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## **PRINCIPLES FOR INTERNET GOVERNANCE, DEMOCRATIC AND PARTICIPATORY IN VENEZUELA: DIAGNOSIS AND ROADMAP**

**Diagnosis of  
Internet governance in Venezuela<sup>1</sup>**

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## INTRODUCTION

The purpose of this document is to show the process and results of a Diagnosis on Internet Governance (IG) in Venezuela, as the main part of the project called: "Principles for a democratic and participatory Internet Governance in Venezuela: Diagnosis and Roadmap"

This project is, at the same time, part of the macro project called Greater Internet Freedom managed by Internews Network.

The following project includes a diagnosis and situational analysis of the context of IG in Venezuela, specifically regarding the incidence of IG in the violation of internet rights, such as: access, freedom of expression and democratization in the use and administration from Internet. Likewise, factors that affect the efficient and effective development of the IG in the country are found, and potential strategies are evaluated to achieve a national consensus process, on an issue so relevant for the development and modernization of digital environments in the country. Finally, it's also considered the development of a Roadmap that allows managing an IG in the country.

The report is structured as follows: a) general provisions, b) diagnosis of IG in Venezuela, which considers: identification of the mechanisms that promote IG, a look at IG in Venezuela, and a global look at IG, b) situation analysis of IG in Venezuela, where critical problems are analyzed, and e) Roadmap for efficient IG management in the country.

### 1. GENERAL PROVISIONS

- During the development of the project, the criteria and mechanisms applied in Venezuela to manage IG at the national level, and participation of IG representatives at the regional and global level, were taken into consideration. In this way, the IG model that is implemented in Venezuela is determined, but in addition, we are going to evaluate other models from other countries and regions; this allows a comparative analysis of the strengths and weaknesses of the IG in our country, with the intention to define a proposal of potential solutions to the Venezuelan model.
- In order to find different factors that influence the efficient, free, participatory and equitable development of the Internet in Venezuela, an analysis of legal framework, programs, plans and public policies that are currently being implemented is carried out; as well as, the status of the government and business commitments on the improvement and updating of the telecommunications infrastructure projects that are being implemented in

the country and their degree of progress are determined; since they affect internet services, the level of internet penetration in urban and rural areas, the benefits to communities, the level of satisfaction on needs of civil society, among others.

- On the other hand, an analysis of the IG in Venezuela and its incidence in the violation of internet rights and its impact on issues related to gender equality and equity in the country is carried out. For this reason, a series of studies and reports carried out by international organizations and Non-Governmental Organizations (NGOs) are taken into account, where a series of actions made by the government are determined and we understand that a consequence of this seriously compromise freedom of expression, access to content, internet access, among others.
- Likewise, an analysis is carried out of the positioning of Venezuela and its participation in Internet Governance Forums (FGI) in the world, which is related to the Ranking in which digital trends and Internet freedoms are measured in the world, and parameters such as internet speed, bandwidth, and mobile or fixed internet, are some of them, probably the most relevant. In this way, it is possible to determine the level of criticality that exists in Venezuela, which is an issue so relevant to the development and sustainability of the country.

What follows it's the Diagnosis of IG in the country.

## **DIAGNOSIS OF THE INTERNET GOVERNANCE IN VENEZUELA**

### **2. DIAGNOSIS OF THE CURRENT SITUATION OF INTERNET GOVERNANCE IN VENEZUELA**

This section shows a series of aspects related to IG in Venezuela from a strategic, operational and legal point of view, which allow us to find the current governance model; as well as, the different perspectives of the government, business and civil society sectors on the leading role they have in the

development and promotion of internet freedom in the country and the defense of their rights are considered.

Likewise, a global view of the IG is carried out, in order to determine reference models that allow visualizing a roadmap on potential solutions and recommendations that can be managed before the multi-sector groups, responsible for the IG, to contribute to the development of the country and the well-being of its population.

## **2.1 MECHANISMS THAT PROMOTE INTERNET GOVERNANCE IN VENEZUELA**

At the United Nations World Summit on the Information Society (WSIS), held in 2003 and 2005, agents from governments, the technical community, civil society and the private sector adopted a series of principles contemplated on the Tunis Agenda for the Information Society and GI.

In particular, a definition of IG established in the Tunis<sup>2</sup> Agenda was adopted, which is expressed as follows: "Internet governance is a set of principles, norms, rules, decision-making processes and activities that, implemented and applied in a coordinated manner by governments, the private sector, civil society and the technical community, define the evolution and use of the Network".

This definition admits the importance of joint cooperation to promote solutions that allow the development of the Internet by interest groups. That is why UNESCO considers IG as a priority issue to support and contribute to the development of countries, through internet access. As well as, it recognizes the potential of the internet to promote sustainable human development, build inclusive knowledge societies and improve the free circulation of information and ideas in the world<sup>3</sup>.

This kind of initiative encourages organizations such as the United Nations (UN) to hold the Internet Governance Forum (IGF<sup>4</sup>) annually. The IGF does not make decisions about the development of the Internet, but it does encourage the participation of multi-sector groups; which facilitates the discernment of opinions on strategies related to the operation of the internet, best practices, and actions to influence internet policies at the national, regional and international levels. Additionally, the discussion on the multi-party IG model is

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<sup>2</sup> <http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>

<sup>3</sup> <https://www.google.com/search?client=firefox-b-d&q=Comprender+el+ecosistema+de+Internet+y+debatir+el+modelo+de+m%C3%BAltiples+partes+interesadas+en+la+gobernanza+de+internet>.

<sup>4</sup> <http://www.intgovforum.org/cms/>

promoted, and the continuity of the internet as a decentralized network of networks is evaluated, where those who trust it help define their policies.

On the other hand, the Tunis Agenda established a series of challenges related to the role of governments, specifically fundamentals are presented. where governments must recognize: a) the need to adapt to the diversity and multiplicity of voices that are part of the multi-stakeholder model, and b) the understanding of a concept of governance that is not limited only to governments, but extends to a wide range of stakeholders, including non-state actors<sup>5</sup>. Additionally, a series of functions and responsibilities of governments are presented, ranging from supervision to fostering capacity building and public policies that promote research and development of technologies and standards.

Considering the aspects presented above, the following sections indicate the different perspectives of multi-sector groups that promote IG in Venezuela. In this way, it is possible to visualize the commitments of each group and the progress that has been made in Venezuela in order to implement mechanisms that promote consensus and development

### **2.1.1 PERSPECTIVE OF THE GOVERNMENT SECTOR**

In this context, it is worth asking, if in Venezuela institutional strategies have been implemented to promote capacities, abilities and skills on the development of an efficient and effective IG model in a dynamic, multi-sector and multidimensional world?

In this sense, it is important to point out that the government, from the promulgation of the Constitution of the Bolivarian Republic of Venezuela (CRBV), in 1999, laid the foundations to start the regulatory framework for telecommunications in Venezuela and, more specifically, of internet access. In particular, the use of the Internet is recognized at the constitutional level as a higher interest for citizen training, for which a normative body is developed to regulate communications, networks and the use of Internet<sup>6</sup>.

In addition, it establishes a series of legal instruments and mechanisms to democratize the use of the Internet in the country and regulate telecommunications, in order to guarantee the right to communication of all citizens under equal conditions; as well as, the realization of the economic activities necessary for the development of the sector. Among the mechanisms

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<sup>5</sup> [https://wikis.fdi.ucm.es/ELP/La\\_Gobernanza\\_de\\_internet](https://wikis.fdi.ucm.es/ELP/La_Gobernanza_de_internet)

<sup>6</sup> <https://ipysvenezuela.org/2018/09/27/internet-regulado-una-mirada-a-la-normativa-legal-de-los-derechos-digitales-en-venezuela/>

implemented by the government to regulate, control, monitor and implement an IG, the following can be mentioned:

**a) Strengthening of government entities to regulate, control internet use and promote national consensus on IG**

In order to implement the legal instruments, and other normative body in the matter of Internet and use of networks, three governmental entities that contribute in the regulation of telecommunications and guarantee the operation of the services are strengthened, such as: The National Commission of Telecommunications, (CONATEL), the National Center for Information Technology (CNTI) and the National Anonymous Telephone Company of Venezuela (CANTV) (see Table 1).

Entity	Origen	Secondment	Features
<p><b>CONATEL</b></p> <p>It is a public institution at the service of the population, which socializes the use and application of telecommunications and democratizes its access, through policies that contribute to the permanent transformation of society. That is why this entity allows implementing joint actions with different sectors of society to guarantee the operation of telecommunications and provide connectivity solutions and internet services to the population; as well as promoting IG in the country.</p> <p><a href="http://www.conatel.gob.ve">http://www.conatel.gob.ve</a></p>	<p>Decree No. 1,826 created on September 5, 1991, according to Official Gazette No. 34,801, published on September 18, 1991, was initially considered an autonomous entity. However, in the reform of the Organic Law of Telecommunications (LOT), carried out in 2011, the comprehensive regime of telecommunications and the radioelectric spectrum is now in charge of the National People's Power</p>	<p>In the last decades it has been assigned to different governmental bodies and governing entities. For example, in 2011 CONATEL joined one of the highest level instances of the government (Vice Presidency of the Republic) because it considered, at that time, telecommunications as a strategic area for Venezuelan democracy and for the political stability of the country.</p> <p>Currently, it is attached to the Ministry of Popular Power for Communication and Information (MPPCI).</p>	<p>Design and control the implementation of development plans and updating of human resources in the Telecommunications sector, in order to contribute to its strengthening and development.</p> <p>Plan, evaluate and control the execution of conferences, symposiums, forums, seminars, courses and workshops with national and/or international experts, universities and other institutions, in order to contribute to the permanent updating of human resources and the regional leadership of Venezuela in the telecommunications sector.</p> <p>Develop, evaluate and promote the application of new training technologies for the telecommunications sector, in order to facilitate the efficient performance of Human Resources belonging to companies in the sector.</p>



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			<p>Formulate and establish agreements with universities, companies and national and international entities in order to develop training and specialization programs that allow the development of human resources in the sector.</p> <p>Advise companies in the telecommunications sector in the development of technologies and training programs.</p> <p>Advise companies in the sector in obtaining comprehensive solutions to managerial, technical and organizational problems, in order to raise and consolidate the productivity and efficiency of organizations.</p> <p>Develop, collect and disseminate updated information related to telecommunications using technological resources as means of transmission of knowledge.</p> <p>Manage and control an updated database on telecommunications, in order to guarantee the maintenance of bibliographic and non-bibliographic information, for use of companies in the sector and the public in general.</p>
<p><b>CNTI</b> It is a public institution at the service of the population <a href="https://www.cnti.gob.ve">https://www.cnti.gob.ve</a></p>	<p>It was created on March 22, 2000, published in the Official Gazette of the Bolivarian Republic of Venezuela Extraordinary No. 5,450, Presidential Decree No. 737</p>	<p>Ministry of Popular Power for Science and Technology (MPPCT)</p>	<p>It is a government entity that is in charge of promoting the efforts that in the field of information technology are developed in the government sector and in organized communities, in order to contribute to the efficiency and effectiveness of the State, as well as to promote the development and strengthening of</p>

			<p>national capacity of the information technology and telecommunications sector. In addition, it consolidates an Information Technology system of the State, and supports the management of the Public Administration, the organized community and the citizen; it also contributes to the creation of a strong national software industry, all in accordance with the principles of sovereignty. In recent years they have developed a series of social responsibility<sup>7</sup> programs and projects<sup>8</sup> with the support of companies, to strengthen different communities and provide connectivity and training solutions to the population.</p>
<p><b>CANTV</b> It is the state company of integrated telecommunications services of Venezuela.</p> <p><a href="https://www.cantv.com.ve">https://www.cantv.com.ve</a></p>	<p>CANTV was founded in 1930 as a private company and operated under a service concession in Venezuela. In 1973 the Venezuelan State acquired all the shares of CANTV. Then, in 1991, the VenWorld Telecom Consortium, led by GTE, now Verizon Communications Inc., acquired 40% of the company's shares. On May 21, 2007, the Government of the Bolivarian Republic of Venezuela acquires 79.6% of shares of the telephone company which, together with the 6.6% it had at the beginning of the activity, grants its control of the company with 86.2% of total shares.</p>	<p>Ministry of Popular Power for Science and Technology (MPPCT),</p>	<p>Promote social inclusion and decrease the gap in access to digital technologies, thus facilitating the reach of all to telecommunications services.</p> <p>Offer solutions to satisfy the needs of its clients for fixed telephony, mobile telephony, satellite television, data and internet access services.</p> <p>Promote the creation of Technical Telecommunications Tables (MTT), which are a form of organization that aims to guide the effort of communities to promote connection solutions in telephone and internet services in historically excluded geographical areas</p>

**Table 1.** Government entities in charge of telecommunications in Venezuela

<sup>7</sup> <https://www.cnti.gob.ve/institucion/responsabilidad-social.html>

<sup>8</sup> <https://www.cnti.gob.ve/institucion/objetivos/mision/137-que-hacemos.html>

These governments entities are responsible for promoting, to a large extent, the national consensus on issues related to the use and administration of the Internet; since, in the global scope, governments are called to contribute to expanding knowledge on IG issues, actors, institutions and processes; as well as to broaden the understanding of its impact on the development of the country.

On the other hand, the development of meetings between national actors opens the possibilities of sharing information about the work that is being done around the IG on different issues at the national and regional level, which allows defining joint strategies that guarantee the implementation of a model of IG according to the needs and projections of the country.

That is why the Government has a leading role in articulating the wills and responsibilities of multi-sector groups, in order to coherently address IG in Venezuela.

## **b) Participation in internet governance events**

Other mechanisms that have been implemented to promote IG and consensus in the country have been the participation in national, regional and international events, which promotes the discernment of norms, policies and strategies on the development, democratization, equity and inclusion of IG, among others.

Below is shown a series of national forums and meetings (see Table 2), regional preparatory meetings on IG in Latin America and the Caribbean (LA&C), and global IG meetings that have been held from 2008 to 2020, where it has had the participation of Venezuela.

### **b.1. National forums and meetings**

Event	Date	Organizato r	Participation	Discernment issues	Conclusions/ Opinions
<b>First meeting on internet development and transformation<sup>9</sup></b>  Face-to-face modality: round table, panel and	11 and 12 August 2014	The Association of internet users of Venezuela	Representatives of: Ministry of Science, Technology and Innovation, CONATEL, ICANN, Vice Ministry of Telecommunications, LACNIC, National Free	a) democratization of the internet, b) use of social networks, c) use of physical and logical network resources,	

<sup>9</sup> <https://www.cnti.gob.ve/institucion/objetivos/mision/137-que-hacemos.html>

conferences. <a href="https://www.aporrea.org/tecno/n255903.html">https://www.aporrea.org/tecno/n255903.html</a> <a href="http://www.avn.info.ve/contente/i-encuentro-sobre-internet-para-desarrollo-y-transformación-social-comienza-este-lunes">http://www.avn.info.ve/contente/i-encuentro-sobre-internet-para-desarrollo-y-transformación-social-comienza-este-lunes</a>			Hardware Project, National Academic Network, free software activists, ISOC Venezuela chapter, the Venezuelan Chamber of Electronics and Technologies Companies Information (CAVEDATOS) and CANTV.	d) Internet governance, e) ICT development, f) gender perspectives on the web, g) free technologies, h) infgovernment, and i) technological literacy	
<b>First IG Forum (IGF) in Venezuela</b>  The objective of the forum was to promote the participation of the different sectors in order to generate balanced information and unify criteria, with the interest of raising the level of the dialogues in order to generate conclusions, consensus or decisions to understand and enrich ideas on issues around to the internet inside and outside the country  Face-to-face modality: round table, panel and conferences.  <a href="http://entornointeligente.com/articulo/2987668/VENEZUELA-La-Gobernanza-de-Internet-se-discutira-en-Venezuela-06082014">http://entornointeligente.com/articulo/2987668/VENEZUELA-La-Gobernanza-de-Internet-se-discutira-en-Venezuela-06082014</a>  <a href="http://espaciopublico.org/encuentro-internet/">http://espaciopublico.org/encuentro-internet/</a>  <a href="https://www.isocvenezuela.org/1er-encuentro-gobernanza-de-internet/">https://www.isocvenezuela.org/1er-encuentro-gobernanza-de-internet/</a>  <a href="http://www.ciberespacio.com.ve/2014/09/sofware/encuentro-de-gobernanza-de-internet-evidencia-necesidad-de-dialogo-y-debate/">http://www.ciberespacio.com.ve/2014/09/sofware/encuentro-de-gobernanza-de-internet-evidencia-necesidad-de-dialogo-y-debate/</a>	24 of September , 2014	ISOC Venezuela Chapter	Representatives of CAVEDATOS, LACNIC, Internet Users Association, Cisco, NetUno, Level 3, Movistar, CANTV, UCV, ULA, PNUD, Clean Perception, CONATEL and CAVETESU.	a) Internet as an element of social development, b) net neutrality, c) cybercrime and network privacy, d) internet infrastructure, e) internet quality, f) Internet reach in Venezuela, g) Internet governance	Among the conclusions of the forum can be cited:  1) ratify the indisputable value of the internet as a tool for freedom of expression, 2) the need to educate and provide knowledge to users, 3) the importance of generating spaces to listen and contrast positions, 4) defend the multiparty model of the Internet, 5) support the issue of governance and 6) work for cybersecurity.  In this event, the need for dialogue and debate on IG in Venezuela was evident.

<p><b>Second meeting of IG for development and social transformation</b></p> <p>The purpose of the meeting was to sensitize and understand the scope and meaning of the Internet, its importance and present and future development, and evaluates how the Internet is a way to achieve social and collective transformation and development.</p> <p>Face-to-face modality: round table, panel and conferences.</p> <p><a href="http://cnti.gob.ve/noticias/actualidad/nacionales/4852-arranca-ii-encuentro-de-gobernanza-de-internet.html">http://cnti.gob.ve/noticias/actualidad/nacionales/4852-arranca-ii-encuentro-de-gobernanza-de-internet.html</a></p>	<p>13 to 15 August of 2015</p>	<p>CONATEL The Association of Internet Users of Venezuela, the Internet Society in the country (ISOC Venezuela chapter)</p>	<p>Representatives of Conatel, Civil Society, ISOC Venezuela, representatives of ICANN for Latin America and the Caribbean, and representatives of the government of Brazil, Argentina and Mexico.</p>	<p>a) Is there an internet government? b) IG, beyond ICANN, c) inclusion, accessibility and disability, d) Internet as a sustainable business model, e) net neutrality, f) internet for development and social transformation, g) electronic government, h) Is it possible to run out of Internet? i) the internet ecosystem and the IANA role transfer process, j) transition to IPv6, k) network security and l) the need for a local traffic exchange point in Venezuela</p>	<p>William Castillo, president of CONATEL, said "that the model called by ICANN for multiple stakeholders has its counterpart in Venezuela, through the inclusive, participatory and protagonist democracy established in the National Constitution<sup>10</sup>." Rodrigo de la Parra, ICANN Vice President, acknowledged that "Venezuela promotes a multiparty model of the Internet in the debate on issues related to the administration, legislation and use of the global Internet network<sup>11</sup>." As a result of the meeting, representatives of CONATEL manifested the implementation of the IXP Venezuela<sup>1213</sup> project, which represents a solution for the strengthening of the national network through the exchange of</p>
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<sup>10</sup> <http://www.conatel.gob.ve/gobernanza-de-internet-debe-construirse-entre-todos-y-todas/>

<sup>11</sup> <http://www.conatel.gob.ve/icann-venezuela-impulsa-modelo-multiparticipativo-de-internet/>

<sup>12</sup> <http://www.elmundo.com.ve/noticias/economia/politicas-publicas/conatel-idea-plan-para-modernizar-el-internet.aspx>

<sup>13</sup> <http://www.conatel.gob.ve/aumento-de-intercambio-de-trafico-local-menos-coste-y-mayor-banda-ancha/>

					<p>traffic between local Internet Service Providers, as a necessity for saving and technical efficiency. This project is part of the public policies to modernize the State, through an "electronic government" where different institutes of the National Government offer various tools for users to carry out any type of paperwork through the internet.</p>
<p><b>Third Internet Governance Forum in Venezuela</b></p> <p>This event aims to create synergy between all stakeholders with interest and responsibilities regarding the evolution of the Internet, its development and impact in Venezuela.</p> <p>Face-to-face modality: round table, panel and conferences.</p> <p><a href="https://www.estamosenlinea.com.ve/2018/10/17/arranca-el-foro-de-gobernanza-de-internet-de-venezuela-igfve/">https://www.estamosenlinea.com.ve/2018/10/17/arranca-el-foro-de-gobernanza-de-internet-de-venezuela-igfve/</a></p>	October, 23, 2018	(ISOC Venezuela chapter)	<p>ULA; (UCV- Center for Digital Culture); Public space; ISOC-LAC; Telecommunications specialist lawyer; Digital Culture Center; Help Networks, IPYS; CONATEL; Chain allies; ISOC; Casatel, Internet Prioritaria, ISOC; ININCO-UCV); Cavedatos; TEDx; VE without Filter/ISOC; Nic.ve; Telefónica-Movistar; DASH; Cavecom-e; Digital Rights; Conatel; LACNOG; Logintel, IPYS.</p>	<p>a) State of the communications infrastructure in Venezuela,</p> <p>b) Multiple Stakeholders and Internet Governance,</p> <p>c) State of Human Rights online,</p> <p>d) Challenges for universal access to the Internet in Venezuela,</p> <p>e) Accessibility: internet and technology for all,</p> <p>f) Cybersecurity and digital security in Venezuela,</p> <p>g) Technological evolution of the Internet,</p> <p>h) Online privacy,</p> <p>i) Information and misinformation on the Internet,</p> <p>j) Internet for the development of Venezuela</p> <p>k) Internet blocks: an in-depth look</p> <p>l) A vision of the future on Payments, electronic commerce and crypto assets in</p>	

				Venezuela m) What is missing in Internet public policies? n) Impact and promotion of women in Technology ñ) The future of .ve o) Safe use of RRSS	
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**Table 2.** Internet Governance Forums held in Venezuela

As can be seen in table 2, most of the forums and meetings have been organized by the Association of Internet Users of Venezuela and ISOC Venezuela Chapter, with the participation of representatives of CONATEL, NGOs, the academic and business sectors; as well as, with international guests; this shows that the IG issue is of interest for the development of the country. However, the government from the organizational point of view has had little role in coordinating this type of national events, thus losing the opportunity to lead on issues related to the definition of principles, processes and adapted IG models to the interests of the country.

## **b.2. Regional preparatory meetings on IG in LA&C<sup>14</sup>**

Regarding the regional preparatory meetings for the Internet Governance Forum of Latin America and the Caribbean (LACIGF)<sup>15</sup>, it can be specified, in the agendas of the 13 LACIGF held from 2008 to 2020, that there has been little participation of multi-sector groups from Venezuela, as panelists and lecturers; however, it has been a general participation of representatives from the academic sector, Non-Governmental Organizations (NGOs) and government.

Only 7 times, specifically in LACIGF I, II, III, IV, VII, X and XI, representatives of Venezuela have been part of the panelists, such is the case of the participation of the following organizations: Funredes, Diplo Foundation (as representative of the Board of United Nations Association of Venezuela), CONATEL (NIC.ve), ISOC Venezuela and Universidad de Los Andes (ULA).

This low participation in the LACIGF can weaken national actions and development of the IG in Venezuela; since, representatives of the country are left behind in events where discernment on issues of interest to IG is discussed. In this way, the articulation of key actors and multi-sector groups at

<sup>14</sup> <https://giswatch.org/pt-br/node/5934>

<sup>15</sup> <https://lacigf.org/eventos/>

the national level is weakened and the consolidation of IG Forums is not very viable, missing the opportunity to open spaces for national discernment and consolidation of a common development agenda for the IG. This is evidenced in the few IG Forums that have been held in the country (see Table 2), during last 12 years.

However, this has not hindered the efforts made in Venezuela, regarding the development of telecommunications, particularly: in the consolidation of a legal framework, public policies, administration and use of the Internet in the country.

Regarding the most outstanding points presented by representatives of Venezuela in the LACIGF, the following can be mentioned:

- In the VII LACIGF<sup>16</sup> representatives from CONATEL<sup>17</sup> shared the vision of management of the global network and the IG in Venezuela, in the section "Internet access: challenges and opportunities for development", which could promote subsequent meetings in the country to discuss IG issues and creation of multi-sector teams to establish agreements and actions on IG. After this forum, the First IG Forum in Venezuela began.
- Another aspect that can be considered in this project is that representatives of the government, civil society and companies have participated in forums in an isolated way, which does not allow maintaining national cohesion on issues related to the Internet. During LACIGF 2016, the declaration of San José was made where representatives of civil society address the Internet community of Latin America to express their concern about the threats to the free and open internet that are emerging in the region and the absence commitment of local governments with the protection of human rights online and guarantees of access and digital inclusion. The critical situation in Venezuela with regard to freedom of expression was considered in this statement and not all representatives of Venezuelan civil society who attended the forum signed the statement, which may partially weaken the initiative.
- Similarly, the LACIGF have represented an opportunity for NGOs and the academic sector to denounce and show research papers on the incidence of public policies; as well as, the government has also had the opportunity to participate in issues related to neutrality and internet access in LA&C. In

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<sup>16</sup> <https://www.icann.org/news/blog/lacigf-america-latina-y-el-caribe-se-reunen-para-celebrar-su-7-igf-regional>

<sup>17</sup> <http://www.conatel.gob.ve/gobernanza-en-internet-venezuela-comparte-su-vision/>



particular, in the XI LACIGF, the report on the incidence of public policies for internet access in Venezuela was presented, which represented a showcase to denounce the violation of internet rights in Venezuela.

### **b.3. World Internet Governance Meetings**

- In relation to the Internet Governance Forums<sup>18</sup> (IGF) worldwide, it can be seen that from the 15 IGFs held in the period 2006 to 2020, Venezuela has participated in just 8 of them. Specifically, representatives of the government, academy, business and NGO sectors have participated in the IGFs held in: 2007 in Rio de Janeiro<sup>19</sup> (government), 2012 in Baku<sup>20</sup> (Universidad de Los Andes), 2013 in Bali<sup>21</sup> (government, ISOC Venezuela and Espacio Publico), 2014 in Istanbul<sup>22</sup> (government, ISOC Venezuela, universities), 2015 in João Pessoa<sup>23</sup> (Universidad de Los Andes, VE intelligent), 2016 in Mexico<sup>24</sup> (government, public space, Internet users of Venezuela), 2018 in Paris<sup>25</sup> (IPYS Venezuela and ISOC Venezuela ), and in 2020 in the virtual version of IGF (IGFv). The experiences in the IGFs have been enriching and have represented an opportunity for representatives of Venezuela, and particularly members of the government, to broaden their knowledge on issues related to IG, reinforcing resources to implement IG processes in the country, and promote the multi-stakeholder IG model; as ratified in the European Parliament Resolution on the renewal of the mandate of the IG Forum<sup>26</sup>, where to the United Nations General Assembly was requested to renew the mandate of the IG Forum.
- On the other hand, in 2014 Venezuela participated in the ICANN 54<sup>27</sup> event, held in Dublin from October 18 to 22, in which the fate of the internet and regional and global actions on the use of this service were discussed, such as: a) the influence that certain governments may have in the management of central domain name registries, b) insight into the Accountability methodology of the Internet Corporation for Assigned Names and Number (ICANN), c) the IG ecosystem, among others. Representatives from CONATEL, ISOC

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<sup>18</sup> <http://www.intgovforum.org/multilingual/es>

<sup>19</sup> <https://www.intgovforum.org/cms/56-igf/2007-meetings/1853-2007-rio-participants-list>

<sup>20</sup> <https://www.intgovforum.org/cms/component/content/article/114-preparatory-process/1262-igf-2012-list-of-participants>

<sup>21</sup> <https://www.intgovforum.org/cms/2013-bali/participants-list>

<sup>22</sup> <https://www.intgovforum.org/multilingual/es/content/list-participants-igf-2014>

<sup>23</sup> <https://www.intgovforum.org/multilingual/es/igf-2015-participants>

<sup>24</sup> <https://www.intgovforum.org/multilingual/es/content/igf-2016-onsite-delegates>

<sup>25</sup> <https://www.intgovforum.org/multilingual/es/content/igf-2016-onsite-delegates>

<sup>26</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B8-2015-0099+0+DOC+PDF+V0//ES>

<sup>27</sup> <http://www.conatel.gob.ve/venezuela-debate-sobre-gobernanza-de-internet-en-icann-54-dublin/>

Venezuela, Universities, and companies promoting the technology sector participated in the event. In particular, CONATEL expressed its commitment to promoting multi-sector meetings, as stated by Jesús Rivera, head of CONATEL's International Research and Follow-up Division, "one of CONATEL's main interests in ICANN 54 was to seek the key elements that allow promoting in Venezuela a multi-stakeholder model in the IG". In addition, he pointed out "that CONATEL encourages participation in these meetings and promotes national debate on the subject, organizing annual meetings that give room to the community's points of view, especially in relation to the development of public policy proposals on the Internet."

- Results of other forums where Venezuela has participated: In the III CELAC Summit<sup>28</sup> - 2015, the declaration on internet processes<sup>29</sup> was signed and the multi-sector model in internet management was ratified; and at the World Conference on International Telecommunications – 2012, Venezuela endorsed the Dubai treaty on internet controls<sup>30</sup> as one of the 89 signatory countries, through the "International Telecommunications Regulations<sup>31</sup>", which was signed by 89 countries and publicly rejected and outrageously by 51.

With the above, it can be evidenced that Venezuela has had a moderate participation in regional and world IG events; among other reasons, due to the lack of financing to attend the events, from the government and business sectors, and due to the limited cohesion of a common IG agenda that is representative of multi-sector groups in the country. In this context, effective action is hampered in international settings, and opportunities to create alliances and deal globally with such a relevant issue as the IG of Venezuela are lost.

## 2.1.2 BUSINESS SECTOR OUTLOOK

The internet ecosystem is based on the participation of a series of governmental, business, academic and civil society actors, which must facilitate, open, transparent and collaborative processes in the management of IG. In particular, cooperation and collaboration is essential to maintain innovation, internet growth, and IG development; that is why the business sector represents a fundamental piece in the consolidation of an IG model.

