

Ecuador

	2014	2015		
Internet Freedom Status	Partly Free	Partly Free	Population:	16 million
Obstacles to Access (0-25)	9	8	Internet Penetration 2014:	43 percent
Limits on Content (0-35)	11	11	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	17	18	Political/Social Content Blocked:	No
TOTAL* (0-100)	37	37	Bloggers/ICT Users Arrested:	No
			Press Freedom 2015 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2014 – May 2015

- In January 2015, President Correa launched a Twitter campaign against his online critics, encouraging his supporters to find and release personal information about anonymous users who criticized the government online. This led to an online confrontation that escalated to include hacking, trolling, and threats (see **Intimidation and Violence**).
- In February 2015, Congress passed and the president signed the Organic Law on Telecommunications. Among other provisions, this law establishes some net neutrality protections; however, some critics worry that the newly created telecommunications regulatory body may lack independence from the executive (see **Regulatory Bodies and Media, Diversity, and Online Content**).
- Introduction of 4G telecommunication services has increased access and lowered the price of internet services (see **Availability and Ease of Access**).

Introduction

Ecuador stakes out a contradictory position on internet freedom—on the one hand, the government has engaged in widespread campaigns to improve internet access and digital literacy, and has vocal-ly supported foreign whistleblowers like Julian Assange and Edward Snowden.¹ On the other hand, evidence mounted during the coverage period that Ecuador's government engages in widespread surveillance of its citizens and uses restrictive laws regulating media to curtail investigative reporting and the independent press. Most notably, in 2015, Ecuador's president Rafael Correa waged a highly public social media war against his critics.

Ecuador gained notoriety in international media in 2015 after the president called out three Twitter users and the Facebook page Crudo Ecuador ("Raw Ecuador") for criticizing him.² In his weekly television address, President Correa encouraged his followers to respond to these critics and to reveal anonymous users' personal information. In the wake of this address, the users he targeted faced significant harassment, and several closed their social media accounts.³

Leaks over the past few years have hinted that Ecuador has invested heavily in technology to conduct surveillance on its citizens. In July 2015, many of these suspicions were bolstered when the Italian technology company Hacking Team suffered a cyberattack, which resulted in the leak of 400 GB of internal information and private emails. These emails showed contracts between Hacking Team and the Ecuadorian government, and provided evidence that the government may have targeted opposition figures for surveillance.⁴

During the coverage period, politically motivated content removal via the abuse of copyright take-down requests, progovernment troll centers, and heavy sanctions for private media under the 2013 Communications Law all continued to present obstacles to free expression. The digital sphere, however, remains vibrant. Social media use is common and new digital ventures were launched over the past year.

In 2015 the government passed the Organic Law on Telecommunications, which put in place a variety of positive measures, including provisions to expand access, systematize regulation, and protect net neutrality. Nevertheless, some critics have raised concerns that the new regulator established under the law will lack independence from the government, since it will fall under the authority of the executive branch.⁵

Ecuador continued to expand access to mobile internet and broadband over the past year. New initiatives to produce smartphones in the country, as well as expanded 4G access, hold promise for faster, more accessible service. Prices for 3G and 4G have also decreased and use of these services is expected to grow, especially in urban areas.

1 Últimas Noticias, "Ecuador Estudiará Solicitud de Asilo Político de Edward Snowden" [Ecuador will Consider Request for Political Asylum from Edward Snowden], June 23, 2013, <http://bit.ly/1JkK4LL>; see also Press Association, "Ecuador Restates Support for Julian Assange on Asylum Anniversary," *The Guardian*, August 16, 2013, <http://gu.com/p/3t46j/stw>.

2 Daniel Kreps, "John Oliver Sparks Feud With Ecuadorian President," *Rolling Stone*, February 13, 2015, <http://rol.st/19fRIgh>.

3 Gabriella Torres, "Ecuador President Rafael Correa's Troll Warfare," *BBC Trending* (blog), *BBC*, January 30, 2015, <http://bbc.in/1Kk8HLU>.

4 AP, "Correction: Ecuador-Hacking The Opposition Story," *The New York Times*, August 7, 2015, <http://nyti.ms/1OpHdJ7>.

5 "Entrevista a Alredo Velazco sobre la Nueva Ley de Telecomunicaciones en Ecuador," [Interview with Alredo Velazco about the new Telecommunications Law in Ecuador], *Quinotpoder*, February 13, 2015, <http://bit.ly/1MKzQLF>.

Obstacles to Access

Internet access continues to increase in Ecuador, spurred in part by government projects to expand access and increase digital literacy. The expansion of 4G technology is expected to further increase access, as more Ecuadorians turn to mobile internet. Nevertheless, a marked digital gap remains. Many people in rural areas access a slower internet, or do not have internet access at all.

Availability and Ease of Access

Ecuador's information and communications technology (ICT) sector has experienced notable growth in recent years due in large part to government efforts to expand access, such as Ecuador's "Digital Strategy 2.0" plan, which sought to expand broadband access, improve infrastructure, and train citizens in digital technology.⁶ The introduction of 4G telecommunications services and lower prices for mobile internet also contributed to improved and expanded access. In May 2015, the Spanish telecommunications provider Telefónica announced completion of the longest underwater fiber-optic cable in the Caribbean. This cable will connect the United States and Ecuador, significantly increasing the capacity and speed of the internet in the latter. The fiber-optic cable represents part of a larger advance in infrastructure improvements in Ecuador: the country has expanded from 3,500 km of fiber-optic cable in 2006 to 45,000 km in March 2015.⁷

According to an Akamai report from the first quarter of 2015, Ecuador's average internet speed is 4.1 Mbps.⁸ As of 2014, the International Telecommunications Union (ITU) measured internet penetration in Ecuador at 43 percent, a notable increase given that penetration was just below 25 percent in 2009.⁹ The Ecuadorian government provided alternate statistics for internet penetration in March 2015, claiming that 41 percent of the population has internet subscriptions but that over 87 percent are internet users.¹⁰ It is not clear what differences in methodology account for the discrepancy between the government's figures and those of the ITU, although, the latter seems to be more in line with overall trends and averages for the region.

Broadband (commonly used in urban zones) and satellite connections (often used in rural areas) have become increasingly popular in recent years. According to statistics from the ITU, Ecuador's broadband penetration reached 7.8 percent in 2014, up from 6.7 percent in 2013.¹¹ The Inter-American Development Bank rates Ecuador 9th out of 26 countries in Latin America and the Caribbean in terms of broadband penetration, although it falls behind many of its neighbors in South America.¹² Multiple internet subscription options, ranging from dial-up pay-per-minute plans to cable and satellite connections, are available.

6 "In New Digital Plan, Ecuador Aims for Internet Access to Half of All Households by 2015," *RCR Wireless*, November 16, 2011, <http://bit.ly/1QTjAHm>

7 El Telégrafo, "Ecuador tendrá internet con 100 megas de velocidad," *El Telégrafo*, May 4, 2015, <http://bit.ly/1QTjMq2>; see also EFE, "Final section of modern, regional undersea cable comes ashore in Puerto Rico," May 23, 2015, <http://bit.ly/1PjShEU>.

8 Akamai, *State of the Internet: First Quarter 2015 Report*, <https://www.stateoftheinternet.com/downloads/pdfs/2015-q1-state-of-the-internet-report.pdf>.

9 International Telecommunication Union, "Individuals Using the Internet," 2000-2014, <http://www.itu.int/en/ITU-D/statistics/Pages/default.aspx>.

10 Agencia de Regulación y Control de las Telecomunicaciones (ARCOTEL), "Estadísticas," [Statistics], <http://www.arcotel.gob.ec/estadisticas/>.

11 International Telecommunication Union, "Individuals Using the Internet."

12 Banco Interamericano de Desarrollo, "Índice de Desarrollo de la Banda Ancha," [in Spanish], 2012, <http://bit.ly/1pxuGX3>.

