

VENEZUELA

STABILITY OF A NEGATIVE MODEL FOR FREEDOM OF EXPRESSION AND OF THE PRESS

Executive Summary

Venezuela remained in the penultimate position of the Chapultepec Index of Freedom of Expression and Press, with 12.74 points out of a possible hundred, still remaining in the range of nations without freedom of expression. Although it reflects a slight and non-significant rise with respect to the last three barometer measurements, in which it obtained 3.80; 5.71 and 10.58 points, in the 2019-2020, 2020-2021 and 2022-2023 editions, respectively, the country presents negative stability which implies that there is no state goodwill towards the communication sector, nor softening of the actions against journalists. The increase in points is mainly due to the drop in dissident political activity in the streets, in whose coverage numerous attacks on journalists used to be perpetrated. Especially the measures against radio spectrum companies show that the determination of state powers against communication rights persists.

Introduction

In the period between August 2, 2022, and August 1, 2023, the culture of restriction of media and journalists was maintained. Twenty-two years after the political process initiated by Hugo Chávez and continued by Nicolás Maduro, arrests, judicial actions and pressure on journalists continue, in addition to a massive closure of radio stations and limitations on access to information, among others.

During the period of study there was no progress that would reverse the structured gag, although slight decreases in violence against communicators and media were reported, as a consequence of the decrease in the protest called by dissident political actors, this in the framework of a State that has had a process open since November 3, 2021 before the International Criminal Court, in The Hague, for allegations of crimes against humanity, which were supported by reports from the United Nations Organization Mission for the Determination of Facts about Venezuela, delegation sent to the country in September 2019 and whose stay was extended until September 2022.

The Legislative Branch persists in a situation of controversy because the National Assembly – with an opposition majority –, elected in 2015, which had given Juan Guaidó the role of interim president, was replaced in 2020 by a National Assembly controlled by supporters of Nicolás Maduro, that have been elected under protest from opposition sectors that denounced irregularities in the electoral process and did not participate in the elections. This Assembly, with a pro-government majority, reviewed the Organic Law of the Supreme Court of Justice in January 2022, and established a new composition of said court, which went from 32 to twenty judges.

The country is still suffering from a severe economic crisis, despite the fact that in 2022 the economic contraction that had been registered since 2016, of 80%, stopped to register its first growth in years, of 12% of GDP. The growth forecasts did not translate into recovery of purchasing power and the minimum wage in Venezuela is currently located at Bs. 130, equivalent to approximately \$4 per month; This is the lowest income in all of Latin America and was not adjusted in 2023 by the President of the Republic, Nicolás Maduro.

Analysis of the influences of institutional environments

The Venezuelan Executive Branch, led by Nicolás Maduro Moros, for the fourth consecutive time was considered by experts as the institutional environment with the greatest impact in terms of unfavorable actions against freedom of expression but, in this edition, they assigned it a slightly lower weight in such incidents going from 9.23 possible points, in the 2021-2022 edition, to 8.83 in the present measurement, even in the “very strong” influence range according to the categorization of the results.

The Executive maintained the continuous closures of media and censorship measures committed by organizations dependent on the central government, such as the National Telecommunications Commission (Conatel, for its acronym in Spanish), which applied calls and/or visits to close more radio stations: between September, October, and November 2022, closed 38 radio stations in the states of Zulia, (14), Táchira (2), Falcón (5), Carabobo (2), Yaracuy (3), Nueva Esparta (1), Sucre (2) and Portuguesa (1).

According to the non-governmental organization Espacio Público, censorship on the radio has been “normalized,” as it remains constant in the current style of government in the country: “Between 2003 and 2022, the closure of at least 285 stations was documented. radio stations nationwide, which represents 71% of the total media closed in the last 20 years”. (Espacio Público, 2023a).

There were not only calls from Conatel, but also pressure for non-compliance with services dependent on the State. The telephone and electricity breakdowns that continued for months to the detriment of *RCR*, the oldest private radio station in the country – founded in 1930 – were added to its departure from the air, decided by Conatel in 2019. The directive of the station, which was only maintained on the Internet, decided to end its transmissions via streaming in June 2023, in the face of risks and obstacles, according to its management.

