



**REPORT ON**  
**FREEDOM OF**  
**EXPRESSION 2019**





## Report on Freedom of Expression 2019:

Situation of the right to freedom of expression and access to information in Venezuela during 2019.

## Executive Summary

The right to freedom of expression and access to information is a fundamental human right, enshrined in Article 19 of the International Covenant on Civil and Political Rights and Article 13 of the American Convention on Human Rights. It is also enshrined in Articles 57 and 58 of the Constitution of the Bolivarian Republic of Venezuela.

During 2019, 1,049 violations of freedom of expression were recorded. This represents a 271% increase over the 387 violations recorded in the same period in 2018.

The "Report on Freedom of Expression 2019" deals with five main aspects that threaten, criminalize, and restrict the exercise of freedom of expression, relating to (i) the number of complaints about violations of the right to freedom of expression; (ii) the number of journalists and press workers arrested; (iii) the number of media outlets closed and censored; (iv) the consequences of the electricity crisis; and (v) the blocking of websites.

During this year the number of arbitrary detentions increased, at least 72 journalists, graphic reporters and press workers are part of this statistic, the regime has implemented a systematic policy of detentions that have no legal basis and are constantly used to silence political dissidence and media in the exercise of their work.

One of the aspects of the report covers the censorship applied to various media through administrative sanctions imposed by the National Telecommunications Commission, where 3 regional television channels were closed, 8 television programs were taken off the air and several channels were suspended from television stations by subscription. Censorship also operated in the radio media where 20 opinion programs were taken off the air and 12 stations were closed.

In view of the situation described above, citizens turn to digital platforms to keep themselves informed, however, in these media they also find great challenges to be able to access information, due to the fact that a great part of the quality informative web portals are censored and blocked, thus violating the right to inform and receive information. This situation places the country as one of the most restricted on the Internet with more than 975 episodes of censorship, in 139 digital platforms, from the services of private and state providers.



## List of Abbreviations

IACHR Inter-American Commission on Human Rights

ACHR America Covenant on Human Rights

CANTV Compañía Nacional de Teléfonos de Venezuela

UNHCR United Nations Human Rights Committee

CESCR Committee on Economic, Social and Cultural Rights

CONATEL Comisión Nacional de Telecomunicaciones

IACHR Inter-American Court on Human Rights

National Constitution

Magna Carta Constitution of the Bolivarian Republic of Venezuela

ESCER Economic, Social, Cultural and Environmental Rights

CPR Civil and Political Rights

DGCIM Dirección General de Contrainteligencia Militar

FAES Fuerzas de Acciones Especiales de la Policía Nacional Bolivariana

GNB Guardia Nacional Bolivariana

IPYS Institute of Press and Society

UN United Nations Organization

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

SEBIN Servicio Bolivariano de Inteligencia Nacional

SENIAT Servicio Nacional Integrado de Administración Aduanera y Tributaria

UMSM Un Mundo Sin Mordaza

# Index

<b>Report on Freedom of Expression 2019</b>	2
<b>Executive Summary</b>	3
<b>List of Abbreviations</b>	4
<b>Index</b>	5
<b>Presentation</b>	6
Conceptual Framework	7
Right to Freedom of Expression	7
Generalities.	7
International instruments that regulate the right to freedom of expression:	8
Freedom of expression in the Venezuelan Constitution.	9
Limits to Freedom of Expression	9
<b>Report Results.</b>	
Detentions	10
Classic Methods of Censorship.	14
Effects on Freedom of Expression Due to Electrical Faults	15
Internet Censorship	21
Internet Access	21
Blocks.	23
<b>Conclusions and Recommendations</b>	25

## Presentation

The 2019 Report on Freedom of Expression in Venezuela is a product of A World Without Gags, which aims to publicize, through observation, collection and processing of complaints, the general situation in Venezuela regarding the right to freedom of expression and access to information in the country in a clear and simple way. In this way, it seeks to raise awareness among the population about what is happening in this area, since this situation affects all Venezuelans equally by generating disinformation and limiting the free debate of ideas about what is happening in the country.

In this regard, this instrument sets out the number of violations of this right registered during 2019, according to the various organizations that document issues of freedom of expression, such as the organization Espacio Público, El Sindicato Nacional de Prensa and the Instituto de Prensa y Sociedad.

However, after an analysis and evaluation of the cases registered, the patterns of aggression by the Venezuelan state were identified, including: the recurrent detention of journalists, the violations resulting from the blackouts that occurred during the month of March, the repeated blockades of media websites and portals, and the traditional mechanisms of cens

## Conceptual Framework.

### A. right to freedom of expression.

#### Generalities.

Freedom of expression is a necessary right for the development of human life, and is indispensable for the functioning of a democratic society. It is enshrined in Article 19 of the United Nations Universal Declaration of Human Rights, which states

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"

Furthermore, the right to freedom of expression is recognized in international and regional human rights conventions, for example, it is enshrined in Article 19 of the International Covenant on Civil and Political Rights and Article 13 of the American Convention on Human Rights, the latter of which stipulates that

"(...) Everyone has the right to freedom of thought and expression. This right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other media of his choice"

In this sense, the wording of this article establishes that those under the protection of the

Inter-american Court on Human Rights. American Covenant on Human Rights . 11/22/1969. Available at: [https://www.oas.org/dil/esp/1969\\_Convenci%C3%B3n\\_Americana\\_sobre\\_Derechos\\_Humanos.pdf](https://www.oas.org/dil/esp/1969_Convenci%C3%B3n_Americana_sobre_Derechos_Humanos.pdf)

Convention have not only the right and freedom to express their own thoughts, but also the right and freedom to seek, receive and impart information and ideas of all kinds.

Therefore, when an individual's freedom of expression is illegally restricted, it is not only that person's right that is being affected, but also the right of everyone to "receive" information and ideas, from which it follows that the right protected by article 13 has a special scope and character.

