

VENEZUELA

CENSORSHIP SCALES IN ELECTION YEAR

Executive summary

A broad performance in Government's arbitrariness against citizen expression, and a limited function of the press due to closures, administrative measures and journalists detained for political reasons characterized the period measured; one of an electoral nature and a rise in the scale of censorship and constriction of public space. The Government's measures included the mass arrest of people who demonstrated in the streets after the announcements of the election results of July 28, 2024, and the whole panorama placed Venezuela in the penultimate place of the Chapultepec Index of Freedom of Expression and of the Press, with 6.52 points out of a possible hundred.

Introduction

There has been no progress in Venezuela in terms of freedom of expression and of the press during the period under review. On the contrary, the period between August 2, 2023 and August 1, 2024 includes the incorporation of new gag variants to the expression of citizens and journalists, as well as greater pressure on the different radio and television companies.

The still existing non-governmental means of communication that persist in the media ecosystem circumvent the situation with self-censorship and elimination of spaces for opinion and information that were habitual to them; they survive the closure of more than 410 social media outlets, most of them radio stations. These events have been recorded by organizations such as Espacio Público and IPYS Venezuela since 2003, at the time of the first measures against broadcasting companies, within the framework of the political process initiated by Hugo Chávez and continued by Nicolás Maduro.

The administrative practices of closing radio stations continued, as well as the repression of citizen protest, now seasoned with the imprisonment of demonstrators and opposition witnesses at polling stations, under accusations of terrorism, incitement to crime, organized crime, among other alternatives, to be kept in prisons intended for common criminals, throughout the length and breadth of the national geography.

In the period analyzed, citizens found limitations to their right to be informed about the opposition's primary elections – the open media were urged not to cover these internal elections of the unitary platform, held on October 22, 2023. However, Maria Corina Machado was chosen as the opposition candidate, but the political disqualification imposed by the Venezuelan electoral body on the selected standard-bearer was maintained. In addition, the doors of the electoral institution were closed to the designated substitute candidate – Corina Yoris. At the last minute, before the closing of the registration of candidates for the presidency of the Republic, the dissidents were allowed to register the candidacy of a "tapa" (cover) candidate, Edmundo Gonzalez Urrutia. Finally, on July 28, 2024, elections were held that put Nicolas Maduro's regime in tension, and whose announced result has not been accepted by the dissident candidate, Edmundo Gonzalez Urrutia, or by various sectors of the opposition. Just the day after the speech on the results of the elections, Maduro was declared the winner of the

electoral contest for electoral power. The accusation of fraud has made headlines in the international press.

Meanwhile, the economic crisis normalized in the country, with the stabilization of inflation, but without a major increase in wages or structural improvement in income in the popular sectors. This was one of the reasons why citizens in neighborhoods and other low-income locations, once followers of the political process known as the Bolivarian revolution, took the streets of the country in protest against the announcement of the results of the elections. The national executive, in order to silence the protest, ordered the militarization of some of these sectors, especially on days when opposition spokesmen called for demonstrations. The action of some shock groups, known as "colectivos," also persists, who act as informal armed vigilantes in favor of Maduro's cause.

Under the fear of being arrested, or with an eye on the economic crisis, the migration of Venezuelans continues. Around 8 million people have left the country, producing a crisis in terms of migration policy in some neighboring and distant nations. This reality explains the decrease in points in the assessment of Venezuela's institutional performance in terms of freedom of expression and of the press in this barometer, since, although it retains the penultimate position, it has fallen from 12.74 points, in the Chapultepec Index 2022-2023, to 6.52 points in the current measurement exercise 2023-2024.

Analysis of environments

In Venezuela, the disregard of the citizen consultation for the appointment of officials, as well as the designation of allies in the different instances of public power, keep deputies, prosecutors and judges wearing the same partisan political investitures of the government of Nicolas Maduro. There is no separation of public powers and those who occupy the highest positions have rotated from various instances of other public powers.

Let's look at two examples of rotation in the main positions of the Legislative and Judicial branches. Jorge Rodriguez has held senior positions in other two branches in the past; he was principal rector of the National Electoral Council on behalf of Chavismo and then vice president of the Republic for twelve months in the administration of Hugo Chavez; Nicolas Maduro's trusted man, he has held positions as Minister of Communication and head of the government's Legation for negotiations with the opposition and currently presides over the Legislative Branch. In April 2022, the current leadership of the National Assembly appointed Caryslia Beatriz Rodriguez Rodriguez, who is also the president of the Electoral Chamber in the TSJ, as president of the Supreme Court of Justice. She is a Venezuelan lawyer and politician who is a member of the United Socialist Party of Venezuela (PSUV). Previously, she was the Mayor in charge of Caracas, government advisor and president of the Municipal Council of Caracas. In October 2023, the magistrate ruled the nullity of the opposition's primary elections and after the period assessed by the Chapultepec Index sample, she ruled, at the request of Nicolas Maduro, the validity of the CNE's announcement that declared him the winner of the July 28, 2024 elections.