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The Ecuadorian government classifies mobile phones as luxury items and imposes quotas on their importation.¹³ Despite this, the country is home to an active contingent of mobile phone users, with over 16.5 million mobile subscriptions in 2014 and a penetration rate of 103.9 percent.¹⁴ According to the most recent national study, regional variations still persist, with the lowest number of subscribers found in the Andean highlands of Bolivar, and the greatest number in Pichincha, which counts Ecuador's capital, Quito, among its cities. Mobile phone penetration also varies among income and education levels.¹⁵

In February 2015, Claro, owned by América Móvil, and Movistar, owned by Telefónica, reached an agreement with the government that would allow them to use radio-electric spectrum to expand 4G services in exchange for paying the Ecuadorian government over US\$300 million and improving 3G coverage.¹⁶ These services are expected to reach more individuals than previous, fairly limited, attempts to introduce 4G technology because mobile penetration rates are above 100 percent in Ecuador and both companies are leading mobile providers, with a combined market share of over 70 percent. Ecuador also began producing high-end mobile phones with 4G capacity in 2014 after the government eased restrictions on importing certain phone parts. These phones, which are expected to have maximum download speeds of 100 Mbps, have the potential to provide consumers with faster access and greater downloading and file-sharing capabilities.¹⁷

Coupled with the expansion of 3G and 4G technology was a decrease in prices for mobile internet access, although prices still constitute an obstacle to access for many people. Fixed-line internet services at speeds of 3 Mbps cost an average of US\$20 per month, whereas 10 Mbps subscriptions are available at a rate of approximately US\$35-40 per month.¹⁸ Mobile internet subscriptions vary from US\$15 for 250 MB of data to US\$80 for 6 GB.¹⁹

Although a digital divide exists between rural and urban areas, Ecuador has shown improvement in extending internet access to rural areas over the past two 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—have trained more than 185,000 people in the use of digital technology, according to the Ministry of Telecommunications.²⁰ They offer internet access in 491 parish communities, and also provide equipment to 7,541 students throughout the country. As of July 2014, the number of people using Infocentros was almost 3 million nationwide.²¹

13 A June 2012 ruling (No. 67) issued by the Committee on Foreign Trade (COMEX) also imposes quotas on the importation of mobile phones. According to the edict, the limitation is predicated on preventing further environmental degradation resulting from residual mobile phone waste. See *La Hora Nacional*, "Restricciones de Comercio Limitarán Acceso a Internet" [Trade Restrictions will Limit Access to the Internet], June 26, 2012, <http://bit.ly/1NGYZ9e>.

14 ITU, "Mobile-Cellular Subscriptions," 2000-2013, <http://www.itu.int/en/ITU-D/statistics/Pages/default.aspx>.

15 Instituto Nacional de Estadística y Censos, [National Center for Statistics and Censuses], *Reporte Anual de Estadísticas sobre Tecnologías de la Información y Comunicaciones (TICs) 2011* [Annual Report of Statistics about Information and Communications Technologies (ICTs) 2011], http://www.inec.gob.ec/sitio_tics/presentacion.pdf.

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

17 "Ecuador fabrica sus propios celulares 4G," [in Spanish] *TYN Magazine*, <http://bit.ly/1gGiQrS>.

18 CNT, National Corporation of Telecommunications, "Internet Plans and Services," 2015, <http://bit.ly/1GxG6yZ>; Bryan Haines, "Internet in Ecuador: 2013 Speed Update," *Gringos Abroad* (blog), May 18, 2013, <http://bit.ly/1OL7nFw>.

19 Movistar, "Nuevos Planes Pospago," [in Spanish], <http://bit.ly/1Lljiys>.

20 Ministry of Telecommunications, "Infocentros Comunitarios," [Infocenter Communities], <http://bit.ly/1iPMYxq>.

21 Ministry of Telecommunications, "Infocentros Comunitarios," [Infocenter Communities].

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Mobile classrooms—which are intended to offer access to those without Infocentros nearby—have also proven successful, reaching 2,816 parishes and municipalities since the project’s June 2012 inception. In 2013, MINTEL received an award from the ITU in recognition of the success of its Mobile Classrooms Project. In March 2015, the Ministry of Education began to construct an additional 500 mobile classrooms that will service 1,300 students in the public school system.²²

In addition to the mobile classrooms and Infocentros, cybercafes provide internet access to Ecuadorians at a rate of US\$1 per hour. The amount of cybercafes has doubled since 2009, from 1,355 to 2,574 in May 2015, according to statistics from the government’s Agency of Regulation and Control of Telecommunications (Arcotel).²³

Restrictions on Connectivity

Ecuador’s backbone is not highly centralized. The government does not place limits on bandwidth, nor does it impose control over infrastructure, although a new provision in the 2015 Organic Law of Telecommunications grants the government the power to takeover telecommunications services in times of national emergency.²⁴ Some civil society groups have raised concerns about the scope of this provision.²⁵

In June 2015, protesters against the government in Quito and Guayaquil encountered service problems. Explanations for these problems range from network saturation to the possible presence of cell phone jammers.²⁶ Some Twitter users posted photos of what appeared to be cell phone jammers and cameras placed around the park near the protests,²⁷ although these reports have not been confirmed. Opposition party leaders present at protests encouraged users to circumvent problems through the use of apps such as FireChat, which uses wireless mesh networks to send messages without an internet or cellular connection. Ecuador’s telecommunications regulator Arcotel did not provide any reports or issue press releases in response to the claims that the networks were disrupted during protests.²⁸

ICT Market

Ecuador has approximately 22 internet service providers (ISPs). State-owned CNT dominates the fixed-line market, with over 57 percent of subscriptions. Grupo TvCable (Suratel) and Claro (Ecuador Telecom) control the next biggest shares of fixed line access, with 12 percent and 9 percent respectively.²⁹

22 “The Ministry of Education is building 271 mobile classrooms in Guayaquil,” *Ecuador Times*, March 24, 2015, <http://bit.ly/1hhvSNF>.

23 ARCOTEL, “Estadísticas: Cybercafes” [Statistics: Cybercafes], May 2015, <http://www.arcotel.gob.ec/estadisticas/>.

24 According to article 8 of the law, “in case of aggression, armed international or internal conflict, grave internal commotion, public calamity, natural disaster, or national, regional, or local emergency, when the President issues an Executive Decree of a State of Emergency, involving the need for the utilization of telecommunications services, the telecommunications providers that operate on public networks are obliged to permit direct control on the part of the head body of the national defense.” ; See also, Asamblea Nacional Republica del Ecuador, Ley Orgánica de Telecomunicaciones [Telecommunication Law] <http://bit.ly/1Kvdp7W>.

25 “Entrevista a Alfredo Velazco sobre la Nueva Ley de Telecomunicaciones en Ecuador.”

26 This event happened outside of the coverage period of the report.

27 Aldo Cassola, Twitter post, June 13, 2015, 7:50 a.m., <https://twitter.com/AldoCassola/status/609734471886114816>.

28 Alfredo Velazco, “The Internet, a Staging Post for Protests in Ecuador Under Threat,” *Global Voices*, June 28, 2015, <http://bit.ly/1SVw1DV>.