According to the experts consulted, the second power with influence in situations adverse to freedom of expression in Venezuela was the Judicial Branch, with a high influence represented in 8.10 points out of ten possible, slightly higher than its 7.95 points, obtained in the 2021-2022 measurement. It continues, for the second consecutive year, in second place and in the category of “very strong influence” and has escalated its influence in adverse situations to freedom of expression in the country, since in the 2020-2021 measurement it was ranked, with 6 .70 points out of ten possible, in the third with the highest incidence in these situations and in the “strong influence” category.

Reasons framed in this period, to consider that the Judicial Branch is highly linked to disagreements with the principles of freedom of expression and press in Venezuela, could be the almost three years of deprivation of liberty of the journalist Roland Carreño, former advisor to the

opposition leader Juan Guaidó , imprisoned for what organizations such as the Colegio Nacional de Periodistas (National College of Journalists) have considered political retaliation; the case of the manager of Venmedios -a media private company-, detained three years ago and still awaiting trial; the detention for a year and a half of Carlos Debais, who remained imprisoned even though the court in charge had issued a release order in April 2022, and who was released in June 2023; the case of journalists Ramón Centeno and Gabriel Guerra, detained after interviewing people arrested in drug trafficking cases, among others.

For its part, with a negative influence estimated at 7.58 points out of ten possible, the Legislative Branch continued to have a “very strong” impact on these incidents, according to experts, although slightly lower in relation to last year, when it was awarded a “very strong” negative influence of 7.63 points.

The Law on Transparency and Access to Information of Public Interest, enacted on September 17, 2021, did not serve to protect the right of access to public information and nor has the legislative matter been reviewed regarding mechanisms developed with the intention to restrict media activity, such as the Law of Social Responsibility in Radio, Television, and Electronic Media (issued in 2004 and reformulated in 2010); the Organic Telecommunications Law (reformed in 2010); the Organic Law of Social Comptrollership (2010) and the Constitutional Law against Hate or for Peaceful Coexistence and Tolerance (2017) (Espacio Público, 2023b).

In addition to this, Parliament insists on regulating and controlling, in order to avoid disturbances of order and, within this framework, on January 24, 2023, the National Assembly approved, in first discussion, the draft Law of Supervision, Regularization, Performance, and Financing of Non-Governmental and Related Organizations, which gives the State the power to eliminate those that, in its discretion, participate in political actions or that threaten national stability. No date was set for the continuation of the debate in the second discussion. The existence of some dissident voices in the country occurs precisely within the framework of the activity of some of these organizations.

Realm A: There is no informed citizens to freely expressed themselves in Venezuela

In Realm A, Venezuela obtains 0.44 points, out of a theoretical maximum of twenty-three, implying a decrease from the already very low level reached in the previous edition, which was one point. But especially in the subdimension “Citizenship free to express themselves”, the country obtains zero points in this edition.

In the second edition of its study “Atlas del Silencio” (“Atlas of Silence”), released in June 2023, the Press and Society Institute of Venezuela (IPYS Venezuela), indicated that there are at least 7 million 25 thousand 427 Venezuelans (21% of the population) who live in areas lacking access to information. The data was collected between October and December 2022. (Ipsy Venezuela, 2023).

The Venezuelan does not have guarantees of access to public information and the Law on Transparency and Access to Information of Public Interest, published on September 20, 2021, not only does not adapt to international standards regarding access to public information, but it has not been fully fulfilled either, according to the NGO Espacio Público. In September 2022, this

organization stated that, according to a statistical study, more than 75% of requests do not receive a response.

The repressive nature against citizen expression continues, as happened on November 5, 2022, when four young students from Universidad de Los Andes (University of Los Andes) were attacked when they were protesting with banners against the government, by people who were participating in a political event of Partido Socialista Unido de Venezuela (United Socialist Party of Venezuela), held in the Bullring of the city of Mérida, near the university campus (Espacio Público, 2022d).