This sector allows promoting the development, updating, improvement and innovation of the telecommunications sector, at the level of technological

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<sup>28</sup> <http://www.sela.org/celac/quienes-somos/que-es-la-celac/>

<sup>29</sup> [http://walk.sela.org/attach/258/default/Declaracion\\_15\\_Sobre\\_procesos\\_de\\_gobernanza\\_en\\_Internet.pdf](http://walk.sela.org/attach/258/default/Declaracion_15_Sobre_procesos_de_gobernanza_en_Internet.pdf)

<sup>30</sup> [http://www.eldiario.es/zonacritica/Neutralidad-Red-Internet-Libertad-ITU-WCIT-12\\_6\\_86851317.html](http://www.eldiario.es/zonacritica/Neutralidad-Red-Internet-Libertad-ITU-WCIT-12_6_86851317.html)

<sup>31</sup> <http://www.itu.int/en/wcit-12/Pages/itrs.aspx>

infrastructures, services, products, among others. Technology companies and Internet Service Providers (ISPs) participate in the development of the Internet and in the implementation of potential investments in the telecommunications sector. However, their actions are largely affected by economic, political and social factors that exist in the country; as well as, by regulations, norms and by lack of continuity of development projects managed by key actors. That is why there must be a national telecommunications development plan, product of the efforts of different interest groups, so that an ideal environment arises, where companies find from the government, incentives and clear rules on its development action in the country.

At the global level, IG is conceived as a multi-part model, different organizations have put forward a vision of IG; particularly the Internet Society (ISOC) suggests that the IG model should be made up of three components: a) free and unlimited innovation (infrastructure), b) decentralized governance institutions (governance) and c) open and inclusive processes (human component)<sup>32</sup>. ISOC's summarized proposal in this regard is expressed in the phrase: "Internet governance must promote universal access to the Internet, with equal opportunities, that is affordable and of high quality, so that it can be an effective tool to allow human development and social inclusion"<sup>33</sup>.

For synergy to be achieved between the components established by ISOC, there must be an agreement between the parties involved. If these conditions cannot occur, then the causes that produce it must be analyzed, and the measures that must be taken for this to occur.

#### **a) Factors that condition actions of telecommunications companies, ISPs and internet governance**

In the case of Venezuela, the IG process and the perspectives of the business sector have been conditioned by a series of factors that prevent effective solutions from being provided to the population, which is an indicator of little national consensus. Among the most outstanding factors are the lacks of investment, the lack of clear rules to attract investors and generate confidence from the government, deficiencies in basic services, among others. Here is a brief summary of these factors:

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<sup>32</sup> <https://www.internetsociety.org/wp-content/uploads/2016/04/IG-MultiStakeholderApproach-ES.pdf>

<sup>33</sup> <https://www.internetsociety.org/wp-content/uploads/2016/04/IG-MultiStakeholderApproach-ES.pdf>

- **Low investment by companies in the sector**

Currently, in Venezuela there are approximately 141 telecommunications companies endorsed by CONATEL<sup>34</sup>, of which 84.4% (119) have national coverage and 15.6% regional coverage. In recent years, the lack of investment, due to the limitations in the access of foreign exchange to acquire technology, has not created conditions to offer quality internet services. However, recently, as a result of the pandemic, CONATEL enabled eight companies that will provide internet service to some Venezuelan States (Miranda, Zulia, Bolívar, Portuguesa, La Guaira, Aragua and the Capital District), which expands the service, benefits more users and gives new cooperation alternatives.

Among the authorized companies we can mention: Grupo Tecnolife, C.A., Inversiones Multicanal, C.A., Tecnoven Services, C.A., Microtec, C.A., Internautas System, C.A., 4ever Telecom, C.A., Multicable Regional 2707, C.A., and Red Dorada, C.A. These eight companies are added to another 10 that were also authorized in March 2021.

These telecommunications undertakings will help strengthen the sector and promote new investments in the country. Likewise, these measures represent a way to remedy the lack of service, although it is not very clear if there are political arrangements and tacit prohibitions in these permits. Let's just think that there is good faith in these concessions.

- **Unclear rules by the government that generate confidence in the sector**

On the other hand, the lack of clear rules, little generation of trust and controls on the part of the government, limit companies in their national actions. One of the problems that companies face are the sanctions, web page blockages, internet service cuts and disqualifications that CONATEL has ordered to some ISPs. Most of these sanctions are applied for political aspects to NGOs and social communicators, who defend human rights in the country, which are generators of content that criticize the policies imposed by the Venezuelan State.

This country context generates distrust, little certainty that the investments of the companies will produce reasonable profits and that the legal framework is respected in the country. This translates into the removal of large

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<sup>34</sup> <http://www.conatel.gob.ve/wp-content/uploads/2021/06/SERVICIOS-DE-INTERNET-2021-1.pdf>

telecommunications companies that are willing to work in the country, perhaps only small companies will come that are established in small centers and in spaces where there is no service coverage and there is an extreme need to have it<sup>35</sup>.

In the study, it was determined that IPYS Venezuela<sup>36</sup> found that only between January and July 2019, 881 episodes of intermittent blockades occurred on 144 web pages and digital platforms. These findings showed that the majority of the effects, temporary and continuous, occurred on the informational portals and were carried out mainly from the connections of the ISPs, private and public, CANTV, Movistar, Digitel, Inter and Movilnet. Also, in the project **"Social Justice in Venezuela, through Digital Technologies. Communicational blockade and its incidence in the violation of internet rights"**<sup>37</sup>, developed by EsLaRed, specifies a history of the blockages that have existed in recent years in Venezuela.

On July 16, 2021, it was observed in the public space connectivity report given by Ve SIN Filtro Observatory<sup>38</sup>, that certain national operators were blocked, for example: "NetUno reached 0% connectivity, but recovered until reaching 22%, and at 2:40 in the afternoon, connectivity had almost fully recovered ", it was indicated by the observer through his Twitter account. He also reported that Movistar was affected that day and reached 71% of its normal values.

In graph 1 you can see the connectivity report from internet operators in the country by July 16, 2021.

This creates an environment of mistrust towards ISPs and service users, as well as violates fundamental internet rights, such as: freedom of expression and internet access. In recent years, it was determined that more than 7 million of cell phone subscribers were lost, due to the crisis at Movilnet and other operators.

- **Restrictive technological measures that affect services**

Among other factors that condition companies, we can mention the technological restrictive measures that affect internet access and services in Venezuela, such as:

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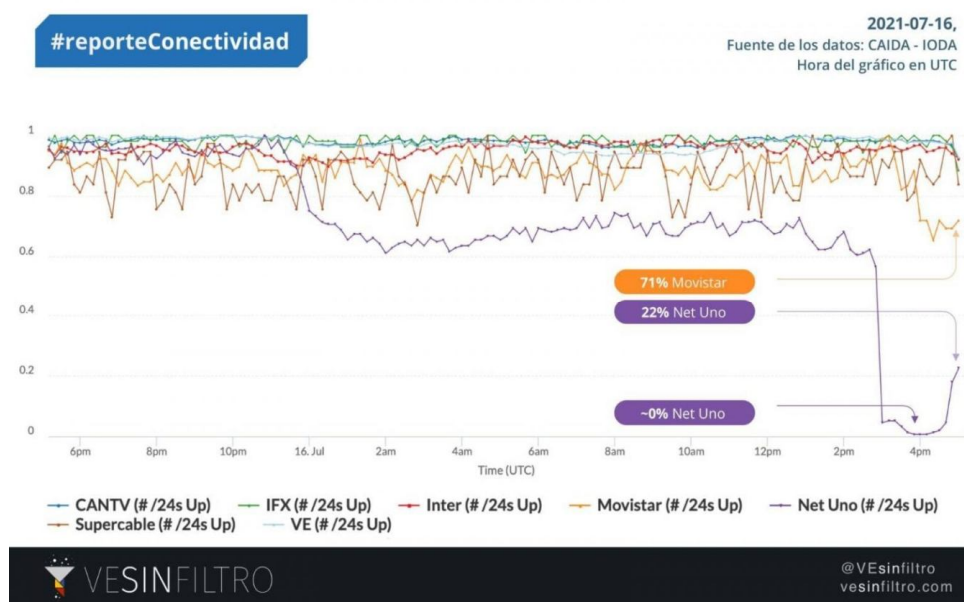
<sup>35</sup> <https://elucabista.com/2020/10/08/como-mejorar-las-telecomunicaciones-en-venezuela-habla-un-experto-de-ucab/>

<sup>36</sup> <https://ipysvenezuela.org/2019/08/13/foro-de-gobernanza-de-internet-los-retos-que-enfrenta-venezuela-en-el-entorno-digital/>

<sup>37</sup> <https://www.eslared.net/proyectos/justicia-social-en-venezuela-traves-de-las-tecnologias/>

<sup>38</sup> <http://espaciopublico.org/proveedores-de-internet-presentaron-fallas-de-acceso-a-la-red/>

Internet services in Venezuela are affected for multiple reasons, and the classification that will be given in this regard in this chapter will refer to the occurrence of failures of the following two types: **induced failures and non-induced failures**.



**Graph 1.** National connectivity report of 07/16/2021 by Ve SIN Filter Observatory

Non-induced failures involve: low or very low bandwidth, occasional power failure, DNS server failure, web server failure, frequent connectivity failure between the user and the ISP, service outages and failures of various kinds from the ISP, general cut off of partial or total access to the Internet, failures in microwave transmissions for radio links, among others.

On the other hand, the induced failures are related to those requested by the regulatory entity (CONATEL), which orders to the national ISPs, under normal administrative procedures, to suspend a certain service of an organization with national headquarters or acting at national level; or it acts directly on the service itself that is offered internationally by international organizations, as has been the case, for example: with CNN in Spanish, Dollar Today, different television news media in Colombia and the USA, among others. These interruptions can be scheduled for short periods or they can be of indefinite measures in time, and the decision to change is and has generally been a political measure against those who report harmful acts that violate the human

rights (HR) of national citizens, and/or those that attack by political means in different ways the different organisms of national government.

In addition, in Venezuela there is a serious and frequent failure in the last 5 years, and they are the recurrent energy power cuts, which have affected the entire country, and very significantly within it. This case can be considered as an induced failure, but not necessarily of a political nature, but rather a technical one, due to the reality of the deterioration in the generation of electrical energy and the distribution and transmission systems of this energy throughout the national territory.

The first (non-induced failures) are solved if coverage problems, locally and/or at national level, are solved; whether funds are invested in plans that improve or increase the speed of data transmission (bandwidth); if certain local faults in the user's own network installation are reduced; if you select or switch to other internet access technologies; and if the increase in the cost of the service provided by ISPs is allowed so that operators can invest in new equipment and technical improvements in general. The solution of all these problems considered here gives the impression that it can hardly be given in the country in short term, due to the financial situation of the telecommunications companies and ISPs.

If we go to the second group, classified as induced failures, these are referred to as the interruptions ordered by the regulator entity to different ISPs and this process of interruption of the service is known in technical and journalistic jargon as BLOCKING. No further comments will be made on the issue of the Blockade in this part of the work, although it is a very important point to keep in mind, in respect, above all, of human rights and freedom of expression.

These last failures promote discretion in the interruption of the services offered by the ISPs, by the regulatory entity, which increases every day more controls on the network, arguing national security measures, with the risks implied by the political, ideological and totalitarian nuances that government seems to follow.

- **Poor Telecommunications Services**

According to the recent opinion of the Director of the School of Telecommunications Engineering at the Andrés Bello Catholic University (UCAB), Eng. José Pirrone, within the framework of the XV Conference on

Telecommunications Engineering UCAB 2020<sup>39</sup>, held at the beginning of October 2020, and other opinions; next, the causes that originate the deficiency of telecommunications services in Venezuela are indicated:

- a) Very low growth in development by CANTV, the country's main telecommunications company, compared to the quality of networks in other countries.
- b) Increase in thefts in the telecommunications infrastructure, as an example: between January and May 2021, Movistar registered a total of 118 theft and vandalism events in the stations with the highest incidence in the eastern states. Likewise, it has had 25 cuts in the optical fiber as a consequence of this problem, whose impact on user communications is significantly greater<sup>40</sup>.
- c) Increase in theft of communications equipment and stationary battery banks, in the facilities of the signal transmission and reception stations of the different operators, which add up to high amounts of money that the company must assume and replace.

The foregoing represents a series of circumstances that escape the controls of the business sector, since precisely the security and integrity measures of the infrastructure and assets of strategic communication sites must be guaranteed by government entities. However, the context reflects the social deterioration and insecurity that the country is experiencing; which, it seems, is at levels that exceed the capacities and abilities of the government; situation that generates uncertainty and mistrust on business sector.

- **Very low internet speed**

The speed offered by providers in Venezuela, both in the fixed and mobile service, is very low compared to that provided by internet providers in the rest of the world. To give an idea of the previous statement, Venezuela is ranked 136 out of 137, only ahead of Afghanistan, in speed or mobile internet bandwidth of 8.05 Mbps, and ranked 139 out of 181 countries in speed of access to service 19.50 Mbps fixed internet.

Graph 2 shows only the bandwidth values for all the countries of the LA&C region. These statistics correspond to the month of June 2021 and were

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<sup>39</sup> <https://www.elimpulso.com/2020/10/13/como-mejorar-las-telecomunicaciones-en-venezuela-habla-un-experto-de-la-ucab/>

<sup>40</sup> <https://www.bancaynegocios.com/movistar-contabiliza-118-actos-vandalicos-con-25-cortes-de-fibra-optica-en-lo-va-de-ano/>



obtained through the Speedtest.net tool of the company Ookla Net Metrics

INTERNET MÓVIL / PROMEDIO GLOBAL			INTERNET FIJO / PROMEDIO GLOBAL		
Bajada (Mbps)	Subida (Mbps)	Latencia (ms)	Bajada (Mbps)	Subida (Mbps)	Latencia (ms)
55,34	12,69	37	106,61	57/67	20
# Posición q ocupa a nivel mundial	País	Internet Móvil Ancho de banda (Mbps)	# Posición q ocupa a nivel mundial	País	Internet Fijo Ancho de banda (Mbps)
62	Jamaica	40,41	10	Chile	203, 61
64	Trinidad y Tobago	38,49	36	Panamá	125,79
67	Suriname	36,76	40	Barbados	114,4
69	México	34,74	46	Brasil	100,44
71	Uruguay	34,2	53	Trinidad y Tobago	85,13
73	Rep. Dominicana	33,78	63	Paraguay	63,62
74	Costa Rica	33,15	66	Colombia	61,62
76	Brasil	32,73	68	Uruguay	59,25
81	Argentina	30,06	71	Guyana	57,99
84	Guatemala	29,5	72	Grenada	56,84
88	Honduras	26,1	73	Argentina	55,81
92	Ecuador	25,44	74	Bahamas	55,73
93	Perú	25,04	76	Perú	55,4
94	Cuba	24,92	78	Saint Vincent	53,56
98	El Salvador	23,63	81	Costa Rica	51,04
100	Bolivia	22,6	82	México	50,37
108	Nicaragua	21,85	86	Saint Lucia	47,04
112	Chile	20,04	93	Jamaica	40,43
113	Panamá	19,94	94	Dominica	38,74
115	Haiti	19,44	106	Ecuador	33,69
116	Paraguay	19,38	108	Rep. Dominicana	31,7
119	Colombia	18,27	111	Nicaragua	28,24
136	Venezuela	8,05	113	Saint Kitts & Nevis	27,93
			119	Bolivia	25,75
			120	El Salvador	25,72
			124	Honduras	24,52
			131	Guatemala	22,78
			139	Venezuela	19,5

Source: <https://www.speedtest.net/global-index/venezuela#mobile>

## Graph 2. Internet access speed in LA&C

What was presented above reflects that Venezuela is experiencing a critical situation with regard to internet access, which prevents users from enjoying quality and equitable services. In this way, the discomfort of the population increases as the prices of the services offered by the ISPs increase; as well as, it limits the sustainable development and the proactive consensus to promote the IG in the country.

### • Obsolescence of the infrastructure

Obsolescence is mainly a product of divestment, lack of updating of telecommunications equipment, and the difficulties of adapting to new technologies or radical changes in it. When carrying out a heuristic survey of sources on the web, it is determined that for the past 10 years, journalists, telecommunications experts and trade unionists from CANTV have denounced the lack of investment. However, the situation remains and a medium-term solution is quite difficult to be seen.

Among the frequent failures, the following are some opinions of experts in the telecommunications area:

- a) Registered failures in the use and handling of mobile data, and difficulties in establishing call communication between mobile phone operators in the country. According to the journalist and expert Frank Monroy comments in a TV channel (Globovision) program, carried out on 10/28/2018<sup>41</sup>, "We are reaching the collapse of telecommunications in Venezuela (...) yesterday a perfect mini storm was assembled, three failures joined of three absolutely different and transversal operators (...) they showed us two sides of the reality of today's telecommunications ". He accused this fact of the obsolescence of the infrastructure due to what he classified as "lack of income for telecommunications operators," explaining that they have been working at loss for five years.
- b) Failure to access the internet as a result of CANTV's malfunction, this situation is corroborated by Jhoan Chávez<sup>42</sup>, General Secretary of the company's workers union in Caracas, who states that "The Company is falling apart, we offer absolutely nothing. There are no landlines, cell phones, modems, antennas, not even office supplies exist. Payrolls are passed by hand, the fleet is scrapping metal and the power plants are goats. We have an obsolete platform and a total deterioration inside the networks that has left the door open to unscrupulous people who charge in a very expensive way for the restoration of the service or for the opening of a new line". Consequently, the state-owned company does not have the operational capacity to respond to the thousands of breakdowns that users report daily. CANTV union leader assures that the number of breakdowns exceeds one million cases.

The reviews presented reveal how through different channels, key actors and experts in telecommunications have made complaints about the seriousness of the problems of obsolescence of the infrastructure, particularly of the main telecommunications company in Venezuela, such as CANTV. However, reality indicates that the investment problem is deeper and there is a risk of having an outdated infrastructure for a long time, which would further delay development and attention to the demand for the services required by the country.

- **Deficient electricity service throughout the national territory**

Electricity failures in the country notably influence the operation of telecommunications services, because despite the fact that these companies have their own electricity generating plants, and stationary battery banks in

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<sup>41</sup> <https://globovision.com/article/fran-monroy-fallas-de-conectividad-se-originaron-por-corte-de-fibra-optica-de-proveedores-internacionales>

<sup>42</sup> <https://cronica.uno/venezuela-ha-retrocedido-20-anos-en-telecomunicaciones/>

their transmission and reception cell stations, it is not feasible to maintain operational and quality communication systems under long power outages.

In Venezuela, starting in 2018, there have been general power cuts for more than 24 hours, and daily rations of 6 and 7 hours have been recurrent throughout the national territory. In this context, different organizations that evaluate the operation of the Internet have determined the deficiency of the country's services, particularly NetBlocks<sup>43</sup>. This non-profit organization monitors the operation of the internet in the world, it reported in March 2021, that due to electrical power failures in Venezuela, around 96% of the telecommunications infrastructure is found fall, as well as review that this failure is just a sample of the many that have occurred in the country..

Currently, it is the case that telecommunications companies are faced with another reality regarding the supply of fuel with which private power plants operate is not continuous and in most cases, difficult to obtain; since there is a shortage of gasoline throughout the national territory, which prevents ISPs and companies from activating the backup mechanisms to guarantee internet services.

- **Control of service prices and divestment**

The reality of the Venezuelan telecommunications sector in terms of connectivity, investment and infrastructure is regrettable. The freezing of rates and the impossibility of expanding the profits has produced a process of deceleration of investment in infrastructure, reducing it to a minimum compared to that of other countries. Likewise, the little investment to expand the bandwidth per user for national and international navigation has collapsed the access to the Internet, which needs to be urgently addressed by responsible entities.

Investments should be reflected in the services rates and the government should let the competition between operators determine the prices of services based on their benefits, and fostering competition.

In short, investments in telecommunications in the country have been reduced to worrying levels and all the references found on this subject by qualified interlocutors who are aware of this situation, confirm this.

Since a new fictitious monetary system has come into play in the country, the dollarization of the economy has allowed some expansion of this sector, especially in the interior of the country, by small and medium-sized companies.

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<sup>43</sup> <http://netblocks.org>

New fiber optic cables and satellite and radio service companies have been incorporated in certain regions of Venezuela, increasing the offering of this service.

Finally, and in relation to the issue of investment in Venezuela, the World Bank<sup>44</sup> recently ranked Venezuela as the worst country in the region to invest, due to the politicization of the economy, legal insecurity and the uncertain environment for doing business. The Doing Business index of the international institution indicates that the country is also in third place in the world, with more risks to do business: it is in position 188 out of 190 economies analyzed, only above Eritrea and Somalia, that it was noticed by Voice of America. Isaac Cohen, former director of the Economic Commission for Latin America and the Caribbean, ECLAC, mentioned that Venezuela is an example of failed policies. And affirmed that it is a tragedy because they are talking about of an economy that was probably the richest in the region. "In Venezuela, property is not guaranteed and neither the access to the courts to settle any difference between people who are doing business," said Luis Ramírez, president of Scudo Consulting in the city of Miami.

In this context, an uncertain panorama is seen that is not conducive to establishing national agreements and consensus on IG, since the government must support global solutions that allow addressing investment deficiencies, price controls, among others; in a coherent way and according to strategic lines that allow the development of the country, where interested parties contribute jointly to a comprehensive model that implies a common working agenda.

### **b) Perspective of business Internet Service Providers (ISP)**

In general, the aspects presented above definitely imply that there is a need to establish a national agreement or pact on issues related to IG, promoted by the government; since there is a lack of national consensus to create a digital environment in favor of the development of the country and the good use and administration of the internet.

Since 2020, ISPs in Venezuela have been making new investments to establish quality and more stable internet connections, through different transmission means (fiber optic, coaxial cable, satellite links, etc.), as indicated with the emergence of new authorizations by CONATEL.

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<sup>44</sup> <https://www.cesla.com/detalle-noticias-de-venezuela.php?Id=23821>

However, deficiencies in services, obsolescence of infrastructure, failures in electricity services and price controls by the government have represented significant limitations to offer quality services and guarantee efficient internet access, which prevents responding to the lines of development that establish national and international commitments, as well as satisfying users demand.

Currently, the ISPs offer internet service under fixed telephony operators in ADSL technology by CANTV, through the commercial product ABA and new fiber optic installations to improve the network service.

In particular, the mobile telephone service in the national territory is offered by ISPs such as: Digitel, Movistar and Movilnet, and in the regional environment they are under the coaxial or fiber optic cable operators: Intercable, NetUno, Supercable, Viginet, TovarSat, among others. Likewise, the satellite service is offered by operators such as: Satelca, Telecorp, Sistelmedia, Galainet, Omnes, among others.

However, most ISPs do not offer optimal service; since they require an ecosystem of basic technological services (electricity, security, access, etc.), that works properly; as well as legal conditions and incentives that facilitate interested parties to invest and operate efficiently. Currently, many ISPs work at a loss, due to the low prices they offer, which does not represent attractiveness for ISPs and affects their good behavior and quality of services. That is why the government must encourage free competition and assume the commitment to establish national development projects in different geographical areas.

### **c) Perspective of private companies that receive internet services (production, business, marketing, health and education companies)**

Obviously, private companies that require internet access service go through many of the problems that ISPs suffer. Currently, they depend on the internet service provided by telecommunications companies throughout the country (CANTV and the 141 companies) but also to a large extent, on the regulations established by the Venezuelan State on the management of content, information and data that it is spread over the net.

Although internet access is not the essential motive or purpose of companies; however, today the agreements, marketing, communication, promotion, dispatch, financial relationship, acquisition of raw materials and many other functions that the finished product of the companies is achieved, are carried out through the Internet. That is why the Internet is currently the

fundamental vehicle for commercial relations at the national and international level with which any company operates in all parts of the world, and that is fundamental for the development of a country.

On the other hand, companies in general, as a result of the pandemic, increasingly demand better internet services to carry out work "online" or "offline" (tele-working) for the marketing and promotion of their services and goods; as well as, the educational system needs to direct its efforts to implement an adequate distance education throughout the national territory, to train children and young people. Faced with this reality, effective strategies must be managed by stakeholders to address the new reality, based on digital technologies.

However, it is important to recognize that CONATEL, during last year, has stimulated investment by an emerging sector of small and medium-sized companies, to offer internet services in the sub-regions and States with new platforms for the transmission of data and the internet<sup>45</sup>; however, the service is insufficient to meet the demands of the country.

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### **2.1.3 PERSPECTIVE OF CIVIL SOCIETY**

The CRBV (1999) encourages the protagonist participation of citizens in decision-making inherent to economic, human, and political rights. In this sense, it is enshrined as a fundamental principle provided in article 6 of the CRBV, by stating that the government of the Bolivarian Republic of Venezuela and the political entities that compose it, is and will always be democratic, participatory, elective, decentralized, alternative, responsible, pluralistic and with revocable mandates.

As a mechanism for participation, the CRBV proposes the popular consultation, provided for in article 70. "those are means of participation and leadership of people in the exercise of their sovereignty, politically: the election of public offices, the referendum, the popular consultation, the revocation of the mandate, the legislative, constitutional and constituent initiatives, the open council and the assembly of citizens whose decisions will be binding, among others; and, in the social and economic sceneries, the instances of citizen attention, the self-management, the co-management, the cooperatives in all their forms including those of a financial nature, the savings of money in

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<sup>45</sup> <http://www.conatel.gob.ve/conatel-habilito-ocho-nuevas-empresas-que-prestaran-servicio-de-internet-en-el-pais/>

banks, the community enterprise and other associative forms guided by the values of the mutual cooperation and solidarity.

In this sense, Article 11 of the Organic Law of Telecommunications, LOT (2011), establishes that CONATEL, before producing or modifying the normative acts that it may dictate in accordance with this Law, will carry out prior public consultations with the interested sectors.

For this purpose, it will establish by resolution the mechanisms that allow ensuring the timely information of the interested parties and the possibility of providing suggestions or recommendations, under terms and conditions that are determined, for which it will seek the establishment of open, electronic or audiovisual mechanisms. In addition to public consultation, individuals, natural or legal, may propose to CONATEL the regulation of new telecommunications services, which constitutes a leading mechanism for popular participation in the creation of the norms that regulate telecommunications. Likewise, CONATEL facilitates the establishment of user organizations to promote social control and the development of proposals to strengthen the work on the media<sup>46</sup>; as well as creating spaces for the discernment of communicational rights<sup>47</sup>, organizing training plans in the use of ICT<sup>48</sup>, among others.

Participation of users in the defense of their rights and interests, also constitutes another mechanism of citizen participation<sup>49</sup>, regulated by CONATEL in the "**manual for the organization of users**<sup>50</sup>", which contemplates the following mechanisms: a) participation mechanisms provided in the law of social responsibility in radio, television and electronic media; b) establishment of user organizations and users in radio, television and electronic media; c) social control activities for radio, television and electronic media service providers; d) public consultations, promoted by CONATEL, for the establishment of technical standards, e) user participation tools; among others.

On the other hand, another mechanism of citizen participation is constituted by the participation of the different actors (government, users, operators) in the governance forums on the internet, developed at the national, regional and world levels; this activity can be achieved through CONATEL, user

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<sup>46</sup> <http://www.conatel.gob.ve/comites-de-usuarios-de-las-telecomunicaciones-presentaron-propuestas-ante-conatel/>

<sup>47</sup> <http://www.conatel.gob.ve/derechos-comunicacionales-conformadas-organizaciones-de-usuarios-de-caracas-y-miranda/>

<sup>48</sup> <http://www.conatel.gob.ve/couu-continuan-formandose-en-uso-de-redes-sociales/>

<sup>49</sup> <http://www.conatel.gob.ve/responsabilidad-social/?target=organizaci%C3%B3n-de-usuarios>

<sup>50</sup> <http://www.conatel.gob.ve/wp-content/uploads/2014/10/Manual-Comit%C3%A9s-de-Usuarios.pdf>



organizations<sup>51</sup>, ISOC Venezuela, chamber of telecommunications companies of Venezuela, among others

## **2.2 A LOOK AT INTERNET GOVERNANCE IN VENEZUELA**

### **2.2.1 LEGAL FRAMEWORK**

The legislative development begins with the incorporation of the articles, related to telecommunications, in the Constitution of the Bolivarian Republic of Venezuela (CRBV) of year 1999, to then go on to publish Laws through the National Assembly, Regulations, Decrees and Resolutions through the National Executive (government), and finally design Public Policies, through the Plans of the Homeland, in order to materialize telecommunications services in Venezuela and promote internet access.

In particular, the management and operation of the public and private administration in Venezuela is based on the use of communication systems, networks and the massive use of Internet. In this sense, the recognition at the constitutional level of Internet use as a superior interest for the development of the country, is imperative as a State policy; that is why the current CRBV laid the foundations to start the regulatory framework for telecommunications in Venezuela and, more specifically, to manage internet access and its governance.

The following sections succinctly shows the different laws, decrees, regulations, norms, provisions and plans that exist in Venezuela to protect the use and administration of the Internet and IG in the country.

#### **2.2.1.1. Constitutionality of Internet Governance in Venezuela**

The CRBV<sup>52</sup> establishes a series of articles that prioritize the use of Information and Communication Technologies (ICT) and the Internet in the work of public life in the country; as well as, the commitments of the State and the private sector in the allocation of resources for the economic, social and political development of the country are recognized; and particularly in the development of science, technology, knowledge, and innovation. On the other hand, citizen participation is considered to create spaces that favor the control of the rulers, the transmission of citizens' preferences, and the promotion of agreements to facilitate decision-making, among others.

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<sup>51</sup> <http://www.conatel.gob.ve/wp-content/uploads/2014/09/Organizaciones-de-Usuarios-y-Usuaris-Registradas.xls>

<sup>52</sup> <http://www.minci.gob.ve/wp-content/uploads/2011/04/CONSTITUCION.pdf>



In particular, the following CRBV articles consider the aspects indicated above:

In article 108 of the CRBV, the Venezuelan State assumes the responsibility of contributing to citizen training, through public services of radio, television, library and computer networks, in order to allow universal access to information, incorporating new technologies and innovation in educational centers, for this it recognizes as fundamental instruments for the economic, social and political development of the country, science, technology, knowledge, innovation, and emphasizes the need to incorporate into the educational system the management of technological innovations with the aim of allowing universal access to information.

