

**SHADOW REPORT ON THE SITUATION OF FREEDOM OF EXPRESSION
IN ECUADOR**

PERIOD 2018-2024

**REVIEW OF THE REPUBLIC OF ECUADOR AT THE UNITED NATIONS
HUMAN RIGHTS COMMITTEE**

Prepared by

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INTRODUCTION:

Ecuador has faced a complex evolution in terms of freedom of the press and freedom of expression over the last decade. While recent years have seen periods of apparent decline in aggressions, political and social events, along with growing insecurity, have generated an increasingly hostile environment for journalists. This report analyzes the patterns of aggressions documented since 2018, providing a detailed overview of the types of attacks and the main actors involved, as well as the implications for the practice of independent journalism in the country. A worrying change in recent years has been the increase in aggressions by non-state actors, especially organized criminal groups. Organized crime has become one of the main threats to press freedom, with an exponential increase in attacks, kidnappings and murders of journalists covering sensitive issues such as corruption and drug trafficking. The growing influence of these groups has forced several journalists into exile, increasing self-censorship among those who remain in the country.

SITUATION OF FREEDOM OF EXPRESSION AND PRESS FREEDOM IN ECUADOR

Freedom of the press and freedom of expression in Ecuador has gone through critical times, with fluctuations in the number and severity of attacks against journalists, media and communication workers. Although some years have shown signs of improvement, the challenges have persisted and, in several cases, have worsened.

In 2017, Ecuador experienced a decrease in attacks on press freedom, with 297 incidents recorded, 40% less than the previous year. This decrease was interpreted as a step towards the de-escalation of violence against journalism. However, attacks continued, especially in the digital sphere, with 59 cases of violations of rights on the Internet. Other types of aggressions, such as threats, insults and the abusive use of state power, continued to mark the panorama, with public officials and the state among the main perpetrators.¹

The following year, 2018², state actors maintained their role as main aggressors, using administrative, legislative and judicial measures to silence journalists and media, 144 cases were reported. This year marked a turning point in the recent history of Ecuadorian journalism, becoming one of the most violent years. Press freedom was shaken by one of the most tragic episodes recorded to date: the kidnapping and murder of three journalists from Diario El Comercio on the border between Ecuador and Colombia. This event had a profound impact on the country and demonstrated the level of risk to which journalists covering sensitive issues were exposed, especially in conflict areas. Although the number of physical attacks was relatively low compared to previous years, censorship in the digital space became more prominent. Despite hopes that the change of government in Ecuador might bring improvements, the patterns of aggression hardly changed.

¹ Fundamedios 2017 Report: <https://www.fundamedios.org.ec/agresiones-la-libertad-expresion-disminuyen-40/>

² 2018 Fundamedios Report: <https://www.fundamedios.org.ec/informe-anual-2018-el-ano-del-cambio-de-marea-para-la-libertad-de-expresion/>

The outbreak of the National Strike in October 2019³ brought with it an unexpected twist, with an avalanche of aggressions in just 12 days of protests. There were 116 violent incidents reported, affecting 138 journalists and media workers, while television and radio offices and stations were attacked. On this occasion, protesters became the main aggressors, highlighting how journalism can be caught between the violence of different social actors. With constant monitoring, our organization reported 138 journalists attacked, 53 by demonstrators, 35 by the security forces, 18 by unknown persons, one by the State, three by media executives and five by citizens. The difference between the number of aggressions, 113, and the number of people attacked, 138, is a consequence of the fact that there were collective aggressions, sometimes with dozens of victims simultaneously, as was the case of the journalists "retained" in the Agora of the Casa de la Cultura. This made it one of the most violent years against the press, with 212 attacks against freedom of expression and 373 media, journalists and workers violated in total.

In short, there has been no political will on the part of the governments in office to design and plan strategies and protocols for the accurate protection of journalists. There are aggressions and attacks against journalists and media outlets that continue in impunity: The 132 aggressions against journalists and media outlets recorded during the days of social protest in October 2019 continue in impunity, despite official offers to investigate⁴.

Among the unpunished cases is the attack on the offices of Teleamazonas with Molotov cocktails and the destruction of transmission antennas in the central highlands of the country. The only case that was prosecuted was the aggression against journalist Freddy Paredes of Teleamazonas, which in reality had the dimension of an assassination attempt. José Manuel Guacho Anilema hit the journalist's head from behind with a stone and was only sentenced to four months and 18 days in prison for the "crime of injury with incapacity of 31 to 90 days". The sentence does not respond to the seriousness of the facts and in practice means reinforcing the message that crimes against journalists are not punished and remain in impunity.⁵

2020⁶ was an atypical year due to the COVID-19 pandemic, which did not prevent attacks from continuing at alarming levels. 2020 was a different year due to the global health crisis. The arrival of the COVID-19 pandemic in Ecuador meant new challenges for the

³ Fundamedios Report 2019: <https://www.fundamedios.org.ec/wp-content/uploads/2019/12/Informe-FDM-EC-2019-2.pdf>

⁴ Report aggressions strike 2019: <https://www.fundamedios.org.ec/alertas/la-prensa-fue-uno-de-los-blancos-de-los-violentos-138-periodistas-agredidos-en-12-dias-de-protestas/>

⁵ Journalist Freddy Paredes aggression 2019: <https://www.fundamedios.org.ec/alertas/freddy-paredes-teleamazonas-prisio/>

⁶ Fundamedios 2020 Report: <https://www.fundamedios.org.ec/wp-content/uploads/2020/12/Informe-2020-EC2-2.pdf>

journalistic exercise and for freedom of expression. Compared to 2019, the number of alerts registered in this year decreased. While in that year 212 attacks on the press were registered, in 2020 there were 138 according to the cut recorded as of December 15 of that same year. In total there were 954 media, journalists, activists or citizens who were attacked in this 2020, which represents an increase of 254% compared to 2019 when they reached 373. During March and April, a situation that directly hit the economy of the smaller media that stopped receiving advertising, which greatly impacted their operation. In May, 35 former employees of Diario La Hora reported unjustified dismissals. Diario El Universo dismissed more than 200 press workers; Canal Uno also reported layoffs. On July 29 500 workers of the Public Media were left without jobs. According to Fundamedios nine media outlets in Ecuador closed, of these, two went back to print with lower circulation.

As the country attempted to recover from the effects of the pandemic, the 2021⁷ showed an increase, with 281 cases reported. However, verbal and physical assaults remained a constant. Attacks against the press became common, while stigmatizing discourse and stigmatization of journalists increased the risks they faced. Although the new government of Guillermo Lasso attempted to distance itself from the repressive methods of its predecessors, press freedom remained under pressure, both from state actors and from forces outside government control. This year, threats from organized crime emerged, especially related to drug trafficking and non-state control of prisons.

The 2022⁸ stood out as one of the most lethal years for Ecuadorian journalism, with 356 recorded aggressions, the highest figure since 2018. This year witnessed an increase in violence, with 449 journalists, media outlets and citizens affected in their right to freedom of expression and access to information. In addition, three journalists were reported murdered, and so far all remain in impunity. Non-state actors emerged as the main perpetrators, representing 56% of the cases, due to the national strike that took place in June of that year. The national strike called by the Confederation of Indigenous Nationalities of Ecuador (CONAIE) began on June 13 and ended on June 30. The mobilizations were mainly due to fuel prices; however, CONAIE published a press release with 10 requests to the government of Guillermo Lasso, among which are the moratorium on debts in public, private and cooperative banks, fair prices for agricultural products, improving employment and labor rights, among others.

