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FREEDOM OF THE PRESS

Ecuador

[Ecuador](#) | [Freedom of the Press 2012](#) | [- Select year -](#)

The media environment in Ecuador became even more polarized in 2011, as President Rafael Correa continued to disparage the media as “assassins with ink.” A controversial communications bill, on the table for over a year, had still not been approved by the legislature at year’s end. This bill would introduce prior censorship by the state, stricter mandatory licensing of journalists, and obligatory registration for media outlets with a Communication and Information Board that would control editorial content. The bill would also weaken safeguards that guarantee the anonymity of sources. An electoral law that forbids the media to disseminate any direct or indirect “promotion” that may influence the public in favor of or against any candidate came under fire in 2011, but had not passed by year’s end. This law would forbid publishing or transmitting any type of information, including photographs and opinion pieces, about the electoral process for 48 hours before the voting. Additionally, the media must abstain from reporting on political campaigns 90 days before the election. Correa is expected to seek reelection in 2013, and this law will make it difficult for the news media to cover the campaign and inform citizens about candidates.

Libel and defamation remain criminal offenses, and there were several highly publicized actions by Correa during the year. According to the Committee to Protect Journalists, criminal defamation laws in Ecuador are being systematically used to punish journalists who are critical to the government. The most high-profile case was an \$80 million libel lawsuit against opinion editor and columnist Emilio Palacio and the directors of the newspaper that employed him, *El Universo*. Correa sued *El Universo* after it published an article by Palacio criticizing Correa’s handling of a police uprising in September 2010, which the government called an attempted coup d’état. In July 2011, the court quickly ruled in favor of the president, but reduced the damage award to \$40 million. The directors of the paper, brothers Carlos, Cesar, and Nicolas Perez, as well as Palacio, were each sentenced to three years in prison. Palacio was ordered to pay \$10 million of the \$40 million award. He left the country in August 2011, saying that he was being politically persecuted, and now writes a blog from Miami. The speed in which the judge read the 5,000-page case and produced a 156-page ruling raised questions about the judicial independence in the case. In another criminal defamation suit, in October radio journalist Carlos Ignacio Cedeño was sentenced to six months in prison for airing a program that accused a doctor of stealing medical equipment from a public hospital. In December, Jaime Mantilla Anderson, an editor of the newspaper *Hoy*, was sentenced to three months in prison for a series of articles without bylines that reported that Correa’s cousin, the president of the central bank, was influencing the government behind the scenes.

In a referendum in May, a measure was narrowly approved to create a media regulatory council. Although it had yet to become law, it did raise the likelihood of direct censorship and still greater control of the news media. Meanwhile, the National Communications Council (CONATEL) continued to create licensing restrictions. CONATEL is still considered to be highly dependent on the government, with four of six members answering directly to the president, and

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

58

LEGAL ENVIRONMENT

20

POLITICAL ENVIRONMENT

24

ECONOMIC ENVIRONMENT

14

thus often subject to government influence. In August 2011, CONATEL cancelled Telesangay TV's license, apparently due to its opposition to the Correa's government. Additionally, the Telecommunications Superintendent (SUPERTEL) took legal action against seven radio stations in September 2011 for broadcasting programs promoting freedom of expression and allegedly failing to notify SUPERTEL of its intent to air these programs. These sanctions were later dismissed after SUPERTEL admitted that it did not find any sound arguments to substantiate its allegations and therefore decided not to take the case forward.

Cases of censorship also continued to occur, though not to the extent seen in 2010. A journalist for a newspaper in Machala had an opinion piece censored because the newspaper wished to avoid legal trouble. Because of the increased crackdown on the media, cases like this also lead to self-censorship, as journalists and newspapers alike fear legal issues similar to the *El Universo* case, and therefore do not publish critical articles. Two radio journalists resigned from their positions from Radio Satelital as a result of being pressured to "tone down their rhetoric." According to a, self-censorship has become more acute. Despite these types of report on the media in Ecuador from the Inter-American Press Association pressures, some journalists continue to push the limits in their reporting. Jose Cadena was accused of damaging the image and honor of Orlando Grefa, a local prefect in September 2010. Though the lawsuit is at a standstill, Cadena continued to report on critical issues.

