

FREEDOM OF THE PRESS

Venezuela

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Venezuela's media environment remained repressive in 2011 under the government of President Hugo Chávez Frías, with tight controls and concentrated ownership of media reaching overwhelming proportions. While freedoms of speech and the press are constitutionally guaranteed, the legal environment is characterized by standing threats of arbitrary detention, charges, fines, and sentences, as well as license manipulation and other administrative harassment aimed at opposition media, primarily broadcast stations and daily newspapers. Defamation is a criminal offense; when directed specifically at the president, it can result in a prison term of up to 30 months. In July, opposition leader Oswaldo Álvarez Paz was convicted for distributing false information regarding the Chávez government. Additionally, an editor was detained on charges of defamation and inciting hatred in July 2011. The case was ongoing at year's end. A judicial gag order, issued in August 2010, against the daily *El Nacional* for publishing statistics about the increasing level of street violence remained in effect throughout the latter part of the year. Also in August, the weekly newspaper *6to Poder* was temporarily ordered to stop distribution after its owner and top executive were charged with "incitement to hatred, insulting a public official, and publicly denigrating women," according to the Committee to Protect Journalists. The paper had published a satirical article which described top-ranking female officials as part of a "cabaret directed by Mr. Chávez." The paper also included a photo in which the heads of these officials were superimposed on the bodies of cabaret dancers—an act that further exacerbated the government's outrage. Dinorah Girón, the paper's top executive, was arrested on August 21, but released two days later under the provision that she attend court every 15 days and refrain from speaking to the media about the case.

The revised Law on Social Responsibility in Radio, Television and Electronic Media, which went into effect in December 2010, contains vaguely worded restrictions on media freedom and extends existing controls on broadcast media to the internet. The legislation bans messages that "incite or promote hatred," "foment citizens' anxiety or alter public order," "disrespect authorities," "encourage assassination," or "constitute war propaganda." It also retains poorly defined prohibitions on messages "that promote, defend, or incite breaches of public order" or "are contrary to the security of the nation." The law also empowers the Venezuelan National Telecommunications Commission (CONATEL) to manage digital services and impose—with considerable discretion—significant fines and service suspensions, potentially disrupting internet access and content. The law was widely criticized by press freedom organizations in 2011, and international organizations recommended removing the unnecessary restrictions on freedom of expression from the law. The Venezuelan government rejected these recommendations.

In response to this law, Radio Caracas Televisión (RCTV) filed a request with CONATEL in hopes of being recognized as a domestic audiovisual producer in compliance with new electronic media regulation. In January 2010, cable

2012 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

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LEGAL ENVIRONMENT

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POLITICAL ENVIRONMENT

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ECONOMIC ENVIRONMENT

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operators had halted all broadcasting of RCTV after CONATEL ruled that the station had failed to uphold the provision that national stations air live coverage of regular government broadcasts (known as *cadena*s). The mandating of these *cadena*s, which were instituted when Chávez took office in 1999, is indicative of the government's unremitting effort to exert control over the Venezuelan media sector. On August 23, RCTV International announced its return via the internet after signing an agreement with a foreign provider that allows the public to access RCTV International for free, including its newly equipped news program *El Observador*. RCTV International also promised to have an active presence in Twitter and Facebook.

Equal or fair access to spectrum space, official news, and governmental sources is increasingly difficult for opposition and dissident media. CONATEL's broadly applied licensing powers remain one of the greatest threats to opposition broadcasters. The national Chamber of Industry (Cámara Venezolana de la Industria) also complained that illegal or pirate broadcast stations (possibly more than a thousand of them) do not pay taxes while engaging in defamation and interference with legitimate radio signals. In April, CONATEL shut down a radio station for operating clandestinely. The director of the station claimed that it was legitimately operating, and that CONATEL officials had inspected the office insuring that it was in order. CONATEL imposed a \$2 million fine on Globovisión in October 2011 for its coverage of riots in El Rodeo prison. If the fine is actually imposed, the television station would likely go bankrupt. Additionally, in March 2011, the Chávez gave the vice president the power to grant, revoke, and suspend radio frequencies, giving the government more authority over radio and television frequencies. Political pressure is regularly used to censor broadcasters. In May, Pedraza TV and the radio program "Contrapunto" were forced off the air as a result of pressure from Yusein Silva, the mayor of the municipality of Pedraza in the state of Barinas. Additionally, the radio program "Magazine Informativo" was taken off the air in August as a result of political pressure only 15 days after it premiered.

