

SPECIAL REPORT

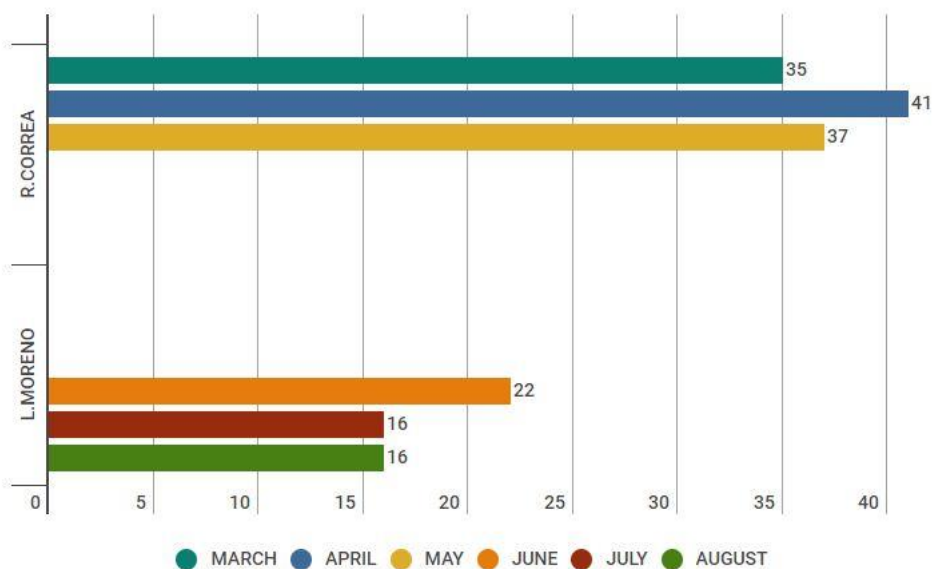
LESS ATTACKS AGAINST FREEDOM OF EXPRESSION, BUT NO PROGRESS ON REFORMS DURING THE FIRST 100 DAYS OF LENIN MORENO'S GOVERNMENT

The stigmatizing speech, insults and disqualifications against journalists or activists during Sabatino links, and almost daily attacks against the media have grown exponentially according to FUNDAMEDIOS's records on attacks on freedom of expression.

The first 100 days of the administration of Lenin Moreno promised changes, not only with the call for open dialogue, the elimination of the citizens link or revisiting the structure of the administration in the public means-which has promised to mark a before and after towards a more plural editorial line and less government. The drastic drop in the number of attacks on freedom of expression has given us the opportunity to reflect a new reality that could translate into an improvement in the exercise of this fundamental right in Ecuador.

So far in 2017, 242 attacks have been recorded. which includes the last three months of the administration of Rafael Correa, the most violent, with a total of 113 attacks between March and May, compared to the first three months of the Moreno administration, with a fall greater than 50% and a total of 54 Cases. In May, July and August, there were only 22, 16 assaults, respectively, marking a drastic difference, compared to the attacks reported in March (35), April (41) and May (37).

FREEDOM OF EXPRESSION ATTACKS IN 2017



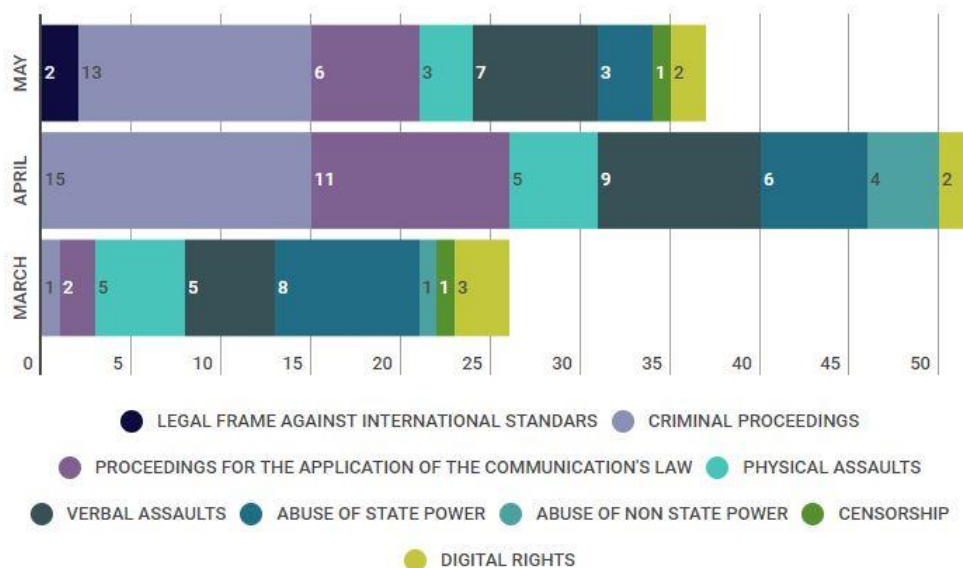
The State and public officials decrease the attacks

