



Freedom on the Net 2019

Venezuela

NOT FREE

30
/100

A. <u>Obstacles to Access</u>	4/25
B. <u>Limits on Content</u>	14/35
C. <u>Violations of User Rights</u>	12/40

LAST YEAR'S SCORE & STATUS

34 /100 Not Free

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



Overview

Venezuela's internet freedom continued to deteriorate as internet connectivity became more precarious and service providers intermittently blocked major

conduits for independent news and information. Reporters and users sharing critical posts online have suffered frequent threats, attacks, and arbitrary detentions. A sophisticated phishing campaign targeted an opposition-aligned website, increasing concerns about the government's ability to misuse citizens' data as a means of social and political control.

As Venezuela's economic and political crisis deepens, President 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. 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 acting president.

Key Developments, June 1, 2018 – May 31, 2019

- A series of major blackouts beginning in March 2019 plunged the country into darkness for days at a time and impacted users' ability to connect to the internet (see A3).
- As political tensions escalated in 2019, service providers increasingly blocked access to communications platforms and independent sources of information. These intermittent blocks often coincided with the opposition leader's livestreamed speeches (see A3 and B1).
- A May 2019 decree raised concerns regarding plans to unite telecommunications companies under a new state-run National Telecommunications Corporation (see A4).
- Arbitrary detentions targeted digital reporters and users sharing critical content online. A Twitter user was charged in February 2019 with computer espionage after tweeting about the presidential plane's route, and remained in detention through the end of the coverage period (see C3).
- Citizens' personal data was exposed after a sophisticated phishing attack targeted a website set up by the Venezuelan opposition to register volunteers for the distribution of humanitarian aid (see C5 and C8).

A. Obstacles to Access

Internet and mobile subscriptions have dwindled with Venezuela's economic crisis. Frequent internet service failures and poor-quality connections also continued hinder reliable access to the internet, as did a series of major blackouts during the coverage period. Communications platforms were blocked in 2019, often during the opposition leader's livestreamed speeches, while a decree issued in May detailed plans to merge telecommunications companies under a new state-run entity.

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 five years of recession and two years of hyperinflation, has hindered the country's telecommunications infrastructure and the quality of internet access. **1** The crisis has affected the volume of investments, the replacement and repair of equipment, and citizens' purchasing power. The country's decaying infrastructure suffers from failures, theft, and vandalism, resulting in frequent blackouts. **2**

The country's intensifying electricity crisis heavily impacted access to the internet during the past year. Just between March and April 2019, five major blackouts occurred. **3** Internet experts have commented on the unprecedented scale of these blackouts in the region. **4** While the government has blamed sabotage and "acts of terrorism," **5** experts contend that the crisis stems from a lack of investment and corruption. **6**

According to the Monash IP Observatory, the first outage beginning on March 7 "caused degraded connectivity for an average of 5 days." **7** A second major outage affected 96 percent of the country's telecommunications infrastructure on March 9, according to the Netblocks internet observatory. **8** On April 10, Netblocks again reported limited connectivity at around 10 percent after a massive blackout. **9** Blackouts lasted for several days in some zones, in addition to

electricity rationing which already limits access to electricity from six to twelve hours a day. ¹⁰

“Zulia sufre otro apagón en medio de racionamiento eléctrico,” El Estímulo, April 21, 2019, <http://elestimulo.com/elinteres/zulia-sufre-otro-apagon-en-medio-de-rac...>; Joe Parkins, “Venezuela: power returns after blackout but normal service may be a long way off,” The Guardian, March 14, 2019, <https://www.theguardian.com/world/2019/mar/14/venezuela-blackout-power-....>

Users have experienced recurring internet failures and connectivity problems in the last few years. These incidents spread to the country’s capital, Caracas, where internet services were usually available. ¹¹ Groups of neighbors have frequently protested poor internet service; ¹² in some cases facing arrest for these actions.

