

# GLOBAL INFORMATION SOCIETY WATCH 2021-2022

*Digital futures for a post-pandemic world*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)  
AND SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA)

## Global Information Society Watch 2021-2022

Digital futures for a post-pandemic world

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APC would like to thank the Swedish International Development Cooperation Agency (Sida) for their support for Global Information Society Watch 2021-2022.

Published by APC

2022

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Global Information Society Watch 2021-2022 web and e-book

ISBN 978-92-95113-52-7

APC-202211-CIPP-R-EN-DIGITAL-342

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### EsLaRed

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### Introduction

In Venezuela, as in most countries, the government declared a “state of alarm” in 2020 due to the COVID-19 pandemic, as established by Decrees 4160,<sup>1</sup> 4198,<sup>2</sup> 4247,<sup>3</sup> 4286<sup>4</sup> and 4361.<sup>5</sup> In these decrees, among other prevention measures, restrictions on circulation and the suspension of activities in certain areas or geographical zones, the suspension of school attendance and academic and work activities throughout the national territory, and social distancing were implemented. The implementation of the measures generated a series of changes that altered the traditional ways of relating, forms of participation, work models and educational modalities. Particularly, there was a widespread use of digital technologies in homes and in companies, schools and universities, which turned to teleworking, distance education and online meetings as a way to communicate and exchange information. In this context, the government’s measures to manage the pandemic included attempts to manage information and communications through greater controls and the use of surveillance technologies.

This report discusses the impact of the pandemic on teleworking in Venezuela and its effects on

internet freedoms. For this, the legal framework that promotes teleworking in the country is identified, and the risks that teleworking imply for the defence of internet rights are analysed. Finally, recommendations are made on how to improve the situation.

### Legal framework

Venezuela has a broad legal framework that protects the rights of workers, guaranteeing the safety and hygiene of the work environment, among other labour protections. These rights are enshrined in the Constitution of the Bolivarian Republic of Venezuela<sup>6</sup> in articles 87 to 97, and in the Organic Law on Labour and Workers (LOTTT).<sup>7</sup> Activities related to the use and management of digital technologies at work are established in the Organic Law on Prevention, Conditions and Work Environment,<sup>8</sup> Law on Technology and Innovation,<sup>9</sup> Law of Infogovernment,<sup>10</sup> National Information Technology Plan,<sup>11</sup> Telecommunications Law,<sup>12</sup> Law Against Hate and for Peaceful Coexistence and Tolerance,<sup>13</sup> Law Against Computer Crimes,<sup>14</sup> and Law on Data Messages and Electronic Signatures.<sup>15</sup> These laws guarantee, among other rights, access, security, privacy and freedom of expression.

The framework that protects teleworking is nevertheless the LOTTT, which refers to remote work in articles 209 to 217, as well as articles 8 and 9 of Decree 4160,<sup>16</sup> in which the government first declared the “state of alarm” in 2020. In the international arena, the International Labour Organization (ILO)

1 Pandectas Digital. (2020, 13 March). Decreto N° 4.160, mediante el cual se decreta el Estado de Alarma en todo el Territorio Nacional. [https://pandectasdigital.blogspot.com/2020/03/decreto-n-4160-mediante-el-cual-se\\_17.html](https://pandectasdigital.blogspot.com/2020/03/decreto-n-4160-mediante-el-cual-se_17.html)

2 Pandectas Digital. (2020, 12 May). Decreto N° 4.198, mediante el cual se decreta el Estado de Alarma en todo el Territorio Nacional. <https://pandectasdigital.blogspot.com/2020/05/decreto-n-4198-de-fecha-12-de-mayo-de.html>

3 Pandectas Digital. (2020, 10 July). Decreto N° 4.247, mediante el cual se decreta el Estado de Alarma en todo el Territorio Nacional. <https://pandectasdigital.blogspot.com/2020/07/decreto-n-4247-mediante-el-cual-se.html>

