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# **Analysis of policies that threaten access to the internet in Venezuela, as a consequence of the state of emergency, during the period 2016-2017.**

Latin American School of Networks Foundation - EsLaRed

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## **INTRODUCTION**

In Venezuela, in recent decades, projects, programs and plans on policies have been developed. These items are conceived to ensure equitable, affordable and sustainable access to internet of the digitally excluded population considering its geographical location, gender, social stratum, disabilities, or identity. These initiatives have been based on the strategic guidelines set out in the plans of the nation, which theoretically seek to establish an egalitarian and just society. However, from mid-2016, the Government has implemented a series of economic, social and political measures, product of the State of emergency enacted by Presidential Decree No. 2323, May 13, 2016. During 2017, the consequences of these measures have been more decisive. In May 2017, through the Presidential Decree 2849 which extends the State of emergency, new measures that might affect citizen's fundamental human rights are incorporated. In particular, the right of access to the internet, the right to freedom of expression and the right to privacy may be violated because the Decree contemplates, among others, forming organizational structures that regulate conclusively system of technologies of computers and cyberspace in Venezuela.

In this context, this study aims to analyze the impact of the policies implemented by the Government in the State of exception during the period from 2016 to 2017, in terms of the risks produced by implementing these policies, which presumably limit and condition fair, approachable and sustainable access to the internet. Therefore, the main goal is to point out elements that identify contradictions between the Nation plans established principles concerning internet use and development, and the impact of the policies implemented by the Government in the State of exception; as well as identify new elements

of digital exclusion seen in Venezuela, due to the political, economic and social crisis that currently exists.

The project is divided into three stages, which include: Stage 1: analysis of the current situation of the policies established in the State of Exception, relating access to the internet; Stage 2: analysis of the methods of repression, discrimination, exclusion and inequality that affect access to the internet in Venezuela and which violate the human rights of citizens; and Stage 3: analysis of the impact of the policies of the State of emergency as one of the determining factors in the digital exclusion of the population in Venezuela.

This first progress report presents the stage 1, which enables to determine the possible vulnerabilities of the policies implemented in the State of emergency, with respect to access to the internet; for this purpose the following items are identified: a) the Decree of exception and its extensions, b) policies and measures implemented in the State of exception, c) organizational structures created, d) nation plans, e) impact of measures in civil society, and f) policies analysis.

## **1. IDENTIFICATION OF THE DECREE OF EMERGENCY IN VENEZUELA AND ESTABLISHED EXTENSIONS, DURING 2016 AND 2017, IN RELATION TO ACCESS TO INTERNET**

### **1.1. General provisions**

On January 14, 2016, the Government of Venezuela, through the Decree No. 2,184, published in Official Gazette No. 6.214<sup>1</sup>, declares the State of economic emergency in the whole country, based mainly on the “economic war” due to the fact that “national and international sectors initiated a series of actions

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<sup>1</sup><http://www.finanzasdigital.com/2016/01/gaceta-extraordinaria-6-214-declaracion-de-estado-de-emergencia-economica/>

aimed at destabilizing the country's economy, weaken its legitimately established institutions and cause a rupture of the constitutional thread, on the basis of a social unrest induced by these sectors” and that these “economic destabilization strategies have caused a prices sharp decrease of our main source of income, such as oil, which infringes on the rights of the Venezuelan people seriously affecting tax revenues and currency of the country” (p.1). The mentioned Decree of State of exception, has been extended ten (10) times, being the last extension<sup>2</sup> on September 12, 2017, during the drafting of this report. The main objective of the decree is to give the executive powers “to adopt measures which effectively address the exceptional, extraordinary and conjectural situation which the Venezuelan economy suffers and that allow Venezuelan people the full enjoyment of their rights and free access to goods and essential services, and also to mitigate the effects of the induced inflation, speculation, the fictitious value of currency, the sabotage to the systems of distribution of goods and services, as well as to counteract the consequences of the war for oil prices, which has managed to sprout in the heat of the current volatile international geopolitical situation, generating a serious economic crisis”<sup>3</sup>.

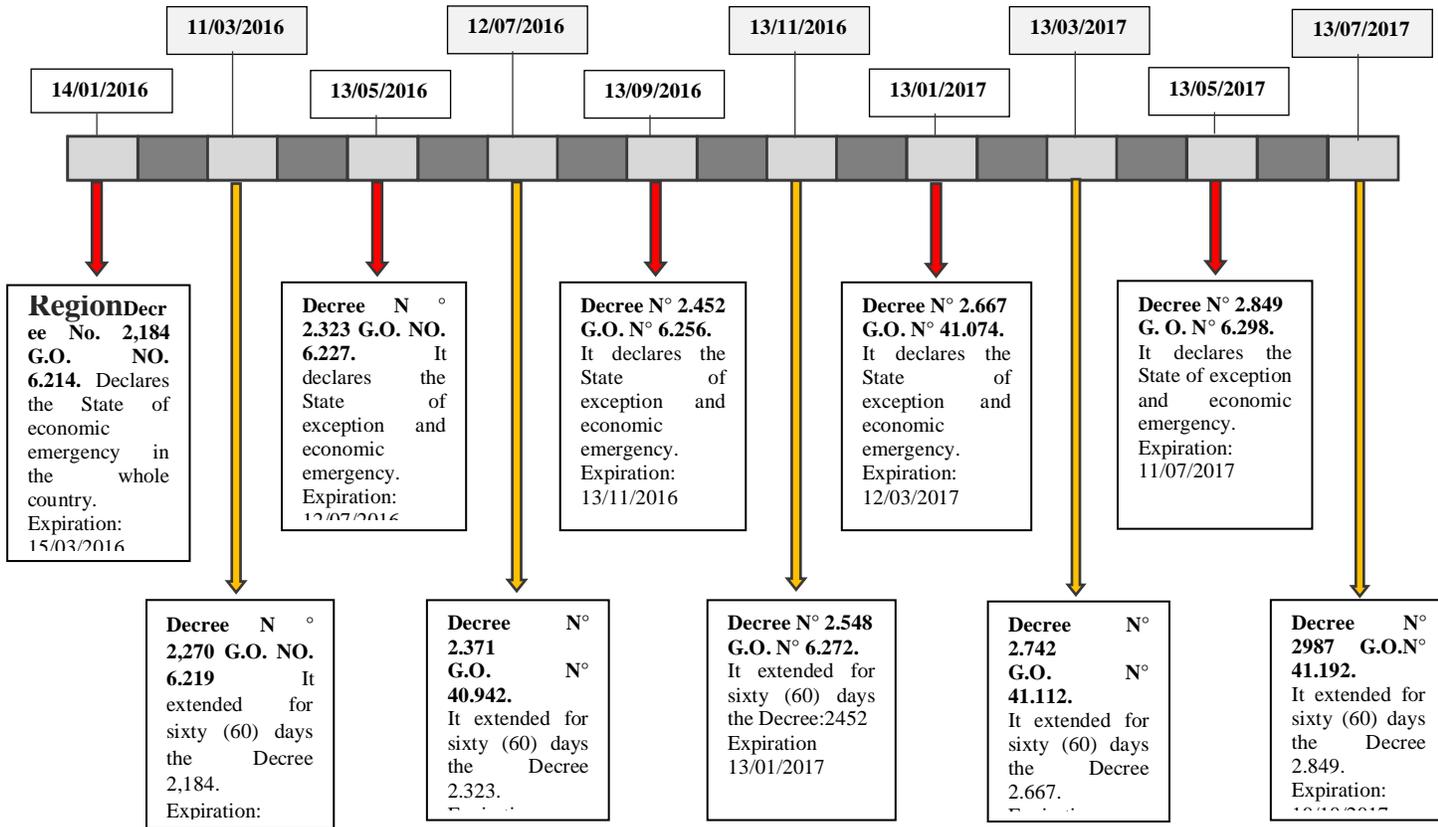
Below, a timeline is arranged as to show the different decrees of economic emergency, State of exception and their respective extensions, implemented from January 2016 to July 2017. Likewise, it is shown a descriptive picture indicating briefly the reasons which motivated their extensions and actions carried out under the State of emergency, particularly highlighting the actions related to the use and management of the Information and communication technology (ICT) and the internet.

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<sup>2</sup><http://elnuevopais.net/2017/09/14/por-undecima-vez-regimen-extiende-decreto-de-emergencia-economica-y-estado-de-excepcion/>

<sup>3</sup><http://www.finanzasdigital.com/2016/01/gaceta-extraordinaria-6-214-declaracion-de-estado-de-emergencia-economica/>

## 1.2. Timeline of the extensions of the Decree of exception



### 1.3. Descriptive chart

Date	Extension	Reasons	Actions
14/01/2016 Decree No. 2.184 <sup>4</sup>	11/03/2016 Decree No. 2.270 <sup>5</sup>  (3 months)	<ul style="list-style-type: none"> <li>•Social: social destabilization by political opposition factors and foreign interests. The attack by opposition sectors and economic aggression to the national economy; destabilization and promotion of the interruption of the presidential mandate, foreign para-militarism.</li> <li>•Politics: Economic war (political opposition and foreign sectors attack the economy of the country); legislative power disregard of public powers; possible foreign intervention; the national security risk.</li> <li>•Economic: drop in oil prices; social phenomenon "<i>bachaqueo</i>"; the circulation of the national currency and use of electronic commerce; control of currencies.</li> <li>•Climatological: meteorological phenomenon "<i>El niño</i>".</li> </ul>	<ul style="list-style-type: none"> <li>• Exceptional and transitional regulations to address the food industry.</li> <li>•Autorizar erogaciones con cargo al Tesoro Nacional para optimizar la situación excepcional.</li> <li>•Policies of supply, distribution, tracking and control of inputs from agriculture and livestock.</li> <li>•Intervention of National Army Forces (NAF) and another government entities in food distribution and commerce.</li> <li>•Development of priority products and allocation of foreign currency needs and reactivation of the productive apparatus of the country.</li> <li>•The possibility of temporary and exceptional suspension of the operation of political sanctions against the highest authorities of the public and Government officials.</li> <li>•Regulatory framework for public and private banking.</li> <li>•Attribution of functions of surveillance, organization together with other bodies of security for maintenance of public order, security and sovereignty.</li> <li>•Measures to counteract climatic effects.</li> <li>•Adoption of special measures in the order of the foreign policy of the Republic to guarantee national sovereignty.</li> <li>•Support and technical assessment for electric system.</li> </ul>
13/05/2016 Decree No.2.323 <sup>6</sup>	12/07/2016 Decree No. 2.371 <sup>7</sup>  (2 months)	<ul style="list-style-type: none"> <li>•The President of the Republic states that remain exceptional and temporary circumstances and new measures are required and delve into those that are running. Therefore, the Decree was established to provide factual and legal mechanisms that allow the Executive Branch to enact measures to protect the people from the ravages of the "economic war".</li> </ul>	<ul style="list-style-type: none"> <li>•Continue the actions proposed in the previous decree.</li> </ul>
13/09/2016 Decree No. 2.452 <sup>8</sup>	13/11/2016 Decree No. 2.548 <sup>9</sup>	<ul style="list-style-type: none"> <li>•The President insists on the persistence of cyclical and exceptional circumstances and new measures are required as well as delve into those that are running.</li> <li>•The effectiveness of emergency rule to</li> </ul>	<ul style="list-style-type: none"> <li>•Regulations for agricultural and production engines.</li> <li>•Policies of supply, distribution of raw materials for essential products.</li> <li>•Rules for allocation of budgetary resources.</li> </ul>

<sup>4</sup><http://www.finanzasdigital.com/2016/01/qaceta-extraordinaria-6-214-declaracion-de-estado-de-emergencia-economica/>

<sup>5</sup><http://www.traviesoevens.com/memos/2016-03-11-6219-extraordinario.pdf>

<sup>6</sup><http://albaciudad.org/2016/05/decreto-estado-excepcion-estado-emergencia-mayo-2016/>

<sup>7</sup><http://www.finanzasdigital.com/2016/07/qaceta-oficial-n-40-942-prorrogado-por-sesenta-dias-estado-de-emergencia-economica/>

<sup>8</sup><http://runrun.es/nacional/279310/decreto-de-estado-de-excepcion-y-emergencia-economica-es-prorrogado-por-cuarta-vez.html>

<sup>9</sup><http://www.finanzasdigital.com/2016/11/qaceta-oficial-extraordinaria-n-6-272-prorrogado-sesenta-dias-estado-emergencia-economica/>

	(2 months)	<p>protect the Venezuelan people and the attack of the sectors of the national economy, economic blackmail among others, the implementation of alternative mechanisms of production, distribution and supply of food.</p> <ul style="list-style-type: none"> <li>•Food bonus and salary increase implemented plans to counteract effects of opposition attacks and economic aggression.</li> <li>•The need to enact special measures for the production, procurement and distribution of goods and services, which is considered in the Great Mission of Sovereign Provision.</li> <li>•The efforts of the Government for the construction of a new economic model, the fact of boosting the national productive system associated with food processing engines</li> <li>•The guarantee of Provision Sovereign Command, support to Local Committees of Supply and Production (CLAP), the economic war.</li> <li>•Declared invalidity of the Supreme Tribunal of Justice (TSJ) from the acts and proceedings of the National Assembly (AN).</li> </ul>	<ul style="list-style-type: none"> <li>•"Enact special rules for obtaining information of natural and legal, Venezuelan or foreign, people who develop economic activities in the country, for the purpose of designing, implementing, load, and manage a system that allows the determination of costs, performance, and price-as fast as possible ..."</li> <li>•Execution of inspection against hoarding, speculation and smuggling.</li> <li>•Regulatory framework of the public and private banking.</li> <li>•Comprehensive policies for agro-industrial, food, drugs, hygiene and toiletries manufacture.</li> <li>•Suspension of sanctions against the authorities when they impact on the Program of public safety plans.</li> <li>•Special measures in foreign policy.</li> <li>•In other articles, applies the same condition to the public and private banking as well as measures to secure the sovereignty and national defense.</li> </ul>
13/01/2017 Decree No. 2.667 <sup>10</sup>	13/03/2017 Decree No. 2.742 <sup>11</sup>  (2 months)	<ul style="list-style-type: none"> <li>•Detection inside and outside of ways to subtract the monetary cone.</li> <li>•The siege of the Venezuelan economy: "the recurrent access blockage of the Venezuelan banking to international financial services", "attacks using the information technology", among others.</li> <li>•Destabilization by political sectors with hostile calling to ignore authorities violating the Constitution and ignoring the actions of the authority powers.</li> <li>•Fraudulent acts and search for disregard of the powers by the members of the AN.</li> <li>•El deber irrenunciable del Estado a la defensa y la seguridad de la vida. •The State inalienable duty for the defense and security of life.</li> <li>•The imperative command to produce measures to boost production, distribution and marketing for goods and services and satisfaction of the people in front of the crisis of destabilization (by political and economic sectors) and the contribution of the effort for the economic recovery of the country.</li> </ul>	<ul style="list-style-type: none"> <li>•Same actions taken for previous decrees remain alike. Highlighting:</li> <li>•Order extraordinary measures to monetarily expedite the import, distribution and availability of legal tender coins and banknotes in the Bolivarian Republic of Venezuela.</li> <li>•Authorize operations of trade, distribution, goods and services in border areas.</li> <li>•Budgetary approval from the BCV "when organ to whom such approval corresponds is disabled legal or legally to do so".</li> <li>•Arrange centralization, control and monitoring for social programs granted to citizens who will be able to use suitable electronic media.</li> <li>•Activate, enhance, and optimize the System of Fair Prices.</li> <li>•Establishment of priority products for purchases by the State and allocation of foreign currency.</li> </ul>
13/05/2017 Decree No.	13/07/2017 Decree No.	<ul style="list-style-type: none"> <li>•It is considered that the conditions that generated the previous decrees persist. Therefore the same reasons are offered.</li> <li>•It is noted that national and international sectors adverse to the public policy of people's protection maintain the siege against Venezuelan economy and keep attacks such as destruction of property,</li> </ul>	<ul style="list-style-type: none"> <li>•Same actions taken for previous decrees remain alike. Highlighting:</li> <li>•"Shape organizational structures that ensure the expeditious and fair access to the exchange rate system that promotes the Venezuelan State to our people and the public and private productive sectors and enact transitional and exceptional strong</li> </ul>

<sup>10</sup> <http://www.finanzasdigital.com/2017/01/gaceta-oficial-n-41-074-decreto-emergencia-economica/>

<sup>11</sup> <http://www.finanzasdigital.com/2017/03/gaceta-oficial-n-41-112-decreto-emergencia-economica/>

2.849 <sup>12</sup>	2.987 <sup>13</sup> (2 months)	assault, obstruction of banking access international financiers services. •The use of the "information technology system and cyberspace to promote hatred and create a distortion in our economy and the exchange rate system." •Fraudulent acts and simulations of legal situations by AN representatives favouring national and internationally deceptions, illegal acts to ignore authorities, among others.	regulations that prevent the campaigns of destabilization and distortion to the economy, driven by domestic and foreign factors, through the technology of computers and cyberspace system." •Arrange centralization, control and monitoring for social processes to optimize access to social programs through suitable electronic media
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## **2. IDENTIFICATION OF ESTABLISHED POLICIES, LAWS, REGULATIONS AND MEASURES AS A CONSEQUENCE OF EMERGENCY, RELATED TO INTERNET ACCESS.**

### **2.1. Regulatory framework**

In Venezuela, there is a regulatory legal framework for the telecommunications sector, which has a significant number of laws and regulations, through the Ministry of People's Power for Communication and Information (MIPPCI) and the National Telecommunications Commission (CONATEL). They base their actions and measures in a legal framework which is formed by:

- **Fundamental Laws:** National Constitution of the Bolivarian Republic of Venezuela, Homeland Plan law, Telecommunications law, law on Social responsibility in Radio, Television and electronic media.
- **Referential Laws:** Basic Law of science, technology and innovation, Info-govern Law, law for the protection of children, girls and adolescents in rooms of use of Internet, video games and other multimedia, Special Law against cybercrime, Law on Electronic signatures and data messages, law on access and electronic exchange of data, information and documentation between the organs and entities of the State, law on simplification of administrative procedures, public administration law, law on the public function of statistics ,

<sup>12</sup> <http://www.finanzasdigital.com/2017/07/prorrogaron-decreto-emergencia-economica/>

<sup>13</sup> <http://www.finanzasdigital.com/2017/07/prorrogaron-decreto-emergencia-economica/>

Law anti-trust law of administrative procedures and the law on protection of the privacy of communications.

During the term of the Decree on State of emergency it have been managed the following laws and regulations, related to ICT: law which regulates the use of cellular phones and the internet inside prisons, the regulation for the control and use of information that is transmitted through the accounts in social networks, platforms and web portals, and the Law project against hate and intolerance, and peaceful coexistence.<sup>14</sup>

On the other hand, in the span of the activation of the economic emergency and the respective extensions of the Decree of exception (January 2016 and September 2017) there were implemented a series of measures related to access to the internet. Below, it is shown a descriptive chart where implemented measures and the executing entity, the incidences of the measure at the national level, the impact on internet rights are specified. The interest is to determine measures that have affected the rights of internet in Venezuela during the term of the Decree on State of emergency.

## 2.2. Descriptive chart

Date	Action	Executor	Incidence on ICT use	Incidence on Internet rights
24/11/2016	It is declared null and void the partial reform of the telecommunications law, passed by the National Assembly of September 29, 2016. Official Gazette N ° 41.078	Supreme Tribunal of Justice (TSJ)	This measure limited the actions of the AN. The TSJ claimed the following: "you are retrogressing rights on access to information. It's a reform made to the economic elites, a reform that facilitates the creation of monopolies on information and communication." "It opens doors to the privatization of the radio space and censorship of more than 200 community media created during the last years."	Access, freedom of expression
Year 2016	It is developed the telecommunications and computer engine. <sup>15</sup>	Ministry of the Popular power for education, science and technology through Vice Ministry for the development of the	This measure allows the Ministry to plan and orient policies related to telecommunications for inclusion	Access

<sup>14</sup><http://www.noticierodigital.com/2017/08/exclusiva-borrador-del-proyecto-de-ley-contra-el-odio/>

<sup>15</sup><http://portal.mippcoexin.gob.ve> y <http://www.conatel.gob.ve/activado-motor-telecomunicaciones-para-reimpulsar-economia-nacional/>

		information technologies and communication and their addresses. Ministry of the Popular power for foreign trade and international investment through SUSCERTE (Superintendence of service of electronic certification), together with the military prosecutor, the Bolivarian intelligence service experts, Sebin; the Cicpc, Petroleos de Venezuela, PDVSA, and national phones company of Venezuela (CANTV) Directorate attached to the Vice-Ministry of prevention and citizen security of the Ministry of the Popular power of Interior, justice and peace. Ministry of the Popular power for the prison service.		
Year 2016	National cybersecurity and defense plan <sup>16</sup>	Popular power for foreign trade and international investment through SUSCERTE (Superintendence of service of electronic certification), together with the military prosecutor, the Bolivarian intelligence service experts, Sebin; the Cicpc, Petroleos de Venezuela, PDVSA, and national phones company of Venezuela (CANTV)	This plan proposes to develop, implement and execute a system, with the purpose of safeguarding the authenticity, integrity, and inviolability of the data, information and documents obtained or generated by the public power and the Popular power. Works with four subsystems: national cryptography, management of telematics incidents, computer forensics, and data protection.	Privacy
Year 2016	Creation of the Directorate of security for telecommunications <sup>17</sup>	Directorate attached to the Vice-Ministry of prevention and citizen security of the power Popular of Interior, justice and peace.	This directorate is in charge of the permanent and comprehensive monitoring of innovations that arise in the country, on public and private communications <sup>18</sup> .	Access Privacy
15/07/2016	Law that regulates the use of cellular phones and the internet inside prisons. Official Gazette No. 40.945	Ministry of the Popular power for the prison service	This Law aims to control and limit illegal actions occurring in prisons; through mobile devices	Privacy
Year 2016	Reactivation of programs related to the following projects: - CANAIMA project - public SOFTWARE Project - REACCIUN Project	National Center of information technologies (CNTI), and the Ministry of Popular power for education	These programs are aimed at improving: Internet, critical infrastructure, advanced networks and information technology services to institutions, belonging to the scientific - academic sectors, Government, culture, universities and Socialist industry	Access
Year 2016	<i>PATRIA</i> Network <sup>19</sup> .	National Center for development and research	This measure promotes the use of a platform for the interconnection of	Access

<sup>16</sup> <http://www.suscerte.gob.ve> y noticias en <http://www.conatel.gob.ve/ejecutivo-activa-plan-de-seguridad-para-sector-telecomunicaciones/>

<sup>17</sup> <http://www.mppriip.gob.ve/index.php/despacho-del-vice-ministerio-de-prevencion-y-seguridad-ciudadana/>

<sup>18</sup> Para DICIEMBRE DE 2016 se cuenta con el acuerdo entre Rusia y Venezuela referente a intercambios de formación y capacitación en ciberseguridad en el marco de la 12ª Comisión Intergubernamental de Alto Nivel Rusia-Venezuela.

<sup>19</sup> <http://www.redpatria.org.ve>

		in free technologies (CENDITEL)	different social movements existing in the country.	
Year 2016	CONNECTED COMMUNE PLAN <sup>20</sup>	Company <i>Movilnet</i> . Following guidelines from the Ministry of the Popular power for communication and information (MIPPCI), the National Commission of telecommunications (CONATEL) and the Ministry of People's Power for communes	This plan promotes the use and control of a network of communication and telecommunications among the communes	Access Privacy
July 2016	Suspension of the increases of prices and tariffs of the multichannel service, telephony and internet <sup>21</sup> .	CONATEL.	The measure guarantees the right to the democratization of the access to the technologies of information and communication technology (ICT) of the Venezuelan people.	Access
Year 2016	Workshops were conducted to address the management of top level domains in Venezuela <sup>22</sup>	CONATEL with representatives of the Association of Internet users of Venezuela (InternautaVe), Internet Society, Venezuela chapter (ISOC-VE) (Suscerte) electronic certification services.	This action opened spaces for insight on issues related to the strengthening of the infrastructure of the www.NIC.ve and the exploration of the strengths and weaknesses of the public management of the ccTLD in the country.	Access
08/06/2016	The TSJ responds to a lawsuit for protection of diffuse rights against the portals on the internet: Lapatilla.com and caraotadigital.com sentence N ° 429-2016 Supreme Tribunal of Justice (TSJ)	TSJ and CONATEL	This lawsuit generates an injunction ordering refrain from disseminating videos of lynching of citizens. In addition, considered to extend the injunction decreed to all the national media with the ability to transmit this type of videos through their technology platforms.	Freedom of expression
21/11/2016	Creation of the University of telecommunication and Informatics of Venezuela. <sup>23</sup>	President of the Republic	Training of professionals in the area	
Year 2017	Closure of radio stations and TV channels <sup>24</sup>	CONATEL	These actions debugged the clandestine use of the electromagnetic spectrum in nine States of the country, as part of the plan for the control of the illegal provision of telecommunications services.	Freedom of expression Access
Year 2017	Closure of CNNE in Spanish channel, through an administrative procedure penalty against the channel <sup>25</sup>	CONATEL	This measure limited television transmissions by cable through the different media	Freedom of expression
Year 2017	It was generated a regulation for the control and use of the information that is transmitted through the accounts in social	CONATEL	The measure aims to identify who may eventually incur in crimes referred to in the law on Social responsibility in Radio, Television	Freedom of expression Criminaliz

<sup>20</sup> <https://www.mppeuct.gob.ve/actualidad/noticias/movilnet-impulsa-el-plan-comuna-conectada>

<sup>21</sup> <http://www.conatel.gob.ve/conatel-al-pais/>

<sup>22</sup> <http://www.conatel.gob.ve/usuarios-y-comunidad-tecnica-elaboran-propuestas-para-fortalecer-nic-ve/>

<sup>23</sup> <https://www.mppeuct.gob.ve/actualidad/noticias/maduro-crea-universidad-telecomunicaciones-e-informatica>

<sup>24</sup> Leer más en: <http://www.conatel.gob.ve/mendez-decision-sobre-cnn-esta-ajustada-a-la-constitucion-y-la-soberania/>

<sup>25</sup> <http://cnnspanol.cnn.com/2017/02/15/gobierno-de-venezuela-retira-senal-de-cnn-en-espanol/>

	networks, platforms and web portals. This involves gathering information about who open an account, and who exercises an electronic medium (under development) <sup>26</sup>		and electronic media (RESORTEME) which threaten the public peace.	ation of the legitimate right to freedom of expression Privacy
April 2017	Campaigns of grievance against citizens, NGOs and their members are generated from official accounts <sup>27</sup>	Scientific, Penal and Criminal Investigations Research Service (CICPC)	Disrepute and intimidation through social networks	Freedom of expression
Year 2017	Lock and attacks to Web portals, sites blocked: dollar Today and <i>Maduradas</i> ; as well as 11 attacks against independent news and non-governmental portals <sup>28</sup> .  <i>Vivo Play; El Capitolio TV, official channel of the National Assembly, Venezolanos por la información</i> <sup>29</sup>	Bodies of the Government and major ISPs of Venezuela	This measure has generated restrictions on access to web sites that are mainly dedicated to news streaming and TV on the internet.	Restrictions on online content. Blocking or arbitrary filtered.
15/06/2017	Closure of the ULA TV channel, through an administrative procedure penalty against the channel <sup>30</sup>  Closure of 42 radio stations and 1 TV channel <sup>31</sup>	National Telecommunications Commission (CONATEL).	This measure generated fines, seizure of the transmitters and the suspension of the open signal	Freedom of expression
March 2017	Activation of user's committees to the communicational Comptroller, Venezuela Digital 2017 event. <sup>32</sup>	National Telecommunications Commission (CONATEL).	This action facilitated the deployment across the country of 1700 user committees, who shall serve in the communicational Comptroller. This Comptroller seeks to ensure that "there is a perfectly authenticated person who becomes responsible and exercise the authorship of that user on the Internet behind each account that exists and that handle any type of information." <sup>33</sup>	Access  Privacy  Restrictions on online content.
20/06/2017	Identification of programmers for software development in free technologies, through the <i>Hackathon for the Homeland</i> event	Ministry of the Popular power for education, science and technology (MPPEUCT)	This gathering of programmers to develop software and concrete solutions in free technologies allowed to publicize initiatives, innovations and technological developments; as well as identifying potential programmers.	Access  Software development and application
Year 2017	Promotion of social oriented events to the encounter among journalists, communicators,	CONATEL y MPPEUCT	These events promote the meeting from pro-government actors and experts in communication to discuss	

<sup>26</sup> Leer más en: ([http://www.eluniversal.com/noticias/politica/conatel-prepara-reglamento-para-actuar-sobre-las-redes-sociales\\_655275](http://www.eluniversal.com/noticias/politica/conatel-prepara-reglamento-para-actuar-sobre-las-redes-sociales_655275)).