In December, a working group of the Organization of American States (OAS) studying the operations of the Inter-American Commission on Human Rights (IACHR) submitted a report that included three recommendations introduced by Ecuador that would effectively marginalize the office of the special rapporteur for freedom of expression. The special rapporteur issues alerts calling attention to incidents of infringement of press freedom throughout the Americas, including several in Ecuador during Correa's presidency. The working group's recommendations would result in a severe budget cut for the special rapporteur's office; eliminate its annual country-by-country report on freedom of expression in the Americas, reducing it to merely a chapter in a larger IACHR report; and create a code of conduct governing the office's operations, which would severely limit its independence. This action has implications not only for monitoring press freedom in Ecuador, but throughout the Americas, and has been criticized by Ecuadorian and international press watchdog organizations. At year's end, the recommendations were headed for a debate and a subsequent vote in the OAS.

Attacks on journalists and media houses continue to rise. In 2011, Fundamedios, the national press freedom watchdog organization, cited nearly 150 incidents of aggression (physical, verbal, and legal) against the media by authorities as well as by ordinary citizens, an increase on the previous year. For example, in May a news crew from Ecuavisa TV attempted to film outside of the ruling party's headquarters, but was prevented from doing so by police officers who claimed that they had orders to stop filming of the building while a meeting was being held. Also in May, two camera operators from state-owned television stations were attacked and had their cameras destroyed by an individual while covering an operation to control the sale of alcoholic drinks. In June, Tony Quishpe, a cameraman for Teamazonas, was attacked by a mob with sticks and stones during a police drug raid in Guayaquil.

Journalists and advocates also were the subject of targeted threats. Juan Alcivar, a correspondent for the daily *La Hora* in La Concordia, received numerous telephone death threats starting in June 2011 for reporting on a power struggle among local authorities. In November, journalist Christian Zurita of *El Universo* was drugged while doing paperwork early in the morning at the Social Security Institute building. Doctors speculated that Zurita had been given a substance known as scopolamine; the perpetrators and possible motive for the attack were not clear. Cesar Ricaurte, executive director of Fundamedios, started receiving death threats after his group presented a report on press freedom violations to the IACHR in Washington, D.C., in October. The same month, Juan Carlos Caldero, journalist and coauthor of the controversial book *Big Brother*, received threatening phone calls likely resulting from his lawsuit against Correa for "moral damages."

The majority of media outlets, both print and broadcast, are privately owned.

However, the government controls—directly or indirectly—20 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 the 2008 financial crisis, when the state took ownership of them to settle their parent company's debt from bankruptcy. By law, the government was required to promptly divest itself of the companies, but after more than three years, it has not done so. Those private media outlets not under government influence tend to have combative relationships with the government. Nevertheless, private television and radio stations are required by law to disseminate official government messages and programs for up to one hour a day. These *cadenas*—official statements spontaneously broadcast on television and radio that preempt regular programming—are used by the government to promote its own agenda. Between 2007 and May 2011, according to a report by the World Association of Newspapers and News Publishers (WAN-IFRA), there were 1,025 *cadenas* broadcast in Ecuador.

The government is also the country's largest advertiser, which gives it further influence over privately owned media. Public advertising is equitably distributed between private and public TV stations, according to a study by the nongovernmental organization Participación Ciudadana. In October, the communications director for the municipality of Loja threatened to withdraw all municipal advertising from the radio station Radio Satelital if it did not cut an interview with a city council member.

An antimonopoly law passed in July 2011 threatens to further weaken media organizations. It stipulates that individuals who own a 6 percent or larger stake in a media company or financial institution must transfer assets they have in other companies by July 13, 2012. Under the law, both media moguls and banking chiefs would not be able to diversify their investments by holding assets in other sectors. This is likely to discourage investment in private media and result in the closure of some media outlets.

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

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