4 Tribunal Supremo de Justicia. (2020, 18 September). Sala Constitucional del TSJ declaró la constitucionalidad del Decreto del estado de alarma por pandemia del Covid-19. <http://www.tsj.gob.ve/-/sala-constitucional-del-tsj-declaro-la-constitucionalidad-del-decreto-que-prorroga-estado-de-alarma-por-pandemia-del-covid--1>

5 Pandectas Digital. (2020, 3 November). Decreto N° 4.361, mediante el cual se decreta el Estado de Alarma en todo el Territorio Nacional. <https://pandectasdigital.blogspot.com/2020/11/decreto-n-4361-mediante-el-cual-se.html>

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

7 <http://www.onapre.gob.ve/index.php/publicaciones/descargas/viewcategory/43-ley-organica-del-trabajo-los-trabajadores-y-las-trabajadoras>

8 <https://www.medicinalaboraldevenezuela.com.ve/archivo/LOPCYMAT.pdf>

9 <http://www.conatel.gob.ve/ley-organica-de-ciencia-tecnologia-e-innovacion-2>

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

11 <http://www.conatel.gob.ve/pueblo-y-gobierno-potencian-tecnologias-de-informacion>

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

13 <https://www.ghm.com.ve/wp-content/uploads/2017/11/41276.pdf>

14 <http://www.conatel.gob.ve/ley-especial-contra-los-delitos-informaticos-2>

15 <http://www.conatel.gob.ve/ley-sobre-mensajes-de-datos-y-firmas-electronicas-2>

16 Pandectas Digital. (2020, 13 March). Op. cit.

established guidelines and standards with recommendations to follow during COVID-19<sup>17</sup> that embrace the right to work as a human right.

César Augusto Carballo Mena says that few changes have been made to the regulation of teleworking in Venezuela during the pandemic,<sup>18</sup> which generates legal loopholes. For this reason, the ILO recommendations represent an opportunity to strengthen teleworking in the country and promote the defence of internet rights and freedoms.

## Analysis of the defence of internet freedoms in Venezuela

### Current situation

Changes in labour and social dynamics, and the confinement of people during the pandemic, meant that Venezuelans needed to create new ways of participating. This resulted in greater internet consumption and use of digital technologies. However, this national context was clouded by constant electricity and internet failures,<sup>19</sup> a product of the political, economic, social<sup>20</sup> and technological<sup>21</sup> crisis that exists in the country, and that makes remote practices unviable. At the same time, there were greater controls of information and communications by the government.

While the government has tried to make the internet and online information accessible to people through various programmes, these programmes are almost inaccessible to the population, due to the high costs of internet connectivity, and the precarious purchasing power and low salaries of many people in the country. The minimum salary is USD 2.5 a month, which shows the crisis that Venezuelans are experiencing and contrasts with the

accumulated inflation that is registered at more than 600%,<sup>22</sup> alongside extreme poverty.<sup>23</sup>

The following sections elaborate on this social dynamic and the changes in priorities that have been established in the country.

### New surveillance strategies

The government applied new surveillance strategies on the handling of information during the pandemic, which affected freedom of expression and privacy. Information on COVID-19 was considered a priority resource and an area for political surveillance. In particular, the dissemination of information on social networks and websites were monitored by the National Telecommunications Commission (CONATEL), resulting in accusations against those who contradicted the official version on issues related to COVID-19, but also those who criticised the government's management of the pandemic.

The report of the Third Cycle of the Universal Periodic Review (UPR)<sup>24</sup> for Venezuela in 2022 indicates that since 2018 the government has bought telephone hacking technology from Cellebrite.<sup>25</sup> This is evidence of the government's efforts to monitor, identify and collect data, which was also done during the pandemic.

The shutting down of media critical of the government and the number of violations of internet rights increased during the pandemic.

