

# Freedom of Expression and Its Role in Defending Democracy

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At the beginning of August 2024, the organization Foro Penal reported over 1,102 arbitrary detentions<sup>1</sup> in the context of post-electoral protests in Venezuela. In September of the same year, the Inter-American Commission on Human Rights (IACHR) condemned this situation and highlighted that at least 152 adolescents<sup>2</sup> were among those deprived of their liberty. Meanwhile, in May 2025, the Special Rapporteur on Freedom of Opinion and Expression<sup>3</sup> reported a “serious and progressive deterioration of the media ecosystem in Venezuela” and noted the growth of what it termed “a climate of fear and self-censorship among journalists and citizens seeking to exercise their right to freedom of expression.” This report served as a warning to the international community and reiterated the call for the Venezuelan government to respect and guarantee compliance with its international human rights obligations, particularly the right to free expression.

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1 Foro Penal is a Venezuelan NGO that provides free legal assistance to victims of arbitrary detention and human rights violations.

2 For more details, see IACHR Press Release 2024/212.

3 For more details, see Special Rapporteur on Freedom of Expression, IACHR Press Release 2025/R088.

The cases above demonstrate that the violation of human rights –and in particular, freedom of expression– in Venezuela is not a new phenomenon. The pattern of violations does not target a specific group; rather, it affects all forms of opposition, regardless of age, gender, socioeconomic status, or level of media exposure. Moreover, reports and press releases reveal harassment, persecution, and the use of force by the State against dissent, aimed not only at controlling the public narrative but also at instilling fear in private spaces, thereby encouraging self-censorship to avoid reprisals. These cases reflect the progressive and systematic erosion of human rights in Venezuela and, consequently, the deterioration of the last vestiges of democracy.

These situations are not isolated; they reflect a structural problem that requires examining the value of freedom of expression in contemporary democracies, with close attention to the Venezuelan case. In this regard, the aim of this article is to highlight the importance of human rights –and particularly freedom of expression– for the defense of democracy. First, we will address some conceptual and normative foundations related to human rights and their relevance within democratic systems. Next, we will analyze the role of freedom of expression as a guarantee of pluralism and democratic oversight. We will also outline the risks that violations of freedom of expression pose to democracy. Finally, we will explore the challenges and strategies that civil society has developed to create spaces for citizen participation, in collaboration with NGOs and international organizations, amid restrictive conditions.

We begin by noting that democracy is not limited to representativeness, elections, or institutional formality; it also encompasses values and practices that enable peaceful coexistence amid plurality. It does not end with electoral

processes; rather, through them, it expands the possibilities for free expression on common affairs without fear of punishment. In this regard, it is worth recalling that democracy is “a pluralist regime that entails acceptance of divergent interests and opinions, organizes electoral competition on that basis, and institutionalizes conflict and its regulation.”<sup>4</sup> The author further emphasizes that “there is no democracy without sharp opinions being expressed to resolve disputes.” This underscores that any regime claiming to be democratic must not only accept plurality but also create spaces for individuals to express their views, no matter how diverse or complex they may be.

Democracy, in this broader sense, is thus a system that allows individuals to freely express their ideas with the aim of resolving the conflicts inherent in human coexistence. From this foundation, institutions and bodies have been established to promote spaces and set standards that foster peaceful coexistence, providing clear rules of the game that accommodate a diversity of opinions and create institutional frameworks to guarantee and protect them. These standards have been developed as part of the universal and regional human rights protection systems and have subsequently been incorporated into domestic legal frameworks, as is the case in Venezuela, where they hold constitutional rank.<sup>5</sup> We begin with the Universal Declaration of Human Rights (1948), which seeks to protect not only freedom of speech and thought but also emphasizes that no one should be harassed for expressing, communicating, or researching ideas by any means they choose. Similarly, the International Covenant on Civil and Political Rights

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4 Pierre Rosanvallon, *La legitimidad democrática: Imparcialidad, reflexividad, proximidad*. Manantial, Buenos Aires, 2008, 36.