Additionally, article 110 recognizes the public interest of science, technology, knowledge, innovation and its applications and the information services necessary as they are fundamental instruments for the economic, social and political development of the country, as well as for national security and sovereignty. For the promotion and development of these activities, the State will allocate sufficient resources and create the national science and technology system in accordance with the law, and the private sector must provide the resources to promote these developments and activities.

In order to comply with the provisions of articles 108 and 110 of the CRBV, decree 825<sup>53</sup> dated May 10, 2000 is published immediately, which prescribes in article 1, "**Access and Internet use as a priority policy for the cultural, economic, social and political development of the Bolivarian Republic of Venezuela**". In this sense, this decree promotes the incorporation of internet use in the public administration and in different sectors of the country's vital forces; as well as, it encourages the use of electronic commerce for interrelation in the knowledge society, as a mechanism to exchange information through the internet, incorporating its use progressively.

Likewise, in articles 62, 67 and 168, citizen participation is established as a key element in public management, with the purpose of giving citizens direct and binding intervention in the management of national and sub-national governments. In this sense, citizens conquer spaces to participate in the actions of public life in Venezuela, through the exercise of sovereignty, the election of public offices, the referendum, the popular consultation, the revocation of the mandate, legislative initiatives, constitutional and constituent; and the open council and the assembly of citizens as a way to

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<sup>53</sup> <http://www.conatel.gob.ve/sobre-internet-2/>

facilitate, together with other actors, decision-making on issues of national interest.

The foregoing creates the legal bases to promote the use of internet and the participation of civil society in public matters, and establish commitments from the government and private sectors to develop strategic areas of telecommunications, which promotes IG processes. In this context, multi-sector groups promote consensus and facilitate the creation of a participatory ecosystem for decision-making on issues that contribute to the development of the country; as well as, they create the conditions to establish management structures in matters related to the use and administration of the internet, constitutionally supported, to encourage citizen participation, projects, among others.

### **2.2.1.2. Legal order on Telecommunications**

Below is a summary of: a) Fundamental and referential laws in the area of telecommunications, b) Legal regulations that protect some internet rights (freedom of expression, access and privacy), c) Regulations in the area of telecommunications , and d) Technical Standards and Rulings.

#### **A. FUNDAMENTAL AND REFERENTIAL LAWS**

##### **a.1. Organic Telecommunications Law (LOT)**

**LOT** regulates use, administration and governance of the Internet, as well as defines the rights and duties of government, business and civil society sectors in matters related to telecommunications in Venezuela. The law was promulgated on June 12, 2000, and published in Official Gazette No. 36,970, with a partial reform according to Official Gazette No. 39,610, dated February 7, 2011. With the latest reform, the LOT creates a modern legal framework favorable for the protection of users and operators of telecommunications services in a regime of free competition; as well as, for the development of the telecommunications sector, which is a promising sector for the development of the country's economy.

Among the most outstanding aspects of the LOT that affect the IG, we can mention:

- LOT facilitates the unpublishing of the telecommunications sector, thus repealing the reservation that the State had on it, recognizing the right of all individuals to carry out economic telecommunications activities, as established in article 1 of this law, under the principles of free competition and economic freedom. Likewise, it facilitates activities of general interest, such as: the

establishment or operation of telecommunications networks, and the provision of telecommunications services. This general interest justifies more intense regulation by the State and implies that the ownership of telecommunications is now in the hands of individuals.

- On the other hand, it is important to highlight that the LOT must guarantee the incorporation and fulfillment of the Universal Service Obligations, established in article 50, such as: a) guaranteeing that all people can receive connection to the fixed public telephone network, the free availability of a telephone directory, a national information service, and internet access, and b) guaranteeing disabled people or people with special social needs access to the fixed telephone service available to this and all people in general.
- To comply with the obligations, the State creates a Universal Service Fund (FSU/USF) whose purpose is to subsidize the infrastructure costs necessary for the satisfaction of mentioned obligations and at the same time maintain the neutrality of the effects of its fulfillment from the perspective of the competition; in addition, it encourages research and development of the sector in the country as well as technology transfer.
- From the legal point of view, the aforementioned aspects make it possible to attract national and international investment for the development of the telecommunications sector, by virtue of the legal security provided by the LOT; establishing clear, transparent, precise rules and adjusted to the technological advance of the sector.
- With respect to the objectives of the LOT, it can be highlighted that it provides, for the defense of users rights, and particularly their right to access telecommunications services and to exercise free and plural communication. Likewise, the LOT seeks conditions of competition between the different operators and service providers, establishing provisions on prices and rates, interconnection and limited resources.

In general, the LOT develops in its entire text the rights and obligations of operators, users and the government sector, regarding the provision of services and the establishment and operation of telecommunications networks; including aspects related to: the procedure for obtaining administrative authorizations or the incorporation of attributes thereof, everything related to Public Administration and Telecommunications; as well as the Universal Service and its Fund, and, the Telecommunications Research and Development Fund. Likewise, it considers aspects related to the administration of the limited resources of the area, the radio electric spectrum, the procedures for the concession of using and exploitation of the radio electric spectrum, general telecommunications channels, interconnection, radio amateurs, homologation

and certification, the prices and rates, taxes, fees and contributions, and the sanctioning regime.

In order to implement the LOT, and other regulatory bodies on the Internet and use of telecommunications networks, the National Telecommunications Commission (CONATEL) and the National Center for Information Technologies (CNTI) are created (see details of the institutions in section 2.1.1), which are responsible for regulating and promoting national efforts in the field of telecommunications and information technology, developed by the government, private and civil society sectors.

#### **a.2. Law of Social Responsibility in Radio, Television and Electronic Media**

This Law is created to strengthen the application of the LOT; this law allows establishing in the diffusion and reception of messages, the social responsibility of the providers of radio and television services, providers of electronic media, advertisers, independent national producers and users. In this way, the democratic balance between their duties, rights and interests is promoted in order to find social justice and contributing to the formation of citizens, in accordance with the constitutional norms and principles of the legislation for the comprehensive protection of children and adolescents, culture, education, social security, free competition and the application of the LOT.

#### **a.3. Organic Law of Science, Technology and Innovation**

This Law establishes the legal bases so that scientific, technological and innovation activities and their applications are of public interest for the exercise of national sovereignty in all areas of society and culture. This Law seeks to develop, in accordance with the nation's plans, solutions to specific problems of society, through the articulation and integration of the subjects that carry out science, technology and innovation activities; which leads to IG processes and in particular to national consensus on projects of national interest.

#### **a.4. Info-government Law**

It is one of the laws that have the greatest impact on the materialization on use, administration and IG, as well as, of free information technologies, as an instrument to guarantee the effectiveness and transparency, as a purpose of superior interest of the Venezuelan State.

Considering it is of interest for the management of the IG in Venezuela, the following are some of the objectives proposed by the Law:

- Facilitate the establishment of relationships between the Public Power and the people through information technologies.
- Establish the necessary and timely conditions that promote the continuous improvement of the services that Public Power provides to people, thus contributing to the effectiveness, efficiency and efficacy in the provision of public services.
- Universalize people's access to free information technologies and guarantee their appropriation for the benefit of society.
- Guarantee the exercise of rights and the fulfillment of people's duties, through information technologies.
- Promote the empowerment of Popular Power through the generation of means of participation and organization of people, using information technologies.
- Guarantee the transparency of public management, facilitating people's access to public information.
- Support the strengthening of participatory and protagonist democracy in public management and the exercise of social control.
- Contribute on the organization modes and operation of the Public Power, supporting the simplification of the administrative procedures that they carry out.
- Establish the principles for the normalization and standardization in the use of information technologies, to individuals subject to the application of this Law.
- Promote the acquisition, development, research, creation, design, training, socialization, use and implementation of free information technologies to the subjects affected for the application of this Law.
- Establish the bases for the National Protection System and Information Security, in terms established in this Law and by other legal instruments that regulate this matter.
- Promote technological independence and thereby strengthen the exercise of national sovereignty, based on the knowledge and use of free information technologies in Venezuela.

Next, Table 3 is presented with a summary of the set of fundamental and referential Laws, which regulate IG in Venezuela, and show the extensive development juristic and legislative in this field<sup>54</sup>:

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<sup>54</sup> <http://www.conatel.gob.ve/marco-legal-2/?target=leyes-fundamentales/>

Laws	Objective	Link
<b>FUNDAMENTAL LAWS</b>		
National Constitution of the Bolivarian Republic of Venezuela... CRBV/ (1999)	It is the supreme norm and the foundation of the legal order; it guarantees the human, educational and political rights of citizens.	<a href="http://www.minci.gob.ve/wp-content/uploads/2011/04/CONSTITUCION.pdf">http://www.minci.gob.ve/wp-content/uploads/2011/04/CONSTITUCION.pdf</a>
Organic Law of Telecommunications. (LOT)  (Published in Official Gazette No. 39,610, of February 7, 2011)	The purpose of this Law is to establish the legal framework for the regulation of telecommunications, in order to guarantee the human right of people to communication and to carry out economic activities on telecommunications, necessary to achieve it, with no limitations other than those derived from the laws and the Constitution of the Republic.	<a href="http://www.conatel.gob.ve/ley-organica-de-telecomunicaciones-2/">http://www.conatel.gob.ve/ley-organica-de-telecomunicaciones-2/</a>
Law of Social Responsibility in Radio, Television and Electronic Media.  (Published in Official Gazette No. 383,282, of February 7, 2011)	The purpose of this Law is to establish, in the dissemination and reception of messages, the social responsibility of the providers of radio and television services, providers of electronic media, advertisers, independent national producers and producers and users, promoting the democratic balance between their duties, rights and interests in order to achieve social justice and contribute to the formation of citizenship, democracy, peace, human rights, culture, education, health and the social and economic development of the Nation, in accordance with the norms and constitutional principles of the legislation for the comprehensive protection of children and adolescents, culture, education, social security, free competition and the Organic Law of Telecommunications.	<a href="http://www.conatel.gob.ve/ley-de-responsabilidad-social-en-radio-television-y-medios-electronicos/">http://www.conatel.gob.ve/ley-de-responsabilidad-social-en-radio-television-y-medios-electronicos/</a>
Organic Law of Science, Technology and Innovation.  (Posted on December 8, 2010)	Its purpose is to manage the generation of science, technology, innovation and its applications, based on the full exercise of national sovereignty, participatory and protagonist democracy, justice and social equality, respect to the environment and cultural diversity, through the application of popular and academic knowledge.	<a href="http://www.conatel.gob.ve/ley-organica-de-ciencia-tecnologia-e-innovacion-2/">http://www.conatel.gob.ve/ley-organica-de-ciencia-tecnologia-e-innovacion-2/</a>
Info-government Law.  (Posted on October 10, 2013)	Its purpose is to establish the principles, bases and guidelines that govern the use of information technologies in the Public Power, to improve public management and services provided to people; promoting transparency in the public sector; participation and full exercise of the sovereign rights; as well as, promote the development of free information technologies in the State; guarantee technological independence; the social appropriation of knowledge; as well as the security and defense of the Nation.	<a href="http://www.conatel.gob.ve/ley-de-infogobierno/">http://www.conatel.gob.ve/ley-de-infogobierno/</a>
<b>REFERENTIAL LAWS</b>		
Law for the Protection of Boys, Girls and Adolescents in Rooms for the Use of Internet, Video Games and other Multimedia.  (Published in Official Gazette No. 38,529, of September	Its objective is to regulate the contents to which minors can have access, and allows: 1. Guarantee all children and adolescents the full and effective exercise and enjoyment of their human rights to adequate information that is consistent with their integral development and health, in the use, rental, purchase, sale and exchange of games computerized, electronic or multimedia, especially in Internet rooms.	<a href="http://www.conatel.gob.ve/ley-para-la-proteccion-de-ninos-ninas-y-adolescentes-en-salas-de-uso-de-internet-videojuegos-y-otros-multimedias-2/">http://www.conatel.gob.ve/ley-para-la-proteccion-de-ninos-ninas-y-adolescentes-en-salas-de-uso-de-internet-videojuegos-y-otros-multimedias-2/</a>

25, 2006)	2. Promote the proper use of Internet services for educational and recreational purposes and for free communication between people. 3. Encourage the participation of families, social organizations and people in general in the comprehensive protection of children and adolescents.	
Special Law against Computer Crimes.  (Published in Official Gazette No. 37,313, of October 30, 2001)	Its purpose is the comprehensive protection of systems using information technologies, as well as the prevention and punishment of crimes committed against such systems or any of their components, or crimes committed through the use of said technologies, under the terms provided in this Law.	<a href="http://www.conatel.gob.ve/ley-especial-contra-los-delitos-informaticos-2/">http://www.conatel.gob.ve/ley-especial-contra-los-delitos-informaticos-2/</a>
Law on Data Messages and Electronic Signatures.  (Posted on February 10, 2001)	Its purpose is to grant and recognize efficacy and legal value to the Electronic Signature, the Data Message and all intelligible information in electronic format, regardless of its material support, attributable to natural or legal persons, public or private, as well as to regulate everything related to the Certification of Service Providers and Electronic Certificates.	<a href="https://www.oas.org/juridico/spanish/mesicic3_ve_n_anexo19.pdf">https://www.oas.org/juridico/spanish/mesicic3_ve_n_anexo19.pdf</a>
Law on Access and Electronic Exchange of Data, Information and Documentation between State Bodies and Entities. (Published in Official Gazette No. 39,945 dated June 15, 2012)	Its purpose is to establish the bases and principles that will govern the access and electronic exchange of data, information and documents between the organs and entities of the State, in order to guarantee the implementation of an interoperability standard.	<a href="https://www.cnti.gob.ve/de-interes/enterate/3411-ley-sobre-el-acceso-e-intercambio-electronico-de-datos-informacion-y-docu">https://www.cnti.gob.ve/de-interes/enterate/3411-ley-sobre-el-acceso-e-intercambio-electronico-de-datos-informacion-y-docu</a>
Law on Protection of Communications Privacy.  (Published in Official Gazette No. 34,863 dated December 16, 1991)	Its purpose is to protect the privacy, confidentiality, inviolability and secrecy of the communications that take place between two or more people.	<a href="http://www.conatel.gob.ve/ley-sobre-proteccion-a-la-privacidad-de-las-comunicaciones-2/">http://www.conatel.gob.ve/ley-sobre-proteccion-a-la-privacidad-de-las-comunicaciones-2/</a>

**Table 3.** Fundamental and referential laws in the area of telecommunications

## B. LEGAL ORDER THAT PROTECTS SOME INTERNET RIGHTS

Legal order	Highlights of the CNRBV	Related Laws and Decrees	International treaties and conventions
<b>FREEDOM OF EXPRESSION</b>			
National Constitution of the Bolivarian Republic of Venezuela (1999) (CRBV) <sup>55</sup>	<b>Article 57:</b> Everyone has the right to freely express their thoughts, ideas or opinions out loud, in writing or through any other form of expression, and to make use of any means of communication and dissemination, without censorship being established. Whoever makes use of this right assumes full responsibility for everything expressed. Anonymity is not allowed, nor war propaganda, nor discriminatory messages, nor those	In addition to what is established in the CRBV of Venezuela, there are Laws that seek to guarantee and defend Freedom of Expression in Venezuela, such as: Organic Law of transparency, Disclosure and Access to Public Information. Law of Social Responsibility in Radio, Television and Electronic Media <sup>56</sup> .	<b>Article 19</b> of the Universal Declaration of Human Rights.  <b>Articles 12, 13 and 14</b> of the American Convention on Human Rights.  <b>Articles 19 and 20</b> of the International Covenant on Civil and Political Rights.

<sup>55</sup> <http://www.conatel.gob.ve/constitucion-de-la-republica-bolivariana-de-venezuela-2/>

<sup>56</sup> <http://www.conatel.gob.ve/ley-de-responsabilidad-social-en-radio-television-y-medios-electronicos/>

	that promote religious intolerance. Censorship of public officials or public officials to account for matters under their responsibilities is prohibited "	Organic Law of Telecommunications <sup>57</sup>	
	<b>PRIVACY</b>		
CRBV	<p><b>"Article 60:</b> Every person has the right to the protection of his honor, private life, privacy, own 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 "</p>	<p>In addition to what is established in the CRBV of Venezuela, there are Laws that seek to guarantee and defend the privacy of citizens, such as:</p> <p>Law on Protection of Communications Privacy<sup>58</sup>.</p> <p><b>Article 23</b> of the Law of Info-government<sup>59</sup>.</p> <p><b>Articles 23 and 24</b> of the Special Law Against Computer Crimes, referring to crimes against children and adolescents.</p> <p><b>Articles 12, 14 and 15</b> of the Organic Law of Telecommunications.</p> <p><b>Articles 20, 21, 22</b> of the Special Law against Computer Crimes.</p> <p>Law for the protection of children and adolescents in rooms for the use of the Internet, Videogames and Multimedia.</p> <p>Law of Limitation of CelPhone Telephony and the Internet in the Interior of Penitentiary Establishments.</p>	<p><b>Article 12</b> of the Universal Declaration of Human Rights.</p> <p><b>Article 17</b> of the International Covenant on Civil and Political Rights.</p> <p><b>Article 5</b> of the American Declaration of the Rights and Duties of Man.</p> <p><b>Articles 11.2 and 11.3</b> of the American Convention on Human Rights.</p>
	<b>ACCESS</b>		
CRBV	<p>"Internet is itself an invaluable tool for the access and dissemination of ideas."</p>	<p><b>Decrees No. 825<sup>60</sup></b> declares: "Internet access and use as a priority policy and its accreditation as a tool for interrelation in the global context, and as a promoter of territorial development at the national and regional levels."</p> <p><b>Decree N ° 6,649</b> "declares the use of Internet as a Sumptuary or Superfluous Expenditure in the National Public Sector" as a measure aimed to reducing public spending, which has been the subject of controversies at the national and international level, and which attempts to against</p>	<p>Treaties of the International Labor Organization. Promotion of the protection and enjoyment of human rights on the Internet.</p>

<sup>57</sup> <http://www.conatel.gob.ve/ley-organica-de-telecomunicaciones-2/>

<sup>58</sup> <http://www.conatel.gob.ve/wp-content/plugins/pdfjs-viewer-shortcode/pdfjs/web/viewer.php?file=/wp-content/uploads/2017/01/ley-sobre-proteccion-a-la-privacidad-de-las-comunicaciones.pdf&download=true&print=true&openfile=false>

<sup>59</sup> <http://www.conatel.gob.ve/ley-de-infogobierno/>

<sup>60</sup> <http://www.conatel.gob.ve/wp-content/uploads/2017/01/sobre-internet.pdf>



		<p>Decree No. 825.</p> <p>Information Technology Law<sup>61</sup>.</p> <p>Law of Social Responsibility in Radio, Television and Electronic Media.</p> <p>Organic Law of Telecommunications.</p> <p>Law for the Promotion and Protection of Investment in the use and exploitation of the Radio-electric Spectrum<sup>62</sup>.</p> <p>Partial regulation of the Organic Law of Telecommunications for granting the financing to the investigation and development of Telecommunications<sup>63</sup>.</p> <p>National Table of Attributions of Frequency Bands (CUNABAF)<sup>64</sup>.</p> <p>Regulation on the taxes established in the Organic Law of Telecommunications<sup>65</sup>.</p> <p>Interconnection Regulation<sup>66</sup>.</p> <p>Data Messages and Electronic Signatures Law<sup>67</sup>.</p> <p>Special Law against Computer Crimes<sup>68</sup>.</p> <p>Law Against Hate<sup>69</sup>.</p>	
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**Table 4.** Legal order that protects some Internet Rights

## c. REGULATIONS ON TELECOMMUNICATIONS

The “National Executive Power”, in order to implement the set of Laws inherent to the use of internet and telecommunications, has issued a series of Regulations<sup>70</sup>, the purpose of which is to facilitate the application and

<sup>61</sup> <http://www.conatel.gob.ve/wp-content/uploads/2014/10/PDF-Ley-Org%C3%A1nica-de-Ciencia-Tecnolog%C3%ADa-e-Innovacion.pdf>

<sup>62</sup> <http://www.defiendete.org/html/de-interes/LEYES%20DE%20VENEZUELA/LEYES%20DE%20VENEZUELA%20II/LEY%20PARA%20LA%20PROMOCION%20Y%20PROTECCION%20DE%20LAS%20INVERSIONES%20EN%20EL%20USO%20Y%20EXPLOTACION%20DEL%20ESPECTRO%20RADIOE.htm>

<sup>63</sup> [http://www.google.com/#hl=es&xhr=t&q=REGLAMENTO+PARCIAL+N%C2%B0+1+DE+LA+LEY+ORG%C3%81NICA+DE+TELECOMUNICACIONES&cp=64&pf=p&scient=psy&site=&source=hp&aq=f&aqi=&aql=&oq=REGLAMENTO+PARCIAL+N%C2%B0+1+DE+LA+LEY+ORG%C3%81NICA+DE+TELECOMUNICACIONES&pbx=1&bav=on.2,or.r\\_gc.r\\_pw.&fp=9c199bd8e181d1f9&biw=1169&bih=476](http://www.google.com/#hl=es&xhr=t&q=REGLAMENTO+PARCIAL+N%C2%B0+1+DE+LA+LEY+ORG%C3%81NICA+DE+TELECOMUNICACIONES&cp=64&pf=p&scient=psy&site=&source=hp&aq=f&aqi=&aql=&oq=REGLAMENTO+PARCIAL+N%C2%B0+1+DE+LA+LEY+ORG%C3%81NICA+DE+TELECOMUNICACIONES&pbx=1&bav=on.2,or.r_gc.r_pw.&fp=9c199bd8e181d1f9&biw=1169&bih=476)

<sup>64</sup> [http://www.conatel.gob.ve/files/consulta/PA\\_CUNABAF\\_CP.pdf](http://www.conatel.gob.ve/files/consulta/PA_CUNABAF_CP.pdf)

<sup>65</sup> <http://ebookbrowse.com/reglamento-sobre-los-tributos-establecidos-en-la-ley-organica-de-telecomunicaciones-pdf-d70210029>

<sup>66</sup> <http://www.minpptrass.gob.ve/paginas/reglamentos/reginterconexion.html>

<sup>67</sup> <http://www.conatel.gob.ve/wp-content/uploads/2014/10/PDF-Ley-sobre-Mensajes-de-Datos-y-Firmas-Electr%C3%B3nicas.pdf>

<sup>68</sup> <http://www.conatel.gob.ve/wp-content/uploads/2014/10/PDF-Ley-Especial-contra-los-Delitos-Inform%C3%A1ticos.pdf>

<sup>69</sup> <https://www.finanzasdigital.com/2017/11/gaceta-oficial-n-41-274-ley-constitucional-odio-la-convivencia-pacifica-la-tolerancia/>

<sup>70</sup> <http://www.conatel.gob.ve/marco-legal-2/?target=leyes-fundamentales>

implementation of the Laws issued in the area of telecommunications and digital environments, among them we can mention:

- The Regulations of the Organic Telecommunications Law on administrative authorizations and concessions for using and exploitation of the radio electric spectrum.
- The Regulation for the protection of the Rights of users in the Provision of Telecommunications services.
- The Regulation on the Taxes Established in the Organic Law of Telecommunications.
- And recently the Regulation of the Organic Telecommunications Law on the Universal Telecommunications Service and its Fund<sup>71</sup>, published in Official Gazette No. 42,059, dated February 1, 2021.

In particular, the LOT Regulation on Universal Telecommunications Service and its Fund, is of special interest for the management of IG in Venezuela; since, its purpose is to regulate the allocation and subsidy of the infrastructure necessary for the compliance and control of the obligations as Universal Telecommunications Service, and for the provision of telecommunications services in affordable economic conditions, with minimum standards of quality, penetration and access to internet services; aspects that are strategic in an IG process. Compliance with these obligations requires national consensus and the participation of multi-sector groups, which allow the necessary investments to be made to meet the needs of services and internet access.

In this way, the social and economic development of the Nation is promoted through telecommunications, ensuring the enjoyment of the benefits of end user, regardless of geographical areas, promoting national integration, maximizing access to information, for the development of educational and health services and the reduction of inequalities in access to telecommunications services by the population.

It is important to highlight that the Universal Telecommunications Service is initially regulated by the LOT, in its article 49, which assigns the State the responsibility of guaranteeing access to quality telecommunications and economic affordability, in order to guarantee connection to the public

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<sup>71</sup> <http://www.conatel.gob.ve/reglamento-de-la-ley-organica-de-telecomunicaciones-sobre-el-servicio-universal-de-telecomunicaciones-y-su-fondo/>

telephone service network, and access to the global internet information network.

The Universal Service is a defined set of telecommunications services that operators are obliged to provide to users, to provide minimum standards of penetration, access, quality and economic affordability, regardless of geographic location. Its purpose is the satisfaction of national integration, the maximization of access to information, educational development, health service, and the reduction of inequalities in terms of access to telecommunications services for the population.

Venezuelan legislation establishes that the provision of Universal Service must be guaranteed by the State; among the services included in this modality are those of fixed public telephony and internet access. In planning, establishing, assigning and monitoring the Universal Telecommunications Service obligations, CONATEL guides its actions under the principles of:

- Equity in order to seek the development and integration of the nation, always defending the values of distributive justice, solidarity, reduction of inequality of access and economic affordability.
- Continuity in the provision of the telecommunications service and in the maintenance of the service quality conditions established for this purpose by the laws and other applicable regulations.
- Neutrality in planning and in the establishment of Universal Telecommunications Service obligations, which seeks not to favor specific providers or confer exclusivity rights or privilege technologies.
- Transparency in the mechanisms and in the management of the Universal Telecommunications Service Fund, which must be carried out in an objective, clear and public manner, in accordance with the law and other applicable regulations.
- Equal opportunities for all participants in the mechanisms for assigning Universal Telecommunications Service obligations.
- Efficiency in the establishment of the Universal Telecommunications Service obligations and in the financial administration of resources of the Universal Telecommunications Service Fund.

On the other hand, in order to carry out the fulfillment of the obligations and responsibilities assumed by the State in relation to Universal Service, the Universal Service Fund (FSU) is created, in article 54 of the LOT, granting it

the character of separate patrimony depending on CONATEL. Its purpose is to subsidize the infrastructure costs necessary for the fulfillment of the Universal Service obligations and, at the same time, maintain the neutrality of its effects, from the point of view of competition. The Fund has a Project Evaluation and Monitoring Board, chaired by the General Director of CONATEL or whoever exercises his functions, together with a representative appointed by the Minister of Public Works and Housing, a representative appointed by the Minister of Planning and Development, a representative appointed by the Minister of Science and Technology and Intermediate Industries, and a representative appointed by the people who contribute to the Fund.

Resources of the Universal Service Fund will come from the contributions of for-profit telecommunications service operators, in accordance with the provisions of the LOT and all those additional that, by way of donation, from any natural or legal person could make. In addition, the resources of this Fund are deposited in a bank account designated by CONATEL, although they may also be placed in investments that guarantee the highest security, profitability and liquidity.

The LOT Regulation on Universal Telecommunications Service and its Fund, regulates the structure, administration and control of the Universal Telecommunications Service Fund (FSU/UTSF), an investment fund where the government and the private sector commit to both the financial contribution as well as its execution.

## **D. TECHNICAL RULES AND PROVIDENCES**

Similarly, the National Executive through the Ministry of Popular Power for Information, constantly issues Technical Standards and Rulings<sup>72</sup>, aimed at regulating the operation and application of the Laws on Digital Governance. Below are the standards and most representative measures:

### **d1. Technical standards**

- Technical Standard for the Administration, Allocation, Monitoring and Control of Resources of the Social Responsibility Fund.
- Official Gazette of the Bolivarian Republic of Venezuela No. 41723 from 09/24/19 on the National Plan .ve Domain Names.

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<sup>72</sup> <http://www.conatel.gob.ve/marco-legal-2/?target=leyes-fundamentales>

- Official Gazette of the Bolivarian Republic of Venezuela No. 41816 from 02/06/2020 on the Administrative Providence of the Attributes of General Qualifications.
- Resolution for the creation of the committee of long distance telephone service operators.
- Resolution containing the attributes of administrative authorizations.
- Resolution containing the tariff caps for the established operator.
- Resolution containing the tariff caps for basic telephony services by rural telecommunications service operators.
- Resolution containing the rate caps for established operators
- Resolution modifying the tariff caps for the operator's fixed-mobile calls established in the National Numbering Plan for Asynchronous Transfer Mode (ATM) networks
- Resolution of frequency bands on the internet by means of which the Presidential Commission is created on a permanent basis, under the name of the National Presidential Commission for Digital Terrestrial Television (DTT)
- Regulations for the registration of taxpayers of telecommunications companies. Established operator may set rates for fixed-mobile calls.
- Requirements to declare and pay telecommunications taxes, conditions under which mobile telecommunications service operators may offer roaming to their subscribers.