Digital rights advocate David Aragort has pointed out that "Venezuelan cyberspace is subjected to a growing and systematic policy of censorship."<sup>26</sup> He has also indicated that, during the pandemic, in addition to hacking and DDoS attacks, larger attacks were used, such as in the case of the Heroes of Health platform, which on two occasions was the victim of a combined phishing and DNS spoofing attack, through the national telephone company of Venezuela (CANTV), and that the government used troll and bot accounts to harass and carry out

17 International Labour Organization. (2020). *Safe return to work: Guide for employers on COVID-19 prevention*. [https://www.ilo.org/actemp/publications/WCMS\\_744033/lang-en/index.htm](https://www.ilo.org/actemp/publications/WCMS_744033/lang-en/index.htm) and International Labour Organization. (2020). *Guía de orientaciones de Seguridad y Salud en el Trabajo frente a la COVID-19 para personas empleadoras y trabajadoras del hogar*. [https://www.ilo.org/wcmsp5/groups/public/-americas/-ro-lima/documents/publication/wcms\\_755065.pdf](https://www.ilo.org/wcmsp5/groups/public/-americas/-ro-lima/documents/publication/wcms_755065.pdf)

18 Carballo Mena, C. A. (2021). *Régimen jurídico del teletrabajo forzoso. Venezuela: modelo minimalista e informal*. [http://www.cielolaboral.com/wp-content/uploads/2021/04/venezuela\\_carballo\\_noticias\\_cielo\\_n4\\_2021.pdf](http://www.cielolaboral.com/wp-content/uploads/2021/04/venezuela_carballo_noticias_cielo_n4_2021.pdf)

19 Rondón, F. (2020, 16 October). *Teletrabajo en Venezuela, un reto en un país donde falla la luz y el internet*. *Voz de América*. [https://www.vozdeamerica.com/a/venezuela\\_teletrabajo-venezuela-fallas-internet-servicio-electrico/6068707.html](https://www.vozdeamerica.com/a/venezuela_teletrabajo-venezuela-fallas-internet-servicio-electrico/6068707.html)

20 EsLaRed. (2021). *Marco Económico y Social sobre la calidad de vida y servicios de internet en Venezuela, durante el año 2020*. <https://eslared.net/sites/default/files/2021-01/MarcoEconomicoYSocial.pdf>

21 EsLaRed. (2021). *Marco Tecnológico sobre los servicios de internet y bloqueos comunicacionales en Venezuela, durante el año 2020*. <https://eslared.net/sites/default/files/2021-01/MarcoTecnologico.pdf>

22 Semana. (2021, 23 December). *El salario mínimo que regirá en Venezuela para 2022: equivalencia en pesos colombianos*. *Semana*. <https://www.semana.com/mundo/articulo/el-salario-minimo-que-regira-en-venezuela-para-2022-esto-equivale-en-pesos-colombianos/202104>

23 ENCOVI. (2021). *Condiciones de vida de los venezolanos: Entre emergencia humanitaria y pandemia*. [https://assets.website-files.com/5d14c6a5c4ad42aae794d0f7/6153ad6fb92e4428cada4fb7\\_Presentacion%20ENCOVI%202021%20V1.pdf](https://assets.website-files.com/5d14c6a5c4ad42aae794d0f7/6153ad6fb92e4428cada4fb7_Presentacion%20ENCOVI%202021%20V1.pdf)

24 Hoja informativa del EPU Venezuela: Libertad de expresión e información. Contribuciones de la sociedad civil venezolana al 3er ciclo del EPU. [https://drive.google.com/file/d/1PPVSSQ14OzQ\\_WvZWlZ6rZAgWclgEYuWc/view](https://drive.google.com/file/d/1PPVSSQ14OzQ_WvZWlZ6rZAgWclgEYuWc/view)

25 <https://cellebrite.com/en/home>

26 Alcalde, C. (2021, 9 September). *Informe: gobierno aumenta esfuerzos para "controlar" plataformas digitales en Venezuela*. *Voz de América*. <https://www.vozdeamerica.com/a/venezuela-informe-aumenta-controles-plataformas-virtuales-/6219591.html>

defamation campaigns on social networks against dissidents.<sup>27</sup> Likewise, Freedom House published a report in which it classifies Venezuela as a country that does not have internet freedom, ranking it 28th out of 100, with 100 being the country that has the most internet freedom.<sup>28</sup>