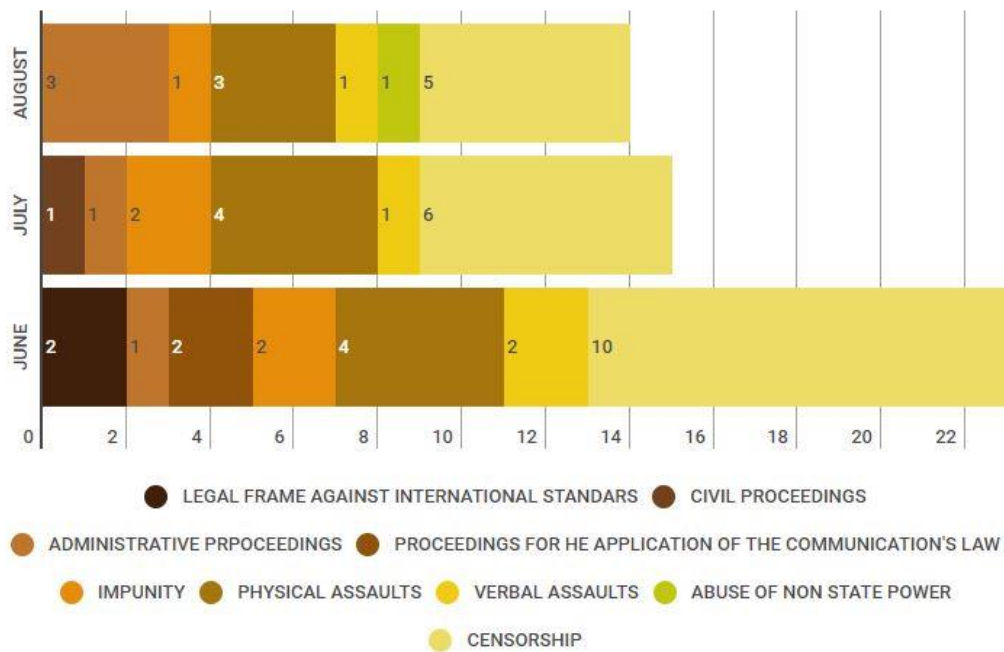
During the last three months of former President Rafael Correa’s administration and during the first 100 days of Lenin Moreno’s administration, there is a huge difference in the level of aggression in Ecuadorians. For example, in between March and May, which were the last three months of Correa’s presidency, the main aggressors were public officials, who staged 44 assaults, followed by action by state institutions (usually sanctions under the LOC) with 35, against the 16 attacks perpetrated by public officials and 11 by the same State, in the government of Moreno.

Similarly, during the last three months of Correa’s presidency, the public official who attacked the most was the former President on 14 occasions (64 since January), which contradicts the null aggressions on the part of President Lenin Moreno.

An interesting fact is the comparison of aggressors with the category of “Political”, understood as someone who is outside the exercise of power. In the last few months of ancient regime, there were no reported acts of aggression but in these 100 days, we have registered 9 causes, the majority of them are the same perpetrators as attacks in Correa’s administration.

In spite of these changes and the decrease of the aggressiveness, the attacks from the State and public officials in these 100 days under the command of Moreno continue to be the protagonists, with 11 and 16 cases respectively, followed by politicians and strangers, with 9 and 8 cases respectively.





Verbal assaults remain intact, but legal process and state’s abuse decrease

As for the attackers, both in the last months of the government of Correa and in the first ones of Moreno, the main attacks were for verbal assaults and for violations of digital rights. However, the difference lies in the number of these.

