

Ecuador: IMPROVEMENT PREVENTED BY UNEMPLOYMENT, CRIME, AND POLARIZATION

Executive Summary

At 49.55 points, Ecuador holds position No. 14 in the Chapultepec Freedom of Expression and the Press Index despite obtaining a lower score against last year. The survey reflects that the country had a regression in all environments and most realms. The realm of Violence and Impunity and that of Exercise of Journalism were the most affected, on one hand, due to social unrest and a particularly violent nationwide strike that forced media and journalists to censor themselves; on the other, due to a highly polarized society that bashes dissenting opinion.

Introduction

During this survey period, Ecuador lived under President Guillermo Lasso's first year in office. He has always made statements in favor of improving the conditions of freedom of expression and the press in the nation. The new president's intentions have not materialized in real actions. Journalism is exercised in a climate of insecurity [i.e., increasing crime rate] and lack of guaranties, with threats that come –in a considerable number– from government bodies.

This climate is also conditioned by the polarization and level of confrontation amid Ecuadorian society. This especially impacts how free speech is perceived. Certainly, Ecuador has wiped off institutions and regulations that harmed a favorable status of freedom of the press and of expression. However, the public discussion comprised by government officials is defined by recurrent scuffling that sometimes forces many voices to censor themselves: Nothing prevents them from speaking; but if they do, they risk to a bellicose response.

To a large extent, this is why Ecuador scored 49.55 in the Chapultepec Index this year. Although it still ranks 14th, the country obtained 6.52 points less compared to the previous Index. However, we need considering another key event during this period: The indigenous movement's national rally of June 2022. As in 2019, the country experienced highly violent riots for several days. Amid a state of emergency, the exercise of journalism was blemished not only because of the protests, but also by more than 160 reported attacks.

Results Analysis

In Ecuador 313 alerts against the exercise of journalism and free speech went on record according to *Fundamedios* (*Fundamedios*, 2021), an organization that monitors, reports on, and supports freedom of the press in the country. More than 50% of these alerts were reported only in June 2022, when the country once again lived under a particularly violent national strike. During

the days of demonstrations, 164 instances of aggression against the media took place. A total of 114 journalists were assaulted, as were 80 media outlets and 40 photojournalists (*Fundamedios*, 2022). The national strike decisively influenced the 49.55 points scored by Ecuador in this survey, considering improvement was expected upon completion of Guillermo Lasso's new administration in office.

Experts said this outcome also shows the times of citizen insecurity and widespread violence Ecuador is undergoing. In the last year, the country has been overwhelmed by news of murders, homicide, massacres in prisons, and a broader reach of organized crime across society. To illustrate this, in 2022 violent deaths peaked at its highest rate in a decade (Mella, 2022). Per *Pontificia Universidad Católica del Ecuador* scholar Jorge Cruz, this spreads a gloomy sentiment affecting citizen perception on free speech. Additionally, it also affects the notion that media workers themselves have about their job (Cruz, Interview, 2022).

In this context, government bodies have always been reactive rather than proactive. During the strike mentioned above, the Armed Forces (*Fuerzas Armadas*) and the National Police (*Policía Nacional*) triggered tension for the media and the citizens who were raising their voice in the streets. Deep in the country's provinces, there are clear examples of how government officials still bring lawsuits against the media and journalists without restraints; for their part, the National Assembly [Legislative] and the Executive have not effectively fulfilled their duties to pass and enact the new bill on communication and have done little to foster spaces for real discussion with the media aimed at improving conditions of freedom of the press and free speech nationwide.

Environments: Well-meaning words, yet same ol' story

This year, the Index rates Ecuador with a 2.66 score for moderate unfavorable influence from the Executive environment. The score represents a regression if compared to the previous Index, in which the country scored 1.91 points. This change in the indicator is explained by expectations generated versus concrete facts. According to University of Azuay researcher Caroline Ávila, the 2021 inauguration of President Guillermo Lasso's administration raised high expectations among different sections of the media and public opinion, since he had always claimed he would improve the conditions of freedom of expression and the press and deregulate several mechanisms controlling the media. However, in reality, there have been few changes (Ávila, 2022).

The Executive has pondered boosting protective mechanisms for the exercise of journalism. However, this has proven ineffective. During early rallies against the government in October 2021, the Ministries of Defense and the Interior, along the Office of the Communications Secretary (*Secretaría de Comunicación*) and the National Police, approached domestic media representatives to raise their awareness of organized crime's broader reach in the country. Officials warned the media know that this would collaterally affect the activity of the press. The briefings simply limited themselves to warn. No further government measures were taken or projects proposed to protect the exercise of journalism and free speech in this new context (*Fundamedios*, 2021).

Another failed attempt—until now— at improving the conditions of freedom of expression and the press involved failure to pass new communications legislation. The Executive introduced a draft bill over this matter in the first half of 2021 and, at the time, it was viewed as an action reflecting harmony and empathy among the government, the media, and citizens (Chapultepec

Index, 2021). However, a year has gone by and said piece of legislation is still not in force because of political differences between the Executive and the National Assembly.