During the 18 days of mobilizations, in which the Confederation of Indigenous Nationalities (CONAIE), FENOCIN, Council of Evangelical Indigenous Peoples and Organizations (FEINE), FENABE Corporation, Montubio People of Ecuador, Fundamedios reported 164 aggressions that left a balance of 242 assaulted: 114 journalists, of which 10 were attacked

⁷ Fundamedios 2021 Report: <https://www.fundamedios.org.ec/wp-content/uploads/2021/12/Informe-2021.pdf>

⁸ Fundamedios 2022 Report: https://www.fundamedios.org.ec/wp-content/uploads/2024/05/Fundamedios%C2%AE-Informe-2023_.pdf

twice, 80 media outlets, 11 community journalists, four community media outlets, 40 graphic reporters and cameramen, six activists, social organizations and organized citizens, artists and citizens.

Non-state actors are the ones who have been the main protagonists of aggressions against journalists and civilians, and the greatest number of aggressions were committed against male communication workers.

During that strike, there were serious cases of physical aggression, threats, theft of antennas, theft of equipment and destruction of equipment. The attacks occurred mainly in Pichincha, Guayas, Cotopaxi, Bolivar, Pastaza, Imbabura, Morona Santiago, Napo, Chimborazo and Zamora Chinchipe.

The year 2023⁹ was an even bleaker year for the Ecuadorian press, largely due to the growing influence of organized crime. Fundamedios recorded 265 aggressions, of which 224 were directed at journalists and media and other communication workers alone, totaling 294 victims. This expanded monitoring was carried out to record more clearly the context of political violence that surrounded the journalistic exercise in an unusual year for having lived through two electoral processes in the midst of a political crisis, the application of the so-called "death cross" and the violence of organized crime overflowing. Aggressions perpetrated by organized crime increased by 870% compared to 2020 and 240% compared to 2022, underlining the seriousness of the situation. In this context, nine journalists were forced to leave the country, an indication of the level of insecurity. All this was happening while Ecuador was experiencing two bloody and fear-filled electoral processes: the sectional elections in February and the early elections in August and October. In total, Fundamedios registered 80 acts of political violence and violence against freedom of expression. This count includes the murder of four candidates and one mayor.

Murder of Fernando Villavicencio

The assassination of presidential candidate Fernando Villavicencio, a journalist and former assemblyman, marked a tragic milestone in Ecuador's recent history, highlighting the lethal impact of criminality on freedom of expression¹⁰. Villavicencio was murdered just 11 days before the presidential elections in which he was participating. Villavicencio was an investigative journalist, human rights activist, national assemblyman, and in each sphere he acted critically against corruption, violence and the systemic security crisis in Ecuador.

⁹ Fundamedios 2023 Report: https://www.fundamedios.org.ec/wp-content/uploads/2024/05/Fundamedios%C2%AE-Informe-2023_.pdf

¹⁰ Assassination of candidate Fernando Villavicencio: <https://www.fundamedios.org.ec/magnicidio-del-candidato-presidencial-fernando-villavicencio-es-un-ataque-brutal-a-la-democracia-ecuatoriana-y-nos-habla-de-la-complicidad-del-estado/>

Villavicencio was part of the portal "Periodismo de Investigación" and "Focus Ecuador", where together with Christian Zurita, he reported on emblematic cases of corruption that obscured national governance. He also collaborated with several media and published a dozen books.

Before his 60th birthday, Villavicencio had conducted and disseminated nearly 270 investigations that have uncovered nefarious corruption schemes. Villavicencio presented before the Assembly accusations of embezzlement, money laundering and a criminal plot between Leandro Norero - drug trafficker, prosecuted for drug trafficking and money laundering - and Xavier Jordán - prosecuted for influence peddling and corruption. He also promoted a process on indications of criminal responsibility in the acquisition of medical supplies and medicines in hospitals of the public health network and the Ecuadorian Institute of Social Security.

A day before his assassination, Villavicencio went to the Attorney General's Office to denounce a new corruption case¹¹ involving former Vice President Jorge Glas, and former ministers Pedro Merizalde and Rafael Poveda, all officials of former President Rafael Correa. The business would have been linked to 21 oil wells that were directly awarded to foreign companies and that damage the state of Ecuador by approximately 9 million dollars, according to Villavicencio's complaint.

His assassination took place in the afternoon of Wednesday, August 9. The rally in which Villavicencio was present, gathered sympathizers of the movements "Construye", of which Villavicencio was candidate for the Presidency, and "Gente Buena", which supported him, and was held in the vicinity of the "Anderson" school. There, the candidate spoke to his supporters and told them: "This democracy has cost us our lives, defending the homeland has cost us our lives and we will not allow a new betrayal"¹².

Only four days after Villavicencio's assassination, the candidacy of investigative journalist Christian Zurita was announced as his replacement, who has been Villavicencio's friend and colleague for years¹³. Thus, Zurita was appointed just on the day of the presidential debate. The debate, according to Zurita, was: "the second death of Villavicencio", since the space that corresponded to the presidential candidate was empty on the night of Sunday, August 13.

¹¹ Villavicencio's last report, Plan V: <https://www.planv.com.ec/historias/politica/esta-fue-la-ultima-denuncia-fernando-villavicencio>

¹² Villavicencio's last words: <https://www.primicias.ec/noticias/elecciones-presidenciales-2023/fernando-villavicencio-ultimas-horas-discurso/>

¹³ What has happened since Villavicencio's murder: <https://www.fundamedios.org.ec/que-ha-pasado-desde-el-asesinato-de-fernando-villavicencio/>

Months later, on October 6, the government of former president Guillermo Lasso announced that six people who had been captured as alleged perpetrators of the crime of the former candidate, were found dead in the Litoral prison and one in Quito, a month later¹⁴. In June 2024, the trial hearings were suspended due to a threat against Fernando Villavicencio's daughters. So far, the intellectual authors of the crime have not been prosecuted.

The year ended with the Attorney General's Office presenting the "Metástasis" case, which revealed the penetration of organized crime at different levels: political, judicial, police and even journalistic, after the revelation of the chats of drug trafficker Leandro Norero, murdered in October 2022, with judges, justice operators, security forces and even journalists. At the beginning of 2024, the case called "Purge" was opened due to the publication of the chats of Mayra Salazar, public relations officer of the Provincial Court of Guayas, arrested in Metastasis, and with 12 new people involved in which it is revealed how the crime acted in the Provincial Court. In both cases Villavicencio is named. "The same group that murdered Fernando Villavicencio has been hired to silence the voice of this prosecutor," said Diana Salazar in the trial hearing of the first mentioned case. According to the prosecutor's theory, the photo published by Villavicencio months ago in which several political, business and organized crime figures appeared in the swimming pool of the Miami home of fugitive Xavier Jordán angered these figures and meant the death sentence for Villavicencio.

Jordán spoke to Norero about Villavicencio, stating that "tongues should be cut out. "Not only did he want to silence several people, silence journalists (...) sue the media; but he also served as an advisor and planner of the illicit activities that the head of the criminal organization (Leandro Norero) had to undertake, in order to achieve his benefit, even verifying that he used the National Assembly, through a political party, to which alias 'the Russian' Rony Aleaga belonged, to remove public officials who were uncomfortable for him," said Salazar¹⁵.

In 2024, although only eight months have elapsed, 141 aggressions against the press have already been recorded, with state actors implicated in 74 of them. This panorama underscores an alarming pattern of government repression. The increase in the number of journalists forced into exile, 13 in the last two years, coupled with constant threats from criminal groups, has created an extremely hostile environment for the practice of journalism. The abusive use of the judiciary and the manipulation of systems intended to

¹⁴ Seven people accused of killing Villavicencio murdered in two Ecuadorian prisons: <https://elpais.com/internacional/2023-10-07/asesinados-en-una-carcel-de-ecuador-los-seis-sicarios-colombianos-que-mataron-al-candidato-presidencial-fernando-villavicencio.html>

¹⁵ Prosecutor's Office reveals links between Metastasis case and Villavicencio's murder: <https://www.lahora.com.ec/pais/fiscalia-revela-los-nexos-del-caso-metastasis-con-el-asesinato-de-fernando-villavicencio/>

protect the vulnerable population have become common tools to intimidate journalists. This year, five journalists have had to be relocated and exiled due to death threats.

