

Ecuador

	2016	2017		
Internet Freedom Status	Partly Free	Partly Free	Population:	16.4 million
Obstacles to Access (0-25)	8	8	Internet Penetration 2016 (ITU):	54.1 percent
Limits on Content (0-35)	12	13	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	21	22	Political/Social Content Blocked:	No
TOTAL* (0-100)	41	43	Bloggers/ICT Users Arrested:	No
			Press Freedom 2017 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2016 – May 2017

- Politically motivated takedown requests for alleged copyright violations targeted online news outlets and the websites of human rights organizations (see “**Content Removal**”).
- A law approved in December 2016 raised concerns among digital activists fearing increased government control over online content, by reasserting internet as a public service, as well as enabling the state’s Institute of Intellectual Property to directly order the “suspension” of digital content for alleged copyright infringement (see “**Content Removal**”).
- In the lead-up to presidential elections, social media accounts belonging to politicians, journalists and opposition activists were hijacked and used to disseminate messages against the opposition’s vice presidential candidate (see “**Content Manipulation**” and “**Technical Attacks**”).
- The climate of online harassment and intimidation against critical reporters and social media influencers resulted in at least one offline physical attack during this period, when the director of a news site was beaten by several people on his way to the airport (see “**Violence and Intimidation**”).

Introduction

Ecuador's internet freedom declined in the midst of frequent attacks against government critics online, including progovernment trolling, cyberattacks, legal and physical threats.

The country's internet freedom climate intensified during a year of presidential elections, with a series of leaks disrupting the process and the continuation of previous trends of censorship and intimidation. In the lead-up to the election, candidates' and journalists' social media accounts were hacked and used to spread rumors. President Rafael Correa remained in office until May 24, 2017, with many journalists and activists hoping that the new president, Lenin Moreno of the ruling Alianza Pais (AP) party, will usher in reforms and embody a less confrontational relationship with the media.

Politically motivated takedowns continued to be part of the everyday lives of activists, journalists and political dissidents. The abuse of copyright infringement notices to censor online content and heavy sanctions for private media under the 2013 Communications Law all continued to present limits on content. President Correa repeatedly encouraged the public to "use the law" against his critics on social media and to dox users who insult him.

A series of leaks, and even official reports from the government, have provided compelling evidence of active monitoring of the public web and government targeting of opposition figures for surveillance. Legal actions against alternative media because of their posts on blogs or social media also point to active monitoring of the online sphere. Meanwhile, organizations such as Ecuador Transparente have denounced the use of public funds to operate propaganda accounts and social media campaigns to attack opposition leaders.

While internet access has steadily increased, Ecuador maintained a contradictory position on internet freedom. The government has engaged in widespread campaigns to improve internet access and digital literacy across the country. The protection of foreign whistleblowers such as Julian Assange and Edward Snowden, who was granted safe passage in order to travel to Russia, gave Ecuador fame as a defender of internet freedom. However, this image has contrasted with the climate of media censorship and harassment inside the country. In July 2016, Ecuador voted against the UN Human Rights Council resolution on the protection of human rights on the internet.

Obstacles to Access

Internet access continued to increase during this coverage period. The quality of service has improved and become more readily available with the expansion of 4G technology. The number of 4G lines increased three-fold during the past year, from almost 2 million in April 2016 to more than 6 million in April 2017.

Availability and Ease of Access

Key Access Indicators		
Internet penetration (ITU) ^a	2016	54.1%
	2015	48.9%
	2011	31.4%
Mobile penetration (ITU) ^b	2016	84%
	2015	79%
	2011	101%
Average connection speeds (Akamai) ^c	2017(Q1)	6.2 Mbps
	2016(Q1)	5.3 Mbps

^a International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2016," <http://bit.ly/1cblxxY>.

^b International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2016," <http://bit.ly/1cblxxY>.

^c Akamai, "State of the Internet - Connectivity Report, Q1 2017," <https://goo.gl/TQH7L7>.

Internet access in Ecuador has steadily increased in the last few years. The Pacific Caribbean Cable System (PCCS), a new high speed fiber-optic cable completed by a consortium of operators in August 2015,¹ represents part of a larger advance in infrastructure improvements in Ecuador.²

Multiple internet subscription options are available. Broadband (commonly used in urban zones) and satellite connections (often used in rural areas) have become increasingly popular in recent years. In March 2017, the Andean Community launched a new satellite to increase the speed of communications in remote areas.³

In early 2015, Movistar and Claro reached a deal with the government to access the radio frequency bands to improve 3G connectivity and install 4G services, in exchange for paying over US\$ 300 million and improving 3G coverage. This contract, expiring in 2023, is expected to reach more individuals than previous attempts to introduce 4G technology.⁴ Government data shows that the number of active lines using 4G technology (LTE and HSPA) has increased three-fold, from almost 2 million in April 2016 to more than 6 million in April 2017.⁵

While fixed and mobile broadband internet with low download capacity (500 Mb) is affordable

1 Sofia Ramírez, "Un nuevo cable submarino se instala," [A new undersea cable is installed], *El Comercio*, Quito, July 14, 2015, <http://bit.ly/2dv79sA>

2 Ministerio de Telecomunicaciones y Sociedad de la Información (MINTEL), "Seguimos creciendo en el despliegue de las telecomunicaciones: Ecuador ya cuenta con 59.861 km de fibra óptica," [The deployment of telecommunications keeps growing: Ecuador already has 59,861 km of fiber optic], January 28, 2016, <http://bit.ly/1RQd8of>

3 Agencia EFE, "Comunidad Andina lanza satélite de comunicaciones con alcance para América Latina," [Andean Community launches communications satellite to reach Latin America], *El Comercio*, March 30, 2017. <http://bit.ly/2op7SwT>

4 Mercedes Alvaro, "Ecuador Signs 4G Contracts with America Movil, Telefonica," *The Wall Street Journal*, February 18, 2015, <http://on.wsj.com/1DsXlo9>

5 Agencia de Regulación y Control de las Telecomunicaciones (ARCOTEL), "Servicio Móvil Avanzado," [Advanced Mobile Phone System], May 2017, <http://bit.ly/1p7oE2U>

for most users, Ecuador had the steepest price in the region for higher download capacity (1 GB) adjusted for purchasing power parity.⁶ Small internet retailers provide internet access to Ecuadorians for less than US\$1 per hour. Although the government eliminated cell phone import quotas for companies,⁷ mobile phones continued to be taxed as luxury items along with other electronic devices such as computers and tablets.⁸

Socio-economic factors have continued to impact internet access in Ecuador. Some 44.6 percent of families in urban areas had internet access compared to 16.4 percent in rural areas.⁹ A similar gap can be observed for digital literacy: while 93.1 percent of the population knows how to use digital devices in urban areas, only 78 percent of rural areas inhabitants do.¹⁰

Ecuador has shown improvements in expanding internet access to rural areas over the past three years through programs facilitated by the Ministry of Telecommunications (MINTEL). Ecuador's state-run Infocentros – community centers with network access that began to be installed in June 2012 – provide free internet in 78 percent of rural cantons in the country.¹¹ Infocentros have played an important role in reducing digital illiteracy (from 21.4 percent in 2012 to 11.5 percent in 2016) by offering free workshops across the country.¹² MINTEL and the Ministry of Education expect to provide full access to all public schools through its National School Connectivity Plan.¹³ The National Secretariat of Higher Education has also taken steps to provide free Wi-Fi in public and private universities.¹⁴

