

Ecuador

Status: Not Free

Legal Environment: 21

Political Environment: 25

Economic Environment: 15

Total Score: 61

Survey Edition	2008	2009	2010	2011	2012
Total Score, Status	41,PF	44,PF	47,PF	52,PF	58,PF

Status change explanation: Ecuador declined from Partly Free to Not Free due to government-sponsored regulations that severely restricted media coverage of electoral campaigns, President Rafael Correa’s directive to withdraw government advertising from privately owned media that are critical of the government, and a general reduction in political and investigative reporting due to an increasingly hostile environment for the press created by the Correa government.

The media environment in Ecuador became more polarized in 2012, as President Rafael Correa and his administration continued to openly disparage and attack private and critical media. While the constitution provides for freedoms of speech and the press, these rights are restricted in practice. Libel and defamation are criminal offenses, and Correa has filed several criminal and civil cases against critical journalists in recent years. However, during the UN Human Rights Council’s Universal Periodic Review process for Ecuador in 2012, the government denied the existence of laws criminalizing opinion and rejected the legal standards recommended by the Inter-American Commission on Human Rights (IACHR). The most high-profile recent libel case was an \$80 million lawsuit filed by Correa against *El Universo* opinion editor and columnist Emilio Palacio and the newspaper’s directors. The president filed the suit in May 2011 in response to an opinion piece by Palacio that criticized Correa’s handling of a police uprising in September 2010, which the government characterized as an attempted coup d’état. The article accused Correa of ordering police to open fire without warning on a hospital full of civilians, a charge Correa denied. In July 2011, a court ruled in favor of the president, but reduced the financial award to \$40 million. Palacio and the directors of the paper—brothers Carlos, César, and Nicolás Pérez—were each sentenced to three years in prison. The defendants appealed the sentences, but they were upheld by the National Court of Justice in February 2012. Correa subsequently pardoned the accused, and the case was closed. In August, Palacio was granted asylum in the United States. In a separate case, journalists Juan Carlos Calderón and Christian Zurita had been ordered in November 2011 to pay \$1 million each in moral damages to Correa for revealing in their book *Big Brother* that Fabricio Correa, the president’s brother, had received some \$600 million in government contracts. In February 2012, Correa also pardoned Calderón and Zurita, and announced that he would withdraw the complaint.

In another lawsuit, the newspaper *La Hora* was compelled by a court to print—on the front page of its November 14, 2012, edition—a correction and an apology for having published “inexact or unproven information” about government spending on advertising. The dispute began on October 10, when *La Hora* published data, which had been supplied by the nongovernmental organization Citizen Participation, stating that the government had spent more than \$71 million on official advertising since the beginning of 2012. The government, claiming that the data were

incorrect, sought to exercise the right of reply, and *La Hora* published a correction a few days later. However, the correction was in a different space than the original article, prompting the government to bring the case to the courts. On November 12, the judge ordered *La Hora* to publish the government's correction in the same space as the original article, along with an apology. Press freedom groups noted that Citizen Participation's figures were already publicly available, and that forcing the paper to publish the correction and apology on its front page could be seen as interfering with its editorial independence. Furthermore, the judge prohibited *La Hora* from publishing information related to the dispute while it was ongoing, an act that brought a rebuke by the Inter American Press Association.

The government has also threatened to use criminal defamation laws to punish views expressed through social media. In September 2012, Correa's communications secretary warned the newspaper *El Comercio* that some reader comments on its website were offensive to the president and others, and could therefore be considered criminal offenses. In response, the newspaper temporarily suspended online comments. In August, Correa requested, via his Twitter microblog, that the intelligence agency investigate and prosecute a Twitter user who had called him immoral and a thief.

The government employed other legal mechanisms to harass critical media outlets during the year. In July, after a labor inspection and for the second time in two years, police confiscated computers and other equipment from *Vanguardia* magazine. *Vanguardia* had recently published articles on alleged corruption in the public sector.

Access to information is guaranteed in the constitution and by the 2004 Transparency and Access to Public Information Law, but a 2011 report found uneven compliance and confusion over the law on the part of government officials.

In January 2012, using his line-item veto power, Correa made modifications to a December 2011 electoral reform law that served to limit the media's ability to provide full coverage of election campaigns. Among other controversial changes, Correa included a provision that prohibited the media from directly or indirectly promoting any candidate or political position. In effect, the law restricted the publication or transmission of any type of information—including photographs, special interviews, and opinion pieces—about the electoral process that could be interpreted as favoring or discrediting a candidate. In response to lawsuits over the constitutionality of the ban, the Constitutional Court upheld it, but removed language referring to “any type of message or special interview,” on the grounds that this would interfere with the journalistic duty to inform and disseminate ideas. After a request for further clarification, on December 20 the court determined that “indirect promotion” of a candidate may take two forms: granting unequal space or air time to candidates, and not responding to a candidate's right of reply or requests for space or airtime in a timely fashion. The court tasked the electoral authority with writing rules for implementing these provisions, which would govern the electoral campaign due to start in January 2013. The rules were not publicly available at year's end.