29 ARCOTEL, “Estadísticas: Internet” [Statistics: Internet], April 2015, <http://www.arcotel.gob.ec/estadisticas/>.

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Ecuador is home to three mobile internet service providers: one state-run operator, CNT, and two private providers, Claro and Movistar. Claro holds 62 percent of active cellular accounts, followed by Movistar with approximately 30 percent, and finally, state-run CNT, with less than eight percent of subscribers.³⁰

There have been no reported incidents of the government placing restrictions on applications from new companies in the ICT sector; however, high registration costs and administrative hurdles can make it difficult to begin operating a new telecommunications business. New ISPs and mobile companies often face fees as high as US\$100,000 as well as legal obstacles, both of which can complicate their attempts to enter the market.³¹

Regulatory Bodies

In February 2015, Ecuador's National Assembly passed the Organic Law of Telecommunications. Not to be confused with the similarly named Communications Law passed in 2013, the Organic Law on Telecommunications radically changed the regulation of the telecommunications sector.³²

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 charged with the technical aspects of the administration, regulation, and control of the telecommunications sector and the radio-electric spectrum.³³ The previous regulatory bodies—the National Secretary of Telecommunications (Senatel) and the National Council on Radio Broadcasting and Television (Conartel)—were fused together under the structure of Arcotel.³⁴

The telecommunications law also sets up mechanisms that strengthen the institutional structure and processes of regulation and unification of the regime of telecommunications, including radio and television. The law has drawn criticism, however, for placing Arcotel under the authority of the executive, which may undermine its independence.³⁵

Limits on Content

The passage of the 2013 Communications Law granted the government broad authority to censor media for reporting it perceived as biased or inaccurate, a power that has mostly been used to target print and broadcast media. As the government has increasingly curtailed offline media through fines and requests for revisions, new digital ventures and online spaces for political discussion have flourished. In recent years, however, censorship efforts have moved into the online sphere. Facing liability under the Communications Law for third party content, many digital media outlets have closed their comments

30 ARCOTEL, "Estadísticas: Internet" [Statistics: Internet].

31 AEPROVI Website, <http://www.aeprovi.org.ec>.

32 For more information about the Communications Law passed in 2013: Alejandro Martínez, "Ecuador's controversial Communications Law in 8 points," *Journalism in the Americas Blog*, The Knight Center at The University of Texas Austin, June 20, 2013, <http://bit.ly/1L0Hr9e>; For information about the proposed constitutional amendment: Human Rights Watch, "Ecuador: Flawed Constitutional Reform Proposal," July 14, 2014, <http://bit.ly/1KqBU8r>.

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

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

35 "Entrevista a Alfredo Velazco sobre la Nueva Ley de Telecomunicaciones en Ecuador." <http://quintopoder.info/wp/2015/02/13/entrevista-a-alfredo-velazco-ecuador/>

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section. Although there is no evidence of blocking and filtering, politically motivated copyright complaints have forced the removal of some political content, while evidence suggests that progovernment trolls have skewed national debates. In August 2015, the government declared a state of emergency and ordered prior censorship of all non-government information regarding an active volcano near the capital, a restriction that applied both to traditional media as well as to social media.³⁶

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.

Content Removal

As the online public sphere gains prominence as a forum for political discussion in Ecuador, the government has responded by seeking to control online content through a variety of mechanisms, including executive or court orders for content removal, copyright complaints, and coordinated campaigns on the part of government supporters to issue complaints about social media accounts and trigger their suspension.

The restrictive Communications Law, passed in 2013, sparked widespread condemnation from journalists and human rights activists.³⁷ In addition to saddling website owners with “ultimate responsibility” for all hosted content, prescribing arbitrary sanctions on media for unbalanced reporting, and banning “media lynching”—an accusation often applied to investigative reporting in Ecuador³⁸—the Communications Law also grants the media and communications regulator, the Superintendency of Information and Communications (Supercom), the power to audit, intervene, and control all information and media, as well as to enforce regulations governing information and communications.³⁹ 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.”⁴⁰

In practice, Supercom has not aggressively pursued digital media under the Communications Law; however, fines and corrections targeting print media may also affect the online edition of the publication in question. Additionally, the Communications Law holds websites liable for content posted on their sites by third parties. News outlets that have allowed readers to post comments critical of the Correa administration on the comments sections of their websites have faced removal requests, and many newspapers have closed their comments section entirely. Even before the Communications Law, some outlets reported receiving letters from the executive branch demanding that editors or website administrators delete content.⁴¹

Reforms to Ecuador’s electoral law in 2012 also have the potential to affect speech. The reform

36 This event happened outside of the coverage period of the report.

37 Committee to Protect Journalists, “CPJ dismayed by approval of media law in Ecuador,” press statement, June 14, 2013, <http://cpj.org/x/5592>.

38 Gina Yauri, “Ecuador Passes Controversial Communications Law,” trans. Marianna Breytman, *Global Voices*, June 19, 2013, <http://bit.ly/1Lrt8JB>.

39 Martínez, “Ecuador’s Controversial Communications Law In 8 Points.”

40 The entire secondary law can be downloaded at the Council of Communications: Cordicom: http://www.cordicom.gob.ec/wp-content/uploads/downloads/2014/01/pdf-decreto_214-21-ene-2014.pdf

41 Silvia Higuera, “Government of Ecuador asks paper to ‘filter’ reader comments,” *Journalism in the Americas Blog*, Knight Center at The University of Texas Austin, January 30, 2013, <http://bit.ly/1Lka6k>.

banned biased coverage of candidates, which may discourage media outlets from publishing in-depth investigative articles. Under the law, the media is also not allowed to cover the election during the two days before the election begins and on election day itself. Although reports suggest that this law has affected how media organizations reported on the 2013 elections, there is no information about whether the law has resulted in the removal or prior censorship of digital content.⁴²

The Spanish copyright infringement firm Ares Rights has come under fire for its issuance of takedown notices on behalf of the Ecuadorian government. In September 2014, both Facebook and YouTube removed a video called “Lo que Correa no quieres que veas” (“What Correa doesn’t want you to see”), which included images of police repression during student protests that month interposed with statements by President Correa praising the police. YouTube reinstated the video in October after an appeal by the author.⁴³ Most recently, in May 2015, a takedown notice from Ares Rights caused the removal of the YouTube page of the digital rights group Usuarios Digitales (“Digital Users”), although it was quickly restored.⁴⁴ Ares Rights has issued requests for the removal of more than a dozen photos, videos, and documents that painted the government in an unflattering light.⁴⁵

In July 2014, activists in Ecuador reported the suspension of four Twitter accounts known to be critical of the government, although it is still unclear what motivated these suspensions or whether they were triggered by legitimate violations of the company’s terms of use.⁴⁶ In November 2014, the politically active Twitter user Diana Amores denounced Twitter for suspending her account due to a copyright infringement claim issued by Ares Rights. Her account was previously suspended in April 2014 after she retweeted a letter from the president to the people of Quito during local elections in January. On both occasions, Amores’ account was restored after Twitter’s evaluation of the copyright infringement law concluded that it had been used incorrectly.⁴⁷

Media, Diversity, and Content Manipulation

Although the 2013 Communications Law gives the government broad authority to censor media content, Supercom has almost exclusively used the law to sanction privately-owned traditional media outlets, which are mostly offline. As these sanctions curtail investigative reporting in traditional

42 John Otis, “Electoral law dulls reporting as Correa nears re-election,” Committee to Protect Journalists (blog), February 12, 2013, <http://cpj.org/x/52d9>.

43 Elisa Vásquez, “Ecuador recurre a leyes de EE.UU. para censurar contenidos críticos al régimen de Correa,” [in Spanish] *PanAm Post*, October 9, 2014, <http://bit.ly/1isZPKR>; Cristina Luis, “Periodistas en Latinoamérica: riesgo y lucha contra el poder,” [in Spanish] *El Mundo*, December 12, 2014, <http://mun.do/12K86D2>.

44 Usuarios Digitales, Facebook Post, May 4, 2015, 12:40 PM, <http://on.fb.me/1FaOud8>; “@MashiRafael: ‘Vamos a igualar el costo de interconexión’ (14 Ene 2012) #TarifasPlanas,” [in Spanish], YouTube video, 2:59, published by Canal- Usuarios de Internet en Ecuador, January 14, 2014, <http://bit.ly/1FaOBVW>.