Restrictions on Connectivity

Ecuador's physical infrastructure is not highly centralized. The government does not place limits on bandwidth, nor are there reports of control over infrastructure, although a provision in the 2015 Organic Law of Telecommunications grants the president the power to unilaterally take over telecommunications services in times of national emergency.¹⁵ Civil society groups have raised concerns about the scope of this provision and its potential abuse by the government because of its vague standards and lack of oversight by an independent and impartial court.¹⁶

6 María F. Viences & Fernando Callorda, "La brecha digital en América Latina: precio, calidad y asequibilidad de la banda ancha en la región," [The digital divide in Latin America: price, quality and affordability in the region], *Diálogo regional sobre sociedad de la información*, January 2016, p. 18, <http://bit.ly/1UG7nJP>

7 Sofía Ramírez, "Cupos para importación de celulares ya no rigen en el Ecuador," [Import quotas for cell phones no longer apply in Ecuador], *El Comercio*, February 3, 2017, <http://bit.ly/2kpz8Jw>

8 Evelyn Jácome, "27,5% de impuestos se pagará por cada celular que llegue vía courier," [27.5% of taxes will be paid for each cell phone brought via courier], *El Comercio*, January 7, 2016, <http://bit.ly/1kSketl>

9 Instituto Nacional de Estadísticas y Censos, "Encuesta Nacional de Empleo Desempleo y Subempleo," [National Survey of Employment], December 2016, <http://bit.ly/1d4IF5f>

10 *ibid.*

11 There are 854 Infocentros with 12 million visits since they were first implemented in 2010. See: Ministerio de Telecomunicaciones y Sociedad de la Información, "Infocentros comunitarios," [Community infocenters], accessed November 10, 2017, <http://bit.ly/1iPMYxq>

12 Instituto Nacional de Estadísticas y Censos, "El analfabetismo digital en Ecuador se reduce en 10 puntos desde el 2012," [Digital illiteracy in Ecuador has reduced 10 points since 2012], January 27, 2017, <http://bit.ly/2kcMZmz>

13 Ministerio de Telecomunicaciones y Sociedad de la Información, "Conectividad escolar," [Scholar connectivity], accessed March 4, 2016, <http://bit.ly/1OVJDKB>

14 "El Código Ingenios propone redes gratuitas de internet en las universidades," [The Ingenios Act proposes free internet network in universities], *El Telégrafo*, January 10, 2016, <http://bit.ly/1PnG94e>

15 Asamblea Nacional República del Ecuador, Ley Orgánica de Telecomunicaciones [Telecommunication Law], <http://bit.ly/2fsPIKj>

16 Katitza Rodríguez, "Leaked Documents Confirm Ecuador's Internet Censorship Machine," Electronic Frontier Foundation, April 14, 2016, <http://bit.ly/1W144NE>

ICT Market

Ecuador has seven major internet service providers (ISPs) covering 98 percent of users and 393 small ISPs providing access to the rest of the market.

State-owned National Telecommunications Corporation (CNT) dominated the fixed-line market, with 55 percent of subscriptions, followed by Setel (13 percent) and Conecel (8 percent). Mobile internet service providers, on the other hand, are an oligopoly: Conecel (Claro) represented 58 percent of active cellular accounts, Otecel (Movistar) 30 percent, and CNT, 12 percent.¹⁷

A new Telecommunications Act entered into force in 2015, allowing the government to impose specific requirements on dominant operators with high market power based on their income; and to impose fines depending on the number of users.¹⁸ In 2016, a judge reversed an attempt to impose a US\$ 82 million fine on Conecel (Claro) over exclusivity clauses in their contracts.¹⁹ In retaliation, the company sued the Superintendent of Market Power Control claiming that he damaged the company's reputation.²⁰

There have been no reported government restrictions for new companies in the ICT sector. However, it has become difficult for small entrepreneurs to start an ISP in highly populated areas, mainly due to the number of competitors. As a result, they have migrated to outlying provinces.²¹ Registration with ARCOTEL is mandatory for cybercafes.

Regulatory Bodies

The Organic Law of Telecommunications passed in 2015 radically changed the regulation of the telecommunications sector. The new telecommunications law created a regulatory body, the Agency for the Regulation of Telecommunications (Arcotel), which is attached to the Ministry of Telecommunications and is responsible for technical aspects of administration, regulation, and control of the telecommunications sector and the radio-electric spectrum.²²

Arcotel's directors are all appointed directly by the president, which may undermine its independence.²³ Arcotel's effort to redistribute radio-electric frequencies has notably been criticized for being politicized and lacking transparency. In response to the removal of its frequency, the director of the National Union of Journalists claimed this was an act of retaliation for their "firm and critical stance [against] policies implemented by the government."²⁴

17 An ISP was considered "major" if it had at least 50,000 users. See: Agencia de Regulación y Control de las Telecomunicaciones, "Servicio de Acceso a Internet," [Internet Access Service], updated March 2017, <http://bit.ly/1qcC7Xs>

18 América Móvil, "Annual Report," December 31, 2104, <http://bit.ly/1pqOpel>

19 Sofía Ramírez, "Multa por USD 82,7 millones para Claro," [Claro fined with USD 82.7 millions], *El Comercio*, August 30, 2016, <http://bit.ly/2cawovo>; See also: <http://www.elcomercio.com/actualidad/negocios/multa-de-usd-38-millones.html>

20 Sofía Ramírez, "Pedro Páez enfrenta un proceso penal planteado por Claro," [Pedro Páez faces criminal proceedings from Claro], *El Comercio*, January 31, 2017, <http://www.elcomercio.com/actualidad/negocios-pedropaez-procesopenal-claro-quito.html>

21 Rodrigo Barahona, Former Internet Service Provider, Interview March 14, 2016

22 Asamblea Nacional República del Ecuador, Ley Orgánica de Telecomunicaciones [Telecommunication Law], <http://bit.ly/1Kvdp7W>

23 Leticia Pautasio, "Ecuador: Ley de Telecomunicaciones entra en vigencia y Arcotel inicia sus funciones," [Ecuador: Telecommunications Law enters into force and Arcotel starts its functions], *TeleSemana.com*, March 6, 2015, <http://bit.ly/22Jajyl>

24 Fundamedios, "Arcotel permanently removes independent journalists association's frequency," December 12, 2015, <http://bit.ly/1PcWbxg>; Plan V, "La Arcotel y los riesgos de la redistribución de frecuencias," [Arcotel and the risks of frequency redistribution], February 22, 2016, <http://bit.ly/1WFXJW1>

Efforts by access providers and other internet-related organizations to establish self-regulatory mechanisms are allowed and, to a certain extent, promoted. Examples of this include the public assistance to develop public and private Computer Security Incident Response Teams (CSIRT) by EcuCERT; the local internet exchange point (NAPec) managed by AEPROVI, and the Ecuadorian IPv6 Task Force, among others. All private ISPs have a corporate social responsibility (CSR) strategy in place and have produced at least one report in the last couple of years. However, only Telefonica has included privacy and security as a core element of their CSR strategy.²⁵

The allocation of digital assets, such as domain names or IP addresses, are not controlled by the government, nor are they allocated in a discriminatory manner.