<sup>27</sup> Leer más en: (<http://ipysvenezuela.org/alerta/se-impone-discurso-odio-manifestantes-activistas-ddhh-redes-sociales/>).

<sup>28</sup> Leer más en: (<http://ipysvenezuela.org/alerta/nuevo-estado-excepcion-contempla-regulaciones-contundentes-los-contenidos-internet/>).

<sup>29</sup> Leer más en: (<https://medium.com/@andresAzp/solicitamos-transparencia-en-los-bloqueos-en-internetve-cb622bac87fd>). ([http://vesinfiltrado.com/noticias/bloqueos\\_abril\\_2017/](http://vesinfiltrado.com/noticias/bloqueos_abril_2017/))

<sup>30</sup> Leer más en: (<http://ipysvenezuela.org/2017/08/15/dos-meses-sin-canal-universitario-ula-tv/>)

<sup>31</sup> <http://ipysvenezuela.org/alerta/conatel-acrecienta-la-desinformacion-al-cerrar-42-estaciones-radio-tv/>

<sup>32</sup> Leer más en: <http://www.conatel.gob.ve/director-de-conatel-into-a-una-comunicacion-responsable-y-respetuosa-de-la-ley/>

<sup>33</sup> <http://www.conatel.gob.ve/director-de-conatel-aboga-por-erradicar-el-anonimato-en-redes-sociales/>

	expert in telecommunications and users for the consolidation of a network of digital communication, information for the leverage and strengthening technology of the Bolivarian revolution, to face the media war against Venezuela, and for the dissemination of free software. Events: -fourth edition of the school's summer IBEI-ECLAC-CAF. -Digital Venezuela, an inclusive window to the knowledge of the 2.0 World - Congress of the nation, chapter communicators -Flisol: Event for the dissemination of free Software in Latin America		issues of strategic interest in the area of telecommunications.	Access Freedom of expression
Year 2017	Arrests of Venezuelan citizens for sending anti-government messages <sup>34</sup> .	SEBIN	Citizens deprived of their freedom to express their opinion through different social networks.	Privacy Freedom of expression
Year 2017	Plan of children protection against cyber crime. <sup>35</sup>	Superintendence of electronic certification service. (SUSCERTE)		
Year 2017	Transmission via internet of the <i>Miraflores Tv</i> channel as a new communications portal for the Bolivarian revolution. Through the QR code of the cards of the nation ( <i>Carnets de la Patria</i> ), it is possible to download the application (Miraflores TV) on Smartphones. <sup>36</sup>	Ministry of the Popular power for communication and information.		Discrimination

<sup>34</sup> Leer más en: <https://foropenal.com/2017/08/11/mayo-2017/>

<sup>35</sup> <http://www.conatel.gob.ve/disenan-plan-de-proteccion-a-la-infancia-contra-los-ciberdelitos/>

<sup>36</sup> <http://www.conatel.gob.ve/miraflores-tv-inicio-transmision-via-internet-este-miercoles/>

### **3. IDENTIFICATION OF GOVERNMENT ORGANIZATIONAL STRUCTURE THAT SUPPORTS THE IMPLEMENTATION OF THE STATE OF EMERGENCY IN RELATION TO ACCESS TO THE INTERNET.**

In the descriptive table of section 1 of this document are indicated the various extensions of the Decree of exception established in January 2016, product of the economic crisis that exists in the country; It is observed that in the Decree No. 2987<sup>37</sup> is where issues related to ICT are considered; specifically it indicates that “ use of the information technology system and use of cyberspace to promote hatred and create a distortion in our economy and the exchange rate system” justifies the extension of the decree.

In this extension is explicitly stated the following “forming organizational structures that ensure the expeditious and fair access to the exchange rate system that promotes the Venezuelan State to our people and the public and private productive sectors and enact transitional and exceptional strong regulations that prevent the campaigns of destabilization and distortion to the economy, driven by domestic and foreign factors, through the technology of computers and cyberspace system”. Before this mandate different governmental bodies develop a series of organizational structures to ensure express fulfillment of the Decree.

However, it is important to highlight that the structures created during the decree come to reinforce already existing governmental structures, such as: the strategic Centre of Security and Protection of the Homeland (CESSPA)<sup>38</sup>, which, among other functions, allows:

- Process and analyze “the information coming from the web” and “classify any information as confidential without going through any court proceedings”.

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<sup>37</sup> <http://www.finanzasdigital.com/2017/07/prorrogaron-decreto-emergencia-economica/>

<sup>38</sup> Leer más en: <https://es.globalvoices.org/2014/03/19/la-nueva-agencia-de-seguridad-en-venezuela-vigilando-la-web-sin-aprobacion-judicial/>

- Establish mechanisms for prior censorship, possessing the ability to classify as confidential information without going through any kind of judicial procedure, as it is pointed out in its functions.

This organism at the same time has the support of the Direction of Technology and Information studies, whose function, among others, is to process and analyze “the information coming from the web”, and analyze the “events or actions that affect everyday life and the policy of the State”<sup>39</sup>.

Below a summary of the structures created during the State of emergency and their responsible entities is shown:

Date	Governmental entity	Unit/Service	Objective	Actions
October 2016	Vice Minister of prevention and citizen security of the Ministry of the Popular power of Interior, justice and peace	Directorate of security for telecommunications <sup>40</sup>	Take a permanent and integral monitoring of novelties in telecommunications that are presented in the country <sup>41</sup>	In January 2017 this direction creates action axes for the telecommunications Security Plan in response to vandalism events affecting the efficiency of telephone operators. The plan includes five axes of action: refund of the service concerned; comprehensive prevention; Research; integration and follow-up; control. <sup>42</sup>
April 2017	Ministry of communication and information	Digital militia <sup>43</sup>	Establish structures of citizens responsible of monitoring and controlling content on the internet <sup>44</sup>	Installation of ‘335 punto candanga’ <sup>45</sup> which assist creating accounts in social networks for citizens that will form part of digital militias.  The Minister of communication and information said that this initiative organizationally will respond to a structure contemplating that each militiaman have the responsibility to add 10 more to this digital movement, to apply the 1 by 10 practiced in other political moments of <i>chavism</i> . This strategy is

<sup>39</sup> Leer más en: <https://es.globalvoices.org/2014/03/19/la-nueva-agencia-de-seguridad-en-venezuela-vigilando-la-web-sin-aprobacion-judicial/>

<sup>40</sup> <http://www.mppriip.gob.ve/index.php/despacho-del-vice-ministerio-de-prevencion-y-seguridad-ciudadana/>

<sup>41</sup> <http://www.avn.info.ve/contenido/crean-direcci%C3%B3n-seguridad-para-telecomunicaciones/>

<sup>42</sup> <https://www.derechos.org/ve/actualidad/regularizacion-del-internet-el-estado-decide-tus-resultados-de-busqueda>

<sup>43</sup> <http://www.noticierodigital.com/2017/04/ernesto-villegas-anuncia-la-milicia-digital-para-dar-la-batalla-en-las-redes/>

<sup>44</sup> <http://ipysvenezuela.org/alerta/gobierno-incentiva-la-vigilancia-redes-sociales-la-difusion-noticias-falsas/>

<sup>45</sup> <http://www.diariolasamericas.com/americas-latina/gobierno-venezolano-crea-milicias-digitales-dar-batalla-todos-los-espacios-n4120805>

				specified in the: Project for training Trolls armies of the Bolivarian revolution in Venezuela to face the media war <sup>46</sup> Opening of the contest called "eyes of violence" that will reward to people documenting in videos, "acts of violence that occurred in Venezuela", especially during the last month, in which there has been a wave of protests in the country <sup>47</sup>
June 2017	CONATEL	The regulator manages a regulation that controls on social networking profiles and IP addresses <sup>48</sup>	Control the use of social networks	CONATEL evaluates information of who opens an account, who uses an electronic medium in whatever platform: Twitter, Instagram, Facebook, etc. More robust applications or technologies are being acquired or developed to control the use of social networks and block content.
April 2017	Presidency of the Republic	Zamora Plan <sup>49</sup> <sup>50</sup>	It is a mechanism of strategic intelligence together with the organized people to prevent and repel attacks of the Venezuelan right wing.	The President of Venezuela gives the following statement when announcing the creation of the Zamora Plan: "iLook for the popular organizations, for the UBCh, communal councils, the Clap, the Congress of the homeland, so that you can see how to articulate an intelligence in the war concept of all the people!"
April 2017	Ministry of the Popular power of Food The CLAP are certified by the Ministry of the Popular power for communities and social movements to avoid facts of bureaucracy and corruption.	Local supply and production committees (CLAP) <sup>51</sup>	The Clap are entities that deliver regulated food directly to Venezuelan homes The CLAP is granted powers of digital surveillance and intelligence, and joint actions with the organizational structures that compose it	The CLAP work together with other structures of citizens, such as: Communal councils, the National Union of women (UnaMujer), battle unit Bolivar-chavez (UBCH) and the front Francisco de Miranda (FFM).

<sup>46</sup>file:///C:/Users/sandr/AppData/Local/Packages/Microsoft.MicrosoftEdge\_8wekyb3d8bbwe/TempState/Downloads/esto-2.pdf

<sup>47</sup> <http://vtv.gob.ve/nace-hoy-la-milicia-digital-anuncio-ministro-de-comunicacion-ernesto-villegas/>

<sup>48</sup> <http://revistasic.gumilla.org/2017/conatel-anuncia-reglamento-para-regular-las-redes-sociales/>

<sup>49</sup> <http://efectococuyo.com/principales/la-guerra-de-todo-el-pueblo-provea-explica-en-que-consiste-el-plan-zamora>

<sup>50</sup> Leer más en: <https://www.derechos.org/ve/actualidad/plan-zamora-la-guerra-de-todo-el-pueblo-contra-las-lacras-de-la-oposicion>, <http://www.talcualdigital.com/Nota/141715/que-es-el-plan-zamora-activado-por-nicolas-maduro>, [http://w2.ucab.edu.ve/tl\\_files/CDH/imagenes/Epu%20Vzla%202016/Para%20entender%20el%20Plan%20Zamora.pdf](http://w2.ucab.edu.ve/tl_files/CDH/imagenes/Epu%20Vzla%202016/Para%20entender%20el%20Plan%20Zamora.pdf) y [http://www.el-nacional.com/noticias/bbc-mundo/que-plan-zamora-por-que-detenido-responden-ante-tribunal-militar\\_181314](http://www.el-nacional.com/noticias/bbc-mundo/que-plan-zamora-por-que-detenido-responden-ante-tribunal-militar_181314)

<sup>51</sup> <http://vtv.gob.ve/clap-es-un-mecanismo-de-organizacion-y-de-distribucion-directa-de-alimentos/>

## **4. IDENTIFICATION OF THE POLICIES LAID DOWN IN THE PLANS OF THE NATION RELATING TO THE INTERNET ACCESS.**

### **4.1. Guidelines of the plans of the homeland**

The Plan of 2001-2007, based on five balances National Social and economic development was created in the year 2001, under the Government of Hugo Chávez. These five balances are: economic, social, political, territorial, and international. Then, the Nation First Socialist Plan 2007-2013 was created, which pretended to orient the country "towards the construction of the *XXI Century Socialism*". Its 7 key lines were: New socialist ethics, the supreme social happiness, leading and revolutionary democracy, Socialist productive model, New National geopolitics, Venezuela as a power energy worldwide, and new international geopolitics. Under the third re-election of President Hugo Chávez, and then with the subsequent election of Nicolas Maduro, the second Socialist Plan of the nation 2013-2019 starts, better known as the "*Plan de la Patria*" (Homeland plan). Its main goal is to "accelerate the process of transition towards socialism" headed to "surpass the horizon of the non-return". For this purpose, 5 large historical objectives are defined, which are: "Defend, expand and consolidate the most precious good we have retaken after 200 years: national independence", "Continue to build the Bolivarian socialism of the 21st century, in Venezuela, as an alternative to the destructive and wild capitalism system and thereby ensure the largest amount of social security, largest amount of political stability and the greatest sum of happiness for our people", "Turning Venezuela into a power country socially, economically and politically within the great rising power of Latin America and the Caribbean, to ensure the creation of a zone of peace in our America", "Contribute to the development of a new international geopolitics in which take body a multicenter and multi-polar world that allow the balance of the universe

and ensure planetary peace”. And the fifth and last “Preserve life on the planet and save the human race”<sup>52</sup>.

These plans of the nation considered the telecommunications area as a strategic hub to ensure the democratization of telecommunications, social equity and social inclusion, so it defines a number of procedures aimed at the technology and innovation development, including those listed in the following descriptive table.

#### 4.2. Descriptive table.

Plan of Government	Objectives	Guidelines
First National Socialist Plan 2007-2013 <sup>53</sup>	“Promote science and technology in the service of national development and reduce differences in access to knowledge”	<p>“Redesign and structuring the national system of science, technology and innovation (SNCTI)”.</p> <ul style="list-style-type: none"> <li>- Consolidate the national telecommunications system as an instrument to advance in social inclusion and for the strengthening of participatory democracy and citizen training</li> <li>- Ensure that telecommunications are part of the promotion and defence of national sovereignty</li> <li>- Form knowledge networks that create conditions conducive to innovation with Latin America as to favour a greater regional autonomy and to increase national competitiveness. <sup>54</sup></li> </ul>
Second Socialist Plan for National Social and economic development 2013-2019 <sup>55</sup>	“Develop our scientific - technological skills linked to the needs of the people”	<ul style="list-style-type: none"> <li>- Ensure timely access and proper use of telecommunications and information technologies, through the development of the necessary infrastructure and software applications that meet social needs.</li> <li>- To promote the development and use of electronic equipment and computer applications in free technologies and open standards.</li> <li>- Develop a comprehensive policy that drives the creation of technology centers in university and technician educational centers, media that will ensure comprehensive and continuous training processes in the field of electronic equipment and computer applications in free technologies and open standards.</li> <li>- Strengthen the regulation and social monitoring of the media as a tool for the strengthening of people's power.</li> <li>- To create a media system that contributes to the sectorial organization for comprehensive homeland defense, with an emphasis on the consolidation of new ways and means of</li> </ul>

<sup>52</sup> <http://prodavinci.com/2013/12/16/actualidad/15-anos-de-revolucion-bolivariana-en-cifras-por-anabella-abadi-m/>

<sup>53</sup> <http://www.psuv.org.ve/wp-content/uploads/2011/03/Proyecto-Nacional-Sim%C3%B3n-Bol%C3%ADvar.pdf>

<sup>54</sup> <http://www.mppp.gob.ve/wp-content/uploads/2013/09/Plan-de-la-Naci%C3%B3n-2007-2013.pdf>

<sup>55</sup> <http://www.mppp.gob.ve/wp-content/uploads/2013/09/Programa-Patria-2013-2019.pdf>

	<p>"Remove the neo-colonial system of imperial domination"</p>	<p>producing contents on the borderlines with relevance of the patriotic and Socialist values.</p> <ul style="list-style-type: none"> <li>-Lead to non-vital levels Venezuelan connection with networks of information and communication, dominated by the neo-colonial powers.</li> <li>-Eliminate dependence on strategic sectors for the national development of communication networks and information controlled by the neo-colonial powers.</li> <li>-Strengthen the peaceful use of space technology to ensure the country sovereign management of its telecommunications and associated tools that allow the consolidation of national development in strategic areas such as education, health, safety and food.</li> </ul>
	<p>"Strengthen the defensive national power to protect the independence and national sovereignty, ensuring resources and riches of our country for future generations" <sup>56</sup></p>	<ul style="list-style-type: none"> <li>-Strengthen and increase the intelligence and military Counterintelligence system for the Integral defence of homeland.</li> <li>-Orderly popularise the search of useful information for public safety and defence of the homeland.</li> <li>-Adapt the legal framework to develop the areas of intelligence and Counterintelligence of the armed forces under the principles of the Integral defense of the nation.</li> <li>-Establish the communicational hegemony.</li> <li>-Strengthen responsible and critical use of the media as instruments of formation of Bolivarian values.</li> <li>-Strengthen the regulation and social media monitoring.</li> <li>-To create a media system that contributes to the sectorial organization for the comprehensive defense of the homeland.</li> <li>-Update and develop technology platforms for communication and information, ensuring access to timely and ethical communication</li> </ul>

At the same time, the Government has defined a number of specific plans in the plans of the country outlined above, which may include: National Plan of telecommunications, Informatics and postal services (PNTIySP) 2007-2013 <sup>57</sup>, National plan of telecommunications, information technology and postal services (PNNTIySP) 2014-2019 <sup>58</sup>.

With respect to the PNTIySP 2007-2013, are mentioned as national strategies and policies promoted at the time, the following ones: a) Mass access to the technologies of information and communications (ICT), b) sovereignty and technological independence, c) Transformation of the State, d) Use and application of ICT and SP as enabling the development tools, and e) Inclusive

<sup>56</sup> <http://www.nicolasmaduro.org.ve/programa-patria-venezuela-2013-019/#.U59xO3YvCSp>

<sup>57</sup> <http://www.mppeuct.gob.ve/sites/default/files/descargables/pntiy-sp-2007-2013-final.pdf>

<sup>58</sup> <http://www.finanzasdigital.com/2014/03/plan-nacional-de-telecomunicaciones-busca-mejorar-sector-productivo-del-pais/>

communication model. Likewise, PNTTIySP 2014-2019 aims to ensure the timely access of telecommunications, and expand the infrastructure of telecommunications, Informatics and postal services. The plan is based on 4 aspects: content, applications, infrastructure and knowledge.

## **5. IDENTIFICATION OF THE MEASURES IMPLEMENTED BY THE GOVERNMENT, PRODUCT OF THE STATE OF EXCEPTION, WHICH HAVE AFFECTED DIFFERENT SECTORS OF VENEZUELAN SOCIETY IN TERMS OF ACCESS TO THE INTERNET**

The State of emergency imposed by the Government of Venezuela, since the beginning of the year 2016 and which has been extended by up to ten times, being the last time September 12, 2017, as indicated in section 1 of the report, has significantly affected the freedoms on the internet use, since it includes restrictions and regulations to the contents, and use in general Internet. These statements have been made by various national organizations, such as the Instituto Prensa y Sociedad (IPYS), Digital Rights, Public Space, PROVEA, among others.

The Instituto de Prensa y Sociedad, IPYS, calls attention about “conclusive regulations” to the internet contents, and to freedom of expression and information search. In addition, report filter, blocking, and monitoring of content on the internet, product of the new State of emergency<sup>59</sup>. According to IPYS the State of emergency decree, was issued just one day before the celebration of the international day of the Internet, and puts at risk the principles of plurality, neutrality, freedom and access to the network. Same way, IPYS on July 2016 performs a study called “Surf the net with freedom”<sup>60</sup>, which concludes that there are more than 370 internet addresses blocked, being shown figures in the study as follows: “In Venezuela, at least 372 websites addresses are blocked by the main suppliers of Internet (ISP) and 43

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<sup>59</sup> <http://ipysvenezuela.org/alerta/nuevo-estado-excepcion-contempla-regulaciones-contundentes-los-contenidos-internet/>

<sup>60</sup> <https://es.panamapost.com/pedro-garcia/2016/07/18/censura-en-venezuela-mas-de-370-direcciones-de-internet-bloqueadas/>

Internet domains are blocked by those same providers, public and private. Of these, almost half (44%) correspond to web pages related to the price of the *'black dollar'* in the foreign exchange market, and 19% are related to media, with an additional 12% including blogs critical to the Government of Nicolás Maduro.”

Digital Rights, in a statement <sup>61</sup> delivered on May 16, 2017, denounces the limitations to fundamental rights on the internet, derived from the State of emergency in force in Venezuela from 2016, and whose extension May 2017, authorized the surveillance on the internet and content filtering. In addition, the same statement reported more than 41 web sites blocked, although it is suspected that there are many more. On the other hand, also reported that Venezuela is currently the country in Latin America with poorer quality of internet connection, product of the divestment in the sector of telecommunications in the past 10 years. In addition, during the last three months, three television via streaming providers, (VivoPlay, VPITV, and CapitolioTV) were blocked without a warrant, and communications monitoring bodies have been created on the Internet, such as the CESPPA <sup>62</sup>. The Government discourse towards internet is worrisome, since the director of the National Commission of telecommunications (CONATEL), referred to the social networks as a “threat” in Venezuela. The release about digital rights is entitled “On the limitations to fundamental rights on the Internet product of the State of emergency in Venezuela”, and which was signed by more than 25 civil organizations and NGOs.

PROVEA warns about the regulations to the internet by the national Government and indicates that by May 2016 the director of CONATEL reiterated the need for a reform of the Telecommunications Law to regulate social networks, claiming that, “they could not allow violence to be promoted

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<sup>61</sup> <https://www.derechosdigitales.org/11164/sobre-los-limitantes-a-los-derechos-fundamentales-en-internet-producto-del-estado-de-excepcion-en-venezuela/>

<sup>62</sup> [http://www.el-nacional.com/noticias/politica/oficializan-creacion-del-centro-estrategico-seguridad-proteccion-patria\\_151643](http://www.el-nacional.com/noticias/politica/oficializan-creacion-del-centro-estrategico-seguridad-proteccion-patria_151643)

through these spaces”<sup>63</sup>, It also points out that the renewal of the State of emergency decree, sets that constitutional guarantees can be restricted through “exceptional measures”. In the same way, PROVEA highlights that on June, 2016, the government affirmed that every citizen “insulting the President through social networks will be severely punished”<sup>64</sup>, which reflects the intentionality of these exceptional measures.

On the other hand, Public Space/Espacio Público, published on its website that the Internet Society Organization is concerned by the rise of internet blocking, and reports of increased surveillance of content on the internet in Venezuela, as you can see in the article “Internet Society deeply concerned about blocking Internet in Venezuela”<sup>65</sup>. In the article dated May 25, 2017, Internet Society Chapter Venezuela, shows its deep concern at the measures taken by the national Government, through the State of exception, which was extended from May 13, 2017, where it is authorized the filtering and the monitoring of content on the internet under the “justification that the local and international factors are harassing the national economy through the use of the technologies of information and communication technology (ICT) and the use of cyberspace to promote hate discourse and create distortion of the Venezuelan economy”.

Another worrying aspect, which occurs during the state of exception, is the Internet speed in Venezuela, which according to the internet speed ranking issued by Akamai in its State of the Internet section in June 2017, ratifies that the average internet speed is below 2 Mbps and places Venezuela in the 14th position of a group of 15 countries in America and Canada.

Other measures that have been implemented during the State of emergency is the closure of the signals of regional and international television channels. In June 2017, CONATEL ordered the closure of the regional and institutional

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<sup>63</sup> <https://www.derechos.org/ve/actualidad/regularizacion-del-internet-el-estado-decide-tus-resultados-de-busqueda>

<sup>64</sup> <http://sunoticiero.com/venezuela-censurada-aseguran-que-maduro-castigara-a-quien-lo-insulte-en-redes-sociales/>

<sup>65</sup> <http://espaciopublico.org/internet-society-preocupada-por-bloqueo-de-internet/>

television channel Merida ULA TV, after a comprehensive visit which lasted for 12 hours and ended with the closure of the channel and the seizure of equipment belonging to the institution. Also in February 2017 CONATEL, ordered the closure of the signal of the CNN International channel in Spanish, on the grounds that this channel distorts the information of what was happening in the country in addition to accuse it of slander and of threatening the "peace and democratic stability in the country". On the other hand, on August 24, 2017, CONATEL decided to take out of circulation subscription TV channels Caracol TV and RCN, according to information found in different social networks, denouncing a supposed "communication battle" against the Government. This decision by the Government, already total five TV channels blocked during 2017: Spanish CNN, Fox News, BBC World, Caracol TV and RCN TV. In particular, the National Union of press workers of Venezuela (SNTP) rejected the step taken by the Government to block the signal of Caracol Tv and RCN, as a "dictatorial" act, and expressed that such actions constitute a "violation to the information and freedom of expression."

Other action that the Government made, through the Constituent National Assembly (ANC) during the month of August, 2017, was the discussion of a law that regulates the use of social networks, and punish those who commit "hate crimes". In this action, the President of the ANC led the discussion of the "Law of the Peaceful Coexistence, against Intolerance and Violence", also said that this law would be incorporated to sanction those who commit hate crimes. The President of the ANC expressed that "social networks have become the most grotesque and brutal platform for attacking the people"<sup>66</sup>.

Once known this news, different representatives of Venezuelan civil society were against it, such is the case of the President of the National College of journalists, Tinedo Guia, who said "they are preparing an instrument enabling them to perform communicational persecution and Inquisition" He added that this law puts at risk the right to be informed. In addition, the director of the

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<sup>66</sup> <http://www.laverdad.com/politica/125983-anc-discute-regular-las-redes-sociales-para-evitar-el-odio.html>

NGO, *Espacio Público* (Public Space), Carlos Correa, expressed that “they want to forbid people to express their thoughts in social networks”. Equally, the Director of Information Freedoms of the Institute for Press and Society, Mariengracia Chirinos, announced the intention to regulate social networks is not new, since the last directors of CONATEL “raised efforts to regulate the content on internet and thus avoid the publication of messages that might be uncomfortable for the Government”<sup>67</sup>.

## **6. ANALYSIS OF THE CURRENT SITUATION OF THE POLICIES ESTABLISHED IN THE STATE OF EXCEPTION, RELATING TO ACCESS TO THE INTERNET**

### **INTERNET ACCESS**

- When observing the extensions of the exception decree, it could be understood that they intend to implement actions that stabilize the economic, social and political situation of the country. However, when evaluating aspects related to the economy, the crisis that justified the decree is maintained and, in some cases, has intensified, as the International Monetary Fund (IMF) points out in its Regional Economic Prospects (REO) report, of May 2017: "In Venezuela, the economy is expected to remain in a deep recession and on the way to hyperinflation because of broad fiscal imbalances, compounded by widespread distortions and a severe restriction on availability to import intermediate goods. With no signs of change in economic policies, real GDP is projected to decline by 7.4 percent in 2017, after a decline of 18 percent in 2016 and 6.2 percent in 2015. Monetization of large deficits tax cuts, asset shortages and loss of confidence in the currency have pushed up the consumer price index (CPI) to 274 percent (and wholesale price inflation to about 470 percent) by 2016. It is projected that inflation, as measured by the CPI, accelerates to about 1,134 percent in 2017 and that the current account deficit reaches USD 8.2 billion in 2017 (3¼ percent of GDP) ... Venezuela's social

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<sup>67</sup> [http://www.el-nacional.com/noticias/politica/quieren-prohibir-que-gente-exprese-las-redes-sociales\\_200233#](http://www.el-nacional.com/noticias/politica/quieren-prohibir-que-gente-exprese-las-redes-sociales_200233#)

conditions continue to deteriorate rapidly, with a poverty level that increased to 82 percent of households by 2016, of which 50 percent is classified as extreme poverty (Living Conditions Survey, 2016, ENCOVI<sup>68</sup>). The situation is aggravated by the lack of medicines and the collapse of the health system. Violence is also a cause for concern: the homicide rate increased from 79 per 100,000 inhabitants in 2013 to 92 in 2016 (Venezuelan Observatory of Violence) "(p.31).

- With respect to extension No. 2987 of the exception decree, which specifies the "use of the information technology system and the use of cyberspace to foment hatred and create a distortion in our economy and the exchange system", and considering the information contained in the descriptive table 2.2, it can be evidenced that some of the measures considered during the exception decree have affected some of the Internet rights.

In particular, the rights to freedom of expression, access, privacy, and restrictions on content have been significantly affected. The following is a summary of cases that show affectation to these rights.