#### **d.2 Providences**

- Administrative ruling containing the attributes of general qualifications of the National Plan of Domain Names ".ve"
- Rules regarding the collection of personal data from applicants for mobile and fixed telephony services through wireless networks.
- Administrative Ruling 291. List of Brands and Models of Approved Equipment and Devices. Year 2003
- Administrative Ruling 430. Service Quality Parameters for Local Fixed Telephone Services, National Long Distance, International Long Distance and Mobile Telephony. Year 2004

- Administrative Ruling 003. Technical Norms on the Conditions of Provision of Radio and Television Services. Year 2005
- Administrative Ruling 004. Reform of the Technical Standards on Advertising, Propaganda and Promotions in Radio and Television Services. Year 2005
- Administrative Ruling 005. Technical Standards Relating to the Subscription Diffusion Service. Year 2005
- Administrative Ruling No. 736. Categories of Telecommunications Equipment subject to Homologation and Certification. Year 2005
- Administrative Ruling 533. Regulations for the Registration of Organizations of Telecommunications Services Users. Year 2005
- Administrative Ruling 008. Reform of the Technical Standards on Conditions of Provision of Radio and Television Services, Year 2005
- Administrative Ruling 571. Conditions under which the Telephony Service Operators may offer Voice Mailbox facility. Year 2005
- Administrative Ruling 581. Safety Conditions for Radio Frequency Emissions produced by Fixed Radio Stations in the Range from 3 KHz to 300 GHz. Year 2005
- Administrative Ruling 617. Partial Reform of the National Table of Attribution of Frequency Bands. Year 2005
- Administrative Ruling 010. Reform of the Technical Standards on Definitions, Time and Conditions of Advertising, Propaganda and Promotions in Radio, Television and Subscription Broadcasting Services. Year 2006
- Administrative Ruling 778. List of Brands and Models of Approved Equipment and Devices. Year 2006
- Administrative Ruling N ° 785. General Conditions of General Administrative Qualifications. Year 2006
- Administrative Ruling No. 875. Reference Value for the Determination of the Monthly Consideration for Co-location in Closed Spaces. Year 2006
- Administrative Ruling No. 881. Reference Values for the Determination of Interconnection Charges for using Local, National Long Distance and International Fixed Telephony Services. Year 2006
- Administrative Ruling No. 1302. General Conditions of Telecommunications Services Contracts. Year 2008
- Administrative Ruling 1791. Reference Values for the Determination of the Interconnection Charges of Using Mobile Telephone Service. Year 2010
- Administrative Ruling No. 1869. Technical Standard for the Registration and Blocking of Mobile Telephone Terminal Equipment reported as allegedly stolen, stolen or lost. Year 2011
- Administrative Ruling No. 059, Reform of the conditions for the qualification of free-use equipment. Year 2013

- Administrative Ruling 027. Technical Standard on National Audiovisual Production Services and other Audiovisual Production Services. Year 2014
- Administrative Ruling 028. Conditions for the Provision of National Audiovisual Production Services. Year 2014
- Administrative Ruling 104. Standards for the Provision of International Long Distance Telephony Services and Applicable Transit Charges for the Delivery of Calls to Fixed and Mobile Telephone Networks in Venezuela. Year 2014
- Administrative Ruling N ° 012. National Table of Attribution of Frequency Bands (CUNABAF). Year 2016
- Administrative Ruling N ° 011, through which the portions of the radio-electric spectrum available that will be the object of public offer procedure are determined. Year 2016
- Administrative Ruling N ° 096, containing the National Numbering Plan for land mobile telephony and radio-communications. Year 2017.
- Administrative Rulings containing the Adoption of the Normative Assets of the Working Subgroup Number 1 "Communications" of the Common Market of South (MERCOSUR). Year 2016.
- Partial Reform of the Conditions under which Mobile Telephone Service Operators may offer the facility of text messaging.
- Standards for the Marketing of Basic Telephony and Mobile Telephony Services in Access Centers.

### **2.2.1.3. National and specific plans**

The national government with the intention of strengthening ties with the community and complying with the obligations of universal services, through attention and problem solving, develops a series of strategies, plans and programs; through the nation's plans (homeland plans) and specific plans, where it outlines the actions to be followed to fulfill the purposes of the State.

#### **a. Nation plans**

During the last 20 years, four national plans have been developed in Venezuela, focused on the development of policies aimed at strengthening the economy, peace and social development; among the plans we can mention: 1) Simón Bolívar Plan 2001 -2007<sup>73</sup>; 2) First Plan of Economic and Social Development of the Nation 2007-2013<sup>74</sup>; 3) Second Plan of Economic

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<sup>73</sup> <http://www.mppp.gob.ve/wp-content/uploads/2013/09/Plan-de-la-Naci%C3%B3n-2001-2007.pdf>

<sup>74</sup> <http://www.mppp.gob.ve/wp-content/uploads/2013/09/Plan-de-la-Naci%C3%B3n-2007-2013.pdf>

and Social Development of the Nation 2013-2019<sup>75</sup>; and 4) Third Socialist Plan of Economic and Social Development of the Nation 2019-2025<sup>76</sup>.

Particularly, in the First Plan for Economic and Social Development of the Nation 2007-2013, "telecommunications together with transportation systems are viewed as essential instruments to improve the accessibility of most of the national territory and therefore it is key to increase a sustainable socio-territorial synergy and advance in social inclusion", which places the telecommunications sector as a strategic sector for the development of the country and the strengthening of social justice. On the other hand, the plan proposes a series of strategies aimed at modernizing the nation, such as: a) consolidating the national telecommunications system as an instrument to advance social inclusion and to strengthen participatory democracy and citizen training, b) ensure that telecommunications are part of the promotion and defense of national sovereignty, and c) create knowledge networks with favorable conditions for innovation with Latin America in a way that favors greater regional autonomy and increases national competitiveness.

This plan allows the establishment of public policies to develop telecommunications in the country and implement strategic projects, financed by the FSU. Among the lines of action that were maintained in that period, we can mention: development of technological platforms and information systems, massive use of Internet, electronic government, electronic signature and electronic commerce in the public administration, as a way for technological modernization of the State, among others; which shows the strategic importance of telecommunications, and particularly the use and administration of the Internet in the country.

Regarding the Second Plan for Economic and Social Development of the Nation 2013-2019, it can be highlighted that its strategic line is the construction of sovereignty and communicational democratization in the country; for this, a series of policies are implemented that allow: a) to guarantee the right of people to be informed truthfully and in a timely manner, as well as the free exercise of information and communication, b) strengthen the responsible and critical use of public, private and community media as instruments for the formation of Bolivarian values, c) consolidate the regulation and social control of the media as a tool for the strengthening of Popular Power, d) promote and create a national system of popular communication, e) promote the research and training on communication as a

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<sup>75</sup> <http://www.mppp.gob.ve/wp-content/uploads/2013/09/Programa-Patria-2013-2019.pdf>

<sup>76</sup> <http://www.mppp.gob.ve/wp-content/uploads/2019/04/Plan-Patria-2019-2025.pdf>



human process and a tool for transformation and social construction, f) develop communication networks and means of expression of the word, image and voices of our peoples, with a view to strengthening the processes of integration of Latin American and Caribbean unit, g) permanently update and develop technological platforms of communication and information, guaranteeing access to timely and ethical communication in order to contribute to the satisfaction of the needs for a good life of people, h) consolidate the technological adequacy of the public communication system within the framework of the implementation of the Open Digital Television and the use of new ICTs, i) create a media system that contributes to the organization of sectors for the comprehensive defense of the Homeland, with emphasis on the consolidation of new media and ways of producing relevant content on the border of patriotic and socialist values, and j) to strengthen the peaceful use of space technology to guarantee the country, the sovereign management of its telecommunications and associated tools that allow consolidating national development in strategic areas such as education, health, security and food.

One of the outstanding aspects of the Second Plan is that it facilitates the opening to the social comptroller and the promotion of integration processes; as well as, it contributes with the organization of sectors, through telecommunications, to find new ways for the development of the country. These aspects are relevant to encourage IG processes and promote consensus on development projects of national interest.

In the Third Socialist Plan for Economic and Social Development of the Nation 2019-2025, the central problem that is assumed is the reactivation of the economy; For this, the plan presents in its structure historical, national, and strategic objectives, with indicators and policies that are in accordance with the Sustainable Development Goals of the 2030 Agenda<sup>77</sup> (SDG 2030) of the United Nations. Regarding telecommunications, the Third Plan establishes strategies related to the use of new technologies and the incorporation of norms that regulate the use of open technologies, and secure electronic commerce for the exchange of goods and services of population.

Regarding IG, the plan establishes a series of strategies aimed to promoting public policies to encourage the participation of society in matters of national interest related to telecommunications, such as: a) guarantee the right of the people to be informed truthfully and in a timely manner, as well as to play free exercise of information and communication, b) democratize and protect the use of social networks to guarantee a truly free and responsible communication process, c) establish a satellite policy of the Venezuelan State to place this

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<sup>77</sup> <https://www.ve.undp.org/content/venezuela/es/home/sustainable-development-goals.htm>

activity to the service of the general development of the nation, d) promote the overcrowding of space technology through training processes, applications and necessary infrastructure, which allow placing it at the service of the needs of people, e) assume the development of sovereign policies using cyberspace for peace and democracy, among others. Likewise, the plan considers activities that contribute to the development of the private sector, to promote industry, innovation and infrastructure, in order to build resilient infrastructures, promote inclusive and sustainable industrialization and foster innovation, among others.

As a summary, it can be noted that in the latest plan of the nation, a clear policy from Government is evidenced regarding the development of telecommunications, overcrowding and use of Internet, use of social networks, technological adaptation, citizen training, development of technological systems, development and use of electronic equipment and computer applications based on free technologies and open standards, design of a satellite policy, as well as the promotion of public policies to support the development of the private sector. However, to guarantee the success of the plan, it is necessary to implement joint actions by multi-sector groups that allow the application of good IG practices and the conjunction of national commitments that permit the sustainable economic development of the country.

## **b. Specific plans**

To implement the National Plans, the Government establishes specific plans aimed at consolidating a series of strategies that seek sustainable development in priority areas such as: Education, Health, Safety, Production, Employment and Telecommunications, as well as defending Human Rights. Among the most prominent national plans that affect IG in the country, we can mention: National Plan for Telecommunications, Information Technology and Postal Services (PNTI&SP) 2007-2013<sup>78</sup>, National Plan for Telecommunications, Information Technology and Postal Services (PNTTI&SP) 2012-2019<sup>79</sup>, National Plan for Electronic Government 2014 - 2019<sup>80</sup>, and the National Plan for Human Rights<sup>81</sup>.

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<sup>78</sup> <https://es.calameo.com/read/000395850e2784d164c8>

<sup>79</sup> <https://www.finanzasdigital.com/2014/03/plan-nacional-de-telecomunicaciones-busca-mejorar-sector-productivo-del-pais/>

<sup>80</sup> [https://www.cnti.gob.ve/images/documentos/TRIPA\\_PNGE.pdf](https://www.cnti.gob.ve/images/documentos/TRIPA_PNGE.pdf)

<sup>81</sup> <https://consejoderechoshumanos.gob.ve/wp-content/uploads/2020/09/Consulta-publica-primer-Plan-Nacional-de-Derechos-Humanos.pdf>

In relation to the PNTI&SP,(SP-Postal Service) 2007-2013, it can be highlighted that its elaboration was the product of a plural consultation process with representatives of the different sectors, public, private and community of the national life; as well as, it can be pointed out that the plan took into account the following priority areas: education, health, security, production and employment. In the discernment process, "communication" was recognized as a Human Right, as well as participation for development, understanding that telecommunications, information technology and postal services converge in some cases and complement each other in others, as tools that enhance the exercise of that right. Likewise, the need to guarantee access to telecommunications sector services to all citizens without exclusion was declared.

The plan is divided into five general lines, namely: a) massive access to ICT, b) sovereignty and technological independence, c) transformation of the state, d) use and application of ICT and SP as enabling tools for development, and e ) inclusive communication model. In addition, it considers a series of activities aimed at facilitating: a) the expansion of the telecommunications infrastructure, b) the deployment of networks in priority development areas, c) access to terminals and applications, d) the increase in the penetration of Internet services to promote social inclusion, e) interconnection with national and regional networks, f) maximization of local and regional traffic within the national territory, g) diversification of sources of technology provision, and h) transfer technological, through cooperation agreements with joint ventures. This plan was executed for a period of 7 years.

Regarding the PNTTI&SP 2014 - 2019, it can also be indicated that the plan was the product of a national consensus where a general diagnosis was made, based on the needs and what existed in the field of telecommunications, and taking into consideration the proposals of country's companies and communities. This plan sought to guarantee timely access to telecommunications, and expand the infrastructure of telecommunications, information technology, and postal services to reactivate the country's productive apparatus. The plan was based on 4 aspects: content, applications, infrastructure and knowledge. In particular, the National Telecommunications Plan is an initiative of the Government to improve the productive sector of the country.

For the period 2019-2025, the Government establishes in the National Plan the strengthening of the telecommunications engine<sup>82</sup> and promotes policies aimed at:

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<sup>82</sup> <http://www.conatel.gob.ve/plan-de-la-patria-fortalecera-motor-telecomunicaciones-e-informatica/>

- Develop the science and technology for decolonization and development of the Plan, consolidating throughout the national territory the necessary infrastructure so that society has timely and effective access to telecommunications, information technology and postal services.
- Guarantee society access to critical and necessary computer applications, under free and collaborative platforms, as well as the creation of a new scientific-technological culture aimed at achieving full sovereignty.
- Contribute to the generation and dissemination of digital content in telecommunications, computing, postal services and other sectors, with a predominance of national values, recognition of the multi-ethnic and multicultural character of our peoples and principles inherent to socialism.
- Guarantee the creation and appropriation of knowledge for the development, production and proper use of telecommunications, information technology and postal services.
- Develop throughout the national territory the necessary infrastructure so that society has timely and effective access to telecommunications, information technology and postal services.

Regarding the National Electronic Government Plan 2014 - 2019, it can be indicated that it was intended to guarantee to the Venezuelan population a universal timely and efficient internet access through ICT. For this, a series of strategies are established that seek: a) to empower citizens to increase their capacity to be active and proactive in society, through the use of technology, b) to facilitate the economic activity of the country as an imperative action to the achievement of economic independence, where information technologies play an important role, c) improve the efficiency of public administration, through the intensive use of information technologies, and d) generate the conditions for the implementation of Electronic Government (EGov) in the country. The successful implementation of EGov requires planning and building adequate infrastructure and the necessary conditions for the creation of new services that maximize benefits and reduce resistance to population change. In this way, modernization processes are carried out in the public administration, which will be reverted to the benefit of different forces in the country.

On the other hand, the National Human Rights Plan constitutes a planning instrument that allows defining and coordinating the major political decisions on human rights of the Bolivarian Revolution. In practical terms, this document is conceived as a planning tool that allows the State to:

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a) Have a roadmap to develop, in coordination and with the participation of all sectors of society, the actions necessary to sustain, advance and deepen the achievements in human rights.

b) Strengthen institutional capacity, organize programs and projects that guarantee a comprehensive, timely and effective management of the State in this matter, as well as incorporate the human rights approach into public policies.

c) Facilitate compliance with international commitments and obligations, including those assumed in the framework of the Universal Periodic Exam, on which the State must demonstrate what it has done.

d) Create a platform in order to dialogue with all sectors of society, oriented towards the construction of agreements to guarantee human rights, in accordance with the principles of joint responsibility and solidarity, and;

e) Create a space for articulated work on human rights between the Bolivarian Government and popular organizations, social movements, United Nations agencies and other human rights groups or institutions.

As a summary, it can be noted that the telecommunications and related plans have the fundamental objective of inserting Venezuela into the Knowledge Society, effectively promoting the development of telecommunications and promoting economic growth, through the establishment of a clear vision of the sector, providing, at the same time, the necessary conditions for multi-sector groups to be able to expand their potential in favor of the country's development.

In theory, these plans reflect policies and strategies that could lead Venezuela towards an advanced society; however, in the last 5 years there has been an economic, political and social crisis that has increased the country's poverty levels and widened the digital divide, which is a setback for the country's development. This situation affects different sectors of the country and particularly weakens investments in strategic telecommunications projects, which affects the IG and the sustainable development of Venezuela.

## **2.2.2. INCIDENTS OF LEGAL REGULATIONS AND INTERNET GOVERNANCE ON HUMAN AND INTERNET RIGHTS IN VENEZUELA**

### **2.2.2.1. Human Rights and Internet Rights in Venezuela**

In the report<sup>83</sup> entitled **"Situation of human rights in the Bolivarian Republic of Venezuela"**, issued in June 2021 by the United Nations High Commissioner for Human Rights (OHCHR), Michelle Bachelet, reveals a series of circumstances in the country, where restrictions on fundamental freedoms are determined that limit civic and democratic space, which significantly affect IG in Venezuela.

In particular, the report indicates that **"The work of civil society organizations and the media was hampered by regulatory and administrative restrictions"**, which led, in the period studied (from June 1, 2020 to June 30, 2021), to a record of 97 incidents related to human rights defenders, including journalists, union leaders, activists and civil society organizations<sup>84</sup>.

According to OHCHR, in the last year, democratic and civic spaces have been violated, such as: the right to participate in public affairs, stigmatization and criminalization of civil society actors, legal and administrative changes, violation of fundamental freedoms (freedom of association, right to freedom of peaceful assembly, and freedom of opinion and expression), among others. This report<sup>85</sup> reflects the following facts:

- Reports of intimidation and self-censorship of media professionals, human rights defenders and members of civil society organizations.
- Attacks on social communicators by agents of the Special Actions Forces (FAES), among the cases we can cite: a) on August 21, 2020, two communicators from Guacamaya TV were executed; currently six officers are charged and the authorities are urged to carry out an exhaustive investigation, b) in December 2020 there was an attempt on the life of a third media professional by unknown persons in the state of Guárico, among others.
- Threats and harassment of journalists by the Bolivarian National Guard (GNB). At least 11 cases, documented by OHCHR, of journalists were threatened or harassed by the GNB, the FAES and the Bolivarian National Intelligence Service (SEBIN). In some cases, members of the security forces deleted material or illegally confiscated or destroyed their equipment. On December 6, 2020, the day of the legislative assembly vote, OHCHR documented seven cases of intimidation against journalists covering the electoral process by the GNB, state police forces, armed groups and local

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<sup>83</sup> <https://undocs.org/pdf?symbol=es/A/HRC/47/55>

<sup>84</sup> [https://www.vozdeamerica.com/a/venezuela\\_nuevo-informe-de-michelle-bachelet-sobre-venezuela/6074977.html](https://www.vozdeamerica.com/a/venezuela_nuevo-informe-de-michelle-bachelet-sobre-venezuela/6074977.html)

<sup>85</sup> <https://undocs.org/pdf?symbol=es/A/HRC/47/55>

authorities.

- Closure of radio stations and television channels. At least five radio stations and television channels were closed, at least temporarily, and their equipment confiscated by CONATEL and the National Integrated Tax and Customs Administration Service (SAIME). On January 8, 2021 alone, the authorities carried out raids and suspended the operations of two media outlets. In the case of the independent online station VPI TV, Venezuelan authorities ordered its suspension and confiscated its equipment, alleging a violation of the Constitutional Law against Hate. In this context, online platforms played a key role in facilitating access to information.
- Limitations to access information of public interest. The approval of the Anti-Blockade Constitutional Law for National Development and the Guarantee of Human Rights on October 12, 2020, further restricts access to information of public interest. The law granted the Executive the discretion to exclude any file, document, information, fact or circumstance from the disclosure, for diffuse reasons of "national interest and convenience", which raises concerns about transparency, access to information and protection of informants or whistleblowers.
- Cyber-attacks that blocked access to the websites of at least three independent media outlets. Active pro-government profiles on social media have reportedly been rewarded through the national carnet social benefits system for their support online using predetermined hashtags.

The report indicates that "The aforementioned restrictions on the freedoms of the media affected their right to access information on public affairs and the public's right to receive a wide range of information. Administrative closures, equipment confiscations, fear of retaliation, and lack of advertising revenue have all contributed to the closure of independent media outlets over the years. Traditional newspapers have also been hit by a shortage of paper for printing and forced to migrate to online platforms or discontinue operations. This situation was especially serious outside the capital"(p.16). On the other hand, it is stated that poor internet coverage and electricity cuts made access to information difficult, especially in areas outside the capital.

In this context, OHCHR publicizes its concern about the violation of human rights and internet rights in the country, and notes that "The protection and expansion of civic space are vital to strengthen democracy, promote inclusive dialogue and address the root causes of current challenges. However, OHCHR recognizes the impact of sanctions by sector, which have exacerbated existing challenges in relation to human rights"(p.17).

Additionally, it presents a series of recommendations to guarantee the defense of Human Rights in the country; among the most outstanding recommendations are:

- Calls on the Government to be accountable, as it continues to be essential to prevent and remedy human rights violations and strengthen the rule of law.
- Encourage institutions to facilitate access to public information and data to properly monitor and guide public policies; since, in recent years, the outdated public information is common in the official sites of the institutions, reflecting little government transparency.
- Promote a legislative agenda aimed at strengthening the promotion and protection of human rights, and avoid the adoption of laws and regulations that are disproportionately restrictive of fundamental freedoms and civic space, and review the regulations and laws adopted to ensure that they are compatible with the human rights standards.
- Guarantee that spaces for civil society participation are maintained and expanded.
- Ensure that judicial action is strictly guided by the principles of legality, due process, presumption of innocence and other national and international standards; to guarantee the safety of journalism and media professionals; as well as human rights defenders.

This report reveals a critical reality in the country, which raises global alarms about violations of human rights and internet rights; as well as, it leads to evaluate the establishment of a series of legal regulations that restrict digital freedoms in the country. In this way, an environment of uncertainty is created that limits the national consensus with multi-sector groups, which is so necessary to efficiently manage an IG in the country.

#### **2.2.2.2. Legal regulations and public policies that affect Internet Rights in Venezuela**

As indicated in previous sections, in Venezuela there is a legal framework that allows regulating telecommunications and the Internet, and government entities that manage the IG, such as CONATEL. In particular, CONATEL regulates and monitors telecommunications in the country, and its objective is to guarantee access to information, facilitate communications between official entities and users; as well as allowing the exercise of free and plural communication, the use of the internet and digital environments in general.



These legal precepts are aimed at guaranteeing the right and access to timely and truthful information, to maintain equal access to technologies, in order to establish equitable conditions regarding competition between the different operators and service providers, establishing provisions in terms of prices and rates, interconnection and limited resources.

In the same order of ideas, the National Executive (Gov.) has designed over the last 20 years, plans, strategies and programs that have tried to contribute to ICT access and provide citizens with universal and affordable access to the Internet. However, the spirit and purpose of the Law has not always been fulfilled, since on the one hand laws are promulgated to promote technological development and communications, and on the other, Laws, Decrees, Regulations and Rulings are issued that ensure, regulate and limit the rights of citizens to maintain free access to telecommunications, or to the proper use of the connection systems.

For this reason, it is necessary to evaluate the effect or impact of legal regulations on the digital rights of citizens; as well as determining how vulnerable the regulations are, and how many certain, real and precise guarantees they confer on users in the proper use of the best internet access practices and safeguarding of digital rights.

In this sense, the IG plays a fundamental role in the evolution and use of the internet in the country; since, based on its structure and evaluation of the effectiveness of the telecommunications regulations, it can be determined if the objectives of these attribute subjective rights to citizens, or if, on the contrary, the regulatory body together with public policies, they are in detrimental to the digital rights of citizens, checking access to the Internet, regulating freedoms in the use of technology.

At this point, it is relevant to understand the principles and definitions of the IG in order to determine whether in Venezuela efforts are being directed to these precepts.

- The United Nations Educational, Scientific and Cultural Organization (UNESCO) defines IG as the **"Set of principles, norms, rules, decision-making processes and activities that, implemented and applied in a coordinated manner by governments, private sector, civil society and technical community, define the evolution and use of the Network "**.

- On the other hand, at the **World Summit on Information Society** in 2005, IG was defined as **"The development and application by governments, the private sector and civil society, in their respective**

**roles, of principles, norms, rules, decision-making procedures and common programs that shape the evolution and use of the Internet, is an essential element of a people-centered, inclusive, development-oriented and non-discriminatory information society”.**

When evaluating the situation in Venezuela, it can be determined that the spirit given in the Constitution of the Bolivarian Republic of Venezuela (CRBV) of 1999 related to telecommunications is of total openness, is considered a sector of social interest and in general the same regard for internet access.

In addition, it is important to point out that the CBRV, as the supreme norm for excellence of the country, recognizes the importance of the communication media for citizen training, in that sense it guarantees to citizens, public services of radio, television and networks, therefore attributes rights in the digital field. Likewise, the bilateral nature of the constitutional norm produces obligations for the State and rights for citizens; through articles 52, 57, 59, 60, 61, 67, 75, 95, 118, 184, and 308, rights are established and attributed for the exercise of participation and the consecration of human rights inherent to citizens.

As of this enactment, telecommunications are open to free competition, with the State making disbursements for new investments and infrastructures in the sector, and approving Decrees such as Decree 825, which establishes **"The use of the internet as a priority for cultural, economic development , social and political"**, as well as making important investments for the establishment of Office Centers/Infocentros and Bolivarian Telecommunications Centers (CBT) destined to grant free connectivity; this situation creates the bases to start and consolidate an effective and adequate IG in the country. However, as the Socialist Model has evolved in Venezuela, a series of legal changes and regulations have been made that have affected the operation of telecommunications, its scope and impact on society.

In a first instance, the regulation of internet access was mainly focused on aspects related to infrastructure, the expansion of access and the regulation of the industry, but based on the provisions of the CBRV, a series of rules in order to materialize the operation of Digital Rights and more rigorous regulations are carried out.

Starting in 2006, the government's tendency has been to control and censor the flow of content on the Internet. This type of content control leads to a climate of self-censorship, which is reinforced by surveillance and the collection of personal data, carried out directly by state bodies, such as the **Strategic Center for Security and Protection of the Homeland**

(CESPPA)<sup>86</sup>, and those of control systems such as the biometric system for food safety or the **Homeland Card (CLAP)**. Likewise, service providers, to whom civil, criminal and administrative responsibilities are imposed, are forced to restrict content and collect personal information on communications and browsing activities of citizens<sup>87</sup>, to avoid sanctions and penalties.

### a. Legal regulations

Below the laws that affecting Digital Rights:

- The Organic Law on Telecommunications (LOT-2011), establishes the legal framework for the regulation of telecommunications, in order to guarantee the human right of people to communication and to carry out economic activities in telecommunications; this opens the way for the participation of civil society and the private sector, particularly in decision-making to support the development of the sector. Likewise, the Law of Info-government (2013), establishes the principles, bases and guidelines that govern the use of information technologies in the Public Power and Popular Power.
- Law of Social Responsibility in Radio, Television and Electronic Media (2011), establishes social responsibility in the diffusion and reception of messages to the providers of radio and television services, providers of electronic media, advertisers, producers and independent national producers, and users. However, in the 2011 reform, the powers over content control were extended to the so-called "**electronic media**", restricting a series of issues, particularly those that are causing "**anxiety**" and "**destabilization**" in the population; these expressions have been used one and more times to censor and punish expressions of political dissent.
- Law for the Protection of Boys, Girls and Adolescents in Rooms for the Use of Internet, Video Games and other Multimedia, affects only minors in the use of Internet rooms or "cybercafés". The law restricts the access of children and adolescents to prohibited content, in a long list that ranges from incitement to violence to the consumption of alcoholic beverages
- Likewise, the Law for the Prohibition of Videogames and War Toys of 2009, the Law of Social Responsibility in Radio and Television, and the Law Against Hate for Peaceful Coexistence and Tolerance of 2017, establish

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<sup>88</sup> <https://ipysvenezuela.org/2014/02/25/reglamento-del-cesppa-contiene-disposiciones-contrarias-a-la-libertad-de-expresion/>

<sup>89</sup> <https://ipysvenezuela.org/2018/09/27/internet-regulado-una-mirada-a-la-normativa-legal-de-los-derechos-digitales-en-venezuela/>

regulations on criminal matters to punish content dissidents or uncomfortable under figures such as “Homeland Treason” or “Fomenting Anxiety”.

- On the other hand, laws such as the Special Law against Computer Crimes, the Law on Access and Electronic Exchange of Data, Information and Documentation between State Bodies and Entities, the Law on Protection of the Privacy of Communications, and the Law Against Hate, for Peaceful Coexistence and Tolerance, all those affect the censorship of digital rights where freedom of expression, internet access and the privacy of online communications are affected. In this way, human rights are violated, the media is censored, the privacy of users is intervened and, in general, digital rights enshrined in international standards and the CRBV are violated.
- Likewise, the Law against Hate, for Peaceful Coexistence and Tolerance establishes a series of measures aimed at controlling speech both online and offline, establishing prison sentences (up to twenty years) for those who commit actions that are classified as incitement to hate, at the same time that it threatens radio and television service providers with sanctions to revoke the concession, and social media platforms with fines and blockage to their websites, such regulations violate the principles of legality, necessity and proportionality, by establishing ambiguous type of situations that leave place to an excessive amplitude of interpretations to the executing entity of the law<sup>88</sup>.
- Similarly, the right to internet access is regulated and censored in the following instruments: Law for the Promotion and Protection of Investment in the use and exploitation of the Radio electric Spectrum, Partial Regulation of the Organic Law of Telecommunications for the granting of financing to research and development of telecommunications, the National Chart of Attributions of Frequency Bands (CUNABAF), Regulation on the taxes established in the Organic Law of Telecommunications, Interconnection Regulations, Law of Data Messages and Electronic Signatures, Decrees No. 825, Decree No. 6,649, and Decree of exception No. 2,849.

As a summary, it can be concluded that the policy of the Venezuelan State in terms of legal regulation is aimed at the control, censorship and vulnerability of Digital Rights and Human Rights in general; let's give an example, they

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<sup>88</sup> <https://ipysvenezuela.org/2018/09/27/internet-regulado-una-mirada-a-la-normativa-legal-de-los-derechos-digitales-en-venezuela/>

repeatedly give the Extensions of Emergency to Decree 6,615 (last extension in February 2021), whose content attributes to the State the possibility of restricting the free flow of online content, and the blocking of media via streaming.

It is important to highlight that the States of Exception are mechanisms provided in article 337 and following of the CRBV, which allow the temporary restriction of certain constitutional guarantees and confer extraordinary powers to the National Executive to face social, economic, political, natural or ecological circumstances that seriously affect the security of the Nation, the institutions and the citizens.

Since 2015, the National Executive has repeatedly issued Decrees declaring or extending the existence of "States of Exception" for reasons of economic emergency. The Constitutional Chamber of the Supreme Court of Justice has declared the "constitutionality" of these decrees and has denied the National Assembly the possibility of exercising political control over their content, such a situation leaves the Venezuelan State free and wide to restrict or censor communications and internet access.

On the other hand, another clear example of government control is observed in the discussion of the Cyberspace Law, still not approved, which seeks to implement and legitimize disproportionate mechanisms that attack the rights of Internet users in Venezuela, by allowing greater control over content and undermining access to information, decrees the Cyberspace of general interest and public order for the Nation. Likewise, the projected norm would oblige natural or legal persons to allow access to their equipment, infrastructures and networks from personnel authorized by the government. This unrestricted access, without standards of proportionality and relevance, which does not require a prior court order, would allow the authorities to access both the servers and databases of a telecommunications provider, as well as the cell phone of an individual<sup>89</sup>.