Limits on Content

As the online public sphere has gained prominence as a forum for political and social discussion in Ecuador, the government has sought to exert control over content through a variety of mechanisms. The use of copyright law to censor critical content has become common practice, and public institutions have started to directly issue copyright infringement notices to take down content. Social media have especially been at the center of efforts to manipulate public opinion online in favor of the government, as journalists and government critics suffered retaliation for writing about sensitive political topics.

Blocking and Filtering

The government does not engage in systematic blocking or filtering of content in Ecuador. YouTube, Facebook, Twitter, and blog-hosting services are freely available. There were no reports of the government blocking tools enabling circumvention of online filters and censors.

Reports have pointed to past instances of blocking of specific domains. An allegedly leaked internal memorandum from Telefónica (Movistar) noted an instance in 2014 when the Ecuadorian Association of Internet Providers (AEPROVI), which controls over 95 percent of the country's internet traffic, blocked access to specific domains at the government's request.²⁶ While the authenticity of the memorandum has not been confirmed by Telefónica, public documentation from SUPERTEL (now ARCOTEL) showed that the government and private ISPs have collaborated in the past to block specific domains to combat piracy,²⁷ and that AEPROVI maintains a cooperation agreement with ARCOTEL since 2012.²⁸ The text of the agreement remains unknown to the public, and it is unclear what mechanisms ARCOTEL and AEPROVI use to block internet domains. Likewise, mechanisms for public accountability are not in place or have not been disclosed.

25 This company is a signatory of the "Principles of the communications sector on freedom of expression and privacy" and releases reports of information requirements made by the government, as well as blocking and filtering measures in place. See: Telefonica, (2016), Report on Transparency in Communications, Retrieved from <https://www.telefonica.com>

26 Apertura Radical, "El gobierno ecuatoriano y la Asociación de Proveedores de Internet trabajan juntos para bloquear el acceso a páginas web," [The Ecuadorian government and the Ecuadorian Association of Internet Providers (AEPROVI) collaborate to block access to specific websites], <http://wp.me/p3JIV-8t>

27 Superintendencia de Telecomunicaciones, "Informe rendición de cuentas 2014," p.64, [2014 Supertel Report], January 13, 2015, <http://bit.ly/22ufiv>

28 Convergencia Latina, "La SUPERTEL firmará hoy un convenio de cooperación con la asociación de ISPs" [SUPERTEL will sign cooperation agreement today with ISP association], April 17, 2012, <http://bit.ly/1XNICxV>

Content Removal

The use of copyright law to censor sensitive online content has been widely recognized for years in Ecuador. Tweets, images, blog posts, and videos have been taken down as the result of complaints made by Spain-based company Ares Rights and others on behalf of Ecuadorian institutions, including the National Secretariat of Communications (SECOM), the National Secretariat of Intelligence (SENAIN), and the state television network (ECTV).²⁹ When filing complaints Ares Rights has cited the Digital Millennium Copyright Act (DMCA), which shields intermediaries from liability if they remove infringing content upon receipt of a notice.

Public institutions have also started to make their own requests to remove content for allegedly violating copyright protections, claiming unauthorized use of photographs of President Rafael Correa, Vice President Jorge Glas and other government officials.³⁰ Press freedom group Fundamedios documented a number of such takedown requests against investigative journalism outlets during the coverage period. In early June 2016, the website host briefly took down the news outlet *Plan V* after SECOM submitted a complaint for alleged violation of copyright.³¹ Similarly, the outlet *Focus Ecuador* was taken down on June 22, supposedly for using 15 photographs of the president and other public officials in its reporting.³² Targets also included outlets *4 pelagatos*³³ and *Mil Hojas*,³⁴ as well as the websites of human rights organizations such as Fundamedios³⁵ and Derechos Digitales.³⁶

In August 2016, a study by Fundamedios revealed the growing number of takedown requests for alleged violations of Twitter rules, such as the publication of private information. Between April and July 2016, Fundamedios recorded 806 takedown requests against 292 Twitter accounts. Approximately 30 of these accounts, which corresponded to anti-government users with high numbers of followers, were suspended after receiving repeated complaints. Ares Rights continued to be behind many of these requests.³⁷

In December 2016, the National Assembly approved the Organic Code on Social Economy of Knowledge, Creativity and Innovation. Article 565 allows the state agency, Ecuadorian Institute of

29 Maira Sutton, "State Censorship by Copyright? Spanish Firm Abuses DMCA to Silence Critics of Ecuador's Government," EFF, May 15, 2014, <http://bit.ly/1IKGvJY>; See also: Alexandra Ellerbeck, "How U.S. copyright law is being used to take down Correa's critics in Ecuador," Committee to Protect Journalists, January 21, 2016, <http://bit.ly/1Lu5Uoj>

30 In March 2015, SECOM sent a letter to Fundamedios, a freedom of expression advocacy organization, stating that they would take legal actions if the latter would not remove the distinctive image of the National Secretary of Communication from one of their tweets. See: "Ares Rights dice que los documentos sobre la SENAIN filtrados por Ecuador transparente son reales," [Ares Rights: Senain documents leaked by Ecuador Transparente are real], Apertura Radical (blog), December 28, 2015, <http://bit.ly/1Vi2MxJ>

31 Fundamedios, "Plan V magazine is taken off the air through SECOM's censorship," June 2, 2016, <http://bit.ly/2pufHoe>

32 Fundamedios, "Server that hosts Focus Ecuador yields to Secom's arguments and closes research portal," June 24, 2016, <http://bit.ly/28SN6gx>

33 Fundamedios, "4pelagatos: más de 40 horas fuera del ciberespacio," [4pelagatos: more than 40 hours offline], November 2, 2016, <http://bit.ly/2eVqkKQ>

34 Fundamedios, "Secom denounces the Mil Hojas portal for using documents where the "country brand" logo appears," June 2, 2016, <http://bit.ly/2pZtYJG>; Fundamedios, "Portal Milhojas es víctima de hackeo y denuncias por uso de imágenes de abogado del Presidente Correa y de un general asesinado," February 2, 2017, <http://bit.ly/2jl2Wnz>

35 Fundamedios, "Secretaría de Comunicación busca dar de baja portal web de Fundamedios mediante reclamos de propiedad intelectual," [Secretariat of Communication seeks to take down Fundamedios website through DMCA requests], September 23, 2016, <http://bit.ly/2deADr4>

36 Gus Rossi, "Ecuador: It's Time for Some Copyright Glasnost, Lenin," Public Knowledge, April 06, 2017, <http://bit.ly/2pCiknO>

37 Fundamedios, "806 denuncias en contra de 292 cuentas de Twitter, revela monitoreo" [806 complaints against 292 twitter accounts, monitoring reveals], August 9, 2016, <http://bit.ly/2b1JhKg>

Intellectual Property, to directly order the “suspension” of infringing content in digital media to both offenders and intermediaries.³⁸ Given the Ecuadorian government’s indiscriminate use of copyright law to censor online content, digital rights activists have raised concerns that this provision would potentially increase the government’s ability to more easily submit takedown requests or even blocking orders against online content allegedly violating intellectual property.³⁹

Civil society organizations have also expressed concerns about a proposed law on data protection. A provision in the draft law would notably enable “temporary or definitive blocking of information systems when they risk affecting constitutional rights” – a broad statement that could even include the right to honor.⁴⁰ The draft law was still pending approval by mid-2017.