45 Simeon Tegel, “Is Ecuador’s anti-imperialist president using US copyright law to censor online critics,” *Global Post*, January 23, 2015, <http://www.globalpost.com/dispatch/news/regions/americas/150116/ecuador-critics-social-media-copyright>; See also: Tech Dirt, Ecuador Using Copyright to Try to Take Down Leaked Documents About its Surveillance Practices, June 28, 2013, <http://www.techdirt.com/articles/20130627/22382723648/ecuador-using-copyright-to-try-to-take-down-leaked-documents-about-its-surveillance-practices.shtm>

46 Anneke Ball, “No Tweets for You: Correa’s Opponents Censored,” *PanAm Post*, July 25, 2014, <http://panampost.com/anneke-ball/2014/07/25/no-tweets-for-you-correas-opponents-censored/>;

“Cuatro cuentas críticas al gobierno de Ecuador fueron suspendidas por Twitter,” [Four accounts critical of the Ecuadorian government were suspended on Twitter], *El Universo*, July 24, 2014, <http://bit.ly/1I0Tn8R>.

47 Simeon Tegel, “Is Ecuador’s anti-imperialist president using US copyright law to censor online critics,” *Global Post*, January 23, 2015, <http://bit.ly/1B8GdAu>; See also “Twitter suspende cuenta de Diana Amores, otra vez” [Twitter Suspends Diana Amores’s Account, Again] *La República*, November 18, 2014, <http://bit.ly/1OpO5X3>; See also Fundamedios, “Twitter suspende por tercera vez cuenta de usuaria un día antes de jornada de protestas,” [Twitter suspends a user’s account for the third time the day before a day of protests] news release, November 19, 2014, <http://bit.ly/1MEyEKf>.

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media, online media—especially social media, blogging, and reporting by citizen journalists—has actually taken on a greater role in Ecuador’s media landscape.⁴⁸ In 2014 and 2015, the environment for digital media outlets was much less restricted than that of print and broadcast media. Nevertheless, there are signs that the government is extended its control online through the use of trolls to manipulate content on social media. An order of prior censorship during one national emergency also extended to regular social media users, potentially restricting free expression about an important national concern.

Although there is no clear case of the government using the Communications Law to target digital media publications or to target exclusively online content, 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. For example, although offline material has been the primary target of sanctions in the past, newspapers seeking to avoid sanctions may avoid publishing controversial articles in both the offline and online editions of their newspapers.

Under the Communications Law, the regulator has fined newspapers for content that was critical of the government and has even meted out fines to media outlets for failing to cover events that might generate positive publicity.⁴⁹ In the two years that the Communications Law has been in effect, Supercom has issued 313 resolutions, affecting 198 media outlets and resulting in 185 financial sanctions against outlets.⁵⁰ Another study of Supercom rulings found that only one public media outlet has ever been sanctioned.⁵¹ Fines on newspapers for violations of the Communications Law, and the associated legal battles, may sap resources from independent media outlets. This economic impact on private media may be exacerbated by the fact that some companies appear reluctant to advertise in media that is critical of the government.⁵²

In early 2014 the popular humorist Xavier Bonilla (known as Bonil) published a cartoon in both the print and online editions of the newspaper *El Universo* satirizing the police raid on the home of Francisco Villavicencio. The cartoon, which went viral, was posted and retweeted on social media thousands of times before Bonil and *El Universo* were charged with violating provisions of the 2013 Communications Law.⁵³ Bonil was also ordered to issue a formal correction of his cartoon, and *El Universo* was fined two percent of its earnings for the three months prior to the verdict.⁵⁴ As of May 2015 the defense appeal is still pending; however, in the corrected version of his cartoon, which was meant to portray only the facts as reported by the authorities, Bonil once again managed to criticize

48 Examples of new blogs include: estadodepropaganda.com, insulabarataria.wordpress.com, and sentidocomun.com.

49 Rebeca Morla, “Ecuadorian Newspaper Still Fined for Nothing,” *PanAm Post*, May 25, 2015, <http://bit.ly/1KvHYtf>.

50 Teresa Mioli, “Sancciones contra medios independientes continúan en Ecuador luego de dos años de la Supercom,” [Sanctions against independent media continue in Ecuador after two years of Supercom], *Blog Periodismo en las Americas*, Knight Center at The University of Texas Austin, July 6, 2015, <http://bit.ly/1L0K0YL>.

51 Fundamedios, “Dos Años de la Ley de Comunicación: Las cifras más allá de la propaganda oficial,” [Two Years of the Communications Law: The stats beyond the official propaganda], news release, June 24, 2015, <http://bit.ly/1QtidhT>.

52 John Otis, “Ecuador’s year-old media law stifles in-depth reporting,” The Committee to Protect Journalists (blog), June 24, 2014, <http://cpj.org/x/5ba8>.

53 The incident was covered both in Ecuador and in the region. In Spain and Colombia: “El caricaturist sancionado en Ecuador rectifica pero mantiene su humor,” [in Spanish] *Internacional*, February 5, 2014, <http://bit.ly/N5ehd4>; Peru: “Ecuador: Bonil rectifica caricature que molest a Correa,” [in Spanish] *El Comercio*, February 5, 2014, <http://bit.ly/1Wdzuzk>.

54 AP, “‘Bonil,’ indignado por sancion de la Supercom” [‘Bonil,’ Outraged by Supercom Sanctions] *El Comercio*, February 3, 2014, <http://bit.ly/1QTVdEH>.

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the government with an overly polite rendition of the raid that made light of the request to formally correct his cartoon.⁵⁵

In February 2015, Bonil was sanctioned and ordered to correct his work a second time under the Communications Law after he published a cartoon mocking a congressman, which the regulator deemed to be discriminatory.⁵⁶ Apparently, however, the sanction did not lead to removal of the on-line content: as of May 2015, it was possible to see the originals of both sanctioned cartoons on *El Universo's* website, as well as the correction of the cartoon satirizing the raid on Villavicencio.⁵⁷

Although the Communications Law exempts social media users from sanctions, the government has begun censoring social media users through other means. In one particularly concerning case, the government completely prohibited discussion about a national emergency, not only for the media but also for individual social media users. On August 15, 2015, President Correa signed a decree declaring a state of emergency when a volcano, Cotopaxi, located 50 km south of Quito, began spewing ash after 73 years of inactivity. In the decree, the government prohibited the media and social media users from discussing the volcano in order to "avoid rumors and disinformation."⁵⁸ Free speech organizations roundly condemned this action for undermining the role of the media in protecting people from disaster, disseminating information, and holding the government accountable for its response.

Legislation introduced to Ecuador's National Assembly in June 2014 would create a constitutional amendment to classify communications as a public service. Although the 2013 Communications Law already has a similar provision, a constitutional amendment would cement and strengthen this principle. Free speech advocates worry that the amendment, which was still under debate as of May 2015, would erode free speech, as the government might expand the use its regulatory powers to determine content.⁵⁹

Social media is extremely politicized in Ecuador, and the government has regularly encouraged social media users to attack individuals who insult, threaten, or criticize the government. The most notable case occurred in January 2015 when President Correa criticized three social media users in his weekly presidential address.⁶⁰ Shortly after the president called out critics, the government announced the creation of a website, Somos Mas ("We Are More"). According to a government news bulletin, the purpose of Somos Mas is to connect followers to "government campaigns aimed at democratizing access to media and ending abuses on social media" and "to create a front against attacks from people, who hiding in anonymity, are always present in virtual spaces."⁶¹ Critics argued that this website would encourage followers to reveal private information about anonymous social media users and would unleash thousands of trolls to harass government critics.⁶² Although the

55 Reporters Without Borders, "Bonil Rectifies with Sarcastic Cartoon," February 3, 2014, <http://bit.ly/1ajKwz4>.

56 Committee to Protect Journalists, "Ecuador issues sanctions for cartoon mocking congressman," February 23, 2015, <http://cpj.org/x/5f15>.

57 "Caricaturas," [Caricatures] *El Universo*, <http://www.eluniverso.com/caricaturas>.

58 Reporters Without Borders, "Why is Ecuador Censoring Coverage of Volcano's Activity," August 18, 2015, <http://bit.ly/1KuojdA>.

59 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://cpj.org/x/5eaf>.

