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Paris, 8 March 2016

**Human Rights Council - Universal Periodic Review
26th session: November 2016**

**Contribution by Reporters without Borders, an NGO with special consultative status,
concerning the situation of press freedom in Venezuela**

The situation of press freedom in Venezuela

Venezuela is currently 137th out of 180 countries in the world ranking on press freedom established in 2015 by Reporters without Borders. The country has lost 21 places in just one year.

In its last Universal Periodic Review, in October 2011, eleven specific recommendations were made to Venezuela on issues relating to freedom of opinion and expression: none were accepted. Of the eight recommendations on press freedom, only one was accepted but has not been complied with despite that fact.

Five years later, the overall balance is negative and the state of press freedom has not improved. Far from being implemented, the recommendations on the revision of legal texts, especially those on defamation, have been contravened. As for the recommendations on the right to information and the safety of journalists, they have been totally ignored.

Since the coming to power of Nicolas Maduro in 2013, the pressure has increased and the independent media are struggling to survive. The worsening situation of the press and journalists shows that there is a clear determination to exercise relentless control over any flow of information and to repress media professionals seeking to do their job.

Venezuela must show greater commitment and sincerely cooperate in the Universal Periodic Review.

UPR previous recommendations

- Act so that the right to life and physical integrity is effectively guaranteed and all instances of the State respect and protect the right of everyone to the freedom of expression

-Renew its commitment to freedom of expression and opinion as well as to pluralism, ensure free access to information, and take measures to fight threats and assaults against journalists

-Step up its efforts to guarantee freedom of expression as well as the safety of journalists in the country

-End the culture of impunity surrounding cases of retaliation for dissent, attacks on human rights defenders and journalists, the excessive use of force during peaceful demonstrations, abuse of force by State agencies, acts referred to as "execution of criminals" and other serious human rights violations

- **Status on the legislative framework for press freedom**

Contrary to the recommendations which were issued, Venezuela has in no way amended its legislation on defamation and continues to use and add legal restrictions on the media and journalists.

In addition to the reform of the Criminal Code in 2005, which worsened the prison sentences in cases of "defamation" and "insult", the difficulties are due to the *Law on social responsibility on the radio and television* adopted in 2004 and extended to the Internet in 2010. Its formulation is questionable because of insufficiently precise clauses providing for fines and even suspension for media accused of "inciting or promoting the apology of crime", of "spreading panic among citizens or breaching public law and order", or of "discrediting the legitimately constituted authorities». Since they are liable to broad and subjective interpretation, these clauses have become a legal weapon against media with a reputation for criticism: selective application of the law, under which the *Globovisión* TV channel has been repeatedly convicted, encourages self-censorship and is detrimental to media pluralism.

On 7 October 2013, the Venezuelan government issued a decree establishing the Strategic Center of Security and Protection of the Homeland (CESPPA) to replace the Center for Situational Studies of the Nation (CESNA) which was established in 2010 and whose action was already subject to complaint. According to Article 3 of the decree, the CESPPA "*Solicits, organizes, integrates and evaluates information of strategic interest for the nation, concerning the activity of enemies, internal and external, from all the intelligence and security agencies of the State and other public and private entities, as requested by the political and military leadership of the Bolivarian Revolution*". Article 9 of the decree empowers the CESPPA to declare such information as "*Classified*" or "*Reserved*". The decree actively encourages concealment by arrogating to an entity depending on the government the right to keep any information under control, without any concern for transparency in relation to the Venezuelan citizens.

- **Status on the protection of the media and journalists**

In Venezuela, acts of violence against stakeholders in press freedom are frequent, if not daily. The assaults and grievous bodily harm inflicted on journalists in recent years increased during the election period of 2012 and during the mass protests that shook the country in 2014. The violence is the cause of even greater concern in that it is largely perpetrated by law enforcement agencies and remains unpunished.

- **Assaults, threats and stigmatization of journalists**

In recent years, assaults have been committed on numerous occasions against journalists working in the field, who are stigmatized for being part of the media, whether public and therefore pro-

government, or private and therefore critical of the government and thus part of the opposition. While covering the prison riots affecting the country, several journalists were threatened or assaulted on the sole grounds that they were from private media.

Against this background, it is difficult for journalists to cover election campaigns, as evidenced by the assault by pro-government militants against several journalists who had come to cover the visit of an opposition candidate at the airport of Puerto Cabello in September 2012. It is worth noting that journalists working for the state media have not been spared: a cameraman from VTV, the main public TV channel, was assaulted while covering an opposition rally. Insecurity during campaigns is such that even journalists from the few media taking a moderate line are affected by violence, such as the team from *Ultimas Noticias*, caught in a fire on the outskirts of Caracas.