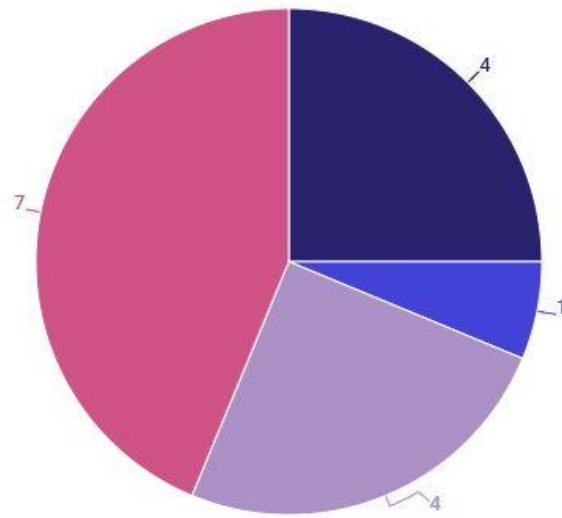
Between March and May, the verbal attacks, like threats, insults and disqualifications, add an additional 21 attacks (39 since January), while in the last quarter, 11 attacks were reported. Violations of digital rights in Correa’s final months totaled 7, but increased to 11 in the Lenin Moreno government.

There is a marked difference in the aggressions produced by abuse of state power, which added 17 during the Correa government, compared to 4 reported in the Moreno government, the same applies to criminal proceedings. During the last quarter of the Correa government there were 29, in front of a case registered in the new government.

AUGUST

JULY

JUNE

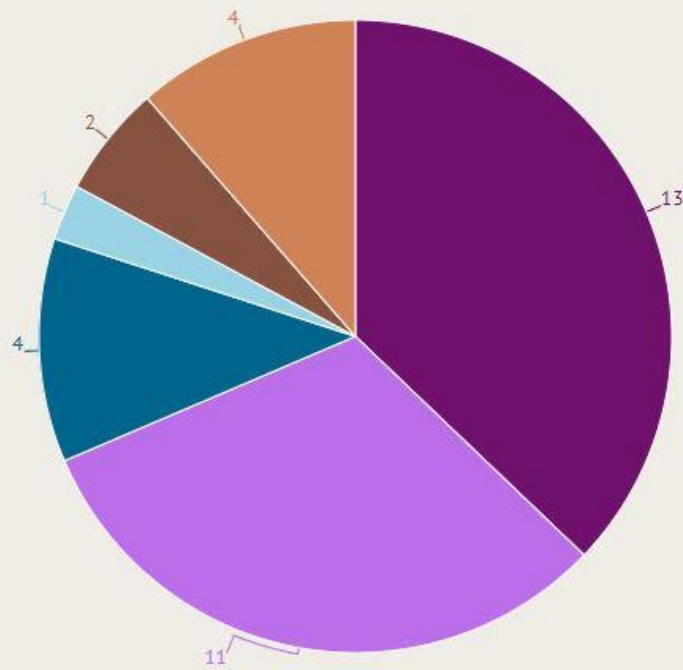


AGRESSORS

MARCH

APRIL

MAY



The communication structure remains the same but with a moderate use by the state

The most notorious change since the first day of Lenin Moreno's rule was in the handling of communication and the use of the state apparatus. The almost omnipresence of the figure of the First President to which the Ecuadorians became accustomed to listening to Rafael Correa every Saturday for more than three hours was reduced with the elimination of these Citizen Links.

Now the President's accountability is a weekly report of activities that, since June 12, is broadcast on Mondays in national chain under the name of "The Government informs" and with a duration of up to 16 minutes. This, translated in time, by the 12 reports that have spread in these 100 days, sum a total of 165 minutes, which is equivalent to less than a single sabatina of the ex- President Correa.

Regarding the use of channels registered by the Government of Correa in a strategy of political polarization, which include journalists, social leaders, civil society organizations, opposition politicians. During these first 100 days of President Lenin Moreno's administration, a total of 129 channels. In June, 35 channels were registered, in July, 52 channels and in August, 42 channels. This figure is still very high, but much lower than the number of channels issued during the Correa government, whose government devoted 158 days to the emission of these spaces, according to an earlier study conducted by the organization.

The refreshment of editorial lines and the state media management staff also reflects a change with indications of greater pluralism. Since July 17, Andrés Michelena, Lenin Moreno's former deputy secretary for communications in the vice presidency, has been publicly known as general manager of the Public Media, and Fernando Larenas, a well-known journalist, has joined the team. Before, the team was led by journalist Orlando Perez, who maintained a government line and criticism of the opposition. These changes were made by a simple resolution of the Directory of Public Enterprise, without presidential decrees, as confirmed by Andrés Michelena.

It should be noted that the Empresa Medios Públicos is composed of newspapers El Telégrafo and El Tiempo; the Ecuador TV station; the Public Radio; PP Digital, Andes and Editogran. Before Diario PP had a printed format, as did the media, El Ciudadano, has stopped being printed to be exclusively digital.

