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## Press Freedoms in Venezuela: The Case of RCTV

### Overview

In late 2006, the Venezuelan government announced its decision not to renew the 20-year broadcasting license of Radio Caracas Television (RCTV). Though the television station will no longer operate on the open-access airwaves, cable and satellite broadcasts will still be permitted. Though the decision has faced criticism by those who claim it is a move to restrict press freedoms, most governments worldwide enjoy the constitutional right to regulate media licensing, including that of the U.S. RCTV's non-renewal does not violate legal norms in Venezuela, nor does it significantly alter the balance of power in Venezuela's vociferous, opposition-affiliated and privately-owned media. The decision forms part of a larger policy program for democratizing Venezuela's airwaves.

### The Grounds for Non-Renewal

Historically, RCTV has demonstrated extremely poor business conduct and its frequent legal infringements comprise the most important reasons for the non-renewal decision. An op-ed by Bart Jones of *Newsday* appearing in the *Houston Chronicle* asserts that "it's doubtful [RCTV's] actions would last more than a few minutes with the FCC [in the U.S.]."<sup>i</sup> In fact, RCTV has often faced legal sanctions for its poor practices, and indeed has been closed or fined numerous times by various administrations, including President Chavez's most recent predecessors. The television station is also in default for tax payments spanning a three year period.<sup>ii</sup> This most recent decision is not an isolated case, but is the first opportunity the government has had to reconsider its licensing since the 20-year contract began.

### ***RCTV's Legal Offenses***

<b>1976</b>	<b>Closed for 3 days</b>	<b>Tendentious news coverage</b>
<b>1980</b>	<b>Closed for 36 hours</b>	<b>Sensationalist programming</b>
<b>1981</b>	<b>Closed for 24 hours</b>	<b>Airing pornographic scenes</b>
<b>1989</b>	<b>Closed for 24 hours</b>	<b>Airing advertisements for cigarettes</b>
<b>1991</b>	<b>Programming suspended</b>	<b>Program "La Escuelita" suspended</b>

Most importantly, in 2002, RCTV ran ads encouraging the public to take to the streets and overthrow the democratically elected president. Once Chavez was forcefully removed from office, the station continued to collude with the coup government by conducting a news blackout. In fact, one of the managing producers of Venezuela's highest-rated newscast, the RCTV program *El Observador*, testified that he was instructed by RCTV's owner, Marcel Granier, on the day of the coup to show "No information on Chávez, his followers, his ministers, and all others that could in any way be related to him."<sup>iii</sup>

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The Venezuela Information Office is dedicated to informing the American public about contemporary Venezuela, and receives its funding from the government of Venezuela. Further information is available from the FARA office of the Department of Justice in Washington, DC.