**Freedom of expression:** Table No. 1 presents figures of cases of violation of freedom of expression in Venezuela, broken down by month, for the years 2016 and 2017; obtained from studies carried out by the organization Espacio Público.<sup>69</sup>

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<sup>68</sup> Encuesta sobre Condiciones de Vida en Venezuela, ENCOVI, 2016, UCAB, UNIMET and LACSO, Luis Pedro España

<sup>69</sup> <http://espaciopublico.org/> y <http://cdn.espaciopublico.org/wp-content/uploads/2017/07/INFORME-EP-2016-situaci%C3%B3n-del-derecho-a-ala-libertad-de-expresi%C3%B3n-en-Venezuela.pdf>

Month	Year 2016	Year 2017	% Increase
January	25	21	-16
February	14	36	157
March	15	33	120
April	18	116	544
May	23	162	604
June	29	108	272
July	11	101	818
August	21	34	62
September	26		
October	43		
November	19		
December	21		

**Table No. 1. Cases of Violation of Freedom of Expression. Years 2016 and 2017**

Observing Table No. 1, it is evident that between April and July of the years 2016 and 2017, the number of cases of violation of freedom of expression increased significantly, as a result of the closure of radio stations and television signals of regional and international channels, as specified in session 5 of this report. In addition, there were acts of repression by state security forces and government sympathizers, to representatives and workers (cameramen, reporters, etc.) of the private media, reporting the events that happened at the national level. It should be noted that in the period April to July of 2017, there were significant widespread protests in the country due to the national discontent over the serious economic crisis, which led to the repression of citizens by the Public Forces. Moreover, because of the express compliance with the exception decree, state agencies implemented measures to avoid the "communication battle" against the government, which led to an information blockade, thus violating freedom of expression and the right to access to truthful and timely information.

**Access:** In the faithful fulfillment of the exception decree establishes the creation of organizational structures to monitor issues related to the use of the Internet (digital militias, security management for Telecommunications, among others), and also articulate actions with existing structures, such as: CESSPA,

communal councils, plan communes connected, clap, etc. These measures encourage intelligence actions to monitor the use of platforms and maintain a permanent and comprehensive monitoring of telecommunications developments in the country. On the other hand, the report of the Akamai platform, referred to in session 5 of this report, shows that internet access in Venezuela presents a significant deterioration in speed. Additionally, in the country in recent months there have been failures in electricity service and recurrent cuts in Internet access practically all over the national territory, by service providers, which shows a collapse of the service and a violation of the right to the internet, contradicting what is embodied in the objectives of the nation's plans. This, among other reasons, seems a strategic measure of the government to keep the population uninformed, because due to the critical social situation increased the use of alternative communication channels via the web, because there was an information blockade of the media (44 radio stations and 6 TV signals were closed).

**Restrictions on content:** Considering the need of the population to keep informed through other means other than traditional and not biased to official information, it's used to use social networks, websites, among others. Nevertheless, the government maintains an alert position on citizens who use social networks, to the point of promoting the Law against hate, intolerance, and peaceful coexistence, based on the messages transmitted by these channels with a strong content against government measures. However, in the reports given by non-governmental organizations such as IPYS, it is observed that most of the messages that are broadcasted on the networks are handled by state agencies and by structures that they have under their responsibility create false profiles of political opposition to replicate non-truthful information, as does the so-called "Troll Army" established by the Great Socialist Justice Mission. On the other hand, IPYS points out that there are at least 372 web portal addresses and 43 Internet domains blocked by internet service providers, which could show that there is a link between the actions of the telecommunications regulator in Venezuela and providers to block content on the web. In this way, the government limits freedom of expression and free

access to content on the network, considering that these contents violate government policies and the security of the nation.

**Privacy:** In Venezuela, during the state of exception, the telecommunications regulator entity, CONATEL, is generating a regulation for the control and use of information, which is transmitted through accounts in social networks, platforms and web portals. This involves the collection of information on who opens the account, and who exercises an electronic medium, in addition to what type of content is sent through the account. By monitoring this information, state intelligence entities such as the Bolivarian National Intelligence Service (SEBIN) are violating the privacy of citizens, to the extent that there are cases of citizens deprived of their liberty for sending messages through social networks, arguing that the information transmitted in these messages violate the security of the nation and the policies of the government. It is important to emphasize that the Constitution of the Bolivarian Republic of Venezuela<sup>70</sup> (CRBV) protects the right to privacy, because in Article 60, chapter III, Civil Rights, it is specified that: "Everyone has the right of protection of their honor, private life, privacy, self-image, confidentiality and reputation. The law will limit the use of information technology to guarantee the honor and personal and family privacy of citizens and the full exercise of their rights. On the other hand, the Law on Protection of Communications Privacy<sup>71</sup> establishes an explicit defense to the right of privacy, as it seeks to protect the privacy, confidentiality, inviolability and secrecy of communications.

In this sense, some of the measures implemented by the various state agencies, as a consequence of the state of emergency, exceed and violate the mandate of the C RBV, which should be a reason for alert and concern on the part of the citizens and national and international bodies that defend human rights in Venezuela. In addition, there is a risk of discriminating against a sector of Venezuelan society in terms of access to the Internet, which is in

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<sup>70</sup> <http://www.conatel.gob.ve/constitucion-de-la-republica-bolivariana-de-venezuela-2/>

<sup>71</sup> <http://docs.venezuela.justia.com/federales/leyes/ley-sobre-proteccion-a-la-privacidad-de-las-comunicaciones.pdf>

detriment to equitable, accessible and sustainable access to the Internet, and against the postulates established in the CRBV and in the plans of the nation seeking to democratize communications to ensure their development through the internet.

## **7. DIGITALLY EXCLUDED POPULATION.**

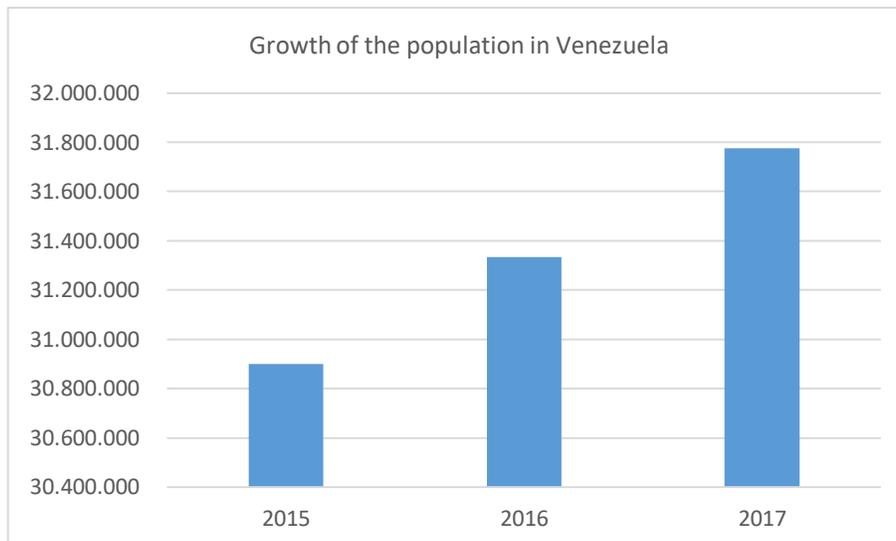
Venezuela has a series of plans of the nation which during the past 20 years have focused on promoting the democratization of information and communication technology (ICT) services in the country. In addition, strategic projects that seek to improve and expand the telecommunications infrastructure to facilitate access to internet of the population have been developed. However, in recent years the country's crisis has limited the development of telecommunications, which has an impact on the population, leaving a group of citizens digitally excluded.

In the present study those sectors that can be found in the category of population digitally excluded are identified and characterized. Particularly, during the 2016-2017 period, in which the State of emergency has been implemented; it is possible to observe three areas classified as: a) geographical region, b) gender and c) social stratum.

Below we describe each of these sectors:

### **7.1. Geographical region.**

The Venezuelan population in the past three years has presented a growth of 1.4%, according to figures from Countrymetersinfo (see graphic 1). The territorial distribution of the population shows a pattern that is concentrated in specific regions, and a migration of the rural population to urban areas.

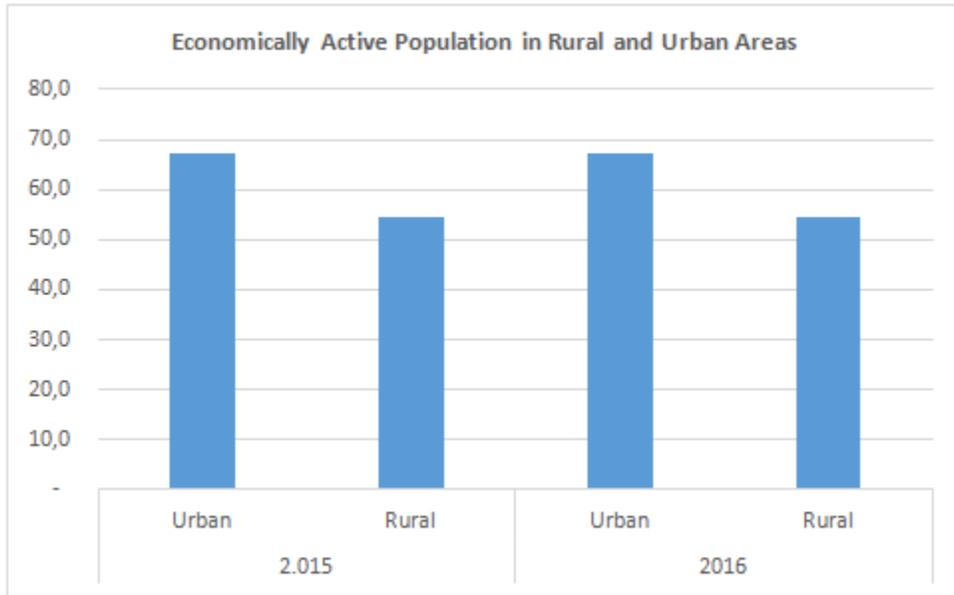


**Graphic N° 1. Growth of the population in Venezuela (# of inhabitants).**

In studies carried out by UNICEF,<sup>72</sup> “the redistribution of the rural population into urban population is one of the most relevant geo-demographic events in recent decades in Venezuela”. Associated with this fact, the population experiences an accelerated process of urbanization, which takes the total urban population to approximately 87% compared to 13% of the rural population. This in turn affects the economically active population to be concentrated in urban areas, as shown in the graphic No. 2, according to data from the Commission of Economy for Latin America (ECLAC) (CEPAL<sup>73</sup>).

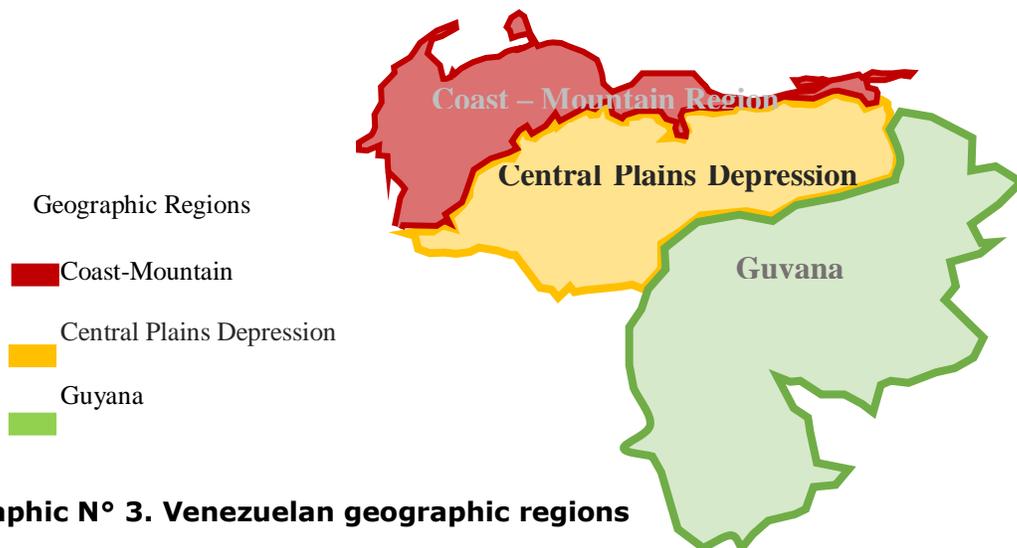
<sup>72</sup> <https://www.unicef.org/venezuela/spanish/Cap1.pdf>

<sup>73</sup> <https://www.cepal.org/es/temas/proyecciones-demograficas/estimaciones-proyecciones-poblacion-total-urbana-rural-economicamente-activa>

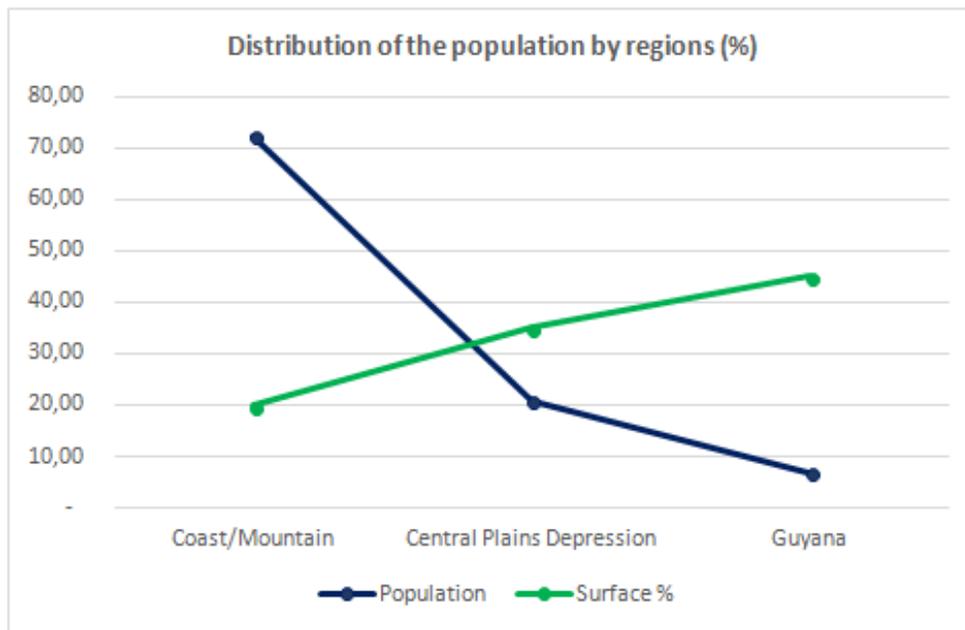


**Graphic N ° 2. Economically active population in Venezuela (% values)**

On the other hand, the distribution of the population in Venezuela is not geographically balanced. The National Institute of Statistics in Venezuela says that 72% of the population is concentrated in the coastal - mountain, region, which represents approximately 20% of the surface of the Venezuelan territory; the remaining 28% is located in the other two regions (Plain Central depression and Guyana region). N ° 3 graphic presents a map of the regions identified above. Likewise, the graphic N ° 4 represents the distribution of the population in the country according to these regions.



**Graphic N° 3. Venezuelan geographic regions**



**Graphic no.4. Population distribution by region (% values).**

For this study, we will define as people digitally excluded according to the geographical region, the population geographically located in rural and more remote cities. This population is characterized by: a) small clusters of people, b) few basic services, c) limited access roads, d) population dedicated to primary production, and e) little technological appropriation. In Venezuelan case, this population is located mostly in the regions of Guyana and Plains Central depression, and they are economically less active.

## **7.2. Social stratum.**

In this category, we will define as people digitally excluded according to the social strata, to that group formed by people, who according to socio economic status, are sociologically in poverty levels D and E strata.

To identify these groups, it is important to understand what happens to social inequality in the country, by quantifying the different strata of the national population through time, and knowing how these groups have evolved, primarily in the last years.

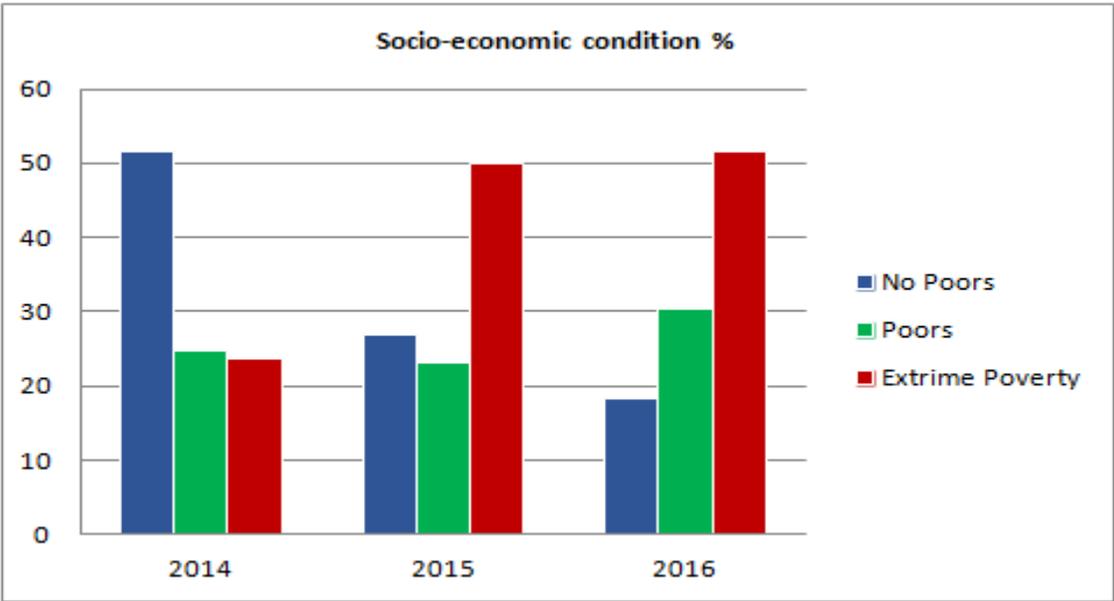
By 2016, social classes present in Venezuela, can be defined in the following manner:

1. **Low Social class (E).** It is the socio-economic class with highest level of poverty, and often their life is characterized by shortcomings and limitations on access to many economic goods (earnings are less than 2 times the minimum wage (about 20 USD). It refers to the working class. They usually have as housing “*ranchos*” or houses in precarious conditions. It represents 42% of the population.
2. **Middle Social class.** It is the social class that applies to people with a socioeconomic environment that is located between the working class and upper class. It is divided into two groups:
  - a. **Medium-high and middle class (C).** They cover all of their expenses, possess housing, but no great “extra” economic slack. In this class may be included some people with class B features. It constitutes 17% of the population approximately.
  - b. **Moderate poverty or lower-middle class (D).** They can meet their basic needs of food, housing and others, but with great effort and deficiencies. It represents 38% of the population.
3. **High Social class (AB).** Applies to the Group of people with more wealth and power, opposed by definition to the lower class. They are the major employers and top executives. It represents between 2% and 3% of the population.

The percentages associated with each of the social groups, vary slightly in different studies concerning the issue of poverty, performed by different organizations in the country during the last five years. At the same time, poverty is has been decomposing in different sub layers, forms and denominations as shown below.

According to ENCOVI, in 2014 48.4% of households were in poverty (poor 24.8% and 23.4% in extreme poverty); in 2015 this figure increases considerably to 73% (23.1% poor and 49.9% in extreme poverty); already by

2016 this percentage grows even more to achieve the amount of 81.8% (30, 26% not extreme poverty and 51.5% in extreme poverty). See graphic 5.



**Graphic N° 5. Venezuelan socio-economic condition (% values)**

As evidenced in the chart No. 5, in two years the poverty grew a 33.6% and, although the figures are not for 2017, as a result of hyperinflation, shortages of food and medicine, the American currency rising in the parallel market (practically the only available for natural persons and private enterprise) and the prevailing political conditions in the country, it is expected that this percentage amount exceeds that achieved in 2016. It seems that the short-term measures of exception, which are becoming structural measures, only worsen the condition of life of Venezuelans, mainly on the most vulnerable social layers (D and E).

According to the same study, chronic poverty went from 16% in 2014 to 31% in 2016, i.e. doubled in just 2 years. This poverty is the result of structural and conjuncture poverty rates altogether.

The above referred research paper revealed that 28% of Venezuelans, i.e. 8.4 million people, are on the threshold of extreme poverty; 19% (5.7 million) are

not extreme poor and 34% (10.2 million people) are new poor. Only 19% of the population (5.7 million) is considered not poor.

**Mariela Hernández**<sup>74</sup>, Director of the analysis that takes place annually among the universities Central de Venezuela, Católica Andrés Bello and the Bengoa Foundation, explained that according to eating habits, until 2014 the population could be classified in socio-economic low, medium and high strata. But in Venezuela there are no social classes. It is poor or not poor, only that. The threshold between the higher and lower layers disappeared.

These considerations suggest that the socio-economic imbalance present in the Venezuelan population is of such magnitude that at the moment of analyzing the issue of access to the Internet from these groups, it is possible to observe that the incidence of measures from Maduro's Government far from reducing the degree of limitation of purchasing power in the strata D and E have fueled a widening and a new limitation of this right.

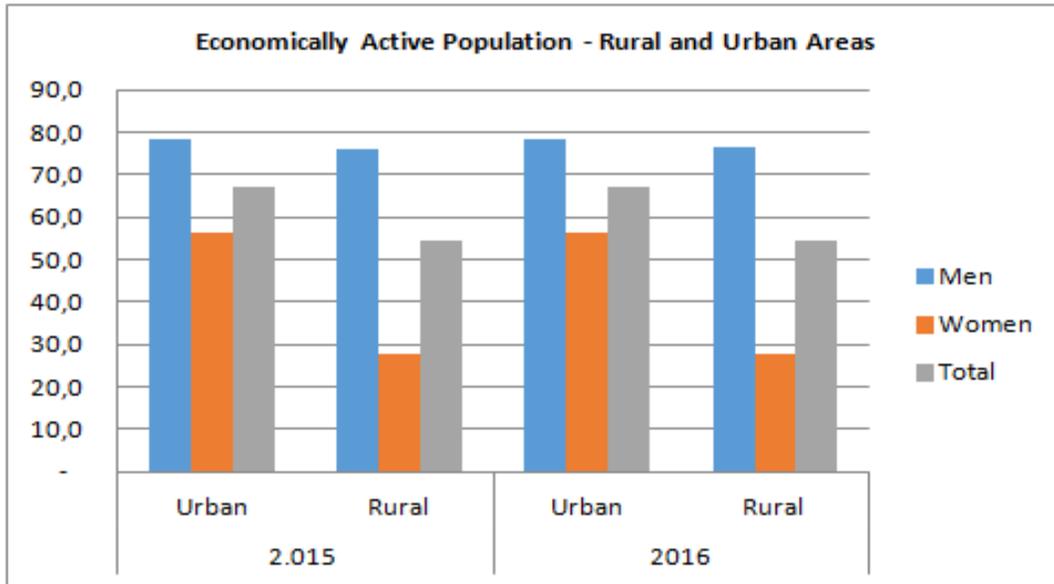
### **7.3. Gender.**

In this category we will define the population comprising the conglomerate of individuals who have common characteristics of gender (women, men, homosexual, etc.). The digital exclusion of women, who make up approximately 50% of the total population of the country shall be considered in this case.

In terms of economic participation, ECLAC shows some indicators on the economically active population, pointing to the difference that exists between the male and female that are revealing for the purpose of this work. In the graph No. 6, percentages of economic participation in Venezuela are observed, discriminated by gender and rural or urban areas.

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<sup>74</sup> <https://informe21.com/economia/no-hay-clases-sociales-81-de-la-poblacion-venezolana-es-pobre>



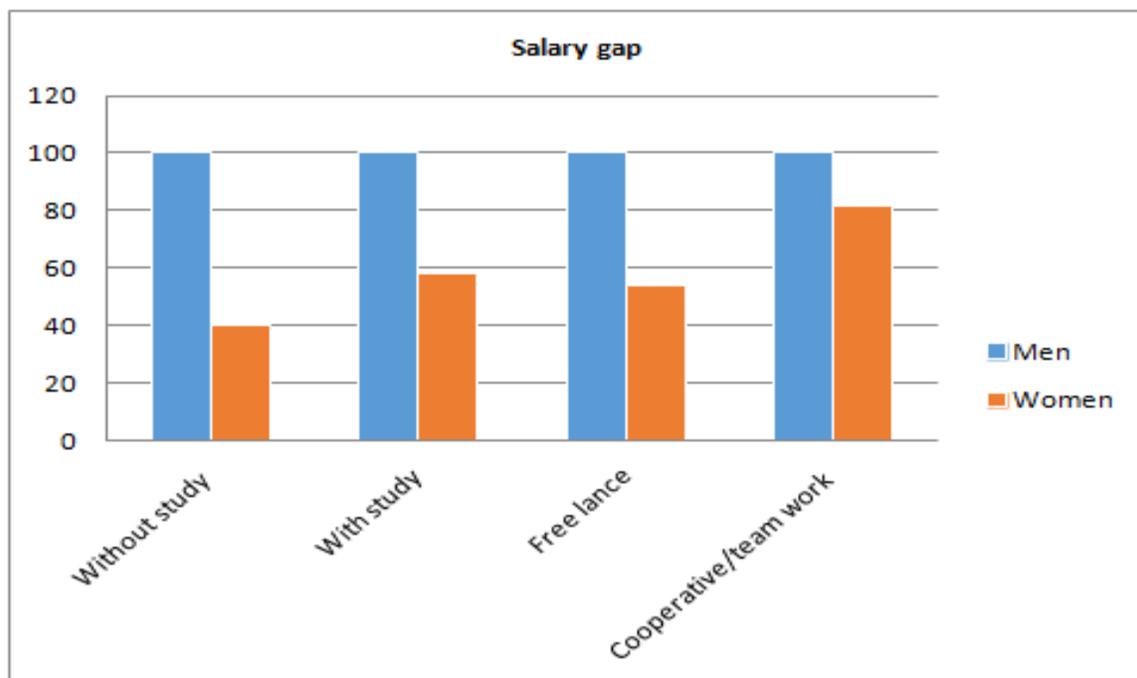
**Graph no. 6. Economically active population by gender in Venezuela (% values)**

The graph above shows a marked difference in the economic participation of women with respect to men, mainly in rural areas, where men have a rate of 78 per cent, and women just 29% of active participation. In urban areas, the difference becomes minor.

Similarly, studies by Amnesty<sup>75</sup> show the wage gap that exists in Venezuela between the masculine and feminine genders. Chart N ° 7 shows the difference between the wages earned by men and women, according to four different conditions: If people have studies, do not have studies, whether working freelance or working cooperatively.

It is observed, in the mentioned chart, that the most unfavorable position for women is 'No studies', where the man earns up to 60% more than what is perceived by women. As for the cooperative work, it is shown that the gap is reduced to 18%, which means that this type of work encourages women.

<sup>75</sup> <https://amnistia.ning.com/profiles/blogs/venezuela-brecha-salarial-entre-hombres-y-mujeres-y-otras-injusti>



**Chart N ° 7. Wage gap between men (blue) and women (red) in Venezuela (% values)**

In graphics 6 and 7 it is possible to see that the female population in rural areas and without studies can be positioned as a digitally excluded population, since it has the most unfavorable conditions, with regard to their low economic activity and the incomings they perceive, situation that limits them in the use of services such as the internet. However, if economic activity of this population with the cooperative work is encouraged, and their educational level is increased, the wage opportunities and technological empowerment can improve.

These findings may indicate that there is a gap in Internet access between both genders, whereas men have better job prospects, which leads to one greater purchasing power and thus to have access to a better service.

## **8. INDICATORS THAT MEASURE ACCESS TO INTERNET OF THE DIGITALLY EXCLUDED POPULATION**

To determine the level of internet access of the population digitally excluded by geographical region, social class, and gender, a series of related indicators are evaluated: percentage of development of the country's telecommunications infrastructure, quality of services, level of diffusion, level of social networks use, and socio-economic indicators. In this way, the factors affecting the technological development of the country are determined, particularly in the population that was identified as digitally excluded in this study.

