

Venezuela: Legislative Assault on Free Speech, Civil Society

Government Granted Broad Powers to Control Internet and Broadcast Media
December 22, 2010

(Washington, DC) - Three laws just approved by the Venezuelan legislature pose serious threats to free speech and the work of civil society, Human Rights Watch said today.

Changes to the laws governing broadcast media were approved on December 20, 2010, by the National Assembly, in which allies of President Hugo Chávez have an absolute majority. The changes introduce sweeping restrictions on internet traffic, reinforce existing restrictions on radio and television content, and allow the government to terminate broadcasting licenses on arbitrary grounds. A law approved on December 22 would prohibit human rights groups from receiving foreign funding or fostering public dialogue in Venezuela with international advocacy groups.

"Chávez and his supporters are once again ratcheting up the government's power to punish critics," said José Miguel Vivanco, Americas director at Human Rights Watch. "And their intolerance for dissent now has a new target: the internet."

The Law for Social Responsibility in Radio, Television and Electronic Media

Approved on December 20, this revised version of the existing broadcasting law extends existing restrictions on free speech to the internet for the first time. Under the new law:

- Electronic media may not transmit messages that "foment anxiety in the public or disturb public order," "incite or promote disobedience of the current legal order," "refuse to recognize the legitimately constituted authority," or "incite or promote hatred or intolerance."
- The government broadcasting authority, CONATEL, has authority to order internet service providers to restrict access to websites that contain expressions deemed to violate the above restrictions. Both websites and service providers that fail to comply with such orders are subject to fines. Service providers could be fined up to 4 percent of their gross income in the previous tax year.

The revised law also expands the government's control over radio and television content. Under the law:

- Broadcast media that transmit material considered to violate the prohibitions on "foment[ing] anxiety" and "promot[ing] disobedience" face fines of 10 percent of their gross income from the previous tax year and suspension for up to 72 hours.
- Broadcast media licenses may be revoked for transmitting expressions that the government decides "advocate, incite or constitute propaganda for war" or "induce homicide."

The new restrictions go beyond what is regarded under international human rights standards as justified limitations on free expression and freedom of the media, and put Venezuela in violation of several international treaty obligations.

"The Chávez government can now block websites and punish broadcasters for encouraging people to engage in peaceful civil disobedience, or merely for transmitting news that makes people anxious," Vivanco said.

The Organic Law of Telecommunications

Changes approved on December 20 to the Organic Law of Telecommunications, which regulates broadcasting licenses, declare broadcast media and the internet for the first time to be a "public service" and, as such, "reserved for the state." Under the new law:

- The government may suspend or revoke broadcasting concessions to private outlets if it considers such action to be "convenient for the interests of the nation, or if public order and security demands it."
- The assets of privately owned stations or channels whose operating license has expired or is terminated by the broadcasting authority will "revert" to the government to ensure the continuity of the service.

The Law for the Defense of Political Sovereignty and National Self-Determination

The law blocks Venezuelan human rights defenders from receiving international support and severely limits their ability to foster public dialogue with foreign experts who are critical of Chávez's policies. Under the law:

- Nongovernmental organizations that "defend political rights" or "monitor the performance of public bodies" are barred from receiving any foreign funding.
- Foreigners invited to Venezuela by these groups will be summarily expelled from the country if they express opinions that "offend the institutions of state, top officials or attack the exercise of sovereignty." Organizations that invite them would face stiff fines, and their directors could lose their right to run for public office for up to eight years.

"This law gives the Chávez government legal cover to expand its longstanding practice of bullying local human rights defenders and trying to keep international advocates away from the Venezuelan public," Vivanco said.

Chávez and his supporters have repeatedly sought to discredit local rights advocates with unsubstantiated claims that they were on the payroll of the US government. In July, for example, it depicted a well known advocate of freedom of expression in a state television cartoon with a briefcase bulging with US dollars.

Human rights organizations throughout Latin America have long depended on financing from philanthropic foundations and other foreign funding sources. The proposed law

would make it very difficult for Venezuelan human rights groups to secure sustainable financing, Human Rights Watch said.

The Chávez government has refused to allow the Inter-American Commission on Human Rights to conduct fact-finding missions in Venezuela. In September 2008, it forcibly detained and summarily expelled two Human Rights Watch staff members after they released a report in Caracas. The government attempted to justify the measure on specious legal grounds, as well as a defense of national sovereignty.

Venezuela is a party to key regional and international human rights treaties, including the International Covenant on Civil and Political Rights and the American Convention on Human Rights and as such has legal obligations to respect and protect the right to free expression and the right to organize, both fundamental to a democratic society. It is also bound by international standards that safeguard the rights of human rights defenders to carry out their work without undue interference or punishment. The new laws violate all such standards and blatantly flout Venezuela's international obligations.

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