The media and communications regulator, the Superintendency of Information and Communications (Supercom), has aggressively pursued print media (including all media with an online presence)⁴¹ under accusations of unbalanced reporting and “media lynching”—an allegation that is often applied to investigative reporting in Ecuador. The Communication Law passed in 2013 grants Supercom the power to audit, intervene, and control all information and media, as well as to enforce regulations governing information and communications. Corrections, sometimes scripted by Supercom, are often issued to media outlets on the basis that articles fail to provide appropriate context. However, civil servants oftentimes avoid commenting on stories prior to publication.⁴²

Additionally, the law holds websites liable for content posted on their sites by third parties unless such parties are identifiable through personal data such as their national ID number. News outlets that have allowed readers to post comments critical of the government on their websites have faced removal requests, and others have closed their comments section entirely.

Media, Diversity, and Content Manipulation

While online activity boomed during the presidential election in 2017, the online sphere was impacted by hackings of social media accounts and the spread of disinformation for partisan interests. Meanwhile, more revelations have pointed to the use public funds to manage social media propaganda accounts and campaigns to attack government critics.

Several reports on state-sponsored troll farms in Ecuador have revealed efforts to skew public opinion in favor of the government.⁴³ According to Catalina Botero, former Special Rapporteur for Freedom of Expression for the Inter-American Commission on Human Rights, investigations have

38 Asamblea Nacional República del Ecuador, “Ley de Propiedad Intelectual: Código Orgánico de la economía social de los conocimientos, creatividad e innovación,” [Intellectual Property Law], <http://www.wipo.int/edocs/lexdocs/laws/es/ec/ec075es.pdf>

39 “Gobierno podría dar de baja contenido digital basado en Código de Ingenios,” *Ciudadanía Informada*, February 7, 2017, <http://bit.ly/2i1SAMo>

40 Gisela Pérez de Acha, “Ecuador: ¿protección de datos personales o censura?,” [Ecuador: Personal data protection or censorship?], October 6, 2016, <http://bit.ly/2q8EXgl>

41 Follow-up legislation in 2014 exempted bloggers and social media users from regulation under the Communications Law, but extended the law to cover “all media with an online presence” (see Legal Environment).

42 Fundamedios, “Pedidos de rectificación y réplica: el mecanismo favorito de los funcionarios estatales para imponer su verdad,” [Requirements for corrections and response: civil servants’ favorite mechanism to impose the truth], October 15, 2015, <http://bit.ly/1X6l3gU>

43 Fundación 1000 hojas, “Troll center: derroche y acoso desde las redes sociales” [Troll center: waste and harassment on social media], <http://bit.ly/1xwV6yx>; See also: Samuel Woolley, “#HackingTeam Leaks: Ecuador is Spending Millions on Malware, Pro-Government Trolls”, August 4, 2015, <http://bit.ly/2cUSYMI>

identified the IP addresses of these computers in government offices⁴⁴ In November 2016, *Ecuador Transparente* published leaks detailing relationships between private companies such as Inteligencia Emocional and Kronopio and government officials. The documents revealed proposals to use public funds to manage social media propaganda accounts and campaigns to attack government critics like the former Secretary of Communications Mónica Chuji, local press watchdog Fundamedios, the Inter-American Commission on Human Rights and its Special Rapporteur for Freedom of Expression Catalina Botero, among others.⁴⁵

While diverse media outlets have emerged and thrived online,⁴⁶ the online media landscape remained distorted by state-owned or state-managed mass media outlets. On February 21, 2017, in the midst of the presidential election, state-operated online newspaper *El Ciudadano* spread a rumor⁴⁷ about Cesar Monge, president of the right-wing Creating Opportunities movement (CREO), insulting people from Manabí. The original audio clip originally belonged to a different conversation but, according to Monge, was manipulated by supporters of the government to turn voters against him.⁴⁸ This version fits media coverage of protests in which members of Alianza País played this clip and attributed it to Cesar Monge.⁴⁹

As online activity surged during the presidential election campaign, social media platforms were marked by efforts to manipulate content and skew public opinion. In early 2017, digital rights group Usuarios Digitales documented eight cases of hacking of social media accounts belonging to politicians, journalists and opposition activists and used to disseminate messages against the vice presidential candidate for CREO, Andres Paez (see also “Technical Attacks”).⁵⁰ On the other hand, Twitter accounts such as @Cayapaleaks and @Primoleaks featured past government officials living in exile who decided to “tell the truth” about alleged government wrongdoing. These accounts, seemingly coordinated by a third party, greatly influenced public opinion in both online and print media.⁵¹

Although the 2013 Communications Law gives the government broad authority to censor media content, Supercom has especially used the law to sanction privately-owned traditional media outlets, which are mostly offline. The government’s broader restrictions on traditional media outlets likely affect digital content associated with these outlets both by encouraging self-censorship and by restricting financial resources for independent media.

Latinobarómetro Corporation placed Ecuador as the country with most self-censorship in the

44 “Catalina Botero compara acciones de Bukele con Correa en Ecuador,” *La Prensa Gráfica*, February 19, 2016, <http://bit.ly/1pVJfaX>

45 Ecuador Transparente, “The Godwin Papers,” November 16, 2016, <http://bit.ly/2pul0Ea>

46 During this period of coverage for example, after only two months of activity the website 4pelagatos.com, which is operated by journalists Roberto Aguilar, Martin Pallares, José Hernández and social media specialist Juan Gabriel Gonzalez, best known as CrudoEcuador, received nearly two million visits from more than half a million unique users. See: 4Pelagatos, “Gracias a nuestros lectores,” [Thank you to our readers], March 20, 2016, <http://bit.ly/21CuAN2>

47 Galo Sosa, “Manabitas ofendidos quieren devolver ‘atunes’ a Lasso,” [Offended Manabi people want to give tuna back to Lasso], February 21, 2017, *El Ciudadano*, <http://bit.ly/2qIMjQV>

48 “César Monge dice que ya identificó a la persona que grabó audio en contra de Manabí,” [Cesar Monge says he already identified the person who recorded the audio against Manabi], *El Universo*, February 27, 2017, <http://bit.ly/2l2Y6lC>

49 Ecuador Inmediato, “Al grito de ‘¡esto no es pagado, Lenin se lo ha ganado!’,” ciudadanos devolvieron, simbólicamente, donaciones en sede de CREO, en Quito,” February 24, 2017, <http://bit.ly/2rkMlB6>

50 Diego Puente, “Ocho cuentas de Twitter habrían sido ‘hackeadas’, según colectivo,” [Eight Twitter account would have been ‘hacked’, according to collective] *El Comercio*, January 18, 2017, <http://bit.ly/2AsNWxX>

51 Plan V, “Capayaleaks, Primoleaks y otros: los temas pendientes,” [Capayaleaks, Primoleaks and others: pending issues], April 11, 2017, <http://bit.ly/2o5HpDK>

region.⁵² Mainstream media outlets such as *El Comercio*, *El Universo* or *Expreso* have lawyers that review “sensitive” notes before publication. Cases of corruption and investigative journalism are covered with extreme caution. “Whether you like it or not, you self-censor, you are very careful about your words and the headlines, often we would even ask each other how to redact a tweet,” confessed a journalist working for a private newspaper, who requested anonymity.⁵³ As the Communication Law gained momentum, print journalists posting sensitive content on social media have also been reprimanded, further contributing to self-censorship (see “Prosecutions and Detentions for Online Activities”).