With the aforementioned, it is observed that there is excessive regulation and control by the Venezuelan State regarding telecommunications and internet access; which brings as a consequence, serious vulnerabilities of Digital Rights, insecurity of legal guarantees, discretionary action of the State security forces, etc. Among the most vulnerable Digital Rights, we can mention: a) restrictions on freedom of expression, b) access to the internet, c) violation of privacy on the net, d) limitations on access to information, c)

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<sup>89</sup> <https://www.derechosdigitales.org/12767/ley-constitucional-del-ciberespacio-un-instrumento-fuera-de-control/>

attacks on the network and d) network locks.

## b. Public politics

As indicated in section 2.2.1.3 of this document, during the last 20 years, four national plans have been developed in Venezuela, such as: 1) Simon Bolívar Plan 2001-2007<sup>90</sup>; 2) First Plan of Economic and Social Development of the Nation 2007-2013<sup>91</sup>; 3) Second Plan of Economic and Social Development of the Nation 2013-2019<sup>92</sup>; and 4) Third Socialist Plan for Economic and Social Development of the Nation 2019-2025<sup>93</sup>.

Each of the plans has oriented public policies, in relation to IG and telecommunications, for specific purposes. Some of the policies and measures in place are briefly presented below:

- In the 2001-2007 Simon Bolívar Plan, policies are promoted to deepen internet access for the general population; as well as, investments are made in programs such as the installation of Info-centers and Bolivarian Centers of Informatics and Tele-informatics (CBIT) for free access to the Internet, and educational training plans in ICT are established. In addition, the Universal Service Fund (FSU/USF) is activated to initiate projects such as: installation of access points in urban and rural areas, the National Fiber Optic Transport Network, community networks, among others. These initiatives open up new investment opportunities for telecommunications companies and strengthen access to universal services for citizens.
- However, the First Plan for Economic and Social Development of the Nation 2007-2013, marks a substantive change in the policies of the Venezuelan State with respect to the administration and use of the Internet; from decree 6,649, which classifies the use of the internet in the **public sector** as a “**luxury expense**”, requiring the express authorization of the Executive Vice President to approve its acquisition. This measure is seen as a setback compared to the policy of prioritizing internet access and use, and it is also inconsistent with the general legislative framework, including the constitutional framework, that protected the promotion of science and technology in the country.
- On the other hand, in 2011, government policies aimed at controlling infrastructure and telecommunications, and the flow of digital information were recorded; as well as, actions are initiated against journalists and citizens who

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<sup>90</sup> <http://www.mppp.gob.ve/wp-content/uploads/2013/09/Plan-de-la-Naci%C3%B3n-2001-2007.pdf>

<sup>91</sup> <http://www.mppp.gob.ve/wp-content/uploads/2013/09/Plan-de-la-Naci%C3%B3n-2007-2013.pdf>

<sup>92</sup> <http://www.mppp.gob.ve/wp-content/uploads/2013/09/Programa-Patria-2013-2019.pdf>

<sup>93</sup> <http://www.mppp.gob.ve/wp-content/uploads/2019/04/Plan-Patria-2019-2025.pdf>

use digital media and networks to communicate. By 2013, as a result of political conflicts, internet access through the state company CANTV, the country's main telephony provider, was blocked, making the State the main ISP. In this First Plan, the notion of participatory and protagonist democracy disappears and is replaced by revolutionary protagonist democracy, said plan promotes the social control of the population towards the mass media.

- The Second Plan for Economic and Social Development of the Nation 2013-2019 was applied in a country context with multiple demonstrations against the government, since the population went to the streets to demand Human Rights fundamentals (access to goods and services of basic necessity, food security, etc.) and better living conditions. In this context, citizens maintained an active participation in digital media to present complaints about potential violations of Human Rights and Internet Rights; which led the Government to take measures to have greater social control. In particular, in 2017 the use of the internet on social networks increased considerably, which generated a series of measures by the Government, such as: the establishment of the exception decree No. 2,849, and the management of new laws to increase more controls on internet access and on the use of social networks.
- In the Third Plan of Economic and Social Development of the Nation 2019-2025, the strategies and actions are oriented to reactivate the economy, and in it the right to internet access, free communication, technological overcrowding, promotion of electronic commerce, among others. However, these actions have been diminished by the impact of COVID-19, and by other factors, such as: lack of investment in telecommunications infrastructure, recurrent failures of the electricity service, failures and fiber optic cuts of the ISPs, among others, that directly affect Internet Rights and increase the precarious quality of Internet services.

However, it is important to highlight that in recent years the Government has promoted open access policies, which promote wholesale access to existing network infrastructures and allow public financing to providers (preferential loans or subsidies). In this way, Internet services are expanded in underserved areas, with the condition of giving open access to the infrastructure. These last policies, in theory, should contribute to stimulate competition, reduce implementation costs and negative impact on the environment, and benefit users with better alternatives to access the Internet, lower prices, and have greater speed (BW) and better quality of service.

In addition to the above, the regulatory and sanctioning norms that apply to citizens and particularly to the media and journalists, as well as the political, economic, social and legislative situation at the national level, do not create

the ideal conditions to establish efficient mechanisms that allow national consensus with the different multi-sector groups, on issues of interest for the development of telecommunications, which undoubtedly affects the IG in the country.

### **2.2.3 TECHNOLOGICAL AND OPERATIONAL ASPECTS**

Throughout the report, a series of factors have been presented that affect IG in the country; from the management of the legal framework (creation of coercive laws, lack of consensus among the key factors that make up the public powers, such as the National Assembly, excessive regulations on the administration of cyberspace, among others), to the implementation of ambiguous public policies (for example, decreeing the internet as a priority and then declaring it as a luxury expense for public institutions) that do not contribute to the development of the internet in the country, generate mistrust in potential investors in the telecommunications sector and affect obviously the population.

However, technological and operational aspects can represent one of the determining factors for the development of IG; since, operationally, not only the government but the private sector intervenes, which have the capital to invest in strategic projects that can expand the telecommunications infrastructure and increase the quality of internet services, according to the demand that individual and business users.

As presented in the previous sections, in Venezuela there is the universal service fund (FSU/USF); the purpose of which is to subsidize the infrastructure costs necessary for the fulfillment of the universal service obligations and, at the same time, maintain the neutrality of their effects, from the point of view of competition. The FSU resources come from the contributions of for-profit telecommunications service operators, in accordance with the provisions of the lot and all those additional that, by way of donation, any natural or legal person makes. That is why the FSU represents a viable alternative to develop internet services and promote IG in the country; since, the government can establish synergy with the private sector to implement investment projects.

Below are the operational aspects, related to internet service providers (ISP), internet users, status of strategic projects, specifications of internet access, web traffic according to devices, web traffic according to the browser, and most used internet services.



## **a. Internet Service Providers (ISP)**

### **a.1 National and regional ISPs**

Currently, Venezuela has 141 national and regional ISPs<sup>94</sup> authorized by CONATEL, of which 84.4% (119) have national coverage and 15.6% regional coverage. In recent years, ISPs have placed the main emphasis on the expansion of the telecommunications network in the Capital city of Venezuela (Caracas) and other large cities, where the return on investment is more viable. This is one of the reasons why there are few internet services in rural, remote or low-population-density areas (generally located in the south of the country) where the coverage of private operators is insufficient or null. However, CANTV and Movilnet, the public operators, have made a greater effort to expand coverage in these areas, but the result has been insufficient; therefore, the need for more investors with financial capacity and willingness to promote competition that stimulates coverage of underserved areas is evident, thus improving the quality of services throughout the country.

The country's telecommunications companies: CANTV, Movistar, Digitel, Movilnet, Intercable, NetUno, Supercable, among others, bring internet service to individual and commercial users throughout the national territory. Currently there are multiple small and medium-sized companies inside of the country that offer Internet service through fiber optics, radio links and coaxial cables. Many of these rent the connection or link by fiber cable between the city of Caracas and the internal city of the country where they offer the service. Services offered include both fixed and mobile telephony, as well as fixed and mobile internet service.

42 lines in use of the cellular mobile telephone system are estimated for every 100 inhabitants. 62% are in hands of Telefónica, whose operator is Movistar, 10.68% by Movilnet, with telephony and broadband services and 26.64% by Digitel, also with telephony and broadband services<sup>95</sup>.

### **a.2 International ISPs**

Internet service to Venezuela is provided mainly through 3 submarine cables. The main cable systems used to offer the service to telecommunications operators in Venezuela<sup>96</sup> are: a) South American Crossing (SAC): Consortium formed by Century Link and Telecom Italia Sparkle (lands

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<sup>94</sup> <http://www.conatel.gob.ve/wp-content/uploads/2021/06/SERVICIOS-DE-INTERNET-2021-1.pdf>

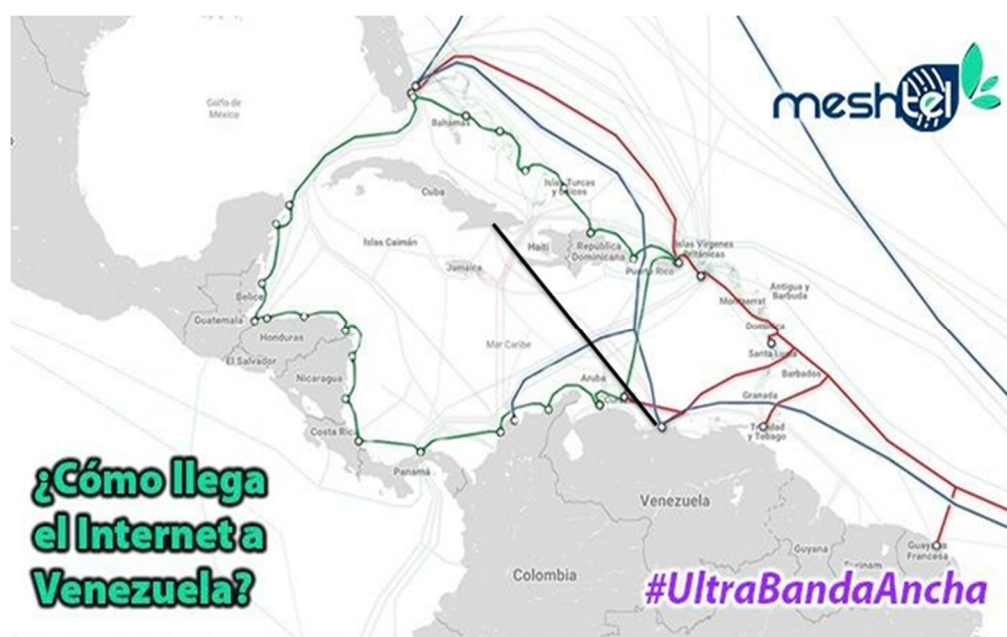
<sup>95</sup> <https://www.finanzasdigital.com/2021/02/la-infraestructura-nacional-de-telecomunicaciones-en-la-sociedad-de-la-informacion/>

<sup>96</sup> <https://www.conectandosenos.com/blog/show/como-llega-el-internet-a-venezuela.html>

in La Guaira city, State Vargas), b) ARCOS: Consortium formed by 20 telecommunications companies from America (reaches Punto Fijo city, Falcón State), c) ALBA-1: Property of the state telecommunications companies of Venezuela and Cuba, and d) GlobeNet: Property of the BTG Pactual company (lands in La Guaira city, Vargas State).

The SAC Company links Venezuela directly to the Network Access Point (NAP) of the Americas in Florida, USA. Globenet, connects with the submarine cable that crosses the entire Caribbean with a hub in Puerto Rico, and goes south to the Atlantic until reaching Brazil, Uruguay and Argentina and north to the NAP of the Americas. While Arcos joins Colombia and Panama from a fixed point, then go to all of the Central American countries until reaching the NAP of the Americas. A fourth Cable connects Cuba with Venezuela and is used for communication between these countries mainly (see Graph 3 courtesy of Meshtel).

Few companies offer internet service in Venezuela via satellite as massive international access and that is why it is not included in this document.



**Graph 3.** Cable systems to access the internet in Venezuela

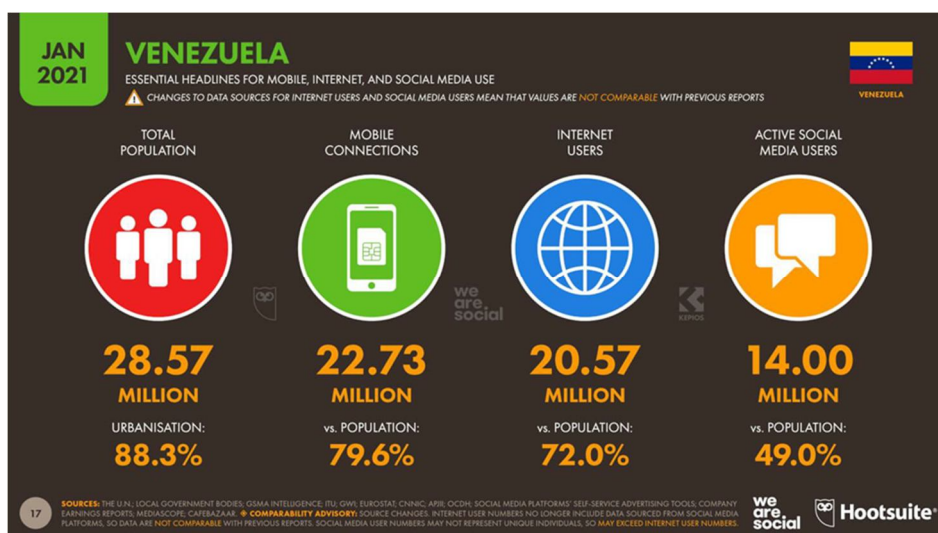
Internet service providers in Venezuela connect to the teleport of each of the aforementioned companies, and in this way they receive international internet service and supply it to their own different digital communication systems, to later take it as a service to the entire national territory. The capacities and bandwidth demanded by the companies that bring the internet to the country depend on the internal demand that each national internet

provider has. Their low bandwidth capacity that they currently offer to their individual and national commercial clients, may be a consequence of the application of controlled rates not in accordance with the reality of the technology requirement and due to the low prices permitted or authorized in the supply of this service by CONATEL.

## b. Internet users in Venezuela

In the study called: "Digital situation, internet and social networks in Venezuela" 2021<sup>97</sup>, published in February 2021, it is indicated that currently Venezuela maintains a population of 28.57 million people, of which 79,6% have a mobile connection or access to a telephone service such as Movistar, Digitel or Movilnet, this represents 22.73 million of mobile phone users, but the last year presented a decrease of 2% (471 thousand)".

In relation to internet users, "There are some 20.57 million users on the internet. It rose by 0.3% compared to last year, with an additional 68,000 new Internet users joining and only some 14 million active users on social media, which grew by 16.7%, this is equal to 2 million". Next, a list of internet users in Venezuela as of January 2021 is presented (see Graph 4).



Source: <https://yiminshum.com/redes-sociales-venezuela-2021/>

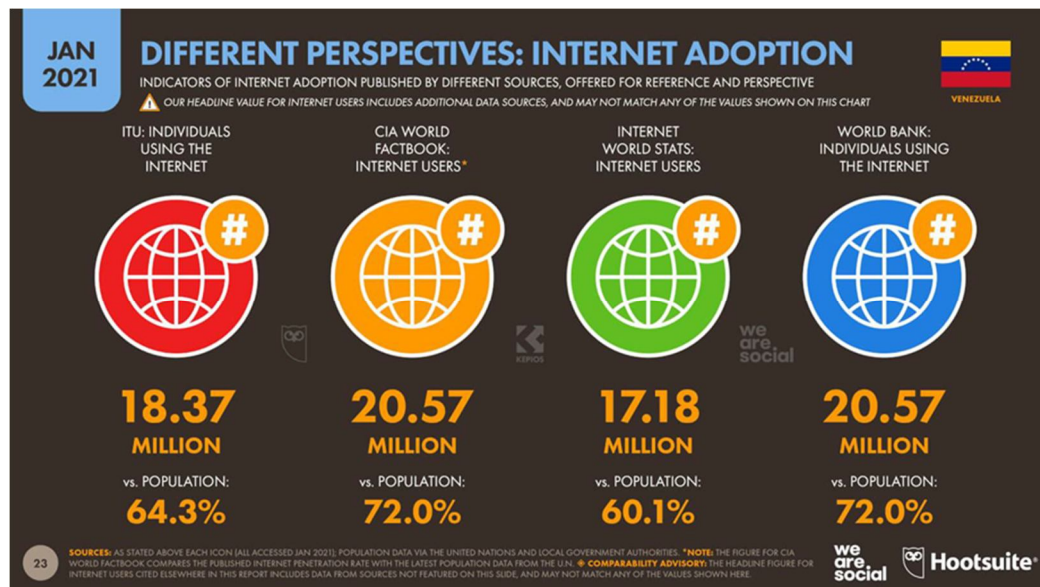
**Graph 4.** List of internet users as of January 2021

In the study cited above, different perspectives on the number of Internet users in the country can be found, particularly the following sources can be

<sup>97</sup> <https://yiminshum.com/redes-sociales-venezuela-2021/>

cited (see Graph 5):

- ITU DATA (International Telecommunication Union) is an agency of the United Nations (UN) whose purpose is to coordinate telecommunications operations and services throughout the world. Within his analysis, they show as 18.37 million users on the internet, based on the latest population data from the United Nations.
- CIA World Factbook, is an annual publication of the Central Intelligence Agency (CIA) of the United States with basic information on the various countries of the world. They show as 20.57 million Internet users in the country.
- Internet World Stats (IWS), is a website that exhibit statistics of the population and digital habits, they indicate that there are about 17.18 million Internet users in Venezuela.
- Internet Live Stats (ILS), is an international team of developers, researchers and analysts with the goal of making statistics available to a wide audience around the world. They indicate within their information system that there are 20.57 million Internet users in Venezuela.



Source: <https://yiminshum.com/redes-sociales-venezuela-2021/>

**Graph 5.** Relationship of internet users in Venezuela, as of January 2021, different sources

### c. Status of strategic projects financed by the Universal Service Fund

Through the FSU, the Government, in conjunction with technology companies and communities, have implemented technological infrastructure projects to enable telecommunications networks (fiber optic networks, community wireless networks, satellite links, etc.) to bring Internet access; as well as, they have implemented projects to equip public spaces (Infocentros and CBIT) so that communities can access the internet for free. Likewise, projects have been established to automate and facilitate access to the internet, to public institutions such as notaries and identification management services in Venezuela, among others.

Specifically, 9 infrastructure projects were developed with the FSU and 6 regional, national and international strategic projects, as part of cooperation agreements with Chinese companies, among others (see Table 5).

PROJECT-PERIOD- COVERAGE	ASSIGNED OPERATOR	BENEFICIARY SECTOR	ACTUAL STATE
<b>PROJECTS FUNDED BY THE UNIVERSAL SERVICE FUND</b>			
<b>First Universal Service Project</b>  "Installation, Operation and Maintenance of the Telecommunications necessary to provide Connectivity to thirty-four (34) Access Points, located in the states of Apure, Barinas, Mérida and Táchira.  Period: 2009 -2015  Coverage: Regional 2009: eight (08) Telecommunications Platforms were installed  2012: the Extension of the Obligation for 5 years was approved  2011 -2015: it was in force until 2015 and in operation	CONATEL assigned Telcel, C.A. (Actual Movistar), on February 28, 2005, with a duration of 7 years, the development project.  The installation of the Access Points begins in 2009	34 towns in the interior of the country allowing internet access, telephone service and shipping and fax reception	<b>2009:</b> eight (08) Telecommunications Platforms were installed  <b>2012:</b> the Extension of the Obligation for 5 years was approved  <b>2011 -2015:</b> it was in force until 2015 and in operation
<b>Second Universal Service Project</b>  "Installation, Operation and Administration of Access Points"  Period: 2009-2017  Coverage: Regional	Cooperative Associations and Community Councils	States of: Táchira, Mérida; Barinas and Apure.  Each center has 10 modules of computers connected to the Internet with systems and applications based on free software, four cubicles for making telephone calls, fax services, scanners, photocopiers and printers, whose services are	<b>2009:</b> eight (8) Access Points were inaugurated, fourteen (14) Access Points are in the initial investment phase and twelve (12) to be installed.  <b>2012:</b> the Extension of the Obligation for 5 years was approved.  <b>2011 -2015:</b> current and in operation.  <b>2017:</b> CONATEL, make a visit to the states of Barinas, Apure, Táchira and Mérida to review the legal, technical, social status and the infrastructure of the Access Points (PDA) that are in those areas to guarantee that the towns receive the Telecommunications services  <a href="http://www.conatel.gob.ve/conatel-reimpulsa-puntos-de-acceso-de-telecomunicaciones/">http://www.conatel.gob.ve/conatel-reimpulsa-puntos-de-acceso-de-telecomunicaciones/</a>

		<p>available to the community at solidarity prices.</p> <p><a href="http://www.conatel.gob.ve/conatel-reimpulsa-puntos-de-acceso-de-telecomunicaciones/">http://www.conatel.gob.ve/conatel-reimpulsa-puntos-de-acceso-de-telecomunicaciones/</a></p> <p>Benefits social, economic and cultural sectors</p>	
<p><b>Tercer Proyecto de Servicio Universal</b></p> <p>"Seguridad Jurídica y Ciudadana"</p> <p><b>Objetivo:</b> Conformar una red privada virtual que permita conectar a cuarenta y siete (47) oficinas fijas y cien (100) unidades móviles de cedulación con la sede principal del Servicio Administrativo de Identificación, Migración y Extranjería (SAIME).</p> <p><b>Periodo:</b> 2009-2015</p> <p><b>Cobertura:</b> Nacional Universal</p> <p><b>"Legal and Citizen Security"</b></p> <p><b>Objective:</b> To form a network Virtual private network that allows forty-seven (47) fixed offices and one hundred (100) mobile ID units to be connected to the main headquarters of the Administrative Service for Identification, Migration and Immigration (SAIME).</p> <p><b>Period:</b> 2009-2015</p> <p><b>Coverage:</b> National</p>	CANTV	<p>Community in general.</p> <p>Connect the Civil Registries with the Headquarters of the General Directorate of Registries and Notaries and provide Internet to the Civil Registries</p>	<p><b>2009:</b> four hundred and eighty-one (481) Registries and Notaries</p> <p>One hundred thirty (130) Registries and Notaries' offices were automated and interconnected with the SAREN system.</p> <p>Forty-seven (47) Fixed Offices and one hundred (100) Mobile Identification Units are operational with the main headquarters of the Administrative Service for Identification, Migration and Immigration (SAIME).</p> <p><b>2011 -2015:</b> it was in force and in operation until</p>
<p><b>Fourth Universal Service Project</b></p> <p>"Centers Bolivarianos de Informática y Telematics (CBIT) "</p> <p><b>Period:</b> 2006-2015</p> <p><b>Coverage:</b> National</p>	<p>CVG Telecomunicaciones, C.A. (now Telecom Venezuela, C.A.) on April 28, 2006, with a duration of 5 years, this Obligation was transferred to CANTV, on November 6, 2009</p>	Community in general	<p><b>2009:</b> connectivity to one hundred and twelve (112) CBIT.</p> <p><b>2012:</b> administrative closure approved.</p> <p><b>2001-2015:</b> in the process of administrative closure.</p> <p><b>2019:</b> 2,300 CBITs were launched nationwide.</p> <p><a href="http://ciudadmcy.info.ve/?p=95842">http://ciudadmcy.info.ve/?p=95842</a></p> <p><b>209:</b> In Venezuela 1,600 CBIT of the 2,300 existing open their doors daily.</p> <p><a href="https://eldiariovea.home.blog/2019/12/11/en-latinoamerica-venezuela-es-pionera-en-tecnologias-para-la-educacion">https://eldiariovea.home.blog/2019/12/11/en-latinoamerica-venezuela-es-pionera-en-tecnologias-para-la-educacion</a></p>
<p><b>Fifth Universal Service Project</b></p> <p>"INFOCENTROS at the national level"</p> <p><b>Period:</b> 2006-2020</p> <p><b>Coverage:</b> National</p>	<p>Telecom Venezuela, C.A. on the 20th of December 2006, with a duration of 5 years, this Obligation was transferred to CANTV on November 6, 2009.</p>	Community in general	<p><b>2009:</b> providing connectivity to two hundred and one (201) Infocentros.</p> <p><b>2011:</b> expired</p> <p><b>2012:</b> closure approved Administrative.</p> <p><b>2015:</b> administrative closure.</p> <p><b>2020:</b> Infocentros celebrates 20 years empowering communities in the use of information technologies.</p> <p><a href="https://www.vtv.gob.ve/infocentros-tic-servicio-comunidades-inclusion/">https://www.vtv.gob.ve/infocentros-tic-servicio-comunidades-inclusion/</a></p> <p><b>2021:</b> More than 780 Infocentros have been open to the public facing the pandemic in 2020</p> <p><a href="https://www.vtv.gob.ve/780-infocentros-abierta-publico-enfrentando-pandemia-2020/">https://www.vtv.gob.ve/780-infocentros-abierta-publico-enfrentando-pandemia-2020/</a></p>
<p><b>Sixth Universal Service Project</b></p> <p>"MISSION</p>	<p>Telecom Venezuela, C.A.) on October 27, 2006, with a duration of 5 years,</p>	Community in general	<p><b>2003-2015:</b> The Food Mission, which went from having 1,625 establishments in 2003 to having 20,376 in 2015.</p> <p><b>2009:</b> connectivity to two hundred forty-two (242) of the Food Mission.</p>



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<p>FEEDING"</p> <p><b>Period:</b> 2003 - 2015</p> <p><b>Coverage:</b> National</p>	<p>this Obligation was transferred to CANTV, on November 6, 2009.</p>		<p>Food Mission went from distributing 45,600 tons of food in 2003 to distributing more than 5.6 million tons in 2015. <a href="https://prodavinci.com/mision-alimentacion-beneficio-social-o-herramienta-de-control-politico/">https://prodavinci.com/mision-alimentacion-beneficio-social-o-herramienta-de-control-politico/</a></p> <p>2015: in the process of administrative closure.</p>
<p><b>7th Project of Universal Service</b></p> <p>"Access points in the national territory"</p> <p>State: Desert</p> <p>Coverage: National</p>	<p>Dessert</p>	<p>Community in general</p>	<p>DESSERT</p>
<p><b>"National Transport Network"</b></p> <p><b>Objective:</b> Install 6,886.22 km of optical fiber across the length and width of the national territory, with 213 points of presence (Nodes), and a Center of Network operations equipped with a data center and a telephone platform next generation that will enable data transport services, call processing (signaling, routing, billing), access to data center (web hosting, e-mail, data backup), video content multicast encapsulated in IP, among others.</p> <p><b>Period:</b> 2009- 2018</p> <p><b>Coverage:</b> National</p>	<p>CANTV, Huawei, Alcatel-Lucent and the Portuguese company Teixeira Duarte y Asociados</p> <p>The operators are in charge of the pipeline channeling works, the installation of the fiber optic cable, the construction and adaptation of nodes, the implementation of the integral network solution, and the construction and equipment of the building for the network operations center.</p>	<p>18 states of the country</p> <p>It interconnects the Orinoco-Apure axis (in the transversal half of the south of the country) with the North-Coastal axis, with 213 nodes distributed in 18 states of the country and an operations center in Valle de La Pascua, Guárico state. Amazonas, Anzoátegui, Apure, Aragua, Barinas, Bolívar, Cojedes, Falcón, Guárico, Lara, Mérida, Miranda, Monagas, Portuguesa, Sucre, Táchira, Trujillo and Zulia</p>	<p><b>2009:</b> allocated 20% of the subsidy in order to start the installation of the telecommunication infrastructure necessary for the provision of the transport service.</p> <p><b>2011-2015;</b> current and in operation</p> <p><b>2014:</b> Venezuelan National Transportation Network reached 70% in 2013. <a href="https://www.elsemanas.com/blog/2014/02/04/construccion-de-red-nacional-de-transporte-venezolana-llego-al-70-en-2013">https://www.elsemanas.com/blog/2014/02/04/construccion-de-red-nacional-de-transporte-venezolana-llego-al-70-en-2013</a></p> <p><b>2016:</b> CANTV announced that more than 5,700 new kilometers of fiber optic transport were channeled. Of this total, about 4,700 kilometers are already illuminated. <a href="https://www.elsemanas.com/blog/2016/07/28/cantv-finalizo-la-canalizacion-5-700-km-de-fibra-optica-de-transporte/">https://www.elsemanas.com/blog/2016/07/28/cantv-finalizo-la-canalizacion-5-700-km-de-fibra-optica-de-transporte/</a></p> <p>The network has 176 operating nodes that provide services to more than 15,000 subscribers that inhabit the Venezuelan plain.</p> <p><b>2018:</b> delivery of 203 nodes nationwide, which provide telecommunications services to the 19 states with the largest population in the country, which group approximately 15.2 million Venezuelans. Exceeding 8,700 km.</p> <p><b>2018:</b> CANTV arrives with fiber optics to Falcón through the OPSU national project. <a href="https://www.elsemanas.com/blog/2018/07/24/cantv-llega-con-fibra-optica-a-falcon-a-traves-del-proyecto-nacional-opsut/">https://www.elsemanas.com/blog/2018/07/24/cantv-llega-con-fibra-optica-a-falcon-a-traves-del-proyecto-nacional-opsut/</a></p> <p><b>2018:</b> Connected south and north-coastal axis of Venezuela with optical fiber Cantv-Movilnet has managed to interconnect 203 nodes in 162 municipalities of the country. The FO was laid and illuminated 8,505 new kilometers of fiber optics. A milestone to offer coverage from the southern cross-section of the country to the north-coastal axis of Venezuela. <a href="http://www.conatel.gob.ve/conectado-eje-sur-y-norte-costero-de-venezuela-con-fibra-optica/">http://www.conatel.gob.ve/conectado-eje-sur-y-norte-costero-de-venezuela-con-fibra-optica/</a></p> <p><b>2020:</b> CANTV connected 275 municipalities with a fiber optic network connected 23 cities to directly benefit 22,543 users from various entities.</p>
<p><b>Ninth Universal Service Project</b></p> <p>"Community media"</p> <p>Objective: Planning and installation of the necessary infrastructure to provide access to internet and pre-paid fixed telephone service to 194 community media distributed to duly authorized national level, provision of the necessary equipment to set up a wireless network and supply air conditioners according to the need of each community medium.</p> <p>Year 2011</p> <p>Coverage: National</p>	<p>CANTV</p>	<p>194 community media</p>	<p>It was approved in 2011 and was executed in the 2015.</p>