In addition, a television program, called "Los Irreverentes", known for its critical views of the government, was recently shut down under clear state pressure, sending a strong message about the abusive use of state power¹⁶.

Major cases of organized crime penetration

On Friday, December 15, 2023, the Attorney General of the State, Diana Salazar, led a gigantic operation as part of the proceedings of the so-called 'Metastasis' case¹⁷, to dismantle a network of organized crime operators in Justice, the Police and that mentions politicians, various State institutions, but also actors of society, such as businessmen, lawyers and journalists, such as Andersson Boscán of the digital media La Posta. This made evident the existence of a "narco-politics" and a "narcoculture".

As of Monday, December 18, the Attorney General's Office released the chats between organized crime kingpin Leandro Norero and various individuals. In January 2024, the Prosecutor's Office linked 52 people for participation in the crime of organized crime, including: Xavier Jordán, Cristian Romero, Wilman Terán, Daniel Salcedo, Ronny Aleaga, Ángel Lindao, Emerson Curipallo, Helive Angulo, Héctor Paredes Flores, among others¹⁸.

It was learned that Xavier Jordán, currently under investigation by the Ecuadorian justice system for cases of corruption in the State and resident in the United States, asked drug trafficking kingpin Leandro Norero to attack journalists as a "punishment" for journalistic articles that revealed his business dealings¹⁹.

The journalist who appears with name and surname is Sara Ortiz of Diario Expreso and it is even mentioned that in order to execute her, an assault will be simulated in order to steal her cell phone. The threat against the journalist's integrity appears in one of the numerous chats that Jordán (in the chat his code name is "ravioli") had with Leandro Norero and that were extracted from the murdered drug lord's cell phone in October 2022 and that is now the basis of the mega anti-criminal investigation operation "Metástasis".

¹⁶ Program goes off the air and government pressures are denounced: <https://www.fundamedios.org.ec/alertas/programa-periodistico-sale-del-aire-y-denuncian-presiones-gubernamentales-sobre-el-medio/>

¹⁷ Metastasis Case - Prosecutor's Office: <https://www.fiscalia.gob.ec/caso-metastasis/>

¹⁸ Prosecuted in the Metastasis case: <https://ecuadorchequea.com/caso-metastasis-van-7-sentenciados-por-procedimiento-abreviado/>

¹⁹ Drug kingpin's chats reveal that Xavier Jordan called for attacks on journalists: <https://www.fundamedios.org.ec/alertas/chats-de-capo-de-la-droga-revelan-que-el-profugo-de-la-justicia-xavier-jordan-pedia-que-se-atente-contra-periodistas/>

In a conversation held in July 2022 with Leandro Norero - the drug trafficker murdered inside the Latacunga prison in October 2022 - Jordan asked him, in July 2022, to help him punish the journalists and executives of the newspaper Expreso Sara Ortiz and Gabriel Martínez and other communicators, whose names he did not give, of two television media: Teleamazonas and Ecuavisa.

Jordan responds that "Pablo Escobar came out" (in reference to one of the most dangerous Colombian drug traffickers in the 1980s and 1990s) to Norero's request to "do something, just set a precedent" against journalists from other media: Gabriel Martínez from Expreso, "one from Ecuavisa" and "one from Teleamazonas".

As a result of the Metastasis case, the "Purge" case²⁰ came to light, in which the Prosecutor's Office decided to investigate a former Assemblyman and the former president of the Court of Justice of Guayas, and several judges who are allegedly involved in a network of organized crime to favor the orders of organized crime and drug trafficking. This case stems from the chats found in the cell phone of the public relations officer of the National Court of Justice, Mayra Salazar. The number of defendants in the Purga case rose to 25, after the Prosecutor's Office linked 13 more people in June 2023. The investigation originally began with 12 alleged people involved in a network of political-judicial corruption in which, according to the Prosecutor's Office, drug trafficking was also involved.

The Prosecutor's Office found sufficient evidence to link these 12 people for the alleged crime of organized crime, where the head of the gang would be the former Christian Social Assemblyman Pablo Muentes, who would have used his influence to control the Justice in Guayas and obtain rulings in his favor²¹.

In April 2024, the Prosecutor's Office started another organized crime process called "Caso Plaga"²² in which judges, clerks, public officials, police, and lawyers are favored with money from organized crime in exchange for allowing benefits to prisoners, part of this gang, so that they can go free. Eight judicial operators were linked to this process. On June 30, 14 of the 17 involved were remanded in custody.

Conclusion

Ecuador faces a crisis in its ability to guarantee a free and safe press. Violence, from both state and non-state actors, has reached alarming levels, and independent journalism is at

²⁰ Purge Case - Prosecutor's Office: <https://www.fiscalia.gob.ec/caso-purga/>

²¹ Processed in the Purge case: <https://ecuadorchequea.com/el-caso-purga-evidencio-la-corrupcion-en-la-justicia-de-guayas/>

²² Plague Case: <https://www.fiscalia.gob.ec/caso-plaga/>

risk. Threats, censorship and physical attacks have generated a climate of self-censorship and fear, forcing many journalists to abandon their work or even their country. The use of digital tools and social networks as platforms to stigmatize and discredit journalists has also been a constant pattern. These attacks are not a priority for the State, as there is co-optation by organized crime in different spheres. Throughout these years, another key factor has been the lack of effective response from the State. Although regulatory changes have been made in an attempt to amend the attacks on journalism, these have been insufficient and, in some cases, have led to new forms of censorship.

REFORMS TO THE ORGANIC COMMUNICATION LAW

The Organic Law of Communication (LOC), approved in 2013, became a punitive legal instrument that governed journalistic activity. Since then, it has functioned as a tool to violate and attack freedom of expression, press and human rights. During the Government of Lenin Moreno, a project of reforms to this Law was promoted and approved in order to eliminate its most restrictive aspects, especially its punitive regime and the disappearance of the Superintendence of Information and Communication. On December 18, 2018, the plenary of the National Assembly approved the reform to the Organic Law of Communication (LOC)²³. In total, 14 articles were repealed and 64, one chapter and two transitory sections were reformed.

Among the main changes are the following:

- The repeal of Articles 9 and 10 on ethical standards and Article 27 on fairness in the publicity of court cases.
- In addition, Article 18 on prior censorship was modified, textually eliminating the obligation of the media to broadcast "facts of public interest".
- Article 19 on subsequent liability was also changed, changing the term "administrative" to "legal" and eliminating the civil penalty.
- Undoubtedly, one of the most important changes was the elimination of the Superintendence of Communication, as well as the suppression of the figure of media lynching.

On December 10, 2020, the plenary of the National Assembly, with 126 votes of the assembly members present, approved the report of the second debate of the project of reforms to the Organic Law of Communication, which determines that **communication is a Human Right and not a public service**.²⁴

²³ First approval of the LOC by the National Assembly: <https://www.fundamedios.org.ec/los-asambleistas-de-revolucion-ciudadana-votaron-en-contra-de-las-reformas-a-la-loc/>

²⁴ <https://www.fundamedios.org.ec/asamblea-reforma-ley-comunicacion-derecho/>

In 2021, President Guillermo Lasso sent to the National Assembly the project for a new Organic Law called "of Free Expression and Communication" which was to replace the original LOC. In the end, the Assembly approved a new package of reforms to the LOC and did not give way to a new Law. The most outstanding advance was the creation of the **Mechanism for the Prevention and Protection of Journalistic Work**²⁵, made up of delegates from various state entities and representatives of communication workers, private and community media. The reform project was vetoed by President Guillermo Lasso, who also sent for consultation to the Constitutional Court the articles that could constitute severe regressions.