In investigations carried out by the organisation Espacio Público,<sup>29</sup> it was shown that in 2020:

- Eighteen radio stations, four print media and two digital media were closed by the regulator CONATEL.
- At least 965 complaints of violations by government officials were registered, of which 36.89% involved intimidation, 19.07% censorship, 13.47 restrictions, 9.64% threats, 8.08% verbal harassment, 6.53% judicial harassment, 5.49% aggression, 0.52% aggression and 0.31% death. The complaints were typified by Espacio Público.<sup>30</sup>
- On at least 66 occasions, blocks or impediments to online access were applied by the government. Of the total number of blocks, 23 were applied to digital media and 43 to portals or web platforms.
- On 18 March, CANTV blocked the website [coronavirusvenezuela.info7](http://coronavirusvenezuela.info7), which had been launched hours before by the country's legal and democratic national assembly, and which was created to provide information to citizens about COVID-19.
- On 4 June, CANTV blocked access to the [planpaisvzla.com8](http://planpaisvzla.com8) website, an action that was later replicated by the private operators Digitel and Movistar. The blocking was of the DNS type and was recorded during the live broadcast of an event by Juan Guaidó, an opponent of the government.
- On 29 March, the human rights organisations Venezuelan Association for Alternative Sex Education, the Venezuelan Prison Observatory and Promedehum suffered attacks on their Twitter accounts.
- Thirty-one people were arrested for exercising their right to free expression.

27 Ibid.

28 Maya, M. J. (2021, 4 October). La libertad de internet retrocede cada vez más en Venezuela. *openDemocracy*. <https://www.opendemocracy.net/es/libertad-internet-retrocede-cada-vez-mas-venezuela>

29 Espacio Público. (2021). *Informe 2020: Situación general del derecho a la Libertad de expresión en Venezuela*. <https://espaciopublico.org/informe-2020-situacion-general-del-derecho-a-la-libertad-de-expresion-en-venezuela>

30 Ibid.

## Government efforts to strengthen internet access

In the midst of this environment of surveillance, the government prioritised internet access and set up new internet service providers (ISPs), making room for new connections in different regions of the country. This was due to the need to activate strategic programmes in response to the pandemic, such as the Each Family a School Programme,<sup>31</sup> which was promoted by the government and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA),<sup>32</sup> the University at Home Plan,<sup>33</sup> and the Strengthening of Spaces to Access the Internet programme.<sup>34</sup> However, a study carried out by the Metropolitan University of Caracas indicated that the aforementioned programmes cannot be applied successfully due to the critical situation of services in the country.<sup>35</sup>

## Teleworking in Venezuela

Faced with this cluster of situations, teleworking was activated as a contingency modality in the face of the need to boost the economy and attend to priority activities such as education and health. However, the precarious conditions of infrastructure and access, alongside surveillance and controls, affected its take-up and prevented its proper functioning. At the same time, teleworking was negatively affected by the violation of internet rights.

In this context, the following observations have been made:

- Jair de Freitas, lawyer and director of LabLabor,<sup>36</sup> indicates that “when it comes to telecommuting, the employer in Venezuela must supply the work implements and cover expenses in terms of services (electricity and internet), as well as security protocols.”<sup>37</sup> It is important to

31 <http://cadafamiliaunaescuela.fundabit.gob.ve/index.php/programa-tv>

32 ReliefWeb. (2020, 5 April). Venezuela: Alternativas para la continuidad educativa ante el cierre preventivo de escuelas por el COVID-19 (26 de marzo 2020). <https://reliefweb.int/report/venezuela-bolivarian-republic/venezuela-alternativas-para-la-continuidad-educativa-ante-el>