Although the killing of journalists is relatively rare in Venezuela, one murder did occur in 2011, along with numerous accounts of harassment and intimidation. On May 17, political columnist Wilfred Iván Ojeda of *El Clarín*—who was also an activist and member of the opposition Democratic Action Party—was found dead in a vacant lot in the town of Revenga. Ojeda, who died of a gunshot to the head, was found gagged, hooded, and with his hands tied. Local authorities suspect the killing is work-related, but the motive remained unconfirmed. In February 2011, cartoonist Rayma Suprani received a death threat over Twitter in response to a cartoon published in *El Universal*. In March, an intern at *El Carabobeno* newspaper received a death threat as a result of a story about a work stoppage at a factory that contained information regarding poor conditions and community members' complaints. In April, a Globovisión correspondent received death threats as a result of reporting on the health system. Additionally, in July, assailants raided the headquarters of Vive TV, in Zulia State, in a drive-by shooting. The attack wounded a security guard and a police officer who were guarding the station at the time. Ricardo Márquez, Vive TV-Occidente's president, informed local media outlets that the raid was intended to intimidate the government-owned station, which often airs broadcasts focusing on sensitive issues such as exploitation of farmers and indigenous peoples. High-profile opposition journalists and media owners remain in exile with outstanding arrest warrants against them, such as Globovisión's president, Guillermo Zuloaga; Rafael Poleo, director of *Revista Zeta* and *El Nuevo País*; and his daughter, Patricia Poleo, a reporter for *El Nuevo País*.

Venezuela's leading newspapers are privately owned, and although some papers avoid critical coverage or politically sensitive topics, the majority openly display their opposition to the government. Mass media investment and usage remain a top priority for the government, which relies on some 244 radio stations and 36 television channels, as well as print and internet-based news outlets, to disseminate its messages. Although some private broadcasters are openly aligned with the opposition, a greater number self-censor to avoid shutdowns or other reprisals by the authorities. The government has expropriated or used state enterprises to weaken companies that advertise in

opposition media. The print media have also come under growing economic pressure, and some are struggling to stay in business in a challenging financial environment. In addition, indirect forms of official censorship—such as discriminatory uses of advertising to punish critics, increasing the price of newsprint, blocking distribution, and launching lengthy and expensive-to-defend government investigations or audits—are customary. In March 2011, the government suspended distribution and sale of the weekly *Notillanos Plus* in San Fernando as a result of tax evasion allegations brought against Inversiones Goga, the paper's publishing company. According to the paper's editor, Vladimir Hidalgo, they did not receive any certified notification, but were made aware of the suspension by reading a notice published in another local newspaper. In May, police officers attempted to impound a building that contained the printing press for the newspaper *El Nuevo País*. The officials did this without formal orders, and the raid was likely a result of an article about an agreement between Venezuela and Iran.

By contrast, community media are booming across the country—with notable government support—amid increased participation by segments of the population that until recently did not have any access to the dominant private media outlets. However, community stations lack sufficient autonomy to decide on content and activities. International support for community media through nongovernmental organizations has been discouraged by the authorities.

In 2011, 40 percent of the Venezuelan population had access to the internet. The number of subscribers to social-media sites such as Facebook and Twitter continued to grow rapidly, and many critical viewpoints have migrated from the traditional media onto these networks. The government claims that there is no government interference but in 2011, Twitter accounts of multiple journalists and government critics were hacked. In the digital crossfire, hackers have targeted internet users from across the sociopolitical spectrum, from opposition activists, nongovernmental organizations, intellectuals, and journalists to foreign embassies, electoral authorities, and government entities. In September 2011, a hacking group known as N33 claimed responsibility for the attacks and said they had not been ordered by government authorities. The December 2010 extension of the Law on Social Responsibility to cover the internet has led to greater self-censorship by internet-based media. Frank de Prada, founder and director of Noticias24.com, noted that his portal now reviews his readers' comments prior to posting to minimize government retaliation. Even so, intelligence agents questioned him after a critical comment on the law and its reforms, an act regarded as criminal incitement.

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