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FREEDOM OF THE PRESS

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Venezuela

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Press freedom in Venezuela continued to be undermined by the policies of President Hugo Chávez's government in 2012. His administration has hampered opposition-oriented media outlets by restricting the content of reporting, enforcing arbitrary licensing requirements, and excluding private media from access to public information. Journalists are routinely intimidated and harassed by government officials. While Venezuelans continue to have exposure to a variety of opinions and a lively debate on public affairs—most notably through cable television, social media, and newspapers—the availability and impartiality of such information has been under threat.

Article 57 of Venezuela's 1999 Constitution guarantees freedom of expression and expressly prohibits censorship of any kind. However, the legal environment for the press remains poor. 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 assassination," or "constitute war propaganda." It also restricts content that the government deems to be of an adult nature—including news stories that cover sexual or violent topics, in a country with one of the world's highest homicide rates—to the hours between 11 p.m. and 5 a.m. Consequently, many broadcasters are forced to present a watered-down version of national and international news during the hours when most viewers tune in. In addition, the law requires all broadcasters to air live government broadcasts (known as *cadena*s), which can come at random and supersede regular programming. The law empowers the Venezuelan National Telecommunications Commission (CONATEL) to oversee enforcement and permits it to impose heavy fines or disrupt service at its discretion. In 2011, CONATEL levied a \$2.16 million fine against Globovisión, Venezuela's last remaining opposition television network, over what CONATEL deemed to be "excessive" coverage of a prison riot "that promoted hatred and intolerance for political reasons." The fine, which was ratified by the Supreme Court in June 2012, represented 7.5 percent of the company's gross 2010 income. Globovisión paid the fine after the Supreme Court ordered the company's assets seized. Separately, in March, after Chávez accused the press of "media terrorism" in reporting on possible water contamination in the center of the country, courts barred the media from covering the story unless they could base it on a "truthful technical report backed by a competent institution."

Other legal statutes remain problematic for Venezuela's press. Article 58 of the constitution guarantees Venezuelans' right to "timely, truthful, and impartial information," and Article 51 confirms their right to obtain public information by petition. However, there is no comprehensive statutory law facilitating information requests, and a study by the Venezuelan press watchdog Espacio Público in 2009 found that nearly 70 percent of such requests went unanswered by the authorities, a situation that has reportedly not improved in recent years. Reforms to the country's penal code in 2005 extended 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 Venezuelan judicial system remains highly politicized at all levels, and judges may face reprisals for ruling against the government. As a result, journalists and opposition-oriented media outlets cannot count on impartial adjudication of their cases. It is expected that Venezuela's announced withdrawal from the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights, to be completed by 2013, will have a negative effect on journalists' rights. The commission and court were often a last resort for reporters facing attacks or censorship.

CONATEL retains broad powers to suspend or revoke licenses at its discretion. In recent years, this authority has largely been levied against opposition broadcasters. In addition to the large fine against Globovisión, CONATEL has opened seven separate investigations into the outlet since 2010, all of which remained in arbitration as of the end of 2012. The most notorious case of abuse by CONATEL was that of RCTV, once Venezuela's most popular anti-Chávez broadcaster, which had its free-to-air license suspended in 2007. After moving to cable television as RCTV International, the station was once again pulled from the airwaves by CONATEL in 2010 for alleged

2013 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

76

LEGAL ENVIRONMENT

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POLITICAL ENVIRONMENT

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problems with its certification. The agency also refused to renew the licenses of 32 radio stations, largely aligned with the opposition, in 2009.

These actions by CONATEL are reported to have encouraged self-censorship in the media. According to a source cited in a July 2012 Human Rights Watch report, fear of government reprisals leads to "journalists thinking two, three, five times [about] what will be said, who will be interviewed, and how the interview will be conducted." As a result, critical news and policy issues such as crime, inflation, the economy, prison conditions, and Chávez's health went underreported during 2012.

