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## Freedom Of The Press - Ecuador (2011)

**Status: Partly Free**  
**Legal Environment: 17**  
**Political Environment: 23**  
**Economic Environment: 12**  
**Total Score: 52**

Press freedom in Ecuador deteriorated sharply in 2010. An increasing culture of harassment against journalists has resulted in part from President Rafael Correa's open hostility to the media, and the country's two-year-old constitution contains worrisome provisions on freedom of expression. These provisions were not yet in force in 2010 because the legislature had yet to approve a communications law by year's end, but the proposed Organic Law of Communication, Freedom of Expression, and Access to Public Information, known as the Communications Bill, was widely expected to pass. The bill, which had been debated in Congress for more than a year, 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.

During the year, President Rafael Correa engaged in regular harsh verbal diatribes against the press, which he has called "my greatest political enemy," "ignorant," "mediocre," "primitive," "corrupt," "bloodthirsty," and "deceitful." In reaction to criticism of his administration from journalists at Telemazonas TV and Ecuavisa TV, Correa urged the public to take the news media to court for "human rights abuses." Correa also urged the National Assembly to consider the news media a "public entity" and to legislate accordingly. This would make all media outlets in the country subject to public scrutiny by the state, in clear defiance of the Inter-American Commission on Human Rights' interpretation of Article 13 of the American Convention on Human Rights.

Libel and defamation remain criminal offences punishable by up to three years in jail, and local press freedom organization Fundamedios noted dozens of instances of judicial harassment of journalists in 2010, a large number of which were initiated by public officials. For example, in January, *E Universo* reporter Peter Tavra Franco was sentenced to six months in prison with a \$3,000 fine because of defamation charges brought by a plaintiff, Mónica Carrera, who was wanted for human trafficking. Tavra, with the assistance of his newspaper, appealed the verdict, and the case was ongoing at the end of the year. In March, former *El Universo* columnist Emilio Palacio was sentenced to three years in prison and was ordered to pay a \$10,000 fine as a result of criminal defamation proceedings. At issue was a column Palacio had written titled "Camilo, the Bully," about Camilo Semán, chairman of a state lending institution. The judge justified the severity of her sentence by saying that "the plaintiff is a public official." Moreover, President Correa himself applauded the decision. In June, as a court was about to rule on Palacio's appeal, Semán decided to withdraw the case. The same month, Tulio Muñoz Figueroa, owner of a

television and radio station in the coastal city of Manta, was ordered to pay \$400,000 in fines for defamation of a former public official. The case stemmed from an interview in which Muñoz questioned the legitimacy of the public official's actions. Two lower courts had previously acquitted Muñoz and called the charges "malicious and reckless." The following month, television journalist Carlos Ochoa was indicted for criminal defamation charges in Quito by a public official. Meanwhile, journalist Freddy Aponte was sentenced to pay more than \$54,000 on top of another sentence of six months in prison from a different criminal defamation proceeding. The charges were brought by the former mayor of the town of Loja, José Bolívar Castillo. Journalists must have a university degree in journalism, be certified by the Ministry of Education, and join a professional association in order to legally practice their profession.

The regulatory framework was increasingly used to restrict media freedom. In December, radio station La Voz de la Esmeralda Oriental Canela, known for its criticism of local officials, was finally shut down after the National Telecommunications Council (CONATEL) denied the renewal of its license in September based on "bogus administrative violations," according to the Committee to Protect Journalists (CPJ). Station owner Wilson Cabrera alleged that the refusal was triggered by pressure from a local legislator the station had criticized. However, in March, an administrative court ruled for independent television network Telemazonas in a suit that could have cost it the renewal of its license. Correa, on his Saturday television show, called the decision "an outrage," and the chairman of CONATEL threatened to appeal the decision. In August, Jorge Ortiz, anchor of two Telemazonas political shows, resigned because of what he called "the persistence and animosity of the government's attacks against me."

Perhaps the most outstanding incident of censorship took place after the September 30 attempted coup against Correa by police officers unhappy with a reduction in their salaries and benefits. The government declared a state of emergency and ordered all television and radio stations to broadcast the signal of the official state channel, Ecuador TV. The virtual seizure of the country's broadcast media ensured that Ecuadorians got only the official version of what transpired during the coup attempt. In another instance of editorial pressure, the government ordered the transformation of the *El Telégrafo* newspaper from a public to a progovernment publication, over the strong protests of the editorial staff. *El Telégrafo* had been a privately owned paper until three years before, when debts and legal troubles led the government to take it over. After protesting Correa's plans for the newspaper, the editor-in-chief was forced to tender his resignation in March. Later 20 editors, columnists, and reporters resigned in protest. In August, Julio Ayala Sierra, anchor of *Punto de Vista* a political commentary talk show on Radio Atalaya in Guayaquil, ended his show after 17 years on the air, alleging that his criticism of the Correa administration had caused the station to be "blacklisted." Sierra claimed the state had stopped placing advertising on Radio Atalaya and other stations because of this criticism, although the government denied the existence of such a blacklist. In December a unit of the Special Police raided the offices of *Vanguardia* magazine, evicted the staff, and seized the magazine's computing equipment. The alleged reason for the action was failing to pay the rent for the office space, which

is located in a building that had been impounded by the state. CPJ, however, concluded that the seizure was a "reprisal for the magazine's editorial positions" and that the publishing company paid the full amount owed in early January. The magazine's staff has not been allowed to go back to their offices and the police have not returned the seized equipment.

In addition to hostile government rhetoric and regulatory actions, Ecuadorian journalists have faced a sharp uptick in physical threats and attacks. Fundamedios, the country's most active press freedom organization, reported that in 2010 there were 151 attacks on the news media, including 4 assassinations or disappearances, 21 cases of physical aggression, 1 kidnapping, and 21 cases of direct intimidation—a sharp increase from the previous several years. In March, Jorge Santana Carbonell, editor-in-chief of *Tribuna* magazine and CQ15 TV anchor, died of the injuries received after he was run over by a car while traveling on his motorcycle. Santana had written articles denouncing cases of criminal behavior in the town of Cantón Pasaje. The home of the executive director of the Ecuadorian Association of Journalists was broken into and meticulously searched on January 17. Only two objects of low value were missing. Later that year, a bomb scare forced the evacuation of the entire building that houses the country's public media.

The majority of media outlets—both print and broadcast—are privately owned. Private television and radio stations are required by law to disseminate official government messages and programs for up to one hour a day. In addition, the national government controls 20 media companies, including 5 television stations with high viewership and several widely read newspapers. Twelve of these companies 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 12 companies, but after more than two years it has not done so. Those private media outlets not under government influence tend to have combative relationships with the government. 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.

There are no community television stations and only two community radio stations, in part due to long-standing legal hurdles that make their establishment difficult. For example, for many years, community radio stations could only receive frequencies after a favorable report from the Joint Chiefs of Staff of the Armed Forces until this requirement was declared unconstitutional. Community stations are also barred from accepting advertising contracts but receive no state funding to cover operating costs. However, in November 2010 the government allocated 14 radio frequencies to indigenous organizations and planned to provide them with equipment and training. The internet is accessed by about 24 percent of the population, with most users living in urban areas, and there are no reported restrictions on access.