In this way, the two dimensions of freedom of expression are highlighted. On the one hand, it requires that no one be arbitrarily undermined or prevented from expressing their own thoughts and therefore represents a right of each individual; but it also implies a collective right to receive any information and to know the expression of the thoughts and opinions of others.

Moreover, with regard to the individual dimension, freedom of expression is not limited to the theoretical recognition of the right to speak or write; it includes, inseparably, the right to use any appropriate method to disseminate thought and make it available to the greatest number of receivers. That is why, when the Convention proclaims that freedom of thought and expression includes the right to disseminate information and ideas "by any ... procedure", it is emphasizing that the expression and dissemination of thought and information are indivisible, so, a restriction on the possibilities of dissemination represents directly, and to the same extent, a limit on the right to express oneself freely.

In its collective dimension, freedom of expression is a way of exchanging ideas and information, of mass communication between human beings. In addition, it includes the right of everyone to try to communicate to others their own points of view and also implies the right of everyone to know opinions and news. The importance of the above resides in the fact that, for the common citizen, the knowledge of other people's opinion or of the information available to others is as important as the right to disseminate one's own.

The two above-mentioned dimensions of freedom of expression must be guaranteed simultaneously. It would not be lawful to invoke society's right to be truthfully informed to justify a regime of prior censorship, supposedly aimed at eliminating information that would be false in the eyes of the oppressor. Similarly, it would not be acceptable that, on the basis of the right to disseminate information and ideas, public or private monopolies are formed over the media in an attempt to shape public opinion according to a single point of view.

### **International instruments that regulate the right to freedom of expression:**

By way of reference, and to illustrate the immense recognition that the right to freedom of expression enjoys at the international level, the other international instruments in which mention is made of the right to freedom of expression are The Convention on the Rights of the Child (CRC), Article 13; the International Convention on the Elimination of All Forms of Racial Discrimination, Article 4; the Convention on the Prevention and Punishment of the Crime of Genocide, Article 3; the African Charter on Human and Peoples' Rights, Article 9; the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 10.

IACHR. "La Colegiación Obligatoria de Periodistas". Consultative Opinion OC-5/85 november 13th, 1958. 5, párr. 30 / IACHR. "Caso Granier y otros (Radio Caracas Televisión) Vs. Venezuela". Decision of 22 June 2015., Párr 19 /Ibid. párr. 32. / Ibid párr. 33.



## Freedom of expression in the Venezuelan Constitution.

At the national level, the guarantees for freedom of information, freedom of expression, the right of access to public information, the right to honour and reputation are enshrined in Articles 51, 57, 58, 60, 61, 143 and 337 of the Constitution of the Bolivarian Republic of Venezuela. These provisions correspond to the foundations in this area, established in Articles 19 and 20 of the International Covenant on Civil and Political Rights. Despite the progressiveness of this national regulatory framework, over the past 10 years Venezuela's governmental, legislative, and judicial institutions have designed and executed at their discretion a series of laws and decrees that restrict these fundamental guarantees, principally the right of access to public information.

## Limits to Freedom of Expression.

The right to freedom of expression is not an absolute right, according to article 13 of the ACHR, which prohibits prior censorship, but also provides for the possibility of subsequent accountability for the abusive exercise of this right.

Any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to violence or any similar illegal action against any person or group of persons on any ground whatsoever, including that of race, colour, religion, language or national origin, is also considered a limitation.

These restrictions are of an exceptional nature and should not limit, beyond what is strictly necessary, the full exercise of freedom of expression and become a direct or indirect mechanism of prior censorship.

In Venezuela, it is particularly important to take this into account because every day the number of violations and limitations to the right increase dramatically, and it is intended to be done in a "legal" way, since in 2017 the National Constituent Assembly sanctioned the "Constitutional Law against Hate, for Peaceful Coexistence and Tolerance", whose aim is to criminalize political dissidence and citizens in general, by criminalizing any conduct that does not fit in with their ideology, imposing criminal, administrative and tax penalties in flagrant dissonance with due process established in the Venezuelan Organic Code of Criminal Procedure.

This law provides for sanctions based on indeterminate legal concepts such as "**Hate**", which facilitates the discretionary application of penalties and could lead to serious arbitrariness. The application of this law also violates the fundamental guarantees of the rule of law and seeks to undermine democratic values. Among other things, the law establishes restrictions on personal freedom, promotes self-censorship and censorship by State bodies "by suppressing the few spaces available to citizens to discuss matters of collective interest and inhibiting the possibility of making complaints of any kind"

IACHR. "Caso Alvarez Ramos Vs. Venezuela". Fondo, reparaciones y costas. Decision 30 August 2019., párr 119 / IACHR. "Caso Herrera Ulloa vs Costa Rica". Fondo, Reparaciones y Costas. Decision of 2 July 2004., párr.120

The recent United Nations strategy and action plan to combat hate speech, published in June 2019, established that "public discourse is becoming a weapon for political gain with inflammatory rhetoric that stigmatizes and dehumanizes minorities" and "all those labeled as 'the others'. The UN also warned that "hatred is becoming widespread, both in liberal democracies and authoritarian systems, and with every rule that is broken, the pillars of our common humanity are weakened"

This is how the bases and fundamental concepts that must be taken into account to understand what the right to freedom of expression "must be" are like, however, it is evident below that none of these postulates and international obligations to which Venezuela has committed itself in the area of freedom of expression are unfulfilled and are violated in a deliberate and systematic manner.

## Report Results.

The present section expresses the results obtained with respect to the investigation carried out during 2019, where 1,049 violations against freedom of expression were registered, representing an increase of 271% in relation to the 387 violations registered during the same period in 2018.