¹³ On February 25, a cut of fiber optic cables in the section where three important companies converge (Movistar, Inter and Digitel) affected several states of the country. Movistar denounced that its cable network had been “burned and stolen.” ¹⁴

According to official figures in the second quarter of 2018, 61 percent of Venezuelans used the internet. Official figures show a significant decrease in the number of mobile internet subscribers, from 13.2 million subscribers in the second quarter of 2017 to 11.3 million in 2018. Mobile penetration was estimated at 78 percent in 2018, down from 102.9 percent in 2013, a decrease of almost 25 percent in five years. ¹⁵

Connection speeds remain stagnant, with averages that do not reach 4 Mbps (fixed) or 6 Mbps (mobile). ¹⁶ Some private providers offer speeds up to 100 Mbps in wealthier areas of Caracas. Among this elite minority with access to superior connections, two small online TV initiatives such as Vivo Play and VPITv have also gained users since 2014. ¹⁷

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

Venezuela's 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. Economic measures have struggled to control surging prices. ¹

<https://www.bloomberg.com/news/articles/2018-08-23/confused-by-venezuel...>; Andrew Rosati and Patricia Laya, "Venezuela Lets Bolivar Slide But Can't Keep Up With Black Market," Bloomberg, January 7, 2019,

<https://www.bloomberg.com/news/articles/2019-01-07/venezuela-lets-boliv...> Hyperinflation is expected to reach 10 million percent by the end of 2019. ²

The purchase of a mid-range smartphone, around \$400, was worth approximately 60 minimum wages. ³ One of the most affordable monthly mobile internet plans escalated from 60 bolivars to 1,500 bolivars in October 2018, which represented 83 percent of the minimum wage (set at 1,800 bolivars at that time). ⁴ While the cost is high for users, if converted into US dollars, which is the currency that companies must use to calculate their operating costs and make investments, it is derisory (at the exchange rate of 5,900 bolivars to \$1, 1GB costs less than \$1). ⁵

Regarding fixed broadband, until April 2019, the state company CANTV continued to advertise a price of 200 bolivars per month for an unlimited consumption plan of 2Mbps. ⁶ However, users frequently complain about the unavailability or the poor quality of the service. ⁷

Private telecommunications companies have in turn adjusted plans to counter the crisis. The last increase in February 2019, of almost 1,000 percent, made connectivity plans unaffordable for many. One user commented on Twitter that "The bill for my fixed internet service is much higher than my monthly salary as an emeritus professor." ⁸

Venezuelans continue to experience a significant digital divide, and the electricity crisis has also strongly affected provincial cities and rural areas. Mobile broadband subscribers are concentrated in the central zone of the country. According to official figures, the Capital District and states of Miranda, Carabobo and Aragua concentrate 46 percent of users. ⁹

The economic crisis has in turn affected a variety of sectors. Due to financial constraints for instance, universities struggle to renew network equipment and backup generators, and may be unable to use high-performance software that rely on strong internet connections. **10**

A3 0-6 pts

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

1/6

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. **1** In early March, before the first national electricity blackout, power outages caused internet service failures in the west of the country, particularly in Táchira, a border state with Colombia where the political situation was critical. **2** Commentators have in turn speculated about underlying political motivations surrounding such "coordinated vandalism." **3**

As political events unfolded in 2019, service providers intermittently restricted access to major online channels for independent information. **4** Social media and livestreaming platforms were temporarily blocked by CANTV, and by other providers to a lesser extent. Many of these disruptions coincided with livestreamed speeches by opposition leader Juan Guaidó, who even commented in May that "every time I speak the government blocks the internet." **5**

Internet monitoring groups such as VEsinFiltro, IPYS Venezuela, Netblocks, and the Open Observatory of Network Interference (OONI) have documented a series of restrictions in the first part of 2019. Examples of reported restrictions included:

- On January 21, restrictions targeted Twitter, Instagram, and YouTube, coinciding with the dissemination of anti-government videos online. The incident was detected on CANTV and lasted a few hours. **6**
- On January 27, brief blocks against Instagram, YouTube, Facebook, and Periscope coincided with a livestreamed speech by Guaidó. **7**