### **8.1. Telecommunications infrastructure to ensure access to internet**

In the last two decades the Government has been implementing a series of projects to secure a telecommunications infrastructure that guarantees the internet access of the population. In particular, projects can be determined to: expanding the telecommunications infrastructure, deploying networks in priority development areas, facilitate access to terminals and applications, promote social inclusion, increasing the penetration of services, interconnect national and regional networks, maximizing local and regional traffic within the national territory, diversify the sources of technology supply, and ensure technology transfer in conventions of cooperation and joint ventures.

Among the most outstanding telecommunications projects, managed by entities of the State, it may be mentioned:

1. **The geostationary satellite Simón Bolívar** <sup>76</sup> that dedicates its capacity mainly for education and health (75%), and the remaining 25% for security, defense and oil exploitation. It provides access to users of the Bolivarian centers of Informatics and telematics (CBIT), info-centers and wireless Internet connections in high schools and Bolivarian schools throughout the country.

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<sup>76</sup> <http://www.conatel.gob.ve/satelite-simon-bolivar-conecto-zonas-mas-remotas-de-venezuela/>

2. **Francisco de Miranda<sup>77</sup> satellite** 100% dedicated to land observation, observation of soil and water spaces.
3. **Satellite Sucre<sup>78</sup>** ((known by the acronym VRSS-2)<sup>79</sup>, for land observation, observation of soil and water spaces.
4. **National transport network<sup>14</sup>**, eighth project of universal service with an infrastructure of 30,000 km of optical fiber in the whole country.
5. **Network of 9.664 CANTV satellite antennas<sup>80</sup>** that connect to the Simon Bolivar satellite. It allows connection to the internet for the most excluded populations in the country, and thus access to communications services. This project is part of a policy of priority inclusion for the Venezuelan revolutionary process.
6. **Radio network bases of the State-owned company MOVILNET LTE (4G)<sup>81</sup>**. During 2017, the company completed the third phase of expansion of coverage and expected to end the year with 600 radio bases LTE. The State concentrates almost half of the mobile market in Venezuela, which competes with private companies Digitel and Movistar, which launched 4G in 2013 and 2015 respectively. Movilnet expanded coverage LTE (4 G) to 18 States of the country.
7. **Submarine cable system (Panamericano, Columbus II, TCS, Unisur, Américas I, Américas II, Columbus III, Arcos I)<sup>82</sup>**. The Panamerican Submarine Cable system linking Venezuela with the countries of the South Pacific and United States, in what constitutes the largest America telecommunications project. 7,300 kilometers of optic fiber make up the system and it joins Venezuela with Colombia, Panama, Ecuador, Peru, Chile, and Aruba.

<sup>77</sup> [http://mexico.embajada.gob.ve/index.php?option=com\\_content&view=article&id=788:satelite-miranda-es-una-herramienta-para-la-construccion-de-viviendas-en-el-pais&catid=3:noticias-de-venezuela-en-el-mundo&Itemid=19](http://mexico.embajada.gob.ve/index.php?option=com_content&view=article&id=788:satelite-miranda-es-una-herramienta-para-la-construccion-de-viviendas-en-el-pais&catid=3:noticias-de-venezuela-en-el-mundo&Itemid=19)

<sup>78</sup> <http://www.minhvi.gob.ve/index.php/sala-de-prensa/4559-satelite-antonio-jose-de-sucre-traera-multiples-beneficios-a-venezuela>

<sup>79</sup> <http://www.diariolaregion.net/2017/06/10/fibra-optica-cantv-surco-el-orinoco-y-llego-a-amazonas/>  
<http://www.conatel.gob.ve/octavo-proyecto/>

<sup>80</sup> <http://www.cantv.com.ve/seccion.asp?pid=1&sid=144&NotID=7316>

<sup>81</sup> <http://www.telesemana.com/blog/2017/04/27/movilnet-ya-cubre-con-lte-18-de-los-23-estados-de-venezuela/>

<sup>82</sup> <http://www.cantv.com.ve/seccion.asp?pid=1&sid=144&notid=2090>

8. **Submarine cable system ALBA-1**<sup>83</sup> (1700 km). It is a system of submarine fiber optic cable that connects Venezuela with Cuba and Jamaica.
9. **Red Académica Nacional de Venezuela (REACCIUN)**<sup>84</sup> collaborative for knowledge, innovation, research and education, consisting of institutions of higher education, public and private research centers, as well as Venezuelan social organizations.

Besides, telecommunications companies also have their own telecommunications infrastructure, the most salient networks include: a) Movistar with 1500 cell GSM, 900 cell 3.5 g, an optic fiber network of 2,188 km and RPV Frame Relay, b) Digitel with base stations and 1000 km of fiber), and c) the *Inter* company with 14,000 km of coaxial cable installed.

With this, the existence of a telecommunications infrastructure that facilitates the interconnection of different regions of the country is displayed. In particular, the Government's effort has been oriented to ensure access to internet to rural, border and inaccessible zones; specifically have interconnected: schools, *Mercales* (popular markets network), border bases and remote populations. The participation of providers of internet (ISP) allows the telecommunications development extending to remote areas, however the difficulties to access foreign currency and high costs of telecommunications equipment has affected the updating and maintenance of the infrastructure, and consequently the quality of internet services diminishes every day.

## **8.2. Quality Services**

### **8.3. 8.2.1 Electricity service.**

One of the reasons that motivated the Government of Venezuela to issue the Decree of State of emergency no. 2,184, published in official Gazette No

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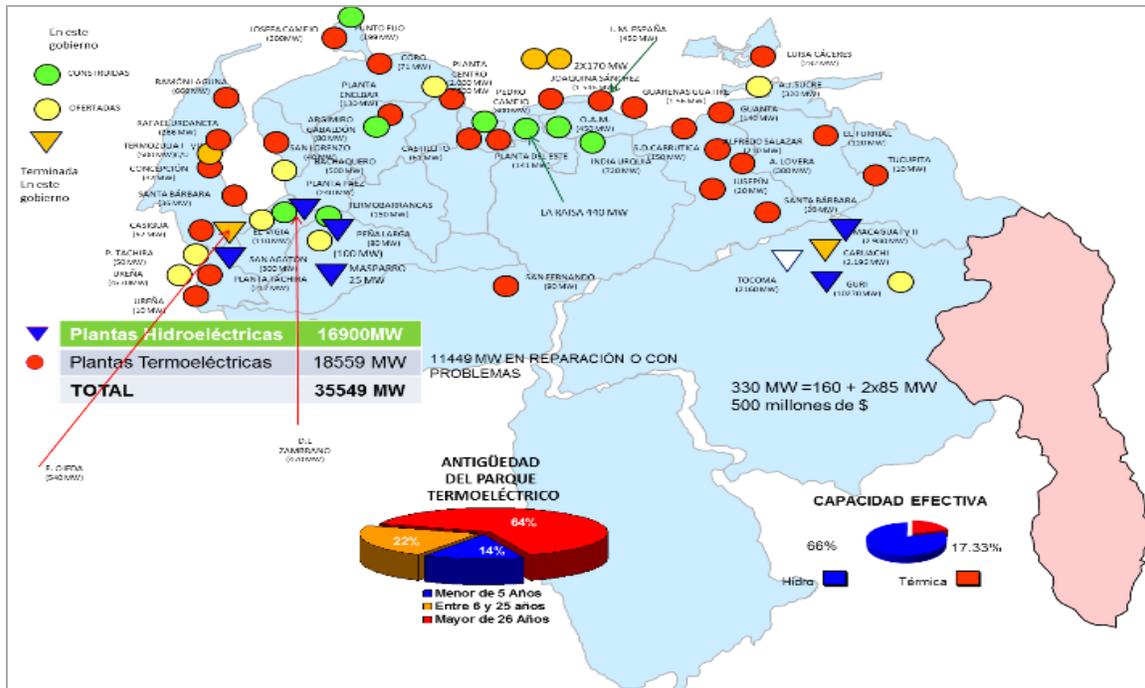
<sup>83</sup> <https://fondoin.wordpress.com/2011/01/24/gobierno-bolivariano-inauguro-cable-submarino-alba-1/>

<sup>84</sup> <http://www.cnti.gob.ve/tit-venezuela/sector-ti-venezolano/proyectos/formacion/red-academica-nacional-reacciun.html>

6.214, January 14, 2016, and its subsequent extensions, had to do with the weather phenomenon "El Niño", and socio economic problems accompanying it. In particular, the mentioned Decree remarks on support immediate actions and technical advice for the electrical system, that would improve this service and to face the problems generated by the phenomenon "El Niño" in hydroelectric plants.

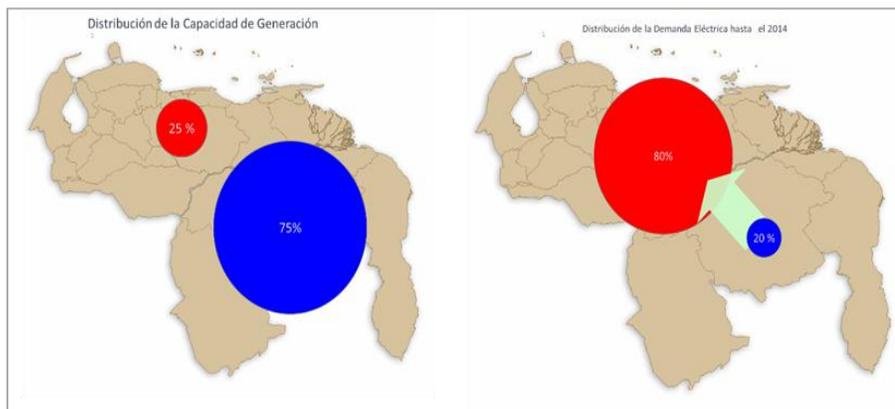
To understand this problem it is required to point out some general aspects of the operation of the national electricity system in Venezuela. The graphic N ° 8 shows different hydroelectric and thermoelectric plants in the country as well as its capacity. Likewise, details the antiquity of the thermoelectric park, noting that 64% of it has more than 26 years since their installation. Similarly, the same graph presents that on the 18.559 MW installed in thermal power plants, 11,449 MW present faults or are under repair.

To analyze the location of sources of electrical generation, specifically hydroelectric generation, 75% of the capacity is in the region of Guayana, sector in which are located the large hydroelectric power stations in the country, the Guri dam among them, and the remaining 25% throughout the Andean and North coastal regions; proportionally inverse to the distribution of the demand for electricity, where 20% is located in the region of Guayana and the remaining 80% throughout the Andean and Northern coastal regions, as shown in Graphic N ° 9.



**Chart N ° 8 National electrical system capacity installed 2016.**  
**Source: Prof. Eng. Pedro Mora**<sup>85</sup>

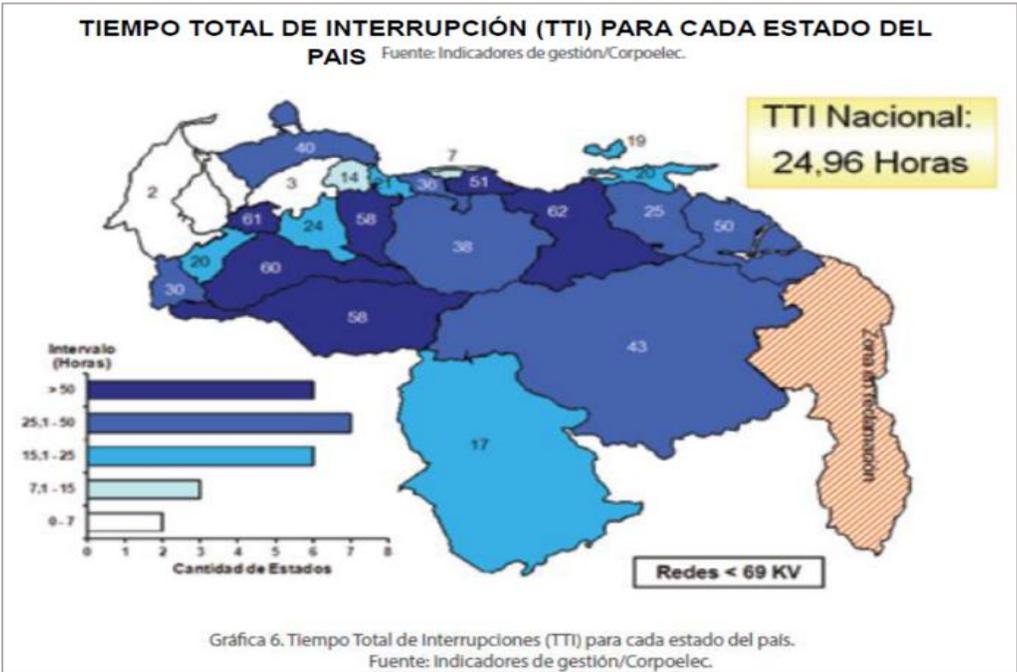
The latter shows a full concordance with the geographical distribution of the population in the country.



**Chart N ° 9. Distribution of electric power capacity of generation (blue) and demand (red) in Venezuela.**  
**Source: Prof. Eng. Pedro Mora.**

<sup>85</sup>[Ing. Pedro Mora. Crisis Eléctrica 2017. Facultad de Ingeniería. Universidad de Los Andes. Mérida, Venezuela.](#)

According to the Plan of development of the national electricity system 2013-2019, the National Total time Interruption (TTI) is 24, 96 hours. The average time of nationwide service reset, whenever there is an interruption of the same, i.e. more than 24 hours in the year 2016, when in the year 1998 (before the Socialist Government) took 60 minutes. As an interesting fact that allows to compare these values, Germany reported only 14.6 minutes out of service per year. This increase in the TTI may be due to the increasing number of failures and the lack of spare parts. Chart N ° 10 notes the WTP for each State of the country.

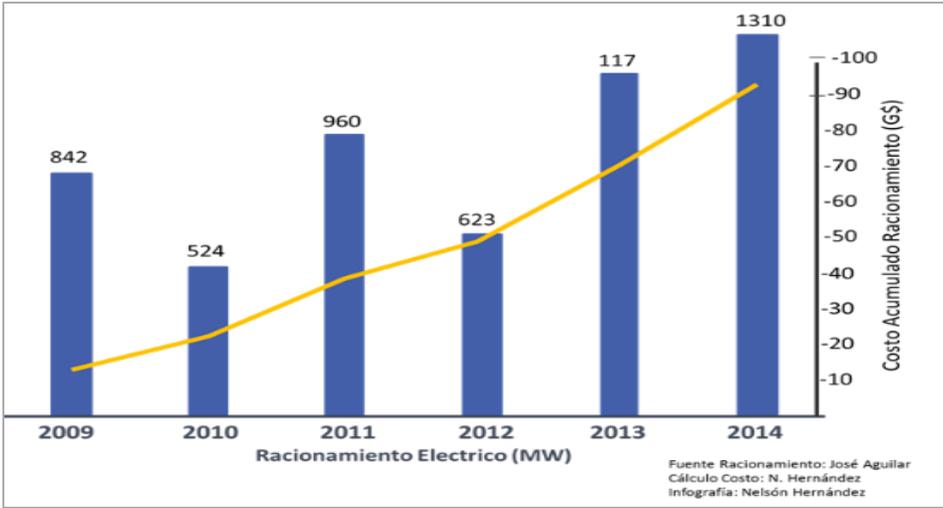


**Graph no. 10. Total Interruption Time (TTI) for each State of the country.**  
**Source: Prof. Eng. Pedro Mora.**

On the other hand, by 2013, the country presented 2743 electrical failures of more than 100 MW, and this figure exceeded in the first quarter of the year 2016 where more than 8,250 failures of this type were achieved. In this same year, the State decreed for the first quarter, as part of the State of emergency and the energy emergency before designated with a view to decreasing electricity consumption, a reduction in working hours in the public sector to four working days and modification of the time zone of the country, implementing also unused days off. On the other hand, the malls are forced to

generate the electric power <sup>86</sup> that consume through individual generators, powered by gasoline or diesel fuel.

Likewise, as part of the exception measures, to help recover the Guri reservoir, the State decrees, for the second quarter of the year 2016, four (4) hours of power rationing nationwide<sup>87</sup>, excluding from this measure the central area of the capital. All of this has generated losses in the productivity of the country, as shown in the graph No. 11, which identifies the costs accumulated by rationing power, from 2009 until 2014, which may exacerbate the energy crisis and the measures implemented by the Government in 2016.



**Chart N ° 11. Cumulative cost in \$ per electric rationing.**  
**Source: Prof. Eng. Pedro Mora.**

For the third quarter of the year 2016, despite the recovery of the water level of the Guri reservoir, problems persist in the national electric system, power outages arising <sup>88</sup> of up to two hours in six States across the country: Zulia, Lara, Yaracuy, Trujillo, Merida and Táchira (western part of the country). Likewise, for so far in the year 2017, persist the electric service malfunction, with blackouts in several States of the country<sup>89 90</sup>, and sudden electricity cuts

<sup>86</sup> [https://elpais.com/internacional/2016/04/23/actualidad/1461367431\\_101501.html](https://elpais.com/internacional/2016/04/23/actualidad/1461367431_101501.html)

<sup>87</sup> <http://www.fundelec.gob.ve/?p=3368>

<sup>88</sup> <https://informe21.com/racionamiento-electrico>

<sup>89</sup> <http://elvenezolanonews.com/corpoelec-anuncia-apagones-en-venezuela-por-lluvias/>



- a) Deterioration of much of the generation of electricity and electrical energy transportation capacity to meet electricity demand of the population. Many of the executed works are useless or not operational, due to a lack of foresight and maintenance.
- b) Insufficient incorporation of thermal generation power system and restrictions on the transmission system.
- c) Violation of the technical limits of security of transmission lines, mainly in the hydroelectric power stations located on the lower Caroní (Macagua, Caruachi and most important of all, Guri), to the consumption centers located in coastal north of Venezuela.
- d) Massive divestiture of the Central turbo-steam by lack of preventive and corrective maintenance of existing power plants.
- e) Overexploitation of the Central Hidroeléctrica Simón Bolívar (Guri reservoir) in order to mitigate the energy rationing.
- f) Excessive costs of recruitment and wastage in new power generation. The estimate of these costs based on the evaluation of 42 projects implemented between 2005 and 2015, was 39.465 MMUS \$, which correspond to a total 14.203 MW of installed capacity. The average cost per installed kW resulting is 2,778 US\$ / kWe, 2.8 times (180%) average reference costs envisaged by the Plan of development of the national electrical system (PDSEN), 996 US\$ / kWe.

The resulting difference between the contracted total amounts and reference costs estimated by the PDSEN is in the order of US\$ 25.381. Only four (4) of the 42 projects analyzed were awarded through a public bidding process.

The facts above described allow us to conclude that the problem of the power crisis has an impact on internet services and generates a digital exclusion, and is primarily due to the lack of maintenance and assistance with unqualified personnel, little investment, corruption and misappropriation of funds. This dismantles the approach of the Government to declare a State of emergency and emergency power, pointing to the "El Niño" phenomenon as one of the

reasons for failures of service, and quality has not been renewed with best weather conditions, or with new investments.

### **8.2.2 Internet service.**

Another worrying aspect which arises during the State of emergency is related to Internet speed and the quality of services. Venezuela is among the countries of Latin America (LA) with slower internet access, according to the report issued by the Economic Commission for Latin America and the Caribbean (ECLAC) in the month of September 2016)<sup>95</sup> "Venezuela demonstrates the slower speed through the fixed broadband access (1.9 Mbps) in LA, and in terms of performance, the country is one of the most lagging behind with only 0.5% of more than 10 Mbps connections and 0.2% of connections above 15 Mbps". Also the report compares the speed of internet in Venezuela with other countries in the region, and indicates that "The speed of the internet in Venezuela is one of the slowest in the region, second only to Haiti and Nicaragua, fact that is obviously a difficulty involving the development of the country". In this same report you can see the following data showing the above statement: "The average charge rate for broadband in Latin America is 2.92 Mbps (Megabits per second). Uruguay (5.9 Mbps) is a leader in the region, followed by Mexico (5.6 Mbps) and Brazil (4.2 Mbps). Bolivia (1.32 Mbps), Peru (1.31 Mbps) and Venezuela (0.59 Mbps) have lower speeds", the report said. With regard to broadband download speed, the report points out that the average in Latin America is 7.26 Mbps. To the head, and far from the lot, figure Uruguay (22.58 Mbps), followed by Chile (14.96 Mbps) and Brazil (12.83 Mbps). At the low end are Paraguay (3.54 Mbps), Bolivia (2.57 Mbps) and again in last place, Venezuela (2.31 Mbps)<sup>96</sup>. The earlier study also states that the technology used in Venezuela is obsolete, reason by which such disappointing figures are obtained.

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<sup>95</sup>[http://www.el-nacional.com/noticias/historico/cepal-venezuela-tiene-velocidad-internet-mas-lenta-latinoamerica\\_7514](http://www.el-nacional.com/noticias/historico/cepal-venezuela-tiene-velocidad-internet-mas-lenta-latinoamerica_7514)

<sup>96</sup><http://www.diariolaregion.net/2016/07/25/tecnologia-obsolleta-causa-lentitud-en-internet-de-venezuela/>

At the same time, in the ranking of internet speed issued by Akamai<sup>97</sup> in its section State of the Internet<sup>98</sup> in June 2017, it ratifies that average internet speed is below 2 Mbps and ranks Venezuela as 14 in a group of 15 countries in South America, Central America and Canada. Similarly, in the report by Ookla<sup>99</sup>, from the Netindex page, specialized in making measurements of connection, located France as the fifteenth country in bandwidth speed(42,45 Mbps), while Venezuela ranks 190 of 198 countries around the world, with 2.10 Mbps Megabits.

This deficiency of service affect important sectors of the country that support its activities in internet access, since they prevent any type of online activity. In the case of services such as telemedicine, education online, videoconference, among others, which require an important use of the bandwidth and an appropriate speed of internet, services are obviously inefficient.

In addition, in the last two years the internet service has been seriously compromised by recurrent faults in it, such as: a) lack of adequate equipment of telecommunications, b) outdated technology park, c) frequent robberies that are committed on the phone wiring and fiber optic lines that facilitate access to the internet<sup>100</sup>, d) failure of the electrical service at the national level which, in turn, disrupts the work of computers networks both at the level of the service provider and the user, e) lack of investment in infrastructure by the suppliers of the service by the absence of currency (to replace and upgrade equipment, f) damage caused by extreme weather events, among others.

In relation to thefts of cabling and interruptions of the optical fiber, Manuel Fernández<sup>101</sup>, President of the National Corporation of telephones of Venezuela (CANTV), denounced on August 11, 2017, that this year the optical fiber

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<sup>97</sup> <https://www.akamai.com/>

<sup>98</sup> <https://www.akamai.com/es/es/about/our-thinking/state-of-the-internet-report/state-of-the-internet-connectivity-visualization.jsp>

<http://actualizat.com.ve/2017/07/25/ranking-velocidad-de-internet-venezuela-entre-los-ultimos/>

<sup>99</sup> <https://www.larazon.net/2015/08/el-internet-no-es-prioridad-de-inversion-para-venezuela/>

<sup>100</sup> <http://infocidad24.com/servicio-cantv-afectado-cinco-estados-cortes-fibra-optica/>

<sup>101</sup> [http://www.el-nacional.com/noticias/sociedad/presidente-cantv-denuncio-ataques-masivos-fibra-optica-2017\\_199505](http://www.el-nacional.com/noticias/sociedad/presidente-cantv-denuncio-ataques-masivos-fibra-optica-2017_199505)

networks of the telephone have been attacked more than 75 times, and indicated that " During this year there have been 75 optical fiber cuts, 20% of the cuts occurred in recent days. When they cut an optic fiber, they disrupt the communication that allows connection to the Internet". These acts of vandalism occurred mainly in the West of the country, in the States: Zulia, Lara, Mérida, Táchira, Trujillo, Carabobo and Falcon.

It is important to highlight that it cannot be assured whether this situation is only due to the current economic condition of the country, lack of maintenance, vandalism, natural phenomena, but also, perhaps, to the desire to reduce the access of citizens to information and the communication via the internet for essentially political reasons.

On the other hand, in relation to the costs of internet service and the impact on users, the study<sup>102</sup> performed by BuddeComm<sup>103</sup>, independent telecommunications consulting and research company, indicates that "Economic problems in Venezuela are causing considerable distortions in the country's telecommunications market. With consumers been increasingly careful with their available data tax, the number of subscribers to fixed and mobile services has fallen, while the growth in the number of broadband subscribers has stagnated". In addition, the study indicated that "There have been pressures on revenues of operators, with the inflation that has led operators to raise prices by 900% in 2016, a measure which execution one of the presidential decrees of exception did not allow at the beginning of the year 2017".

However, during 2017, the Government had to authorize increases in the cost of the services of more than 1,000% in multichannel, telephony and Internet, obliging providers to apply mechanisms of subsidy, as for example, "the creation of social tariffs, which just ended with fares increment of nearly 260%<sup>104</sup>".

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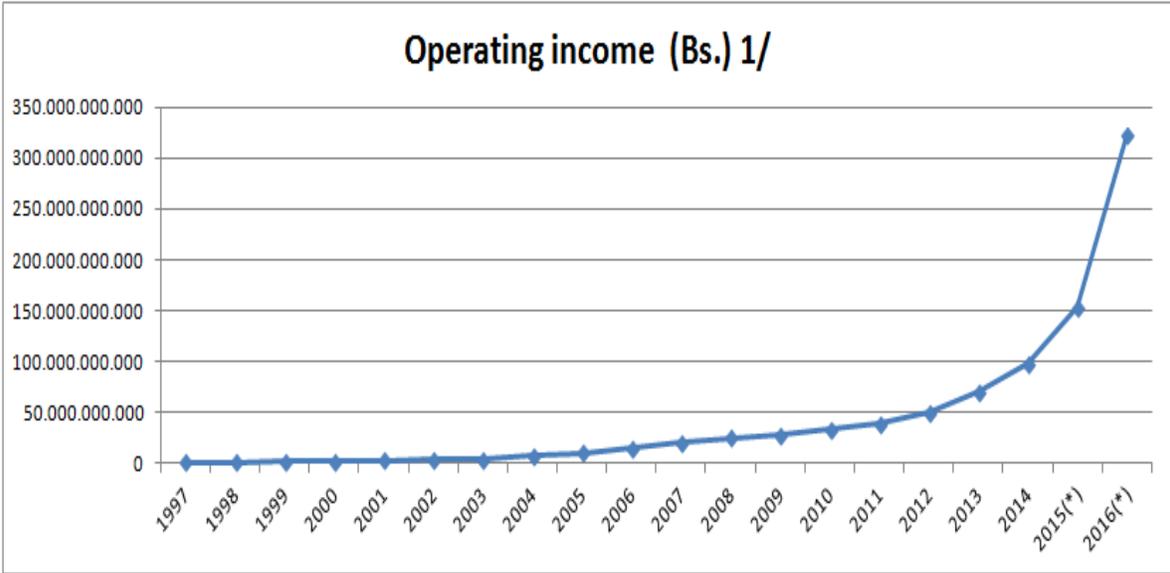
<sup>102</sup><https://www.budde.com.au/Research/Venezuela-Telecoms-Mobile-Broadband-and-Digital-Media-Statistics-and-Analyses/?r=51>

<sup>103</sup> <https://www.budde.com.au/About>

<sup>104</sup> <https://www.el-carabobeno.com/gobierno-autoriza-aumentos-mas-1-000-cableras-telefonía-e-internet/>

To reveal the real situation for Internet services operators in Venezuela, the following points will show the investment state and return on investment of companies in this sector in Venezuela, as well as the detectable earnings levels in these organizations.