In the face of government harassment, many critical voices have migrated from traditional media to social media to avoid censorship. Although a 2010 amendment to the Resorte Law permitted CONATEL to monitor internet activity, the body has so far not utilized this provision.

Politicization of the press is an ongoing issue in the country, with both state media and opposition-aligned outlets frequently offering highly partisan content. In addition to its legal attacks, the government has restricted the opposition media's access to presidential events, press conferences, and public figures. Journalists from Globovisión have reported being shut out of official press conferences and are only able to access certain information through colleagues or the foreign press. Politicization proved especially sharp in 2012 due to the October presidential election, in which Chávez faced his strongest challenge since 1999 from a young and charismatic opposition governor, Henrique Capriles Radonski. However, the government fully exploited its influence over press conditions in order to muster support for the Chávez campaign. This included a large increase in government propaganda in state media, a boost in spending on state advertising in the press, and abuse of the *cadena*s on television, including one that preempted television coverage of an opposition rally.

Murders of journalists are relatively rare in Venezuela, and no journalists were killed in the country in 2012. However, according to Espacio Público, attacks that threatened freedom of expression increased by 22 percent compared with 2011. Such attacks included harassment, assault, equipment confiscation, forced deletion of coverage, and death threats. Espacio Público found that 61 percent of these incidents were perpetrated by the government. In an especially egregious episode in March, armed members of Chávez's United Socialist Party of Venezuela (PSUV) attacked a Globovisión camera crew at a Capriles rally after firing at Capriles and his supporters. The PSUV partisans forced the reporters to surrender footage that had captured the shooting. Opposition supporters, for their part, were involved in several attacks on journalists from state-run media outlets during the campaign. The election period was also marked by attacks on media offices, with at least five regional newspaper offices suffering drive-by shootings or bombings. In a bizarre episode in May, officials accused a crossword-puzzle writer of plotting to assassinate Chávez's brother Adán after one of his puzzles included the words "kill," "bursts of gunfire," and "Adán."

In recent years, journalists have experienced an increasing number of cyberattacks. The Venezuelan hacker group N33, which penetrated the e-mail and social-media accounts of various government critics in 2011, remained active in 2012, even as the group denied that it took orders from the government. Journalists report that the hackers hijack their social-media accounts to post progovernment messages and use the personal information they obtain to make threats. Journalists who criticize the government also report experiencing online harassment after being singled out by figures in state-run media. In March, cartoonist Rayma Suprani faced insults and death threats on the Twitter microblogging platform after being accused of "spreading hatred" by Mario Silva, the host of a talk show on state-run television.

The Venezuelan government officially controls six television networks, four radio stations, a news agency, three newspapers, and a magazine. The government's presence in the media has grown over the years, and outlets that are owned or financially supported by the state serve as reliable advocates for its official agenda. The government-run outlets operate alongside a number of privately owned and often opposition-oriented television and radio broadcasters. Venezuela's leading newspapers are privately owned, and although some avoid critical coverage or politically sensitive topics, many openly air their opposition to the government. However, their distribution remains limited, with the three largest papers having a total circulation of around 600,000 in a country of 29 million. Critical private media have little access to state advertising, and the government has also used state enterprises to weaken companies that advertise in opposition media. Other forms of state pressure include increases in the price of newsprint, distribution blockages, and lengthy investigations or audits of critical media.

Community media, bolstered by significant government support, are flourishing across the country, bringing increased participation to segments of the population that traditionally did not have access to the dominant private media outlets. In 2012 there were 265 community media outlets in operation. However, they lack sufficient autonomy to determine content and are often dependent on state funding to stay afloat, meaning they generally carry messages that are favorable to the government. Authorities have discouraged international support for community media through nongovernmental organizations. An investigation by Espacio Público found that 50 percent of all Venezuelan media outlets are progovernment, while 25 percent identify with the opposition.

In 2012, 44 percent of the Venezuelan population had access to the internet. The number of users of social media sites such as Facebook and Twitter continues to grow rapidly, and Venezuelans are among the most active users of social-networking sites in Latin America.

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