- On March 4, Twitter's images and videos were unable to load as Guaidó returned to the country and called for protests. The audio streaming platform Soundcloud was also affected since late February, after Guaidó tweeted links to his audio posts. **8**
- On April 15, further restrictions via CANTV targeted YouTube, Bing's browser, Periscope, and several Google services for nearly an hour, coinciding with a livestreamed press conference held in Colombia with the U.S. Secretary of State, and addressing the issue of Venezuela. **9**
- YouTube, Bing, and Google services were again briefly restricted on April 19, lasting for the duration of a livestreamed speech by Guaidó in Caracas. **10**
- Between April 30 and May 2, when Guaidó attempted a nationwide uprising against Maduro's government, platforms such as Twitter, Periscope, Instagram, and Facebook were intermittently blocked by CANTV. **11** Netblocks also noted disruptions affecting messaging apps WhatsApp and Telegram. **12** On April 30, these platforms were unblocked right before a scheduled livestreamed speech by Maduro. **13**

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?	1/6
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Although there are private providers, the state dominates the ICT market. Telecommunications companies have struggled to remain financially sustainable during the economic crisis. **1** According to CONATEL, state-owned provider CANTV represents almost 63 percent of broadband fixed subscriptions. Three major players dominate the country's mobile internet market: state-owned Movilnet (33.8 percent), Telefonica's Movistar (50.2 percent), and locally-owned Digitel (15.9 percent). Digitel and Movistar are the leading LTE network operators, a technology that has not been fully utilized. Of the total smartphone subscribers, only 10 percent have LTE services. **2**

As a governmental policy, 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." **3**

<http://observatorioplanificacion.cepal.org/sites/default/files/plan/fil...>

A decree issued on May 23, 2019 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." After the announcement, Maduro also said that Venezuela would sign agreements with Huawei and ZTE Chinese companies to promote the introduction of new technologies. Digital rights activists expressed concern about the announcement, fearing it could mean nationalization of the sector via expropriations. By mid-2019, the impact of this measure was still unclear.

4

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-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. 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 rose during the coverage period as service providers blocked access to independent sources of news and information using increasingly sophisticated tactics. The blockings also hindered users' ability to mobilize online. State-backed disinformation campaigns appeared to continue during the reporting period, as did the publication of false information by progovernment media outlets.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content?	2/6
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As the political crisis escalated in early 2019, blockings increasingly affected a broader range of independent sources of news and information. **1** Restrictions were mainly implemented by state-owned CANTV, but also by private ISPs. **2** Frequent temporary blocks targeted social networks and livestreaming platforms such as Twitter, Periscope, Facebook, Instagram and YouTube. **3** In the absence of independent mass media, these platforms were being used by opposition leader Guaidó to rally support and inform Venezuelans. **4**

A prominent case in early 2019 concerned Wikipedia, which was blocked between January 12-18, and again on January 23. **5** The restriction occurred amid disagreements over how to reflect Guaidó's swearing in as interim president in Wikipedia articles in Spanish. **6** According to Wikipedia, this block affected more than one and a half million users. **5** The government's Vice-Minister of International Communication denied the block, claiming no entity had initiated administrative or judicial proceedings to carry it out. **7**

Intermittent blocks impacted access to news outlets reporting on the ongoing crisis during the past year, often for indefinite periods of time. Independent media such as *El Pitazo*, *Armando.Info*, *Crónica Uno*, *Runrunes*, *Efecto Cocuyo*, *El Nacional Web* and *La Patilla.com* were subject to blocks. Even *Aporrea*, an outlet considered to be government-friendly, was blocked by CANTV, as it was publishing more critical perspectives. **8** The website of the Colombian newspaper *El Tiempo* was blocked on February 23 by major ISPs, and continued to be blocked as of May 31. **9** In the case of *El Pitazo*, the only Venezuelan digital media with correspondents throughout the country, technical tests showed that it had been subject to intermittent, but persistent, blocks by CANTV, Movilnet, and private

ISPs. The outlet had to resort to alternative domains (.info and .nl), which were also blocked. Requests for information about the reason for these blocks remained unanswered. **10**

TV streaming channels such as Venezolanos por la Información (VPITV) and Vivo Play were also affected. On February 22, during the celebration of the *VenezuelaAidLive* concert, held on the border with Colombia, the main ISPs (CANTV, Inter, and Movistar) blocked their official broadcasting channel. At the same time, CANTV blocked Google services, including YouTube. **11** On February 23, during humanitarian aid operations on the borders with Colombia and Brazil, internet monitoring groups verified the intermittent blocking of YouTube, a platform through which TV streaming channel VPITV was broadcasting news from the borders. **12** On February 28, as interim president Juan Guaidó recorded and shared a voice message for Venezuelans, Twitter and SoundCloud were blocked by CANTV. **13** Between February 22 and May 2, Livestream remained blocked by CANTV. **14**