### A. Detentions:

The Nicolás Maduro dictatorship has implemented a systematic policy of detentions that have no legal basis in the Venezuelan Penal Code or other laws of the Republic. Many of these detentions are carried out without a court order, with excessive use of force and abuse of authority, and could therefore be considered arbitrary detentions.

This forms part of a pattern used by the Venezuelan State as a mechanism of intimidation, harassment, and censorship of journalists, press workers, media owners, and individuals, thus violating the rights to personal liberty, judicial guarantees, due process, and freedom of expression, rights enshrined in Articles 7, 8, and 13 of the ACHR and Article 9 of the International Covenant on Civil and Political Rights.

Arbitrary arrests are constantly used to silence political dissidence. In addition, in many cases arbitrary detention results in other serious human rights violations such as torture and other cruel, inhuman and degrading treatment.

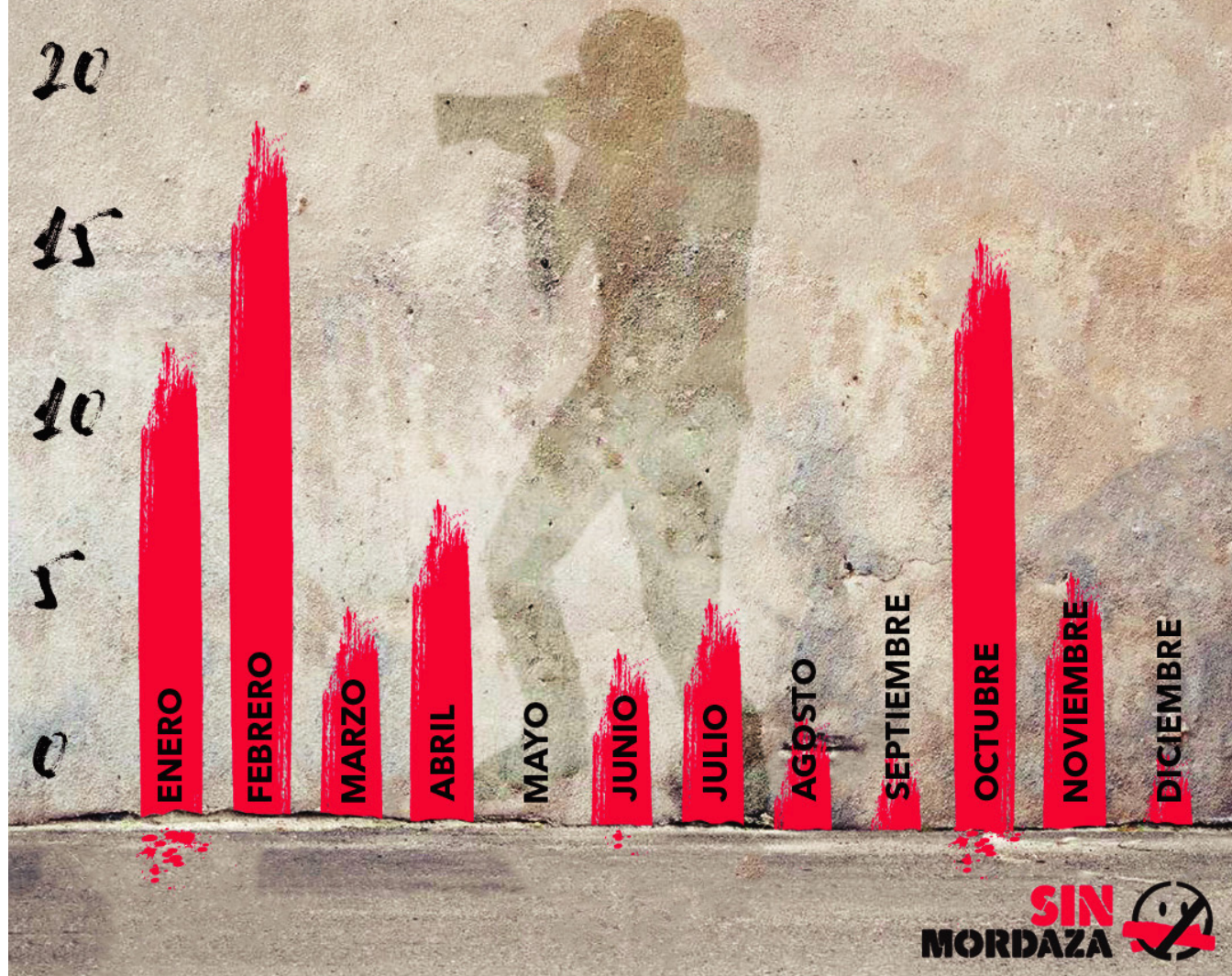
During 2019, 72 arbitrary arrests were made, and the graph below shows the number of arrests per month throughout the year, with February being the month with the highest number of arrests.

Enero	Febrero	Marzo	Abril	Mayo	Junio	Julio	Agosto	Septiembre	Octubre	Noviembre	Diciembre
11	19	4	6	0	3	4	2	1	16	5	1

IPYS. "El tuitómetro de la intolerancia en Venezuela". 11/21/2019 Available at: <https://ipysvenezuela.org/2019/11/21/el-tuitometro-de-la-intolerancia-en-venezuela/> Espacio Público. "Situación del derecho a libertad de expresión e información". 01/04/2019 Available at <http://espaciopublico.org/informe-2018-situacion-del-derecho-a-la-libertad-de-expresion-html/> // Amnesty International. "Silencio a fuerza, detenciones arbitrarias por motivos políticos en Venezuela". 2017. Available at: <https://www.amnesty.org/download/Documents/AMR5360142017SPANISH.PDF>  
El Nacional. "Ley contra el odio viola 7 artículos de la Constitución Leon, Rafael". 11/15/2019 Available at: [https://www.elnacional.com/venezuela/politica/ley-contra-odio-viola-articulos-constitucion\\_211662/](https://www.elnacional.com/venezuela/politica/ley-contra-odio-viola-articulos-constitucion_211662/)



# DETENCIÓN POR MES DE PERIODISTAS



In this order of ideas, two patterns of behavior can be established by the Venezuelan State, in relation to this type of events: (a) temporary arrests or detentions; (b) and prolonged detentions, in which judicial proceedings are initiated against the detainees.