In 2014, the Bolivarian National Army (GNB) illustrated itself in a growing number of acts of violence against journalists. Demonstrations provided the background for a number of threats, insults, assaults, and occurrences of arbitrary detention of journalists. In the period from February to June 2014, the National Union of Venezuelan Journalists (SNTP) recorded 231 cases of abusive treatment of media professionals, 62% of them perpetrated by the Bolivarian National Army. Journalists have also been targeted by the Bolivarian National Police, with protesters and paramilitary factions taking advantage of the protest movement to spread terror. The number of assaults is exacerbated by the violence of the methods used, such as the army deliberately firing on journalists or the stoning of a woman reporter by a group of demonstrators.

- **Arbitrary arrests**

Faced with the increasing turmoil throughout the country, the authorities have opted for censorship, and the number of arrests has multiplied: in the last two years, the police have arbitrarily arrested journalists on forty occasions.

- **Attacks against the media**

Four months before the presidential elections in 2012, three media outlets were the targets for attacks at Maracaibo in the State of Zulia, without causing injuries. The daily newspaper *Qué pasa* was attacked by grenade, while the *Catatumbo TV* channel and the daily newspaper *Versión Final* were attacked by gunfire. The media concerned considered the attacks to be reprisals against their editorial line. In 2014, taking advantage of a protest movement, a group of demonstrators attacked the headquarters of the VTV channel, throwing Molotov cocktails and other explosives against the building's facade.

- **Status on media diversity and pluralism**

Since the last UPR, Venezuela has stood out for a particularly harsh policy of repression against independent and opposition media which has increased with the arrival of Nicolas Maduro to power.

- **Judicial harassment**

It is clear that no attention has been to the specific recommendations received by Venezuela on media pluralism and that the government has not hesitated to use legal means to suppress opposition media.

For instance, the multiple lawsuits filed against the *Globovisión* private television channel between 2011 and 2013 cannot be seen as anything other than an attempt to muzzle the media not supporting the official line. Under various pretexts, the National Commission of Telecommunications (Conatel) has imposed the payment of exorbitant fines on *Globovisión*. In October 2011, Conatel ordered the TV channel to pay a fine of 9.3 million bolivares, accompanied by a further payment of 6 million bolivares to cover the costs of enforcing the sentence. The court also ordered the media's assets of 24.4

million bolivares to be frozen in order to cause its economic strangulation.

- **Media takeover**

The Venezuelan authorities have encouraged a policy of takeovers of large media groups in order to change their editorial line. Like *Globovisión*, finally bought out in 2013, other groups such as *Cadena Capriles* have been acquired by Chavez supporters and now exclusively report the official line. This practice has led to the departure - whether voluntary or not - of many journalists and forced others to practice self-censorship.

- **Suspensions and forced closures**

The government has sought to censor the media simply by ordering their suspension or closure, as was the case in the State of Amazonas, where four radio stations ceased broadcasting in September 2013 further to the intervention of the National Commission of Telecommunications (Conatel). In all four cases, the takeovers of the frequencies were accompanied by the confiscation of equipment.

- **Status on the right information, in particular access to official information**

The authorities of the Bolivarian Republic have not integrated the principle of the right to information, which for the people means the right to be informed, and for journalists the right of access to information.

- **Blocking access to information**

Numerous restrictions involving access to information have been recorded, particularly at the National Assembly and in government buildings. From 2013 onwards, the free movement of journalists in the parliamentary precinct has been restricted and journalists have been prevented from attending press conferences, such as Faviana García and José Nava in June 2013, who were refused access to a press conference organized by the Ministry for the Environment.

The profession has also complained of the lack of transparency among State authorities that do not communicate their balance sheets and official figures. This is particularly serious for the health sector: the government was recently accused of masking the true number of infections by the Zika virus which is sweeping the country.

- **-Censorship in the dissemination of information**

The authorities exercise a veto on issues of capital importance, such as health, shortages or political elections. In March 2012, by order of the Court of Caracas, the media were banned from mentioning the potential contamination of water intended for everyday consumption.

One of multiple lawsuits in which *Globovisión* was involved referred to the dissemination of information about the shortages that frequently afflict the country. In September 2013, the TV channel was accused of giving information to the public about the shortage of essential commodities and the lack of paper affecting the press.

RSF's recommendations to the Government of Venezuela:

1. **Guarantee the right to information by:**

- i. **Allowing journalists to access information, events and official buildings**

- ii. Refraining from censoring issues of public interest**
- iii. Putting an end to the arbitrary arrests of journalists**
- iv. Reviewing the legislation of the country, in particular by decriminalizing defamation**

2. Ensure media pluralism by:

- i. Ceasing to prosecute independent and private media**
- ii. Ceasing to suspend or close media outlets and media content**

3. Ensuring the protection of journalists:

- i. Putting an end to the assaults and threats perpetrated by State agencies against journalists**
- ii. Identifying and prosecuting the perpetrators of such acts of violence**
- iii. Setting up an effective mechanism to protect journalists**