It is timely to mention the Legislative, also responsible for the lack of new legislation on communications in Ecuador. The Index rates Ecuador with a score of 2.69, reflecting a moderate influence [on unfavorable situations]. Last year, the country scored 1.87 in this environment. Per Jorge Cruz, this step back could also be explained by how poorly citizens and public opinion perceive the National Assembly. According to pollster Cedatos, the Legislative's approval rating is just 11.5% (*El Universo*, 2022). In practical terms, nothing has changed in the laws or the Constitution between 2021 and 2022.

Some debates on the congressional floor are worth following up. One of them is related to the bill on transparency and access to public information being drafted in the National Assembly's Committee on Transparency, Citizen Participation, and Social Order (*Comisión de Transparencia, Participación Ciudadana y Control Social*). Eventually, this bill will have to be further debated. Therefore, it would undergo a second debate on the Legislative's floor.

However, this government body also has significant backlog. For example, the discussion on revising the Criminal Code (*Código Penal*) to repeal opinion offenses has not been resumed, a fact noted in the Index report for the previous period. Fundamedios states that this failure to reform the Criminal Code allows to keep resorting [to file charges on] this type of offenses as a means to siege journalists, citizens, and activists (Chapultepec Index, 2021).

As for the Judiciary, Ecuador scored 2.17, a further regression compared to 1.71 last year. The data matches the general perception of citizens about the criminal system, with 83% of Ecuadorians distrusting justice (*El Universo*, 2022). In this context, "...[e]ver since Lasso took office, there have been 21 court cases against free speech. Politicians have resorted to slander and honor charges against journalists" (*Fundamedios*, 2021: p. 13).

One of the major instances [of the above] from this environment dates back from September 2021, when a justice in Quito admitted an injunction filed by former Ombudsman Freddy Carrion's wife, Priscilla Schettini, against the online media outlet *La Posta*. The court ordered that the outlet remove a report on a case in which there were complaints against Carrión for gender violence (Roa, 2021).

Another instance that remained in the public eye took place in September 2021 and, once again, *La Posta* was among the media involved. The general coordinator of the movement "*Vapor ti Ecuador*" (Ecuador, This Is for You), Alex Flores, filed a complaint with the Attorney General's Office (*Fiscalía General del Estado*) against the legal representatives of *La Posta* and *TC Televisión* media outlets on counts of acts of hatred.

Realm A: A climate of self-censorship generated by polarization and confrontation

In the current Index, Ecuador scored 12.7 out of 23 for this realm. Caroline Ávila argues that, although Guillermo Lasso's administration carried winds of possible improvements for the status of free speech, in fact, the situation of freedom of expression in the country is far from optimal. This results from the strong political polarization (between the so-called *correístas* – followers of former president Rafael Correa– and *anti-correísmo*, or political tendency adverse to Correa) that Ecuador is going through. No government entity prevents anyone from expressing

themselves, but many prefer not to so as to avoid extremely adverse consequences (Ávila, 2022). Although the administration does not play a sanctioning role in this matter, many of its supporters fuel polarization with their statements.

The June 2022 national indigenous strike made the above fact more evident. At rallies, media and journalists were met with many violent clashes from law enforcers and, in a greater number, from demonstrators. A section of citizens shows clear animosity against some media outlets, especially the major ones. Permanent disparaging remarks on editorial guidelines and an us-against-them, bad-guys-versus-good-guys labeling that has widened the gap between the media and the people, were constant. This caused many media outlets and journalists to find themselves in the dilemma of continuing to report or protecting their safety, that is, it generated self-censorship (*Fundamedios*, 2022).

On the other hand, there are still restrictions on full access to information as there continues to be a lot of red tape in requests for official information. This is a recurring issue also mentioned in the previous Index report. Most government websites do not make all the information available, going against the same transparency standards that they demand (Chapultepec Index, 2021).

Realm B: An improvement as compared to 2021

Ecuador scored 6 out of 10 in this realm. Compared to last year's score of 4, this is an improvement. Once again, this can be explained by perception and not by concrete facts. President Lasso's statements in favor of granting greater freedoms to the press is a factor that affects this item. In any case, there are no structural changes regarding the practice of journalism compared to the previous study period.

It is a good sign, however, that the [National] Assembly is working on the bill on transparency and access to public information. The Legislative Committee on Transparency, Citizen Participation, and Social Order needs to schedule a discussion for this bill. If approved by the Committee, it would advance to a second discussion on the National Assembly floor.

It should also be mentioned that no provision in Ecuador's [current] Communications Act expressly addresses improper use of media content. As in other aspects, the update proposed for the reviewed Communications Act was expected to remedy this and some other deficiencies. However, as stated above, this reform has not come to fruition.

