Overview

Conditions for the media in Ecuador continued to decline in 2015, as President Rafael Correa and his administration openly disparaged and attacked private outlets and journalists. The enforcement of a 2013 Communication Law that enabled more intrusive regulation of the media continued to threaten freedom of expression, and contributed to a hostile environment characterized by self-censorship, intimidation, and legal sanctions.

Key Developments

- Since its establishment under the 2013 Communications Law, Ecuador’s media regulator, known as SUPERCOM, has issued sanctions in more than 300 cases against media outlets.
- The relationship between the independent and opposition media and President Correa worsened, amidst increasingly acrimonious rhetoric from the government.
- Media ownership became more concentrated with the purchase by El Telégrafo—a public newspaper supportive of Correa’s government—of 49 percent of the prominent newspaper El Tiempo. El Telégrafo is expected to take a full ownership stake in 2016.
Legal Environment: 23 / 30

While the constitution provides for freedoms of speech and the press, these rights are curtailed in practice. In 2014, the National Assembly passed amendments to the constitution that declared communications to be a “public service,” a definition that critics contended will further open the door to intrusive regulation by the government. Additionally, the president and other government figures regularly undermine legal protections and contribute to a hostile environment for the press by targeting journalists and media outlets with aggressive rhetoric.

Defamation is a criminal offense in Ecuador, punishable by heavy fines and between six months and three years in prison. Correa has filed several criminal and civil defamation cases against critical journalists in recent years. In 2013, a judge imposed an 18-month prison sentence on journalist Fernando Villavicencio for defaming the president. The sentence was upheld on appeal in 2014, and Villavicencio went into hiding. However, in March 2015, the National Court of Justice vacated the sentence, allowing Villavicencio to resurface. Separately, in July, a national judge dismissed a lawsuit by columnist Miguel Palacios Frugone against Correa, in which Palacios had claimed moral damages after Correa had insulted him in his weekly broadcast. Correa in turn had filed at least 15 counterclaims for moral damages against Palacios over his criticism of the president; the judge accepted two of them, ordering Palacios to pay $40,000 in damages plus Correa’s legal fees.

The Correa administration continued to aggressively enforce the 2013 Communication Law during the year. Among other provisions, the legislation created powerful media and telecommunications regulatory bodies—the Superintendence of Information and Communication (SUPERCOM) and the Council for the Regulation and Development of Information and Communication (CORDICOM). The law imposed a range of vaguely worded content restrictions, codified a right to receive information that is “verified, contrasted, precise, and contextualized,” and introduced the concept of “media lynching”—defined as the repeated dissemination of information intended to harm a person’s reputation or credibility. It also requires journalists to possess professional qualifications. Finally, the law distributes broadcasting licenses equally between private, community, and public stations, but there are no guarantees of public broadcasters’ independence from government influence.

Cartoonist Xavier Bonilla, known as Bonil, has frequently come under SUPERCOM’s scrutiny. In February 2015, the agency sanctioned Bonilla and his employer, the newspaper El Universo, for socioeconomic discrimination in connection with a 2014 cartoon depicting a ruling-party member of African descent, Agustín Delgado, having difficulty reading; a number of Afro-Ecuadoran groups as well as Correa called the image racist. Both Bonilla and El Universo were given 72 hours to publish a public apology to the Afro-Ecuadorian community, which the newspaper duly printed.

A number of privately owned newspapers were sanctioned by SUPERCOM in 2015 for various offenses against the Communication Law. In May, the daily La Hora was fined for failing to cover a public act in which the mayor of Loja talked about the accomplishments made by his administration in the previous year, on the grounds that the newspaper had
purposely omitted information that was of public interest. The paper objected vigorously to the ruling and indicated that it would not pay the fine. Numerous other sanctions were issued after papers failed to publish articles written by the National Secretariat of Communications (SECOM) in the exact format the body mandated. *El Universo* was fined more than $300,000 in June for not publishing a SECOM article with its original title. Also in June, the daily *El Comercio* was ordered to publish a correction to a story regarding a speech by Correa, with a title and format mandated by SECOM. The same month, another daily, *Expreso*, published a correction and apology following an order by SECOM, which had ruled against the paper after the government objected to an article about the state of Ecuador’s social security system.

Access to information is guaranteed in the constitution and by the 2004 Transparency and Access to Public Information Law, but critics have found that government officials often fail to adhere to the law. A new monetary and financial code passed in 2014 granted an oversight board the authority to designate various types of information as confidential and established penalties for disclosure, prompting media groups to warn that it contradicted the access to information law.

Previously, the National Telecommunications Council (CONATEL) served as the broadcast licensing body. However, in February 2015, the National Assembly approved a new telecommunications law that dissolved CONATEL and several other regulatory bodies, combining their functions into a new entity, the Agency for Regulation and Control of Telecommunications (ARCOTEL). The law officially entered into force in December.