The first form of harassment consists of the irregular detention of journalists, forcing them to delete the journalistic content and material they have recorded, in order to prevent the information from coming to light. In this sense, during the period of time in which journalists are detained, in the great majority of cases they are victims of verbal and physical aggression by the state security forces. By way of example, to demonstrate the modus operandi of the security forces, the following cases can be presented:

A. Last July 5, it was reported that the team of the Diario de Caracas, Reinaldo José Oliveros Silva and Jackelin Díaz, denounced having been subdued by seven members of the DGCIM with long weapons when they were in Boleíta photographing the arrival point of the march called by the opposition.

B. Televen journalist Óscar Pineda, was arrested by DGCIM officials on Avenida Rómulo Gallegos while recording a video about the opposition demonstration, was forced to delete the material and was released a few minutes later.

C. The journalist Lisbeth Miquilena from Nueva Esparta state, was arrested by members of the GNB after taking photographs in a sports facility to learn about the activities taking place in that space, was transferred to the Guard Command of the Municipality of Tubores where they kept her for two hours, making her erase the complete memory of her mobile equipment.

D. The Graphic reporter José Guillermo Mendoza, was arrested by the Bolivarian National Police on September 19, 2019, when he was transferring the printing of a material from the musical CD "Minister: What is your job? -a strange tribute to Venezuelan punk" by the band Agente Extraño, promoted by the NGOs Provea, Redes Ayuda and Humano Derecho Radio. Mendoza was moved to El Helicoide and later released.

The second pattern consists of longer detentions that can even lead to the forced disappearance of journalists. According to the "International Convention for the Protection of All Persons from Enforced Disappearance", enforced disappearance means "arrest, detention, abduction or any other form of deprivation of liberty", committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State.

In addition, for an enforced disappearance to be understood, it must be followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, placing them outside the protection of the law.

The actions of Venezuela's security agencies are characterized by the practice of detentions in which the whereabouts of the person is denied for hours, days, or even weeks; subsequently, communication with lawyers and family members is impeded, making it impossible to ascertain the location, state, and conditions of the detainees. With these practices, the Venezuelan State is violating the legal guarantees of due process, as well as the effective judicial protection of detainees; these are fundamental human rights, enshrined in Article 49 of the Constitution.

El Universal. "Periodistas de El Diario de Caracas denuncian "detención ilegal" por parte de la Dgcim" 07/05/2019. Available at <http://www.eluniversal.com/politica/44723/periodistas-de-el-diario-de-caracas-denuncian-detencion-ilegal-por-parte-de-la-dgcim/> / Alberto News. "Periodista Óscar Pineda da detalles de su breve detención este viernes por la Dgcim". 07/05/2019. Available at: <https://albertonews.com/nacionales/periodista-oscar-pineda-da-detalles-de-su-breve-detencion-este-viernes-por-la-dgcim/> / El Imparcial al día. "GNB detiene a periodista en NE por fotografiar instalación deportiva." 08/16/ 2019. Available at: <https://elimparcialaldia.com/gnb-detiene-a-periodista-en-ne-por-fotografiar-instalacion-deportiva/> / Espacio Público. "PNB detiene a trabajador gráfico por trasladar material impreso de Provea". 09/19/2019. Available at: <http://espaciopublico.org/pnb-detiene-a-trabajador-grafico-por-trasladar-material-impresso-de-provea/> / OHCHR. "Convención ONU contra la desaparición forzada". 10/05/2010. Available in: [https://www.hchr.org.co/phocadownload/publicaciones/otras/Folleto\\_desaparicion\\_forzada.pdf](https://www.hchr.org.co/phocadownload/publicaciones/otras/Folleto_desaparicion_forzada.pdf)



Some prominent examples of these cases are:

A. The case of Luis Carlos Díaz who was the victim of arbitrary detention, as well as forced disappearance, for at least 5 hours on 11 March. The journalist said he was arrested while travelling near the Korean embassy at the country club on his way home. He was held with no communications during his arrest and was also subjected to cruel and degrading treatment. The report of his disappearance was made by his wife, who decided to report the situation to the National Press Workers Union; later in the morning his residence was raided.

The information provided by SEBIN officials during the raid is that Díaz allegedly committed "computer crimes" and was later taken to SEBIN headquarters in the Helicoide, where he remained until his presentation before the 31st Control Court of Caracas by Judge Freddy Pérez, and charged with "incitement to commit a crime", the journalist was then released with a series of restrictive measures such as a restriction on leaving the country, on giving evidence to the media about his case (extended to his lawyers) and a regime of reporting every 8 days in court.

B. Secondly, there is the case of journalist **Victor Ugas** who was arrested by FAES officials along with National Assembly deputy Gilber Caro on the afternoon of Friday, December 20. Ugas, who was already a political prisoner of the Chavista regime, was arrested in an arbitrary procedure carried out in the El Paraiso urbanization in the city of Caracas, when he left the headquarters of the opposition party Acción Democrática. Later, on January 17, he was released with a restriction on making statements to the media.