In September 2012, an electoral court fined *Vistazo* magazine \$80,000 for violating an existing ban on political propaganda during the 48-hour blackout period leading up to an election. The magazine had published an editorial arguing in favor of a “No” vote in a May 7, 2011, referendum, which included two questions relating to increased government control over media regulation and content. In a statement after the ruling, *Vistazo* noted that its piece was an editorial, not propaganda, and that the progovernment paper *El Telégrafo* had published an editorial in favor of the referendum the day before the vote.

A controversial communications bill, under consideration for over three years, had still not been approved by the legislature at year's end. The bill would create a powerful Council for the Regulation and Development of Communication, a majority of whose members would be nominated by the government or its allies. According to a study by the human rights organization Article 19, the bill equally distributes broadcasting licenses between private, community, and public broadcasters, but there are no guarantees for the independence of public broadcasters from government influence. Among other provisions, the bill would grant considerable government access to public-service airtime, impose content regulations that could limit free speech, and restrict—with a few exceptions—the practice of journalism to those who possess certain professional qualifications.

Meanwhile, the National Communications Council (CONATEL) continued to operate as the broadcast licensing body. CONATEL is considered to be highly dependent on the government, with four of seven members answering directly to the president, and thus often subject to government influence. In May 2012, CONATEL canceled the licence of Telesangay TV, owned by a member of the opposition. In July, 30 police officers entered the offices of Radio Morena to close it down, using tear gas against employees who resisted the action. The owner of Morena, a member of the opposition in the National Assembly, filed a case on the closure with the IACHR.

The Correa government has extended its assault on the press beyond Ecuador's borders. In December 2011, a working group of the Organization of American States (OAS) studying the operations of the IACHR presented a report that included recommendations, advocated by Ecuador and Venezuela, that would drastically reduce the effectiveness of the commission's special rapporteur for freedom of expression. The special rapporteur issues alerts calling attention to infringements of press freedom throughout the Americas, including several in Ecuador during Correa's presidency. The recommendations called for limiting the special rapporteur's budget and reducing the size and scope of the office's reports, which traditionally examine countries in depth. Correa continued to push for these changes throughout 2012, and they were headed for a debate and vote in the OAS general assembly in early 2013.

Intimidation, harassment, and attacks on journalists and media outlets continue to rise. In 2012, local press freedom group Fundamedios cited 173 incidents of verbal, physical, or legal harassment of the media by authorities and ordinary citizens—the largest number since 2008. Correa reacted by saying the report was politicized and aimed at attacking the government during the election period. According to the Committee to Protect Journalists, one reporter was killed in connection with his work in 2012. Byron Baldeón, a 31-year-old freelance photographer, was shot and killed in front of his home in El Triunfo, Guayas Province. He had been set to serve as a witness in a case involving alleged police corruption. In an instance of intimidation, Orlando Pérez, director of the state-owned newspaper *El Telégrafo*, declared in March that he had received death threats after publishing an opinion piece that was critical of a member of the conservative opposition. In September, journalist Janet Hinostroza temporarily left her television program after allegedly receiving threats related to a corruption investigation she was conducting that involved a relative of Correa's.

The majority of media outlets, both print and broadcast, are privately owned. However, the government controls—directly or indirectly—19 outlets, including six television and cable stations, five radio stations, three newspapers, four magazines, and a news agency. Twelve of the outlets under government control had been private until 2008, when the state took ownership of them to settle their parent company's bankruptcy. By law, the government was required to

promptly divest itself of the companies, but after more than four years, it has not done so. Those private media outlets not under government influence tend to have combative relationships with the administration. Privately owned stations are encouraged but not required to air Correa's weekly television and radio broadcast, in which he regularly denounces critical journalists and media outlets. Private television and radio stations are obliged by law to disseminate official statements and programs—called *cadena*—for up to one hour a day, often interrupting news programming. These statements are used extensively by the government to promote its own agenda and occasionally target specific journalists. For example, in September a cadena interrupted journalist María Josefa Coronel's program on Teleamazonas to clarify what the president had eaten for breakfast on a particular day. A few days later, another cadena interrupted her program to criticize her and question her objectivity. In a three-hour-long radio cadena in December, Correa accused *El Universo* and *El Comercio*, among others, of attempting to manipulate the public to prevent his party from winning the 2013 elections.

According to an August 2012 Fundamedios report, most public advertising goes to media outlets controlled by the state. In June, Correa prohibited his ministers from giving interviews to privately owned media; in September, a judge upheld Correa's order after its legality was challenged. In July, Correa directed his press secretary to withdraw public advertising from what he called "mercantilist" media outlets, including the newspapers *Hoy*, *El Comercio*, *El Universo*, and *La Hora*, and the television stations Teleamazonas and Ecuavisa.

An antimonopoly law passed in July 2011 threatens to further weaken private media organizations. It required individuals who owned a 6 percent or larger stake in a national media company or financial institution to divest assets they held in other companies by July 13, 2012. The ban on simultaneously owning stock in the communications sector and other sectors was first introduced in the May 2011 referendum. In October 2011, the Quito Chamber of Commerce challenged the constitutionality of the law, but the suit made little progress in 2012. As the July 2012 deadline approached, there was confusion as to which media outlets were affected, since a definition of private national media had not been provided. In November, the Office of the Superintendent of Companies issued a definition of national private print media, along with new deadline of early 2014 to transfer assets.

The internet was accessed by about 31 percent of the population in 2011, with most users living in urban areas. There are no reported restrictions on access.