Other websites that mobilized users around social and political causes were targeted. The website of the Frente Amplio, a coalition of opposition groups, was blocked on January 11. **15** The VoluntariosxVenezuela site, which was used to register volunteers to support the entry of humanitarian aid in early 2019, was intermittently blocked by CANTV. **16** VEsinFiltro also reported that change.org was blocked on February 28. **17**

Experts have noted that this new escalation of censorship is becoming more sophisticated. While private ISPs block by DNS, CANTV also applies HTTP, HTTPS and SNI filtering, which requires the use of Virtual private networks (VPNs) or anonymization services to bypass censorship. **18** In turn, CANTV has blocked some censorship circumvention tools such as Tunnel Bear and Windscribe as of February 15. **19**

<http://espaciopublico.org/cantv-bloquea-de-servicios-de-vpn-tunnelbear-....>

Commentators have linked these increasingly sophisticated tactics with China's influence in the country. The Chinese company ZTE notably won a contract with CANTV to implement the government's "Patria" platform. **20**

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

Threats to remove content from news outlets continued to target sensitive reporting during the past year. In September 2018, regulator CONATEL sent an official notification to the investigative news outlet *Armando.Info*, banning its journalists from disseminating information deemed to violate the honor and reputation of a Colombian businessman. The outlet had investigated his involvement in a corruption case linked with government officials. ¹ In 2017, the businessman had sued Armando.Info's three editors and one of its journalists for continued aggravated defamation and aggravated insult. After a series of threats, the journalists fled the country in February 2018.

Transparency reports produced by Twitter, Facebook, and Google did not show significant numbers of removal requests by Venezuelan entities during the past year, though some removal cases periodically get reported. In August 2018, the NGO Ipys Venezuela reported the removal of a documentary about Venezuela's crisis from Deutsche Welle's Spanish channel on YouTube. ² Previously the German TV channel had protested CONATEL's decision to interrupt the broadcast on the TV channel by subscription.

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 anonymity, 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. ³

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 institutions offering avenues for appeal, Venezuelan authorities have restricted digital content with no independent oversight and accountable procedures.

Digital rights organizations groups have denounced the lack of transparency of blocking procedures that are not made public. Before the Inter-American Press Association, the Communication Commission of the National Assembly of Venezuela held the presidents of CANTV and the general director of CONATEL responsible for the blocking of news portals *El Pitazo*, *La Patilla*, *Tal Cual*, and *El Nacional*. ¹ Blocking has been implemented by state-owned providers CANTV and Movilnet, but also by private companies such as Movistar and Digitel. ² During Venezuela’s Internet Governance Forum in October 2018, the representative of the Chamber of Telecommunications Services Companies (CASETEL), recognized publicly that companies block webpages following orders from CONATEL. ³

Laws place excessive responsibility on intermediaries and leave room for abuse. 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 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 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. ⁴

B4 0-4 pts

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

3/4

Legal restrictions on certain forms of online speech have encouraged self-censorship and preemptive censorship within media outlets. ¹ According to a 2017 survey of almost 400 journalists, 37 percent admitted to receiving instructions to change the wording and stop covering specific topics. Some 55 percent of respondents admitted they had limited their content, either out of self-censorship and or self-regulation. ² Some journalists self-censor due to threats.

3

On the other hand, many reporters courageously pursue their responsibility to inform despite receiving frequent harassment, threats and aggressions. **4** A notable example of relentless testing of boundaries is that of independent journalist Sebastiana Barráez who, to get around the block against Infobae, created her own website, which was the target of attacks twice in 2019. **5** The journalist continued to publish on other platforms. **6** On September 26, 2018, after publishing an article, her Twitter account (@SebastianaB) was hacked. She thus created a new account (@sebastainasin). **7** Her family was also intimidated by senior officials. **8**

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**

A recent study conducted by the Observatory of Information and Data in Latin America found that the government used Twitter to influence trends, promote disinformation and infiltrate the conversations of opposition groups to sow division in May 2018, when the vote to reelect Maduro took place. For this task, they used public officials' accounts, government social service accounts, party activists, semi-automated accounts, and bots. **3**

