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Freedom Of The Press - Venezuela (2011)

Status: Not Free
Legal Environment: 27
Political Environment: 29
Economic Environment: 20
Total Score: 76

The gradual erosion of press freedom in Venezuela continued in 2010. The media landscape featured political intimidation by government officials and state-owned media in their opinion programs, laws restricting the exercise of basic human rights, systematic judicial and administrative harassment of opposition outlets, economic threats against independent media, and physical attacks against journalists amid a worsening climate of common criminality.

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 June 2010, columnist Francisco "Pancho" Pérez was convicted of slander and insulting a public official in a case brought by the mayor of Valencia. He was sentenced to three years and nine months in prison as well as a ban on practicing journalism for the same period and a fine of 94,000 bolivars (\$22,000). Pérez was paroled under a policy affecting convicts with prison sentences of less than five years. Late in the year, after international observers criticized the use of criminal rather than civil remedies for defamation, an appellate court annulled Pérez's conviction.

A revised Law of Social Responsibility in Radio, Television, and Electronic Media (RESORTE) that took 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 revised law 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 print media have also come under growing pressure. In August 2010, after the newspapers *El Nacional* and *Tal Cual* published photographs documenting piles of corpses in a Caracas morgue due to the rampant crime in the capital, a court tasked with protecting minors banned the publication of violent images in all print media for 30 days. The order was soon narrowed to the two newspapers in question, and their editors reportedly remained under investigation.

The Reform to the Organic Law for Telecommunications, which took effect in late December, establishes telecommunications as a "public interest service," granting CONATEL additional powers to regulate the industry and suspend or revoke licenses when it deems certain content to be antithetical to the national interest or security. The reform initially contained a provision to force owners to renew or apply for licenses for their radio or television stations in person. This would have presented a serious obstacle to Guillermo Zuloaga, the owner of the opposition-oriented television station Globovisión, who had gone into exile earlier in the year. However, the controversial amendment was ultimately removed.

CONATEL's broadly applied licensing powers remain one of the greatest threats to opposition broadcasters. In January 2010, the commission revoked the licenses of two radio stations, Tropical FM in Miranda State and Rivas FM in Barinas State, continuing a pattern of closures from the previous year. A television station, TVS of Maracay, was also taken off the air that month, and in March the radio outlet Victoria FM had its transmission power reduced by almost 90 percent. More importantly, the opposition-oriented cable television station RCTV, which had been forced out of terrestrial broadcasting in 2007, was suspended in January 2010 and remained off the air at year's end. Other stations removed from the airwaves during the year included Ritmo Son, Momentum, América TV, American Network, and TV Chile. All television channels, including cable channels, are legally required to carry certain government broadcasts, mostly presidential speeches, known as *cadena*s.

While the killing of journalists is relatively rare in Venezuela, harassment and intimidation occur frequently. No journalists were killed in 2010 as a direct result of their work, although two—Wilmer Ferrer of the daily *Panorama*, and Israel Márquez of *Diario 2001*—were murdered by street criminals. A total of 113 cases of harassment against journalists were reported in 2010 by the Inter American Press Association (IAPA). Zuloaga, the owner of Globovisión, was accused of vilifying the Venezuelan head of state, among other offenses, during a mid-2010 meeting of the IAPA. After facing a string of subpoenas, imputations of conspiracy and usury, arrests, travel restrictions, and illegal searches of his residence, Zuloaga went into exile to avoid apparently imminent incarceration. In a positive development, Rafael Segundo Pérez, a former Carabobo police sergeant involved in the 2009 murder of reporter Orel Sambrano, was convicted and sentenced to 25 years in prison in May 2010.

Venezuela's leading newspapers are privately owned, though dependence on government advertising encourages the papers to avoid critical coverage or politically sensitive topics. 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. Issues of concern include price increases of newsprint, repeated tax auditing of specific media organizations, and advertising pressures. The government has expropriated or used state enterprises to weaken companies that advertise in opposition media. Newspapers struggle to stay in business because of

the hostile economic environment. 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.

Over nine million citizens in Venezuela, or 35.6 percent of the population, have access to the internet, and usage has increased over the past decade. Venezuelan authorities do not engage in systematic filtering or large-scale arrests of bloggers, but President Hugo Chávez declared in March 2010 that the internet should not be a free forum where citizens can say and do whatever they want. Also that month, a trial court in Táchira State sentenced journalist Gustavo Azócar to two and a half years in prison on dubious fraud charges related to an advertising contract between the state lottery and Radio Noticias, but the judge granted Azócar an immediate parole. He had initially been arrested for violating a pretrial gag order by posting information about his case on his blog, though it was widely understood that he had been targeted because of his political commentary on local officials.