

QUITO FORUM FOR FREEDOM OF EXPRESSION ACTION PLAN

Quito, 15 September 2015

THE QUITO FORUM FOR FREEDOM OF EXPRESSION, convened by the Inter American Press Association (IAPA), the Andean Foundation for Media Study and Observation (FUNDAMEDIOS) and Andean University Simón Bolívar, met in Quito on 15 September 2015, with the aim of verifying the status of freedom of expression and of the press in Ecuador, after two years of enforcement of the Organic Communication Law, adopted on 25 June 2013 by President Rafael Correa. That verification provided the tools to develop common, achievable and verifiable initiatives, that shaped an action plan destined to address and revert the serious situation including censorship, administrative and criminal sanctions, and the absence of legal rights faced by journalism in the country.

THE QUITO FORUM FOR FREEDOM OF EXPRESSION recalled that the Inter-American Democratic Charter considers transparency in governments' activities, probity, and accountability of governments in public management, as well as respect for social rights and freedom of expression and of the press, as fundamental components for the exercise of democracy.

THE QUITO FORUM FOR FREEDOM OF EXPRESSION considered, therefore, that the strengthening of democracy depends on the full existence of freedom of expression, which is, moreover, a fundamental right established in Article 19 of the Universal Declaration of Human Rights. And recalled that the principles of the Declaration of Chapultepec, as well as those of the IACHR Declaration of Principles on Freedom of Expression, constitute basic documents that contemplate the protection and defense of freedom of expression, freedom and independence of the press and the right to be informed.

THE QUITO FORUM FOR FREEDOM OF EXPRESSION took into account the arguments of the special rapporteurs on Freedom of Expression of the UN and the OAS and Human Rights Defenders from around the world, according to which ensuring the protection of journalists and freedom of the press is a responsibility of the State, as is guaranteeing an independent, transparent and expeditious judiciary in processes involving media and journalists.

THE QUITO FORUM FOR FREEDOM OF EXPRESSION emphasized that before and after the adoption of the Organic Communications Law in Ecuador, many organizations of the community of defenders and promoters of freedom of expression around the world, media and journalists associations, public figures such as Nobel Prize winner Mario Vargas Llosa, among others, expressed their deep concern over the adoption of the Law in question. And that the Rapporteurs on Freedom of Expression and Opinion, both of the OAS Inter-American Commission on Human Rights - Catalina Botero first, and Edison Lanza later - and the United Nations Organization - Frank La Rue - presented exhaustively reasoned observations.

THE QUITO FORUM FOR FREEDOM OF EXPRESSION considers extremely serious that a process of dissolution has been initiated of the organization that defends

the freedoms of expression and of the press, the Andean Foundation for Media Study and Observation, FUNDAMEDIOS, accused of engaging in "political activities" because it disseminates the journalistic materials of renowned opinion columnists. This situation is an unacceptable blow against not just the freedom of association and peaceful assembly, but also against the freedom to freely express thoughts. We remind you that FUNDAMEDIOS is the organization that monitors and keeps a comprehensive record of aggressions against journalists committed since 2008.

THE QUITO FORUM FOR FREEDOM OF EXPRESSION has become aware that a serious threat to the free exercise of journalism prevails in Ecuador, and therefore has agreed to specific actions, proposals and commitments reached between the various actors who have participated from academia, the media, intergovernmental agencies, international organizations, special guests from other countries, and editors and journalists:

SPECIFIC ACTIONS:

1. **RAPORTEURSHIPS ON FREEDOM OF EXPRESSION, ASSOCIATION AND HUMAN RIGHTS.** - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION request a pronouncement from global and regional organizations working on freedom of expression, association and human rights on the announcement made by the Government of Ecuador that it will dissolve the Andean Foundation for Media Study and Observation (FUNDAMEDIOS).
2. **OAS SECRETARY GENERAL.** - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to create an international commission to visit the OAS Secretary General, Luis Almagro, to inform him of the serious violations of the Inter-American Democratic Charter by the Government of Ecuador.
3. **MULTILATERAL AGENCIES.** - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to create an international commission to visit the Inter-American Development Bank, World Bank, Andean Development Corporation, among others, in order to inform them about the situation of human rights and press freedom in Ecuador, so that they take this information into account when granting assistance to the country.
4. **SEIZED MEDIA.** Remind the Government of Ecuador of its promise to re-privatize the media outlets seized by the State.
5. **INTERNATIONAL COMPANIES.** - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to provide detailed information to companies investing in Ecuador on the situation of freedom of expression and other fundamental rights, leading to limitations of legal certainty for their activities.
6. **ADVISORY OPINION.** - Considering that Ecuador has historically been

respectful of and a promoter of the full defense of Human Rights, and it has fully ratified the main international instruments for the protection of human rights both of the UN and the Inter-American System, the organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION invite the government of the Republic of Ecuador to request from the Inter-American Court of Human Rights an Advisory Opinion on the compatibility of Ecuador's Organic Communications Law with the standards developed based on Article 19 of the Universal Declaration of Human Rights and Article 13 of the American Convention on Human Rights. That Advisory Opinion is necessary to settle national and international debates on the legitimacy and compatibility of this law with the international standards accepted by the Ecuadorian State on Human Rights.