Prolific tweeters are also rewarded through a digital wallet linked to the Carnet de la Patria (an ID card used to channel social assistance). A study by the Atlantic Council's Digital Forensic Research Lab shows how the Ministry of Communication and Information leads this coordinated operation by setting a "hashtag of the day." Users register their Twitter accounts via the app and tweet hashtags promoted by the government. A parent account detects the most active users and transfers money to their digital wallets. **4**

At the end of January 2019, after the inauguration of Maduro for a second presidential term, Twitter announced the removal of more than a thousand accounts that “appear to be engaged in a state-backed influence campaign targeting domestic audiences.” Twitter also mentioned that another 800 removed accounts were connected to a “foreign campaign of spammy content focused on divisive political themes,” and that patterns of behavior resembled those used by potential Russian “Internet Research Agency” accounts. **5**

Progovernment media have also published false information to discredit independent digital media as well as civil society organizations that defend freedom of expression. **6** Days before the operation for the delivery of humanitarian aid in February, government-friendly media replicated the government’s disparaging views about the supposed risks posed by humanitarian aid, exposing it as a sham and as harmful for the health. **7**

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 its website. **8** By early 2019, the WhatsApp channel reached some 20,000 registered users, and the audio clips on SoundCloud received some 700,000 playbacks. **9** Digital media have created data verification sections such as Cocuyo Check. **10** A group of digital media developed a fact-checking tool called “Verifícalo,” which allows users to corroborate the veracity of news of dubious origin. **11**

<https://runrun.es/noticias/379198/verificalo-sera-la-herramienta-de-los...>

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, it is known that 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

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 more vibrant space for political and social expression. According to a study by Ipys Venezuela in 2018, 38 percent of more than 2,600 journalists worked for small digital media outlets.

¹ However, connectivity problems and recurring blockings hindered access to diverse and independent sources of information online during the past year.

According to recent estimates, 82 percent of internet users are active social media users. ² 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.” ³ Venezuelans abroad, usually better informed, also provide information to the Venezuelans inside the country. ⁴

Newspapers have migrated to the web due to restrictions on print, 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), ⁵ 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. ⁶

The use of VPN or other anonymization tools, in addition to being unknown to most common users, slow down the already precarious connections. 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. The tool, available for phones with Android operating system, connects cell phones directly to Google servers, which avoids DNS blocking. *El Pitazo*, one of the most affected news outlets, widely disseminated the download link through Google Play on their social networks. **7**

B8 0-6 pts

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

4/6

Citizens and opposition leaders have actively engaged on digital platforms to organize protests and express dissent about the government as the country's political and economic crisis deepened. **1** One recent example is #GuaidóChallenge, a hashtag used by government opponents to share satirical posts ridiculing what were considered unfounded accusations against Guaidó. **2** During the past year however, targeted blockings against social media and communications networks impacted users' ability to mobilize online.

Despite growing restrictions, civil society organizations have continued efforts to raise awareness online and create apps with civic uses. For example, the NGO *Transparencia Venezuela* has developed strategies to collect citizen complaints through a web platform, the app "Dilo Aqui," and email. **3** Social media remains a lifeline for many, as hashtags such as #ServicioPublico ("Public Service") have been widely used to find scarce goods such as medicine. **4**

C. Violations of User Rights

Violations of digital rights have intensified in the midst of Venezuela's social and political crisis. Users and digital reporters were arbitrarily arrested for sharing critical content online, and cyberattacks targeted several media websites. A website created by the Venezuelan opposition to register volunteers for the distribution of humanitarian aid was the target of a sophisticated phishing attack that exposed citizens' personal data.

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 anti-hate speech law enacted in 2017 and the Resorte-ME 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 since 2016 included provisions on countering cyber threats, 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**

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.” **4** 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 cyber threats. Digital rights advocates issued a statement against the bill, which was still pending debate as of mid-2019. **5**

Power has increasingly concentrated in the executive and the judiciary is highly politicized. Acting against the provisions of the Constitution, Maduro convened a Constituent National Assembly by presidential decree in May 2017. Installed in August and composed exclusively of government 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 2019, which evaluates 126 countries, Venezuela ranks last. **6**

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 ten to twenty 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 fifty thousand and one hundred thousand tax units. ¹

The Resorte-ME 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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Digital activists, reporters, and social media users continued to be arbitrarily detained as President Maduro's government escalated efforts to silence critics during the past year.