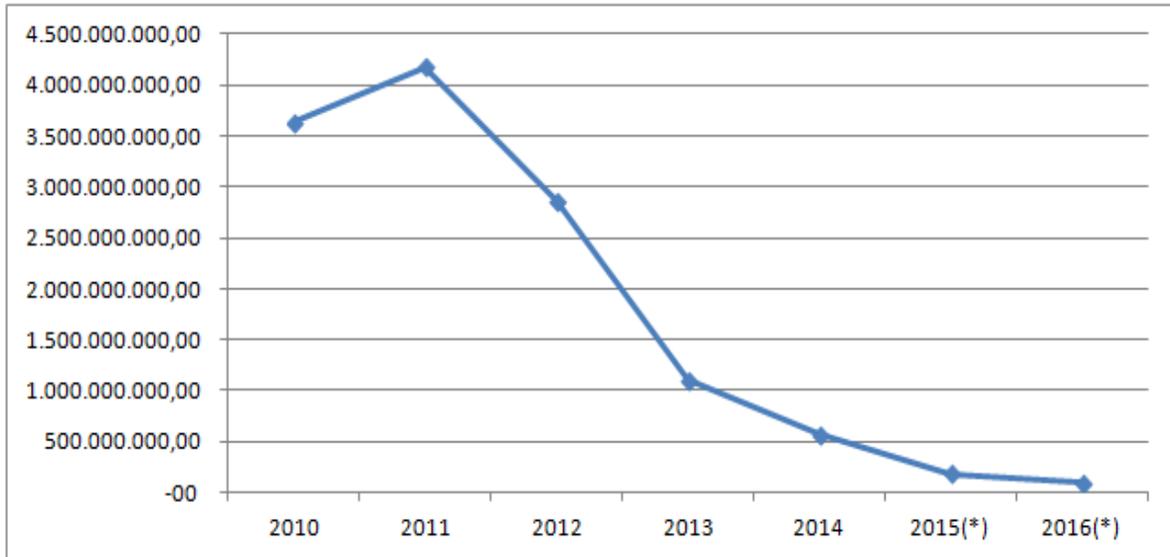
Using the CONATEL database in relation to the operating revenue of the companies in the telecommunications sector, it is possible to examine in the graph 13, that a significant growth to investment in national currency (Bs.) is observed, which unfortunately vanishes when this operation is carried to a different exchange rate reality as the American dollar (USD) parallel or, as seen in the graph 14 and table 1 (according to the historical information of the parallel -free dollar from 2010 to 2016<sup>105</sup>).



**Graph 13. Operating income of companies in the sector of telecommunications in Venezuela (Bs.)<sup>106</sup>. Source: CONATEL.**

<sup>105</sup> [www.dolartoday.com](http://www.dolartoday.com)

<sup>106</sup> <http://www.conatel.gob.ve/estadisticas-anuales-y-trimestrales/?target=indicadores-anuales>



**Graphic 14. Actual state of profit of the companies in the sector when the invoice is referred to table 1 exchange rate relationship.**

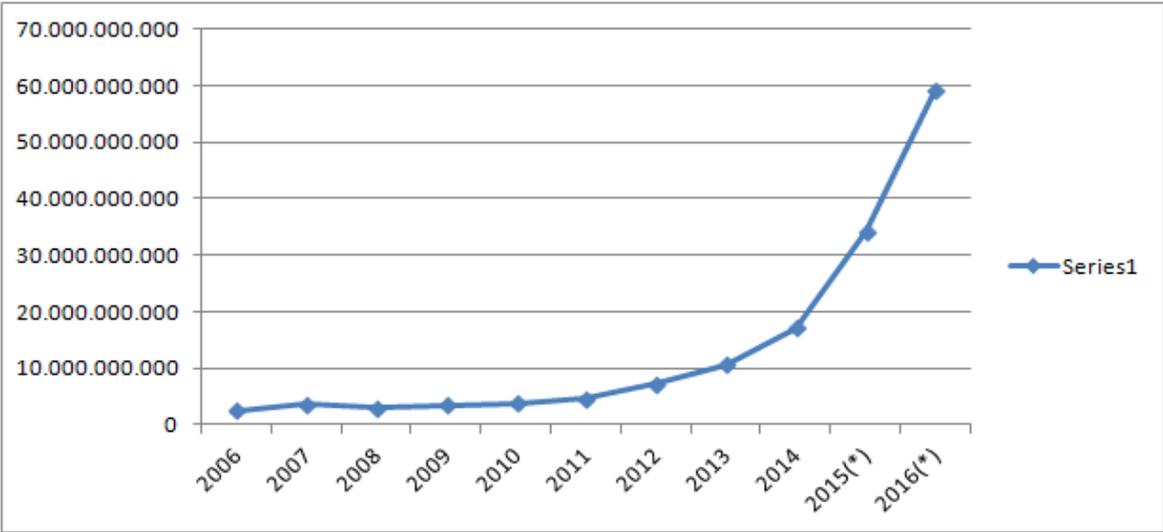
Date	Exchange rate relation Bs./USD
30/12/2010	9,35
31/12/2011	9,46
31/12/2012	17,43
31/12/2013	64,10
31/12/2014	173,24
31/12/2015	833,33
31/12/2016	3.164,72
15/10/2017	32.123,00

**Table 2. Historical exchange rate relation 2010-2017 (parallel dollar)<sup>107</sup>**

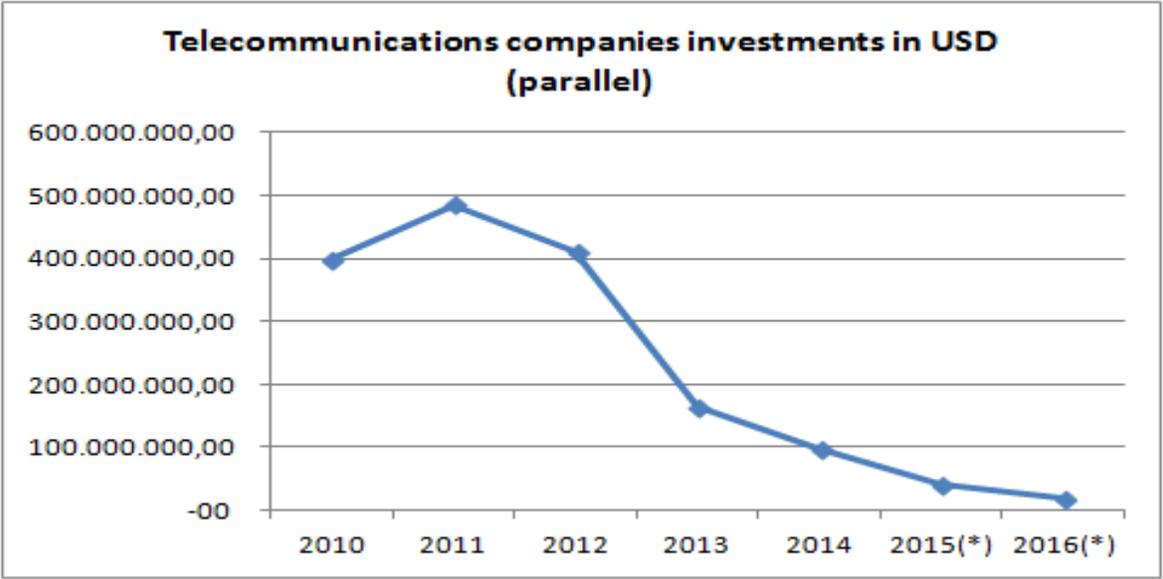
If we refer to the investment made by these companies in the past 10 years, it is possible to see that there is significant growth from 2014 to 2016 as shown in Figure 15, however, during this same period the parallel dollar (the only one which is possible to obtain) fluctuation was greater, as shown in table 2;

<sup>107</sup> [www.dolartoday.com](http://www.dolartoday.com)

therefore, applying the exchange rate conversion produces a highly decreasing curve as seen in chart # 16.



**Chart 15. Investment of telecom companies in the country in the national currency (Bs.). Source CONATEL.**



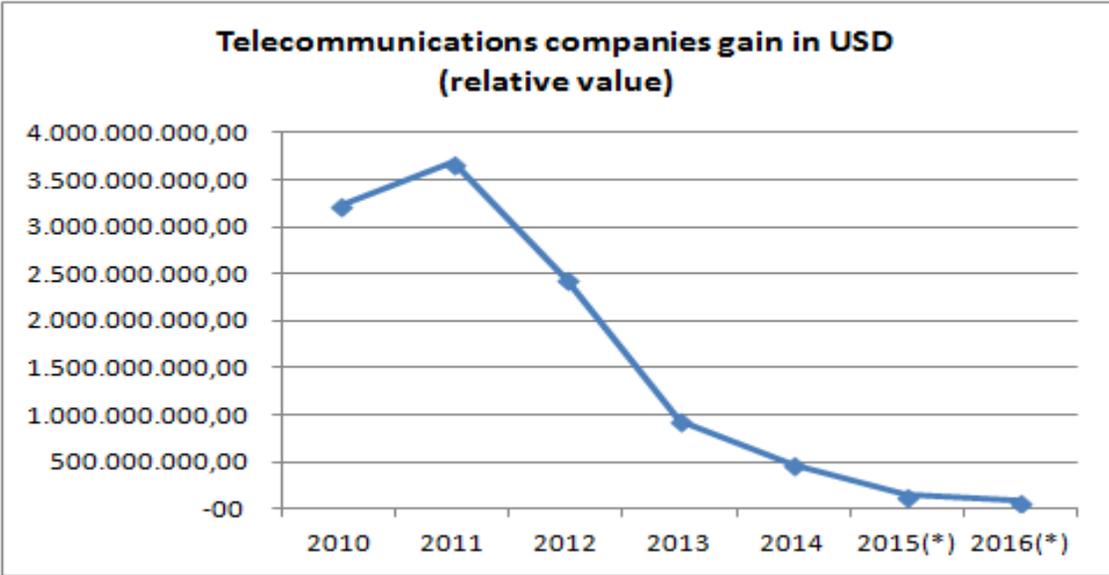
**Chart 16. Telecommunications companies investments in USD (parallel)**

With this, it is possible to observe as the exchange relationship hits the investment results, to the point that a decreasing and worrying fall of real investment in the past 7 years in this sector is seen, which shows and influences notably on the recovery chances of the telecommunications

infrastructure and networks at the national level to provide adequate service of Internet access in the entire nation.

If the investment scenarios are confronted vs. operating income, the gain factor (relative)\* being established as the difference between revenues and investment, we have the following results on chart 17 indicating as this parameter has been reduced during the last years of the Socialist Government. This is another example of the lack of economic incentives for entrepreneurs operating in this sector and consequently investing in telecommunications and networking infrastructures. It can be seen in table 3 that between the years 2010 and 2016 relative earnings are reduced 40 times approximately.

\* It is given this connotation to a very simple reference to compare two parameters (investment and income) that does not take into account other factors affecting real earnings of any productive enterprise.



**Chart 17. Telecommunications companies gain (in USD-relative value) corresponding to table 3.**

YEAR	GAIN (relative) IN USD
2010	3.229.547.632,74
2011	3.686.537.642,33
2012	2.445.718.226,40
2013	943.059.765,84
2014	468.406.865,02
2015	143.063.966,60
2016	83.147.324,68

**Table 3. Values of (relative) gain in the sector.**

For the purposes of identifying what has occurred with the Venezuelan currency during the period of the decrees of exception we show the graph 18, where it may be noted that since the beginning of 2016 until its projection for the month of November 2017, one fluctuation which varied from 833 Bs. /USD (parallel) to more than 33,000 Bs/USD (parallel) was established, undergoing a change in this period of the 4.000%.



**Graph 18. Variation of the national currency vs. free or parallel USD during the Decree of exception period.**

Given this context, the Government has seen the need to authorize increases of internet services, that is why on November 1st, 2017, CANTV <sup>108</sup> authorizes a 382,62% increase in the rates of internet service to users, which represents an increase in relation to the 2016 of 10%. The new CANTV prices that users have to cancel for accessing broadband (ABA/ADSL) plans can be observed in graph 19<sup>109</sup>.

### Nuevos precios ABA - Cantv

Plan	Precio anterior (Bs)	Precio nuevo (Bs)	% de Incremento
1 Mbps	792,68	3472	338
1,5 Mbps Limitado	719,40	3472	382,62
1,5 Mbps Ilimitado	1177,37	5068,8	330,51
2 Mbps	1596,11	5571,2	249,08
3 Mbps	2390,79	7744	223,90
4 Mbps	3197,95	8464,03	164,67
6 Mbps	4452,38	11155,2	150,54
8 Mbps	5958,09	13417,6	125,19
10 Mbps	7791,66	15702,4	101,52

Fuente: Cantv

**Chart 19. New CANTV ABA/ADSL service prices – 2017 (local currency Bs.)**

The above mentioned facts support the conclusion that in Venezuela there is a poor internet service which produces or generates an unsatisfactory and limited experience to users, as well as impeding the technological development of the country. In addition, investments the Government has made to expand the national network of fiber optic transport and improve communications, along with private providers, has been insufficient to improve the quality of services but positive to increase the coverage of this service. According to Luis Carlos Díaz<sup>110</sup>, specialist in digital communication and coordinator of the area of communication and networks of the Gumilla Center, "for the Millennium goals the number of connectivity is enough and Venezuela can say that it was

108 [http://www.el-nacional.com/noticias/economia/cantv-aumento-casi-400-tarifas-internet\\_210510](http://www.el-nacional.com/noticias/economia/cantv-aumento-casi-400-tarifas-internet_210510)

109 <http://runrun.es/nacional/330566/cantv-aumento-sus-tarifas-en-servicios-de-internet.html>

110 <https://www.larazon.net/2015/08/el-internet-no-es-prioridad-de-inversion-para-venezuela/>

fulfilled, between 55% and 65% of the Venezuelan population is connected, that has a propaganda impact, but when one goes to the detail is it possible to realize that we are indeed connected with the worst speed in the continent". It seems that the technological progress of the country, as State policy, focuses on coverage but not on improving the quality of services; aspects that go hand in hand and that require serious policies that ensure control mechanisms that demand from providers to increase or maintain the quality of internet services.

## **8.4. Internet outreach**

### **8.4.1. Outreach by social stratum and gender**

According to Tendencias Digitales organization<sup>111</sup>, in the year 2015, the Internet outreach was 53%, with a population of 16.278.611 users. In the analysis of this outreach based on the distribution of the social strata in 5 classes mentioned above, the resulting population distribution is as follows: class AB with 2%; C with a 19%; D with 41% and E with 38%. This behavior was expected because of the middle and lower social classes' migration to a lower scale for socio-economic reasons. This generates an increase in the outreach of Internet that occurs in D and E strata because most of the population is located in these, and therefore the users' number increases in these social spaces.

According to this study, the distribution by age of users is between 18 to 34 years old, and strongly decreases in groups older than 50 years. No changes were observed by gender, they are distributed almost by 50% - 50% approximately, as mentioned above. Access spaces are, firstly, the home, followed by the ones achieved through the cell phone or smart phone, and then significantly away from the previous two, the connections from Internet cafes, infocentres and workplaces.

The digital gap according to age (18 to 60 years) is approximately 78 percentage points and, depending on the socio-economic groups, between

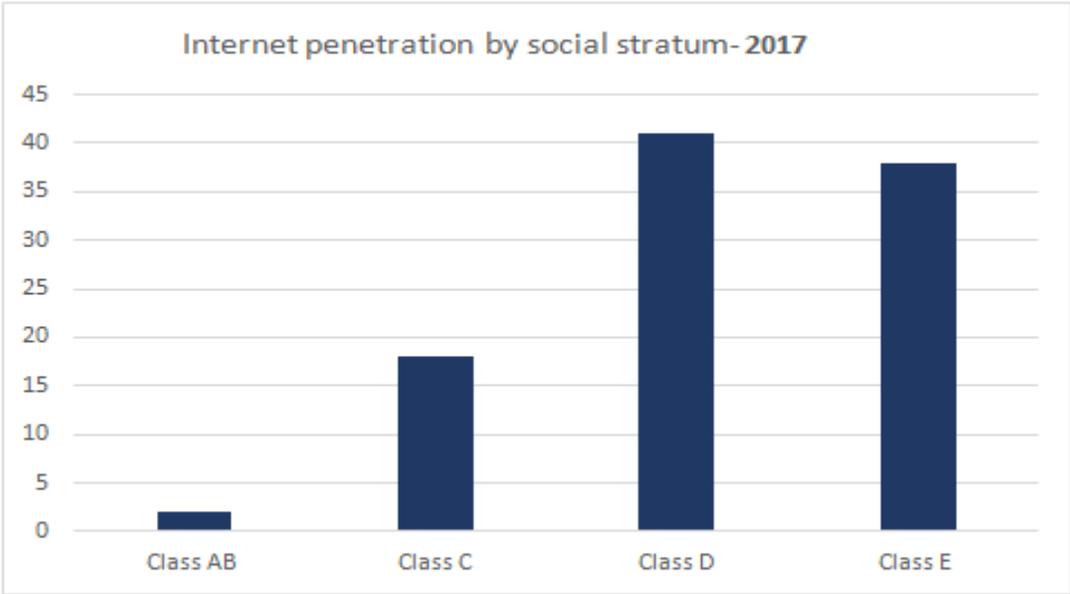
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<sup>111</sup> [Penetración y usos de internet en Venezuela. Reporte 2016. www.tendenciasdigitales.com](http://www.tendenciasdigitales.com)

classes AB and E there is a separation of 58 percentage points, whereas the outreach is 100% for the first and 42% for the latter.

In 2017, the number of Internet users grows to 17.220.192 according to Tendencias Digitales organization<sup>112</sup>, with some difference to the appreciated by CONATEL which is 18.254.349 users, representing an outreach of 57% in the first versus 62% of the latter. CONATEL argues that the last census of 2011 observes a population growth that is projected by the National Institute of statistics INE, every year.

According to this study, outreach by socioeconomic strata distribution can be represented in the following manner: 20% in ABC classes; 41% on D and 39% for the E. According to this organization, 84% of the Venezuelan population is in D and E strata, and 80% of Internet users belong to these social classes. The higher penetration rate is obviously found in the strata ABC (see chart N ° 20)



**Chart N ° 20. Penetration of the Internet according to the social stratum of the population (values %)**

<sup>112</sup> [https://www.slideshare.net/Tendencias\\_Digitales](https://www.slideshare.net/Tendencias_Digitales)

The digital gap is close to that achieved in 2015, with 80 points of difference between age groups previously marked with 46 points of separation between classes AB and E. There is no difference in % of gender.

However, there are no studies by international organizations or in America, that take into account the participation of gender in Internet, rated by some variable or criterion of value. Considering the data designated by ECLAC <sup>113</sup>, about economically active population, which is the one that mostly can have access to technology and the Internet and although a one-to-one (1:1) relationship cannot be established between this indicator and the percentage of women who have access to the Internet, by extrapolation it is possible to set an approximation in the following manner:

On the basis of the intrinsic fact that the population is divided approx. 50% of men and 50% of women, this can be interpreted as that the female population with Internet access is about 24% and the male 38%, whereupon the final percentage of men and women accessing the Internet is approximately 62%, a close figure to the one indicated by CONATEL for 2015. Considering that the population of Venezuela in 2016 according to the reference of Internet WorldStats is 29.680.303 inhabitants, it is possible to declare that about 7 million women and 11 million men have access to this service, figure also approaching in their total value to the established by CONATEL.

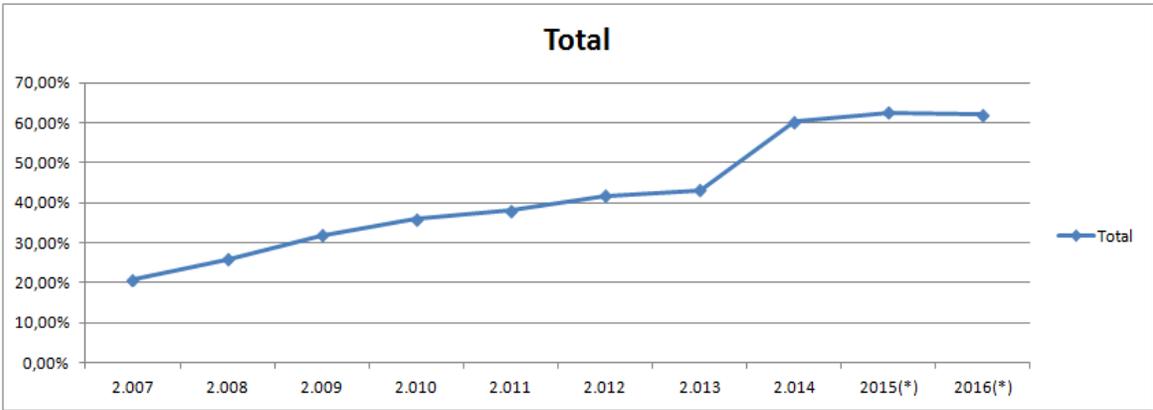
#### **8.4.2. Outreach by region and type of access**

On the other hand, it is possible to mention the distribution of users and subscribers of internet according to the mode of access and the technology employed to determine the regions with greater outreach, the level of penetration on users, and companies which has been involved in the country. Below there is a summary of these indicators:

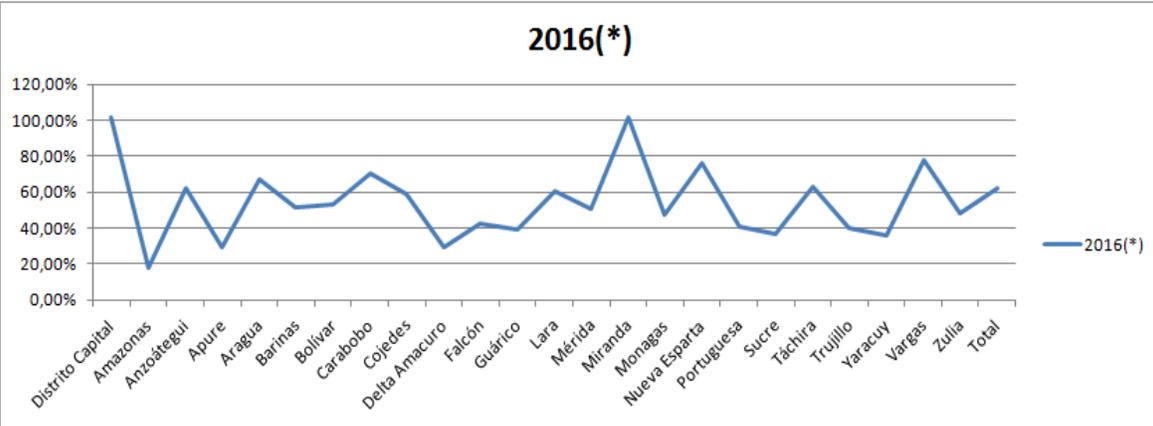
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<sup>113</sup> <http://interwp.cepal.org/sisgen/ConsultaIntegrada.asp?IdAplicacion=1&idTema=632&idIndicador=2470&idioma=e&accesointerno=no>

In the nationwide analysis that follows, States with greater penetration are (from major to minor): Capital District; Miranda; Vargas; Carabobo and Nueva Esparta. The States with the lowest penetration rate are (from minor to major): Amazonas; Apure and Delta Amacuro. It is striking that Edo Zulia is located at number 14 compared to the rest of the States, with only 48% of penetration. Chart # 21 shows that in all the years taken into account, some interannual growth is detected, however in 2016 experienced a reduction in the rate of penetration of users in comparison with the previous year. This same observation is made in chart # 22.

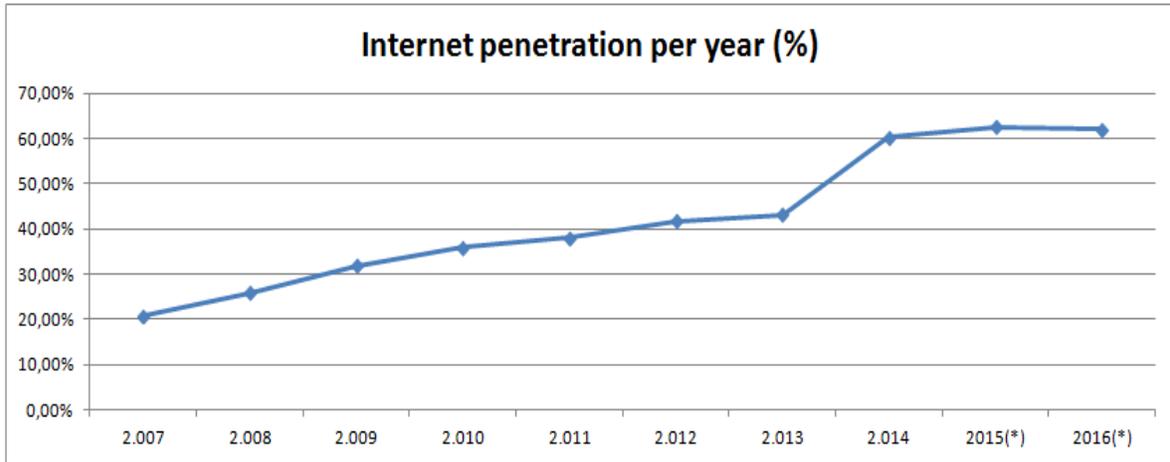


Entidad	2.007	2.008	2.009	2.010	2.011	2.012	2.013	2.014	2015(*)	2016(*)
Total	20,83%	25,88%	31,91%	35,91%	38,09%	41,82%	43,19%	60,25%	62,49%	62,04%



**Chart 21. Outreach (%) of the Internet service in Venezuela <sup>114</sup> (country's total values from 2007 to 2016 and by State for 2016).**

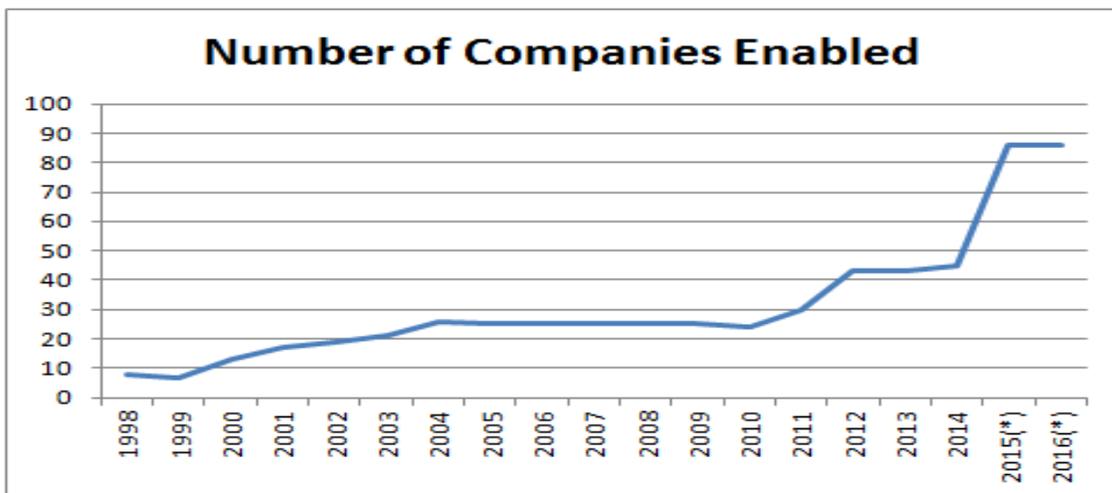
<sup>114</sup> <http://www.conatel.gob.ve/estadisticas-anales-y-trimestrales/?target=indicadores-anales>



**Graph 22. Nationwide Internet service indicators <sup>115</sup>.**

From 2014 on are included user as Internet cell phone accounts with access to data, so there is an abrupt growth close to 20% from that year, from 2014 to 2016 however outreach rate remains constant and the previous years' growing tendency suffers a significant reduction.

If we look at what has been happening in terms of the Internet and telecommunications service providers in the country, chart # 23 allows to show historically what has been happening in this sector in relation to the number of companies that offer the above mentioned services.