33 Venezolana de Televisión. (2020, 30 December). Plan Universidad en Casa continuará en 2021 con sistematización de educación a distancia y método de Flexibilización 7+7 Plus. <https://www.vtv.gob.ve/plan-universidad-casa-2021>

34 <http://fundabit.gob.ve/index.php/espacios/cbit>

35 Centro de Derecho Humanos de la Universidad Metropolitana. (2020). *Informe sobre las afectaciones al derecho a la educación durante la pandemia de COVID-19: Caso de la Universidad Metropolitana, Venezuela*. <https://www.unimet.edu.ve/wp-content/uploads/2020/12/Informe-Derecho-a-la-Educaci%C3%B3n.pdf>

36 <https://www.lablabor.com.ve>

37 Davies, V. (2021, 10 February). Tres datos sobre el teletrabajo en Venezuela que deben ser tomados en cuenta por trabajadores, empleadores y legisladores. *Contrapunto*. <https://contrapunto.com/economia/empresas/tres-datos-sobre-el-teletrabajo-en-venezuela-que-deben-ser-tomados-en-cuenta-por-trabajadores-empleadores-y-legisladores>



highlight that in the country there are no clear technical regulations on teleworking, so workers are vulnerable to computer attacks and information theft.

- According to a study carried out by the consulting firm Conestructuras, the main weaknesses that companies have when implementing teleworking in Venezuela are quality of services, lack of defined processes and knowledge of platforms for teleworking, availability and cost of equipment, poor quality of software technicians, absence of a remote work culture, lack of discipline, lack of experience, employee work supervision, and computer security issues.<sup>38</sup>
- Carlos López, support manager at ESET Venezuela, reported that “with teleworking in Venezuela, attacks on organisations have increased exponentially.”<sup>39</sup> He added that this is why “companies must protect access to their data within the office and their employees’ computers, to prevent theft of information and data in general.” López also pointed out that companies must shield themselves to avoid risks of computer crimes during teleworking,<sup>40</sup> and stressed the need for data protection measures and tools such as data encryption systems, virtual private networks (VPNs),<sup>41</sup> and antivirus and security applications.
- On the other hand, José Adelino Pinto, a professor at UCAB, indicated that teleworkers conducted 94% of their communications on WhatsApp, 92% on institutional emails and 74% on video calls.<sup>42</sup> All of these are services vulnerable to computer crimes.<sup>43</sup>

As a summary, teleworking during the pandemic represented an alternative for the private and public sectors to continue their work. However, the

multidimensional crisis that the country is going through affected its development and highlighted the vulnerabilities of companies and workers in a cyberspace exposed to computer crimes and controlled by the government. Given this reality, internet freedoms are compromised and the violation of internet rights increases through telework.

## Conclusion

In Venezuela, specific regulations on teleworking are necessary, since the protection of data and information of companies and workers is required. It is also important to look into the legal aspects relating to labour rights that affect the teleworker.<sup>44</sup>

The pandemic promoted teleworking but also exposed the poor preparation of companies who had to face issues related to infrastructure and services. For example, companies were unable to cover the costs of the use of the internet from homes, which affected the performance of workers and violated the right to work. The lack of skills and experience among workers on the management and use of remote applications and computer security also needs to be noted.

In the meantime, the proliferation of computer crimes, the lack of technological know-how among workers and the use of vulnerable applications exposed companies to theft of data and sensitive information.

In the international arena, Venezuela is recognised as a country that violates internet rights and freedoms. The deficiency of internet access and services and social control policies hamper effective teleworking and violate internet freedoms.

Finally, while strategic government projects attempted to expand access to the internet during the pandemic, low salaries prevented access to services.

## Action steps

The following action steps are recommended for Venezuela:

- State bodies in charge of legislation must respond to the legal gaps that affect telework in order to guarantee better conditions for workers and commitments from employers. In this way, more efficient practices are promoted that will result in a better performance of the organisations when remote activities are required.