Another event against free citizen expression took place on March 31, 2023, when the LGTBIQ+ activist, Zikiu Rivas, publicly criticized the mayor of the Píritu municipality of Anzoátegui state, Jesús Méndez, when he presented his management report. The activist was detained and received degrading treatment by officials of the Bolivarian National Guard, attached to the Executive Branch. Rivas was presented in court on April 3, the day she was granted full freedom. (Espacio Público, 2023c).

Added to the precarious conditions of guarantees for the plurality of opinions are the interruptions of Internet service, as well as the systematic blocking by Conatel of news web sites not in line with the government's position.

Realm B: limited and restricted journalistic practice in Venezuela

In Realm B, regarding guarantees for journalistic practice, Venezuela's score in this edition rose, reaching two points in this 2022-2023 measurement, from a theoretical maximum of ten, an increase that still leaves the category in the range from countries without guarantees in the journalistic exercise. However, the record is even lower than the 3.43 units out of ten possible, recorded in the 2020-2021 measurement. With this variation, Venezuela is in the range of countries without freedom of expression and of the press in relation to the conditions under which journalism is exercised in the nation.

The lack of access to sources, especially in times of crisis of public interest, harms the right of citizens to have reports at the places of accidents or catastrophes. In October 2022, Venezuelan journalists did not have access to the site of the disaster in the town of Las Tejerías, Aragua state, in the central north of the country, declared an emergency due to an avalanche that claimed the lives of 35 people and left at least fifty missing. At the scene, according to testimonies collected by the NGO Espacio Público, officials demanded accreditation from the Ministry of Communication and Information (Minci) to give access to information professionals, leaving out journalists from various media. There was no plurality either in terms of the questions that could be asked, or in terms of the results of on-site coverage, of a situation addressed only from the perspective of accredited media.

In August 2022, the content of the reform to the Journalism Practice Law, a review carried out by the National Assembly elected in 2020, appears to have been shelved, under questioning, since such reform had not been disseminated nor consulted with journalistic unions, that was denounced by the National College of Journalists. Although no decision has been made on the matter during the recent measurement period, plans to reform the legal instrument remained latent.

Throughout the measurement period of this edition of the Chapultepec Index, the arbitrary detention of Roland Carreño, journalist and communications advisor to the opposition political leader, Juan Guaidó, also continued. After having suffered a forced disappearance on October 26, 2021 for more than twelve hours, Carreño was charged with alleged conspiracy and instigation to commit a crime. Almost three years after his arrest, Carreño was released in October 2023, – after the close of the study period of this report– along with four other political prisoners, as a result of a negotiation process between the government and the opposition.

Realm C: Cooling of Political Protests, Decreases in Attacks in Coverage

Unlike previous editions of the Chapultepec Index, the country did not go through periods of widespread political protest, between August 2, 2022 and August 1, 2023, which translated into a decrease in the actions of repression and obstruction of the press, by officials of the various bodies of the State.

In August 2022, the regional newspaper *El Vistazo* and its director, Nilsa Varela, denounced that the mayor of El Tigre in the state of Anzoátegui, in the east of the country, Ernesto Paraqueima, and the director of the media outlet *El Mundo Oriental*, Sandino Paraqueima, harassed them through a campaign on social networks and through their WhatsApp account, to link them with a criminal gang. Varela filed a complaint with the Special Prosecutor's Office No. 18 against gender violence (Espacio Público, 2022b).

On August 15, 2022, journalist Elvis Rivas, correspondent in the state of Mérida for the Globovisión television channel, was pushed by a member of the work team of the Minister of Tourism, Alí Padrón, to prevent the communicator from covering statements by the minister in the capital of that entity, during a meeting between a member of the cabinet of the government of Nicolás Maduro with users and merchants of the Main Market of Mérida, in the northwest of the country (Espacio Público, 2022a).