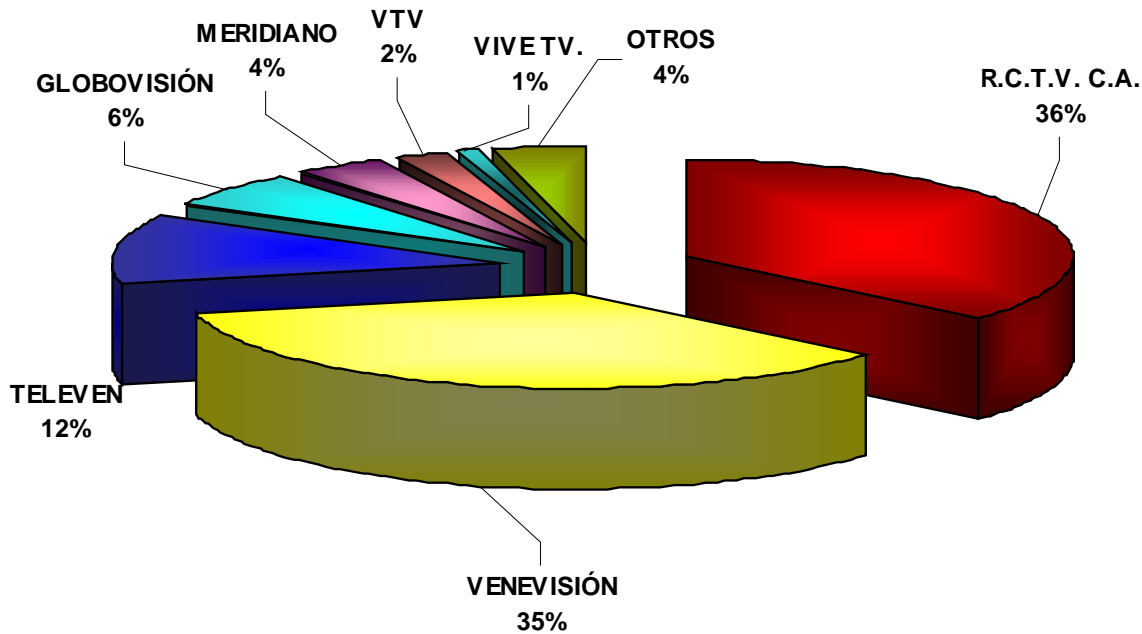
## **The Legal Right not to Renew**

The Venezuelan government, like most others worldwide, has the constitutional right to make decisions regarding all public broadcasting. In the U.S., the Federal Communications Commission (FCC) makes decisions regarding the licensing of broadcasters. As in Venezuela, that agency has the power to grant broadcasting rights to any outlet, and to deny those rights to broadcasters that do not comply with legal guidelines. Surprisingly absent from debates around RCTV is the fact that our own FCC has closed three TV stations due to legal infractions since 1969: WLBT-TV in Mississippi, CBS affiliate WLNS-TV in Michigan, and Trinity Broadcasting in Miami. In Venezuela, access to the broadcast spectrum is granted and regulated in accordance with the Organic Law of Telecommunications contained in constitutional Article 156.

## **Democratization of the Airwaves**

The decision not to renew RCTV's broadcasting license will allow for a broader democratization of Venezuela's airwaves, offering access to the broadcast spectrum. RCTV has long had a disproportionate influence in the Venezuelan media by maintaining the most powerful broadcasting signal in the country for more than 50 years and is currently one of two private channels that together claim 70% of all TV revenues each year. RCTV's non-renewal will allow for a redistribution of the airwaves, and may be used to provide community programming and public television, allowing new voices and views to be heard in Venezuela.

## ***Revenue shares of television companies in 2006***



## **The Opposition and Freedom of Expression**

With President Chavez's landslide electoral victory as an alternative to the two major political parties in 1998, the privately-owned media in Venezuela assumed the role of the traditional political parties, and became an outlet for them to challenge and derail the actions of the newly elected President.<sup>iv</sup> The fact that the media – which is majority privately owned – is closely associated with the opposition is undisputed and may shed light on why the government's decision not to renew RCTV's license is currently being criticized.

In 2002, Human Rights Watch found that, "Far from providing fair and accurate reporting, the media by and large seek to provoke popular discontent and outrage in support of the hard-line opposition."<sup>v</sup> Several journalists have even noted, "the five main privately owned channels— Venevisión, Radio Caracas Televisión (RCTV), Globovisión, Televen and CMT—and nine out of the 10 major national newspapers, including El Universal, El Nacional, Tal Cual, El Impulso, El Nuevo País and El Mundo, have taken over the role of the traditional political parties, which were damaged by the president's electoral victories. Their monopoly on information has put them in a strong position. They give the opposition support, only rarely reporting government statements and never mentioning its large majority...Their investigations, interviews and commentaries all pursue the same objective: to undermine the legitimacy of the government and to destroy the president's popular support...the media is still directly encouraging dissident elements to overthrow the democratically elected president – if necessary by force..."<sup>vi</sup>

The Venezuelan private media plays a controversial role in the political life of the country, but not all human rights organizations cite a deterioration of freedom of expression.<sup>vii</sup> The Venezuelan government has respected and defended civil liberties, including freedom of expression and freedom of the press, and the RCTV non-renewal does not constitute an infringement on press freedoms.

### ***Media Ownership in Venezuela***

Television	Of 81 stations	... 79 (97%) are privately owned
Radio	Of 709 stations	... 706 (99%) are privately owned
Newspapers	Of 118 companies	... 118 (100%) are privately owned

<sup>i</sup> "Chavez as Castro? It's not that simple in Venezuela," *Houston Chronicle*, February 7, 2007.

<sup>ii</sup> "RCTV ha sido el canal más sancionado en Venezuela," *Agencia Bolivariana de Noticias*, March 29, 2007.

<sup>iii</sup> "Venezuela's Media Coup" by Naomi Klein, *The Nation*, February 13, 2003.

<sup>iv</sup> Golinger, p. 91.

<sup>v</sup> "Venezuela's Political Crisis," *Human Rights News*, Human Rights Watch, October 9, 2002.

<sup>vi</sup> Maurice Lemonine, *Le Monde Diplomatique*, August 2002.

<sup>vii</sup> Maurice Lemonine, "How Hate Media Incited the Coup Against the President," in Gregory Wilpert, ed., *Coup Against Chavez in Venezuela* (Fundación Venezolana para la Justicia Global, 2003), p. 158.