problem by centralizing distribution in the government-operated editorial complex where all newspapers, magazines, and books bearing the state's official seal are printed; the complex has a virtual monopoly on newsprint supplies. Recurrent paper shortages have severely disrupted operations at dozens of publications. Some publications have responded by reducing the size or frequency of their print editions. Other newspapers, including *Tal Cual* and *Correo del Caroní*, have cut back from daily to weekly print editions. At least eight regional newspapers have been forced to stop printing due to the shortages, which began in 2013. In January 2016, nearly 90 newspapers were declared by the Regional Chamber of Venezuelan Newspapers to be in danger of ceasing circulation due to declining paper acquisitions by the state-run paper importer, which is the only authorized paper importer in the country. In December, Venezuela's oldest daily, *El Impulso*, suspended its print publication after the state-run paper importer refused to provide it with newsprint. *El Impulso* has been a harsh critic of the Maduro government, and its publisher indicated that he viewed the paper blockade as retaliation for its coverage.

As of 2016, about 60 percent of the Venezuelan population had access to the internet. However, low-speed connections make the internet an inefficient news source for many residents, a problem that is more common in smaller cities and rural areas. Venezuelans are very active on social media, particularly Twitter and Facebook, with usage rates among the highest in South America. Mounting pressures on traditional media outlets have fueled the growth of internet-based outlets specializing in investigative journalism, though in some cases their audiences remain relatively small. Frequent power outages and electricity shortages due to the economic crisis have severely constrained Venezuelans' ability to access online media. International media outlets continue to be a popular alternative to national sources.

While television and radio stations have generally been able to cope with economic difficulties better than print outlets, recession and skyrocketing inflation – which reached 800 percent in 2016 – have affected the viability of all media companies in Venezuela. Under these constraints, many outlets have been forced to cut back on staff salaries, and struggle to meet basic operational costs.

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