38 Perdomo, L. (2020, 13 August). Teletrabajo en Venezuela, entre la gerencia arcaica y servicios deficientes. *El Diario*. <https://eldiario.com/2020/08/13/teletrabajo-venezuela-servicios-deficientes>

39 Davies, V. (2021, 10 February). Op. cit.

40 Seguros Venezuela. (2020). *Empresas y colaboradores deben blindarse para evitar riesgos de delitos informáticos en teletrabajo*. <https://www.segurosvenezuela.com/wp-content/uploads/2020/07/Sin-Adiccion-2do-trimestre-2020.pdf>

41 EsLaRed. (2020). *Guía de buenas prácticas para saltar el bloqueo comunicacional en la web*. [https://eslared.net/sites/default/files/2021-01/guia\\_buenas\\_practicas\\_saltar\\_bloqueo\\_web.pdf](https://eslared.net/sites/default/files/2021-01/guia_buenas_practicas_saltar_bloqueo_web.pdf)

42 El Ucabista. (2020, 20 April). Entre teletrabajo y dificultades económicas: así sobrellevan las empresas venezolanas crisis del COVID-19. <https://elucabista.com/2020/04/20/entre-teletrabajo-y-dificultades-economicas-asi-sobrellevan-empresas-venezolanas-crisis-covid-19>

43 Frequent computer crimes in Venezuela include fraud in commercial transactions, phishing, catfishing and foreign currency scams, among others. See: <https://losdescarados.eslared.net>

44 Legal aspects include those related to mandatory teleworking, protocols to implement teleworking, ways to access the media, services and information, protocols on the use of resources and computer security, and limits on the duration of the working day and costs incurred in teleworking.

- The government must implement policies that encourage teleworking in the country and increase accessible alternatives to the internet. In addition, it must regulate the use of surveillance and control technologies when states of alarm are established. This is particularly important because the national executive can authorise decrees unilaterally during states of alarm, and because it is clear that we do not have any real, independent democratic powers in the country.
- The government must implement strategies to stabilise basic internet services, since the deficiency of internet services is affecting the performance of the productive sector, as well as education and teleworking.
- Both the government<sup>45</sup> and companies must implement effective strategies to train public and private workers on the management of digital technologies. In this way, better performance is guaranteed and computer crimes that affect organisations and that put privacy and the information of individuals and organisations at risk can be avoided.
- The impact of teleworking must be measured to guarantee a more comprehensive and impartial vision of its effectiveness, taking into account its risks and benefits for all sectors. Hugo Londoño, a private consultant, has determined that workers are looking for a hybrid work environment where face-to-face and remote work are combined, and employers are looking to minimise expenses with teleworking. However, this must include proper infrastructure and security.<sup>46</sup>

45 Pinto, C. (2020, 3 September). Propondrán ideas para legislar en materia de teletrabajo en Venezuela. *Globovisión*. <https://www.globovision.com/article/propondran-ideas-para-legislar-en-materia-de-teletrabajo-en-venezuela>

46 Londoño, H. (2020, 14 May). Resultados de «¿Cómo van los teletrabajadores venezolanos?». *Con-Café*. <https://www.con-cafe.com/2020/05/14/resultados-de-como-van-los-teletrabajadores-venezolanos>

## **DIGITAL FUTURES FOR A POST-PANDEMIC WORLD**

Through the lens of the COVID-19 pandemic, this edition of Global Information Society Watch (GISWatch) highlights the different and complex ways in which democracy and human rights are at risk across the globe, and illustrates how fundamental meaningful internet access is to sustainable development.

It includes a series of thematic reports, dealing with, among others, emerging issues in advocacy for access, platformisation, tech colonisation and the dominance of the private sector, internet regulation and governance, privacy and data, new trends in funding internet advocacy, and building a post-pandemic feminist agenda. Alongside these, 36 country and regional reports, the majority from the global South, all offer some indication of how we can begin mapping a shifted terrain.

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2021-2022 Report  
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