### Particular Detentions:

Another mechanism, refers to the arrests made by the State security forces to citizens who express their opinion through social networks or make complaints in these, such as the following cases

A. **Karen Palacios**, is a 25 year old clarinetist, who belonged to the National Orchestra System since she was 11 years old and was part of the National Philharmonic Orchestra. On May 26, she was informed by the Director of the Philharmonic Orchestra that her contract had been rejected for having signed in the plebiscite organized by the National Assembly in 2017. The young woman made a series of publications on her Twitter account denouncing what happened, motivated to these publications, on June 1st she was arbitrarily arrested for the crime of "Public Instigation".

Ibidem.

Un Mundo Sin Mordaza. "Un Mundo Sin Mordaza se pronuncia sobre la detención arbitraria e ilegal periodista Luis Carlos Díaz". 03/12/2019. Available at: <http://www.unmundosinmordaza.com/>

El Universal. "Denuncian desaparición del periodista Víctor Ugas tras su detención". 12/25/2019. Available at: <https://www.eluniversal.com/politica/58344/denuncian-desaparicion-del-periodista-victor-ugas-tras-su-detencion>



B. Another relevant case is that of Pedro Patricio Jaimes Criollo, who was deprived of his liberty only because he published a tweet indicating the route of the presidential plane on May 3, 2018. He was accused of revealing political secrets, computer espionage and interfering with operational security, which is why in his first days under arrest the regime kept him in forced disappearance for 35 days, without his family or his lawyer knowing of his whereabouts.

## **B. Classic Methods of Censorship.**

In 2019, the state authorities of the Nicolás Maduro regime intensified their aggressions against the media, taking measures such as censorship of national and international channels and various radio opinion programs by order of CONATEL.

Among the practices carried out by the authorities is that officials illegally appropriate equipment, preventing the media from carrying out their informative work. In this way, they limit plurality and restrict the right of all Venezuelans to access the options of their choice, which constitutes a violation of the right to freedom of expression and access to information. These measures seek to reduce the number of media outlets in the country to a minimum.

An example of the impact that violations of freedom of expression have had on the country is that recently, at the 42nd session of the Human Rights Council, a summary was made of the general situation in Venezuela. This body condemned the closure of dozens of print media outlets, the closure of radio stations, the banning of subscription television channels and the regular blocking of social media platforms, as well as the detention of journalists and the arbitrary arrest of persons for expressing their opinions in the social media.

Likewise, a systemic legislative problem that must be highlighted, as part of the classic methods of censorship, is the permissiveness, tolerance and acquiescence currently provided by the national regulatory system for the public administration to unilaterally and at will limit, by way of prior censorship, the right to disseminate journalistic information from the various print, television and radio media.

The fact that CONATEL can impose sanctions against the media, and that these immediately have executive and enforceable force, is in itself a transgression of the right to freedom of expression in its fundamental and non-limitable core, so that it seems absolutely indispensable to implement measures of non-repetition that include legislative changes, as well as modifications in the practice of public administration, which in turn contemplates the regulations of action of CONATEL and other relevant administrative bodies in the matter.

Tal cual Digital. " karen Palacios cumple 44 días presa". 07/14/2019. Available at [https://www.google.com/search?q=karen+palacios&rlz=1C1SQJL\\_esVE797VE797&oq=karen+palacios&aqs=chrome..69j57j0l7.3410j0j8&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=karen+palacios&rlz=1C1SQJL_esVE797VE797&oq=karen+palacios&aqs=chrome..69j57j0l7.3410j0j8&sourceid=chrome&ie=UTF-8)  
Venezuelaaldia.com. "Cinco ejemplos de cómo puedes terminar en prisión si das tu opinión en Venezuela." 08/09/2019. Available at: <https://venezuelaaldia.com/2019/08/09/cinco-ejemplos-de-como-puedes-terminar-en-prision-si-das-tu-opinion-en-venezuela/>  
Case of Fontevecchia and D'amico v. Argentina. Background, Repairs and Costs. November 29, 2011, para. 44

This consideration implies that in the cases of:

- a) Refusals to grant or renew national radio space to television or radio media.
- b) Administrative disciplinary sanctions against the media, whether they be suspension of their transmissions or pecuniary sanctions; and
- c) Disciplinary sanctions directly addressed to a person, whether journalist or not, individualized, either of suspension of his work in a certain medium, suspension of his work as a private individual in the practice of journalism, or pecuniary sanctions,

It becomes necessary that an impartial court, which preserves the judicial guarantees and protections inherent in due process, endorses the decision taken by the public administration. This does not mean that CONATEL cannot discretionally, but with the minimum of justifications, limit the right to freedom of expression with subsequent responsibilities by ordering sanctions such as those described in the preceding cases. What would change is the immediacy of the legal effects that such decisions would have, i.e., in any case, they could not be immediately executed by CONATEL, but rather the execution of such measures would require a court to verify that the measure in fact corresponds to a legal limitation compatible with international human rights standards.

The latter should not only be interpreted from a first instance, but the interested parties or complainants should be allowed to access the right to a double instance, that is, the execution of the sanctioning measure issued by CONATEL would necessarily have to wait for the decision to become *res judicata* after an appeal.

This is not an isolated consideration of *Un Mundo sin Mordaza*, but corresponds to the current human rights standards recognized by civilized states and international human rights law.

In summary, administrative law sanctions cannot by themselves, in cases where the right to freedom of expression is at stake, have immediate executive powers, but for this to be fully realized, it is also necessary that an impartial court, in terms of a double instance, verify whether or not that decision is in fact in accordance with the law, and only when that judicial decision has the force of *res judicata* can CONATEL, or the administrative organization with competence in the particular, execute the administrative sanction.

None of this happens in Venezuela and that explains the reason for the large volume of violations registered in 2019, which are part of a pattern of constant increase since several years ago



## Closed and censored media

In 2019 three regional television channels were closed (Global Tv, Aventura Tv and Telecaribe), at least 8 television programs were banned and several channels were suspended from subscription television stations; among the most representative cases of television censorship are the channels: Antena 3 and National Geographic for broadcasting Venezuela Aid Live, which took place in Colombia on February 21.