The Constitutional Court in Opinion No. 3-22-OP/22²⁶ established a legal, constitutional and legitimate frame of reference that legislators should observe and not go beyond in the construction of regulations that have effects on the respect, guarantee, protection and promotion of freedom of expression and press in Ecuador. In this document the Court has resolved extremely relevant legal conflicts for the protection of freedom of expression and press in our country, among them the recognition of opinion in our Constitution as an autonomous right, which has an essential and necessary link with freedom of thought and expression so its level of protection is high, and also identifies the media as channels of transmission of different and diverse opinions, so disregarding this right means restricting the exercise of freedom of thought, expression and communication. (Pronouncement on Article 2 of the reform). Another element of great importance in this opinion is its pronouncement regarding the power of the State to guarantee the right to the truth; in this case the Court emphasizes that the right to the truth is a right of the victims of human rights violations, in order to know the causes, facts and circumstances that caused these violations, but not the content of the information, so that the term "right to the truth" in this article would be incorrect. (Pronouncement on article 17 of the reform).

PROTECTION MECHANISM FOR JOURNALISTS

The Protection Mechanism for Journalists in Ecuador had already been under discussion for several years.

²⁵ Fundamedios' position on the new Freedom of Expression Law: <https://www.fundamedios.org/ec/fundamedios-apoya-desmontaje-de-estructura-represiva-contra-medios-y-periodistas-pero-anota-dudas-y-omisiones-en-proyecto-enviado-por-el-presidente/>

²⁶ Constitutional Court Opinion No. 3-22-OP/22: http://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhenBldGE6J3RyYW1pdGUUnLCB1dWlkOicxMThiNWNjMC1kNjE0LTRIM2QtOTAyNS0zZDNkZDBlOTM0MMDMucGRmJ30=

In response to the murder of the journalists of Diario El Comercio on the border of Ecuador and Colombia, on April 29, 2019, an agreement was signed for the creation of the Interinstitutional Committee with the objective of generating public policy and specific actions to guarantee the life, integrity, freedom and security of those who are at risk due to periods²⁷. However, the lack of adequate planning and lack of coordination between the institutions involved led to a stagnation of the initiative, which did not achieve the expected results or establish clear protection protocols.

One of the cases that revealed the lack of effective protection mechanisms for journalists occurred in December 2020 when the Tena Criminal Unit ordered the Judicial Police to locate and arrest journalist Juan Sarmiento. The communicator was sentenced to 10 days in prison, the payment of USD 100 and a public apology for alleged moral damage to the former governor of Napo, Patricio Espíndola Lara. Fundamedios placed the communicator under the protection of an international program for journalists at risk, thus avoiding his imprisonment....²⁸

In December 2021, during the Lasso administration, it was offered to reactivate the Interinstitutional Committee for the Protection of Journalists and Communication Workers: a meeting was held between the Ministry of Government, Ministry of Defense, Communication Secretariat of the Presidency, Communication Council and civil society. Likewise, in view of the wave of aggressions against journalists in the judicial sphere, the Communication Council together with the Public Defender's Office signed the "Agreement for the Protection of Journalists and Communication Workers", to obtain free legal advice and assistance in the processes they must face²⁹. This offer never materialized.

The meetings of the Interinstitutional Committee were held at the request of civil society, which, in the face of clear state inefficiency, demanded that these fundamental rights be respected.

During the early morning of October 7, 2022, unknown persons shot at the facilities of the private television channel RTS and left pamphlets in which they warned that the circulation

²⁷ <https://www.fundamedios.org.ec/firma-comite-proteccion-periodistas-ecuador/>

²⁸ <https://www.fundamedios.org.ec/alertas/fundamedios-condena-prision-juan-sarmiento-amenazas-programa/#:~:text=periodistas%20en%20riesgo-,Fundamedios%20condena%20orden%20de%20prisi%C3%B3n%20contra%20Juan%20Sarmiento%20y%20ante.internacional%20para%20periodistas%20en%20riesgo&text=Ecuador%2C%2009%20de%20diciembre%20del%202020>

²⁹ Interinstitutional Agreement: <https://www.fundamedios.org.ec/convenio-interinstitucional-permitira-a-los-periodistas-acceder-a-asesoria-legal-especializada/>

of the newspaper Extra is prohibited. In addition, they directly threatened its national director. Fundamedios held the Government, Police and Attorney General's Office authorities responsible for what happens to the media, journalists and workers. "Fundamedios has been consistently warning for months about the serious and continuous deterioration of the security conditions in which Ecuadorian journalists work. We have repeatedly requested the activation of the Committee for the Protection of Journalists that was created in the last government. However, the reaction of the authorities has been one of indifference, lack of coordination and inaction", reads the communiqué published at³⁰ .

After learning of the attacks with explosive material against journalists Lenin Artieda, of Ecuavisa, Mauricio Ayora, of TC Televisión, Milton Pérez, of Teleamazonas, Miguel Rivadeneira, of Exa FM and Carlos Vera, Fundamedios requested the urgent activation of the Technical Committee for the Protection of Journalists of the Communication Council, on March 21, 2023³¹ . All State institutions presented their willingness to work for freedom of expression and press, and their safety.

President Guillermo Lasso signed Executive Decree 850, and issued the General Regulations to the Organic Law of Communication (LOC)³² on August 23, 2023. In this way, the operation of the Mechanism for the Prevention and Protection of Journalistic Work (Protection Mechanism), created by the LOC, in its article 42.1, was made viable. Its main objective is: "[...] To adopt prevention and protection measures that guarantee journalistic work, through the establishment of security policies that will be implemented based on a technical evaluation of the risk situation of communication workers, which will be executed by the entities indicated in the Law and with the participation and collaboration of the entities deemed necessary [...]".

In addition, the inclusion of the gender perspective, included in Article 31, obliges the Communication Council to observe the gender perspective in all measures and initiatives it takes; to establish mechanisms to gather information on the various manifestations of violence against women journalists and other communication workers; and to request and incorporate proposals and recommendations from civil society organizations specialized in freedom of expression, journalism, monitoring and gender violence.

³⁰ Press release RTS attack: <https://www.fundamedios.org.ec/alertas/fundamedios-rechaza-atentado-y-amenazas-contra-medios-de-comunicacion-en-ecuador/>

³¹ Fundamedios demanded concrete actions against attacks: <https://www.fundamedios.org.ec/fundamedios-exigio-acciones-concretas-para-afrontar-los-atentados-en-contra-de-periodistas/>

³² Reglamento de la LOC: https://www.fundamedios.org.ec/wp-content/uploads/2024/01/Decreto_Ejecutivo_850_20230724090243_20230724090252_20230724090300.pdf

In line with the Law, the Council for Regulation, Development and Promotion of Information and Communication (Communication Council) should immediately activate interinstitutional and intersectoral coordination processes so that, together with the governing bodies of defense, international relations, citizen security, risk management, human rights and intelligence policies, mechanisms are created to prevent risks, protect communication workers whose rights are violated, and provide justice and full reparation.

Among the functions of the operation of the Mechanism, which are in Article 21 of the Regulations³³ are:

1. Enable procedures for convening and spaces for the participation of civil society representatives.
2. The entities involved in the Mechanism must take the necessary actions to guarantee the safety of communication workers.
3. The Mechanism will have to enable procedures for the summoning and participation of civil society with experience in the defense of freedom of expression.
4. Create units for the prevention, protection, monitoring or evaluation of attacks against journalists and coordinate actions at the international level if necessary.

However, so far, the processes of convening spaces with civil society have been very few. Fundamedios has only participated in three meetings with the Protection Mechanism, in which it has reiterated the commitment of civil society to collaborate with this technical body and to articulate the work that the organizations already have as experience.

On March 20, 2024, a delegation of the Inter American Press Association (IAPA) met at the Carondelet Palace with President Daniel Noboa. During the meeting, the president signed the Chapultepec and Salta Declarations, committing himself to promote freedom of expression. During a press conference, IAPA President, Michael Rock, informed that they requested the Government to "strengthen and give priority to the Mechanism for the Protection of Journalists".

