



RESOLUTION ON THE BOLIVARIAN REPUBLIC OF VENEZUELA

Venezuela has recently experienced drastic political and social upheaval, which has negatively affected freedom of expression. From January to July 2017, 695 violations of freedom of expression have been recorded by a local NGO.¹ Indeed, in a 40-day period between March and May 2017, the number of attacks recorded matched one third of all those recorded in 2016.² In addition, at least 50 media outlets have been closed in connection with their editorial line, according to the Inter-American Commission's Special Rapporteur for Freedom of Expression.³

During June and July 2017 – months immediately prior to the electoral process that led to the formation of the National Constituent Assembly – the Venezuelan State made several attempts to stifle the freedoms of expression, of information and the press, and as well as the right to peaceful assembly⁴. On 30 July 2017 – the day of the election – at least 29 attacks on 27 journalists were recorded. According to Espacio Público, 'the frequent intimidation of the press at the hands of the police and military personnel marked the [election] day.'⁵ The suppression of dialogue and ideas has led to violent protests in which at least 113 people have died, more than 10 of these during the election process.

In this context, journalists from Argentina, Mexico, Portugal, among other countries, have been denied visas and access to the country to cover developments, while at least six communicators were expelled from the country, according to the Inter-American Commission on Human Rights.⁶ Additionally, journalists working for local media whose coverage has not coincided with official lines have been denied accreditation, preventing them from writing and recording the social and democratic processes occurring in the country. Such actions violate Venezuela's obligation to uphold the right to information.

Additionally, writers and journalists in Venezuela have found that their intellectual and literary work has been hampered, because the sale of paper for printing presses is controlled by the state. Newspapers such as *El caraboleño*, *La Mañana* and *Nueva prensa de Guyana* were forced to end the circulation of their print editions due to lack of paper in 2016.⁷

The continued existence and application of criminal defamation provisions in Venezuela's Penal Code (see articles 147, 148, 149, 442, 444, 222, 240)⁸ remain of particular concern. Between 2006-2016, PEN recorded 11 cases of writers and print journalists criminally

¹ Data recorded by national NGO Espacio Público: <http://espaciopublico.org/libertad-expresion-restringida-paro-civico/>

² <http://ipysvenezuela.org/2017/05/22/cobertura-riesgo-protestas-2017/>.

³ <http://www.oas.org/es/cidh/expression/showarticle.asp?artID=1075&IID=2>

⁴ <http://www.latimes.com/world/mexico-americas/la-fg-venezuela-protests-20170727-story.html>

⁵ <http://espaciopublico.org/anc-proyectiles-amenazas-restricciones-la-prensa/>

⁶ <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1072&IID=1>

⁷ <http://www.clasesdeperiodismo.com/2016/03/11/venezuela-diario-la-manana-no-circulara-mas-por-falta-de-papel/>

⁸ http://www.oas.org/juridico/spanish/mesicic3_ven_anexo6.pdf

prosecuted for defamation. In 2015, the UN Human Rights Committee, in its 2015 Concluding Observations on Venezuela's implementation of the International Covenant on Civil and Political Rights (ICCPR), recommended that defamation should be decriminalised.⁹

The National Constituent Assembly (NCA) today has a great responsibility, faced with the potential modification of the Venezuelan Constitution: the NCA must ensure that any modifications are in line with Venezuela's human rights obligations and that the Constitution continues to guarantee the right to freedom of expression.

The Assembly of Delegates of PEN International urges the Venezuelan government and the National Constituent Assembly to:

- Respect its international obligations to uphold fundamental human rights as a state party to the ICCPR as well as the International Covenant on Economic, Social and Cultural Rights;
- Implement the recommendations on the protection and promotion of freedom of expression that Venezuela accepted in its last Universal Periodic review¹⁰;
- Respect and guarantee human rights in the country, in particular the right to freedom of expression, including access to information;
- Allow the national and international media to disseminate information freely within the country, including reports critical of the government, without fear of reprisal or repression from any state body;
- End all threats and attacks against journalists and media outlets in the country and ensure that all such threats or attacks are thoroughly investigated, and the perpetrators are brought to justice;
- Repeal criminal defamation provisions in the Penal Code;
- End state regulation of the acquisition and sale of paper so that book and newspaper publishers are able to source paper without hindrance.

⁹http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fV%2fEN%2fCO%2f4&Lang=en

¹⁰ https://www.upr-info.org/sites/default/files/document/venezuela_bolivarian_republic_of/session_26_-_november_2016/a_hrc_34_6_en.pdf and https://www.upr-info.org/sites/default/files/document/venezuela_bolivarian_republic_of/session_26_-_november_2016/a_hrc_34_wg.6_6_add1_e.pdf