5 For further details, see Article 23 of the Constitution of the Bolivarian Republic of Venezuela (1999).

(1966) establishes that no one may be disturbed because of their opinions and reaffirms the right to seek, receive, and disseminate information and ideas of all kinds, regardless of borders or the media used for expression.

At the regional level, the American Convention on Human Rights<sup>6</sup> recognizes every person's right to freedom of thought and expression, which includes seeking, receiving, and disseminating information and ideas by any means and across borders. Even in Advisory Opinion 5/85 of the Inter-American Court of Human Rights,<sup>7</sup> these principles are expanded, making clear that the illegal restriction of an individual's freedom of expression not only violates their personal rights but also the rights of others to receive that information. This is known as the dual dimension of freedom of expression: on one hand, its individual character guarantees that no person is arbitrarily prevented from expressing their thoughts; on the other, it recognizes the collective right to access the ideas and opinions of others.

If we revisit the cases mentioned at the outset, it becomes evident that not only were the rights of the 1,102 people arbitrarily detained for expressing themselves about the election results violated, but also the rights of all other citizens interested in accessing those opinions and arguments. This represented a restriction of both individual and collective rights and constitutes a clear example of the erosion of fundamental rights in a country

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6 Although Venezuela denounced the American Convention on Human Rights in 2012, with effect in 2013, the Inter-American Court of Human Rights reaffirmed in Press Release 61/2025, dated August 26, 2025, that "the American Convention has remained in force for the State since its initial ratification on August 9, 1977."

7 (IACtHR, 1985).

where standards and institutional frameworks are rendered meaningless in the face of power and arbitrariness.

Continuing with some of the instruments for the protection of rights –particularly those highlighting the relationship between freedom of expression and democracy— we have the Vienna Declaration and Programme of Action (1993), which recognizes the interdependence between democracy, human rights, and fundamental freedoms. It states that “democracy is based on the freely expressed will of the people to determine their own political, economic, social, and cultural regime, and on their full participation in all aspects of life.” In this way, the declaration underscores the importance of free expression as an essential element for active participation in the collective process of defining the type of political system in which people wish to live –the very exercise carried out by thousands of Venezuelans during the post-electoral protests of 2024. A democratic society cannot be built or even conceived without the possibility of freely expressing opinions contrary to those in power. In fact, the Inter-American Democratic Charter (2001) emphasizes that the promotion and protection of human rights is a “fundamental condition for the existence of a democratic society”.

Given this, how do access to information, the ability to express oneself, and the guarantees to do so contribute to democracy? Democracy is also the possibility of exercising citizen oversight over public affairs, thereby strengthening democratic institutions that recognize plurality and encourage ongoing debate. Conversely, the absence of free and informed participation undermines institutional strength and erodes democratic values, mechanisms, and foundations. In this regard, the Inter-American Court of Human Rights states:

Without effective freedom of expression, fully realized in all its dimensions, democracy fades, pluralism and tolerance begin to break down, mechanisms for citizen oversight and accountability become ineffective, and ultimately fertile ground is created for authoritarian systems to take root in society. [Own translation].<sup>8</sup>

Indeed, this citation describes the scenario that has characterized Venezuela in recent years. In fact, the 2024 Annual Report of the Inter-American Commission on Human Rights (IACHR), in its chapter on Venezuela, highlights the deepening of longstanding patterns of repression through new methods of punishing dissent, including persecution and the erosion of democratic institutions. The post-electoral protests of 2024 triggered what the report terms the “third repressive wave,” characterized by the systematic use of fear as a tool of social control, brief enforced disappearances, arbitrary detentions, torture, cruel and inhuman treatment, and serious violations of judicial guarantees and freedom of expression.