Despite this, on April 30, 2024, the Communication Council was informed that the budget requested for the Protection Mechanism would not be approved, which generated a serious obstacle for its effective operation. The requested budget, which amounted to USD 784 thousand to cover the needs of this and next year, included about USD 66 thousand for an emergency fund for journalists at risk. The refusal to approve these funds has left the

³³ LOC Regulations: <https://www.consejodecomunicacion.gob.ec/wp-content/uploads/downloads/2023/10/lotaip/REGLAMENTO%20GENERAL%20A%20LA%20LEY%20ORG%20C3%81NICA%20DE%20COMUNICACION%20C3%93N.pdf>

Mechanism without the necessary resources to operate efficiently, compromising its capacity to respond to the threats and aggressions faced by communication workers in the country³⁴.

This scenario has led to a notable lack of operability. The Mechanism has had limited actions in prevention, protection and the pursuit of justice. So far, there are no public policies to mitigate the risks of journalistic exercise and to respond to situations that constitute threats or aggressions to journalistic work. Finally, there are no actions in the field of justice and the fight against impunity. As a result, the Mechanism has been inefficient in dealing with the most serious aggressions against journalists, including exiles.

In other words, since the creation of the Mechanism, the situation of freedom of expression and press in Ecuador has not changed at all. As mentioned above, this year 2024, 141 aggressions against these fundamental rights were registered, of which verbal aggressions, threats and cases of censorship are the most common type of aggression against journalists and media outlets.

Given the lack of state actions to protect journalists, the Mesa de Articulación para la Protección de Periodistas (MAPP)³⁵ was created. MAPP is formed by the organizations Fundamedios, Nos Faltan 3, Periodistas Sin Cadenas, the media outlets GK and Plan V, and journalist Mónica Almeida. None of the cases of the 13 journalists exiled between 2023 and 2024 were attended by the State. MAAP organizations have followed up on these cases and have provided direct assistance in the relocation of at least nine journalists.

The expanded report of the Bureau has also been presented to the Committee, in a specific coalition report.

It is important to add that, in addition to this scenario, there is a major challenge: it has not been possible to open channels of dialogue with the Government on this issue, which reflects the lack of political will to address the matter. There is no sign of prioritization of the protection of journalists or of concrete measures to improve the functioning of the Mechanism. This lack of attention on the part of the State puts the safety of communicators at risk and evidences the absence of a real approach to guarantee the right to freedom of expression in Ecuador.

³⁴ Unfunded Protection Mechanism: <https://www.fundamedios.org/ec/el-mecanismo-de-proteccion-para-periodistas-no-contara-con-presupuesto-este-ni-el-siguiente-ano/>

³⁵ MAPP was presented: <https://www.fundamedios.org/ec/se-presenta-la-mesa-de-proteccion-para-periodistas-mapp-que-dara-respuestas-desde-la-sociedad-civil-en-la-proteccion-del-periodismo/>

TRANSPARENCY AND ACCESS TO PUBLIC INFORMATION LAW

The Organic Law of Transparency and Access to Public Information (Lotaip) was enacted on May 18, 2004. In 2009³⁶ the first reform to the Law took place. This reform included changes focused on expanding the obligations of public and private institutions that manage public resources, guaranteeing greater access to information by citizens. The 2009 reform strengthened the original law, focusing on broadening its scope. It included more entities that would be obliged to publish information, not only public institutions, but also private institutions that manage public resources. Mechanisms were strengthened to ensure the periodic publication of information on contracts, expenditures and budgets of the obligated institutions. Access to information was made simpler and more effective by improving the channels and platforms for making requests.

In the 2013 reform to the Law, several key changes were introduced, including that public entities must proactively publish information on their websites on procurement, budget execution, and financial data. In addition, it establishes that institutions must guarantee the availability and constant updating of this information, improving accessibility for citizens³⁷.

The next major reform of the Law on Transparency and Access to Information in Ecuador occurred in 2019. In this reform, key adjustments were made such as the inclusion of non-governmental organizations that receive public funds. Stricter sanctions were added for institutions that failed to comply with the delivery of information and control mechanisms were improved to ensure that public information was accessible and properly updated by institutions. It also included a focus on the digitization of documentation. The new provision established that public information must be electronically accessible to citizens through digital platforms. This improved accessibility and transparency, allowing data to be published in open and reusable formats. The intention was to facilitate efficient access to information without the need to request it physically, streamlining the public consultation process.³⁸

³⁶ Lotaip reformed 2009: <https://www.contraloria.gob.ec/WFDescarga.aspx?id=2853&tipo=tradoc>

³⁷ Reform 2013 Lotaip: <http://www.emseguridad-q.gob.ec/index.php/ley-de-transparencia-y-acceso-a-la-informacion-publica/lotaip-2013>

³⁸ Lotaip reform 2019: <https://www.ciudadaniaydesarrollo.org/2023/02/08/ecuador-cuenta-con-una-nueva-ley-de-transparencia/>

In February 2019, Fundamedios issued a report³⁹ on the status of the Law. "It is complex to access data that rest in public institutions. Even more so if they are linked to the construction of works, budgets, officials who make decisions and authorities of sectional governments", concluded said report. For the investigation, 24 requests for access to information were made to 11 state institutions. Of these, only three responded and none provided complete information. "The rest of the institutions answered partially, with refusals, directed to their web pages, delivered information that did not correspond to the request and, in the case of the Ministries of Defense, Health, the Judiciary Council and the Secretariat of Communication (Secom), so far they have remained silent".

On May 15, Fundamedios together with the Thousand Leaves Foundation presented a shadow report on access to public information in Ecuador "Ecuador: how to dismantle the culture of secrecy?"⁴⁰. This document developed five axes of analysis:

- Context: Information from the Ombudsman's Office management reports
- Comparative: Progress/Reversals between the last two periods
- Fulfillment of the Strategic Plan, which includes transparency in its objective 8.
- International Standards and Lotaip
- Emblematic cases

"It is notorious the ignorance of the authorities regarding the right of access to public information. The cumbersome and bureaucratic administrative mechanisms accompanied by a practice that is generalized without any control of subjecting all requests, including those for information, to the quality of a procedure or process for which fees are charged, this undoubtedly violates the right and therefore express regulation is urgently required, i.e. updating the regulatory framework with a new law," reads the report.

In addition, the report indicates that although the Law and the Regulations established principles aimed at guaranteeing the right of access to information, their regulatory development did not fully cover all types of information, being limited in several cases to certain specific areas. An example of this was the principle of transparency, which in the Law translated into the obligation imposed on public entities to maintain an institutional web portal with a minimum of information on their administrative, financial and mission activities. In practice, this resulted in a distortion of the original purpose of the principle, since it was often used as an excuse for not providing information, arguing that it was already published on the portal. However, in most cases, the information available on these portals was incomplete or did not reflect reality.

³⁹ Report "In Ecuador the Law of Transparency and Access to Public Information is invisible": <https://www.fundamedios.org.ec/acceso-informacion-ecuador-lotaip-investigacion/>

⁴⁰ "Ecuador: how to dismantle the culture of secrecy? Shadow report on SDG 16.10.2": <https://www.fundamedios.org.ec/acceso-informacion-ecuador-informe-fundamedios/>

A new version of the law was approved in 2022, replacing the original law. This reform included new provisions on the use of electronic media to facilitate access to public information. In addition, it added requirements for public companies and political parties to publish financial information and information on the use of public funds. It also established greater sanctions for non-compliance with these provisions.

The new Law was discussed in November 2022⁴¹ in the National Assembly, but it was not until February 2023 that it came into force.