Although the Communications Law exempts social media users from sanctions, the government has issued gag orders during states of emergency under Article 8 of the Telecommunications Act.⁵⁴ On August 15, 2015, ex-president Rafael Correa signed a decree forbidding “the dissemination of unauthorized information [regarding the eruption of Cotopaxi Volcano] by any means of social communication, whether public or private, or via social media.”⁵⁵ One month later, Minister of Security Cesar Navas announced that a first complaint will be filed with the Attorney General’s Office against certain Facebook users for publishing “unscrupulous” opinions.⁵⁶

While there is a general mandate to protect Net Neutrality in both the Culture Act (Article 5) and the Telecommunications Act—outlined in the objectives (Article 3) and principles (Article 4 and 66) of the Law—Article 64 allows ISPs to establish “tariff plans consisting of one or more services, or for one or more products of a service, in accordance with his or her authorization certificates.” The rulebook for the Telecommunications Act reaffirmed that the only limitation for tariff plans was the requirement for ISPs to clearly state the limitations of “any discounts, promotions or bonuses for purchasing services.”⁵⁷

Digital Activism

Social media continued to be a dynamic tool for the organization of protests in Ecuador. During the coverage period, NGO Accion Ecológica mobilized citizens against the government in support of Shuar people of Ecuador. The outcry was so big that the government threatened to close the organization on the basis of their online activity.⁵⁸ The organization, “through its posts on social media (...) promotes social mobilization and support for confrontations, and thus generates serious impacts and social unrest in Ecuadorian society,” read a letter from the Ministry of Environment.⁵⁹

52 Only 34 percent of the population feels there is always freedom to criticize, whereas the regional average is 51 percent. Source: Corporación Latinobarómetro, “Informe 2016,” June 2016, <http://www.latinobarometro.org>

53 Online interview, February 11, 2016

54 Understood as “aggression; international or internal armed conflict; serious internal disturbances, public calamity; or natural disaster or national, regional or local emergency.”

55 Presidencia de la República de Ecuador, Decree 755, August 15, 2015, <http://bit.ly/1PwqAa7>

56 Fundamedios, “Ministro anuncia inicio de procesos legales contra personas que divulgaron rumores sobre el volcán Cotopaxi en redes sociales” [Minister announces legal procedures against people that disseminated rumors on the Cotopaxi volcano on social networks], September 22, 2015, <http://bit.ly/1NRR4rd>

57 Andrés Delgado, “The Final Blow to Net Neutrality in Ecuador,” January 3, 2016, <http://bit.ly/1Pheecy>

58 Chris Lang, “#SOSAcciónEcológica: Ecuadorian government threatens to close down Acción Ecológica,” REDD Monitor, December 23, 2016, <http://bit.ly/2rAoEtg>

59 Fundamedios, “Se inicia proceso de disolución contra organización ambientalista por publicaciones en redes sociales,” [Closure process against environmentalist organization for social media posts has begun], December 20, 2016, <http://bit.ly/2h7WNhz>

The hashtag #SOSAccionEcologica was widely used to rally support for the organization, which ultimately frustrated attempts to close the organization.⁶⁰

Despite civil society efforts to campaign online however, attempts to stop legislation undermining internet freedom have not always managed to produce concrete results. Such was the case with efforts to influence the wording of specific provisions in the new Organic Code on the Social Economy of Knowledge, Creativity and Innovation, which was approved in December 2016 (see “Content Removal”).⁶¹

Violations of User Rights

The country faces several threats to free expression, including criminal provisions against libel, government regulation and oversight of media content, and concerns about judicial independence. Harassment and threats against government critics on social media are frequent, and in some cases have also taken place offline. A number of digital attacks were reported in the midst of the presidential election campaign in 2017, including hijacking of candidates' accounts and media outlets to spread disinformation.

Legal Environment

A lack of legislation specifically targeting online speech has allowed journalists and bloggers to enjoy relatively higher levels of freedom online than offline. Ecuador's Constitution guarantees “universal access to information technologies and communication” (Article 16.2), and confers the ability to exercise one's right to communication, information, and freedom of expression (Article 384). The latter, however, was amended by the National Assembly in December 2015 to include the mandate that “communication as a public service will be provided through public, private and community media” (emphasis added). The move to categorize communication as a public service has especially raised criticism for undermining freedom of expression as a human right and opening the way for broad government regulation of media outlets.⁶² Although Article 71 of the Organic Law of Communication, adopted in 2013, already included similar wording on communication as a public service, the constitutional amendment cemented this principle.⁶³

The 2013 Communication Law calls for the establishment of a government committee to regulate media and issue civil and criminal penalties to journalists or media outlets that fail to report in a manner that the regulator deems fair and accurate. Although Article 4 states that the law “does not regulate information or opinions expressed by individuals on the internet,” the definition of social media outlets in Article 5 includes “content which can be generated or replicated by media outlets on the internet.” Follow-up legislation in 2014 exempted bloggers and social media users from regulation under the Communications Law, but expanded the definition of “mass media” to include

60 Leila Salazar López, Amazon Watch Newsletter, January 2017, <http://bit.ly/2pTA7I5>

61 “#AlertaDigitalEC Aumentaría control estatal a internet a través de Código Ingenios,” Usuarios Digitales, October 20, 2016, <http://bit.ly/2iOPqJ5>

62 Silvia Higuera, “Ecuador declares communication ‘a public service’; Fundamedios considers it a ‘serious setback,’” Journalism in the Americas, December 8, 2015, <http://bit.ly/1QS1mWp>; See also: Fundamedios, “Assembly approves amendment to constitution that makes communication a public service,” December 2, 2015, <http://bit.ly/1NtiDpz>; John Otis, “How Ecuador's plans to make communications a public service is threat to free press,” Committee to Protect Journalists (blog), January 20, 2015, <http://bit.ly/1PEHiKg>

63 Asamblea Nacional, Ley Orgánica de Comunicación [Organic Law of Communication], June 25, 2013, <http://bit.ly/1pgZrCC>

“those [websites] that operate on the internet, whose legal status has been obtained in Ecuador and distribute news and opinion content.”⁶⁴

Changes to the penal code that entered into force in August 2014 eliminated criminal charges for insult, but retained them for slander and libel.⁶⁵ Article 179 restricts protections for whistleblowers by establishing a prison sentence of six months to one year for any person “who, by virtue of his/her state or office, employment, profession, or art, has knowledge of a secret whose divulgement might cause harm to another and reveals it.” The article makes no exception for revealing information in the public interest. Article 229 places further restrictions on divulging information by banning the revelation of registered information, databases, or archives through electronic systems in a way that violates the intimacy or privacy of someone else, with no exceptions for whistleblowers or journalists. Article 307 establishes a penalty of five to seven years in prison for creating economic panic by “publishing, spreading, or divulging false news that causes harm to the national economy in order to alter the prices of goods.”