A prominent case in 2019 was the arbitrary detention of journalist, human rights defender, and cyber activist Luis Carlos Díaz, after government officials accused him of being involved in a plot to create a blackout on March 7. ¹ He was detained for more than 24 hours after intelligence services seized him on March 11.

² 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. ³ 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. His case sparked a

protest campaign using the hashtag *#LiberenALuisCarlos*. **4** On March 29, the IACHR granted precautionary measures to Luis Carlos Díaz and his family. **5**

On August 29, 2018, journalist Jesús Medina Ezaine of the website *Dólar Today* was arrested while accompanying international journalists 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 on May 23, who ruled that the reporter would go to trial deprived of liberty for the crimes of criminal association and inciting hate, which carries sentences of up to 20 years in prison under the hate-speech law. As of mid-2019 he remained in a military prison. **7**

<https://www.voanoticias.com/a/cpj-y-human-rights-watch-piden-la-liberac...>; “CPJ, Human Rights Watch call on Venezuela to release Jesús Medina,” CPJ, May 21, 2019, <https://cpj.org/2019/05/venezuela-imprisoned-jesus-medina-photojournali...>; “Graphic reporter Jesús Medina Ezaine goes to trial,” Ipys Venezuela, May 30, 2019, <https://ipysvenezuela.org/alerta/reportero-grafico-jesus-medina-ezaine-....>

Users have also been detained for spreading critical content on social networks. 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 contemplates 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. **8** After spending more than a month in jail, they were released but prohibited from leaving the country, as well as 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. **9**

Other digital editors and social media users remained in detention during the report’s coverage period:

- In May 2018, Twitter user Pedro Jaimes Criollo was detained and held in solitary confinement after facing charges linked to his online tweets about the presidential plane’s route. He was charged in February 2019 with computer espionage, contemplated in the Special Law Against Computer Crimes, and revealing a state secret. His lawyers reported that Jaimes was

subjected to cruel treatment and physical torture, ¹⁰ and he remained in detention as of mid-2019.

- Braulio Jatar, editor of *Reporte Confidencial*, was under house arrest after his detention in September 2016. ¹¹ While officially charged with money laundering, Braulio Jatar's detention was denounced as retaliation for online coverage of a protest against President Maduro. He was released from house arrest in July 2019, but his movements within the country continued to be restricted. ¹²

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 ID 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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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. ¹ 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. ²

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. ³ 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 in order to defend our national sovereignty.” **4**

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 this information remains unknown. **5**

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 lookalike 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, especially given the government’s history of using lists of opponents to subject them to political discrimination. **6**

In October 2018, concerns emerged regarding the possible crossing of personal data collected through various state bodies such as the Electoral Registry, the National Customs Administration and Tax, and the National Institute of Statistics. According to an investigation published by *El Pitazo*, the government combines information from various databases, which can give a very clear profile of Venezuelans. **7**

Suspensions have surrounded the massive implementation of the “Carnet de la Patria” (the *Fatherland Card*), an electronic ID used to channel social aid. **8** During recent elections in 2018, ruling party tents were deployed near polling stations to scan and renew voters’ cards, a strategy which was decried as a way to track voter participation in real-time and pressure voters to cast their ballot in favor of the government. **9** First introduced in February 2017, the Carnet collects

basic data such as address and date of birth, but also other kinds of personal information such as political party membership. ¹⁰ The mobile app “VeQR-Somos Venezuela” is associated with the Carnet. To request a benefit, citizens must scan their card’s 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. ¹¹ According to Reuters, Chinese company ZTE is working within a special unit of CANTV managing the Carnet’s database. ¹²

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 in response to the demands of citizen security. ¹³ Also, through an agreement with China, a biometric system began to be implemented to strengthen the management of services in the police forces. ¹⁴

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users?	3/6
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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 IP addresses, date and time of connection, geographic location, 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 e-mail, fingerprint, and a digital photograph taken at the site of the transaction. ¹