Noticiascol.com "Allanan y sacan del aire los canales zulianos Global TV y Aventura TV". 01/24/2019. Available at <https://www.noticiascol.com/2019/01/24/allanan-y-sacan-del-aire-los-canales-zulianos-global-tv-y-aventura-tv/>  
Crónica Uno. "Con el cierre de Venepress y Telecaribe son 80 los medios clausurados desde 2013". 12/19/2019. Available at <https://cronica.uno/con-el-cierre-de-venepress-y-telecaribe-son-80-los-medios-clausurados-desde-2013/>  
El Nacional. "Sacaron del aire Nat Geo y Antena 3 por transmitir el Venezuela Aid Live". 02/22/2019. Available at [https://www.elnacional.com/sociedad/sacaron-del-aire-nat-geo-antena-3-por-transmitir-venezuela-aid-live\\_271906/](https://www.elnacional.com/sociedad/sacaron-del-aire-nat-geo-antena-3-por-transmitir-venezuela-aid-live_271906/)



# NOTICIA **SIN** MORDAZA



MARTES 14 DE MAYO DE 2019

CARACAS

## 1 MEDIO IMPRESO CERRADO

«EL LUNES 13 A LAS 8:30 PM ENTREGAMOS EL TRABAJO DE DESPEDIDA: ¡HASTA PRONTO! (...) ESTE TEXTO LO HICIMOS CON LA FE Y LA ESPERANZA DE QUE LA ROTATIVA VUELVA A ARRANCAR»

# PANORAMA

EL DIARIO PANORAMA TENÍA 104 AÑOS CIRCULANDO EN SU VERSIÓN IMPRESA, SU DESAPARICIÓN DE LOS QUIOSCOS AFECTA 3.704.404 PERSONAS EN SU DERECHO A RECIBIR INFORMACIÓN Y SE SUMA A LISTA DE OTROS MEDIOS IMPRESOS QUE SE VEN OBLIGADOS A DIFUNDIR INFORMACIÓN SÓLO POR INTERNET.

Censorship also operated in the radio media, 20 opinion programs were taken off the air and at least 12 radio stations were closed; among the most representative cases are the closure of Radio Caracas Radio, the first radio station in Venezuela, with more than 80 years of history, and the censorship imposed on the program of César Miguel Rondón, one of the most important communicators in the country in his program La Entrevista.

An example of the censorship imposed on opinion programmes is that of the programme "Diálogo en la voz de los pensionados y jubilados" on TV Río in Ciudad Bolívar, which has been worked for 15 years and was taken off the air by CONATEL because of the use of the words "regime" and "scarcity" during an interview with former constitutionalist Diógenes

Jiménez. empleo de las palabras 'régimen' y 'escasez' durante una entrevista al ex constituyente Diógenes Jiménez.

Other cases include the closure of stations, as occurred with the "Súper Estación 107.3 FM" in San Felipe, Yaracuy state, last Friday, August 9, when it was closed and its equipment confiscated. Officials from the National Telecommunications Commission assured that the measure was due to the fact that the station, with more than 25 years on the air, was operating with the expired concession.

Regarding the Media Censorship on December 18, the Venepress news portal located in Caracas was raided and later closed by order of the Public Prosecutor's Office. The company's assets were confiscated; during the raid, the officials reviewed documents and material that was in the headquarters, taking many of them with them. This aggression coincided with the closure of the regional television channel Telecaribe and constituted the second closure of a media outlet during the month of December. It should be noted that this is not the first time this has happened, since on November 19 there was also a raid on the headquarters of Venemedios, where the Entorno Inteligente portal operates. The procedure was carried out by officials from the DGCIM, where Caraoa Digital and VPI personnel were taken away.

The IACHR condemned the action and the cases, stating that it "constitutes a form of censorship and persecution," and Rapporteur Edison Lanza said that the officials are seeking to close the agency as a form of "media censorship and to detain journalists".

Other cases of censorship that stand out are the prohibition of the documentary "Chavismo, The Plague of the 21st Century" and the case of Emilio Lovera and the censorship of his show by the SENIAT.

With respect to the first case, on October 8, the 36th Tribunal of First Instance of the State in Criminal Matters of the Metropolitan Area of Caracas decreed an unnamed precautionary measure by which it prohibited the promotion and diffusion of the documentary "Chavismo, The Plague of the 21st Century" produced and directed by the writer Gustavo Tovar-Arroyo at the Simón Bolívar University (USB).

The documentary tells the story of Venezuela's decline from the first public appearance of the late President Hugo Chavez on February 4, 1992, until 2018, which would be presented during a cinema forum in the USB auditorium complex in Caracas. The reason for the ban is in accordance with the request made by the 59th Prosecutor's Office of the Public Ministry for an investigation into the alleged crime of "promotion or incitement to hatred". The order issued by the court also clarifies that the ban on the documentary is "both in national universities and in any other public space.

As for the case of Emilio Lovera who denounced through his Instagram and Twitter accounts, that SENIAT officials ordered the suspension of the show he planned to present at the El Hatillo Amphitheatre, alleging that he and his company had not complied with their tax obligations; having not filed an income tax return (ISLR) during the last year. Emilio Lovera denounced that "he and his company are systematically harassed for tax purposes" as this is not the first time this type of action has occurred. In 2016 he was fined six million bolivars, after mentioning Cilia Flores in one of his shows.