In July 2016, Ecuador voted against the UN Human Rights Council resolution on the protection of human rights on the internet.⁶⁶ Several legislative proposals were pending as of mid-May 2017. In March 2017, re-elected vice president Jorge Glas said, that, upon victory, he would promote a law to eliminate anonymity on social media in the [Andean] region.⁶⁷ Two months later, the president of the Electoral Litigation Court (TCE) demanded changes in the Electoral Law to “protect the honor of those who have dedicated their lives to the public service” against attacks on social media. While the new president’s cabinet announced that changes will be made, it is unclear to what extent they will include actual legal reforms that affect social media.⁶⁸ Former president Rafael Correa introduced a new bill on his last day in office to regulate “hate speech and discrimination on social media and the internet” targeting both content and service providers.⁶⁹ Finally, the National Assembly has also presented a new bill on the protection of personal data. Some of the concerns raised with these proposals are the potential to hinder access to public information, the lack of independence of the regulatory body,⁷⁰ and the ability to take websites down without a court order.⁷¹

The lack of judicial independence is another ongoing concern.

Prosecutions and Detentions for Online Activities

Lawsuits have threatened social media users and online journalists in recent years, and several

64 Decree 214, Art. 3, January 27, 2014, <http://bit.ly/208xLfiH>; See also: Alianza Regional, “Artículo XIII: Informe sobre control estatal de las redes sociales,” [Article XIII: Report on state control of social networks], May 2016, <http://bit.ly/1rQZOWx>

65 Ministerio de Justicia, Derechos Humanos y Cultos, Código Orgánico Integral Penal, 2014, <http://bit.ly/1juCXok>

66 Article 19, “UNHRC: Significant resolution reaffirming human rights online adopted,” July 1, 2016, <http://bit.ly/2981ONS>

67 “Candidato Vicepresidencial Jorge Glas impulsará proyecto para eliminar anonimato de redes sociales,” [Vice presidential candidate Jorge Glas will promote a project to eliminate social media anonymity], Usuarios Digitales, February 2, 2017, <http://bit.ly/2qCmD2c>.

68 “Primera petición a Lenín Moreno para que regule redes sociales,” [First petition to Lenin Moreno to regulate social media], *El Universo*, May 17, 2017, <http://bit.ly/2rq4BOV>

69 Mario González, “Proyecto de Ley para controlar redes sociales e Internet fue enviado por Correa a la Asamblea el 23 de mayo,” [Law proposal to control social media and the internet was submitted by Correa on May 23], *El Comercio*, May 25, 2017, <http://bit.ly/2hkNmL2>

70 “La Ley de Datos impediría conocer la formación académica de los candidatos,” [Data Law would impede to access academic record of candidates], *El Comercio*, October 27, 2016, <http://bit.ly/2ef3XNp>

71 “Boletín de Prensa: Proyecto de Ley orgánica de protección de los datos personales ¿Impactará la libertad de expresión y flujo de información?” [Press Release: Law Proposal for Protection of Personal Data, Will it impact freedom of expression and the free flow of information?], Usuarios Digitales, September 19, 2016, <http://bit.ly/2dBdz5T>

individuals were prosecuted or sanctioned during this period of coverage for disseminating information on the internet.

In April 2017, Fernando Villavicencio, the director of the news website *Focus Ecuador*, filed for political asylum in Peru. He faced charges for publishing private documents from senior government officials in an article he wrote in 2013 for the *Plan V* online magazine.⁷² Villavicencio's lawyer has defended that the publication, which concerned the government's legal battle with U.S. company Chevron, was in the public interest.

A number of prosecutions have referred to Article 396 of the Criminal Code, which punishes "expressions that discredit or dishonor" and provides for a prison sentence of 15 to 30 days:

- In September 2016, the opposition's then presidential candidate Guillermo Lasso was ordered by a judge to remove a video he shared on Twitter, after René Ramírez, the National Secretary of Higher Education, Science, Technology, and his wife Analía Minteguiaga, filed a lawsuit against him for attempting against the honor of Minteguiaga.⁷³
- In June 2017, former President Rafael Correa sued journalist Martín Pallares of the website *4Pelagatos* in response to an online article he wrote which allegedly contained "expressions in disparagement and dishonor."⁷⁴ Pallares was found not guilty in July 2017.⁷⁵
- In July 2016, a lawyer for President Rafael Correa sued journalist Jaime Cedillo after he shared a news article that someone else wrote on his personal blog. He was found innocent in October 2016.⁷⁶ The original source was an article written by *Vértice News*, which denounced the existence of a network of gold traffickers who moved money from Ecuador through alleged illegal practices, with the help of the lawyer.
- Two politicians were previously sentenced to 15 and 30 days in jail for "defamatory" content posted on Twitter under article 396 of the Criminal Code, in early 2016.⁷⁷

Surveillance, Privacy, and Anonymity

The National Secretariat of Intelligence (SENAIN) is in charge of producing "strategic SIGINT [signals intelligence] for the integral security of the state, society and democracy." Created in 2009 by a presidential decree, SENAIN has continuously expanded its capacities. Most of the budget has been allocated to "special expenses for communications and counterintelligence."⁷⁸

72 "Journalist facing charges in Ecuador files for asylum in Peru," Committee to Protect Journalists, April 18, 2017, <http://bit.ly/2AsfWla>

73 Fundamedios, "Precandidato presidencial podría ir hasta un mes en prisión por divulgar un video en redes sociales," September 9, 2016, <http://bit.ly/2c4EIPc>; "Jueza declara culpable a Guillermo Lasso pero no lo condena a prisión," *La Republica*, September 16, 2016, <http://bit.ly/2yrwZ6z>

74 Hernandez, Jose, "Rafael Correa demanda al pelagato Pallares," *Cuatro4pPelagatos*, June 21, 2017, <http://bit.ly/2rYNQtb>

75 Higuera, Silvia, "Ecuadorian judge determines that journalist Martín Pallares is not guilty in case filed by Rafael Correa," *Journalism in the Americas*, April 4, 2017, <http://bit.ly/2yQfQHS>

76 "Periodista podría ir a prisión por compartir reportaje en su blog," *Fundamedios*, August 24, 2016, <http://bit.ly/2bCwIMe>

77 "Cuenca: político condenado a 15 días de cárcel por denunciar presunto caso de nepotismo en Twitter," [Cuenca: politician condemned to 15 days in jail for denouncing alleged case of nepotism on Twitter], *La Hora*, November 11, 2015, <http://bit.ly/2dybSaJ>

78 Secretaría Nacional de Inteligencia, "Programación Anual de la Política Pública," [Annual Program for Public Policy], February 11, 2015, <http://bit.ly/1pQ7SG2>