After this designation, the changes were noticed from the first editorials and analyzes since before as they were not faced certain subjects that are harmful for the government, like the corruption and links of state officials that at the moment can be seen and read in these means.

To know if there are changes in the editorial line of these media sources, Fundamedios monitors briefing notes and opinion articles from 15 random days between July and August of 2017, from three media sources, two public (Agencia

de Noticias Andes y El Telégrafo) and one governmental (El Ciudadano). Of these, 79 journalistic spaces were counted, 50 related to informative notes and 29 to articles of opinion.

The analysis determined the figure that President Lenin Moreno obtained is the largest gap in these medias, with 22% of the sample, compared to 6% of former President Correa.

In order to analyze in depth the editorial line of the media, informative news was classified according to its approach (negative, positive, neutral) and according to the tendency (discredits, does not discredit, proselytizing).

From 50 informative news sources, it was recorded that 44% (22) were considered positive, 38% were considered neutral (19) and 18% were considered to negatively depict the Government. Of these, barely 4% (2) could be considered discrediting notes curiously to the same President Moreno, 90% (45) does not discredit and 6% (3) tends to governmental proselytism. But the figures may look cold, so we look at the content of some relevant notes.

On August 3rd, 2017, Agencia Andes published an article on the position of Vice President Jorge Glas after being removed from office. The news classified this as negative and discrediting of the government. The article: "This is a struggle for truth, I am defending principles": Glas assured that it was removed by request of the opposition and that Moreno intends to return to the "old country." "I was removed from the functions by order of Abdalá Bucaram, at the request of Guillermo Lasso, at the request of the big businessmen, at the request of the opposition ... for the return of the old country, for the 'tongo' country, , and "there are the fruits of the dialogues, the distribution of public companies," he said. An article of this kind during Correa's government would have been unthinkable.

That day, Andes also published "[Bloque de AP anuncia que buscará restablecer la relación política de su binomio presidencial](#)", this article was also classified as negative and discrediting to the government, as 74 official assembly members referred to the opposition as "rance right" that seeks to return to a "rentier and oligarchic" past, while seeking a reconciliation between Lenin Moreno and Jorge Glas.

On the other hand, the analysis of the covers and articles of opinion of the newspaper El Telégrafo allowed to know that, of a total of five covers, two were assigned for political subjects, two for government actions and one for sports.

In respects to the opinion articles, of the 29 texts, 34% (10) were positive, 14% (4) were neutral and 52% (15) were negative. Of those, 24% (7) were discredited and 72% (21) were not discredited and 3% (1) tends to proselytism.

'La responsabilidad política' opinion article was configured to be negative and proselytizing, as it criticizes the call for dialogue by Moreno and warns that it is a political strategy that seeks to attack everything that is related to the correism,

including in this sense Jorge Glas. The article said: “What they did not win at the polls they want to achieve it by sitting at the table and negotiating their local powers, but on the other hand, seek, without a doubt, revenge on the fundamental values of the Citizen Revolution.”

It should be emphasized that the issues highlighted in the media that were monitored included the activities of the presidential cabinet, the social and economic plans undertaken by the Government; as well as national issues related to cases of corruption and the fight against corruption.

These facts point to a variation of the editorial line of the media in the hands of the State that in the last decade were used as instruments to impose the truth of the government and to make smear campaigns.

A study by Fundamedios on the use of state media during the election campaign revealed that during the first week of the second round of elections (between 10 and 16 March 2017), six media outlets in the hands of the state a campaign of discredit against the candidate for the presidency of opposition by Creo, Guillermo Lasso. During this period, 71 informative spaces were counted in which the opposition candidate was talked about in front of 70 corresponding to the candidate Lenin Moreno, of a sample of 157. In addition, it was verified that in radio and television Lasso obtained 5 hours and 13 minutes of disrepute in such information spaces, while Lenin Moreno, accumulated 2 hours and 45 minutes of proselytism in his favor.

Communication’s law is on debate while sanctions decrease

Moreno’s government has opened the possibility of discussing the highly controversial Ley Orgánica de Comunicación (LOC), by promoting dialogue processes aimed at reforming the LOC through the creation of tables set up for this purpose, in which Fundamedios has also been invited and participated. For this purpose, eight national tables have been deployed and, with the results, the head of the National Secretary of Communication, SECOM, Alex Mora, announced that a package of amendments to the Communication Law will be prepared, which should be processed in the National Assembly. At the same time, Mora said they closed the debate on a repeal of the Law, since most people who participated in the dialogue wanted to have a LOC, only with reforms.