For the fifth consecutive edition, the experts considered that the Executive environment, because it is the one with the greatest power and influence on political decisions in the entire system, has a very strong degree of influence (8.02 points) on actions unfavorable to freedom of expression and of the press, in most of the realms and sub realms of the Chapultepec Index. The other two branches, the Legislative Branch and the Judicial Branch, were rated with a strong influence, of 7.44 and 7.29 points, respectively.

The main body in the executive environment in charge of establishing permits and concessions for the transmission of content through the country's media, the National Telecommunications Commission (Conatel), continues to be used with political criteria.

Conatel limited coverage of events linked to the opposition primary elections that took place on October 22, 2023, through calls and communications to private media, indicating that they were "not obliged" to provide information about an event that did not have the technical support of the National Electoral Council. (Espacio Público, 2024). At least twelve radio stations were shut down during the study period, but the practice of these shutdowns had already peaked in 2022, with another eighty shutting down.

The Legislative Branch, with a strong influence in situations adverse to freedom of expression according to the results of the barometer, aired some legal projects that set off the alerts. The bill, called the Law on Inspection, Regularization and Financing of Non-Governmental Organizations (NGOs) and Related Organizations, was presented on January 24, 2023 by then-deputy Diosdado Cabello, president of the United Socialist Party of Venezuela and was approved in first discussion, less than an hour after it was presented.

The regulation provides that non-governmental organizations, many of them aimed at the defense of human rights and with financing based on donations from international organizations and diplomatic corps interested in the Venezuelan reality, must submit documents for the approval of their activities in the country, which include the sources of their financing. The Law, approved in second reading shortly after the elections of July 28, 2024, threatens the possibility of continuity of many NGOs dedicated to making public audits of the actions of the Venezuelan authorities.

Additionally, in July 2023, the Legislative Branch aired the possibility of reforming the Law on the Exercise of Journalism in the country. The content of the reform project did not transcend public opinion, but the revision of the law is still latent.

As for the Judiciary, the incidents include having dismissed appeals filed by entities and NGOs against arbitrariness to the detriment of freedom of expression, access to information and media activity. One of them occurred on August 11, 2023, when the Constitutional Chamber of the TSJ, alluding to a lack of procedural interest, dismissed a lawsuit for the protection of diffuse rights and interests, together with a request for precautionary protection against the Ministry for Communication and Information (MINCI), for the alleged violation of the right to freedom of expression enshrined in Article 57 of our Constitution. The lawsuit had been filed by the civil associations Espacio Público and Expresión Libre, by virtue of the practices and policies that restrict the coverage of press workers from foreign media, who are systematically denied accreditations to be able to carry out their work in Venezuela.

Realm of Informed Citizenry and Free to Express Themselves

Out of thirty points as a theoretical maximum, Venezuela only obtained 0.93 points in the Informed Citizenry and Free to Express Themselves realm. In this area it ranked last according to the assessment of the journalists, editors and activists in the field of freedom of expression who were consulted, who evaluated it even below Nicaragua and Cuba in terms of this realm, a few tenths of what the Caribbean island obtained.

Censorship and institutional actions contrary to the right to freedom of expression, disinformation campaigns with official propaganda and pressures against the free communication of citizens, escalated in a year in which the possibility of a change in the political leadership of the country through the electoral route was open.

Of the twenty-eight people arrested in 2023 for exercising the right to freedom of expression, sixteen were private citizens, some of them public officials, according to the Civil Association Espacio Público (2023). One of the apprehensions was the one of an official of a fire department, who was detained for a few hours, for denouncing in a video on networks that labor rights were not fulfilled in the institution for which he worked. Acts of this type inclined the judges

consulted to give Venezuela a rating of just 0.21 points out of nine possible in the free expression sub-realm.

In the framework of an election year, the National Electoral Council, chaired by the former Attorney General of the Republic and former deputy of the National Assembly for the ruling party, Elvis Amoroso, did not provide any information on the maximum guarantee for the freedom to choose, contemplated in the Organic Law of Electoral Processes, which reads: "The vote is secret, free and its exercise shall be guaranteed against any coercion or bribery." This, despite accusations of recruitment of Maduro supporters, in the "10 by 10" strategy – with which each militant was responsible for attracting ten voters in his favor – and in the face of fears about possible reprisals due to the scrutinizing gaze of heads of offices or authorities, in the case of public sector workers. In such a context, Venezuela was rated with only 0.57 points out of a theoretical maximum of eleven, in the sub-dimension of information flow.