60 AP, "Ecuador President's Social Media Counter Attack," *New York Times*, February 2, 2015, <http://nyti.ms/1V5MFjr>.

61 "Únase www.somosmas.ec, por la verdadera libertad de expresión en las redes sociales," [Sign up www.somosmas.ec, for the true liberty of expression in social networks], *El Ciudadano*, February 1, 2015, <http://bit.ly/1j30mno>.

62 Rebecca Morla, "Ecuador's Correa Recruits Legion of Social Media Trolls," *PanAm Post*, January 26, 2015, <http://bit.ly/1QTzykP>.

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Somos Mas initiative ultimately failed to catch on and gather the army of hoped-for supporters, the direct involvement of the executive in implicitly encouraging harassment and attacks on anonymity is concerning.⁶³

The Ecuadorian government has also been accused of manipulating conversations online via pro-government commentators, reportedly employed to counter opposition voices. In 2012, a series of interviews with government insiders and investigative journals pointed to the existence of a digital army slandering and discrediting dissidents online.⁶⁴ Unconfirmed reports in 2015 also detailed the existence of online users employed to monitor and respond to opposition social media with pro-government propaganda.⁶⁵

The new telecommunications law, passed in February 2015, protects net neutrality in principle and states that access providers cannot “restrict, block, interfere, discriminate, hinder, prioritize, or restrict the rights of their users or subscribers to use, send, receive or offer any content, application, development or legal service through the internet.” Civil society groups, however, have raised concerns that these protections are weakened by other provisions in the law which providers may be able to exploit as loopholes to net neutrality.⁶⁶ In April 2015, the Ministry of Telecommunications ruled that mobile internet providers could not limit calls on WhatsApp, after several mobile providers had proposed limiting this service in certain plans. The Ministry cited the new telecommunications law’s protections of net neutrality as the basis for its ruling.⁶⁷

Digital Activism

During late-2014 and early-2015, a controversial constitutional revision and financial shortages triggered protests and social movements across Ecuador.⁶⁸ By summer of 2015, protests over these issues, as well as proposed tax increases, gathered steam, and a series of mobilizations brought thousands of people into the streets.⁶⁹ Social media has taken on a central role in activism and citizen reporting in the context of these demonstrations.⁷⁰ Earlier in the year, social media users and internet freedom organizations also rallied to defend social media users targeted by the president and government supporters.

President Correa’s targeted attacks on the Facebook page Crudo Ecuador galvanized many people to defend it and internet freedom more broadly (see Intimidation and Violence). After the president appeared to encourage followers to “dox” anonymous online critics, exposing their identifying in-

63 AP, “Ecuador President’s Social Media Counter Attack.”

64 “Dirigente de SP Revela Supuesto ‘Ejército’ de Cuentas Falsas en Ecuador” [SP Reveals Alleged ‘Army’ of Fake Accounts in Ecuador], *El Universo*, February 28, 2012, <http://bit.ly/1Fpv83Q>; Maca Lara-Dillon, “Inedito: Gobierno de Ecuador Habría Montado un ‘Troll Center’” [Unpublished: Government of Ecuador has Set Up a Troll Center] *Pulso Social*, March 1, 2012, <http://bit.ly/1gGxkrY>; “Rafael Correa Asked the SENAIN to Investigate Twitter Accounts,” *Ecuador Times*, January 25, 2013, <http://bit.ly/1OLhbzd>.

65 Rebecca Morla, “Correa’s Social-Media Troll Center Exposed in Quito,” March 25, 2015, <http://bit.ly/1N9vv2f>.

66 For example, one digital rights activist has raised concerns about Article 22 of the law, which allows providers to establish tariff plans consisting of one or more services or products of one or more services. Andrés Delgado, “La neutralidad de la red se debilita en Ecuador,” [in Spanish] *Digital Rights Latin America and the Caribbean (LAC)*, January 31, 2015, <http://bit.ly/1OeLeNe>.

67 “Operadoras en Ecuador no pueden limitar funcionalidad de llamadas por WhatsApp,” *El Telegrafo*, April 30, 2015, <http://bit.ly/1LrzRmK>.

68 Mercedes Alvaro, “Protesters in Ecuador Demonstrate Against Correa’s Policies,” *The Wall Street Journal*, June 25, 2015, <http://on.wsj.com/1LKZtIG>.

69 AP, “General strike hits Ecuador in Correa protest,” *Deutsche Welle*, <http://bit.ly/1FaX2Ra>; Reuters, “Protest Roil Ecuador Ahead of Pope Francis’ Visit,” *NBC News*, July 4, 2015, <http://nbcnews.to/1L0NbQn>.

70 Velazco, “The Internet, a Staging Post for Protests in Ecuador Under Threat.”

formation to facilitate harassment, several internet freedom organizations drafted and signed the Manifesto for the Freedom of Expression, Anonymity, and Online Privacy in Ecuador, a defense of the decentralized internet and online anonymity.⁷¹

Internet and digital rights organizations celebrated a partial victory after the new penal code went into effect in August 2014. Although it contains several concerning provisions (see Legal Environment), the code went into effect without some of the most controversial anti-privacy provisions as a result of digital activism. In 2013, the internet activist organizations Usuarios Digitales (“Digital Users”), Apertura Radical (“Radical Openness”), and Asociación de Software Libre del Ecuador (“Ecuador Association of Free Software”) launched a campaign on social media under the hashtag #InternetLibre to lobby against the proposed surveillance provisions in Article 474 of the proposed penal code.⁷² Had the new penal code been approved with Article 474 intact, ISPs would have been forced to record all user activity—including IP addresses—for six months, and cybercafes would also have been required to install surveillance equipment in order to record video footage of customers.⁷³ Due in large part to civil society action, legislators removed Article 474 before the new penal code was passed in November 2013.⁷⁴

Despite a mixed record on internet freedom, the Ecuadorian government has created some promising initiatives to promote open government and online citizen participation on issues related to internet freedom and privacy. In February 2014, for example, the National Secretary for Higher Education, Innovation and Technology launched the region’s first wiki legislation project (WikiCOESC+i). This freely accessible site allowed citizens of Ecuador and other nations to propose changes to the Organic Code for Social Economy of Knowledge and Innovation, with the goal of designing a framework for the “inclusive and democratic” development of an open knowledge society.⁷⁵ More than 16,000 users participated in the creation of this legal code, which underwent more than 40,000 text edits. In June 2015, the resulting Innovation Code, which classifies internet as a basic service and significantly reforms Ecuador’s intellectual property regulation, was presented to the legislative assembly for debate.⁷⁶

Violations of User Rights

Although prosecutions and physical attacks against online users are rare in Ecuador, some users have faced harassment and threats, government surveillance, and technical attacks. In 2015, President Correa targeted critical social media users in his televised presidential address, encouraging followers

71 Agencia de Noticias Medio a Medio. “Ecuador: Usuarios digitales pronuncian por la libertad de la expresión en internet,” February 5, 2015, <http://bit.ly/1QTCtS>.

72 Usuarios Digitales, Campaign launched on Facebook: <https://www.facebook.com/InternetEcuador>; See also: GKillCity.com, “Free Internet,” November 18, 2013, <http://gkillcity.com/dossier/internet-libre>

73 Juan Arellano, “Ecuadorian Activists Say No to Cybercafe Surveillance,” trans. Victoria Robertson, *Global Voices Advocacy*, November 19, 2013, <http://bit.ly/1LONTNi>.

74 “[2013 Assessment] Privacy and Surveillance in Ecuador,” trasn. Amalia Toledo, *Digital Rights LAC*, January 28, 2014, <http://bit.ly/1WdEcgl>.

75 Secretaría de Educación Superior, Ciencia, Tecnología e Innovación, Código Orgánico de Economía Social del Conocimiento e Innovación [Organic Code for Social Economy of Knowledge and Innovation] accessed April 21, 2014, <http://bit.ly/1mjp29X>.

