

# Reporters Without Borders

<http://www.rsf.org/venezuela-reporters-without-borders-address-18-09-2012,43400.html>

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Americas - Venezuela

Address

## RWB's address to the European Parliament's Subcommittee on Human Rights

18 September 2012

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Reporters Without Borders has been invited to address the European Parliament's Subcommittee on Human Rights on 18 September 2012, when it is to examine the situation in Venezuela. The following is the text of the address. The situation in the run-up to the 7 October presidential election underscores the urgency of Reporters Without Borders' recommendations to the Subcommittee.

Honourable Members of the European Parliament,

The campaign for the 7 October presidential election has epitomized the full range of public, political and media polarization in recent years in Venezuela. In the run-up to this crucial vote, freedom of information, which Reporters Without Borders has a mandate to defend, and democratic debate have given way as never before to invective, vilification, personal attacks and, too often, physical violence. This is our main reason for concern.

### **Systematic stigmatization of journalists**

Our organization is aware that the media themselves – both state and privately-owned – must share the blame for this climate. This is part of the reason for the repeated [stigmatization](#) of journalists in the field on the basis of the media they work for.

The 9 September attack on **Lorena Benítez** – a journalist employed by the National Public Media System, which includes the main state TV channel, *Venezolana de Televisión (VTV)* – by supporters of opposition candidate Henrique Capriles is a recent example of this problem. Similarly, journalists with media critical of the government, especially the Caracas region TV station *Globovisión*, are regularly targeted by President Hugo Chávez's supporters.

Government supporters were also responsible for the violence against the photographer and *Agence France-Presse* stringer **Geraldo Caso Bizama** on 12 September at Puerto Cabello airport, where he had gone to cover a visit by the opposition candidate. Violence, fuelled by partisan hysteria, also affects journalists working for the few media that are taking a moderate line. For example, reporters with the daily *Últimas Noticias* were caught in an exchange of shots on the outskirts of Caracas on 2 September.

Reporters Without Borders has registered some 40 cases of attacks of this kind against journalists in the course of 2012. There have also been around ten cases of attacks or sabotage against news media. We condemn not only the attacks themselves, which are serious and often go unpunished, but also the fact that politicians exploit them for propaganda purposes, which just encourages them.

This is why we have proposed, so far without success, that *all election-related attacks against journalists and media should be handled by a single court operating in coordination with journalists' organizations of all political colours.*

### **Confiscating the right to speak**

The government blames the extreme media polarization on the approval displayed by the leading privately-owned media during the abortive coup against Hugo Chávez in April 2002. Reporters Without Borders recognizes they went far beyond what should have been their role at the time – just reporting the facts. But we point out that no judicial proceedings have ever been brought against any representatives of the media involved, although this would have been expected in the circumstances. Instead, the episode has served as grounds for an all-out media and legislative counter-offensive against freedom of information.

We do not dispute Venezuela's right to develop a public broadcasting system. But we accuse the government of using it to turn public condemnation and conspiracy theory into a permanent mode of communication. Criticizing or questioning the government is branded as "insulting the people" or "destabilizing the nation." This media offensive, which also targets NGOs, is a substitute for an editorial policy throughout the state broadcasting system, which currently consists of six TV stations (*VTV, Vive TV, Asamblea Nacional TV, Tves, Ávila TV* and *Telesur*) and three radio stations (*Radio Nacional, YVKE Mundial* and *Rumbos*).

This continual offensive is above all waged by means of official messages, called "cadenas," which all the broadcast media (except international ones) are obliged to carry at the same time, and which consist of endless harangues delivered by President Chávez in person. From 3 February 1999, the date of his first inauguration, to 3 February 2010, Chávez delivered a total of 2,000 "cadena" addresses, the equivalent of speaking two months without stopping. This does not include the Sunday programme "Aló Presidente," which he hosts on *VTV*. The "cadenas" from January to August of this year totalled 136 hours and 20 minutes of airtime, the equivalent of talking non-stop for a week.

The "cadenas" confiscate the right to speak in public, deliberately disrupt broadcast programming and, in the final analysis, are a form of censorship. As such, *they should be subject to regulation restricting their content and duration, or should be limited to a single state-owned TV channel in their current form.*

### **Dangerous and inappropriate legislation**

Freedom of information is not only undermined by the unfortunately widespread penchant within the media for partisan attacks on each other's reporting but also by legislation that has become more and more restrictive. As well as the 2005 revision of the criminal code increasing jail sentences for insult and defamation, the difficulties stem from the Radio and TV Social Responsibility [Law](#) that was adopted in 2004 and was extended to the Internet in 2010.

It provides for fines or even the suspension of media for reasons that are defined much too vaguely, for reasons such as "inciting or promoting the justification of a crime," "spreading panic within the public or disturbing public order," and "bringing the legitimately constituted authorities into discredit." One of its articles punishes content "inciting war propaganda."

Will this law be applied to government propaganda that promises "victory or civil war"? The biggest problem is its selective application. Until now it has been applied only to media with a reputation for criticizing the government, including *Globovisión*, which was convicted yet again under the law last June for its coverage of prison riots in Caracas in June 2011, getting a [fine](#) of 2 million dollars.

As well as calling for the decriminalization of media offences, *Reporters Without Borders recommends a complete overhaul of the legislation governing the media and communication, especially the broadcast media. This should include a fair redistribution of broadcast frequencies and, where appropriate, extremely precisely restrictions on certain content – restrictions that take no account of ideological content.*

Other Latin American countries such as Argentina have undertaken, in principle at least, to introduce new media legislation. Meeting this challenge requires involving journalists' associations and unions in the process, as well as the free speech NGOs that were penalized by the International Cooperation Law that Venezuela adopted in 2010.

The wishes we are expressing for the future of freedom of information in Venezuela run counter to a new reality that does not inspire optimism. The Venezuelan government renounced the American Convention on Human Rights on 6 September. If it does not change its mind, Venezuela will cease to be subject to the decisions of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights when the required one-year's notice expires.

Venezuela's withdrawal weakens the Inter-American human rights system, which has already been shaken by the desires for reform expressed by some of the other OAS members, and deprives Venezuela's citizens of an important guarantee of their collective and individual freedoms.

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