Venepress. "reacciones ante el allanamiento de venepress". 12/19/2019. Available at: <https://www.venepress.com/local/Reacciones-ante-el-allanamiento-a-Venepress1576782732851/>  
Un Mundo sin mordaza. "Un Mundo Sin Mordaza rechaza la prohibición del documental "Chavismo, La Peste del Siglo XXI" en la Universidad Simón Bolívar". 10/05/2019. Available at <http://www.sinmordaza.org/> / UMSM. "Comunicado Emilio Lovera Censura" Fecha 08/19/2019. Available at <https://sinmordaza.org/>



## C. Effects on Freedom of Expression Due to Electrical Faults.

For the first time in Venezuela, electrical failures are considered a form of transgression of freedom of expression and especially the right of access to information.

Due to the massive blackouts that occurred during 2019, telecommunications in the country were seriously affected, making it impossible for the population to communicate properly and ensuring that they could not access information about the situation at that time.

The open signal channels Globovisión, Venevisión and Televen, did not make a plural coverage on the contingency that lasted for several days, the information given by these media prioritized the official version.

In the case of the radio, only some stations held special information days about the situation in the country, but the transmission was maintained for only a few more hours, because the energy of the electrical plants was exhausted and there was no greater state support to maintain the broadcast.

Similarly, with the lack of electricity, most telephone services collapsed almost immediately. The telephone operators, Movistar, Digitel and Movilnet were affected, since making calls or text messages was almost impossible, because the antennas were out of order due to the lack of electricity.

These blackouts left almost half of the Venezuelan population without power, and they remained without light for at least three days. Electrical service was unstable for the next few weeks, and in some cases lasted only a few hours.

The first recorded mass blackout occurred on Thursday, March 7, 2019 at 4:55 p.m. local time (GMT-4), and was the largest power outage in Venezuela's history. It lasted in some states between five and seven continuous days.

The cause of the blackout was a failure in the Simón Bolívar Hydroelectric Plant, this event seriously affected the country's electricity sector in most of its 23 states and the Capital District. It caused serious problems in hospitals, clinics, industries, transportation, water services and multiple looting nationwide, mainly in the state of Zulia.

The second blackout occurred at 1:30 p.m. on Monday, March 25, when the majority of the national territory, 17 states in total, was left without power. The cause was a failure in the Simon Bolivar Hydroelectric Plant at the Guri Dam. In some sectors, service was restored five hours later. However, a new cut was reported around 10:00 p.m. This blackout affected 71% of the country.

The third massive blackout, which occurred on Friday, March 29, affected at least 21 states in Venezuela and also affected the functioning of telephone lines, mobile phone services and internet connection. The organization Net Blocks, which records internet interruptions, reported that 90% of the country, more than 20 states, had limited mobile connectivity during the blackout.

Espacio Público. "Situación general del derecho a la libertad de expresión enero-abril 2019". 05/09/2019. Available at <http://espaciopublico.org/resumen-situacion-general-a-la-libertad-de-expresion-enero-abril-2019/> Prodavinci. "Cuarto apagón masivo en 2019 afecta 22 estados de Venezuela" 07/22/2019. Available at: <https://prodavinci.com/cuarto-apagon-masivo-en-2019-afecta-22-estados-de-venezuela/> / El País. "Un apagón masivo colapsa Venezuela". 03/09/2019. Available at: [https://elpais.com/internacional/2019/03/08/america/1552071875\\_602663.html](https://elpais.com/internacional/2019/03/08/america/1552071875_602663.html) / Efecto Cocuyo. "A Motta Domínguez se le cumplió el plazo y no cumplió" 03/09/2019. Available at <https://web.archive.org/web/20190313080131/http://efectococuyo.com/principales/motta-dominguez-asegura-que-en-tres-horas-restableceran-servicio-electrico/>

A fourth massive blackout was recorded on Monday, July 22, at 4:45 p.m. in Venezuela. At least 22 states were affected. The following infographics better illustrate the impact on the country in terms of electricity:



## D. Internet Censorship

Internet access has been considered a human right since June 29, 2012, when the UN General Assembly, through the Human Rights Council, adopted the resolution, which recognizes the "promotion, protection and enjoyment of human rights on the Internet and other technologies.

The exercise of human rights, in particular the right to freedom of expression, on the Internet is an issue of growing interest and importance, as the rapid pace of technological development allows people around the world to communicate more effectively.

The Internet is a fundamental communication tool that allows people to link and connect in a fast and agile way. It also serves as a mechanism for monitoring and reporting human rights violations.

In Venezuela, because there are no longer any traditional media, citizens turn to digital platforms to keep themselves informed. However, in these media they also encounter great challenges in accessing information, since a large part of the quality informative web portals are censored and blocked, thus violating the right to inform and receive information.

This circumstance places the country as one of the most restricted on the web, the way the government acts is configured in two ways.

Firstly, the lack of access to Internet, makes that a great part of the population is affected, this is due to the lack of investment in infrastructure on the part of the state company CANTV, being this the main supplier of the service of Internet in country, the lack of currencies makes almost impossible the replacement of wiring and extension of the essential networks for the communications.

In second place is the blocking of sites or content through attacks on various portals and digital media including civil society organizations, in addition to the application of restrictive regulations and arbitrary arrests by citizens on social networks.

### 1. Internet Access:

During 2019, failures in connectivity due to damage to the telecommunications infrastructure intensified throughout the country because there was no investment in optical fiber, servers and equipment for the maintenance and improvement of Internet service providers.

