

Transcribed below, Press Release from the Special Rapporteur for Freedom of Expression of the IACHR.

Press Release R47/13

OFFICE OF THE SPECIAL RAPPOREUR FOR FREEDOM OF EXPRESSION STATES ITS CONCERN OVER THE ENACTMENT OF THE COMMUNICATIONS ACT IN ECUADOR

Washington D.C., June 28, 2013 – The Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) states its concern over the enactment of the Communications Act in Ecuador and urges authorities to bring Ecuador’s laws into line with international standards on freedom of expression.

The Communications Act was passed by the National Assembly of Ecuador on June 14 and signed by the President on June 22, 2013. The provisions of the law contain some important principles regarding the exercise of the right to freedom of thought and expression. Nevertheless, in regulating those principles, the law establishes onerous restrictions that render the aforementioned principles practically ineffective. Such restrictions, examined in a [letter sent to the State by the Office of the Special Rapporteur](#), could severely hinder the exercise of the right to freedom of expression and have a serious chilling effect that is incompatible with a democratic society.

The burdensome regulation imposed on all communications media—press, radio, television, subscription-based audio and video, as well as those media whose content can be created or reproduced via the Internet—is based on the notion that the exercise of freedom of expression through any medium is a public service. In this sense, understood as a public service, the State assumes exorbitant powers to regulate the exercise of the fundamental right to express oneself freely through any medium that a person chooses.

As explained in greater detail in the [letter sent to the State](#), in considering all media to be public service provider companies, the law creates a rigorous regulatory framework that imposes scores of obligations applicable to all media and journalists. It authorizes the administrative bodies to control and intervene in the content of those media; it establishes considerably vague liabilities and grounds for administrative infractions, and grants a public servant—elected by an administrative body from a short list of candidates sent by the President of the Republic—the authority to oversee compliance with the law, implement it, and impose the respective penalties.

This Office of the Special Rapporteur had the opportunity to raise the abovementioned issues with the State in several letters sent over the course of the past three years. Indeed, although the text of the law differs in some substantial respects from the previously published bills, the issues of major concern with regard to freedom of expression had already been set forth in the context of prior drafts. The Office of the Special Rapporteur regrets that the competent authorities failed to take account of the

international standards referred to in the letters and reports that were sent at the appropriate time.

The Office of the Special Rapporteur believes it is of the utmost importance that the authorities review the newly enacted law in light of developments in international human rights law and amend the aspects that could seriously jeopardize the right to freedom of expression of all persons in Ecuador. The Office of the Special Rapporteur expresses its absolute willingness to cooperate with the State in any way it deems appropriate in order to make its laws consistent with the above-mentioned international standards.

The Office of the Special Rapporteur for Freedom of Expression was created by the Inter-American Commission on Human Rights (IACHR) to encourage the defense of the right to freedom of thought and expression in the hemisphere, given the fundamental role this right plays in consolidating and developing the democratic system.

June 28, 2013