76 This event occurred after the formal coverage period for this report. “Código INGENIOS llega al Legislativo para cambiar ‘la historia’ y fomentar el conocimiento en Ecuador,” [Innovation Code arrives in the legislatura to change ‘history’ and spur knowledge in Ecuador], Public Agency of News from Ecuador and South America, June 4, 2015, <http://bit.ly/1V5LCVZ>; See also Andrés Jaramillo, “Código Orgánico de la Economía del Conocimiento ecuatoriano será presentado en la Asamblea,” [Organic Code of the Knowledge Economy will be presented in the Assembly] *El Comercio*, May 24, 2015, <http://bit.ly/1NOOqm5>.

to dox anonymous users. The president's statements contributed to an environment of harassment, in which multiple social media users faced online and offline threats. In August 2014, the new penal code entered into force. Although the penal code eliminates some charges for defamation, it retains several provisions that limit freedom of expression.

Legal Environment

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).⁷⁷ The country, however, faces several threats to free expression, including criminal provisions against libel, government regulation and oversight of media content, and concerns about judicial independence.⁷⁸

In August 2014, the new penal code entered into force. Although it eliminates criminal charges for insult, it retains criminal charges for slander and libel, as well as restrictions on social protests and privacy protections that some critics worry may limit investigative reporting and whistleblowing.⁷⁹ Article 179 establishes a prison sentence of six months to a 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 for 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. Again, there is no exception in this article 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 cause harm to the national economy in order to alter the prices of goods."⁸⁰

The 2013 Communications Law grants a government media oversight committee the power to regulate media and issue civil and criminal penalties to journalists or media outlets who fail to report in a manner that the regulator deems fair and accurate. Although the law has not been used to target or fine exclusively digital media outlets, Article 3 of the law expands the regulator's control to "all media with an online presence." The vague language in the law raises concerns that it will be used to target online media in the future (see Content Removal and Media, Diversity, and Online Content Manipulation).

Prosecutions and Detentions for Online Activities

There were no known cases of journalists or online users being jailed or detained for online speech. One isolated instance of a user being sentenced in a civil court to 15 to 30 days of jail time for online defamation was quickly dismissed upon appeal. Nevertheless, the legal harassment of offline journalists with charges of criminal libel and other charges under the 2013 Communications Law raises concerns that in the future these laws will be expanded to prosecute online reporters.⁸¹

77 Ministerio de Telecomunicaciones y Sociedad de la Información, "Autoridades del MINTEL se reunieron con usuarios digitales" [MINTEL Authorities Met with Digital Users], news release, August 13, 2012, <http://bit.ly/1it9mBB>.

78 Human Rights Watch, "Ecuador: Ensure Judicial Independence," January 29, 2014, <http://bit.ly/1MEILif>.

79 "La injuria ya no es delito," [Insult is no longer a crime] *El Diario*, August 5, 2014, <http://bit.ly/1OpWQjZ>.

80 The text of the new Penal Code can be read here: Ministerio de Justicia, Derechos Humanos y Cultos, *Código Orgánico Integral Penal*, 2014, <http://bit.ly/1juCXok>.

81 Fundamedios, "Excandidate denuncia a dos medios ante la Supercom y demanda penalmente a uno de sus directivos," [in

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In October 2014, the Civil Court in the city of Sucúa sentenced the former city councilor, Jaqueline González, to fifteen days in prison for allegedly posting a Facebook comment that denounced a land conflict, implicating an indigenous leader and a lawyer in the land invasion. González denied that the Facebook account, which was under the name Jakelin Gonzalez, even belonged to her. Despite this contention, she was found guilty under Article 396 of the Penal Code, which prohibits the proffering of expressions that “discredit or dishonor” someone else under penalty of a 15 to 30 day prison sentence.⁸² Upon second appeal, González was declared innocent, and she never served jail time.⁸³

Online writers have also incurred high penalties in civil libel cases. When online blogger Miguel Palacios Frugone sued President Correa for libel after the president called him a “rapist,” President Correa responded in kind by countersuing Palacios for defamation over twenty articles that he produced on his blog *Desde mi Trinchera* (“From my Trench”) criticizing the president. On July 22, 2015, the National Court of Justice ruled in President Correa’s favor and ordered Palacios to pay a fine of US\$46,000 for “moral damage” incurred by at least two of his online posts.⁸⁴

Several individuals have been arrested on charges that they hacked the personal Twitter or email accounts of President Correa. In May 2014, the government detained two teenage boys on charges of hacking the president’s Twitter account; however, they were released the following morning due to lack of evidence.⁸⁵ In December 2013, President Correa announced that his email had been intercepted by representative Cléver Jiménez and online journalist Fernando Villavicencio—both of whom already faced libel charges from a report they wrote asking the Attorney General to investigate the president’s role in ordering an armed intervention in a hospital during protests that year. After raids on their offices, they were accused of high-level espionage, although they were never charged. As of June 2015, the investigation into the espionage case was still open.⁸⁶

In January 2014, the court sentenced Jiménez and Villavicencio to eighteen months in prison for libel, and both individuals went into hiding.⁸⁷ In March 2015, however, the court dismissed charges, in light of the numerous delays in judicial process and changes in the penal code eliminating criminal libel. Carlos Figueroa, a doctor and activist involved in the same case, was also charged and had already completed a sentence of six months in prison by the time the court reevaluated the case.⁸⁸ Although the libel charges pertained to an offline report, the free speech organization Fundamedios has raised the possibility that Villavicencio was targeted partially in retaliation for writing about corruption for the online publication *Plan V*.⁸⁹

Spanish] June 12, 2014, <http://bit.ly/1OpXz4G>.

82 Fundamedios, “Exconcejala es sentenciada a 15 días de prisión por un comentario en facebook,” [in Spanish] November 13, 2014, <http://bit.ly/1KvLJ1S>.

83 Interview with expert at Fundamedios, July 31, 2015.

84 Belén Marty, “Rafael Correa Fines Columnist for Libel and Calls Him a Rapist,” *PanAm Post*, July 29, 2015, <http://bit.ly/1OUIF9g>; “Miguel Palacios sobre sentencia a favor del presidente Correa: ‘Me siento una hormiga enfrentando a King Kong,’” *El Comercio*, July 27, 2015, <http://bit.ly/1OlnTFA>.

85 Univision Noticias, “Dos jóvenes son sospechosos de hackear las cuentas de Rafael Correa,” [in Spanish] May 30, 2014, <http://bit.ly/1J15HLU>.

86 Soraya Constante, “Los condenados por injuriar a Correa ya no tienen que esconderse,” [Those convicted for insulting Correa no longer have to hide], *El País*, March 24, 2015, <http://bit.ly/1KqPo3W>.

87 Diego Cruz, “Judge sentences Ecuadorian journalist Fernando Villavicencio to 18 months in prison,” *Journalism in the Americas Blog*, The Knight Center at the University of Texas Austin, March 26, 2014, <http://bit.ly/1iIWtUj>.

88 Soraya Constante, “Los condenados por injuriar a Correa ya no tienen que esconderse.”

89 Sara Rafsky, “Correa intensifica el conflicto; ambas partes denuncian ataques cibernéticos,” Committee to Protect Journalists, (blog), January 17, 2014, <http://cpj.org/x/5850>.