On April 5, 2023, Fundamedios filed an action of unconstitutionality⁴² against paragraphs 14 and 15 of Article 13 of the Organic Law on Transparency and Access to Information and the ninth transitory provision. These paragraphs establish that the Ombudsman's Office is the authority that oversees compliance with said Law. Article 13 defines the powers of the Ombudsman's Office, among which are "to rule on the necessary corrective measures of mandatory application to the information disseminated". In other words, it has a sanctioning power. On February 7, the Court made a second call to the Assembly, the Presidency and the Attorney General's Office to submit a report defending or challenging the constitutionality of Article 13, in order to add it to the proceedings of the case. On July 14, 2023, the Court of the Admission Chamber of the Constitutional Court resolved to ADMIT case 21-23-IN.

On May 1, the Court issued a judgment⁴³ in response to the lawsuit and partially accepted the action filed by Fundamedios. Regarding paragraphs 14 and 15, the Court determined that they do not contravene the functions of the Ombudsman's Office, since they refer to sanctions and corrective measures directed to the parties bound by the LOTAIP.

The ninth transitory provision of the same legal body has been declared unconstitutional by the Court. This provision, which demanded requirements such as the personal data of the applicant to deliver information in order to prevent its "misuse", this was declared as contrary to the right of access to information.

⁴¹ LOTAIP approved in 2022: https://www.asambleanacional.gob.ec/sites/default/files/private/asambleanacional/filesasambleanacionalnameuid-29/Leyes%202013-2017/736-jvelin/oficio_no_pan-sejv-2022-00490444787001670253910.pdf

⁴² Unconstitutionality claim: <https://www.fundamedios.org.ec/fundamedios-presenta-demanda-de-inconstitucionalidad-contra-dos-articulos-la-ley-organica-de-transparencia-y-acceso-a-la-informacion/>

⁴³ Constitutional Court Decision Case 21-23-IN: http://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhenBldGE6J3RyYW1pdGUUnLCB1dWlkOiczNGUxYzU3ZS0zMTZhLTRhMzAtOTIIMC1kYTRkZGU1ZGQ3OTYucGRmJ30=

More than a year after the approval of the new Law on Access to Public Information, on January 23, 2024, the General Regulations of the new Law were made official. The Regulations, which had been pending since the previous government, were issued through Presidential Decree N° 124.

The main objective of this regulation is to regulate the application of the LOTAIP, which, in the exercise of the right of access to public information, will observe the human rights, gender, intergenerational and inclusive approaches.

WHAT IS THE REALITY OF ACCESS TO PUBLIC INFORMATION IN ECUADOR?

In Ecuador, the right to access to public information has been subject to constant limitations, and the ability of journalists and citizens to stay informed. Between 2020 and 2024, Fundamedios recorded **102 cases** of obstruction to this right, a worrying figure that reveals a pattern of opacity on the part of various government institutions.

Access to public information has been especially difficult during the government of Daniel Noboa, which began in November 2023. According to Fundamedios, there has been a policy of silence on the part of the government, which has generated substantial limitations for both journalists and the media. Government institutions have adopted a posture of resistance to requests for information, refusing to grant interviews or provide crucial details on issues of public interest. A notable example of this policy of silence was the lack of official response to serious incidents such as the prison riots and the escape of criminal leaders in January 2024.

In 2024, 11 cases of obstruction of access to information were documented, a decrease from 25 cases in 2023, although this does not indicate an improvement in transparency. The above figures show a fluctuating trend, with 36 cases in 2021, 22 in 2022 and only 8 in 2020. These variations reflect the constant tension between the demands for transparency and the resistance of public institutions.

The lack of access to public information in Ecuador also extends to local governments. Cases have been documented in which local authorities have vetoed journalists, prohibiting them from accessing information or attending official events. These restrictions, added to the pressures exerted by various government entities, have generated an environment of self-censorship in the media.

For example, the Communication Coordinator of the Prefecture of Chimborazo, Tania Ortiz, decided to remove several journalists of the province from the chat that serves as a channel

of information and communication with the Prefecture. "It is a personal decision, because it is a WhatsApp group that I created, that I administer and the incorrect people and who do not behave in a positive way, will be expelled," she said when consulted on the subject, in January 2024⁴⁴.

Similarly, the communication chat of the Governor's Office of Cotopaxi was restricted after several journalists from that province made inquiries regarding the sit-in that took place outside the entity on the afternoon of January 18. "Changed the settings of this group so that only administrators can send messages to the group" was the notification that several journalists who are part of the chat 'Media - Gober Cotopaxi' received, after making inquiries regarding the sit-in staged by relatives of prisoners of the Cotopaxi Prison⁴⁵.

The National Service of Integral Attention to Adults Deprived of Liberty (SNAI) is one of the agencies that has been under constant criticism for its lack of response to requests for information in this year 2024. Several journalists have denounced that their requests, both informal and formal, have been ignored or answered in a vague and superficial manner. For example, in the case of the escape of high-profile criminals in 2024, the official information arrived late, after having been disclosed by other media.

SNAI's policy of silence dates back to 2022 at the height of the prison crisis. That time, the institution invited some journalists to a "conversation" that was developed with secrecy and difficulties for access to information by the institution: they only allowed the recording of a statement and were not allowed to record the questions. This attitude generated questions in social networks about the role that the institution is playing in the serious prison situation that the country is going through. For many, the performance of the System was worrying, mainly because of its secrecy when guaranteeing the right of access to public information⁴⁶. This was repeated in the year 2023, since the information provided by its officials to the media was general, unclear, did not present data on the convicted population, and made no reference to the reasons that gave rise to the events. This promoted disinformation in social networks and generated a situation of alarm among the detainees' families.⁴⁷

⁴⁴ Prefecture's communication coordinator censors the press after commenting on a newscast: <https://www.fundamedios.org.ec/alertas/coordinadora-de-comunicacion-de-prefectura-censura-a-la-prensa-tras-comentario-en-un-noticiero/>

⁴⁵ Ecuadorian provincial government restricts chat for journalists seeking official information: <https://www.fundamedios.org.ec/alertas/gobernacion-de-provincia-ecuatoriana-restringe-chat-para-periodistas-que-buscan-informacion-oficial/>

⁴⁶ SNAI hampers journalists' access to information during the conversation: <https://www.fundamedios.org.ec/alertas/snai-dificulta-el-acceso-a-la-informacion-de-los-periodistas-durante-conversatorio/>

⁴⁷ SNAI without giving clear answers to the prison crisis: <https://www.fundamedios.org.ec/alertas/institucion-publica-no-da-respuestas-claras-ante-la-crisis-carcelaria-en-ecuador/>

This pattern of lack of transparency has been accompanied by the issuance of terse official communications and, in many cases, the use of bureaucratic excuses to justify the lack of response, such as the need to submit requests in physical format, hindering access to public information.

Restrictive practices imposed by the central government and local entities have had a notable impact on coverage of sensitive issues, such as the prison crisis and violence. Journalists have reported that official sources refuse to provide information or comment on security cases, forcing journalists to turn to other sources. However, these sources, which used to include prison guards or relatives of detainees, have also begun to show fear of speaking out due to possible reprisals.

This has been a constant in different governments. In 2018, although a change was felt in terms of freedom of the press and freedom of expression, there was also an evident setback in terms of access to public information⁴⁸. The lack of transparency in relation to requests for information made to State institutions, such as the Prosecutor's Office, and the impediment of coverage in other cases, were also reported during that year. In response to these events, framed within the indicator 'Legal framework contrary to standards', approaches were made to the Ombudsman's Office, responsible for ensuring compliance with the Organic Law on Transparency and Access to Public Information (Lotaip), under the premise that officials were custodians, not owners of that information.

In 2020, in terms of access to information, the most emblematic case was the process of evaluation, valuation, divestment, sale or "monetization" of Banco del Pacífico, which was declared as reserved by the Board of Directors of the National Financial Corporation (CFN), through Resolution No. 061-2019 on July 8, 2019. However, it was the plenary of the National Assembly that resolved to declassify the information related to this topic⁴⁹.