The recurring themes on the table have been sanctions to the media and an organism to control the media, the advertising pattern and the interculturality quota. Also, the professionalism, the right to the reply, the figure of media lynching and national production, among others, according to several media sources.

With this framework, assembly members of all the groups represented in the National Assembly have formed the Multiparty Parliamentary Group for the Defense of Freedom of Expression and to promote reforms to the LOC. The Assembly members Jorge Yunda, Mae Montaña, Fabricio Villamar, Wilma

Andrade, Jaime Olivo, Cristina Reyes and Vicente Taiano created this initiative, which was proposed by the social-Christian legislator Cristina Reyes, who will act as coordinator of the group considering that excesses have been determined in the application of this Law.

While this happens, the Superintendent of Information and Communication (SUPERCOM) has significantly reduced the sanctions to the media. The fall in the number of media sanctions is drastic. Between March and May, Fundamedios counted 17 cases, while between June and August 5 were registered.

On August 10th, the SUPERCOM provided information on the number of processes admitted to this institution from May 15 to July 31 of this year. According to records of an entity, up to that date, 15 complaints were received, 13 were filed by citizens and two filed by public officials. Two of the complaints were dismissed and filed, two concluded in sanction and the remaining 11 are in process. The complaints were against six public and 15 private media, the right affected to which the complainants refer is the right to honor and good name and request the application of Article 23 of the LOC, which refers to the rectification of the information.

With this reduction of sanctions, it is added to a sentence issued by the Administrative Dispute Court in Guayaquil, which occurred on August 23 and nullified the sanction imposed by the SUPERCOM three years ago, against the newspaper El Universo, authored by Xavier Bonilla "Bonil", referring to the raid on the house of Fernando Villavicencio. The fine consisted of the payment of the equivalent of 2% of the average billing of the last three months of the newspaper (USD 90 thousand) and the obligation to rectify the caricature titled "Regale la Navidad", published on December 28, 2013.

The Court argued that the Superintendent's argument "lacks the necessary strength to give rise to a pertinent and complete motivation, since there is no legally imputable conduct coming from Diario El Universo, meriting, to be sanctioned, because it does not comply with the budgets of paragraph I), numeral 7) of article 76 of the Constitution of the Republic of Ecuador, which establishes that the legal norm, should be relevant to the factual background to which the decision of the public authority refers.

With this background and the current context, it is clear that Ecuador has entered a new stage that gives light to think of an improvement in the situation of freedom of expression and urgent changes that must be made in terms of the application of a Law of punitive communication which, after four years of application, has not been effective in promoting pluralism, but, on the contrary, has promoted censorship and self-censorship.

ANALYSIS

Changes in tiptoes

Lenin let loose the flanges of a state and a society handled fiercely and many times to stick during the correism and unleashed the storm. The ex-president and his acolytes spoke immediately of treason and of several sectors of the opposition was spoken of tongo or trap. Many naïve people thought that we had passed a period of transition or democratic spring.

But the reality is different.

One of the sectors where the weight of the pressures and the strings became more lightened was in the exercise of freedom of the press and the work of the press. This is supported by the figures in Moreno's 100 day report presented by Fundamedios. Less aggression, less aggressive propaganda used, changes in state media, less media sanctions under the Law of Communication, dialogue with owners of some media, good relations with the press in general. Everything has helped to create a substantially more relaxed atmosphere.

It is not a minor fact. And personally I think that it is symbolic that central in the political and that the speech are not only words but at the same time background.

But, the earrings are many. Almost every. At the end of the day, the Ecuador of these 100 days Lenin Moreno in power, is a country that opened a window on the possibility of starting a transition to democracy. In no way do we still live a transition, let alone a full democracy.

If the transition opportunity is consolidated, progress must be substantial for reforms to dismantle the most damaging aspects of the Law on Communication and its regulations and consolidate possible advances in pluralism and protection for the weaker sectors. Key steps must be taken to advance transparency and access to information, including as a mechanism to fight corruption, and to generate Open Government processes. We must advance the dismantling of the propaganda apparatus and create a solid structure with parliamentary control and citizen of the public media, while selling the seized media.

Finally, the agenda is large and many aspects are included in the "Roadmap for Freedom of Expression 2017-2019" that was built by a group of civil society organizations, academics, journalists, media executives and citizens.

For now, in these 100 days, it is necessary to breathe the fresh air, try to open the window a little more and prepare for when spring really comes.