Evidence has mounted that Ecuador's government engages in surveillance of a wide range of individuals, as leaked documents have exposed illegal spying on politicians, journalists and activists. In July 2015, Italian spyware company Hacking Team was compromised and their financial and commercial transactions exposed. While the National Secretary of Intelligence quickly noted that SENAIN had no contractual relationship with Hacking Team,⁷⁹ leaked documents have suggested otherwise and researchers have sought to establish a connection.^{80 81 82} According to a technical analysis by "ilv", a Tor Project developer, the government targeted judges, members of the national electoral council, political parties and political movements.⁸³ Ecuador Transparente also made public 31 secret documents from SENAIN corresponding to intelligence gathered between 2012 and 2014. Among the targets were politicians, environmentalists, cartoonists, and journalists.⁸⁴

There have been several indications of government monitoring of blogs, social media and websites. The contract between Emerging MC and SENAIN, made public by *Buzzfeed* in 2015, required the company to "predict, anticipate and eliminate" material on social media.⁸⁵ In previous reports from 2013, "marketing company" Illuminati Lab displayed monitoring of Ecuadorian social media as a success story of their company.⁸⁶ In April 2016, SENAIN published a press release threatening legal action in light of "unfounded publications made by (...) some Twitter users" related to the Panama Papers leak.⁸⁷

SENAIN also makes use of information gathered by public agencies and stored in the government platform www.datoseguro.gob.ec. This website, administered by the National Directorate of Public Data Registry, claims that their data is encrypted in transit and on its servers.⁸⁸ Public entities, the Registry included, are legally obliged to provide any information required by SENAIN as long as this request has been communicated to the president.⁸⁹ While President Rafael Correa has stated that everything done by the Intelligence Agency is within the rule of law,⁹⁰ it is unclear whether

79 Fundamedios, "Senain warns it will take legal action against those who release information linking it to hacking team," July 16, 2015, <http://bit.ly/1XVLaXm>

80 Andreína Laines, "Lourdes Tibán asegura que sí existió relación entre la Senain y Hacking Team," [Lourdes Tibán assures that there is a relation between Senain and Hacking Team], Ecuavisa, July 30, 2015, <http://bit.ly/1UIK2y8>

81 Rebeca Morla, "Ecuadorian Websites Report on Hacking Team, Get Taken Down," *PanamPost*, July 13, 2015, <http://bit.ly/1oebLCI>

82 Associated Press, "APNewsBreak: Leaked Hacking Team emails suggest Ecuador illegally spied on opposition," *Fox Business*, August 6, 2015, <http://fxn.ws/1Rmaa9M>

83 Ilv, "Hacking Team, Chile & Ecuador," July 11, 2015, <http://bit.ly/1PxVA9x>

84 Associated Whistleblowing Press, "Ecuadorian intelligence agency spied systematically on politicians and activists," August 4, 2015, <http://bit.ly/1MsYGRl>

85 James Ball & Paul Hamilos, "Ecuador's President Used Millions Of Dollars Of Public Funds To Censor Critical Online Videos," *BuzzFeed*, September 24, 2015, <http://bzfd.it/1Lu6kee>

86 Mónica Almeida, "Illuminati destaca como su 'caso de éxito' a campaña de Rafael Correa en redes," [Illuminati highlights as "success case" their Rafael Correa campaign in networks], December 10, 2013, <http://bit.ly/1iu99pX>

87 Secretaría Nacional de Inteligencia, "Comunicado de Prensa," [Press Release], April 4, 2016, <http://bit.ly/1TP9NYp>

88 Dirección Nacional de Registro de Datos Públicos, "Preguntas Frecuentes," [FAQ], March 26, 2016, <http://bit.ly/1pDBXrr>

89 Law of Public and State Security, Article 17.

90 Article 22 of Law of Public and State Security states that it is prohibited to gather information, produce intelligence or store data on individuals because of "ethnicity, sexual orientation, religion, private actions, political preference or adhesion or membership to partisan organizations."

interceptions are authorized by a judge, since the ex-president later declared that “any use of SENAIN equipment for national security purposes” is authorized by the district attorney.⁹¹

The National Secretariat of Intelligence is accountable to the executive power and to a specialized committee of the National Assembly, where they present a report every three months in reserved sessions. Nevertheless, the legal representative of SENAIN is not required to answer every question asked.⁹² The Comptroller General may also investigate SENAIN in the area of competence. Besides the abovementioned mechanisms, there is no oversight body in place to guard against abusive use of surveillance technology. Content intercepted during internet surveillance is admissible in court and can be used to convict criminals under Articles 476 and 528 of the Criminal Code.

In 2011, SENAIN signed a nondisclosure agreement with the Chinese firm Huawei.⁹³ The company is a partner of state-owned CNT and their technology is widely available in the country. Additionally, under the rules of the telecommunications law, ISPs are obliged by ARCOTEL to “provide technical, economic, financial, legal documents, and in general, any form or request for information” and to “allow inspections to facilities and systems.”⁹⁴ Finally, the Subsystem for Interception of Communications or Computer Data (SICOM) of the General Attorney requested Hacking Team’s assistance to build a country-wide monitoring center to access PCs, laptops, cellphones and tablets.⁹⁵ The system currently allows interception of voice calls and text messages (SMS) of criminal suspects.⁹⁶

Neither anonymous nor encrypted communications are prohibited in Ecuador. Registration of cell phones and SIM cards, however, is mandatory for every citizen.⁹⁷ News sites are also required to prove the identity of commentators, or are otherwise liable for the latter’s wrongdoing. ISPs are required to submit the IP addresses of their clients without a judicial order on request by Arcotel.⁹⁸ Finally, mobile operators were required to implement technology that would automatically provide the physical location of cellphone users for emergency purposes, within an accuracy range of 50 meters.⁹⁹

91 The Criminal Code provides in Article 5.10 that “everyone is entitled to their personal and family privacy and records and searches cannot be done (...) except by order of the competent judge.” The Telecommunications Act provides in Article 77 that interception of data and messages can only be done “when there is an express order of a competent judge, as part of an investigation of a crime or for reasons of public security and the state, according to those established by law and following due process.” On the other hand, Article 470 of the Criminal Code states that personal communications to third parties cannot be recorded without their knowledge and authorization, except as expressly stated in the law and previous court order. As for the interception of computer data, Article 476 of the Criminal Code allows it, as part of a judicial process only. See: ANDES, “President Rafael Correa denies that Secretary of Intelligence hired Italian Company Hacking Team,” July 17, 2015, <http://www.andes.info.ec/en/news/president-rafael-correa-denies-secretary-intelligence-hired-italian-company-hacking-team.html>

92 “Rommy Vallejo acudió a la Asamblea Nacional para presentar su declaración trimestral de cuentas,” [Rommy Vallejo attended the National Assembly to present its quarterly statement], *El Comercio*, August 5, 2015, <http://bit.ly/1SQSeq3>

93 Secretaría Nacional de Inteligencia, “Convenio de Confidencialidad” [Nondisclosure agreement], June 30, 2011, <http://bit.ly/1VPadNd>