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REGIONAL, NATIONAL AND INTERNATIONAL STRATEGIC PROJECTS			
<p><b>Wireless Network Project in Mérida</b></p> <p>Period: 1997 - 2021</p> <p>Coverage: Regional</p> <p>Wireless Network Project in Mérida</p> <p>Period: 1997 - 2021</p> <p>Coverage: Regional</p>	<p>Fundacite – Mérida – Academia</p>	<p>Permanent and stable connection in thirteen hard-to-reach municipalities</p>	<p><b>2012:</b> benefits approximately a thousand users, distributed in 170 dependencies of public institutions which it serves, among them, educational establishments, mayors, libraries, health centers, security agencies (firefighters and state police) and also entities attached to the MCTI such as IVIC, Cenditel and CIDA. In addition to strengthening the Territorial Unit's own programs, such as the Casa de Los Saberes Program.</p> <p><b>2020:</b> guarantees connectivity to more than 60 institutions throughout the Edo Mérida.</p> <p><a href="https://twitter.com/fundacitemerida/status/1291768847842803714">https://twitter.com/fundacitemerida/status/1291768847842803714</a></p> <p>Currently, they provide wireless connection service to seven public institutions in the Arzobispo Chacón municipality.</p> <p><b>2021:</b> On July 9, the technical team of the Foundation for the Development of Science and Technology of the state of Mérida, Fundacite Mérida, completed the corrective and preventive maintenance of the pico Espejo repeater, located at more than 4800 m s . n. m., in the La Aguada station of the Sierra Nevada national park.</p> <p><a href="https://www.mincyt.gob.ve/tag/fundacion-para-el-desarrollo-de-la-ciencia-y-la-tecnologia-del-estado-merida/">https://www.mincyt.gob.ve/tag/fundacion-para-el-desarrollo-de-la-ciencia-y-la-tecnologia-del-estado-merida/</a></p>
<p><b>Fiber optic submarine cable project between Venezuela and Cuba.</b></p> <p><b>Objective:</b> The Cuba–Venezuela link has a bandwidth of 640 Gb (gigabytes) and a capacity of more than 10 million simultaneous telephone transmissions. Alba I has a length of 1 602 km, and the cost of the project was about 70 million dollars, paid by Venezuela.</p> <p><a href="https://www.cubanel.org/destacados/cable-submarino-desata-polemica-redes-sociales/">https://www.cubanel.org/destacados/cable-submarino-desata-polemica-redes-sociales/</a></p> <p><b>Period:</b> 2007-2015</p> <p><b>Coverage:</b> International</p>	<p>Telecom Venezuela and Transbit from Cuba</p>	<p>Venezuela - Cuba</p>	<p><b>2007-2015:</b> the fiber optic cable arrived on the island in 2011, the first tests began to be carried out in 2013, and it was not until 2015 that Internet access began to spread.</p> <p><b>2018:</b> Cuba and Venezuela evaluated the enhancement of fiber optic submarine cable.</p> <p>Expansion of the submarine cable and the need for the commercialization of all the capacities of this resource of the Venezuelan nation to be deepened in the next ten years.</p> <p>Venezuela receives 30 GB of connection.</p>
<p><b>Satélite Sucre</b></p> <p>This satellite was conceived as a replacement for the Miranda satellite, which was launched in 2012 and its design useful life ends in 2017. Its usage time was extended by one year according to preliminary estimates. Testing period ended in January 2018</p> <p>Period: 2017 - 2018</p> <p>Coverage: International</p> <p><a href="http://www.conatel.gob.ve/satelite-sucre-herramienta-para-la-planificacion-social-de-la-patria/">http://www.conatel.gob.ve/satelite-sucre-herramienta-para-la-planificacion-social-de-la-patria/</a></p>		<p>Community in general</p>	<p><b>2017</b> the launch was made.</p> <p><b>2018:</b> trial period ends</p> <p><b>2017:</b> The observation device provides higher resolution images, as it has two cameras, one with a high panchromatic and multispectral spectrum, and the other infrared.</p> <p>In addition, it captures data from the national territory with a higher resolution. It has an increase in capacity with a storage of 1 Terabytes, quadrupling its capacity for storage, transmission and power management. In the area of mining and oil: application in exploration and research activities on the geophysical properties of the areas to be exploited.</p> <p>In environmental matters, this device complements the information already available on «Miranda», to control and monitor the Areas Under the Special Administration Regime (ABRAE), delimitation of forested areas susceptible to forest fires, control of droughts and floods in reservoirs and hydroelectric dams, as well as the monitoring of human activity that may affect protected areas</p> <p><a href="http://www.minci.gob.ve/efemerides-un-ano-del-lanzado-del-satelite-sucre/">http://www.minci.gob.ve/efemerides-un-ano-del-lanzado-del-satelite-sucre/</a></p>
<p><b>Simón Bolívar Satellite:</b></p> <p><b>Objective:</b> To facilitate the access and transmission of data services over the internet, telephony and television.</p> <p><b>Period:</b> 2008 - 2020</p> <p><b>Coverage:</b> International</p>	<p>Cooperation agreement signed on November 1, 2005, between the governments of Venezuela and China. Great Wall of China Industrial Corporation (CGWIC)</p>	<p>Community in general</p>	<p><b>2015:</b> ending the first quarter of 2015, CANTV installed a total of 9,664 satellite antennas throughout the country.</p> <p><b>2019:</b> it was launched on October 29, 2008. It has allowed access to information and communication networks among all government entities, simplifying the procedures and processes carried out throughout the country.</p> <p><a href="http://www.minec.gob.ve/el-satelite-simon-bolivar-fue-lanzado-al-espacio-hace-11-anos/">http://www.minec.gob.ve/el-satelite-simon-bolivar-fue-lanzado-al-espacio-hace-11-anos/</a></p> <p><b>2020:</b> due to a failure, it was unable to continue providing communications service.</p> <p><a href="https://www.infodefensa.com/latam/2020/04/03/noticia-venezuela-pierde-satelite-simon-bolivar-salirse-orbita.html">https://www.infodefensa.com/latam/2020/04/03/noticia-venezuela-pierde-satelite-simon-bolivar-salirse-orbita.html</a></p>



<p><b>Francisco de Miranda satellite:</b></p> <p><b>Objective:</b> Obtain information for different purposes such as the field of climate change, urban planning, agriculture, crops, jungle, mining, security and defense of the nation</p> <p>Launched in 2012</p> <p><b>Period:</b> 2012 -2020</p> <p><b>Coverage:</b> National and International</p>	<p>Industrial Corporation I Gran Muralla China (CGWIC)</p>	<p>Public Institutions</p>	<p><b>2020:</b> Obtain information for different purposes such as the field of climate change, urban planning, agriculture, crops, jungle, mining, security and defense of the nation. In the security and defense of the Homeland, helping to detect illicit crops, surveillance of border areas, detection of illegal mining, in environmental management, collaborating for research and development on biodiversity issues, surveillance of maritime and coastal areas. and Areas Under Special Administration Regime (ABRAE). Soil analysis is added; analysis and development of productive systems (such as agriculture, livestock, fish farming and others). Since 2013, the Miranda satellite has been fully operated by Venezuelan personnel.</p> <p><a href="http://www.snc.gob.ve/noticias/especial-satelite-miranda-8-anos-aportando-a-la-seguridad-y-defensa-de-la-patria">http://www.snc.gob.ve/noticias/especial-satelite-miranda-8-anos-aportando-a-la-seguridad-y-defensa-de-la-patria</a></p>
<p><b>Free Internet Plan</b></p> <p><b>"Wifi for everyone" program</b></p> <p><b>Objective:</b> To facilitate free internet connection, for educational and recreational purposes, to develop in houses of study, public high schools, parks and squares.</p> <p><b>Period:</b> 2013</p> <p><b>Coverage:</b> National</p>	<p>CANTV</p>	<p>Community in general</p>	<p><b>2015:</b> Free Internet has been connected in more than three thousand public places and educational centers in the country.</p> <p>Its goal is to place 5,774 free Wi-fi points throughout the national territory, specifically in 3,689 high schools, 1,637 university spaces, 270 universities, 1,640 university villages, 542 places -of which 335 are Bolívar squares- and 25 national parks.</p> <p><a href="http://www.conatel.gob.ve/plan-wifi-para-todos-continua-su-desplamientos-alrededor-del-territorio-venezolano/">http://www.conatel.gob.ve/plan-wifi-para-todos-continua-su-desplamientos-alrededor-del-territorio-venezolano/</a></p> <p>2018: available in more than 3,520 public spaces throughout the national territory.</p> <p><a href="http://www.radiomundial.com.ve/articulo/wi-fi-para-todos-los-venezolanos-garantiza-acceso-internet-libre-y-gratuito">http://www.radiomundial.com.ve/articulo/wi-fi-para-todos-los-venezolanos-garantiza-acceso-internet-libre-y-gratuito</a></p>

**Table 5.** Infrastructure projects from 2003 to 2020 using USF

#### d. Web traffic by device and browser

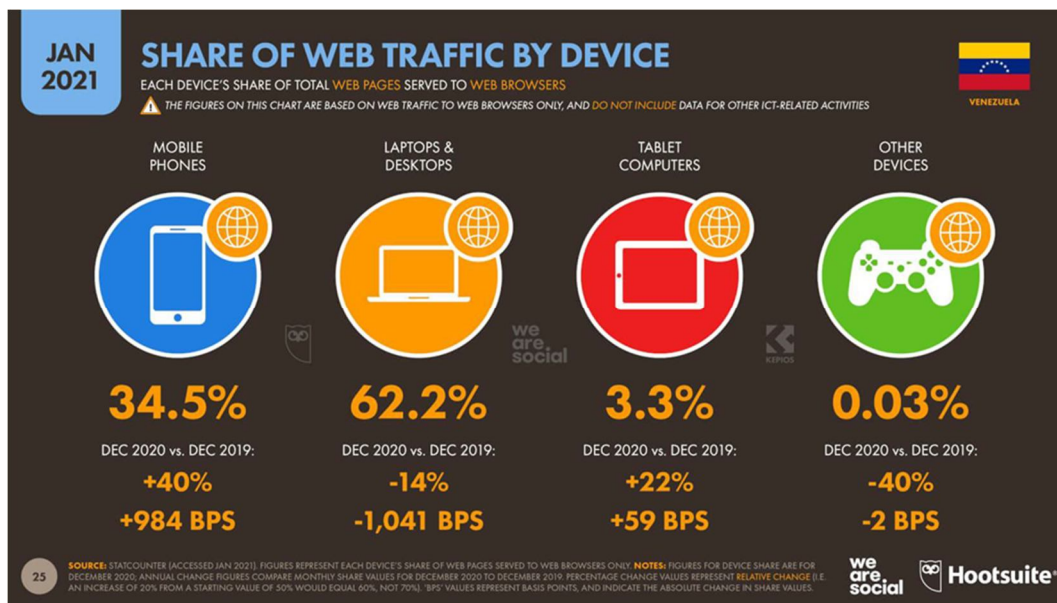
In the following section it can be seen preferences of users according to: devices, browsers and services to access the Internet. In this way, trends and user requirements can be determined.

##### d.1. According to devices

The management of web traffic depends on many factors, among them, the type of devices used to navigate by users can be pointed out, and in the case of Venezuela it is as follows:

- 34.5% mobile phones with a growth of 40%.
- 62.2% laptops and desktop computers, down 14%.
- 3.3% tablets with a growth of 22%.
- 0.03% other devices.

With the foregoing, it can be indicated that Venezuela is one of the few countries in which the digital device with the greatest presence are laptops and desktop computers (see Graph 6).



Source: <https://yiminshum.com/redes-sociales-venezuela-2021/>

**Graph 6.** User web traffic according to the device.

#### d.2. According to the browser

The most used browsers in Venezuela, mainly for the convenience and use of easy-to-understand interfaces are: a) Chrome tops the list with 80%, b) Firefox with 6.7 %, c) Safari with 3.9 %, d) Operates with 3.3 %, e) Microsoft Edge with 1.9 %, f) Samsung Internet with 1.5 %, g) Internet Explorer with 0.7% and other browsers with 1,9 %.

#### d.3. Services most used by Venezuelans

In the study called: "Digital situation, internet and social networks in Venezuela 2021" a significant volume of the services that users use most frequently can be determined, which were registered in January 2021 (see Graph 7).

In Graph 7 you can see what the internet culture has been in Venezuela in 2020, based on the most sought-after topics and applications.

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When detailing the technological and operational aspects that exist in Venezuela, it can be deduced that the public and private ISPs that offer service have not been able to meet the demands of citizens and the most remote and rural towns, even so, there is a significant growth of Internet users in the last year.



Fuente: <https://yiminshum.com/redes-sociales-venezuela-2021/>

**Graph 7.** Services most used or consulted in Venezuela.

Among the factors that affect the low quality of internet services, we can mention: a) low growth in CANTV due to lack of investment, b) low operating capacity of CANTV: there are no equipment, telephone devices, modems, work materials in general, tools, or office supplies; c) obsolescence of the infrastructure, d) deficient electricity service throughout the national territory, e) control of service prices and disinvestment or insufficient investment, f) lack of confidence from the regulator, g) theft in the telecommunications infrastructure, h) insufficient maintenance, among others.

The above hinders the sustainable development of the Internet, which at the same time affects the IG and creates mistrust in multi-sector groups to guarantee a consensus on transcendental issues in order to growth the telecommunications and development of the country.

#### **2.2.4 INTERNET GOVERNANCE MODEL IN VENEZUELA**

Governance models seek to create conditions to promote the joint growth of the government, private and civil sectors in a specific area of a country or region, with a view to achieving the sustainable development of society. By establishing synergy between multi-sector groups, poverty reduction is facilitated, the services that society requires are provided and the defense of human rights is guaranteed. This national or regional agreement is based on legal regulations and participation mechanisms that facilitate the approach and involvement of citizens, companies, academics, among others, in decision-making processes that governments manage; which give democratic support to promote relationships of trust. Governance is a decision-making process that is exercised in conjunction with various public and private actors involved in the management of public policies.

The World Bank<sup>98</sup> envisions three basic functions to improve governance results: promote policy commitment in a context of changing circumstances; improve coordination to modify expectations for change and encourage cooperation.

The term Governance, associated with the internet and digital rights, is a set of principles, norms, rules, decision-making processes and activities that, implemented and applied in a coordinated manner by governments, the private sector, civil society and the technical community, define the evolution and use of the Internet. UNESCO recognizes the potential of the Internet to promote

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<sup>98</sup> <https://www.bancomundial.org/es/news/press-release/2017/01/30/improving-governance-is-key-to-ensuring-equitable-growth-in-developing-countries>

sustainable human development, build inclusive knowledge societies and improve the free circulation of information and ideas in the world<sup>99</sup>. Likewise, UNESCO defends an open, transparent and inclusive vision of internet governance based on the principle of openness, which includes freedom of expression, respect for privacy, universal access and technical interoperability.

On the other hand, the World Summit on the Information Society, which took place in 2003 and 2005, promoted the creation of the Internet Governance Forum (IGF), a space for annual debate, in which international organizations, governments, professionals on the Internet, companies and civil society organizations can explore, under equal conditions, the development of the Internet and its interaction with other areas of public power.

Particularly in Venezuela, the constitutional reform and the opening of telecommunications in 2000 and subsequent reform in 2011, allowed to integrate and materialize Internet Governance in Venezuela and also establish important changes in the area. Among the most noteworthy changes, it can be noted that the telecommunications activity is no longer reserved to the State, being immersed in the sphere of licit commerce and private entrepreneurship, as long as the private sector complies with the technical-economic and legal requirements established by the norm, formed from that moment on, a new paradigm in internet governance which highlights the articulation of the State, the legal norm, public policies, and civil society, where each of these sectors play a crucial role in the development of telecommunications in the country.

The openness and possibility of participation of the business sector in the IG, promotes a multipartite Governance Model (multi-stakeholder), with the participation of all sectors, such as: Government, civil society, academics, entrepreneurs, technical community and users, in the decision-making under equal conditions between the public and private sectors.

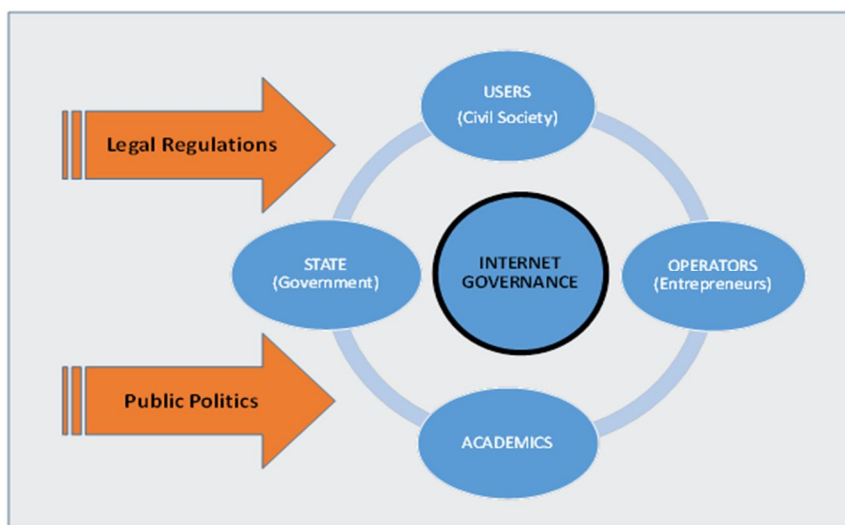
Based on the legal system and the operation of the telecommunications sector, the actors that make up the Internet Governance Model in Venezuela are:

- The State (Government, Ministry of Science and Technology, CONATEL, CNTI)
- Users (Civil Society, User Associations, NGOs, ISOC, etc.)
- Operators (Businessmen and entrepreneurs)

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<sup>99</sup> <https://es.unesco.org/themes/gobernanza-internet>

- Academics (participation of Universities and Science and Technology Centers)



Source: own research

**Graph 8.** Role of actors that make up the Internet Governance model

The articulation and engagement of actors involved in the Internet Governance Model in Venezuela is of vital importance for the impact on the development of telecommunications, the strengthening of the education sector, the interoperability in public institutions (electronic government), among others. This model promotes cooperation, coordination and flexibility to adapt the changes required to the needs of the environment, in pursuit of technological and educational development. Roles of the key actors managing the IG model are presented below.

**THE STATE**, through the **GOVERNMENT**, is constituted as the governing body of telecommunications, and consequently the main actor in the management of the Internet Governance Model in the country. The CRBV (1999) recognizes telecommunications and internet access as activities of national public interest, and the possibility of opening to free competition and participation of the business sector and civil society in decision-making regarding telecommunications. That is why the Government has a fundamental and representative role in this area.

As the governing body, the State promotes the development of the legal framework that regulates the telecommunications sector and the promulgation of public policies, with strategies, plans and projects in the area. Since 2000, with the reform of the LOT, the consolidation of the legal norms, laws,



regulations and provisions inherent to telecommunications and technologies begins, which consolidates the legal bases and legal support for the incorporation of the necessary changes that led the technology sector to incorporate measures to enter in the first-line of advances in the sector.

**USERS**, the LOT establishes the defense of the interests of users, ensuring their right to access telecommunications services, in adequate quality conditions, and safeguarding, in the provision of these factors, the validity of constitutional rights, in particular that of respect for the rights to honor, privacy, secrecy in communications and that of the protection of youth and childhood. In this sense, the text of the Law develops the rights and duties of citizens as users of telecommunications services.

In addition to the provisions of the LOT, it is encouraged that citizens have a leading role in defending their rights, assisted by the Ombudsman's Office, and the National Super-intendancy for the Defense of Socioeconomic Rights (SUNDDE).

That is why, in the Internet Governance Model, users and civil society in general, fulfill different roles, such as: demanders of Internet services, vigilant and defenders of the quality of services, and participants in decision-making processes, through user associations certified by the telecommunications governing body.

**OPERATORS** (businessmen and entrepreneurs), the LOT allows the possibility of incorporating businessmen and entrepreneurs into the provision of telecommunications services, through the award of Administrative Qualifications, provided for in article 16; in which CONATEL grants for the establishment and operation of networks and for the provision of telecommunications services to companies that have met the requirements and conditions provided by CONATEL. In this sense, the **provision of the service** can be exercised **by the State or by Individuals**. The conception through administrative authorization to Private Companies is a way to allow and strengthen the State Network, through private investment to facilitate the expansion of user access throughout the national territory. Administrative authorization carries with it the possibility of supervision by the governing body CONATEL, which may, when it deems it convenient to the interests of the Nation, or when public order or security so requires, revoke or suspend administrative authorizations, concessions or permits.

That is why this sector supports and invests in the development of the country's telecommunications infrastructure and services, in addition to complying with the regulations required by CONATEL, it can participate in

decision-making for the development of telecommunications projects.

**The ACADEMY** is a sector that contributes to the development of research projects in areas such as: telecommunications, science and technology. The investigations are carried out through the Universities and some Ministries (Ministry of Science and Technology, Ministry of Higher Education, etc.); and they are financed by the Telecommunications Research and Development Fund.

The Telecommunications Research and Development Fund will have a Project Evaluation and Monitoring Board, chaired by the Minister of Popular Power with competence in science and technology or whoever exercises its functions. It will also be made up of two representatives with expertise in telecommunications research and development appointed by the Minister of Popular Power with competence in science and technology, a representative appointed by the Minister of Popular Power with competence in education, a representative appointed by the Director or General Director of the National Telecommunications Commission, a representative designated by National Universities and, a representative designated by companies that contribute to the Fund.

With the above, it can be concluded that in Venezuela the IG model can be developed in accordance with the regional model; since there are legal regulations, organizational structure, the opening of the provision of services to the private sector, legislative and operational development, and clear rules for joint decision-making. However, the excessive vigilance and control in the use of the internet, the lack of credibility by the private sector and civil society in the materialization of public policies, the weakening of the university sector to strengthen research on telecommunications, continuous failures of electricity service that weakens the provision of services, the little development of the infrastructure, among others, do not create the ideal conditions to develop an efficient IG model.

## **2.3 A GLOBAL LOOK AT THE INTERNET GOVERNANCE FORUMS (IGF) IN LA&C AND THE PARTICIPATION OF VENEZUELA**

### **2.3.1 MAPPING OF THE IGF INITIATIVES IN LA&C AND VENEZUELA**

After examining the existing literature and bibliography on IGFs in LA&C, it is notable that one of the most outstanding projects on the subject is the comparative study called **"Mapping of National Internet Governance**



**Initiatives in Latin America (MIGLAC)**<sup>100</sup>; however, the statistics collected from this study, although they are very interesting, only cover the activities and events that have taken place in the region up to mid-2018. The gap related to the coverage of the second part of 2018 and that corresponding to the years 2019 to 2021 will be included in this report.

As is well known, as a result of the pandemic caused by Covid -19, face-to-face activities have been suspended in much of the world and the meetings of online forums have been in evidence in the last two years, with the exception of some particular cases in our region, such as the face-to-face event in Nicaragua in 2020.

MIGLAC shows which mechanisms have been for the dissemination of the results on IGF, most of which are linked to recordings on YouTube (77%) followed by minutes (69%). Full transcripts are the least common way to find results produced by all the initiatives reviewed.

In the Venezuelan case, the lack of official documents that list and describe the conclusions, minutes and reviews of the meetings held in the country is a reality. However, Table 2 of this document indicates a summary (dates, organizers, discernment issues, results and opinions) of the IGFs held in 2014 and 2018 on issues related to IG; as well as other national internet events.

Specifically, the IGF, after consulting the representatives of ISOC Venezuelan Chapter, one of the organizers of the two IGF together with the Association of Internet Users, carried out in 2014<sup>101</sup> and 2018<sup>102</sup>, it was only possible to obtain the YouTube recordings of the plenary of those Forums.

Likewise, in 2014 the Internet Users Association organized the "First meeting on the Internet for development and transformation"<sup>103</sup> and in 2015 the "Internet Governors Event" was organized. The last event was confused with an IGF, and it was actually the forum organized by the government sector in the telecommunications area, held in the NEA building of CANTV, to which the ICANN Manager for LA&C, Rodrigo de la Parra, was invited, and of whom a recording made on YouTube<sup>104</sup> is also referred and attached.

Given this national context, it is appropriate to highlight the characteristics

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<sup>100</sup> [https://miglac.org/assets/pdf/espanol-LatinAmerican-Report-IPO\\_final\\_Traduccion\\_FINAL2.pdf](https://miglac.org/assets/pdf/espanol-LatinAmerican-Report-IPO_final_Traduccion_FINAL2.pdf)

<sup>101</sup> [https://www.youtube.com/watch?v=rU5mnk\\_gmxU](https://www.youtube.com/watch?v=rU5mnk_gmxU) and <https://www.youtube.com/watch?v=WERI-jNcpk>

<sup>102</sup> <https://www.youtube.com/channel/UCDRW6IRQWOTCenBWtRIKCAg>

<sup>103</sup> <https://www.cnti.gob.ve/noticias/actualidad/nacionales/3968-2014-08-11-23-25-56.html>

<sup>104</sup> <https://www.youtube.com/watch?v=INYLgyyaxC4>

of the IGFs carried out in LA&C and determine whether Venezuela has followed the schemes of the region:

- In MIGLAC we can observe that there is not a great level of variance regarding the organizational structure and the sources of financing, which have been spearheaded by the ISOC, and its corresponding chapters in each country; in Venezuela that trend was followed.

- There is a widespread belief that NRIs (National, Sub-Regional, Regional and Youth IGF initiatives) should include multi-stakeholder principles and seek to increase and promote the participation of a greater diversity of actors, including “traditional” IG metrics; as well as promoting demographic diversity and inclusion (gender, disability, ethnic minorities, rural communities, etc.). Multi-stakeholder participation is one of the central aspects that characterizes the historical and institutional development of the IG, in particular since the creation of ICANN and, notably, during the development of the World Summit on the Information Society (WSIS) in 2005. This consideration is valid in all IG groups in the region. Representatives of the government, civil society, NGOs, and businessmen have been integrated into the IGFs in Venezuela, but there is no representation of groups that promote diversity and inclusion (see Table 2).

- On the other hand, there is no coherent way to compare the results obtained in the different IGFs worldwide, because political, cultural and social situation between countries is or may be completely different. It is very likely that in the analyzed cases of this LA&C region, there are much more coincidences.

- Likewise, the results or impacts of the forums in the region have not been evaluated, after a certain period of time has elapsed, and only what has been presented, denounced, discussed and formulated in the formal meetings remains. In the Venezuelan case, firstly, the government's ability to control information, disclose and report acts that are harmful to citizens and human rights in general has not changed; consequently, a successful management of these events cannot be expected if the conditions of respect for citizens do not change. In any case, this initiative should not be lost and work around this action should continue to achieve possible changes in current policy.

- In the case of other countries in the region that maintain and are governed by a democratic political model, it's demonstrated with facts, because it is applied to their fundamental institutions that support the model, that apparently there have been no fractures and misunderstandings between business sectors, government and organized civil society on the issue of how to manage and promote the use of internet services, while respecting citizens

internet rights. In the Venezuelan case, there is no estimation of what have been the changes that have occurred in the country, after the meetings IGF of years 2014 and 2018. We await a response from the organizing committee of these events and the ISOC Venezuela chapter from our recent consultation.

- The research or case studies examines the events in Argentina, Brazil, Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Panama, Peru, Venezuela, Uruguay, Mexico, and Nicaragua. One of the conclusions reached in the MAGLAC project is that the initiatives of the IGFs developed their own national mechanisms for IG and all of them are in different stages of institutionalization. In the Venezuelan case, situations of violation of human rights continue to be evidenced in recent years.

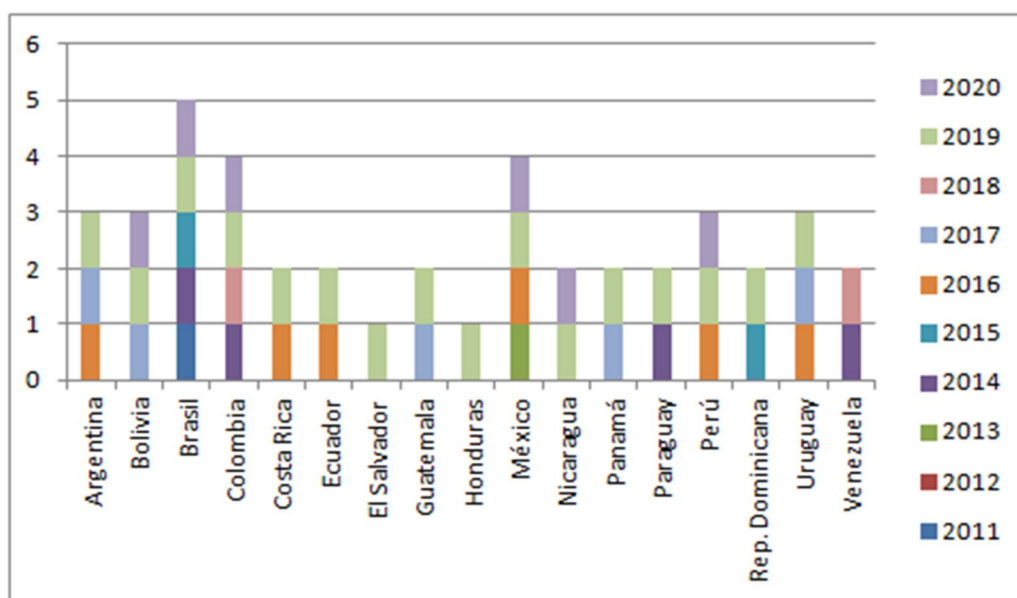
**Table 6** lists years and countries in Latin America where the IGF/ NRI have been carried out:

Year	Countries where IGF/NRI have been organized	Observations
2011	Brasil	
2013	Mexico	
2014	Brasil, Colombia, Paraguay y Venezuela	
2015	Brasil y Rep. Dominicana	
2016	Argentina, Costa Rica, Ecuador, México, Peru y Uruguay	
2017	Argentina, Barbados, Bolivia, Costa Rica, Guatemala, Panamá, Trinidad y Tobago y Uruguay	
2018	Colombia and Venezuela	
2019	Argentina, Barbados, Bolivia, Brasil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haití, Honduras, México, Nicaragua, Panamá, Paraguay, Perú, República Dominicana, San Vincent y las Granadinas, Trinidad y Tobago y Uruguay	With the support of some of these meetings by LACNIC, sixteen initiatives were carried out
2020	Brasil, Colombia y Perú, bajo la modalidad virtual y Nicaragua de manera presencial	

Source: own investigation

**Table 6.** List of countries that have organized IGFs/NRI in LA&C

In this list of events, the absolute leading role of Brazil, Colombia and Mexico in LA&C can be observed because of the IG issue. Graph 9 shows the number of editions made in each country and the years of realization.



