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## Venezuela

**Country:**

Venezuela

**Year:**

2016

**Press Freedom Status:**

NF

**PFS Score:**

80

**Legal Environment:**

26

**Political Environment:**

30

**Economic Environment:**

24

### Overview

Inhospitable conditions for press freedom continued to prevail in 2015 as the country prepared for legislative elections in December. Government officials used state media to threaten private outlets, and lawmakers with the ruling party opened defamation cases against critical journalists. Restricted access to foreign currency, crucial for purchasing newsprint, contributed to reductions in the size or frequency of some periodicals. However, compared with 2014, which featured major clashes between security forces and antigovernment demonstrators, the number of physical attacks and arbitrary detentions affecting journalists declined.

### Key Developments

- The government refused to recognize a decision by the Inter-American Court of Human Rights (IACHR) ordering the reinstatement of the terrestrial broadcast license of television station Radio Caracas Television (RCTV), which was taken off the air in 2007 after a highly politicized campaign against the channel by then president Hugo Chávez.

- Foreign journalists faced restrictions while attempting to cover the legislative elections, and over two dozen alleged violations of press freedom were reported on election day.

## Legal Environment: 26 / 30

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

The 2004 Law on Social Responsibility in Radio, Television, and Electronic Media (Resorte Law), amended in 2010, contains vaguely worded restrictions that can be used to severely limit freedom of expression. For example, the law bans content that could "incite or promote hatred," "foment citizens' anxiety or alter public order," "disrespect authorities," "encourage assassinations," or "constitute war propaganda." The government is particularly sensitive about news reports that feature criticism of President Nicolás Maduro's administration or address the country's increasingly severe shortages of basic goods and services. Alleging that "democratic security" is at stake, the National Telecommunications Commission (CONATEL) uses the Resorte Law to stifle critical coverage of national and international news, partly by imposing heavy fines on private television and print media. Many outlets have responded by softening their reporting.

Over the course of 2015, Maduro used the Resorte Law 147 times to interrupt regular programming on the nation's television and radio stations and deliver live official broadcasts (known as *cadena*s), including propaganda on behalf of progovernment candidates for the parliamentary elections, announcements of new presidential decrees, and attacks on political opponents. The Resorte Law obliges national stations to carry the messages, which the government issues frequently, at random, and without regard for regular programming. The state does not pay for these institutional publicity spots.

The judicial system is highly politicized at all levels, and journalists and private media outlets cannot rely on impartial adjudication of cases affecting press freedom. In May 2015, Judge Maria Eugenia Núñez prohibited 22 owners, editors, and others associated with *El Nacional*, *Tal Cual*, and the online publication *La Patilla* from leaving the country. The decision followed a suit filed by then National Assembly president Diosdado Cabello, who accused the outlets of defaming him by reprinting an investigation by the Spanish newspaper *ABC* into government officials' involvement in drug trafficking.

In September, the Supreme Court rejected a ruling by the IACHR that characterized the Venezuelan government's decision to revoke the terrestrial broadcasting license of television station RCTV as a violation of freedom of expression. The Supreme Court decried the IACHR's ruling, which called for the license to be restored immediately, as an "inadmissible" violation of Venezuelan sovereignty and claimed that human rights protections did not apply to corporations.

Article 51 of the constitution guarantees the right of citizens to access public information, but in practice heavy restrictions are placed on freedom of information. Journalists are

routinely rebuffed in their efforts to obtain official documents, and the Maduro administration is quick to clamp down on the spread of information that might reflect poorly on its policies. Authorities in the Health Ministry, the Central Bank, and the Interior Ministry failed to publish basic statistical information about activities in their respective sectors during much of 2015.

CONATEL, theoretically an autonomous regulator, has largely functioned as a part of the executive branch. It retains broad powers to suspend or revoke licenses at its discretion, and under a 2010 amendment to the Resorte Law, the commission is permitted to regulate internet activity. Television station Globovisión's license expired in March 2015, and although it sought a renewal within the established timeframe, it had not received a response as of year's end. The channel remained on the air and was subjected to verbal attacks from President Maduro.

CONATEL's nontransparent regulation of the radio sector also generated great uncertainty for broadcasters in 2015. As of August, more than 300 radio stations were operating with expired licenses, even though many had completed the legal procedures to petition for license renewal. Most reported not receiving responses from CONATEL, placing them in a state of legal limbo. In February, CONATEL revoked the broadcast license of radio outlet Infinita 90.9 FM in Barinas State without offering an explanation or providing the station owners with adequate due process. The license was immediately transferred to a new outlet on the same frequency, raising questions about whether the new owners had completed the established procedures for acquiring a broadcast license.

A Popular Power Communication Law took effect in late December after being approved by the National Assembly earlier in the month. According to press watchdog Espacio Público (Public Space), the law establishes mechanisms that encourage discriminatory treatment of outlets in state financing and frequency allocation, and that fail to ensure the independence of public and community media.