On August 29, 2022, unknown individuals destroyed two transmitters and electrical panels, and stole resources from the regional station *Pentagrama 107.3*, in the state of Bolívar, in the south of the nation, leaving the station off the air (Espacio Público, 2022c).

There were no deaths related to media activity during the study period, and there was a decrease in attacks, although the lack of protection mechanisms for journalists, harassment, intimidation and proceedings against the media and communicators remained. For this reason, it is explainable that Venezuela's score in the Realm "Violence and Impunity" has been 9.63 points in this 2022-2023 edition, slightly higher than the 8.4 points in the 2021-2023 edition, placing it in the high restriction range as far as this category of analysis is concerned. Due to this, it is possible to understand why in the last two editions Venezuela abandoned the last box of the Chapultepec Index of Freedom of Expression and Press, since its values in this realm, the one that has the most weight for the barometer, being made up of 42 points, have been higher than the assessment of the first editions. (In the 2020-2021 edition, Venezuela obtained only 0.71).

Realm D: Total control of the media in Venezuela continues

The worst assessment of Venezuela is usually related to the application of executive, legislative and judicial controls towards news companies, both directly and through pressure on third parties. After the country obtained zero points out of a possible twenty-five in the barometer published last year, this year it almost repeated its poor performance in the area by registering, without any significant variation, 0.57 points out of a theoretical maximum of twenty-five.

Efecto Cocuyo, a private web media, counted that in twenty years 285 stations closed in Venezuela, but the year with the most closures was 2022, with a total of 79 (Souquett, M., 2023); of these, 39 occurred between August and December, part of the period of this report.

In 2023, the closures continued and in the first five months of 2023 the Institute of Press and Society of Venezuela (IPYS) registered a total of five stations that were closed in the states of Portuguesa (2), Táchira (1), Anzoátegui (1) and Bolívar (1) (Penacchio, K., 2023).

Subsequently, in June of this year, Radio Caracas Radio (RCR), the oldest radio station in Venezuela, inaugurated in 1930, closed operations through the digital via, the route that remained after the withdrawal of its concession in the radio spectrum. in 2019. In July 2023, Conatel decided to close the *Éxtasis 97.7 FM* station in Táchira, a station that had been broadcast for twenty-nine years and which, according to its owners, gave a platform to all political tendencies in the country. The pressures suffered during the period caused the loss of spaces for opinion and denunciation. (Espacio Público, 2023d). The medium Effect Cocuyo counted that in twenty years 285 stations closed in Venezuela, but the year with the most closures was 2022, with a total of 79 (Souquett, M., 2023); of these, 39 occurred between August and December, part of the period of this report.

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Conclusions

Misinformation is rampant in Venezuelan territory. According to the perceptions of the experts consulted for the preparation of the Chapultepec Index of Freedom of Expression and the Press, despite the decrease in violence recorded in this study period, given the decrease in citizen protests in the country, maintains the regressive state of the rights of access to public information and expression. This negative stabilization, in a nation that in 2022 resumed relative economic growth after years of contraction, leaves the country in the group of nations without freedom of expression.

The number of radio media subject to systematic closures by the State from 2003 to August 1, 2023, when the measurement period of this edition of the barometer ends, amounts to 291 stations, of which more than 45 were closed in the period of this edition of the barometer. The silence of dissident voices, especially in states of the Venezuelan province, leaves citizens without plurality in open radio and television systems, amidst limitations and failures in Internet access.

The Executive Branch persists as the institutional environment most related to situations unfavorable to freedom of expression in the country, followed, also with a high influence on these incidents, by the Judicial and Legislative powers, the first of these with characteristics of immutability in actions against journalists and media; and the second, in charge of legislating, without reviewing any of the laws that have meant restrictions on the expression of citizens and journalists.

The violations of the communication rights of Venezuelans became evident in the most recent primary election of the candidate opposing the government of Nicolás Maduro, a citizen consultation process that was not televised or radioed, due to pressure from Conatel that could continue and be accentuated in the next period of study, with the beginning of the political campaign for the upcoming presidential elections.

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