The nongovernmental organization (NGO) Fundamedios, a free expression group, was also targeted by the government in 2015. In September, the NGO was notified by the government that an administrative process had been initiated to dissolve it, on the grounds that it had become a political actor instead of an impartial observer of the country’s communications environment. However, the government reversed its decision later that month, allowing Fundamedios to continue operating.

**Political Environment: 27 / 40 (↓ 1)**

Privately owned stations are encouraged but not required to air Correa’s weekly television and radio broadcast. In practice the program is widely transmitted, and the president routinely uses it as a platform to rebuke critics and independent media. Separately, private outlets are obliged by law to disseminate official statements and programs—called *cadenas*—for up to one hour a day, often interrupting news programming. Private outlets have also pressured their journalists to avoid critiquing the government. In August 2015, the columnist Martín Pallares was fired from his job at *El Comercio* after refusing to tone down his criticism of the Correa administration on social networks.

The threat of legal and administrative actions has resulted in rising self-censorship by the media. Official censorship has also increased, particularly online, as a number of critical journalists have moved to internet-based outlets in recent years. Fundamedios reported at least seven cases of prior censorship in 2015. In August, for example, Correa declared a state of emergency in connection with increasing activity at the Cotopaxi volcano, mandating prior censorship of any coverage of the topic, ostensibly to inhibit the spread of
misinformation. Fundamedios also reported dozens of violations of “digital rights,” which
included the arbitrary closure of social networking accounts by authorities, and instances
where media outlets’ computer systems were hacked. Freedom of expression advocates
have noted the involvement of Ares Rights, a Spanish company that has exploited
copyright law and the removal policies of international social media platforms, to suppress
critical content about the Ecuadorian authorities. In December 2015, Ares Rights, acting
on behalf of SECOM, tried to shut down the Fundamedios website by claiming the NGO
had used copyrighted material belonging to SECOM, specifically a still shot from one of
Correa’s weekly television broadcasts. Separately, since its establishment under the 2013
Communications Law, SUPERCOM has issued sanctions in more than 300 cases against
media outlets.

Under the Communication Law, to avoid liability for user comments, media outlets are
required to either set up mechanisms for commenters to register their personal data, or
create systems to delete offensive comments. The law also prohibits outlets from using
information disseminated by anonymous sources via social media.

The frequency of intimidation, harassment, and attacks on journalists and media outlets
once again rose in 2015. Fundamedios documented 377 incidents of verbal, physical, or
legal harassment of the media by authorities and ordinary citizens during the year, the
largest number since the group began counting in 2008 and a 44 percent increase from
2014. Of these, 43 cases involved physical harassment of media workers, while another
43 cases involved verbal harassment. Correa, other public officials, and state or judicial
entities were the “principal aggressors,” according to the organization, accounting for
nearly all of the year’s incidents.

**Economic Environment: 16 / 30 (↓1)**

The majority of media outlets, both print and broadcast, are privately owned. Around 60
media outlets are recognized as national, with a reach beyond their immediate locality.
However, the government controls, directly or indirectly, a growing share of the media
sector, including television and radio stations, print outlets, and a news agency. In October
2015, El Telégrafo, a public newspaper widely supportive of Correa’s government,
purchased 49 percent of El Tiempo, a high-profile paper in Cuenca, the third-largest city in
the country. El Telégrafo is expected to acquire the remaining 51 percent of the stock in
2016.

Ownership concentration within the private media is a problem. The high degree of
concentration affects diversity, as most media outlets espouse official or opposition points
of view. In 2014, Mexican media mogul Remigio Ángel González acquired El Comercio,
Ecuador’s oldest and most-recognized newspaper. The sale brought the number of
national outlets under González’s control to 10, second only to the Ecuadorian
government, which controls 12. Foreign ownership of communication outlets was initially
illegal under the Communication Law, but Correa passed an implementing regulation in
2013 that revised the relevant article and allowed foreigners from countries that had
signed certain cooperative agreements with Ecuador to own national media.
The government is the country’s largest advertiser and generally grants advertising contracts to outlets that provide favorable coverage. For example, the government has extended millions of dollars’ worth of advertising contracts to outlets owned by González, which are sympathetic to the Correa administration. The intrusive regulations and sanctions associated with the Communication Law have made it even more difficult for independent or opposition media to achieve financial sustainability and retain advertisers. Analysts say that businesses do not want to be associated with media targeted by the authorities, as they could lose state contracts or face government audits in reprisal. A 2011 antimonopoly law and the Communication Law also limit ownership and investment in media by nonmedia businesses.

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