Surveillance, Privacy, and Anonymity

Little information is available about the extent of surveillance in Ecuador; however, the current legal structure provides little protection from the government collection of metadata. Civil society groups have repeatedly raised concerns about the country's investments in advanced surveillance technology; most recently, these concerns have centered on the Ecuadorian government's contracts with the Italian technology company Hacking Team. Anonymity also came under attack during the coverage period. Although neither anonymous nor encrypted communications are prohibited in Ecuador, in January 2015 the government encouraged followers to dox anonymous social media users who were critical of the government. The internet rights advocacy organization Usuarios Digitales strongly condemned this action as a violation of users' right to anonymity on the internet.⁹⁰

After the security breach at the Italian information technology company Hacking Team on July 6, 2015, several sites, including WikiLeaks, published the company's leaked email exchanges.⁹¹ The revelations triggered a major scandal worldwide because many of the company's clients were governments with a history of human rights violations. In Latin America, Ecuador appeared as one of their major customers, third only to Mexico and Chile. Although Ecuador's intelligence agency denied having contracts with Hacking Team,⁹² evidence from leaked emails suggests that not only did the government have contracts with the company for surveillance technology, it may have used this technology to target opposition figures or activists with malware.⁹³ The Ecuadorian intelligence agency SENAIN sent several requests to a Hacking Team customer support engineer for assistance in sending spyware to email and phone accounts that appear to be linked to Carlos Figueroa, an opposition activist. At the time, Figueroa was in hiding from the government after being charged with libel, in what many regarded as a politically motivated case. Leaked emails also suggest that the government used Hacking Team tools to develop documents booby-trapped with malware, giving them titles that reference the Yasuni wilderness reserve. Critics have raised concerns that these documents may have been created to ensnare environmental or indigenous activists who are involved in protests against government plans to drill for oil in the reserve. In the wake of the revelations, several journals and online magazines suffered distributed denial-of-service (DDoS) attacks after publishing information regarding the leaks.⁹⁴

The Hacking Team revelations have sparked a major debate in traditional media outlets and on social media.⁹⁵ In the weeks after the leak, media activists and house representatives protested outside the offices of Senain (National Intelligence Office) located in the suburbs of Quito,⁹⁶ and protests against the government, already widespread in the summer of 2015, began to incorporate demands for transparency over surveillance of citizens.

Beyond the Hacking Team leaks, there is some evidence that the Ecuadorian government has also

90 Agencia de Noticias Medio a Medio. "Ecuador: Usuarios digitales pronuncian por la libertad de la expresión en internet," [in Spanish] February 5, 2015, <http://bit.ly/1QTCttS>.

91 Kif Leswing, "Hacking Team Spyware Leaked Onto GitHub, And It Looks Like It's Going To Stay There," *International Business Times*, July 8, 2015, <http://bit.ly/1Qtxnnb>.

92 Diego Bravo, "La Senain dice que no ha contratado a Hacking Team," *El Comercio*, July 10, 2015, <http://bit.ly/1ULJoIK>.

93 AP, "Correction: Ecuador-Hacking The Opposition Story."

94 Samuel Woolley, "#HackingTeam Leaks: Ecuador is Spending Millions on Malware, Pro-Government Trolls," *Global Voices*, August 4, 2015, <http://bit.ly/1QtxU8A>.

95 Interviews on the Channel 1 editorial journal with Andrés Carrión: "En la Polémica – Hacking Team y SENAIN," YouTube video, 58:05, published by Aldo Cassola, July 20, 2015, https://www.youtube.com/watch?v=_hC4r2mIFX0.

96 Activists and opposing politicians at Senain's office in Quito: "Asambleístas intentaron ingresar a supuestas instalaciones de la Senain," *El Universo*, July 15, 2015, <http://bit.ly/1YvzvAK>.

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invested in the purchase of other surveillance systems. The Russian company Speech Technology Center alleged in international media reports that Ecuador installed the world's first biometric surveillance system with voice and facial identification capabilities. Authorities can use this software to build up a library of voiceprints of criminals or other individuals and then use it to identify individuals in intercepted calls.⁹⁷ Documents have also surfaced detailing government attempts to purchase surveillance drones from overseas contractors.⁹⁸ The government has defended its right to conduct surveillance in criminal investigations, but has said that it does not engage in such activities for political purposes.⁹⁹ To date, the administration has neither confirmed nor denied reports of the installation of a biometric surveillance system or of attempts to purchase drones for surveillance.¹⁰⁰

Ecuador's legal framework provides the government with broad authority to request user information without judicial oversight. The 2015 Organic Law on Telecommunications guarantees user privacy and requires service providers to notify users in the case of third party interception of communications. Despite such positive provisions, however, Article 84 says that service providers must give authorities access to data for the purpose of investigating crimes.¹⁰¹ The article says that Arcotel will establish the necessary provisions for access to this data at a future date, but it is not clear that the law will require a judicial order for access to data. This is consistent with previous telecommunications regulations. In 2012, the Telecommunication Service Subscribers and Added Value Regulation Resolution authorized the telecommunications regulator to track IP addresses from ISP customers without a judicial order.¹⁰² In 2013, civil society successfully blocked a government initiative that would have required ISPs to record and store all user data for six months and would have forced cybercafes to record video footage of customers.¹⁰³

Although cybercafes do not have to film users, the government requires that cybercafe users register with the Ministry of Telecommunications with their full name, phone number, passport number, voting certificate number, email address, and home address. Users must also agree to terms that stipulate that all information entered into the database during use falls under the jurisdiction of the telecommunications regulator.¹⁰⁴ If a user infringes on the terms and criminal charges are applicable to the transgression, the user will be prosecuted under Ecuador's penal code.

Intimidation and Violence

Although levels of harassment and violent threats against journalists did not reach the same levels in

97 Ryan Gallagher, "Ecuador Implements 'World's First' Countrywide Facial- and Voice- Recognition System," *Future Tense* (blog), *Slate*, December 12, 2012, <http://slate.me/1j38Tqj>; See also: Planet Biometrics, "Ecuador deploys nationwide voice and face biometrics ID system," November 12, 2012, <http://bit.ly/1iY4Kh>.

98 Rosie Gray and Adrian Carrasquillo, "Exclusive: Documents Illuminate Ecuador's Spying Practices," *Buzzfeed*, June 25, 2013, <http://bzfd.it/1FYaind>.

99 Rosie Gray and Adrian Carrasquillo, "Ecuador Defends Domestic Surveillance," *Buzzfeed*, June 27, 2013, <http://bzfd.it/1QTLK4U>.

100 Diego Cupolo, "Drone Use Soars in Latin America, Remains Widely Unregulated," *Upside Down World*, December 19, 2013, <http://bit.ly/19VJ2VS>.

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

102 See Article 29.9; <http://bit.ly/1GPH0aE>

103 "[2013 Assessment] Privacy and Surveillance in Ecuador," *Digital Rights LAC*, January 28, 2014, <http://bit.ly/1WdEcgl>.

104 The terms of the agreement refer to Senatel and the superintendence of telecommunications, Supertel. Although these two bodies have been subsumed under Arcotel, the new telecommunications authority established in 2015, the online form used to register cybercafes has yet to change the previous language to indicate this. SENATEL, "Registro de Cybercafes Online" [Registration of Cybercafes Online], accessed August 6, 2013, <http://bit.ly/1WdJJ6P>.

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Ecuador as in other countries in the region, the direct involvement of the president in inciting social media battles, with little concern about the harassment and violence that could result, represents a worrisome development. During the coverage period, social media competition between pro-government supporters and the opposition escalated, with both government supporters and critics issuing threats against one another,¹⁰⁵ and with at least one individual receiving death threats at his home after the president repeatedly called for social media users to criticize him.

In his weekly televised presidential address in January 2015, President Rafael Correa identified social media accounts that had used Twitter or Facebook to criticize or insult him and called for his followers to criticize these users online.¹⁰⁶ Among the accounts called out by the president was the popular Facebook page Crudo Ecuador, which had recently published a meme juxtaposing an image of the President Correa shopping in an upscale European mall with a declaration the president had made that online shoppers should be taxed for buying goods from overseas.¹⁰⁷ At the time, the administrator of Crudo Ecuador was anonymous, which the president used as ammunition for a broader attack on online anonymity. During his address, Correa said “we are also going to identify these people to see if they are so humorous when the whole world knows who they are...If they send one tweet, we will send 10,000.”¹⁰⁸ The following week, President Correa announced the creation of Somos Mas, a website where people could share information about social media users who were criticizing the government.¹⁰⁹ Critics alleged that Correa was marshalling his followers for the express purpose of harassing social media users.

