



For immediate release – 23 July 2010

STATEMENT

Venezuela: Supreme Court Restricts the Right to Information

The Supreme Court of Venezuela ruled, in a binding decision, that a plaintiff must explain the reasons for requiring public information, which also must be limited to the scope of the intended use. ARTICLE 19 condemns the ruling and calls on the Venezuelan Government to conform their practices to international standards.

Asociación Espacio Público had appealed to the Constitutional Court following the refusal by the Office of the Comptroller General to disclose the salaries of its public officials. In its 15 July ruling, the court argued that such disclosure would violate the officials' constitutional right to privacy.

The acceptance of the right to information will sometimes require balancing with other rights. However, best practices around the world have indicated that the public interest resulting from transparency and openness of public accounts takes precedence over the rights of civil servants to keep their salaries confidential. Also, there are ways to disclose the salaries of officials by ranks, while preserving their identity.

Furthermore, the right of access to information is based on the assumption that information held by public institutions is the property of the public, so there should be no obligation placed upon the public to explain why they need the information requested.

The right to information fosters accountability and efficiency in governments by allowing civil society groups to participate in public affairs, not only monitoring salaries, but also public policies.

ARTICLE 19 calls on the Venezuelan government to refrain from demanding the reasons behind information requests and from limiting the amount of information disclosed. We also urge the Venezuelan authorities to adopt a progressive jurisprudence on the right to information, highlighting clearly the prevalence of public interest and the proactive disclosure of public information.

NOTES TO EDITORS:

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name

from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.