**Chart 23. Growth in the number of related companies. CONATEL source**

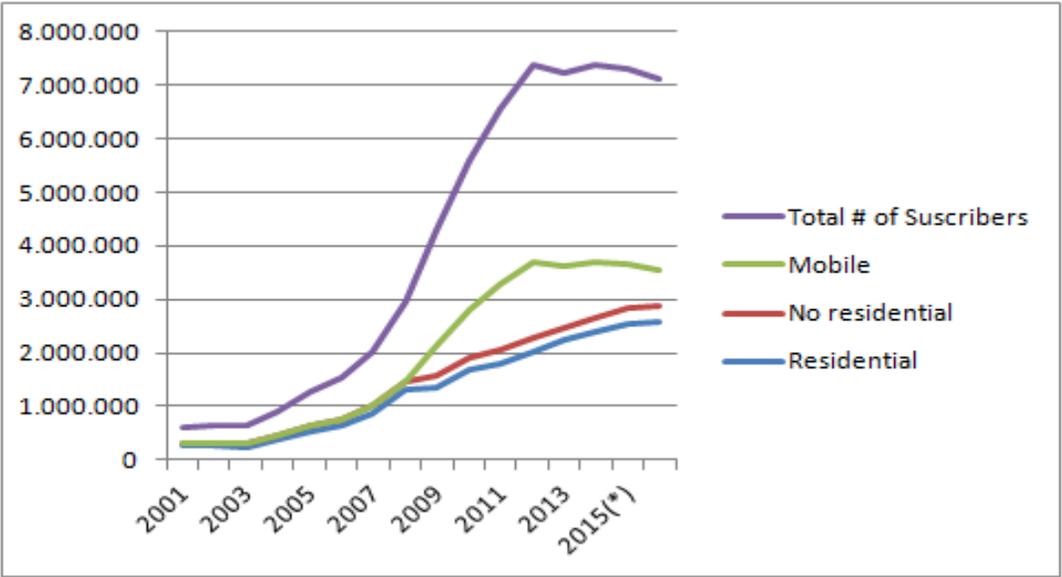
<sup>115</sup> <http://www.conatel.gob.ve/estadisticas-anuales-y-trimestrales/?target=indicadores-anuales>

The number (in absolute value) of authorized companies to provide Internet access service grows from 45 to 86 by 2015 and stabilizes at that value for the next year, while the number of users remains almost invariably until 2016.

It is striking that despite this growth in the number of Internet service companies, the number of users remained almost unchanged in recent years and therefore, the role that have actually played these new companies in the provision of this nationwide service is not understandable.

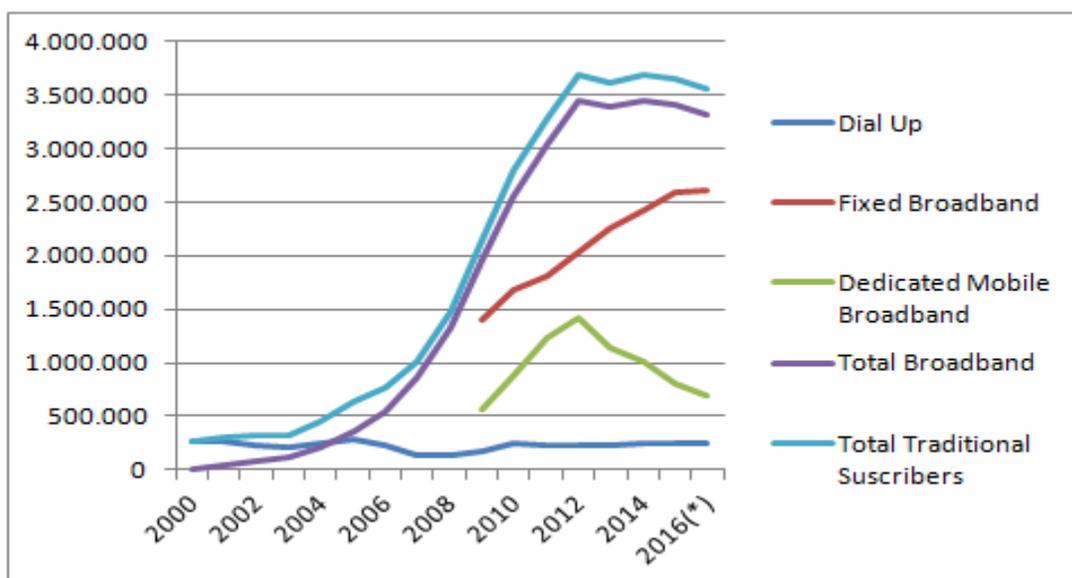
If we want to identify how the service has been offered depending on the technologies and procedures used, as well as the housing condition of users, we can review the trends displayed in charts # 24 and 25.

The total number of residential and non-residential subscribers and mobile access appears on chart # 24, showing that the first strongly outperform the other groups. On the other hand, it can be seen in chart # 25 that while fixed broadband maintains growth in time from its incorporation in 2009, this does not occur with the service of mobile broadband that reaches a peak in 2012 and 2017 is located at levels similar to the moment of its initial installation.



**Graphic 24. Number of subscribers depending on their location status.**

**Source CONATEL.**



**Graphic 25. Number of users on the basis of the modalities of access used.**  
**Source CONATEL.**

Access via Dial Up was of interest in the first years of the 2000s, but its presence scarcely affects the value of statistics during recent times, behaving marginally and being only present where other technologies and access services are not or may not be, for varied reasons.

On the other hand, according to the Economic Commission for Latin America and the Caribbean (ECLAC)<sup>116</sup>, in fixed broadband (BAF) and mobile Broadband (BAM) services in 2015 (active subscriptions per 100 inhabitants): Venezuela had approx. 8% penetration in BAF and 42% in BAM, below average for BAF and BAM in the region in that year which is around 10% and 58% respectively<sup>117</sup>. Similarly, the country with the lowest percentage change in growth in the region was Venezuela (with 116%) during the period 2010-2015.

In the research<sup>118</sup> performed by the Budde consultant company<sup>119</sup> "Venezuela fixed-line teledensity is still relatively high for the region, although the

<sup>116</sup> <http://uma.edu.ve/periodico/2017/01/30/lentitud-conexion-internet-dificulta-desarrollo-venezuela/>

<sup>117</sup> Fuente: ORBA de la CEPAL con base en datos de UIT, *World Telecommunications Indicators Database, 2016*

<sup>118</sup> <https://www.budde.com.au/Research/Venezuela-Telecoms-Mobile-Broadband-and-Digital-Media-Statistics-and-Analyses/?r=51>

<sup>119</sup> <https://www.budde.com.au/About>

sustained growth in the number of lines in recent years has come to an end and in the last months of 2016 the penetration of fixed-line fell below 25%”.

### **8.5. Social networks use**

During the State of emergency digital media have become the ideal medium of transmission of information. The majority of print media in the country have been migrating to the web or keeping a duality of service due to the economic constraints to obtain newspaper. Likewise, a large number of TV and radio plants offer their services via the Internet, trying to jump the obstacles imposed by the Government, and be able to transmit anti-Government information. In this way it is observed as social networks and online platforms, such as Twitter, WhatsApp, Instagram, Snapchat, and Facebook, have become the ideal means for accessing and sharing information and videos<sup>120</sup> .

However, the extension of the designated Decree on May 2017, incorporates measures to monitor, control and censor the Internet, in order to prevent “destabilization campaigns”. The Government has concentrated itself to restrict content on the web and block web sites that offer a window of information against the Government and coverage of national protests situations. At the same time, the Government through the creation of organizational structures identified in the previous report, has promoted actions to monitor communications and regulate the use of social networks, because they consider them as “a danger and the main tool of the unconventional warfare”<sup>121</sup>

According to the “Freedom on the Net 2017” report, from Freedom House Organization<sup>122</sup>, Internet freedom for Venezuela in the 2016-2017 period, became in “Non-free”. They claim, among other items, the deterioration of the access and the quality of telecommunications services, as mentioned in the

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<sup>120</sup> <https://www.bloomberg.com/news/articles/2017-05-03/the-revolution-in-venezuela-won-t-be-televised-except-on-the-internet>

<sup>121</sup> <https://twitter.com/Conatel/status/865160455488245760> See also: <http://www.conatel.gob.ve/en2017-se-discutira-el-marco-legal-para-regular-uso-de-redes-sociales/>

<sup>122</sup> <https://freedomhouse.org/sites/default/files/FOTN%202017%20Venezuela%20%28ESP%29.pdf>

previous section, as well as the arbitrary arrests of opposition activists and reporters. Added to this there are found crashes against selective web sites and technical digital media as well as physical violence against web sites of citizen organizations and journalists.

The Inter-American Commission on human rights (IACHR) and the rapporteurs for freedom of expression of the Organization of the United Nations (UN), in April 2017<sup>123</sup>, in a statement indicate that there have been control actions and the restrictions carried out by the Government in the State of exception on web sites and television signals transmitted over the Internet, which are disproportionate and inconsistent with international standards.

The '*Ley Resorte*'-ME (law of social responsibility in radio and television), in its legislation prohibited messages that are unaware of the legitimate authorities, or promote the violation of laws, which disturb public order and cause anxiety among the population. This same law gives CONATEL discretionary ability to impose severe sanctions on the intermediaries, this law indicates that they can be considered responsible for the content posted by third parties. These legal provisions have resulted in that both service providers and media editors avoid publishing information that contradicts the Government, generating prior censorship and self-censorship<sup>124</sup>.

On the other hand, the State of emergency has sharpened the activities of surveillance and counter-intelligence, emphasizing the strengthening of national defense. There is a growing interest on the Government side by investing in systems and intelligence operations<sup>125</sup>. All this adds elements of repression, intimidation, control and surveillance, as well as breach of privacy that makes the Venezuelan population ever more misinformed and censored.

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<sup>123</sup> <http://www.oas.org/es/cidh/expresion/showarticle.asp?artID=1062&ID=2>

<sup>124</sup> <https://freedomhouse.org/sites/default/files/FOTN%202017%20Venezuela%20%28ESP%29.pdf>

<sup>125</sup> <http://cronica.uno/gobierno-gastara-casi-14-millardos-de-bolivares-en-inteligencia-en-2017/>

All of the above mentioned tells us that a larger population excluded digitally is been generated, because, as Freedom House points out, Internet in Venezuela "is not free", due to what might be called a "digital repression".

## **8.6. Economic indicators**

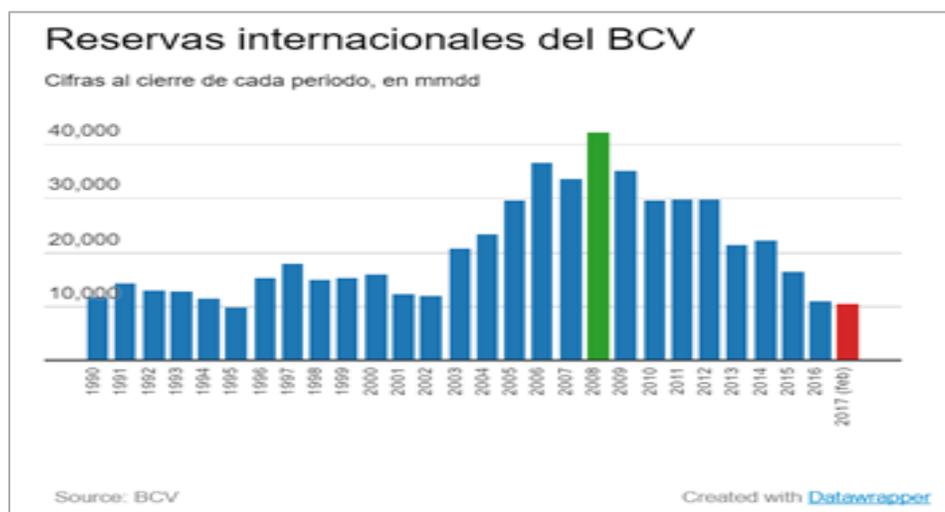
According to the World Bank<sup>126</sup>, up to 2014, Venezuela was favoured by high oil prices, which allowed the Government to expand public spending and implementing social programs called "*misiones*", creating several public companies and nationalizing a large number of private enterprises in sectors like hydrocarbons, mining, banking and telecommunications. With this economic growth and policies of redistribution of wealth, the Government achieved by 2013, the 32% reduction of poverty, which was at 49.4% during 1999.

Around 2014, because of the oil dependence (represents 96 percent of exports) and the precipitous fall in the international price of oil, as well as the economic policies implemented by the Government, the country has been severely affected socio-economically. This economic crisis was raised as one of the reasons that led the Executive to impose the State of emergency, with a view to implement actions that stabilize the social and economic situation of the country. However, when evaluating aspects of the economic situation in Venezuela, in the period from January 2016 to September 2017, subject of this study, it is observed that the crisis which justified the Decree remains and has even worsened.

Chart # 26, shows the deterioration of international reserves. For 2008 there was a further strengthening of them which came to a maximum of 42 billion dollars, driven by the surplus oil, from there the trend has been down, with a sharp decline between 2015 and 2016.

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<sup>126</sup> <http://www.bancomundial.org/es/country/venezuela/overview>



**Chart N ° 26. International reserves of the Venezuelan Central Bank (BCV) in MM\$.**

Source: <http://www.elfinanciero.com.mx>

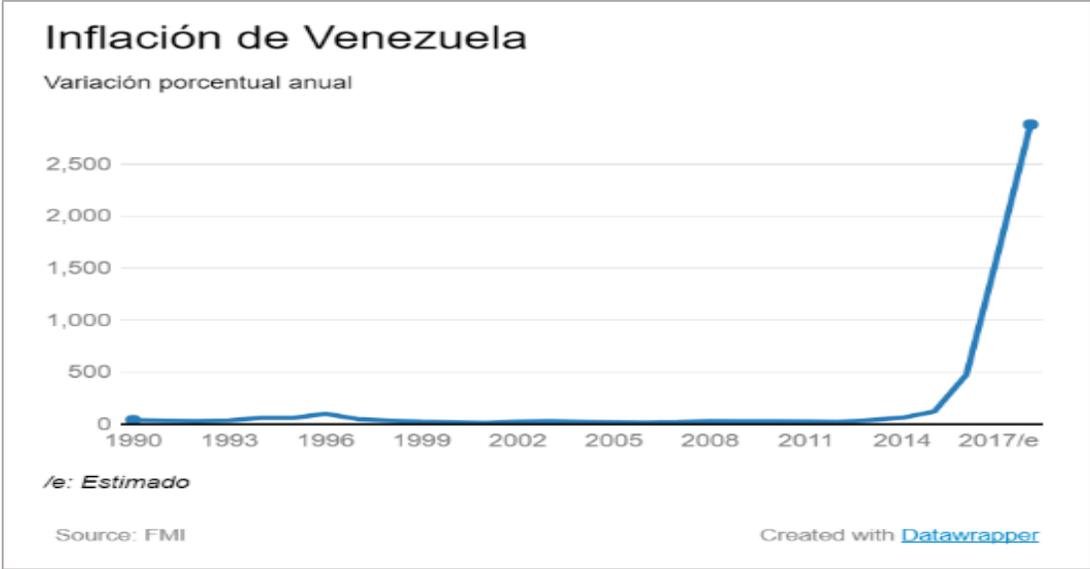
Similarly, for the gross domestic product (GDP) per capita, according to the International Monetary Fund (IMF), in its report Regional Economic Outlook (REO), may 2017<sup>127</sup>, it is projected real GDP to fall 7.4 percent in 2017, after a fall of 18% in 2016 and 6.2% in 2015. Between 1999 and 2016 the GDP reached the 7.307 dollars annually on average, which would have boosted levels of well-being of the population, but so misleading as the economy for this period, "was affected by a greater State intervention, a price control and a shrinkage in the flow of foreign exchange"<sup>128</sup>.

On the other hand, the same IMF report points out that: "monetization of large fiscal deficits, the scarcity of goods and loss of confidence in the currency have pushed the consumer price index (CPI) to increase up to 274 percent (and up to approximately 470 percent for wholesale price inflation) in 2016. it is projected that inflation, as measured by the CPI, will accelerate up to about 1.134 percent in 2017 and that the current account deficit will reach USD 8.200 million in this year (3¼ % of GDP)".

<sup>127</sup> <http://www.imf.org/es/Publications/REO/WH/Issues/2017/05/10/wreo0517#Chapter2>

<sup>128</sup> <http://www.elfinanciero.com.mx/rankings/graficas-que-te-explican-la-economia-de-venezuela-y-su-impacto-social.html>

Graph N°27 shows the annual percentage change in Venezuela’s inflation<sup>129</sup>, noting that it reached an estimated 475% by 2016. It is important to remark that the State managed to handle inflation for a few years, supported by the surplus of foreign currency from high oil prices, which allowed covering the Venezuelan basic needs with imports, in detriment to the National productivity.



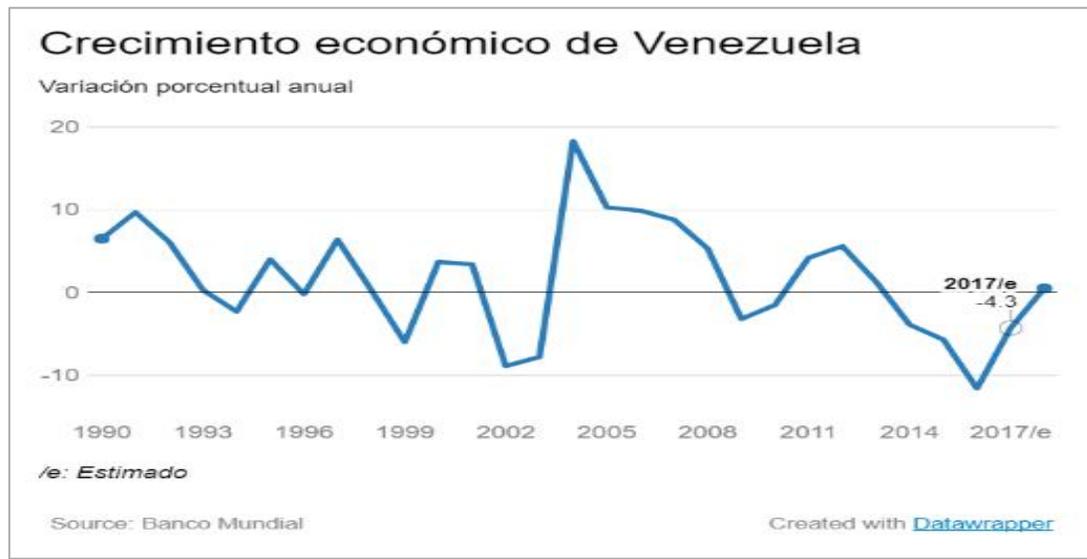
**Chart N ° 27. Percent annual inflation in Venezuela.**

Source: <http://www.elfinanciero.com.mx>

Likewise, if the economic growth of the country is analyzed according to the World Bank, Venezuela's economy grew at an average annual rate of 3.4 per cent between 1990 and 1998. The growth in the last 20 years has been only 1.2% annual average. Chart # 28 presents the annual percentage change of economic growth showing that for the years 2015 and 2016 it was - 5.7% and -11.6% respectively<sup>130</sup>.

<sup>129</sup> <http://www.elfinanciero.com.mx/rankings/graficas-que-te-explican-la-economia-de-venezuela-y-su-impacto-social.html>

<sup>130</sup> <http://www.elfinanciero.com.mx/rankings/graficas-que-te-explican-la-economia-de-venezuela-y-su-impacto-social.html>



**Chart N ° 28. Economic growth in Venezuela.**

Source: <http://www.elfinanciero.com.mx>

All the facts indicated earlier allow to deduce and verify that a severe economic contraction is lived in Venezuela<sup>131</sup>, high inflation and a marked deterioration in levels of well-being of the population. This situation is further aggravated by problems of shortages of food and medicines, as well as the high rates of violence in the country.

All of this generates a larger population digitally excluded inasmuch as the population becomes poorer, access to Internet services become sumptuary expenses. In addition, the Venezuelan population increasingly leads itself mainly to survive and meet their basic needs.

<sup>131</sup> [http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/VEN/INT\\_CESCR\\_CSS\\_VEN\\_20440\\_S.pdf](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/VEN/INT_CESCR_CSS_VEN_20440_S.pdf)

## **9. MODALITIES OF DIGITAL DISCRIMINATION THAT AFFECT INTERNET ACCESS**

This study aims to determine the different types of digital discrimination that have been registered during the implementation of the Decree of State of exception. It is important to highlight that during the implementation of this Decree, in Venezuela a series of facts have been happening, which can be summarized in three key elements: Socio - economic; Politics; and International.

### **Socio-Economics**

- Situation of high social vulnerability due to food shortages characterized by a significant contraction of domestic production of food and the intensive use of imports<sup>132</sup>.
- Severe stagflation, drastic reduction in domestic demand, imports collapse, hyperinflation of 1000%, and decline in oil production, a significant fall from the price of oil barrel, and sharp fall of GDP<sup>133</sup>.

### **Politics**

- Unconstitutional handling of elections by electoral power, demonstrating facts as: suspension of the process to recall activation of the presidential referendum, violation of rules during the regional elections, which were to be held in 2016.
- Establishment of the National Constituent Assembly (ANC), not convened by the Venezuelan people, which is unconstitutional and is not recognized internationally by organizations such as the European Union (EU) and organization of American States (OAS).
- Supreme Tribunal of Justice (TSJ) limits functions of the National Assembly (AN). TSJ says that AN "is not entitled to revise, cancel, revoke or otherwise rescind the inter-agency process of appointment of judges and magistrates", although it is entitled to designate them,

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<sup>132</sup>[http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/VEN/INT\\_CESCR\\_CSS\\_VEN\\_20440\\_S.pdf](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/VEN/INT_CESCR_CSS_VEN_20440_S.pdf)

<sup>133</sup> <http://www.bancomundial.org/es/country/venezuela/overview>

naming judges themselves. On the other hand, the TSJ dictates judgments no. 155 and 156 whereby attributed to itself the functions of the National Assembly (AN) and extend the powers of the President of the Republic<sup>134</sup>.

- Statement by the Attorney-General's Office in relation to statements issued by the TSJ that undertake the actions of AN<sup>135</sup>.
- The above facts lead to the AN and the national political forces of the opposition sector to enact a manifesto for the rescue of the constitutional thread and set a path of actions for the rescue of human rights in Venezuela: right to food, Right to health, right to protest, etc.<sup>136</sup>

### **International**

- The National Assembly initiated a process of international denunciation to demonstrate the violation of the constitutional thread in Venezuela, visiting bodies such as the Organization of American States (OAS), requesting activation of the Democratic Inter-American Charter<sup>137</sup>, to treat the Venezuelan case. Likewise, they performed an official visit to the Parliament of the European Union.
- On May 30th, 2016, the general Secretary of the OAS, Luis Almagro, called the Inter-American Democratic Charter to Venezuela, invoking article 20 of that organization<sup>138</sup>.
- Pronouncements and sanctions to members of the Government of Venezuela by different Governments, such as measures for the rescue of the democratic order in Venezuela<sup>139</sup>.

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<sup>134</sup> [http://www.el-nacional.com/noticias/politica/tsj-viola-principios-republicanos-sus-dos-ultimas-sentencias\\_88047](http://www.el-nacional.com/noticias/politica/tsj-viola-principios-republicanos-sus-dos-ultimas-sentencias_88047)

<sup>135</sup> [http://www.el-nacional.com/noticias/politica/luisa-ortega-diaz-sentencias-del-tsj-violan-orden-constitucional\\_88240](http://www.el-nacional.com/noticias/politica/luisa-ortega-diaz-sentencias-del-tsj-violan-orden-constitucional_88240)

<sup>136</sup> [http://www.el-nacional.com/noticias/asamblea-nacional/aprobo-manifiesto-con-siete-condiciones-para-restituir-democracia\\_179361](http://www.el-nacional.com/noticias/asamblea-nacional/aprobo-manifiesto-con-siete-condiciones-para-restituir-democracia_179361)

<sup>137</sup> [http://www.eluniversal.com/noticias/politica/aprobo-acuerdo-para-activar-carta-democratica-interamericana\\_644762](http://www.eluniversal.com/noticias/politica/aprobo-acuerdo-para-activar-carta-democratica-interamericana_644762)

<sup>138</sup> [http://www.bbc.com/mundo/noticias/2016/05/160531\\_noticias\\_venezuela\\_carta\\_democratica\\_oea\\_luis\\_a\\_lmagro\\_nicolas\\_maduro\\_amv](http://www.bbc.com/mundo/noticias/2016/05/160531_noticias_venezuela_carta_democratica_oea_luis_a_lmagro_nicolas_maduro_amv)

<sup>139</sup> [http://www.eluniversal.com/noticias/politica/impone-sanciones-venezuela-para-favorecer-dialogo\\_677497](http://www.eluniversal.com/noticias/politica/impone-sanciones-venezuela-para-favorecer-dialogo_677497)

In this context, and analyzing the indicators presented in the previous section, it is possible to determine some elements that reflect various forms of repression, that have been implemented during the Decree of exception, which promote the Digital exclusion of population discriminated against by social status, region, and gender. The modalities of digital exclusion that have been expressed during the implementation of the Decree of emergency in Venezuela are the following

### **9.1. By Social Stratum**

The assessment of the economic situation in Venezuela, during the period from January 2016 to September 2017, object of this study, shows that the economic crisis that justified the State of emergency decree has worsened.

This directly affects the population in general, and mainly to the population defined as that group formed by people, who according to their socio-economic condition, are located sociologically in poverty levels D and E strata. But in addition, in this period, the population of the upper middle and middle classes, defined as class C, has been dramatically affected, since economic indicators show a deterioration in the quality of life, leading to the disappearance of this social classes, to the point that the trend in Venezuela is that these social strata will disappear to have only poor and non-poor.

On the other hand, the Government authorizes adjustments to the prices of Internet-related services, both State and private providers, as the established prices were unviable to be able to offer quality services. This measure brings as consequence that the population in general, due to the same economic crisis, prioritize needs, placing internet as a luxury expense service, and preventing affordable access to it.

With the above expressed facts, it can be concluded that during the period of exception there has been a growth in the population digitally excluded under the modality of social stratum, which limits development, equity, and

technological empowerment of Venezuelan society, increasing the digital gap between social strata. All this despite the fact that the Government has made efforts to improve the infrastructure of telecommunications at the national level, set forth in the plans of the nation.

## **9.2. By Geographic Region**

Venezuela has a telecommunications infrastructure which facilitates the interconnection of the different regions of the country, noting that the Government has focused their efforts on ensuring access to the internet in rural, and inaccessible border located in the regions Plains Central depression and Guyana, giving priority to the education and health sectors.

It is observed that in these regions, as well as the Western and Eastern regions, the quality of the Internet service, during the period of emergency, has dropped significantly due to different reasons, among which we can mention: vandalism (theft and optical fiber cuts), the obsolescence of the equipment, the lack of maintenance, etc. In addition, in these same regions, the national electric system presents a deterioration that has worsened in the past two years, as evidenced in the previous section, significantly affecting the development of telecommunications and the access to the Internet.

In the capital central region, area where the highest percentage of the Venezuelan population is located, the Government has implemented projects that guarantee a better provision of Internet services, as well as a better quality of electrical services has also been observed. It is important to highlight that during the State of emergency, in this region the Internet access has not been committed, inasmuch as there have been the problems pointed out in the other regions, which should be a cause for reflection.

With the above expressed it can be concluded that population digitally excluded by geography, refers not only to those located in rural areas, but also increases now, by the State of emergency, adding those cities and towns located in the Western and Eastern regions. This due to the fact that the critique social and economic situation of the country has generated a marked deterioration in the well-being of the population, which results in high levels of

delinquency, which added to the lack of maintenance and investment in electrical infrastructure and telecommunications, equitable and affordable causes Internet service to be limited to the population.

## **10. EFFECTIVENESS LEVEL OF POLICIES IMPLEMENTED DURING THE EXCEPTION PERIOD WITH REGARD TO INTERNET ACCESS.**

At the beginning of the year 2016, the Government sets up an Economic Agenda, in which economic actions are considered for the development of the nation, in order to counter the effects of the so-called “economic war”, which, according to governmental actors, promotes the weakening of the institutions, the rupture of the constitutional thread and the destabilization of the economy. This “economic war”, in turn has affected the oil prices, generated a decrease in access to goods and services, promoting induced inflation, generated a fictitious value of the currency and a great speculation, among other problems. This implies that the responsibilities of the Government to the economic crisis is not a product of misguided public policies implemented by the same but related factors of the Venezuelan right and its international allies, as they pointed out in the book of productive engines of the nation <sup>140</sup>.

It is important to point out that the Decree of economic emergency, subject of this study, is one of the components presented in the agenda, which seeks to control the effects of the “economic war”. One of the aspects considered in the Decree raises the need for policies, measures and organizational structures to control, watch, monitor and regulate cyberspace, and information systems to ensure national security, such as set in one of the extensions of the Decree, previously indicated in the first progress report, Decree No. 2.849<sup>141</sup>.

As it can be observed, the economic crisis is a determining factor in the statement of the Decree, and thus in the establishment of policies related to the use and development of technologies and, specifically, access to internet, determining factor that promotes the exclusion of the digital population in

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<sup>140</sup> <http://www.conatel.gob.ve/wp-content/uploads/2016/04/04-Libro-Motores-Productivos.pdf>

<sup>141</sup> <http://www.finanzasdigital.com/2017/07/prorrogaron-decreto-emergencia-economica/>

Venezuela, reason by which, the economic indicators are essential for the analysis of the level of effectiveness of the Decree.