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

### **Political Environment: 30 / 40 (↑1)**

Politicization of the press is an ongoing problem. Coverage in state-run media favors the president and his cabinet members, and public outlets adopt a clearly progovernment editorial line in news stories and opinion shows. Meanwhile, many previously opposition-aligned private outlets have altered their editorial stances as a result of direct and indirect pressure from the government.

During the 2015 campaign for legislative elections, government officials repeatedly issued threats and insults against journalists and media outlets. Cabello in particular used his television show—broadcast on the state network Venezolano de Televisión—to level frequent attacks. Maduro also engaged in such verbal attacks during national *cadena* broadcasts.

A study by the Venezuelan chapter of the Global Observatory of Communication and Democracy (OGCD) analyzed coverage that appeared during the preelection period in public and private newspapers, on radio outlets, and on television. Overall, progovernment voices received more coverage than voices associated with the opposition. Self-identified independents received little to no coverage. The study and a separate report by Venezuela's Institute for Press and Society (IPYS) confirmed that public media content was highly slanted in favor of the government.

Nevertheless, private media outlets reportedly provided more balanced coverage, and a recent growth in independent online news outlets added to the diversity of available content, resulting in a slight improvement in the information landscape ahead of the elections.

Media access to government offices and agencies has been increasingly restricted. As in previous years, journalists covering the National Assembly in 2015 were limited to viewing legislative proceedings on a closed-circuit television feed inside the official press room.

Many journalists engage in self-censorship to end or avoid verbal threats and harassment, arbitrary arrests, physical attacks, dismissal by employers, fines, or lawsuits. A 2015 online survey of more than 200 journalists by IPYS found that over one-third of the sample chose to not publish reports on issues that could result in lawsuits against them or their employers.

Harassment of foreign journalists continued to be a problem, especially at the peak of the electoral campaign. In the days leading up to the December balloting, customs officials seized cameras and hardware brought into Venezuela by journalists from CNN en Español, Televisa (Mexico), Telefé (Argentina), and Caracol (Colombia), claiming they had not received specific licenses from the consulates in their respective countries. The confiscated goods were returned to the media crews when they left the country. In addition, the Ministry of Communications required international correspondents to sign letters of agreement in which they promised not to "manipulate" reporting. If they did not comply, the letter stated, their credentials would be revoked.

Murders of journalists are relatively rare in Venezuela, and no journalists were killed as a result of their work in 2015. However, IPYS documented 391 attacks on journalists during the year, including threats, intimidation, destruction of information and materials, and censorship; 25 attacks occurred on the day of the legislative elections. A case in June in Aragua State illustrated the severity of some abuses: When two journalists with a regional newspaper attempted to cover the arrest of several criminal suspects, police beat them, detained them, and subjected them to invasive body searches before setting them free.

### **Economic Environment: 24 / 30**

The Bolivarian Communication and Information System (SIBCI), which manages state-run radio and television outlets, continued to expand rapidly in 2015. Although privately owned newspapers and broadcasters operate alongside state outlets, the overall balance has shifted considerably toward government-aligned voices in recent years. The government officially controls 13 television networks, dozens of radio outlets, a news agency, eight

newspapers, and a magazine. In addition, since 2002 CONATEL has broadened the platform of public and alternative community media outlets, adding 262 community radio stations, which primarily carry government-produced content.

According to official records, in 2015 the private media sector featured 63 television stations, 516 radio outlets, and 97 newspapers. Several important outlets that had offered critical reporting on the government—including the Cadena Capriles newspaper conglomerate, Globovisión, and the daily newspaper *El Universal*—were purchased in 2013 and 2014 by private business interests. Subsequent shifts in their editorial stances, combined with a lack of clarity regarding the identity or financing of the buyers, prompted ongoing questions about the government's role in the ownership changes.

As of 2015, about 62 percent of the Venezuelan population had access to the internet. However, low-speed connections make the internet an inefficient news source for many residents, a problem that is more common in smaller cities and rural areas. Venezuelans are very active on social media, particularly Twitter and Facebook, with usage rates among the highest in South America. Mounting pressures on traditional media outlets have fueled the growth of internet-based outlets specializing in investigative journalism, but their audiences are relatively small. International media outlets continue to be a popular alternative to national sources.

Since 2012, currency controls have made acquiring newsprint difficult. Maduro has exacerbated the problem by centralizing distribution in the government-operated editorial complex where all newspapers, magazines, and books bearing the state's official seal are printed; the complex has a virtual monopoly on newsprint supplies. At least 11 newspapers reported in 2015 that they were negatively affected by the shortage of newsprint. Some publications have responded by reducing the size or frequency of their print editions; for example, *Tal Cual*, formerly a daily, published only a weekly print version beginning in February.

While television and radio stations have generally been able to cope better than print outlets, the country's economic recession and skyrocketing inflation—officially reported at over 140 percent but actually much higher, according to private economic research firms—have affected the viability of all media companies in Venezuela.

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