Disinformation is also experienced in the country with campaigns of falsified content, promoted by government entities and spokespeople, especially disseminated during election times. The disinformation narrative included governmental institutions replicating trends on social networks, which attributed the shortage of medicines and food to the blockade imposed by the United States on the country. Similarly, in content shared by leaders of the government party and senior officials, there was manipulation of information related to opposition leaders, to damage their reputation on the basis of non-existent facts, such as an alleged dual nationality of Venezuelan professor Corina Yoris, who had been appointed as a substitute for Maria Corina Machado; and the link of the opposition candidate, Edmundo Gonzalez Urrutia, with U.S. intelligence bodies. For this reason, journalists, academics and editors consulted attributed to Venezuela 0.14 points out of a theoretical maximum of ten in the subdimension of State action against disinformation.

Realm of Violence and Impunity against Journalists and the Media

Out of forty possible points in terms of the Government's action against Violence and Impunity to the detriment of Journalists and the Media, Venezuela obtained 2.23 points, only above Nicaragua in this category of analysis.

Despite reports of attacks against journalists and the media, the Venezuelan Government has not taken any action to systematize the protection of information professionals, which is why the experts consulted rated the protection sub realm, part of this realm, at 0.11 points out of a possible six.

There has been no sentence, nor legislation in an attempt to guarantee respect for the independence and plurality of the media, maintaining a climate of harassment against them and critical journalists. Nor are there measures to guarantee journalists and media outlets not to be persecuted for their reporting, maintaining a climate of self-censorship. This explains why in the sub realm of Government's actions against persecution, the country obtains zero points out of a theoretical maximum of 6.5.

In the objective record of violent acts, whose theoretical maximum is twenty, Venezuela obtained only 1.37 points. Among the cases that make this qualification possible, which leaves Venezuela in the fringe of nations without freedom of expression, is that of Luis Lopez, a sixty-year-old social communicator, who was arbitrarily apprehended on June 14, 2024, when he was working as a journalist. After being missing for more than 24 hours, it was learned that he had been transferred to one of the headquarters of the Bolivarian Intelligence Service (Sebin by its acronym in Spanish) in Caracas, where he remains accused of "incitement to hatred" and "association to commit crimes."

On July 29, 2024, hours after the beginning of the protests against the announcement of the results of the presidential elections by the National Electoral Council, agents of the Bolivarian National Guard, dependent on the Executive Branch, arrested photojournalist Yousnel Alvarado, when he was covering a citizen protest in Barinas, the home State of the late president Hugo Chavez. For recording citizens who were organizing a "cacerolazo" – one of the modalities of citizen protest in the country that is based on banging pots to generate noise, accompanied by the vocal emission of slogans – he was arrested and transferred to another state of the country, under the accusation of "terrorism", and "incitement to hatred".

Six other Venezuelan journalists were detained for arbitrary reasons while covering various citizen incidents during the last few months in the period under review.

Media and Journalist Control Realm

In this realm, the best rated for most of the twenty-two nations of the hemisphere considered in the Chapultepec Index, Venezuela appears last, in the "without freedom of expression" range. Out of thirty possible points, it only reached 3.36 points, made up of 1.36 points out of fourteen in direct media control; zero points out of a theoretical maximum of six in indirect control and two points out of ten in control of the exercise of journalism.

A path of measures still accompanies the reality of the country's media companies today. According to the Press and Society Institute Venezuela chapter, since 2003 more than four hundred media outlets have been closed to date, within the framework of the political process initiated by Chavez in the country. The actions include the lifting of licenses for television and radio stations through the action of Conatel, as well as pressure on subscription television systems, which are forced to remove critical media from their schedules – national and foreign.

In addition, the imposition of blocks on Internet news portals, independent and critical media such as *Tal Cual*, *El Pitazo*, among others. This measure was evaded by Venezuelans through the use of VPN (virtual private network), but after the elections of July 28, 2024, they also applied restrictions to *sites* of this type in Venezuela.

Conclusions

The actions of the Venezuelan governmental authorities in terms of freedom of expression and of the press in Venezuela suffered a setback in its already deteriorated media ecosystem and to the detriment of the citizen's confidence to express their ideas, both in the field of street protest and in the use of social networks.

Attacks by security forces against journalists and citizens increased as a result of complaints against the announcement of the election results by the National Electoral Council. The number of people who have been detained by the authorities, in a civic-military-police alliance – described as such by the government itself – is estimated at more than 1,500. Those apprehended, including at least ten journalists, have been charged with crimes such as terrorism, incitement to hatred and conspiracy to commit a crime.

After the study period of this edition of the Chapultepec Index, the Venezuelan Executive applied restrictions and blocks to the social network X and TikTok, further limiting access to information for Venezuelans, already limited by severe restrictions on the television and radio landscape.

The assessment of journalists, editors, academics and activists this year kept the country in the penultimate position of the Chapultepec Index, but with a drop of more than six points – almost

half of its measure of the previous period – remaining in the band of nations without freedom of the press and expression.

At the time of writing, at least thirteen journalists were being detained for arbitrary reasons, according to IPYS Venezuela.

References

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