The presidential elections at the beginning of the year 2021 served as the context for the increase of aggressions against the press and limitations of coverage and access to public information. In fact, between January and March Fundamedios registered the highest number of alerts during the year. The monitoring of the aggressions that occurred during the first and second round, plus election day, resulted in a total of 79 aggressions against the

⁴⁸ 2018 Fundamedios Report: https://drive.google.com/file/d/1qHS54abBGmoyy64wxYQKPdCw_6VWA7ho/view

⁴⁹ 2020 Report: <https://www.fundamedios.org.ec/wp-content/uploads/2020/12/Informe-2020-EC2-2.pdf>

press, of which 63 correspond to media journalists, six activists, five media outlets, four citizens and one journalists' organization.

Access to information in Ecuador faces serious obstacles, exacerbated by state agents that limit transparency and accountability. Restrictions not only affect journalists and the media, but also society as a whole, depriving it of information essential for making informed decisions. While the number of obstruction cases has varied over the years, the pattern of censorship and lack of institutional response persists, undermining democratic principles of access to information and freedom of the press.

JUDICIAL HARASSMENT

The use of the judicial system to repress and silence critical voices has been a recurrent strategy in Ecuador in recent years, seriously affecting freedom of expression. Between 2018 and 2024, 144 judicial processes were documented against journalists, communicators, activists and citizens who dared to express their opinions or investigate sensitive issues. This phenomenon, known as "judicial harassment", has been used by state and local actors to censor and intimidate critical voices. The Integral Penal Code (COIP)⁵⁰ is a tool to sue journalists, since, the existence of Article 180 of the COIP which states: "the person who disseminates information of restricted circulation will be punished with imprisonment of one to three years", is contrary to international standards, which explain that the exercise of the right to freedom of expression cannot be subject to criminal sanctions, as it entails undue and excessive restrictions to freedom of expression, in addition that it does not consider the public interest of the information that can be disseminated, for example in those cases in which possible corruption of officials is investigated. Even so, institutional documents cite this article as a guide for journalistic work⁵¹.

Or, for example, fourth class offenses found in Article 396 of the COIP are also constantly used against journalists, since any person who "utters expressions of discredit or dishonor against another" will be punished with a prison sentence of 15 to 30 days.

Judicial harassment has shown fluctuations during these years. In 2018, 29 cases were registered, a figure that decreased in 2019 to 23 and fell further in 2020 to 16 cases. However, in 2021 there was an uptick, with 21 prosecutions recorded, a clear increase

⁵⁰Integral Penal Code: https://www.defensa.gob.ec/wp-content/uploads/downloads/2021/03/COIP_act_feb-2021.pdf

⁵¹ Prosecutor's Office issues a guide encouraging the use of an article of the COIP that violates freedom of expression: <https://www.fundamedios.org.ec/alertas/fiscalia-emite-una-guia-en-la-que-se-incentiva-a-utilizar-un-articulo-del-coip-que-atenta-contr-la-libertad-de-expresion/>

compared to the previous year. This pattern of increase and decrease reflects the persistent vulnerability to which communicators and citizens are exposed in the face of a judicial system that, at times, has been instrumentalized to censor freedom of expression.

The 29 cases in 2022 reflect an upsurge in judicial attacks, a figure that coincides with the trend seen in 2018, while 16 and 10 cases were recorded in 2023 and 2024, respectively. Although the number of cases has decreased in recent years, this should not be interpreted as a significant improvement, but rather as an indication of the constant pressure journalists and other critical actors continue to face in the country.

In 2024, of the 10 cases of judicial processes, six have been initiated by state actors. One of the most relevant cases in 2024 is that of journalist Jonathan Quezada, from the province of Bolívar, who was sued by Judge Hernan Cherres for investigating alleged mismanagement in the judicial system. Despite appealing the decision, Quezada was sentenced to 15 days in prison, which highlights the use of the judicial system as a tool to punish those who question the authorities. These types of sentences not only affect the individual freedom of communicators, but also have a dissuasive impact on the practice of journalism in general⁵².

There is also the case of journalist Lauro Vicente Rueda, of Supercable TV Cariamanga, who was denounced by Svetlhana Montero, district director of the Ministry of Inclusion and also daughter of the mayor of Cariamanga⁵³. Following a public criticism issued by Rueda, in which she suggested that Montero resign from his position for a verbal aggression against a journalistic team, Montero denounced him to the Cantonal Protection Board, controlled by the mayor's office. However, after Rueda intervened with a protection action, a judge ruled in his favor, annulling the measures imposed.

Xavier Jordan case

One of the most important cases that reflect the defenselessness of the press is that of Xavier Jordán, prosecuted and investigated for organized crime and corruption, who has used the judicial system to prosecute media outlets and journalists everywhere. Jordán opened eight lawsuits for moral damages against journalists such as Christian Zurita and

⁵² Jonathan Quezada case: <https://www.fundamedios.org.ec/alertas/una-sentencia-marca-un-precedente-de-censura-y-acoso-judicial-en-contra-del-periodismo-ecuatoriano/>

⁵³ Lauro Vicente Rueda case: <https://www.fundamedios.org.ec/alertas/victoria-de-la-libre-expresion-juez-retira-medidas-cautelares-que-pesaban-sobre-periodista-lojano-tras-una-opinion/>

Karen Minda and media outlets such as Diario Expreso, Ecuavisa, Teleamazonas, Revista Vistazo, Diario El Universo and Tc Televisión. Vistazo and El Universo accepted Jordán's request to publish a replica of the content for which they were sued. The cases of Expreso and Ecuavisa were declared abandoned. During the COVID-19 pandemic, several judicial processes for corruption and influence peddling broke out, in which businessman Xavier Jordán was involved. He is one of the main suspects in the corruption scheme in the Teodoro Maldonado Carbo hospital of the IESS in Guayaquil. Since, in the sanitary emergency, purchases of medical supplies were made with overprices. The Prosecutor's Office accused Jordán of being part of a "corruption network"⁵⁴. In December 2023, the 'Metastasis' case was uncovered in which an organized crime network was uncovered based on the chats of the murdered drug trafficker Leandro Norero. Jordán spoke almost daily with Norero. The Attorney General's Office has identified him as one of the heads of this corruption network and even issued an Interpol red notice to locate him. However, he is known to be in the state of Florida, United States⁵⁵.

Xavier Jordán's name began to be heard in November 2022⁵⁶. Ecuavisa journalist Carlos Rojas alerted the public, through his personal account, that he received a threatening phone call from Xavier Jordán. The aggression occurred after the journalist responded on Twitter to the official of the Prefecture of Pichincha Orlando Pérez, and told him that he should retweet an image of public knowledge where Jordán, suspect of a long corruption scheme, appears in a swimming pool in Miami.

In March 2023, it was learned that Jordán filed a lawsuit against the newspaper Expreso for "moral damages"⁵⁷. He filed the lawsuit on November 9, 2022 at the Civil Judicial Unit based in Guayaquil. The lawsuit was recently declared abandoned.

In June 2023, he attacked and threatened another journalist. In this case, it was journalist Karen Minda, of La Voz del Pueblo⁵⁸. On May 5, she received a summons from the Judicial Unit of the canton of Guayaquil, regarding the lawsuit filed against her by Jordán, for having caused her "moral damage". Minda indicated that in the media La Voz del Pueblo,

⁵⁴ Corruption of Xavier Jordán: https://x.com/VillaFernando_/status/1532574380907237392?s=20

⁵⁵ Xavier Jordán Metastasis Case: <https://www.ecuavisa.com/noticias/politica/caso-metastasis-xavier-jordan-demando-medios-periodistas-EJ6586886>

⁵⁶ Alert Carlos Rojas: <https://www.fundamedios.org.ec/alertas/periodista-ecuatoriano-recibe-amenazas-de-un-profugo-de-la-justicia/>

⁵⁷ Diario Expreso claims moral damages: <https://www.fundamedios.org.ec/alertas/procesado-por-corrupcion-demanda-a-medio-de-comunicacion-por-dano-moral/>

⁵⁸ Karen Minda alerts demand: <https://www.fundamedios.org.ec/alertas/xavier-jordan-demanda-a-otra-periodista-por-dano-moral/>

they have mentioned Jordán's case on several occasions because it is of public interest. He said that they made about three or four reports on the case and the public accusations that exist against Jordán and that are being investigated by the Attorney General's Office.