According to a study carried out by the Speedtest portal on the connection speed of 176 countries around the world, Venezuela has one of the lowest levels of connectivity with 3.42 Mbps we are in the 175th place, below countries like Yemen, Algeria and Vanuatu. This can be seen in the following chart made with the information from the mentioned portal:

UNHRC. "Promoción, protección y disfrute de los derechos humanos en Internet". 06/29/2012. Available at: [https://ap.ohchr.org/documents/S/HRC/d\\_res\\_dec/A\\_HRC\\_20\\_L13.pdf](https://ap.ohchr.org/documents/S/HRC/d_res_dec/A_HRC_20_L13.pdf)



PROMEDIO DE PAISES  
CON MEJOR CONECTIVIDAD



- 1- COREA DEL SUR
- 2- EMIRATOS ARABES UNIDOS
- 3- QATAR
- 4- CANADÁ
- 5- CHINA

PROMEDIO DE PAISES  
CON PEOR CONECTIVIDAD



- YEMEN -173
- ALGERIA -174
- VENEZUELA -175
- VANUATU -176
- TURKMENISTAN -177

# VENEZUELA



3.6 mbps



**SIN**  
**MORDAZA**

The few private companies in the country, which provide Internet to some Venezuelans, suffer from the lack of foreign currency to buy international bandwidth. And not only that, they must also assume a list of regulations that have been imposed by the government that do not allow them to be competitively priced or profitable for business.

In this way, Venezuelans are being limited in their ability to surf the net in optimal conditions. Furthermore, according to the bulletin of the Observatorio Venezolano de Servicios Públicos, in its section on internet conditions, by the third quarter of 2019 only 40.5% of Venezuelan households reported internet access.

Speedtest. "Rank Internet Speeds Arounds the world with speedtes global index" 12/01/19. Available at: <https://www.speedtest.net/global-index>

This study was conducted in the country's main cities, namely Valencia, Maracaibo, Barquisimeto, San Cristóbal, Caracas, Barcelona and Ciudad Bolívar, reflected the decrease in access, the most representative cases being Ciudad Bolívar and Barquisimeto where the percentage decrease was between 11 and 12 percentage points.

Users of the main Internet provider in the country, CANTV, constantly report service failures through social networks, and there are several locations that have been completely isolated for more than 6 months.

The state-owned company also argues that there is a lack of foreign currency to replace essential communication cables, which have been stolen by smugglers in order to sell them, demonstrating the lack of security and the government's inability to replace the necessary equipment

## 2. Blocks

The crisis has led to a strong escalation in censorship and control of the Internet, through attacks on various digital media portals and portals of civil society organizations, the application of restrictive regulations and arbitrary arrests for the opinion of citizens on social networks, as well as the implementation of official structures that guarantee surveillance, as well as network monitoring groups and monitoring under police and military schemes on the Internet have become the daily life of the media.

According to IPYS, digital blockades increased in the country during the first nine months of the year. During this period, 975 episodes of censorship were documented on 139 digital platforms from the services of private and state providers.

This also happened during the sessions of the National Assembly, the Netblocks portal recorded difficulties in accessing websites such as Youtube, Periscope and the social networks Facebook, Instagram and Twitter during the sessions so users must resort to the use of VPN to access restricted services.

The implementation of the blockade in the control of transmission affects multiple Google services including Google Drive, Google Calendar, Google Meet, Google Chat among others, all platforms that are of immense importance to the work of much of the country's citizens.

Limitations on Internet access, including total or partial disconnections, slowing down of the Internet, temporary or permanent blocking of different sites and applications, before, during or after peaceful meetings constitute illegitimate restrictions on the rights of association and assembly. The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression emphasized the need to ensure access to the Internet at all times, including during periods of political unrest.

OVSP. "Percepción ciudadana de los servicios públicos 3er Boletín". 08/13/2019. Available at: <http://www.asoesda.org/wp-content/uploads/2019/08/Bolet%C3%ADn-OVSP-N%C3%BAmero-3-agosto-2019-13-agosto.pdf> / El Nacional. "Por segundo día consecutivo se registraron fallas de ABA Cantv en varios estados" 11/23/2019. Available at: <https://www.elnacional.com/venezuela/por-segundo-dia-consecutivo-se-registraron-fallas-de-aba-cantv-en-varios-estados/> / últimas Noticias. "Robo de cables afecta a Cantv en tres estados". 05/15/2019. Available at <http://www.ultimasnoticias.com.ve/noticias/general/robo-de-cables-afecta-a-cantv-en-tres-estados/>



Freedom of expression on the Internet allows for free debate on matters of general interest. Likewise, it facilitates development, good governance and is of vital importance in guaranteeing democracy since without freedom of expression society is repressed and defenseless against the decisions of an authoritarian government.

## Conclusions and Recommendations

The right to freedom of expression constitutes an essential element of the functioning and very existence of the democratic system, as well as a channel that allows individuals and different groups in society to express their demands, dissent and complaints regarding the government, their particular situation, as well as for access to and compliance with political rights and economic, social, cultural and environmental rights.

The situation of freedom of expression in Venezuela is alarming; every day there are fewer and fewer media outlets where citizens can keep themselves informed and express their opinions or file complaints. Therefore, it is necessary that this series of arbitrary measures and violations of human rights taken by the State that censor and restrict the free development of journalistic and media work cease immediately.

We note with concern the upsurge in violence against journalists for reasons related to their work. The arrest of journalists and press workers demonstrates the persistence and systematic nature of patterns of violence by the security forces.

In view of the above, it is recommended that the Venezuelan State

- Refrain from criminalizing journalists, press workers, graphic reporters, and the population in general for exercising their rights to express themselves and to freely access information.

- Cease the use of threats, harassment, violence, persecution or reprisals for the expression of ideas and opinions through social networks or in the exercise of their journalistic work.

- Guarantee the personal integrity of social communicators during the exercise of their professional activities, through the due investigation and sanction of any act of violence coming from public officials or individuals.

- To implement legislative modifications in order to make national legislation compatible with human rights standards in the framework of the application of conventional controls, with special emphasis on those cases involving sanctions imposed by the public administration on journalists and media, with the support of a court with a guarantee of double instance and res judicata for the execution of sanctions.

- To comply with the general obligations arising from the ICCPR and the ACHR regarding respect, guarantee and adoption of provisions of domestic law.

- Stop CONATEL's attacks and restrictions on the media and journalists.