94 Presidencia de la República del Ecuador, Executive Decree 864, January 25, 2016, <http://bit.ly/25rkkvZ>

95 Plan V, “Los secretos del nuevo Proyecto Galileo,” [The secrets of the new Galileo Project], July 8, 2015, <http://bit.ly/22FDFKW>

96 Fiscalía General del Estado, “La interceptación de llamadas se hace solo bajo la autorización de un juez,” [Call interception is done only under the authorization of a judge], July 21, 2015, <http://bit.ly/1Mu8c70>

97 Derechos Digitales, “Freedom of Expression, Encryption and Anonymity, Civil Society and Private Sector Perceptions,” May 21, 2015, <http://bit.ly/1UvKTn4>

98 See Article 29.9, ARCOTEL, “Reglamento para abonados de los servicios de telecomunicaciones y valor agregado,” [Telecommunication Service Subscribers and Added Value Regulation], July 20, 2012, <http://bit.ly/25r1W4>

99 Servicio Integrado de Seguridad ECU 911, “Informe de Gestión Anual 2015,” [Annual Report 2015], February 19, 2016, <http://bit.ly/1MuS6Kp>, and Ecu 911, “Geolocalización,” [Geolocation], <http://bit.ly/2e3vfsH>

Intimidation and Violence

Critical reporters and social media influencers often face intimidation, both online and offline. During this coverage period, at least one physical attack was documented against a director of an online news site.

Alfonso Pérez Serrano, director of news site *Ecuador En Vivo*, was beaten by three people on his way to the airport at the end of 2016. According to Serrano, the attackers were detained but he was unable to testify due to an order from the Ministry of Interior.¹⁰⁰ “Now I have no doubt that... the dangerous criminal organization is trying to frighten me so that I do not continue [to] use Facebook, Twitter, WhatsApp, to complain about what is wrong,” he said.¹⁰¹

Online threats continued to be a common occurrence, especially amplified by former President Correa’s (now suspended) weekly speeches calling on supporters to dox and prosecute dissidents.¹⁰² Correa has encouraged his followers to find and release personal information about users who insult him¹⁰³ as well as investigative journalists, like those reporting on the Panama Papers.¹⁰⁴ In late 2016, journalists from digital newspaper *4pelagatos* received violent threats after posting an article mentioning Rafael Correa’s daughter.¹⁰⁵

Technical Attacks

Ecuador is among the top 20 source countries of anonymized web attacks.¹⁰⁶ Hacking and denial-of-service attacks have frequently targeted digital media, and a number of such attacks were reported in the midst of the presidential election campaign in 2017:

- In mid-January 2017, members of political party CREO were victims of digital attacks. The e-mail account of vice-presidential candidate Andrés Paez was hacked, and his personal communications were manipulated to create slander. Twitter accounts belonging to members of Congress Mae Montaña (12K followers) and Patricio Donoso (11K followers) were hacked and used to spread rumors. Relevant social actors not directly related to the party were also hacked for the same purpose, including journalists Carlos Vera (330K followers), Juan Carlos Calderón (19K followers), and presidential candidate Dalo Bucarám (329K followers).¹⁰⁷ In February 2017, the Twitter account of the news outlet *Diario Ultimas*

100 “Reportan atentado contra director del portal “Ecuador en Vivo”,” [Reported attack against director of news site Ecuador en Vivo], *La Republica*, December 11, 2016, <http://bit.ly/2h57LP>

101 EcuadorEnVivo, “Cobarde agresión a nuestro director,” [Cowardly aggression against our director], December 12, 2016, <http://bit.ly/2qMVUSk>

102 “President calls for revealing Twitter user’s identity and prosecute those who respond to his challenge in social networks,” *Fundamedios*, January 11, 2016, <http://bit.ly/1VBGsiW>

103 “Presidente pide identificar tui eros que ‘insulten’ en internet,” [President asks to identify twitter users who insult on the internet], *Usuarios Digitales*, June 7, 2016 <http://bit.ly/1QdQJ4y>

104 Paola Navarrete, “Latin American journalists investigating the Panama Papers suffer criticism and retaliation,” *Journalism in the Americas*, April 27, 2016, <http://bit.ly/21hq2Nr>

105 *Fundamedios*, “4Pelagatos reciben amenazas por cuestionar artículo de hija del Presidente,” [4pelagatos receives threats for questioning the president’s daughter], September 15, 2016. <http://bit.ly/2cqpS3a>

106 Akamai, “Attack Spotlight: The Use of Anonymizing Services in Web Attacks,” 2016, <http://bit.ly/2rE3bj4>

107 Puente, D., “Políticos y candidatos de oposición denuncian hackeo de sus cuentas en redes sociales,” [Politicians and candidates denounce hacking of their social media accounts], *El Comercio*, January 16, 2017, <http://www.elcomercio.com/actualidad/politicos-candidatos-oposicion-denuncian-hackeo.html>

Noticias was also reportedly hacked and used to spread disinformation against Andrés Paez.¹⁰⁸

- In late January 2017, the digital outlet *Ecuador en Vivo* also reported that its website had been hacked and disinformation was published to smear opposition candidates. The website went offline for several hours as a result.¹⁰⁹ During the same period, other attacks targeted investigative news site *MilHojas* and fact-checking site *Ecuadorchequea.com*.¹¹⁰ In the case of *MilHojas* for example, the attack came immediately after it published a story alleging government involvement in a corruption scandal.

In December 2015, Citizen Lab revealed an analysis of a series of malware attacks in Ecuador and other countries. Targets included high-profile journalists, civil society organizations, activists and politicians.¹¹¹

The Counter-Intelligence and Strategic Technological Operations Center of SENAIN handles the technical aspects of the country's cybersecurity, and EcuCERT, has been in operation since 2014.¹¹² In early 2016, Ecuadorian police created a special unit to deal with cybercrime with a team of 200 agents working in research and intelligence.¹¹³

108 "Aclaración- Hackearon la cuenta de Twitter de Últimas Noticias," *El Comercio*, February 7, 2017, <http://www.elcomercio.com/actualidad/aclaracion-hackearon-cuenta-twitter-ultimasnoticias.html>.

109 "Un nuevo ciberataque se cuela en la campaña electoral," *Medios Públicos*, January 25, 2017, <http://www.mediospublicos.ec/noticias/actualidad/un-nuevo-ciberataque-se-cuela-en-la-campana-electoral>

110 "Wave of attacks on Ecuador news sites before election," *International Press Institute*, February 9, 2017, <https://ipi.media/wave-of-attacks-on-ecuador-news-sites-before-election/>

111 John Scott-Railton, Morgan Marquis-Boire, Claudio Guarnieri, and Marion Marschalek, "Packrat: Seven Years of a South American Threat Actor," *Munk School of Global Affairs, University of Toronto*, December 8, 2015, <http://bit.ly/1U3dFkI>

112 Inter-American Development Bank (IDB); Organization of American States, "Cybersecurity: Are We Ready in Latin America and the Caribbean?" March 2016, <http://bit.ly/1qatSLC>

113 ANDES, "Ecuador crea unidad especial para enfrentar ciberdelitos," [Ecuador creates special unity against cybercrime], February 3, 2016, <http://bit.ly/1MM284J>