Source: own research

**Graph 9.** Number of FGI/NRI editions made in each country

### 2.3.2 STRATEGIC APPROACHES, ACHIEVEMENTS, CHALLENGES AND OPPORTUNITIES ESTABLISHED IN THE IGF LA&C

The representations of the different countries have their own opinions on what are the main strategic approaches considered in the planning of their forums. However, what is enriching about the IGF is that key actors have the opportunity to discern, evaluate and compare the strengths, opportunities, weaknesses and threats that exist in their countries considering the importance of consensus, participation, diversity, among others, for the sustainable development of society and the internet.

Below are some of the approaches that are considered in the IGFs.

- The MIGLAC report indicates a series of approaches that have been developed in the IGFs in LA&C, for example, the representatives of Brazil in the NRI mentioned the importance of having a balanced participation (equal conditions), while Uruguay and Paraguay emphasized building consensus among stakeholders. In Ecuador, the accent was placed on open participation,

which was also mentioned by Venezuela as an important value along with transparency.

- Similarly, in Argentina and Guatemala, the multi-stakeholder view expresses the importance of all stakeholders having participation and voice. In both Mexico and the Dominican Republic, the strategic approach emphasized increased dialogue among all stakeholders. For the representatives of the Costa Rican NRI, the inclusion of all interested parties is key to improving the quality of the debates. The Peruvian representatives of the NRI highlighted the importance on participation of each actor within their respective roles. In Nicaragua, the initiative was described as an opportunity to broaden the discussion about internet-related issues beyond a merely technical point of view to include broader social issues. Panama and Bolivia share strategic issues such as the impact on public policy.

- In the Venezuelan case, open participation is required because it does not always operate or work under equal conditions for citizens and respect to human rights, this situation may reveal decisions not shared by the government, through CONATEL. In addition, the discernment of strategic issues such as open participation and transparency in the IGF Venezuela, issues related to: IGF 2014 were also considered: a) internet as an element of social development, b) net neutrality, c) cybercrime and privacy in the network, d) internet infrastructure, e) internet quality, f) internet reach in Venezuela, and g) internet governance; and in the IGF 2018: a) state of the communications infrastructure in Venezuela, b) multiple stakeholders and IG, c) state of Human Rights online, d) challenges for universal internet access in Venezuela, e) accessibility internet and technology for all, f) cyber security and digital security in Venezuela, g) technological evolution of the internet, h) online privacy, i) information and disinformation on the internet, j) internet for the development of Venezuela, k) blockades in internet, m) a vision of the future on payments, electronic commerce and crypto assets in Venezuela, n) what is missing in internet public policies?, ñ) impact and promotion of women in technology, o) the future of the domain .ve, and p ) safe use of RRSS.

As a summary, Table 7 shows the approaches that have been considered in the IGFs in each country.

Focus / Country	Consensus	Participation	Opening transparency	Diversity	Impact on public policy
País	Uruguay, Paraguay	Brasil, Argentina	Ecuador, Venezuela	Mexico, Costa Rica, Nicaragua	Bolivia, Panama

Fuente: [https://miglac.org/assets/pdf/espanol-LatinAmerican-Report-IPO\\_final\\_Traduccion\\_FINAL2.pdf](https://miglac.org/assets/pdf/espanol-LatinAmerican-Report-IPO_final_Traduccion_FINAL2.pdf)

**Table 7.** Highlights of the IGF/NRI in LA&C

From these approaches some of the achievements, challenges and threats discussed in the FGI / NRI can be evaluated. Some of these aspects are presented in the MIGLAC report:

#### **a. Achievements**

- Some initiatives highlighted that there is much work to be done in order to consolidate IG processes, particularly in the following countries: Guatemala, Uruguay, Peru, Nicaragua, the Dominican Republic, Bolivia, and Venezuela.
- In other countries, the inclusion of other stakeholders represents an aspect that requires greater efforts to address; in some cases, the challenges of participation are identified with little presence of civil society, while in others, the challenges are identified in the integration of the private sector.
- According to some initiatives, the sustainability of the NRI activities is related to a low interest in the subject; as well as, in the participation of multiple stakeholders within the diversity of national groups. Only three initiatives (Costa Rica, Dominican Republic and Guatemala) mentioned other events that are organized in their countries with characteristics of multiple stakeholders and with the participation of groups that promote diversity and inclusion.
- For those who rate the initiatives as successful, the parameters used to measure this success are very different: one initiative took into account the number of international events held on IG that are taking place in the country (Panama); others consider the relevance of the national IGF, itself, for the results in the definition of public policies (Ecuador), while others referred to the creation of other consolidated IG initiatives and processes (Costa Rica and Colombia). The degree of specialized knowledge of the community involved in these processes was also mentioned as an indicator of success (Argentina).

#### **b. Emerging challenges/threats**

- One of the most pressing challenges for these initiatives is the difficulty of evaluating their impact in the broader environment of public policy formulation,

both nationally and internationally.

- The results of these forums must be taken to prove if there is an evident interest in participation and collective work in order to achieve positive results otherwise the motivation that moves all the participating sectors will be lost, as a way to benefit to the community, mainly to organized civil society.

- Most of the initiatives cannot establish a causal relationship of impact on the results of public policies, or the procedures of the private sector, such is the case of: Peru, Nicaragua, Bolivia, Guatemala, the Dominican Republic and Venezuela. In the MIGLAC project, the interviewees largely attributed the lack of impact on public policies, to the degree of maturity of national initiatives. The experiences at the national level are not only important to create awareness and promote a general understanding about IG, but also to contribute to the quality and form of the general development of internet public policies among the countries of the LA&C region. However, most initiatives recognize that while the impact on policy-making processes is desirable, the forum has only indirect influence on national internet policies per se.

- Beyond policy making as a result, NRIs are important spaces that can serve to set agendas, identify key policy areas, and provide feedback on policy proposals established in IG discussions. This can become some mechanisms to measure the different types of impact that NRIs have and evaluate their capacity to influence the development of Internet policies in general.

- The participation rate in the events is of relevant importance to determine the growth or decrease the participation of different sectors that are very involved on the Internet. Venezuela has not been made public or does not have the data of those meetings (events mentioned). The initiatives in Venezuela were based on volunteer work in the two reported events, with the financial support of ISOC.

- Another threat faced by these initiatives is the lack of continuity and resources in the near and medium future, as well as the low levels of work between sessions in the annual national editions of the global IGF.

Therefore, the challenge of consolidating Internet Governance as a network management model in the face of scenarios that require procedures and decision-making, applied to the effective use of Internet resources and good practices in accordance with global demands and commercial scenarios is one of the most important points to mention and highlight.

### 2.3.3 FUNCTIONAL CRITERIA FOR THE ORGANIZATION OF IGF/ NRI

Below are a series of factors that can be taken into account in order to determine certain functional differences in relation to the organization of IGFs in the region:

- **Frequency and participation of various countries in the events:** it is not questionable, perhaps plausible that the forums are held with the participation of delegations or speakers from various countries, to take advantage of the experience of others. Regarding the frequency of occurrence, unique annual events are proposed but at the same time it is desired to be part of broader mechanisms, as has been the case in Brazil, Colombia and Costa Rica, where the national IGF is only one of the initiatives related to IG.
- **Organization of relevant action and support in the IGFs:** ISOC chapters were catalysts in the experiences of NRIs in: Bolivia, Ecuador, Nicaragua, the Dominican Republic, Venezuela, Uruguay and Paraguay, and they also played a fundamental role in Mexico. In the cases of Argentina, Brazil, Colombia, Costa Rica and Trinidad and Tobago, the role of the ccTLDs was vital for the creation and sustainability of the initiative. LACNIC was also a driving force in promoting and financing the event to give scholarships to participants.
- **Inspiration and motivation of the IGFs:** Ecuador's NRI was inspired by the principles of the WSIS, while the representatives of Panama and Argentina interviewed pointed out that the global NET Meeting held in Brazil in 2014 was a decisive moment for the creation of their own initiatives. Representatives from Mexico described how the WSIS processes led to the growing interest of the national government in IG matters and the formation of the first national dialogue in 2013, which evolved into a formal NRI before 2016. In Colombia, the creation of the NRI was the result of LACIGF and the need to generate a national focal point for the discussion of IG issues. Brazil, which already had several axes for the development and implementation of internet policies, including the CGI.br and the NIC.br, created the Brazilian NRI after deciding that a space was needed for a greater debate about governance with society as a whole.
- **Financing:** With regard to financing, it is known that in the regional and global scenarios there is a strong influence of important actors in the IG, such as: ISOC, ISOC country chapters, IGfSA, ICANN, the group NRI-Secretariat, among others, and they are endorsing the NRIs. In the case of Venezuela, it is carried out solely by the local chapter of ISOC.



### 3. SITUATIONAL ANALYSIS OF INTERNET GOVERNANCE IN VENEZUELA

In order to structure the situation analysis of the IG in Venezuela, a methodology was established that comprises three phases:

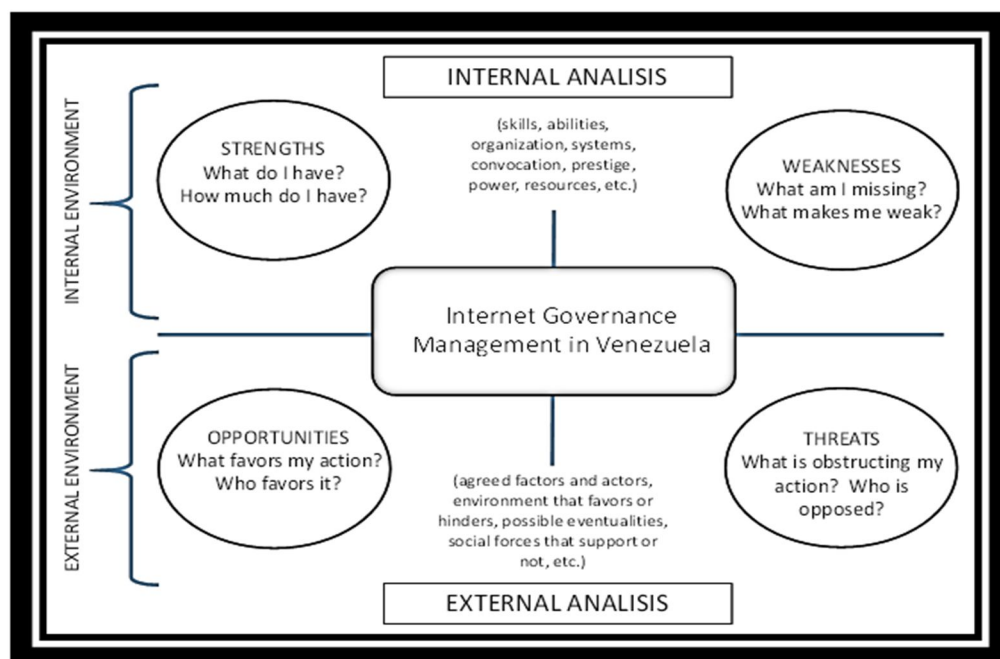
a) **Production of the situational diagnosis.** The situational diagnosis is the compilation of the basic information that serves as a kind of photograph of the current reality, from which one starts to have a first vision of Internet Governance in Venezuela, taking into consideration the perspectives of the Government, Companies, Academy and Civil Society. This first phase was exhausted in the previous sections of this document, where the current reality of the different actors involved in IG, the respective legal framework, public policies and plans were detailed; including a global view of the IG in the region.

b) **Analysis of the situation.** It includes a general examination of the internal and external factors that affect the IG in Venezuela, taking into consideration the perspectives of the key actors (Government, Society, Companies and Academia) of the Venezuelan IG Model. This section determines the IG's Strengths, Weaknesses, Opportunities and Threats Matrix (SWOT), and potential strategies to face the problem.

c) **Analysis of the problems and objective situation.** From the cause-effect chain, a structuring and hierarchy is produced, where interdependencies are established between problems identified by the actors (problem tree), and the potential solutions to address the critical problems that affect the IG in Venezuela.

#### 3.1 ANALYSIS OF THE SITUATION - MATRIX OF STRENGTHS, OPPORTUNITIES, WEAKNESSES AND THREATS (SWOT) OF IG MANAGEMENT IN VENEZUELA

In Graph 10 you can see the aspects that are considered in the elaboration of the different SWOT matrices, from the perspectives of the Government, civil society, companies and academia.



Font: Own Elaboration

**Graph 10.** Aspects that are considered in the elaboration of the SWOT analysis

### 3.1.1. SWOT AND IG MANAGEMENT STRATEGIES IN VENEZUELA, FROM THE GOVERNMENT'S PERSPECTIVE

SWOT (Government)	STRENGTHS (F)	WEAKNESSES (D)
	Constitutional recognition on the use of the Internet as a superior interest for citizen training.	Instability in the pursuit and materialization of public policies related to the Internet.
	Management of Laws, Decrees and Rulings that regulate IG in the country.	Little publicity of the laws and decrees related to Internet Rights (IR).
	Constant updating of the legal regulations related to the internet and its management.	Emergence of laws and decrees that control the use and management of content, data management, social networks, which encourages practices that promote the violation of IRs.
	Incorporation into the country's public policies, strategic lines that seek to strengthen the development of the Internet, through the National Plans.	Excessive regulations and controls on the fundamental rights (Rights of access to information) of citizens, and control over the use of the Internet, which limits access to services.
	Establishment of government mechanisms that allow regulation and national consensus on issues related to the Internet.	Control over the personal data of citizens, through biometric systems and digital mechanisms
	Participation in national and international IGF, which promotes new meetings on IG management in the country.	
	Establishment of a mechanism to certify, through CONATEL, User and Business	

	Associations, and integrate the Academy in matters related to IG.	<p>managed by the government.</p> <p>Control of the content that is disclosed on social networks, which limits internet rights.</p> <p>Discretion from CONATEL when imposing sanctions and eliminating authorization to the media</p> <p>Little coordination capacity of the IGFs in the country.</p> <p>Failures of public services (electricity, telecommunications, etc.) necessary for the proper use of information technologies and internet access.</p> <p>Punitive processes and harassment towards communication professionals and citizens who denounce the violation of IR and Human Rights.</p>
<p><b>OPPORTUNITIES (O)</b></p> <p>Legislative development in internet governance matters worldwide.</p> <p>Promotion of governance models and public policies in the region, related to IG management, which represent applicable references in the country.</p> <p>Creation of Governance Forums as mechanisms to unify criteria and share experiences in the management of IG.</p>	<p><b>STRATEGY (FO)</b></p> <p>Actively participate in Internet Governance Forums, held at the Latin American and global level, to share experiences related to legislative development, public policies, that provide feedback and strengthen the Governance Management of Venezuela.</p>	<p><b>STRATEGY (DO)</b></p> <p>Evaluate the regulations and controls on internet access, data privacy, consolidation of public policies and the management of successful IG in other regions, in order to apply good practices in the area and eradicate the violation of IR in Venezuela.</p>
<p><b>THREATS (A)</b></p> <p>Development of new technologies with exponential growth, which are not adapted to the capacities of Venezuela.</p> <p>Deterioration of diplomatic relations with nearby countries, which delays the consolidation of agreements and / or obtaining sources of financing for the development of the necessary structure.</p> <p>International visibility of the violation of Internet Rights, specifically by the United Nations High Commissioner (OHCHR)</p>	<p><b>STRATEGY (FA)</b></p> <p>Strengthen diplomatic relations with nearby countries, allowing sources of financing and the achievement of public policies inherent to telecommunications.</p>	<p><b>STRATEGY (DA)</b></p> <p>Promote open spaces for discussion with nearby countries, where the existence of regulations and controls on internet access, and the defense of IRs, such as: freedom of expression, privacy and access is analyzed.</p>

### 3.1.2. SWOT AND IG MANAGEMENT STRATEGIES IN VENEZUELA, FROM THE PERSPECTIVE OF CIVIL SOCIETY

<p><b>SWOT</b> <b>(Civil Society)</b></p>	<p><b>STRENGTHS (F)</b></p> <p>Recognition of the rights and duties of users in the Organized Telecommunications Law.</p> <p>Equal conditions are provided for users in all telecommunications services and to receive an efficient, quality and uninterrupted service.</p> <p>Creation by CONATEL, of the MANUAL FOR THE ORGANIZATION OF USERS, which establishes their participation in matters related to IG.</p> <p>Existence of citizen participation mechanisms by official entities and frameworks.</p> <p>Establishment of User Associations with the certification of the regulatory entity, which promotes an orderly participation in IG actions promoted by key actors.</p>	<p><b>WEAKNESSES (D)</b></p> <p>Lack of knowledge by users of the rights and duties that the LOT confers on them in IG matters.</p> <p>Excessive surveillance and control by regulators in the use of the Internet, which weakens access to Internet services and promotes the violation of Internet rights of users.</p> <p>Weak participation of Users in the Public Consultations provided for in the LOT (2011).</p> <p>Little participation of Civil Society in the IGF</p>
<p><b>OPPORTUNITIES (O)</b></p> <p>Support from international organizations to Internet users in the exercise of their rights and potential violation of IR.</p> <p>Internet Governance Forums developed at the national and regional levels, which promote the participation of Civil Society and various work groups.</p>	<p><b>STRATEGY (FO)</b></p> <p>Strengthen the exercise of user's rights and guarantee access to the use of the Internet under conditions of equality.</p> <p>Promote the active participation of user associations with the consensus of other national and international actors, both for financing in the IGF and in the involvement in decision-making on strategic projects in IG matters, which benefits their communities.</p>	<p><b>STRATEGY (DO)</b></p> <p>Promote the participation of all the actors involved in the management of the IG, both in the national and international Governance Forums, as well as in the acts - events that promote the defense of the IDs of the users and consultations on decisions of impact in the communities .</p>
<p><b>THREATS (A)</b></p> <p>Little donor funding for Civil Society participation in regional and international IGFs.</p> <p>Little international visibility of complaints from users and NGOs about the violation of IRs, which puts citizen's access, freedom of expression and privacy, among others, in digital media at risk.</p>	<p><b>STRATEGY (FA)</b></p> <p>Promote and encourage the participation of civil society in the IGF/NRI, through financing mechanisms (scholarships, subsidies, donations, etc.) to expand the capacities of citizens and the empowerment of society on issues related to the use and management of the internet and its benefits; in order to gain outside experiences and update knowledge in the advancement of technology and IG.</p>	<p><b>STRATEGY (DA)</b></p> <p>Establish mechanisms to promote complaints about the violation of IR in international settings, and the little involvement of Civil Society in the country's IG; in order to sensitize key stakeholders.</p>

### 3.1.3. SWOT AND IG MANAGEMENT STRATEGIES IN VENEZUELA, FROM THE PERSPECTIVE OF THE BUSINESS SECTOR

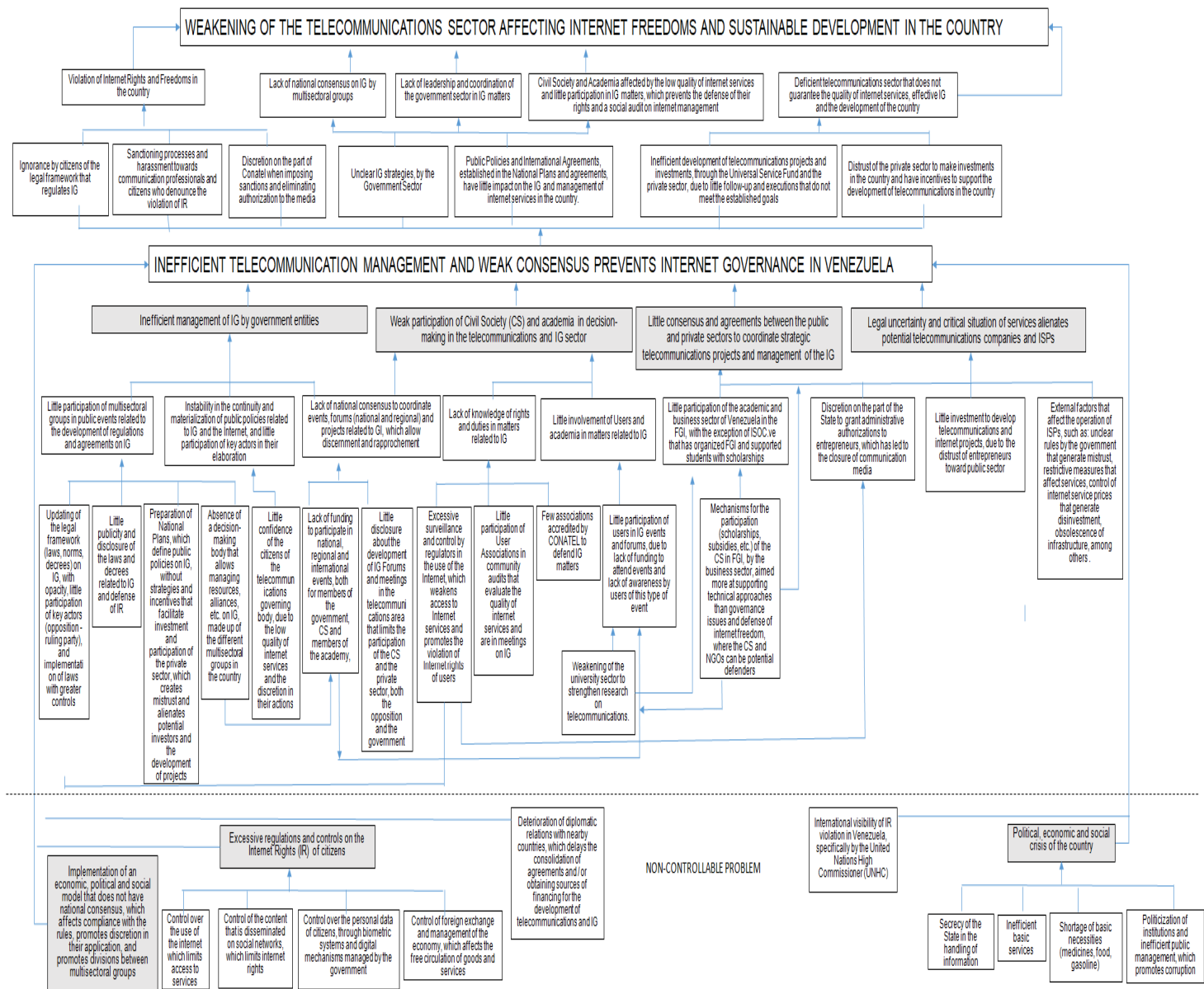
<p><b>SWOT</b> <b>(Business Sector )</b></p>	<p><b>STRENGTHS (F)</b></p> <p>Expansion of the number of Internet Service Providers in the country, which means new alternatives for Internet access.</p> <p>New ISP authorization by the regulatory entity.</p> <p>Involvement of the business sector in decision-making related to IG, and in the country's Universal Service Fund.</p> <p>Laws and regulations that protect the sector</p>	<p><b>WEAKNESSES (D)</b></p> <p>Political differences between the government and the business sector.</p> <p>Discretion from the State to grant administrative authorizations to entrepreneurs, which has led to the closure of the media.</p> <p>Little investment to develop the necessary infrastructures to develop telecommunications projects.</p> <p>External factors that affect the operation of ISPs, such as: unclear rules by the government that generate mistrust, restrictive measures that affect services, control of internet service prices that generate disinvestment, obsolescence of infrastructure, among others.</p>
<p><b>OPPORTUNITIES (O)</b></p> <p>Possibility of investment for foreign companies in the field of telecommunications in Venezuela, which is established in the last year, as a result of the pandemic and the demand for services.</p>	<p><b>STRATEGY (FO)</b></p> <p>Encourage the participation of the national and international business sector, as internet service providers</p>	<p><b>STRATEGY (DO)</b></p> <p>Propose to the Venezuelan State, the creation of tax incentives for Venezuelan and foreign companies, in order to attract investment in the Telecommunications sector.</p>
<p><b>THREATS (A)</b></p> <p>Little credibility from foreign companies, in the national government and in public policies of the country.</p> <p>Discrepancies regarding the recognition of the Legislative Public Power (National Assembly).</p> <p>Political differences and insecurity in the application of legal regulations to the Telecommunications sector in the country.</p>	<p><b>STRATEGY (FA)</b></p> <p>Disseminate and highlight the benefits of the Legal Norms that regulate Telecommunications in Venezuela.</p> <p>Generate confidence from Government to the national or foreign private sector, through the establishment of policies and plans duly informed to the community.</p>	<p><b>STRATEGY (DA)</b></p> <p>Counteract the lack of credibility of the private sector, by requiring an adequate evaluation and accountability of CONATEL</p> <p>Propose to the government sector the creation of sources of financing from public and private banks, for the development of infrastructure projects in Telecommunications.</p>

### 3.1.4. SWOT AND IG MANAGEMENT STRATEGIES IN VENEZUELA, FROM THE PERSPECTIVE OF THE ACADEMIC SECTOR

<p><b>SWOT</b> <b>(Academic Sector )</b></p>	<p><b>STRENGTHS (F)</b></p> <p>Participation of Universities and Science and Technology entities in the development of telecommunications research.</p> <p>Creation of the Telecommunications Research and Development Fund, to finance projects on the Internet and in telecommunications.</p> <p>Integration of the academic sector in matters related to the country's IG.</p>	<p><b>WEAKNESSES (D)</b></p> <p>Disarticulation of the Autonomous Universities with the Government, which makes it difficult to carry out research in this area; putting innovation and updating of the telecommunications sector at risk.</p> <p>Weakening of the university sector to strengthen research on telecommunications.</p> <p>Budget insufficiency in the Telecommunications Research and Development Fund to develop strategic projects in the area.</p>
<p><b>OPPORTUNITIES (O)</b></p> <p>Existing programs in Research and Development in the field of telecommunications at the regional and global level.</p>	<p><b>STRATEGY (FO)</b></p> <p>Promote strategic alliances in the academic field to strengthen research and development in Telecommunications, Science and Innovation, between Universities and Science and Technology entities in the region.</p>	<p><b>STRATEGY (DO)</b></p> <p>Strengthen relations between the Autonomous Universities and the Government, with the intention of promoting research on telecommunications.</p>
<p><b>THREATS (A)</b></p> <p>Absence, weakness and deterioration of inter-institutional relations between Latin American Universities</p>	<p><b>STRATEGY (FA)</b></p> <p>Consolidate inter-institutional relations between Venezuela and Latin American universities.</p>	<p><b>STRATEGY (DA)</b></p> <p>Encourage inter-institutional relations between national universities and Latin American universities, in order to jointly develop research projects on telecommunications.</p>

### 3.2 PROBLEM TREE

This section presents the critical problems of IG management in Venezuela, where the critical problem is identified from the causes and its effects.



Source: Own

Graph 11. Problem tree of Internet Governance Management in Venezuela

### 3.2.1 PROBLEM TREE ANALYSIS

Once the diagnosis has been made, taking into account the perspectives of the government, civil society, private sector and academia, the critical problem that is affecting internet governance management in Venezuela could be determined, according to the vision and knowledge of the project researchers.

In particular, the problem tree establishes a series of factors that are causing an "INEFFICIENT MANAGEMENT OF TELECOMMUNICATIONS AND WEAK CONSENSUS BETWEEN PARTIES PREVENTS INTERNET GOVERNANCE IN VENEZUELA"; which is seen as a critical problem. This problem contributes, in turn, to a **"weakening of the telecommunications sector that affects internet freedoms and the sustainable development of the country"**.

To determine the critical problem, the main causes are considered: a) inefficient management of IG by government entities, b) weak participation of civil society (CS) and academia in decision-making in the telecommunication and IG sector, c) little consensus and agreements between the public and private sectors to coordinate strategic telecommunications projects and management of the IG, and d) legal insecurity and critical situation of the services that alienates potential telecommunications companies and internet service providers (ISP).

As well as, the effects of a national, regional and global reality, represent barriers to the development of the country, such as: a) political crisis in the country due to national disagreements in the economic, political and social model implemented by the current government, b) regulations and controls on Digital Rights (DR)/Internet Rights (IR), c) deterioration of diplomatic relationship with strategic countries that affects the consolidation of cooperation agreements in the region, d) visibility on the handling of IR and the opening of investigations of crimes against humanity that creates international mistrust, and e) economic and social political crisis due to the implementation of unfavorable public policies for the development of the country and sanctions from countries that provide goods and services.

In this context, Internet Governance processes in the country are limited and weakened, particularly by: a) not having the conditions for consensus and national agreements by different multi-sector groups, b) systematic establishment of government measures that promote the violation of IRs, c)



lack of leadership and coordination by the government sector in IG matters, d) low quality of internet services and little call for Civil Society and Academia to participate in IG issues, affecting citizens and preventing the defense of their rights and the establishment of social audit processes on the management of the Internet, and e) weakening of the telecommunications sector, which does not guarantee the quality of Internet services, the establishment of a strategic and operational structure of efficient IG in the country, and involvement in projects of national impact.

The foregoing weakens the telecommunications sector and affects the sustainable development of the country, and consequently limits Internet Freedoms and the implementation of efficient Internet Governance Management process in Venezuela. For this reason, it is imperative to implement a Roadmap that shows alternatives on the management of Internet Governance and promotes national understanding about the strategic importance of Internet management, to guarantee the sustainable development of the country; through joint and integrated approaches where the digital and technological transformation of the Internet is aired in an organized and institutional way where Social Justice and sustainability processes prevail, in accordance with world trends and international agreements.

## **ROADMAP OF THE INTERNET GOVERNANCE IN VENEZUELA**

### **4. ROADMAP FOR FREE, DEMOCRATIC AND PARTICIPATORY INTERNET GOVERNANCE IN VENEZUELA**

Once the diagnosis and situational analysis of Internet Governance (IG) in Venezuela has been carried out, a Roadmap is determined that refers to a series of actions on how to manage an efficient IG in the country. For this, it is necessary to evaluate different visions about the future of the internet until deciding on aspects that allow guiding the IG in Venezuela. In this sense, this section considers the following actions: a) identification of trends and referential principles of IG in the world; as a way to guide IG in the country, under globalized and institutionalized criteria, b) identification of potential

solutions to the critical problem identified, and c) preparation of a proposal for an action plan to follow, showing a detailed sequence of steps as a temporary schedule of tasks, in order to achieve an efficient IG in Venezuela.