7. COMMITTEE OF EXPERTS. - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to create a committee of experts to study the effects of the implementation of the Ecuadorian Organic Communications Law on freedoms of expression, opinion and the press, two years after its enforcement.

This committee of experts should also analyze the articles of the Organic Communications Law in the light of standards developed based on Article 19 of the Universal Declaration of Human Rights and Article 13 of the American Convention on Human Rights. The Committee should issue a report within no more than ninety (90) days in order to present it to the UN and OAS Rapporteurs on Freedom of Expression, to Ecuadorian authorities, the media, journalists' organizations and the public opinion.

8. DUE PROCESS. - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to send communications to the President of the Republic of Ecuador, Rafael Correa, urging his government to suspend the actions of the Communications Superintendency against the media, and denounce the repressive and anti-democratic nature of this Superintendency to Human Rights agencies of the United Nations and the Organization of American States. They also demand that his government should guarantee the media and the journalists due process and the full right to defend themselves in the administrative actions that take place as a consequence of the enforcement of the Organic Communication Law.

9. GUARANTEES FOR JOURNALISTS. - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to enjoin the President of the Republic of Ecuador, Rafael Correa, to lead his government on the path of tolerance and guarantee the right of journalists to exercise a critical, investigative and independent journalism, without being confronted with verbal and physical aggressions, without fear of losing their jobs, without having to face legal and / or administrative actions against them.

10. RIGHT OF ASSOCIATION. - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to enjoin the President of the Republic of Ecuador, Rafael Correa, to lead his government on the path of tolerance and guarantee the right of association of citizens and that, therefore, he should rescind the actions taken by the Communications Secretariat (SECOM), destined to eliminate the legal status of the Andean Foundation for Media Study and Observation, FUNDAMEDIOS, and to fully guarantee its work consisting on recording the

restrictions and violations of fundamental freedoms in Ecuador.

11. PERMANENT ELIMINATION OF AMENDMENT. - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION demand the permanent elimination of the constitutional amendment, debated by the National Assembly, which aims to give constitutional status to communications as a public service.

12. ECUADOR NEWS. - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to recommend the continent's media to create journalistic units that keep their audiences constantly informed about the news in Ecuador, when related to restrictions on freedoms of expression and of the press, as well as the rights of association and resistance, enshrined in the 2008 Constitution, now in force.

13. ECUADOR FILE. - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to keep in their work agendas an updated file on restrictions to the freedoms of expression and of the press in Ecuador, as well as the rights of association and resistance, and request FUNDAMEDIOS to continue providing information based on its monitoring and ask the international community to support its work.

14. ECUADOR DEBATE. - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to discuss in each and every one of the meetings, conferences, assemblies, forums and talks they convene the situation of freedom of expression and of the press in Ecuador. They suggest, especially to IFEX and IAPA, that their future general assemblies should include spaces for the discussion of the restrictive nature of the Communications Law. They also urge the IACHR Commission on Human Rights not to stop convening thematic hearings on freedom of expression in Ecuador and, especially, on the implementation of the Communications Law.

15. CHAPULTEPEC CHAIR. - The organizations attending the QUITO FORUM FOR FREEDOM OF EXPRESSION have decided to recommend Ecuadorian universities the creation of the Chapultepec Chair, so that the Ecuadorian professionals internalize as part of their training the principles and values that underpin freedom of expression, contained in the Chapultepec Declaration of 1994, as a substantial part of their civic culture, regardless of their professional specialization. They also recommend the Faculties and Schools of Law the training of lawyers who are experts in Human Rights and the Inter-American Human Rights legislation, set in Declarations, Covenants and Treaties, as well as in the jurisprudence emanating from the decisions of the Inter-American Court of Human Rights and other similar agencies and tribunals. To this effect, the Inter American Press Association (IAPA), the Ecuadorian Association of Newspaper Editors (AEDEP) and the regional press associations will provide support to achieve this purpose.