Ecuador Attempts to Limit Press Freedom

Luis Ángel Saavedra

Follow this and additional works at: https://digitalrepository.unm.edu/notisur

Recommended Citation

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiSur by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Ecuador Attempts to Limit Press Freedom

by Luis Ángel Saavedra

Category/Department: Ecuador

Published: 2015-10-16

The start of an administrative process to shut down the Fundación Andina para la Observación y Estudio de Medios (FUNDAMEDIOS), a nongovernmental organization (NGO) that works to promote and protect the right to free expression and association, alerted civil society organizations to the start of new restrictions on these rights and the danger that other organizations could be forced to close.

While the reaction of domestic and foreign organizations—including a statement by four UN rapporteurs and the Organization of American States (OAS)—forced the Secretaría Nacional de Comunicación (SECOM) to shelve the case already underway, the risk for civil society organizations remained because of the arbitrary way cases can be opened or closed to fit the political convenience of the government. There is no formal procedure that considers the causes for opening these cases, the possibility of a defense, or the reasons for shelving them (NotiSur, Feb. 27, 2015).

An ordeal for FUNDAMEDIOS

FUNDAMEDIOS, created in 2007, quickly attracted the attention of the national government when it questioned state media policy. This confrontation worsened following the approval of the Ley Orgánica de Comunicación—known in journalistic circles as the "gag law," which was used to control media activity and facilitate a series of lawsuits against the media based on weak or unsound arguments.

The mayor of the Southern city of Loja exemplified the poor use of this law when he sued the Quito-based Diario La Hora for not having covered an event in which he spoke to the local citizenry about his accomplishments in office. Bolívar Castillo, the mayor, argued that the newspaper had committed the crime of "prior censorship." SECOM concurred and sanctioned the newspaper.

FUNDAMEDIOS says 330 cases have been brought against the media or individual journalists and fines have been levied in 150 of those cases.

Meanwhile, President Rafael Correa’s constant attacks against private media have encouraged supporters of the regime to harass journalists and even to attack them physically. FUNDAMEDIOS has documented 272 assaults in 2014 and 290 assaults so far this year. In all, FUNDAMEDIOS has denounced 1,304 cases of aggression against journalists during the current administration.

FUNDAMEDIOS denounces the harassment of journalists and judgments against private media in informational bulletins it calls "alerts." The bulletins are picked up by the press, both foreign and domestic. In June, SECOM warned FUNDAMEDIOS that the alerts were playing a political roll and asked them to stop issuing them.

César Ricaurte, FUNDAMEDIOS’ executive director, said not issuing the alerts would be a form of self-censorship, taking it away from its very mission, which is, specifically, to denounce attacks on journalists and communications media.

On Sept. 8, SECOM notified FUNDAMEDIOS that administrative proceedings to dissolve the organization had begun because, it argued, the organization had acted politically. As proof, the
SECOM presented 54 tweets sent by FUNDAMEDIOS, two of them promoting opinion pieces written by analysts who oppose the government. FUNDAMEDIOS was given 10 days to respond to SECOM.

Ricaurte acknowledges that at least FUNDAMEDIOS had been given 10 days to defend itself and noted how Fundación Pachamama was shut down on Dec. 4, 2013. On that occasion, national police and the mayor’s office arrived to close the organization without having given any prior notification about the order to close it down. Pachamama had no way to defend itself; it remains closed to this day.

One of the government’s strong arguments for closing Pachamama was that it received funds from the US. That same argument is used in the case against FUNDAMEDIOS, whose funding sources include, among others, the National Endowment for Democracy (NED), funded by the US Congress through the State Department (NotiSur, June 14, 2013).

NED has come under fire for past actions including support of various groups in Central America and currently financing NGOs that question so-called progressive governments, such as in Ecuador and Venezuela, placing special emphasis on freedoms of press, expression, and association.

**Defensoría del Pueblo to SECOM’s rescue**

The government tried to influence public opinion about the legality of closing FUNDAMEDIOS by broadcasting four spots against the organization on 23 television networks.

Meanwhile, FUNDAMEDIOS, knowing it had no chance of defending itself in a process in which there is no established legal procedure for such defense, sought solidarity from domestic and foreign organizations. The response criticizing SECOM’s action was overwhelming—not only from organizations critical of the government but from NGO blocs working with, and in permanent dialogue with, the government such as the Coalición de Organizaciones de la Sociedad Civil, a network of NGOs that believes direct dialogue with the government can guarantee its own activities and permanence.

Likewise, pronouncements by international networks and supranational bodies such as the UN rapporteurs put SECOM in a difficult situation by revealing the arbitrariness of its action.

To resolve the problem, Ramiro Rivadeneira, head of the Defensoría del Pueblo, entered the scene and met with SECOM head Fernando Alvarado and Consejo de Regulación y Desarrollo de la Información y Comunicación (CORDICOM) head Patricio Barriga to hammer out a solution to the problem. The avalanche of protests against a possible closure of FUNDAMEDIOS had reached the European Parliament, the body that must ratify the annexation of Ecuador to the Free Trade Agreement (FTA) with the European Union (EU) already signed by Colombia and Peru.

Following this meeting, Rivadeneira asked SECOM to shelve the process, but not without first backing that body. SECOM closed the process but warned it would reopen it if FUNDAMEDIOS insists on issuing its complaint alerts. Cesar Ricaurte has confirmed that his organization will continue denouncing aggression against the media and journalists.

It is not the first time that the Defensoría del Pueblo has sided with the government. It previously showed its alignment with administration policies when it tried to stop the circulation of a book revealing the negligence of government officials who failed to protect communities in voluntary
isolation, a situation that ended with the massacre of the Tagaeri peoples. Later it backed an action to protect the government against the paper Diario La Hora and kept totally silent about acts of repression that have pitted the government security forces against protestors, notably during the indigenous uprising last August.

**Arbitrariness of Decree 739**

The case against FUNDAMEDIOS and the previous shutdown of Pachamama have once again shown the arbitrariness with which the current government can act by making use of Decree 739, which replaced Decree 16, through which it seeks to have political control of all civil-society organizations (*NotiSur, Aug. 16, 2013*).

This decree establishes the possibility of dissolving NGOs and other organizations on highly ambiguous grounds, such as acting politically, threatening state security, or going against state planning.

The decree in question does not establish procedures and does not set time limits or a way of presenting evidence in defense of the organizations. Hence, the process can open or close at the whim of government officials as occurred with FUNDAMEDIOS, causing legal insecurity for all organizations in Ecuadorian civil society.

-- End --