Realm C: The most affected by social unrest and unchanged old practices

This realm shows the greatest regression. Ecuador scored 12/42. That is, it went 9.4 points lower than last year's Index. To understand this backlash, we must look at what happened during the national strike. For 18 days of unrest, *Fundamedios* reported 164 attacks against the press (*Fundamedios*, 2022). Although most of these came from people joining the rallies, the organization's report on the strike stated that law enforcers made "...excessive use of tear gas, which even hit reporters and cameramen, causing some of them to suffocate. Likewise, there were detentions, blockage of coverage in public spaces and an excessive reliance on force" (*Fundamedios*, 2022: p. 2).

On the other hand, stigmatizing statements not in line with what President Lasso had set forth when he took office have been replicated across the administration. In October 2021, the president, embroiled in the “Pandora Papers” scandal, downplayed said investigation and took personal offense on the remarks from *El Universo*’s journalist Mónica Almeida:

The correspondents of this international group of journalists, conducting an investigation along with journalist Mónica Almeida, are devoted to inquiring on Guillermo Lasso’s standing around the world [...]; but they did not look into data from the Ecuador’s Internal Revenue Service (*Servicio de Rentas Internas*, SRI) [...] Don’t you find it a little bit weird that such a journalist as *El Universo*’s Mónica Almeida hasn’t gone to the SRI? (*Fundamedios*, 2021: p. 8)

One more instance is the statement by Government Advisor Diego Ordóñez in March 2022. Upon a question on how to change the pervasive negative perception of citizens on the administration, Ordóñez said that “the tone how the news is reported needs changing”.

In November 2021, even before the national strike mentioned above, six advocacy groups for freedom of expression and the press had released a letter to the government requesting guarantees for their exercise and exposing several instances of aggression against media workers, mostly conducted by law enforcement officers (*Plan V*, 2021).

Lastly, a flagship case illustrating the regression in this realm was the murder of journalist Gerardo Delgado Olmedo in Manta, Manabí Province. The case is under investigation by the authorities (Committee for the Protection of Journalists, CPJ, 2022).

Realm D: A slight improvement despite although confiscated media still behave as government mouthpieces

Ecuador had already scored 17.7 out of 25 in the previous Index. Currently, it reaches 18.8. Although criticized for his good yet unfulfilled intentions, at this point it is acknowledged that President Lasso stopped using state-owned media as a soundboard for the administration’s side of the story. This is to a large extent because former President Lenín Moreno had already dismantled a fair portion of the state media company.

Considering this, it is also true that, especially in times of civil unrest, Lasso’s government has used *TC Televisión* (confiscated by the government two decades ago) to spread its narrative and message. These actions usually take the form of interviews with the president or other high-ranking officials.

Conclusions

A year into President Guillermo Lasso’s administration has elapsed and the situation in Ecuador regarding freedom of expression and the press is not much better, although the president has always spoken in favor of media self-regulation and the protection of liberties amid little government intervention. This message, with which he rose to power, created high expectations among citizens but, above all, in national press stakeholders. Naturally, when intentions did not actually translate into actions, disappointment ensued. Hence, the perception, in particular of freedom of expression, has suffered.

All environments experienced a setback, which speaks volumes of the inaction from institutions to improve the state of freedom of the press across the nation. The Executive and the Legislative have had the amendments proposals for the Communications Act in their hands for over a year and they have not come together for this new act to come into full force in the country. Anyway, this institutional apathy could change if the National Assembly finally discussed and passed the bill on transparency and access to public information, a discussion that will have to be followed up in the next Index report.

Something similar could be inferred regarding the Judiciary. Little or nothing has changed since last year. That inaction may explain the regression in this field. In the country, provisions in the current Comprehensive Criminal Code (*Código Integral Penal*, COIP) have not been revised. This allows government officials in particular to bring lawsuits against journalists for their opinions. In 2021 only, 21 case files against journalists or media outlets were opened (*Fundamedios*, 2021).

Another factor with a negative impact was the social unrest and national strike in June 2022. The demonstrations, namely the one summoned by the indigenous movement, showed particular violence against journalists and the media, forcing several media workers to hide their media-issued badges as they feared to be assaulted. This led to one of the worst attacks on the press: Self-censorship. Hence, the realm of Exercise of Journalism and that of Violence and Impunity resulted the most impacted.

On the other hand, these rallies showed an undesirable national reality: The extreme polarization between both political sides. This gap affects the status of free speech (in its broadest sense) since many citizens avoid expressing themselves and giving their opinion publicly on mainstream or social media, as they fear a significant backlash in the response that may come their way.

In closing, we need to conclude that to the status of freedom of the press and expression in Ecuador is added a new issue possibly posing the most serious threat in recent decades: Insecurity and organized crime. Government officials have already warned the media that this is happening and could have collateral effects on the exercise of journalism. In August 2022, journalist Gerardo Delgado was murdered in Manta. Although this murder is still under investigation, this development reveals the level of violence to which the country has become accustomed in this period. In upcoming reports, it will be necessary to monitor Gerardo Delgado's case, in particular, and the impact of this new reality on the foundations of Ecuadorian society, in general.

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