Despite this bleak outlook, there are valuable efforts and initiatives from civil society, NGOs, and international organizations that contribute to the dissemination of information and access to it, promoting spaces for the exercise of fundamental rights and democracy through virtual means. Many of these initiatives operate from exile or via social media, which allow journalists and activists to preserve their safety when traditional channels are inaccessible or too risky due to fear of reprisal.

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<sup>8</sup> Inter-American Court of Human Rights. Case Herrera Ulloa (2004, July 2), Paragraph 116.

One example of this independent journalism effort is the creation of the AI-generated avatars “El Pana” and “La Chama,” designed to evade censorship and harassment through the virtual news program #OperaciónRetuit, developed as a collaboration between Venezuelan and foreign journalists during the July 28, 2024, electoral process.<sup>9</sup> This project aimed to disseminate accurate information in a context marked by self-censorship in local media and restrictions on digital platforms and social networks. It was an attempt to find a creative way to inform without putting the lives of journalists and press agents at risk.

Investigative journalism has also found alternative avenues to share critical information on issues such as corruption, the environment, and human rights. Notably, the portal Armando.info, formally active since 2014, was founded by Venezuelan journalists and now includes regional collaborations. It represents an effort to report facts and conduct investigations that, if carried out within the country or through national media, would have faced censorship, persecution, and imprisonment.

Similarly, NGOs have contributed not only by disseminating information but also by documenting and reporting human rights violations internationally, relying on regional and universal protection systems. Among these, *Provea* and *Foro Penal* stand out, along with Amnesty International and Human Rights Watch, which have maintained constant monitoring of the situation in Venezuela.

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<sup>9</sup> It was an alliance created by digital media outlets such as *El Pitazo*, in collaboration with Venezuelan journalists and others from across the region. The significance of the project earned it the King of Spain International Award in the category of International Cooperation and Humanitarian Action.

Meanwhile, international organizations —such as the Office of the United Nations High Commissioner for Human Rights, the Inter-American Commission on Human Rights (particularly its Special Rapporteurship for Freedom of Opinion and Expression), and the Inter-American Court of Human Rights— have played a key role in investigating, monitoring, and processing complaints regarding human rights violations.

These initiatives emerge to address the violations suffered by Venezuelans in a context where the State has intensified attacks on freedom of expression, tightened media control, failed to meet its international human rights obligations, and systematically dismantled democratic institutions. The persecution of dissent, harassment of those who disseminate information of public interest, closure of communication channels, and arbitrary detentions constitute practices incompatible with a democratic system that respects pluralism and seeks solutions to the country's most pressing problems. Full enjoyment and guarantee of social and collective rights cannot be achieved while civil and political rights are being violated.

In conclusion, it is important to reaffirm that freedom of expression constitutes an essential pillar for the existence and sustainability of democracy. Its restriction, as has systematically occurred in the Venezuelan context, violates not only individual rights but also collective rights, by preventing citizens from accessing the information necessary to exercise oversight over public affairs. The evidence of persecution, harassment, and censorship confirms a process of institutional erosion that undermines not only institutions but also democratic practices and values, fostering authoritarianism, as highlighted by the Inter-American Court of Human Rights and documented in the most

recent report of the United Nations Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela.<sup>10</sup>

However, in the face of this scenario, civil society, independent journalism, and national and international organizations have played a crucial role in keeping channels of information and reporting open, even under adverse conditions. These efforts reflect the resilience of an active citizenry that, through communication, documentation, and transnational cooperation, continues to defend democratic principles. Ultimately, the protection of human rights, and particularly freedom of expression, is not only a legal obligation but also an indispensable condition for Venezuela's democratic reconstruction: a risky, yet profoundly valuable endeavor for its people.

Recalling these standards, emphasizing the role of civil society, and reaffirming the importance of defending democracy across multiple spaces is no small matter; it is a reaffirmation of the values, institutions, and practices that Venezuelans aspire to reclaim and live by.

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10 The Mission presented a report on September 10, 2025, documenting serious human rights violations and providing an update on the patterns of abuses affecting the population, particularly targeting those in opposition to the government.