Each of these actions allows the generation of feasible solutions, adapted to world trends, which are applied in democratic countries that defend a free, democratic and participatory internet. The interest is to propose a roadmap on the management of IG in Venezuela and determine if it is feasible to apply it; considering the characteristics of the government's economic, political and social model of a socialist nature, that currently exists in the country.

## **4.1 THE GOVERNANCE OF INTERNET IN THE WORLD**

### **4.1.1 TRENDS IN INTERNET GOVERNANCE IN THE WORLD**

The inclination or propensity of IG is a topic of special interest to the world, understanding its evolution allows a broad worldview of the functioning of governance models and their impact and repercussions on the development of nations.

The purpose of the IG consists of articulating, engaging, regulating and establishing the principles that regulate the use of the internet; as well as managing its use in information societies. That is why the IG is consolidated as a multi factor model, made up of different actors with specific responsibilities, the State, Civil Society, Universities, operators, whose main function is to ensure the optimal use of information systems and services.

Therefore, IG then refers to the processes and standards that affect the way the internet is managed. The historical and future success of the internet as an open and trusted platform for innovation and empowerment depends on the adoption of a decentralized, collaborative and multi-stakeholder approach to internet development<sup>105</sup>.

In recent years, the world and the regions have been working to develop optimal articulated governance models that regulate the incorporation of information technologies, internet access, inclusion, and the democratization of citizen participation in the operation of the IG.

The United Nations General Assembly approved, according to Resolution 56/183<sup>106</sup>, of December 21, 2001, the celebration of the World Summit on the Information Society (WSIS) in two phases: a) Phase 1, the objective of the

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<sup>105</sup> <https://www.internetsociety.org/es/policybriefs/internetgovernance/>

<sup>106</sup> <https://www.itu.int/net/wsis/basic/about-es.html>

first phase, held in Geneva from December 10 to 12, 2003, was to draft and promote a clear declaration of political will, and take concrete measures to prepare the foundations of the Information Society for all, taking into account the different interests in play; and b) Phase 2, held in Tunis from November 16 to 18, 2005, aimed to implement the Geneva Action Plan and find solutions and reach agreements in the fields of Internet governance, financing mechanisms and monitoring the application of the Geneva and Tunis documents.

Over the past 10 years, the WSIS Forum has proven to be a global multi-stakeholder platform that is open and inclusive for everyone to exchange knowledge and information, enhancing collaborative networks and share best practices in the ICT<sup>107</sup> sector. For this reason, the approaches that emerge from the WSIS can be considered as reference instruments and trends for the development of the IG.

Therefore, in the research work, the conclusions obtained at the WSIS, held in the last 4 years, are considered of interest; as well as in organizations such as ECLAC. In this way, trends in the information society are evaluated, which have an impact on IG management. Here is a brief summary of them:

**WSIS 2018:** As part of the 2030 Agenda for Sustainable Development, the international community committed to guaranteeing universal access to Information and Communication Technologies (ICT). Today, the vast majority of the world's population has access to and uses telephone technology; however, there is a gap between developed and developing countries when it comes to internet use.

The conclusions of WSIS 2018 include: a) The digitization of economic production and trade is a fundamental aspect of the new information society that reduces transaction costs and accelerates trade flows; b) The globalization of communications and the growth of online services have led to significant changes in employment models, including outsourcing and the emergence of digital platforms; c) Rapid technological innovation drives new and broader changes in employment. Artificial intelligence, automation, robotics, and algorithmic decision making are expected to replace many routine jobs, while creating new types of work; d) A new wave of innovation in information technology is underway. This includes machine learning, algorithmic decision making, new types of computing, and the interfaces between people and ICT services. These ICT innovations interact with other cutting-edge technologies, such as genetics, nanotechnology, advanced materials, and space science.

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<sup>107</sup> <https://www.itu.int/net4/wsis/forum/2019/es/Home/Outcomes>

**The foregoing guides us to an innovative society in which digital transformation represents the engine of its development; in this context, the criteria for the management of IG must be based on innovative processes, where multi-sector groups act jointly for the benefit of development in the different areas of society.**

**WSIS 2019:** This summit determined the roles of stakeholders in strengthening the implementation of the WSIS<sup>108</sup> lines of action, and aligning the WSIS processes and the Sustainable Development Goals (SDGs).

Conclusions from WSIS 2019 include the following: a) The UN Regional Commissions committed to strengthening WSIS action at the regional level through multi-stakeholder platforms and a series of regional meetings aimed at expensive. WSIS continues to be included in the United Nations Regional Coordination Mechanisms and the WSIS4SDG will become one of the pillars of the regional SDG forums; and b) the need to share existing resources and strengthen collaboration to develop digital skills and ICT incubation programs and combat cyber attacks was highlighted.

**This summit reveals, among other things, the existence of mechanisms to strengthen the WSIS lines of action; which explicitly indicate aspects such as: a) The role of governments and all stakeholders in promoting ICTs for development; b) Maximize the social, economic and environmental benefits of the Information Society. For this, governments must create a reliable, transparent and non-discriminatory legal, regulatory and political environment; c) Promote international and regional cooperation; d) coordinate and promote collaborative work in the regions, among others. Some of these lines are an opportunity to develop IG in the countries, so that multi-sector groups involved in Internet issues can take shelter and manage resources to develop capacities and skills on the Internet and the sustainable development of Venezuela.**

**WSIS 2020:** At WSIS 2020 he strove to create a meaningful virtual experience for summit stakeholders and to scale up the event to reach a wider audience. The theme of the summit was "Fostering Digital Transformation and Global Partnerships: WSIS Lines of Action to Achieve Sustainable Development Goals"

Conclusions from WSIS 2020 include: a) Offering flexible and part-time working arrangements, which are highly appreciated by older workers, as well

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<sup>108</sup> <https://www.itu.int/net/wsis/docs/geneva/official/poa-es.html>

as exploiting the potential of new digital technologies, including robotics and artificial intelligence, to support employment among the elderly, can incentivize older workers to extend their working lives, b) Information and communication technologies (ICT) have become ubiquitous in economic and social life in both developed and developing countries, digital gaps continue to prevent ICTs from achieving their full development, which is why we seek to work to minimize this gap, and c) On the other hand, ICTs and the incorporation of the perspective of gender aims to integrate and incorporate a gender equality perspective through the use of ICT; therefore, it seeks to achieve a balanced participation of genders in IG events.

**This summit explicitly indicates the need to promote collaborative work and employment through the efficient use of ICT; but it also highlights the need to incorporate the gender perspective in actions and balanced gender participation. These aspects can be considered of interest and reference in the development and vision of the IG in Venezuela.**

**WSIS 2021:** The summit theme focused on "ICT for inclusive, resilient and sustainable societies and economies", creating an opportunity for WSIS stakeholders to share their innovative efforts and ideas to harness ICT. It also generated momentum to advance action-oriented dialogue on efforts in the context of COVID-19 recovery and initiatives to implement the WSIS Lines of Action to advance the United Nations SDGs.

Among the conclusions of WSIS 2021, the following can be mentioned: a) throughout the summit there was a strong call to ensure connectivity for all and maximize the benefits of ICT for economic, social and environmental development, in addition b) the crucial use of ICT in the development of countries was highlighted, and the need to c) activate COVID-19 response programs. The core values and principles of WSIS 2021 were to promote and accelerate the use of ICT and Digital Technologies (DT) for inclusive, resilient and sustainable societies and economies for all.

**The summit highlights the need to promote equality and equity in access to ICTs and the Internet to guarantee the development of countries; as well as promoting programs to resist the pandemic facing the world, through connectivity, which requires investment by States in infrastructure and the modernization of public institutions that guarantee interoperability. The summit projected an inclusive and resilient society that uses ICT and DT to ensure development. In this sense, one of the proposed fundamental principles is to guarantee**

**social justice through technologies, aspects that interest groups in Venezuela could consider in the management of the country's IG.**

With the above, it is clearly observed that the trend of Internet use can strengthen justice, equity and social equality; as well as the recognition of the value of ICT in the development of nations, and the penetration of new forms of labor relations and the management of the digital economy. The use of the internet is consolidated as an ally of the sustainable development of nations; however, it requires management and administration of its use, flexible regulations aimed at protecting identity and personal data, among others, aspects that must be monitored and managed in the IG.

On the other hand, it is important to highlight that the Economic Commission for Latin America (ECLAC) applies the results of the WSIS through the Digital Agenda for Latin America and the Caribbean (LA&C), the last edition of which (eLAC2020) was agreed at the Conference Ministerial on the Information Society of Latin America and the Caribbean, held in April 2018. The priorities of the Agenda include infrastructure, digital economy, digital public administration, culture, inclusion, skills, governance of internet and emerging technologies. The Ministerial Conference emphasized the need to promote cyber-security, regulatory harmonization and a global gender perspective in digital policies.

**In other words, ECLAC represents another way to achieve the development of IG in the countries, an aspect considered in the WSIS lines of action; furthermore, it is seen as an opportunity for the development of telecommunications in the LA&C countries and their digital modernization.**

#### 4.1.2 PRINCIPLES FOR INTERNET GOVERNANCE

To complement the global trends of IG, which were mentioned in the previous section, other organizations are evaluated that, due to their trajectory, have made important progress in aspects related to IG in their countries, such is the case of the Internet Steering Committee in Brazil (CGI.br)<sup>109</sup>. This body was created in 1995 by a joint order of the then Ministry of the State of Science and Technology and the Ministry of Communications; it is made up of 21 members, being twelve members of civil society, including representatives of the third sector, the academic community, the business segment and a representative of well-known knowledge in internet matters; and nine members of the government.

In particular, CGI.br<sup>110</sup> developed a series of internet governance and using principles, which can be reference principles for the project being developed.

The CGI.br establishes 10 principles divided as follows: a) freedom, privacy and human rights, b) democratic and collaborative governance, c) universality, d) diversity, e) innovation, f) net neutrality, g) unimputability of the network, h) functionality, security and stability, i) standardization and interoperability, and j) legal and regulatory environment.

Here is a brief summary of the principles:

- The use of internet must be guided by the principles of freedom of expression, individual privacy and respect for human rights, recognizing them as fundamental for the preservation of a free and democratic society.
- Internet governance must be exercised in a transparent, multilateral and democratic manner, with the participation of various sectors of society, preserving and promoting its character of collective creation.
- Access to the internet must be universal, to be an instrument of social and human development, contributing to the construction of an inclusive and non-discriminatory society, for the benefit of all.
- Cultural diversity must be respected and protected and its expression must be encouraged, without the imposition of beliefs, customs or values.
- Internet governance should promote the continuous development and wide dissemination of new technologies and models of using and access.

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<sup>109</sup> <https://www.latinno.net/es/case/3252/>

<sup>110</sup> <https://www.cgi.br/resolucoes-2009-003-es/>

- Filtering and traffic privileges must be subject only to technical and ethical criteria, political, commercial, religious, cultural or any other form of discrimination or favoritism being inadmissible.
- The fight against illegal activities on the internet must be directed towards those who are ultimately responsible and not towards means of access and transportation, always preserving the highest principles of defense of freedom, privacy and respect for human rights.
- The global stability, security and functionality of the network must be actively preserved through technical measures compatible with international standards and the promotion of the use of best practices.
- The internet must be based on open standards to allow interoperability and the participation of all in its development.
- The legal and regulatory environment must preserve the dynamics of the internet as a space for collaboration.

#### **4.2. POTENTIAL SOLUTIONS TO IDENTIFIED CRITICAL PROBLEMS**

In the situational analysis (section 3.2 of this report) it was possible to identify as a critical problem the **"INEFFICIENT MANAGEMENT OF TELECOMMUNICATIONS AND THE WEAK CONSENSUS BETWEEN MULTI-SECTOR GROUPS, PREVENTS INTERNET GOVERNANCE IN VENEZUELA."**

To solve this problem, it is proposed to address the causes that originate it and to ventilate scenarios, where the government, civil society, the private sector and academia intervene proactively to facilitate an efficient IG in the country.

The objective tree is presented below (see Graph 12), where potential solutions are identified to guarantee efficient management of IG in Venezuela.

In particular, the objective tree identifies four factors (or causes) that can influence the planned problem; taking into consideration the participation of multi-sector groups and potential changes in their actions. The interest is to implement transformative processes that allow reversing the critical problem, to achieve an **"EFFICIENT MANAGEMENT OF THE TELECOMMUNICATIONS SECTOR AND CONSENSUS BETWEEN MULTI-SECTOR GROUPS, TO PROMOTE AN EFFICIENT INTERNET GOVERNANCE IN VENEZUELA."**



To achieve this objective, the different multi-sector groups must evaluate how they deal with issues related to IG in the country and reflect on whether their participation has achieved efficient IG management. The next section presents potential actions and solutions, as a way to guide a roadmap.

It is important to point out that the objective tree shows in detail the cause-effect chain of the actions of multi-sector groups, which produce a structuring and hierarchy, where interdependencies are established between the potential solutions. The most outstanding actions are mentioned below, which occupy a higher hierarchy within the tree structure and which directly affect the objective:

- **Government:** The government must promote participation, in the telecommunications sector, in a more leading way and under democratic and participatory criteria, in this way a free internet is strengthened and trust is created among the different actors in the country. In addition, it must evaluate potential alliances and agreements with multilateral organizations to seek resources to improve infrastructure and support IG events (scholarships, grants, etc.). On the other hand, the formation and formalization of a body responsible for IG, and the review of laws, policies, and plans, with the consensus of the key stakeholders, represents a fundamental need to exercise a transparent, multilateral and democratic IG in the country. Likewise, as a point of honor, investments and improvements in basic services is a critical aspect that the Government must consider in order to visualize a developing country.
- **Civil Society and Academia:** Civil Society (CS) and Academic must have a greater participation in decision-making in the Telecommunications and Internet sectors; as well as, it must be part of the organs in charge of the IG in the country. Members of the CS and the Academy must be elected in an impartial manner and without political criteria. On the other hand, the CS/Academy represents a fundamental piece in the defense of internet rights; that is why their participation in IG events is an opportunity of discerning on this issue. In addition, the consolidation of internet user associations, accredited by CONATEL, is necessary so that the group can participate in social audit activities, among others. Likewise, the support of the academy in research projects, both strategic and operational, strengthen the telecommunications sector, and the advisory role increases.
- **Companies:** The public and private sectors must coordinate strategic telecommunications projects and manage Internet services in a more efficient and coordinated manner. The Government must establish incentives (tax,

legal, etc.) that attract investors, in order to reactivate confidence in the country, enable more companies and ISPs, and maintain technical (and non-political) criteria in potential accreditations and closing of concessions of communications media. In this way, Venezuela could represent a potential and prosperous market for telecommunications companies. In addition, companies must consider Social Responsibility in their actions, which affect benefits for the communities.

Once these actions (causes) that affect the objective have been identified, it remains to **"EFFICIENTLY MANAGE THE TELECOMMUNICATIONS SECTOR AND ACHIEVE CONSENSUS AMONG THE MULTI-SECTOR GROUPS, TO PROMOTE EFFICIENT INTERNET GOVERNANCE IN VENEZUELA"**, and positive effects can be aired in the country for its development, such as:

- The violation of Internet Rights and Freedoms in the country is avoided.
- National support for the principles, norms, rules, decision-making processes and activities that promote efficient IG is strengthened.
- Promoting the leadership and coordination of the government sector in IG matters.
- Internet services work efficiently, which generates trust and promotes the use and management of new technologies by Civil Society, Academy and companies in their daily work.
- Telecommunications sector is efficient and guarantees the quality of internet services, IG and the development of the country; with potential investments in infrastructure and services, deciding with criteria of equity and equality.

These structural and functional adjustments of the IG, which are more oriented towards the articulation of actions and the formal review of the legal and political framework and plans, can determine a better coexistence and national consensus. However, in recent years the court of the socialist government has not contributed to creating conditions to implement good democratic and participatory practices that promote a free internet. However, the route presented in the following section seeks actions with the interest of achieving **"STRENGTHENING THE TELECOMMUNICATIONS SECTOR TO PROMOTE A FREE, DEMOCRATIC AND PARTICIPATORY INTERNET IN THE COUNTRY AND GUARANTEE SUSTAINABLE DEVELOPMENT."**

#### **4.2.1 TARGET TREE** (see Graphic 12)

This section shows the potential solutions that could be applied in Venezuela to guarantee an efficient management of the IG, which take into account the contributions of government sectors, civil society, private sector and academia.

### 4.3. PROPOSAL ROADMAP FOR INTERNET GOVERNANCE IN VENEZUELA

To develop a Roadmap for the efficient management of Internet Governance in Venezuela, it is proposed to consider structural and operational aspects to follow; as well as, take as a reference the potential solutions indicated in section 4.2 of the project. Below is a detailed sequence of steps and tasks that can be considered to establish an efficient management of IG in Venezuela.

- **Step 1:** Prepare a national manifesto on IG in Venezuela.

This manifesto should draw up and promote a clear declaration of political will, and take concrete measures to prepare the foundations and principles of an internet for all, which takes into account the different interests of the nation and of multi-sector groups.

- **Step 2:** Create an organizational structure in charge of the IG in the country.

This Internet Governance body would have, as a function: a) the establishment of standards and procedures related to the regulation of Internet activities, b) the recommendation of standards and technical procedures for the operation of the Internet in Venezuela; c) promoting technical studies for security in the country, d) coordinating activities and events with multi-sector groups, among others. This body must be attached to an autonomous instance of the government sector, in charge of telecommunications, and handle a multiple-party IG model, where there is a representation of the country's vital forces.

- **Step 3.** Establish the rules and regulations for the operation of the Internet Governance body.

At this point, it is important to take into consideration the following aspects: a) definition of the mechanism for the election of members that will make up the IG body; in which, in an equitable and fair manner, there must be representatives of Government, civil society, academia, business and experts in the area of telecommunications, as well as, the election of members must be objective and away from political interests, b) the IG body must be managed in a neutral way, and in it, interests for the development of the State must prevail, before those of a Government of turn, c) there must be a regulation that considers the operation of the IG body; that is, the frequency of meetings, calls for ordinary and extraordinary meetings, profile of the members, formation of strategic units and/or operational and advisory commissions, mechanisms for monitoring activities, among others.

- **Step 4.** Establish a strategic innovation and development plan for IG, which leads to a free, democratic and participatory internet, and guides the country towards an innovative and advanced society.

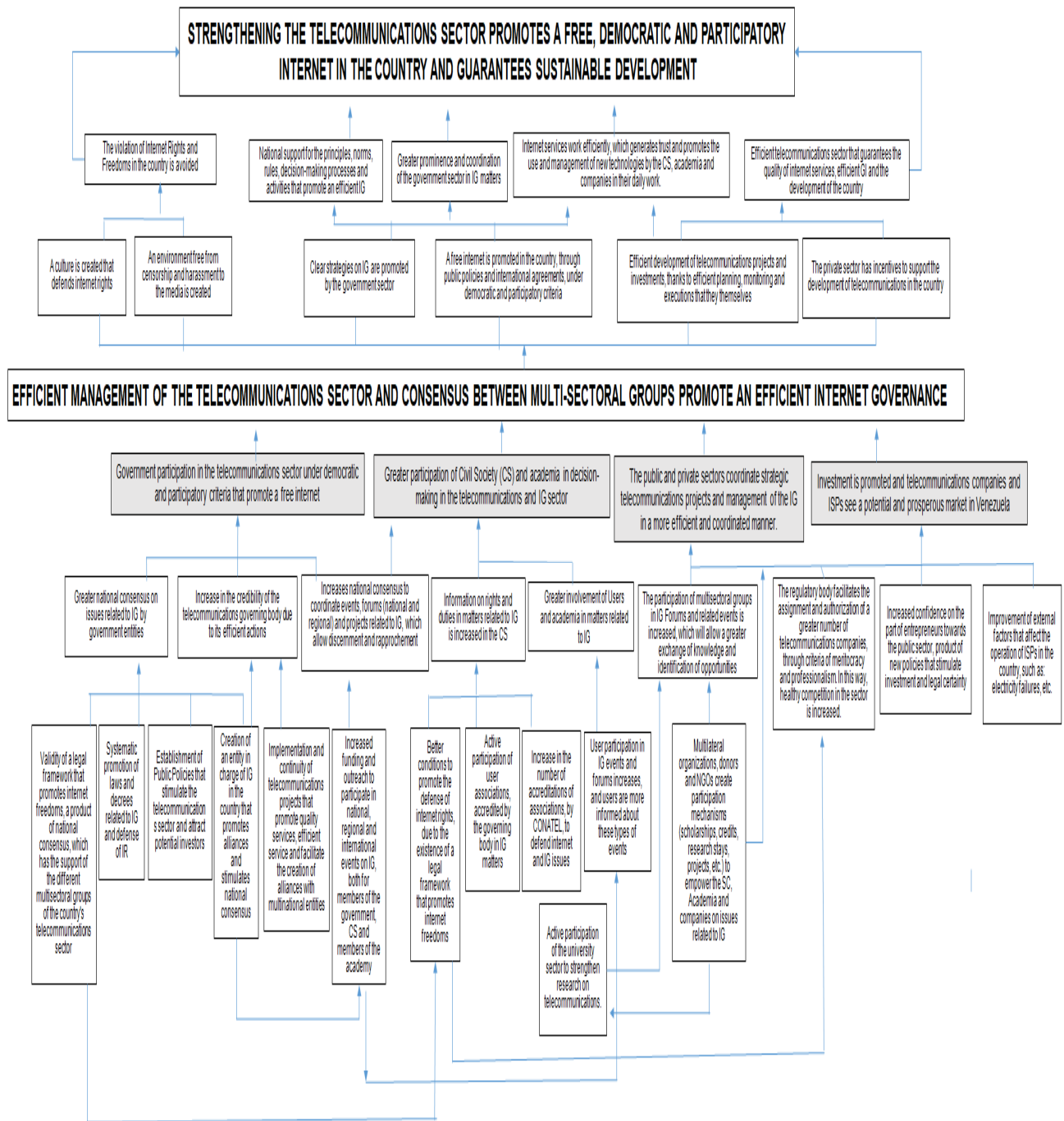
In this sense, it is necessary to establish digital transformation processes, in different areas of society that promote the development of the internet. As well as, identify the aspects related to the infrastructure, services and internet management. In this way, it is possible to identify actions, activities, resources, persons in charge, a schedule of actions, among others, for each of the aforementioned aspects and dimensioning the commitments of the multi-sector groups that manage the IG. To execute this plan, multi-sector groups are required to act jointly for the benefit of development in the different public and private sectors of society, which will be reverted to the benefit of population.

- **Step 5.** Establish a strategic unit or chancery in charge of watching over and monitoring trends, alliances and opportunities with multilateral organizations that support the development of the Internet.

This aspect implies establishing mediation mechanisms that facilitate the management of resources to develop capacities and skills on the Internet, both from a strategic and operational point of view. Through the Foreign Ministry, the IG body can visualize potential alliances, treaties, agreements that favor the sustainable development of Venezuela and the telecommunications sector, under principles of equity and equality, typical of a democratic country.

- **Step 6.** Establish spaces for discernment on IG issues to determine potential solutions and measures to face contingencies such as the COVID19 pandemic

This aspect implies establishing a schedule of events and meetings, such as Internet Governance Forums at the national level, that allow discussing topics of interest and coordinating strategic actions and projects with key actors that promote the development of IG in Venezuela. In addition, a common preparatory agenda is established to jointly attend regional and global IG Forums, and meetings with multilateral organizations.



**Graphic 12.** Objective tree of internet governance management in Venezuela

- **Step 7.** Monitor the regulatory, normative and public policy framework of the telecommunications sector related to the management of the IG, which guarantees a free internet in the country, the defense of internet rights and promotes an inclusive society.

This step involves establishing a legal advisory or consulting unit to monitor the Laws and Project of Laws related to telecommunications, in order to send alarms when potential violations of internet rights are detected, as well as arbitrariness or ambiguities on related topics.

The foregoing, visualizes the most salient aspects of a Roadmap to manage IG in Venezuela, which is based on world trends where the adoption of a decentralized, collaborative and multi-stakeholder approach to the development of the internet is sought; as well as, the fulfillment of principles based on: Freedom, Privacy, Human Rights, Democratic and collaborative Governance, with Universality, Diversity, Innovation, Neutrality and Non-imputability of the network, with Functionality, Security and Stability; Standardization and interoperability, all in a legal and regulatory environment. In this way, an open and reliable internet platform can be achieved for innovation, empowerment and sustainable development of the country, which allows efficient internet management.

In this way, an open and reliable internet platform can be achieved for innovation, empowerment and sustainable development of the country, which allows efficient internet management.

## **5. CONCLUSIONS**

Once the current state of Internet Governance (IG) in Venezuela has been analyzed and a potential Roadmap has been defined, which allows promoting efficient IG management based on principles and trends followed by multilateral organizations and democratic countries; the following conclusions can be reached:

- In Venezuela, efforts have been made to promote a legal framework to achieve the democratization of telecommunications, highlighting the use of the Internet as a priority. However, government actions in recent years have shown that there is deterioration in the telecommunications area that directly affects the use and management of the Internet; since restrictive measures have been applied that undermine the operation of internet services and their freedoms. Studies, reports and complaints from NGOs, as well as reports from multilateral organizations (ACDH from UNESCO, among others) reveal a

country context that has compromised internet rights and telecommunications, which directly affects the development of an internet free in the country.

- On the other hand, the disarticulation of actions and lack of consensus among the different multi-sector groups and the little role of the government sector in matters related to IG, significantly affect the establishment of principles, norms, rules, decision-making and organization of activities of coordinated way to promote an evolution and use of the internet in the country. In recent years, it is observed that the Government has not been able to adapt to the diversity and multiplicity of voices that are part of the multi-stakeholder model, which affects the cohesion necessary to join forces in the development of the Internet. Furthermore, there is no visualization of an IG body that involves a wide range of stakeholders, which allows managing a more participatory and democratic IG concept. These aspects mentioned are decisive to guarantee an efficient exercise of IG in the country; for this reason, the Government must strengthen supervision of internet access, and foster capacities and public policies that promote research and development of a free internet.
- Likewise, the analysis reveals that one of the determining causes in the lack of national consensus has its origins in the way the country has been governed in recent decades; since the economic, political and social model that is currently being implemented in the nation does not have the democratic support of all the forces in the country. In particular, companies, NGOs and professionals in the telecommunications area have been harshly harassed by the government; this has led to the closure of media outlets, imprisonment of journalists and human rights activists, censorship of digital content, and violation of freedom of expression, among others. In this context, the principles of freedom of expression, individual privacy and respect for human rights; as well as, the free exercise of Internet Governance in a transparent, multilateral and democratic manner has been seriously compromised; this limits the participation of the various sectors of society, and the collective and participatory nature of IG is not promoted.
- The investigation determines that Public Policies have been implemented in Venezuela, through the Universal Service Fund, in order to promote internet access in a universal, inclusive and non-discriminatory manner. However, the evolution of infrastructure projects, both national and regional, have not been effective enough to guarantee access of quality on internet services that allow to cover population's demand, and in turn achieving social and human development of it. However, it is important to highlight that in times of pandemic, efforts have been made to expand internet services in different

regions of the country, through new Internet Service Providers; which reveals a shift towards future developments that can promote a healthy competition to expand new possibilities of internet access in the country.

- Another outstanding aspect that is specified in this research is that there is a risk that filtering and traffic privileges of digital environments and spaces in the country are subject to political criteria and not to technical or ethical one, which violates fundamental principles of the Internet governance. Faced with this scenario, the need for an autonomous regulatory and IG body to limit and monitor violation of actions related to access, use and management of the Internet, represent a fundamental need in order to guarantee a free, neutral and transparent governance of the Internet in the country.
- The research identifies a series of aspects and problems (see section 3.2), from the governmental, civil society, academic and business point of view, which affect the weak operation of telecommunications in Venezuela, and an inefficient national consensus. This environment does not create the conditions to establish discernment environments and national agreements on a strategic issue, such as Internet Governance; which prevents visualizing opportunities to achieve the sustainable development of the country and its modernization, based on a multi-party government mode. Faced with this scenario, it is worth asking if the multi-party IG model is only feasible in democratic countries, where human rights, internet rights are respected, and the participation of key actors in society is promoted. If this is the case, new premises could be evaluated that guarantee an efficient management of IG in countries like Venezuela.
- Faced with this question, the way forward leads us to a Road Map that can ventilate actions based on democratic and participatory principles that converge in a free internet in the country, and promote continuous development and implementation of models of use and access to more effective internet for the benefit of the development of society. Among the most outstanding aspects of the Roadmap, in an initial phase, the following are considered: a) Prepare a national manifesto on IG in Venezuela, b) Create an organizational structure in charge of IG in the country, c) Establish norms and operating regulations of the Internet Governance body, d) Establish a strategic development and innovation Plan of IG, which leads to a free, democratic and participatory internet, and guides the country towards an innovative and advanced society, e) Constitute a strategic unit or chancery in charge of ensuring and monitoring trends, alliances and opportunities with multilateral organizations that support the development of the Internet, f) Establish spaces for discernment on IG issues to determine potential solutions and measures



that allow facing contingencies such as the pandemic of the COVID19, and g) Monitor the regulatory, normative and public policy framework of the telecommunications sector, related to the management of the IG, which guarantees a free internet in the country, the defense of internet rights and an inclusive society.

As a summary, it can be indicated that Internet Governance in Venezuela is in an incipient stage of development that requires greater organization, based on democratic and participatory principles, through a management body that allows the integration of the wills and commitments of all sectors of the country. Likewise, understanding the role of different multi-sector groups is decisive to achieve the necessary synergy that an efficient IG management in the country requires both in strategic and operational aspects. Once an Internet Governance body has been established and the functions of multi-sector groups have been defined, appropriate public policies and regulations can be activated, with the consensus of all actors, in order to facilitate the evolution of an institutional ecosystem that works for the sustainable development of the country and the adequate Internet exploitation. The Roadmap visualizes first steps to reach a path for the consolidation of an efficient Internet Governance model in the country.

## **6. SPONSORS/PARTNERS**

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