Shortly after the television announcement, Twitter users doxed the administrator of Crudo Ecuador, Gabriel González, revealing his name, his address, his ID number, the names of his family members, and a cell phone picture of him taken at a mall. González said that some of this information came from confidential documents he filed to register the Crudo Ecuador brand with the Ecuadorian Institute of Intellectual Property.¹¹⁰ On February 19, 2015, González shut down the Twitter account of Crudo Ecuador and stopped posting on the Facebook page, announcing the shutdown with the hashtag #UstedGanó (“You Won”) and citing harassment and threats as the motive. González also posted a picture of a bouquet of flowers with a threatening note that he had received while on vacation with his family.¹¹¹

Although the president’s campaign against Crudo Ecuador and other Twitter users gained more attention in the international media than previous campaigns,¹¹² it was not the first time that the pres-

105 Abuse of social media users from pro-government supporters is well-documented, but it appears that in the environment of a highly polarized social media war, government critics have also leveled threats and attacks against normal social media users. The Twitter account Anonymous Ecuador has begun identifying pro-government supporters and encouraging its followers to “send a greeting to this Correa supporter,” often unleashing a flurry of criticisms as well as violent attacks. For example: Nueva Fuerza Rural, Facebook post, August 20, 2015, <http://on.fb.me/1LrFnpt>.

106 Santiago Estrella, “El Gobierno investiga a Crudo Ecuador y este le responde con otro meme,” *El Comercio*, January 18, 2015, <http://bit.ly/1usXg0M>.

107 Manuel Rueda, “Ecuador’s president declares a war on memes,” *Fusion*, January 22, 2015, <http://fus.in/1EphhIO>.

108 “Rafael Correa anuncia creación de sitio web Somos + para combatir supuesta ‘campaña de desprestigio’ en redes” *El Comercio*, January 24, 2015, <http://bit.ly/1LrGbur>.

109 The website can be accessed at www.somosmas.ec

110 As told to Silvia Viñas by Gabriel González, “What Happened When I Joked About the President of Ecuador,” *The New York Times*, May 1, 2015, <http://nyti.ms/1E2DoiV>.

111 As told to Silvia Viña by Gabriel González, “What Happened When I Joked About the President of Ecuador,” *The New York Times*, May 1, 2015, <http://nyti.ms/1E2DoiV>; Rebeca Morla, “Correa’s Nemesis Crudo Ecuador Shuts Down Over Intimidation,” *PanAm Post*, February 20, 2015, <http://bit.ly/1RMikqc>; see also Crudo Ecuador’s Facebook page Crudo Ecuador’s Facebook Page, last modified February 19, 2015, accessed June 4, 2015, <http://on.fb.me/1gGMWvw>.

112 The issue was widely publicized after it was covered in the HBO show Last Week Tonight with John Oliver. Last Week Tonight with John Oliver, “Ecuador’s Sensitive President,” *YouTube* video, 4:11, February 9, 2015, <https://www.youtube.com/>

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ident has marshalled his Twitter followers to insult critics. On March 29, 2014, President Correa disparaged the journalist Betty Escobar—who had criticized his trip to the United States in a column in the newspaper *El Universo*—calling her a “hater” and a “coward” in his weekly televised address and telling viewers to “check out” her Twitter username. On April 7, 2014, in a threat closely resembling the one later sent to Crudo Ecuador, anonymous individuals sent a threatening note and flowers to Escobar in New York and to her family in Guayaquil Ecuador.¹¹³ In a televised speech in February 2014, Correa called on his Twitter followers to insult the cartoonist Bonil after he drew a cartoon critical of the government.¹¹⁴

Further incidents in 2014 and 2015 revealed harassment and threats that appeared after journalists criticized public officials or the police. On May 17, 2015, Andrés Mendoza, a journalist with the *Agencia Popular de Comunicación Ser Públicos*, received a threat stating that he would be killed within 72 hours if he did not remove videos he had posted showing forced evictions in Guayaquil and police abuses during the seizure of the Ecuadorian Teacher’s Unemployment Fund. The threat arrived to his personal Facebook account and the email account of *Agencia Popular*. Three days later, Mendoza received an email referencing his funeral.¹¹⁵ In November 2014, unknown individuals entered the offices of the digital and print media organization *Cotopaxi Noticias* and stole six computers.¹¹⁶ In January 2014, political activist, filmmaker, and writer Carlos Andrés Vera, who owns the popular blog *Polificción*, was targeted on Twitter. After his 3-year-old son was threatened, reportedly by a government representative, Vera announced that he would be abandoning online activism and would be removing himself from online political debate.¹¹⁷ There has also been at least one report of an individual dismissed from his work as the result of commentary he made on Twitter.¹¹⁸

Technical Attacks

Accusations of data manipulation, hacking, and other forms of cyberattacks have been leveled from both government and opposition groups during recent years. While such attacks—which have included modifications to webpages (defacements), phishing, and the spread of malware—have been sporadic rather than systematic, they appear to be on the rise. On July 7-8, 2015, at least three online news outlets reported DDoS attacks after reporting on contracts that the Ecuadorian government had with the Italian information technology company Hacking Team (see Surveillance, Privacy, and Anonymity).¹¹⁹

[watch?v=nMdDykp_KXs](#).

113 Human Rights Foundation, “Ecuador: HRF Condemns Harassment of Journalist in NYC Days After She Was Vilified by Correa,” press release, May 15, 2014, <http://bit.ly/1OLt48i>.

114 John Otis, “Pressured by government, Ecuadoran cartoonist is forced to adjust,” Committee to Protect Journalists (blog), July 8, 2014, <http://cpj.org/x/5be5>.

115 Fundamedios, “Periodista es amenazado de muerte a través de varios mensajes,” [in Spanish] May 22, 2015, <http://bit.ly/1JHtRVs>.

116 Fundamedios, “Roban material periodístico de medio de comunicación,” [in Spanish] November 7, 2014, <http://bit.ly/1MEOOTX>.

117 Carlos Andrés Vera, “Lo Que No Se Ve,” [in Spanish] *PoliFicción* (blog), February 17, 2014, <http://bit.ly/1LlFjx9>; His announcement was met with sympathy from opposition and government supporters alike, who expressed disgust that an activist’s child would be threatened.

118 This event occurred outside the coverage period. See: Martín Pallares es despedido de El Comercio por sus comentarios en Twitter, *La República*, August 20, 2015, <http://bit.ly/1JbdOvG>

119 This event occurred outside the coverage period and therefore had no impact on scores. Samuel Woolley, “#HackingTeam Leaks: Ecuador is Spending Millions on Malware, Pro-Government Trolls,” *GlobalVoices*, August 4, 2015, <http://bit.ly/1LlUs6z>.

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The websites of advocacy groups and news media organizations have occasionally been subject to DDoS attacks and unexplained disruptions. On February 9, 2015, the free speech organization Fundamedios announced that their website suffered a DDoS attack and was down for a day. The DDoS attack occurred a few hours after the release of the organization's 2014 report on freedom of speech violations in Ecuador.¹²⁰ In the same month, hackers attacked the webpage of the newspaper *La Hora*, causing the site to crash for a day.¹²¹

In 2014 and 2015, government websites as well as the personal email and Twitter accounts of government officials were subject to cyberattacks from individuals who identified with Anonymous and other groups. In March 2014, Anonymous hacked the president's Twitter account, which it used to tweet allegations of corruption against a high-level official from the Ministers of Interior and the Intelligence. Despite the security breach, the account was restored after a few hours.¹²²

120 Fundamedios, "Página web de Fundamedios es víctima de ataque cibernético," Alertas entry, February 9, 2015, <http://www.fundamedios.org/alertas/pagina-web-de-fundamedios-es-victima-de-ataque-cibernetico/>

121 Fundamedios, "Página web de Fundamedios es víctima de ataque cibernético."

122 "La Cuenta de Twitter del President FueHackeada" [The Twitter Account of President Correa was Hacked] *El Telegrafo*, March 27, 2014, <http://bit.ly/O1vvrk>.