He added that the lawsuit, which would have about 100 pages, is based solely on a report of March 2023 in which the corruption case of the Teodoro Maldonado Carbo hospital in Guayaquil is discussed. According to what Minda and his lawyers understand, Jordán would have been upset for having been related to the so-called "Los Tetones gang", according to a photograph that circulated in social networks and other media, in which Jordán appears along with other people in a swimming pool.

Jordán, in early September, initiated his fourth lawsuit⁵⁹ against journalists and media, this time against the newspaper El Universo for "moral damage". The lawsuit was filed on his behalf on August 2, at the Civil Judicial Unit, based in the canton of Guayaquil. In the lawsuit, to which Fundamedios had access, Jordán assures that on June 3 and October 3, 2022, the newspaper published news in which he was referred to in terms that would have violated his rights. In the process, Jordán catalogued the news as "false", "unfounded" and "malicious", assured that the image in which he appears is private and that it was published without his consent, and emphasized that he does not have any conviction.

Attorney Richard J. Díaz, representative of Xavier Jordán stated that legal actions have been initiated against investigative journalist Christian Zurita -later presidential candidate-, former assemblyman and murdered presidential candidate Fernando Villavicencio and a businessman⁶⁰, accused of defamation against his client. In a press conference on March 7, 2023, attorney Díaz, who was sitting next to Jordán, announced the initiation of legal actions for the crime of "defamation" and "cyberbullying".

This is in addition to the constant attacks that Jordán makes on his personal X account against journalists and media outlets. Fundamedios has issued 21 alerts about him. This generates concern about how he has used his media and links to discredit and persecute the work of journalists.

ABUSIVE USE OF STATE POWER

⁵⁹ El Universo newspaper sued by Jordán: <https://www.fundamedios.org/ec/alertas/xavier-jordan-demanda-a-diario-ecuatoriano-por-dano-moral/>

⁶⁰ Zurita lawsuit, Villavicencio: <https://www.fundamedios.org/ec/alertas/procesado-por-trafico-de-influencias-inicia-acciones-legales-contra-periodista-ecuatoriano/>

In Ecuador, the abusive use of state power against freedom of expression has shown a worrying increase in recent years. Since 2018, an escalation in cases of harassment and intimidation towards journalists, both national and international, has been observed. In 2018, 3 cases were registered, in 2019 1 case, in 2020 1 case, in 2021 10 cases, in 2022 4 cases, in 2023 8 cases and, so far in 2024, 7 cases have already been documented.

In the last year, the situation has worsened markedly. Ecuadorian authorities have intensified their harassment of the press through harassment and intimidation tactics. A prominent example is the case of the governor of Santa Elena, Freddy Tamayo, who has threatened several local media outlets, including radio stations and digital portals, suggesting the revocation of their frequency concessions for alleged dishonesty. Such threats not only seek to intimidate, but also have a direct impact on the autonomy of the media.

The Ecuadorian government used TC Television, a seized media, to broadcast this June 10 an "investigation" on an alleged network of troll centers managed by Vice President Veronica Abad, to attack Noboa and his wife. Fundamedios strongly condemns these practices typical of an authoritarian regime and that Ecuador already suffered during the government of Rafael Correa (2007-2017) when public media, seized and private media loyalized with official advertising were used to create a structure led by the Alvarado brothers aimed at creating a state of propaganda⁶¹.

Activist, communicator, actress and journalist Alondra Santiago was notified by e-mail of the revocation of her visa. Resolution No. 000057 of the Vice-Ministry of Human Mobility indicates that the Ministry of the Interior delivered a document classified as "secret" in which it is explained that Santiago has committed "acts that threaten public security and the structure of the State".

The notification received by Santiago indicates that the resolution was given on June 24. The document explains that the Undersecretariat of Migratory and Consular Services sent a technical report which concludes that Santiago has committed the aforementioned acts and, therefore, requests that the visa be revoked because, according to the Law of Human Mobility and its Regulations, those would be determined grounds⁶².

⁶¹ Government misuses seized state-owned media to attack opponents and media: <https://www.fundamedios.org.ec/alertas/gobierno-hace-mal-uso-de-medios-estatales-incautados-para-atacar-a-opositores-y-medios-de-comunicacion/>

⁶² Government revokes visa of journalist and activist: <https://www.fundamedios.org.ec/alertas/gobierno-revoca-la-visa-de-periodista-y-activista/>

In 2023, the Ecuadorian Social Security Institute (IESS) informed that it would hire a campaign for USD 900,000 to counteract what they have called "constant media attack", which appears as a justification for the hiring.

In the terms of reference of the contract for the "service of development, implementation and evaluation of a communication strategy of the IESS", one of the justifications used was that the "media attack", together with the poor dissemination of benefits and the institutional situation became the trigger for "misinformation".

In addition to this accusation against the media, the entity included a monitoring that establishes categories to the news published by the media and points out that 67% of the articles published about the entity are "negative", 25% "neutral" and 8% "positive"⁶³.

The Intelligence Directorate of the National Police received explicit orders to carry out a daily monitoring of social networks and the contents of the digital portal LibertyTex - which publishes material related to the police institution - after replicating the messages of a Colonel. Fundamedios had access to a document that reveals that on September 14, 2022, General Mauro José Vargas Villacís, general director of Police Intelligence, received an instruction from the Inspector General's Office to carry out a daily monitoring of the telematic networks of the digital portal, with the purpose of identifying developments in which collaborators are involved⁶⁴.

Meanwhile, in 2022 the Telecommunications Regulation and Control Agency (ARCOTEL), through ARCOTEL-2022-0001 resolution, decided to terminate the enabling title for the national media, CANAL UNO, which has a nationwide reach in Ecuador. The document detailed that the concession contract with channel 12 VHF, which has headquarters in Guayaquil and its repeaters nationwide, signed with the company RELAD S.A. on February 13, 2003 and renewed on April 11, 2013, was terminated. It also states that the company has the right to appeal this resolution through the courts, in the terms and time limits, in accordance with the provisions of the current legal system⁶⁵.

⁶³ IESS campaign against "media attacks": <https://www.fundamedios.org.ec/alertas/instituto-ecuatoriano-de-seguridad-social-argumenta-ataques-mediaticos-para-justificar-una-costosa-campana/>

⁶⁴ Ecuadorian Police Intelligence Directorate received orders to monitor digital portal: <https://www.fundamedios.org.ec/alertas/direccion-de-inteligencia-de-la-policia-de-ecuador-recibio-ordenes-para-monitorear-a-portal-digital/>

⁶⁵ <https://www.fundamedios.org.ec/alertas/arcotel-retiro-el-titulo-habilitante-de-canal-uno/>

The abusive use of state power against freedom of expression in Ecuador has increased significantly in recent years. This escalation in repression manifests itself in various forms, including systematic harassment and intimidation of journalists, the imposition of arbitrary sanctions, and restrictions on access to resources necessary for journalistic work. In addition, the use of public media to promote government agendas and the control of information demonstrates a regression towards authoritarian practices that negatively affect the autonomy and freedom of the press.

The current environment of hostility and repression has created an environment in which the exercise of freedom of expression is severely compromised. The lack of thorough investigations into violations of journalists' rights and increasing censorship reflect a disturbing pattern of abuse of state power that restricts the right to a free and independent press.