It is important to highlight that in the previous report, we identified two major types of digital exclusion, namely: by location or geographic region and by social stratum. These modalities are intrinsically related to the quality of life of the population, because they alter the opportunities of access to internet services. However, when analyzing variables related to gender and use of social networks, the existence of other forms of digital discrimination during the Decree of exception are found, which are defined as gender and digital repression. Following is a summary of the four modalities.

- **Geographic location modality.** Relating the location or geographic region, it was stipulated that there is a population excluded digitally, not just those located in rural areas, but also that located in cities and towns of the Western and Eastern regions as a product of the intense deterioration of the population well-being during the State of emergency, which has made equitable and affordable Internet service increasingly worsen.
- **Socio-economic status of the population or social stratum modality.** It was found that the economic situation in Venezuela, in the period January 2016 to September 2017, has worsened, where upper-middle and middle class population, defined as class C, has been dramatically affected, leading them to his disappearance, and therefore increasing poverty levels in the country.
- **Gender modality.** It was found that there is a marked difference in the economic participation of women with respect to men, mainly in rural areas, where men have a rate of 78 per cent, and women just 29% of active participation. Likewise, it was noted that in Venezuela there is a wage gap between masculine and feminine genders, being more unfavorable the position for women without professional studies, compared to masculine group which earns up to 60% more than women. This led us to conclude that the female population in rural areas and without studies can be

considered as population digitally excluded because they have more unfavorable conditions, with regard to their low economic activity and revenue collecting, which is a limiting situation in the use of services such as the internet.

- **Digital repression modality.** In the analysis hereof performed, it has been found a new form of digital exclusion which was termed digital repression. This modality focuses mainly on constraints (blocking content, blackout, blocking web sites, etc.) imposed on users of social networks, websites, and online media, as these users promote the violations of human rights denounce, as well as to disseminate ideas contrary to the ruling party. In addition to the above new measures that the Government has implemented during the State of emergency, on use of social networks, which have been regulated by a new legal instrument, called a "Constitutional law against hate, for the coexistence peaceful and tolerance", approved in the month of October of 2017 by the Constituent National Assembly, which establishes penalties between 10 and 20 years in prison and restrictions on leaders, citizens and the media. The NGO *Espacio Público* reported that the instrument will increase persecution and the digital criminalization in the country. On the other hand, in the month of October 2017 the Criminal Forum report highlights censorship, media cancelation and persecution of journalists during the year 2017, pointing out that at least 49 communication media, radio and television stations have been closed under decisions issued by CONATEL, and around 10 printed media were left out of circulation as they were considered by the State to have opposing content or tendency, severing the right to truthful and timely information of the citizens. Between 2015 and 2016, according to the National Directorate of Press Freedom in *ProCiudadanos*, 13 media were shut down, pointing to violations of freedom of the press and thinking in Venezuela. With the above mentioned facts, it become manifest actions that demonstrate the institutionalism of the digital repression in Venezuela, backed by the State of emergency and laws that are enacted through this.

On behalf of the above presented facts, it is possible to consider appropriate to evaluate the behavior of some economic indicators, pointed as a cause of the "economic war", which must be attended by the measures laid down in the Decree of exception, and indicators that determine the level of effectiveness of the same (see table N ° 1). In the same way, the categorizing and linking of the various measures defined in the descriptive chart 2.2 (p. 8) on the first progress report, seeks to identify which implemented measures during the State of emergency, promote the exclusion mode so-called digital repression (see table N ° 3). On the other hand, the policies related to the establishment of organizational structures during the State of emergency, provided new elements which reinforce the thesis of the emergence of digital repression modality (see table N ° 5).

The following is the analysis of the economic indicators, as well as the categorization of measures and organizational structures implemented during the Decree.

#### **10.1. Behavior of economic indicators during the period 2015-2017.**

To assess the effects of the "economic war" that generated the crisis, according to the Government, and which should be controlled during the State of emergency, the behavior of some economic indicators is presented below.

**Table N° 4 Behavior of economic indicators**

Indicator	2015	2016	2017	Observation
Economic growth (annual percentage change)	- 5,7	- 11,6	- 4,3	It shows that the levels of domestic production is in decline
Gross domestic product per capita (GDP variation in \$)	80494	10755	9903	
Inflation (percentage variation)	121,74	475,81	1660,05	
International reserves of the BCV (in billions of \$)	163667	10992	10439	
Oil price (Variation in \$)	44,65	35,15	46,04	The price of a barrel of oil in 2014 was \$96,23
Currency value <sup>142</sup> (\$) (Variation in Bolívares)	198,69	673,83	3345	SIMADI exchange
	910	3164	97192	Parallel exchange
Basic family basket (Variation in Bolívares) <sup>143</sup>	139.273	624.544	2.938.277	
Minimun wage <sup>144</sup> (Variation in Bolívares)	9.648,18	90.812,10	456.507,44	

Source: Data obtained from the second progress report on the project.

Looking at the indicators presented in the table above, it can be determined that in the evaluated period, the behavior of the Venezuelan economy has not improved, moreover, reflected a deepening of problems. Mentioning examples of some indicators, reveals the low effectiveness of economic measures, the State of exception objects, to control the crisis. If we relate the cost of the basic family basket with respect to minimum wages, it is possible to determine that a Venezuelan family requires 6.43 minimum wages to be able to acquire goods and basic services. Similarly, when observing the behavior of inflation, it is also possible to conclude that it has failed to be unhandled during the State of emergency, reaching approximately 1500% which represents a State of hyperinflation in Venezuela, with the catastrophic consequences that this represents. As far as this study concerns, this economic context limits users to access internet services, since it becomes a luxury service, due to its costs and the inability to pay these, as noted in the second advance report (p. 24).

From the above expressed it may be concluded that the state of exception implementation, called economic emergency, has generated an increase in

<sup>142</sup> <http://www.bcv.org.ve/cuadros/2/212a.asp?id=64>

<sup>143</sup> <http://www.finanzasdigital.com/2017/09/cendas-fvm-canasta-basica-subio-2-938-27719-bolivares/>

<sup>144</sup> <http://www.actualidad-24.com/2017/01/salario-sueldo-minimo-Venezuela-2017.html>

digitally excluded population under the modality of social stratum, as it has diminished exaggeratedly Venezuelan people financial capacity, making them economically poorer. In the same way, the state of exception has not handled emergency, instead it is creating disturbing effects on people as access to goods and services becomes increasingly complicated.

## **10.2. Categorizing of the measures implemented during the state of exception in relation to internet access.**

The descriptive chart on section 2.2 in the first advance report specifies the most relevant measures which were implemented during the state of exception related to information and communication technologies (ICT). Through assessment of these measures it may be determined that they show features as to be typified in the following way:

- **Control measures.** These relate to the control in the access (CA), privacy (CP), surveillance and monitoring (CV) of content on the web, social networks, portals, etc.
- **Regulatory measures(R).** They are those that establish standards or regulations related to the development and application of ICT, to control the use of traditional and digital media.
- **Measures of access (A).** These facilitate access, use and control of ICT groups institutionally recognized as social movements, communities, etc., to create networks that allow the exchange of information and monitoring of the use of the media.
- **Measures of repression (REP).** They are those implemented to legally punish users who broadcast views contrary to the Government, in digital media, and which are considered that threaten the security of the nation.
- **Measures for the revival of services (RE).** These are related to the improvement of infrastructure and telecommunications services.
- **Formation measures (F).** These seek to keep training referring ICT to people using, develop and apply technologies to Access and improve internet services.

- **Promoting measures (P).** These facilitate rapprochement between the social groups and promote governmental information.

Below, in table N ° 5, designated measures coded for better analysis are presented.

**Table N° 5. Measures codification**

<i>Code</i>	<i>Measure</i>
<b>R1</b>	It is declared null and void the partial reform of the telecommunications law, passed by the National Assembly on September 29, 2016. Official Gazette N ° 41.078
<b>RE1</b>	Creation of the telecommunications and computer engine. <sup>145</sup>
<b>CP1</b>	National cybersecurity and defense plan <sup>146</sup>
<b>CV1</b>	Creation of the Directorate of security for telecommunications <sup>147</sup>
<b>R2</b>	Law that regulates the use of cellular phones and the internet inside prisons. Official Gazette No. 40.945
<b>RE2</b>	Reactivation of programs related to the following projects: - CANAIMA Project - PUBLIC SOFTWARE Project - REACCIUN Project
<b>A1</b>	PATRIA NET <sup>148</sup> .
<b>A2</b>	CONNECTED COMUNE PLAN <sup>149</sup>
<b>R3</b>	Suspension of the increases of prices and tariffs of the multichannel service, telephony and internet <sup>150</sup> .
<b>A3</b>	Workshops were conducted to address the management of the domains of top level in Venezuela <sup>151</sup>
<b>R4</b>	The TSJ responds to a demand for protection of diffuse rights against the portals on the internet: Lapatilla.com and caraotadigital.com sentence N ° 429-2016 Supreme Tribunal of Justice (TSJ) <sup>152</sup>

<sup>145</sup> <http://portal.mippcoexin.gob.ve> y <http://www.conatel.gob.ve/activado-motor-telecomunicaciones-para-reimpulsar-economia-nacional/>

<sup>146</sup> <http://www.suscerte.gob.ve> y noticias en <http://www.conatel.gob.ve/ejecutivo-activa-plan-de-seguridad-para-sector-telecomunicaciones/>

<sup>147</sup> <http://www.mppriip.gob.ve/index.php/despacho-del-vice-ministerio-de-prevencion-y-seguridad-ciudadana/>

<sup>148</sup> <http://www.redpatria.org.ve>

<sup>149</sup> <https://www.mppeuct.gob.ve/actualidad/noticias/movilnet-impulsa-el-plan-comuna-conectada>

<sup>150</sup> <http://www.conatel.gob.ve/conatel-al-pais/>

<sup>151</sup> <http://www.conatel.gob.ve/usuarios-y-comunidad-tecnica-elaboran-propuestas-para-fortalecer-nic-ve/>

<sup>152</sup> <http://www.conatel.gob.ve/exhorto-con-relacion-a-sentencia-nro-429-2016-del-tribunal-supremo-de-justicia/>  
<http://www.leyresorte.gob.ve/2016/06/exhorto-con-relacion-a-sentencia-nro-429-2016-del-tribunal-supremo-de-justicia-leer-mas-en> <http://www.conatel.gob.ve/exhorto-con-relacion-a-sentencia-nro-429-2016-del-tribunal-supremo-de-justicia/>

Sentencia N° 429-2016 del Tribunal Supremo de Justicia en <http://historico.tsj.gob.ve/decisiones/scon/junio/188133-429-8616-2016-16-0360.HTML>

- F1** Creation of the University of telecommunication and Informatics of Venezuela. <sup>153</sup>
- REP1** Closure of radio stations and TV channels <sup>154</sup>
- REP2** Closure of channel CNNE in Spanish, through an administrative procedure penalties against the channel <sup>155</sup>
- CP2** It was generated a regulation for the control and use of the information that is transmitted through the accounts in social networks, platforms and web portals. This involves gathering information of who open an account, and who exercises an electronic medium (under development)<sup>156</sup>
- REP3** Arrests to Venezuelan citizens for sending anti Government messages<sup>157</sup>.
- REP4** From official accounts are generated campaigns of grievance against citizens, NGOs and their members <sup>158</sup>
- CA1** Portals Locked and attacked. Web sites blocked: Dollar Today and LaPatilla; as well as 11 attacks against independent news portals and non-governmental organizations. Vivo Play; Capitolio TV, official channel of the National Assembly, Venezuelans by the information <sup>159</sup>
- REPS** Closure of the ULA TV channel, through an administrative procedure penalties against the channel <sup>160</sup>  
Closure of 42 radio stations and 1 TV channel <sup>161</sup>
- CV2** Activation of user committees to the communicational Comptroller, Venezuela Digital 2017 event.<sup>162</sup>
- F1** Identification of programmers for software development in free technologies, through the Hackatón por la Patria event<sup>163</sup>
- P1** Promotion of social events aimed at meeting between journalists, communicators, experts in telecommunications and users for the consolidation of a network of digital communication technologies of information for the leverage and strengthening of the Bolivarian revolution <sup>164</sup>, to face the media war against Venezuela <sup>165</sup>, and for the dissemination of free software <sup>166</sup>
- Events:
  - Fourth edition of the school's summer IBEI-ECLAC-CAF.
  - Digital Venezuela, an inclusive window to the knowledge of the 2.0 World
  - Congress of the nation, chapter communicators
  - Flisol: Event for the dissemination of free Software in Latin America

<sup>153</sup> <https://www.mppeuct.gob.ve/actualidad/noticias/maduro-crea-universidad-telecomunicaciones-e-informatica>

<sup>154</sup> <http://www.conatel.gob.ve/mendez-decision-sobre-cnn-esta-ajustada-a-la-constitucion-y-la-soberania/>

<sup>155</sup> <http://cnnespanol.cnn.com/2017/02/15/gobierno-de-venezuela-retira-senal-de-cnn-en-espanol/>

<sup>156</sup> [http://www.eluniversal.com/noticias/politica/conatel-prepara-reqlamento-para-actuar-sobre-las-redes-sociales\\_655275](http://www.eluniversal.com/noticias/politica/conatel-prepara-reqlamento-para-actuar-sobre-las-redes-sociales_655275)

<sup>157</sup> <https://foropenal.com/2017/08/11/mayo-2017/>

<sup>158</sup> <http://ipysvenezuela.org/alerta/se-impone-discurso-odio-manifestantes-activistas-ddhh-redes-sociales/>

<sup>159</sup> <https://medium.com/@andresAzp/solicitamos-transparencia-en-los-bloqueos-en-internetve-cb622bac87fd>. ([http://vesinfiltr.com/noticias/bloqueos\\_abril\\_2017/](http://vesinfiltr.com/noticias/bloqueos_abril_2017/))

<sup>160</sup> <http://ipysvenezuela.org/2017/08/15/dos-meses-sin-canal-universitario-ula-tv/>

<sup>161</sup> <http://ipysvenezuela.org/alerta/conatel-acrecienta-la-desinformacion-al-cerrar-42-estaciones-radio-tv/>

<sup>162</sup> <http://www.conatel.gob.ve/director-de-conatel-insto-a-una-comunicacion-responsable-y-respetuosa-de-la-ley/>

<sup>163</sup> <https://www.mppeuct.gob.ve/actualidad/noticias/hackaton-por-la-patria-busca-consolidar-el-motor-de-telecomunicaciones-e>

<sup>164</sup> <http://www.conatel.gob.ve/venezuela-digital-una-ventana-2-0/>

<sup>165</sup> <http://www.conatel.gob.ve/poder-popular-se-apropia-de-la-comunicacion-digital/>

<sup>166</sup> <https://flisol.info/FLISOL2017/Venezuela/Lavictoria>

- R5** Plan of children protection against cybercrime. <sup>167</sup>
- P2** Transmission via internet of the Miraflores Tv channel as a new communications portal for the Bolivarian revolution. Through the QR code of the cards of the nation, it is possible to download the application (Miraflores TV) on Smartphones. <sup>168</sup>

To facilitate the analysis of the impact of the measures implemented during the State of emergency, in table N ° 6 were grouped and quantified measures by category types.

**Table N ° 6. Categorization of measures.**

Type of measure		code	quantity
Control	Access	CA1	5
	Privacy	CP1 y CP2	
	Surveillance monitoring and	CV1 y CV2	
Repression		REP1, REP2, REP3, REP4 y REP5	5
Regulation		R1, R2, R3, R4 y R5	5
Reactivation of services		RE1 y RE2	2
Access		A1, A2 y A3	3
Formation		F1, F2 y F3	3
Promotion		P1 y P2	2

From Table N ° 6 it is possible to determine that repression and control measures implemented during the State of emergency by the Government, have largely been applied in comparison with those relating to access, training, promotion and reactivation of services. This leads to the conclusion that control access, privacy, and surveillance / monitoring of the use of the services of internet, social networks, websites, etc. is essential for the Government to control the "economic war", since it can boast that ICT used by non-governmental actors embody a threat to the security of the nation. This has led to the emergence of the excluded population digitally called digital repression mode.

<sup>167</sup> <http://www.conatel.gob.ve/disenan-plan-de-proteccion-a-la-infancia-contra-los-ciberdelitos/>

<sup>168</sup> <http://www.conatel.gob.ve/miraflores-tv-inicio-transmision-via-internet-este-miercoles/>

### 10.3. Categorization of organizational structures generated in the State of exception related to access to internet.

As with measures, it became necessary to categorize the type of organizational structures generated by the Government, during the study period, and from the point of view of ICT affecting internet access. In the first report of progress, in section 3, it was shown an overview of these organizational structures, which are categorized in the following way:

- Control structures. These relate to the control and monitoring of the use and development of Telecom (CVT), content on the web (CCW), and social networks (CRS).
- Structures for repression (R). Related to those structures created to legally punish users who broadcast views contrary to the Government, digital media and other, and which are considered that threaten the security of the nation.
- Intelligence structures (I). Structures with competences of digital surveillance and intelligence for joint actions among the organizations that compose it.

Table N ° 7 presents the coding of the organizational structures object of this study.

**Table N ° 7 coding of the organizational structures**

<i>Code</i>	<i>Government agency / organizational structure created</i>
	Directorate of security for telecommunications <sup>169</sup>
<b>CVT</b>	Attached to the Vice-Ministry of prevention and citizen security of the Ministry of the Popular power of Interior, justice and peace
	Digital militia <sup>170</sup>
<b>CCI</b>	Attached to the Ministry of communication and information
	Regulatory Unit to manage and control the profiles in social networks and IP addresses <sup>171</sup>
<b>CRS</b>	Attached to CONATEL

<sup>169</sup><http://www.mppriip.gob.ve/index.php/despacho-del-vice-ministerio-de-prevencion-y-seguridad-ciudadana/>

<sup>170</sup><http://www.noticierodigital.com/2017/04/ernesto-villegas-anuncia-la-milicia-digital-para-dar-la-batalla-en-las-redes/>

<sup>171</sup><http://revistasic.gumilla.org/2017/conatel-anuncia-reglamento-para-regular-las-redes-sociales/>

- R** Zamora Plan<sup>172</sup> and <sup>173</sup>  
Governing body the Presidency of the Republic
- I** Local supply and production committees (CLAP)<sup>174</sup>  
Attached to the Ministry of the Popular power of food

To facilitate the analysis of the impact of organizational structures created during the State of emergency, they were grouped and quantified by types of category (see table N ° 8).

**Table No. 8. Categorization of organizational structures.**

Type of structure		code	quantity
Control	Telecommunications surveillance	CVT	3
	Internet content	CCI	
	Social networks	CRS	
Repression		R	1
Intelligence		I	1

Observing, in the table N ° 8, the types of organizational structures created during the State of emergency, it is possible to determine that all include functions aimed at monitoring and strategic intelligence, for the purpose of safeguarding the security of the nation. These structures are control mechanisms which make use of 'legal' repression, in cases where that opinions are considered to adverse the Government and to put at risk the security of the population. It is noteworthy that most of these structures are intended to execute actions that threaten access to the internet, as they seek to exercise control over the content on the web and social networks, in addition to the

<sup>172</sup><http://efectococuyo.com/principales/la-guerra-de-todo-el-pueblo-provea-explica-en-que-consiste-el-plan-zamora>

<sup>173</sup> Leer más en: <https://www.derechos.org/ve/actualidad/plan-zamora-la-guerra-de-todo-el-pueblo-contra-las-lacras-de-la-oposicion>, <http://www.talcuadigital.com/Nota/141715/que-es-el-plan-zamora-activado-por-nicolas-maduro>, [http://w2.ucab.edu.ve/tl\\_files/CDH/imagenes/Epu%20Vzla%202016/Para%20entender%20el%20Plan%20Zamora.pdf](http://w2.ucab.edu.ve/tl_files/CDH/imagenes/Epu%20Vzla%202016/Para%20entender%20el%20Plan%20Zamora.pdf) y [http://www.el-nacional.com/noticias/bbc-mundo/que-plan-zamora-por-que-detenido-responden-ante-tribunal-militar\\_181314](http://www.el-nacional.com/noticias/bbc-mundo/que-plan-zamora-por-que-detenido-responden-ante-tribunal-militar_181314)

<sup>174</sup><http://vtv.gob.ve/clap-es-un-mecanismo-de-organizacion-y-de-distribucion-directa-de-alimentos/>

monitoring of the use of the telecommunications.

This leads to the conclusion, as well as the measures analyzed previously, that the establishment of organizational structures for the control of access, privacy, and surveillance / monitoring of the use of the services of internet, social networks, websites, etc. they represent elements which reinforce the thesis of the emergence of digital suppression mode, generating a larger population digitally excluded in Venezuela, for showing a different thinking.

## **11. IDENTIFICATION OF INTERNET RIGHTS THAT HAVE BEEN VIOLATED WITH THE IMPLEMENTATION OF POLICIES PRODUCT OF THE STATE OF EMERGENCY IN THE POPULATION DIGITALLY EXCLUDED.**

To identify the rights and principles of Internet violated during the State of emergency in Venezuela was taken as reference the Decalogue which was presented at the IGF 2011, entitled: 10 principles and rights for the Internet<sup>175</sup>. This Decalogue aims to ensure that international standards of human rights are respected and protected also in the digital environment.

Below, each of the principles and related cases and examples of violated rights of Internet in Venezuela in 2016 and 2017 years are described:

### **11.1. Universality and equality**

The principle states that "All human beings are born free and equal in dignity and rights, which should be respected, protected and fulfilled in the digital environment".

At the moment of verifying if the principle is met in Venezuela it can be determined that although national laws provide for the guarantee of this right,

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<sup>175</sup> <https://hipertextual.com/2011/04/diez-principios-y-derechos-para-el-internet>

in practice, primarily the principle of equality is not met fully in the digital environment; Since in Venezuela, as noted in the progress reports of the project, respect for views contrary to the Government on digital media represent a threat for it, leading to closures of traditional and digital channels, blocking of web sites, imprisonment of journalists, etc. Free expression in Venezuela affects existential fibers of politics or anti socialist philosophy because any action in this regard is considered an attack on the Government project, situation that becomes more evident and deep in recent years before and during the period of the emergency decree.

With this it can be observed that this principle is not complying in Venezuela during the State of emergency.

### **11.2. Rights and Social Justice**

The principle States that "The Internet is a space for the promotion, protection and fulfilment of human rights and the advancement of social justice. Every person has the duty to respect the rights of others in the digital environment.

Violations of the rights of the users

In the first progress report on the project, it is evident that human rights and internet protection was violated most vehemently during the years of the State of emergency decree, as specified in sections 5 and 6 of the same. However, data provided by the rating agency Freedom House in its Freedom on the Net 2007 report issued in July 2017, were used to supplement that report. This archive shows a series of indicators which reflect that in Venezuela there is a degradation to human rights and the internet. In table N ° 9 indicators of the State of some of the rights of Internet in Venezuela during the period 2015 and 2016 are specified.

**Table 9: State of some Internet rights during 2015 and 2016**

<b>Indicators On Internet freedom</b>	<b>2015 Partially free</b>	<b>2016 Not free</b>
<b>Access obstacles (0-25)</b>	18	19
<b>Content restrictions (0-35)</b>	17	18
<b>Violations to users' rights (0-40)</b>	25	26
<b>TOTAL* (0-100)</b>	<b>60</b>	<b>63</b>

\*0=more free, 100=less free

Similarly, the report indicates the condition that has been given to the use of social networks, bloggers, ICT users, etc., during the period evaluated in Venezuela. A summary of them follows:

<b>Indicators</b>	<b>Condition (Yes/No)</b>
Social networks/Blocked ICT apps	Yes
Blocked politic /social content:	Yes
Bloguers/ICT Users arrested:	Yes
State of press freedom 2015 and 2016:	Not free

On the basis of the analysis made in the report of the Freedom of the Net 2017, on the situation of Venezuela in the period June 2016 in May 2017, it can be determined that it has been exposed to a process of social and political turmoil, in which the President Nicolas Maduro extended in May 2017 (and more recently in November) the Decree on exception and economic emergency, and established "strict rules" to avoid "destabilization in Internet campaigns". In particular, digital media reporters were arbitrarily arrested, intimidated and wounded while covering anti-Government protests; an unprecedented case was the longer term detention of Braulio Jatar, editor of digital media report, a journalist who was imprisoned more than eight months after the publication of images of a spontaneous protest against President Nicolas Maduro. Similarly, web sites, digital media and NGOs that defend freedom of expression and human rights, were victims of cyber-attacks.

With the above mentioned facts, there is evidence that during the years 2015, 2016 and 2017, the respect for the rights of the users in the digital

environment in Venezuela was seriously affected and violated, and particularly Internet freedom is cataloged as “non-free”; which demonstrates that this right is not met.

### **11.3. Accesibility**

The principle states that “Every person has equal right to access and use the Internet safely and free”.

Assessing the situation of Venezuela, during the State of emergency, it is observed that the right to access and use Internet safely and free deteriorates significantly due to access restrictions for political and economic reasons, and the failures and operational functioning of the telecommunication services and networks that must provide the service of access to the Internet. The deterioration of broadband is so huge that Venezuela in Latin America is on the threshold and in the last place compared to the other countries in this concept, this deterioration has deepened over the years 2016 and 2017.

What today is living every citizen who tries to have a connection to decent Internet at home (with exceptions), is the culmination of a period of divestments, suspension of projects, and zero interest even to maintain the structure, many of they are already obsolete, with minimum maintenance. Of about \$1,000 billion annually which was invested until 2009, disbursements were reduced to less than \$100 million until December 2016. During 2017, investments have been virtually zero<sup>176</sup>. It is noted that the crisis increased and collapse is around the corner, even if that catastrophe does not mean that Venezuela will be without Internet. What will happen if urgent measures are not taken is that services will be increasingly worse with more limited connections and this situation discourages even more at the most deprived classes that have become a part of a classification of extreme poverty from 2016.

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<sup>176</sup> <http://www.noticierodigital.com/forum/viewtopic.php?t=89227>

With the above expressed facts, it can be concluded that the right to access and use a safe and free Internet is not met in Venezuela during the State of emergency, set in the years 2016-2017.

#### **11.4. Expression and Association**

The principle states that “Everyone has the right to seek, receive and disseminate information freely on the Internet without censorship or interference. Everyone has the right to associate freely through Internet, with social, political, cultural purposes or other”.

As indicated in section 5 of the first report of progress of the project, various national organizations, such as the Instituto Prensa y Sociedad (IPYS), Digital Rights, Public Space, Provea, among others, have reported that freedom in the use of Internet have been seriously affected during the State of emergency since it includes restrictions and regulations to the contents, and Internet use in general.

Specifically, the Instituto Prensa y Sociedad, IPYS, warns of “strong regulations” to the contents on the internet, and to freedom of expression and the search for information. In addition, they report filter, blocking, and monitoring of content on the internet, product of the new State of emergency. According to IPYS the State of emergency decree, was issued just one day before the celebration of the international day of the Internet, and puts at risk the principles of plurality, neutrality, freedom and access to the network. Likewise, a study carried out by IPYS in July 2016 so-called “Surf the net with freedom”<sup>177</sup>, which concludes that there are more than 370 internet addresses blocked, being shown figures in the study as follows: “In Venezuela, at least 372 websites addresses are blocked by the main suppliers of Internet (ISP) and 43 Internet domains are blocked by those same providers, public and private. Of these, almost half (44%) correspond to web pages related to the

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<sup>177</sup> <https://es.panampost.com/pedro-garcia/2016/07/18/censura-en-venezuela-mas-de-370-direcciones-de-internet-bloqueadas/>

price of the “black dollar” in the foreign exchange market, and 19% are related to media, with an additional 12% including blogs critical of the Government of Nicolás Maduro.”

With this, it is evidenced that the right to seek, receive and impart information freely on the Internet without censorship or interference has not been fulfilled during the State of emergency, set in 2016.