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. **2**

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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Digital reporters who cover protests and political events are frequently assaulted and arbitrary detained, and their equipment is often confiscated or stolen by security forces and paramilitary groups. **1**

Constitución y garantizar el trabajo de los periodistas en la frontera, press release, February 21, 2019,

[https://drive.google.com/file/d/1arFzFVSuPnFjfnZJ3hbZarTQeCkYJ9CU/view;\"# 23F](https://drive.google.com/file/d/1arFzFVSuPnFjfnZJ3hbZarTQeCkYJ9CU/view;\)

Balance IPYSVE | Censorship and attacks against freedom of expression in six

points,” Ipys Veenzuela, February 23, 2019, [https://ipysvenezuela.org/alerta/23f-](https://ipysvenezuela.org/alerta/23f-balance-ipysve-censura-y-agresione...;\)

[balance-ipysve-censura-y-agresione...;](https://ipysvenezuela.org/alerta/23f-balance-ipysve-censura-y-agresione...;\) “Cobertura el 23 de enero dejó 15 casos

contra la libertad de expresión,” Espacio Público, Febrero 23, 2019,

<http://espaciopublico.org/cobertura-informativa-del-23-de-enero-dejo-12...>

Press freedom monitoring groups recorded several aggressions targeting reporters covering protests and humanitarian assistance efforts. **2** In February 2019, in the state of Táchira, paramilitaries detained a journalist and cameraman of the online streaming channel “Venezolanos Por la Información” (VPITV) for more than half an hour. They stole the equipment for broadcasting live, their phones, and bank cards. **3** During protests on April 30 and May 1, security agents and armed civilians assaulted more than a dozen journalists. **4** One of the most serious cases concerned VPITV’s reporter, Gregory Jaimes, who was seriously injured. **5**

Digital journalists are frequently forced to erase their coverage of sensitive events. In March 2019, journalist Heberlizert González, from the digital outlet *Analítica*, described how she and her driver were detained by National Guard agents, who beat them and threatened them. She was stripped of her work equipment and all reporting material was erased. **6** On August 4, 2018, during the alleged attack

against President Maduro in Caracas, several reporters were arrested and forced to erase coverage of events. A journalist of the digital TV channel Vivo Play recounted how military counterintelligence (DGCIM) agents forced them to hand over their equipment and detained them for more than three hours. **7**

Offices of news outlets were also attacked during this period. On January 23, 2019, security forces raided the headquarters of three media outlets in the capital of Zulia state, Maracaibo. One of them was digital site *Noticia Al Día*. Victims said that broadcasting equipment had been destroyed. The measure was supposedly in retaliation for broadcasting Guaidó's speech when he was sworn in as interim president. **8**

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	1/3
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Technical attacks often target government critics, media outlets, and human rights organizations. Researchers documented a sophisticated phishing campaign in early 2019 against the platform “VoluntariosxVenezuela,” which was rallying support for the delivery of humanitarian aid in the country (see C5).

Cyberattacks against digital media outlets were frequent during the past year:

- On July 11, 2018, the outlet *Punto de Corte* reported that its site had collapsed after an attack that coincided with the publication of an interview about the “secrets of the Maduro government.” **1**
- On March 4, when Guaidó returned to Venezuela, *Efecto Cocuyo*, *El Pitazo*, and *El Cooperante* were victims of DDoS attacks that knocked them offline for several hours. **2**
- Attacks against media escalated in mid-February 2019 and affected *El Estímulo*, *Konzapata*, and *Al Navío* new sites. **3** The editor of *El Estímulo* explained that the attack kept them offline for approximately four hours, although journalists kept reporting via social networks. **4**
- In May 2019, *Runrun.es* suffered an attack after publishing a study on the performance of the Special Action Forces of the Bolivarian National Police.

The origin of the attack was mainly Russia, according to the administrator of the site. **5**

Meanwhile, in an operation that Maduro described as “international computer crime,” the websites of at least ten Venezuelan embassies were hacked on February 7 and published messages expressing support for Guaidó. **6**

The Special Law against Computer Crimes, in force since 2001, has provisions that penalize these actions; however, they have not been applied. **7**



On Venezuela

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Country Facts

Global Freedom Score

16/100 **Not Free**

Internet Freedom Score

30/100 **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

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