### **11.5. Confidentiality and data protection**

The principle establishes that “Any person has the right to online privacy. This includes the right to be unguarded, the right to use encryption and the right to anonymity. Everyone has the right to data protection, including the control over collection, retention, processing, disposal and disclosure of personal data”.

In the first report of progress on the project, in section 5, a document<sup>178</sup> issued by Digital Rights of May 16, 2017, is released where limitations to fundamental rights on the internet, derived from the State of emergency existing in Venezuela from 2016, and whose extension on May 2017, authorizing the surveillance on the internet and content filtering, are alleged. Even more, the same statement reported the blockade of more than 41 sites, although it is suspected that there are many more. In addition mechanisms for the collection of biometric data, have been implemented against citizens to determine their purpose or who have access to them. Government stated about the internet, and specifically social networking, as been troubling: the director of the National Telecommunications Commission said recently that social networks are “a danger” and a tool for “non- conventional war” in Venezuela.

With the above expressed facts, the violation to the right to the protection of data and privacy online, during the State of emergency is evidenced.

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<sup>178</sup> <https://www.derechosdigitales.org/11164/sobre-los-limitantes-a-los-derechos-fundamentales-en-internet-producto-del-estado-de-excepcion-en-venezuela/>

## **11.6. Life, freedom and security**

The principle states that “The right to life, liberty and security should be respected, protected and fulfilled on the Internet. These rights must not be infringed or used to infringe the rights of others”.

In 2016 and 2017, Venezuela presented a widespread economic crisis that triggered major protests that altered the national order and eroded civil and political freedoms of the citizens. Particularly, President Nicolas Maduro by declaring the State of exception and economic emergency, sets strict regulations to prevent destabilization in internet campaigns. These measures had as consequences that media workers were assaulted and threatened by covering events of national protests, which included arbitrary arrests, confiscation of equipment, threats and physical attacks on the part of the security forces of the State and groups pro-Government, as noted in the report Freedom on the Net 2017, section intimidation and violence. At the same time, restrictions are increased on the internet for the spreading of certain content, uncomfortable for the Government, which resulted in the blocking of some web sites that offered the live coverage of anti-Government protests. On the other hand, government officials announce initiatives to regulate the use of social networks and to monitor communications<sup>179</sup>; since it was argued that “social networks are a danger and the main tool of the unconventional warfare”.

After demonstrating these events on fundamental rights such as the rights to life, freedom and security, it is clear that they are severely affected in Venezuela, which creates a State of extreme vulnerability of Venezuelans and an infringement of the human rights.

## **11.7. Diversity**

The principle consider this “Cultural and linguistic diversity on the Internet is to

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<sup>179</sup> <http://www.conatel.gob.ve/en-2017-se-discutira-el-marco-legal-para-regular-uso-de-redes-sociales/>

be promoted, innovation technology and policy should encourage and facilitate the plurality of expression.”

The Venezuelan legal framework establishes that “Cultural and indigenous diversity in Venezuela and on the Internet are permitted, promoted, protected and legally accompanied in the Education Act of 1999”, and it is a frequent cause of mention in the political speeches in the proximity to national, regional and local political elections. However, very little has been published on the Internet about the use of indigenous languages and the Wayuu language; the most widespread indigenous expression in the nation that hardly appears on any initiative of the Government and the members of their tribes<sup>180</sup>. This reveals little cultural and linguistic diversity on the Internet in Venezuela; in spite of the legal support that promotes it.

During the period of the presidential decree we are concerned with, there has been no changes of any kind in this respect and apparently the decisions that came as a result of this Decree have not made them change and there is no proposal to strengthen the right to cultural and linguistic diversity on the Internet. Therefore, it can be concluded that this right is met halfway.

### **11.8. Equality**

The principle establishes “Everybody will have access to universal and open contents of the Internet, free of discrimination (in packages), filtering or traffic control for commercial, political or otherwise reasons.”

Blockades that have prevented the news live coverage by service providers of Internet (ISP) public and private, of TV sites online became apparent during the State of Exception. Specifically, on April 7, 2017, after a violent anti-Government protest, the main PSI of the country blocked the sites of TV online Vivo Play, Capitolio TV and Venezolanos por la Informacion; According to activists, the action was aimed at preventing the live coverage of the protests

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<sup>180</sup> <http://cbitjesusmartinleon.blogspot.com/2011/12/nuevo-diccionario-de-computacion.html>

and was ordered by CONATEL<sup>181</sup>. Equally, the NGOs Venezuela Inteligente proved technically that restriction took place between 6 am and 10 am on April 7, through DNS blocking<sup>182</sup>, the same NGO requested a formal response from CONATEL on the reasons that led to the blockade, without receiving a response from the regulator. However, the channel Vivo Play could evade censorship and multiply the number of its viewers by leaving their signal payment-free for users in Venezuela and share the link to this channel via other news websites<sup>183</sup>.

On the contrary, the digital media pro Government received no restrictions or blockages to contents that could threaten national coexistence, during the State of Exception, specifically television programs that are run by public officials and leaders of the ruling party.

With the above mentioned facts, it can be concluded that the right to equality on the internet does not meet in Venezuela.

### **11.9. Rules and Regulations**

The principle considers that "Internet architecture, communication systems, and formats of documents and data should be based on open standards that ensure complete interoperability, inclusion and equal opportunities for all".

This right has not been affected by the implementation of the presidential decree, however the condition of equal opportunities is not met and there are no mechanisms that will remedy this situation, also noting that the most deprived social classes are the ones that mostly suffer the rigor of a breach of this right. Proven to be a gender inequality in the hiring and remuneration of women with respect to men also exists in the field of the direct or indirect work on the Internet. The presidential decree has done absolutely nothing in this regard, does not improve this situation of inequality, even worse, in the past

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<sup>181</sup> <http://runrun.es/nacional/304278/conatel-ordena-bloquear-a-vivoplay-y-vpi-tv-unicos-medios-que-transmitieron-en-vivo-protستا-del-6abr.html>

<sup>182</sup> [http://vesinfiltro.com/noticias/bloqueos\\_abril\\_2017/](http://vesinfiltro.com/noticias/bloqueos_abril_2017/)

<sup>183</sup> <https://twitter.com/VeInteligente/status/864885400451649536>

two years the country situation even punish more women in comparison with men. Therefore, the right to equal opportunities is not fulfilled for all.

#### **11.10. Government**

The principle says that "Human rights and Social Justice must be the legal and normative basis on which operates Internet. This will happen in a transparent and multilateral, with an Internet based on the principles of inclusive participation and accountability".

In particular, during the State of exception, one of the fundamental aspects of telecommunications, as it is the use of the radio spectrum in Venezuela, controlled by CONATEL (regulator), is in a situation of legal uncertainty, as broadcasters and channels of TV, contrary to the Government, are denied the renewal of the grant, even if they comply with the requirements of the regulatory body in the country. According to IPYS, Nicolás Maduro Government used this situation to blackmail the media and twist its editorial line to align with the official<sup>184</sup>. With this, it is observed that the principle of inclusive participation of sectors which are not on the Government side is being ignored in Venezuela, which alters the social justice, transparency and accountability in the digital environment.

Summarizing this section, it may be indicated that the 10 analyzed principles and rights for Internet are seriously committed in Venezuela. Specifically during the State of emergency, the rights are seriously violated, thus breaching international standards of human rights, and preventing a free internet in Venezuela. In this way, this reality affects the development of the country, increases inequality in access to the internet and promotes the digital exclusion of a sector of the population which, for political, economic and social reasons do not have adequate conditions to integrate to a normal digital environment.

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<sup>184</sup> <http://ipysvenezuela.org/2017/08/28/16-claves-cierre-emisoras-canales-tv-venezuela-las-concesiones-nuevo-chantaje/>

## **12. COMPARATIVE ANALYSIS BETWEEN THE POLICIES SET OUT IN NATIONAL PLANS AND POLICIES GENERATED BY EXCEPTION STATE.**

In the interest of identifying some kind of contradiction between the guidelines set out in the plans of the nation and the ICT measures implemented during the State of exception, which undermines access to internet in Venezuela and thus promote the digital exclusion, in the next section is carried out a comparative analysis between the guidelines established in the area of ICT in the plans of the nation, from the years 2007 to 2019 (the nation plans 2007-2013 and 2014-2019), National Plan of Telecommunications, Informatics and postal services (PNTI and SP) 2007-2013 National Plan of telecommunications, information technology and postal services (PNTTI and SP) 2014-2019<sup>185</sup>, with measures identified during the State of exception (see comparative table N° 1).

To do this, guidelines which were designated in previous plans are categorized (descriptive table of the first report of progress, p. 16-17) and will be encoded (see table N ° 6) according to the criteria set out in the sections 1.2 and 1.3 (if some guideline does not agree to these criteria another category will be established). The following are the categories of the guidelines:

### **12.1. Categorization of the guidelines set out in the plans of the nation.**

The guidelines have been categorized in the following way:

- **Control guideline.** These relate to the control in the access (CA), privacy (CP), surveillance and monitoring (CV) of content on the web, social networks, portals, and control to ensure national sovereignty (CS).
- (R) **Regulation guideline.** They are those that establish standards or regulations related to the development and application of ICT, to control

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<sup>185</sup><http://www.finanzasdigital.com/2014/03/plan-nacional-de-telecomunicaciones-busca-mejorar-sector-productivo-del-pais/>

the use of traditional and digital media.

- **Access guideline** (A). This facilitates access, use and control of ICT groups institutionally recognized as social movements, communities, etc., to create networks that allow the exchange of information and monitoring of the use of the media.
- **Guideline of repression** (REP). They are those implemented to legally punish users who broadcast views contrary to the Government, in digital media, and which are considered that threaten the security of the nation.
- **Guideline for the reactivation of services** (RE). These are related to the improvement of infrastructure and telecommunications services.
- **Guideline for training** (F). They are those that seek to maintain a training in relation to ICTs, to people who use, develop and apply technologies to access and improve the internet service.
- **Promotion guideline** (P). These facilitate rapprochement between the social groups and promote governmental information.
- **Intelligence guideline** (I). These promote the digital surveillance and intelligence for joint actions among the organizations that compose it.

**Table No. 7. Coding of the plans of the nation guidelines**

<i>Code</i>	<i>Guidelines</i>
<b>RE1</b>	-Consolidate the national telecommunications system as an instrument to advance in social inclusion and for the strengthening of participatory democracy citizenship formation.
<b>CS1</b>	-Ensure that telecommunications are part of the promotion and defense of national sovereignty.
<b>F1</b>	-Conform knowledge networks that create conditions conducive to innovation with Latin America which favors greater regional autonomy and increase national competitiveness. <sup>186</sup>
<b>A1</b>	-Ensure timely access and proper use of telecommunications and information technologies, through the development of the necessary infrastructure and software applications that meet social needs.
<b>A2</b>	-To promote the development and use of electronic equipment and computer applications in free technologies and open standards.
<b>F2</b>	-Develop a comprehensive policy that drives the creation of technology centres in universities, educational centers, technicians, high-schools that will ensure comprehensive and continuous training processes in the field of electronic equipment and computer applications in free technologies and open standards.

<sup>186</sup><http://www.mppp.gob.ve/wp-content/uploads/2013/09/Plan-de-la-Naci%C3%B3n-2007-2013.pdf>

- R1** -Strengthen the regulation and social monitoring of the media as a tool for the strengthening of people's power.
- CS2** -To create a media system that contributes to the sectorial organization for comprehensive homeland defense, with an emphasis on the consolidation of new ways and means of producing content on the border with relevance of the patriotic and Socialist values.
- CS3** -Lead to non-vital levels of Venezuelan connection with networks of information and communication, dominated by the neo-colonial powers.
- CS4** -Eliminate dependence on strategic sectors for the national development of communication networks and information controlled by the neocolonial powers.
- CS5** -Strengthen the peaceful use of space technology to ensure the country sovereign management of its telecommunications and associated tools that allow consolidation of national development in strategic areas such as education, health, safety and food.
- I1** -Strengthen and increase the intelligence and military Counterintelligence System for the Integral Defense of Homeland.
- I2** -Create a massive and orderly way to find useful safety information for defense of the homeland.
- R2** -Adapt the legal framework to develop the areas of intelligence and Counterintelligence of the armed forces under the principles of the Integral defence of the nation.
- R3** -Establish the communicational hegemony.
- P1** -Strengthen responsible and critical use of the media as instruments of formation of Bolivarian values.
- CV1** -Strengthen the regulation and social monitoring of the media.
- CS6** -To create a media system that contributes to the sectorial organization for the comprehensive defense of the homeland.
- RE2** -Update and develop technology platforms for communication and information, ensuring access to timely and ethical communication.
- A3** -Mass access to the information and communications technology (ICT)
- CS7** -Technological independence and sovereignty
- I3** -Transformation of the State
- RE3** -Use and application of ICT and SP as enabling tools for the development
- A4** -Inclusive communication model.
- CV2** -Ensure the timely access of telecommunications, and expand the infrastructure of telecommunications, Informatics and postal services to manage content and applications.
- RE4** -Ensure the timely access of telecommunications, and expand the infrastructure of telecommunications, Informatics and postal services.
- F3** Ensure the timely access of telecommunications, and expand the infrastructure of telecommunications, Informatics and postal services to promote knowledge.

To facilitate the comparative analysis between the guidelines established in the aforementioned plans and measures implemented during the State of emergency, the guidelines were grouped and quantified by types of category (see table N ° 8).

**Table No. 8. Categorization of the guidelines of the plans.**

<i>Guideline type</i>		<i>Code</i>	<i>Quantity</i>	
Control	Access	CA	0	9
	Privacy	CP	0	
	Surveillance and monitoring of content	CV1, CV2	2	
	Control national sovereignty	CS1, CS2, CS3, CS4, CS5, CS6 y CS7	7	
Repression		REP	0	0
Access		A1, A2 y A3	3	3
Regulation		R1, R2 y R3	3	3
Services reactivation		RE1, RE2, RE3 y RE4	4	4
Promotion		P1	1	1
Formation		F1, F2 y F3	3	3
Intelligence		I1, I2 y I3	3	3

Noting, in the table N° 8, types of guidelines in the nation and telecommunications plans, it can be determined that they are oriented towards the control of national sovereignty, surveillance and monitoring of content on the web. Likewise, there are guidelines that promote the creation of conditions of infrastructure and services to ensure access to ICT, the Bolivarian values promotion and training in the use and development of ICT. As for the category of regulation, it shows that a weight is given to what is relevant for the social Comptroller, the legal framework to develop areas of intelligence and Counterintelligence, and the regulation for communicational hegemony. Finally, there is the category in which intelligence seeks to strengthen and increase the intelligence and military Counterintelligence for the homeland Integral defense system, massive search information for citizen security and Defense of the homeland, as well as promoting transformation of the State toward a new socialist model. With the above mentioned facts, it can be concluded that the guidelines are a trend marked towards the control, the strengthening of infrastructure and services, the establishment of regulatory frameworks to strengthen the intelligence and Counterintelligence in the use and development of ICT, and guidelines to project the country to a new socialist model through a system of intelligence and military Counterintelligence for the Integral defense of the homeland, among others.

## **12.2. Comparative analysis of guidelines and policies and measures taken during the State of emergency**

Through performing the comparative analysis of these guidelines with measures implemented during the State of exception, indicated in section 1 of this report, we can deduce that in 2016 and 2017 Government has deepened the consolidation of socialist model both with regulatory measures and reactivation of services, using strategies of control and intelligence, which it seems that committed one of the basic principle of the development of a country in which ICT represent a strategic hub to ensure the democratization of telecommunications, social equity and social inclusion. It is also relevant in the State of emergency the argument of promoting a new model of economic production, through an economic agenda that includes a decree on State of emergency to deal with the "economic war", justifying the implementation of organizational structures for the social monitoring by means of systems of intelligence and military counterintelligence, leading to control of access, privacy, monitoring and surveillance of digital and traditional media.

In particular, the measures implemented for the control of social networks and blocking of websites, strategically represent a State policy for the control of content generated by anti-government sectors and control of Internet neutrality, which could be factors that impede the consolidation of the Socialist model, as outlined in the aim of the 2014-2019 homeland plan: "accelerate the process of transition to socialism" aiming to "surpass the horizon of the non-return", specifically on the historical goal which consists of: "Continue to build the Bolivarian socialism of the 21st century, in Venezuela, as an alternative to the destructive system and wild capitalism and thereby ensure the largest amount of social security, largest amount of political stability and the greatest sum of happiness for our people". Both indicated in the first report of progress (p. 15-16). This partiality of the Government to establish a socialist economic model, prevents them from viewing, objectively, measures that are more adjusted to the reality of the world and global and which control the economic indicators mentioned in the second progress report, that enable to overcome the economic crisis that has catastrophic consequences for Venezuelan society.

### **13. IMPACT OF THE POLICIES OF THE STATE OF EXCEPTION AS A DETERMINING FACTOR FOR THE DIGITAL EXCLUSION OF POPULATION IN VENEZUELA.**

- As outlined in section 1 of the report, during the State of emergency a series of policies, structures and measures that have been applied which were oriented, largely, to control, regulate and suppress the access, privacy, surveillance and monitoring of the use of the internet services, social networks, web pages, etc., as a way to ensure the security of the nation; Since government sectors consider social networks and digital media as a threat and one of the main tools of unconventional war that exists in Venezuela. In practice the implementation of such policies, measures and structures has generated a new form of digital exclusion, which is called "**Digital Repression**"; as not followers of the Government sectors that have dared to publish, disseminate, and promote ideas contrary to it, have already been victims of repression, controls and regulations, which lead to self-censorship and the population removal from the Digital environment. As indicated throughout the development of the project, there is a significant volume of workers of the media, members of political parties, civil society leaders, social activists, human rights defenders, academics, civil society member, among others, that during the State of emergency have been victims of repressions, attacks and imprisonment by various State intelligence bodies just for using digital media (social networks, web sites, etc.) as a mechanism for reporting and free expression of ideas contrary to the ideological model established in Venezuela. In this context the possibilities of violation of the rights of internet and human rights of Venezuelans is increased significantly, since the Government has under its control the public entities that, at certain times, act at its discretion, possessing social structures as the digital cooperators that monitor the behavior of social networks of interest groups (neighbors, coworkers, productive sectors, etc.), and structures of

intelligence and Counterintelligence to keep a watch and monitoring social networks and digital media; which violate the privacy and protection of data from users.

- Also, in section 1 of the report it is evidenced that the Government in 2016 and 2017 has also implemented policies that seek to ensure access, training, promotion and reactivation of services of internet, as one of the ways to promote a new model of economic production and thus to overcome the crisis. However, the economic crisis has impeded access and reactivation of services of internet policies to be fully implemented, since the lack of foreign currency has affected the development of investment projects, as well as also economic factors which have limited the access to and use of goods and services by citizens. During the State of emergency the economic context of the country has worsened significantly, which limits users to access internet services, by the high costs they represent; on the other hand the purchasing power of Venezuelans has decreased dramatically which has generated a greater impoverishment of the population, and in consequence the population digitally excluded under the modality of "**Social stratum**" has increased.
- With regard to the population excluded by "**geographical location**" it can be further enhanced that the policies implemented during the State of emergency have not been effective to improve the conditions of access to internet and quality of services, which does not guarantee equitable and affordable Internet services to all Venezuelans. In particular, the population located in rural areas and in cities of the Eastern and Western regions of Venezuela have been seriously affected during the past years, since the quality of services (Internet and electric) have failed dramatically, as well as investments in telecommunications have decreased significantly. Additionally, the geographic conditions, access roads, economic activity, incentives for investment, maintenance plans, among others, have not changed and in some cases have worsened, which causes an increase in the amount of disconnected cities and towns. In this sense, it is observed that

during the State of exception the digitally excluded population form, under **"geographic location"**, increased which affect disadvantaged sectors of the country, limiting and conditioning equitable, accessible and sustainable Internet access.

- As indicated in the second report of progress of the project digital population excluded by **"gender"** is related to the female population in rural areas and without studies. Equally, it was noted that if economic activity of this population were encouraged with the cooperative work, and their educational level is increased, the wage opportunities and technological empowerment could improve. However, the policies implemented during the State of emergency, related to the control, regulation, repression, access, training, promotion and reactivation of the internet services, do not represent an effective alternative to improve the salary and educational conditions of the female population digitally excluded; since this policies were oriented to address the economic crisis. That is why, in the year 2016 and 2017, the digital excluded population by **"gender"** was also affected by the policies implemented during the State of emergency, since the Government did not orient these policies to improve the socio economic situation and to increase the purchasing power of the population, and thus reduced the gap in internet access between men and women; otherwise, that period is a widespread economic crisis that increases even more the impoverishment of all Venezuelans, which expands the digitally excluded population and particularly the female population.
- On the other hand, after analyzing the policies pursued during the State of emergency with the guidelines laid down in the plans of the homeland, it can be determined that they are still a national economic Agenda that is not alien to the objectives of the plans, which seek to deepen the Socialist model and create a new model of economic production. However, the study shows evidence that during the State of emergency fundamental principles set out in the plans were violated, such as ensuring the democratization of telecommunications, social equity and social inclusion, since defense of the

homeland security justifies it. This ambiguity between the policies of the State of emergency, extended for almost two years, and the issues raised in the above-mentioned plans brings as a consequence an increment in the amount of population digitally excluded in Venezuela. As specified in the second report, the poor quality of services (electrical and Internet), the limited development of infrastructure projects, the deepening of the economic crisis that accelerates the impoverishment of the population, among others, are elements that are intrinsically related to a proportional increase of the population digitally excluded by the modalities of social strata, gender, and geographical location. Likewise, stringent measures for the control and regulation of media and internet access, promote the modality of a new population excluded digitally called digital repression, with the authoritarian consequences the same involve for the population, which sees committed access and privacy on the internet.

#### **14. OBJECTIVE COMMUNITIES**

The project evaluated the impact of policies, measures, and organizational structures implemented during the State of emergency (2016-2017), that promote digital exclusion in Venezuela. Therefore we defined four types of modes of digital exclusion, namely: by social stratum, by geographic location, by gender and by digital repression. The evaluation of these arrangements was made through a heuristic revision of sources and each type of modality and population in general was investigated, i.e.:

By social stratum: it was demonstrated that social classes D and E are the society strata most vulnerable and seriously affected by the economic crisis and the measures implemented in the State of emergency. Specifically, these classes have been gradually limiting their access to the internet in the last 2 years, i.e. 81% of the Venezuelan population is in critical situation which is expected to worsen in 2018. This community was studied in the project (see second progress report p. 7).

**By gender:** it was evident that the female population in rural areas and without studies can be positioned as a population excluded digitally, since it has the most unfavorable conditions, with regard to their low economic activity and perceived income, situation that limits their access to the internet. This community was studied in the project (see second progress report p. 8).

**Geographical location:** the study evaluated the population geographically located in rural areas and more remote cities; which was categorized as a population digitally excluded according to the geographical region. In the case of Venezuela, this population is located mostly in the regions of Guyana and Central plains depression, and they are less active economically. This community was the subject of study in the project (see second progress report p. 6)

**By digital repression:** the study defined sectors of not adept to the Government users who have dared to publish, disseminate, and promote ideas contrary to it through digital media, and have been the target of repression, controls and regulations, as population digitally excluded since it has led to self-censorship and the removal from the population of the digital environment. As indicated throughout the development of the project, there is a significant volume of workers of the media, members of political parties, civil society leaders, social activists, human rights defenders, academics, civil society member, among others, that during the State of emergency have been victims of repressions, attacks and imprisonment by various State intelligence bodies for having used digital media (social networks, web sites, etc.) as a mechanism for reporting and free expression of ideas contrary to the ideological model established in Venezuela. This community was the subject of study in the project (see third progress report p. 5 and 24)

## **15. NEXT STEPS**

EsLaRed will manage to multilateral bodies the publication and dissemination of the project to warn about the risks of having a non-free and closed internet in Venezuela, as a result of the implementation of policies, measures and

organizational structures applied during the State of emergency, which promote the control, regulation and repression in digital media.

EsLaRed will promote training programs in ICT to technologically empower the population digitally excluded in Venezuela.

EsLaRed will promote actions to manage programs or policies that may be shown and proposed to public bodies (National Assembly, etc.) and private that provide access to a free and open internet in Venezuela and thus contribute to the improvement of the life of the citizens to build a more prosperous country.

## **16. FINAL REFLECTION**

The project allowed us to identify factors that promote digital exclusion in Venezuela, a key element in the definition of public policies that could be presented to government bodies, to solve this problem that threatens what is one of the main rights of the internet, which is a free and open internet access for all the population.

In the development of the project criteria were applied to categorize and codify the measures, policies, structures and guidelines of the nation and State of emergency measures plans, which facilitated a more rigorous comparative analysis. This represents a contribution from the important methodological point of view; because it allowed structuring and conceptualizing of a series of key variables to determine the categories of policies, measures and structures (Access Control, privacy, surveillance and monitoring, repression and reactivation of services, regulation, access, Training, promotion, and intelligence)

## **17. A STORY TO TELL**

In recent years, Venezuelans are facing a deteriorating quality of life, product of the economic crisis and the inefficiency of a series of public policies that, in

practice, have failed to offer the social welfare established in the plans of the nation. This situation has generated unimaginable levels of digital exclusion in one of the most prosperous countries of Latin America and the Caribbean in the past, not only because the resources there are, but for the intellectual capital that exists there. In the search for solutions to overcome economic crisis, the government sector in 2016 decreed a state of exception which allows the govern to undertake policies and measures needed to deal with the crisis that was produced, in official opinion, by an “economic war” directed by the Venezuelan oligarchy and international actors seeking an imbalance in the country, and not a bad management of resources and misguided economic, political and social strategies by the Government. In this context, the study conducted on the policies implemented in the State of exception, related to access to the internet, and its level of incidence in the digital exclusion in Venezuela, facilitates the creation of a conceptual framework that allows to visualize objectively the country reality, without any bias, which is the biggest contribution of the work. These results allow to raise Venezuelan and international community on the factors causing the various forms of digital exclusion (by geographical region, by social stratum, by gender and by digital repression). In this way, this work seeks to promote a higher level of awareness in the Venezuelan that will allow them to view new public policies that should be demanded to the rulers in charge at any moment, to achieve a free internet, open, inclusive and fair, and thus improve the living conditions of its inhabitants.

The work is relevant, important and significant for **the digitally excluded population of Venezuela** which sees their fundamental rights of free access to the Internet broken, but the results of these changes will only be in the future if there is a change of attitude in this population to claim their rights of Internet with the national Government and if massive support to human rights organizations at national and international levels to denounce irregular facts of violation of these rights that occur in the country.

However, for the **history of change** to occur, it is essential to have done a full investigation on the factors involved in the problem that has been described with precision in the development of the project (project object), and these inputs will help identify and establish both functional and technical aspects to improve in the provision of Internet services, as well as to agree on the political and legal aspects which are required to achieve an environment that ensures the rights of Internet of Venezuelans.

The **beneficiaries** must obviously be **members of this vulnerable population** that has been defined in detail along the progress reports presented in this project, and that represents a population that is mostly submerged in State of nominal poverty and extreme poverty (80% of the Venezuelan population).

It should be made clear that the **target audience**, on the other hand, will be **national and international organizations** that are in charge of ensuring the human rights of citizens in the use and access to the Internet, in our case, during the period of the Decree of exception that is still existing, to those who will be presented the report and conclusions of the work that we are developing.

**EsLaRed aims** to present this report to the different NGOs and human rights research institutions that make life at the national level, because they can act directly on the excluded population, either by the influence, proximity and presence that they have in the areas of greatest need of communication and access to the Internet, but at the same time because it can become institutional mechanisms of complaint to the Government agencies that are directly related to the provision, authorization and control of Internet access services. EsLaRed will coordinate with other organizations that offer training services to citizens in the better use and management of Internet at the national level, and in helping to achieve technological resources for the access for people with low income.

With regard to international organizations which might be informed about this study are included: HRC/UN, HRW, OAS/IACHR, APC, Internet Sans Frontières (Internet Without Borders), a good suggested proposal is to manage the inclusion of the topic in the ALC IGF forum, and invite various organizations of human rights in the region such as: Digital Rights; Alfa-Redi; Network in defense of digital rights, R3D and others that will be subsequently incorporated into the final list to be taken into account.

The research methodology followed in this Project may be reduplicated in any analysis and revision about fulfillment of Internet Rights for any country in this region.