

SPECIAL REPORT

Using national chains: A tool to counteract dissent?

Can you imagine sitting in front of a TV for 8 days without the possibility of carrying out any other daily activities such as eating or using the toilet? Well, this image represents the 1,365 chains ordered by the government of President Rafael Correa during the 6 years of his administration, which add to 11,793. 19 minutes of air time.

This propaganda tool used to spread the official messages of the different functions of the State is also an instrument of attack against the non pro-government press and its guests, described as “opponents” for thinking differently, as has been verified by Fundamedios.

This instrument constitutes, along with more than 20 media outlets in the State’s hands, the most powerful tool for giving expression to the thinking of the “citizens’ revolution”.

Year	Chains	Chains	Total chains	Minutes
				
*2007	73	83	156	700
*2008	95	48	143	1191
*2009	275	58	333	3636
2010	152	71	223	2110
2011	264	87	351	2645
August 2012	126	32	158	1030
Total	985	379	1365	11.313

*The 632 chains corresponding to 2007, 2008 and 2009 were counted by the Ehtos Foundation, whereas Fundamedios registered 732 mandatory broadcasts during 2010, 2011 and 2012.

During the last three years of the administration of the so called Citizens’ Revolution ((2010-2012), 138 chains were used to disseminate government messages, amounting to 1,464 free minutes in more than 200 radio and TV stations across the country.

In second place, with 137 chains (1,029 minutes) are the messages disseminated under the theme "general interest", as specified in the orders of the Communication Department. These broadcasts include the spaces used to argue against those whom Correa has called his "opponents". Top of the list is the so-called "corrupt press", followed by politicians, assembly members, opinion leaders, all contrary to government thinking.

All those who have shown a position that differs from the official one have earned such broadcasts. For example, several chains were dedicated to the indigenous sectors when they staged demonstrations to protest the approval of the Water Resources Act. And in 2011, at least 13 of these chains were used to defend the lawsuit initiated in a personal capacity by President Rafael Correa against El Universo newspaper, i.e. he defended personal judicial proceedings using the resources of all Ecuadorians.

The National Assembly has also been one of the actors that has most used this communication tool with 66 mandatory broadcasts amounting in practice to 503 minutes of air time.

An event to remember was the "indefinite, uninterrupted" radio and TV chain of 30 September 2010, when the country experienced a day of violence generated by a police revolt, which the government described as a "coup attempt". That day, all the country's stations had to be mandatorily linked to the signal of Ecuador TV in what constituted an act of censorship, when the private media were not allowed to report what was happening and the public were deprived from obtaining information from different sources.

It should be noted that in 2011, 17 broadcasts were used to report on the Popular Consultation and Referendum process held on 7 May 2011, and it is expected that this number will be greater during the next electoral process, scheduled for 2013.

Topics	TV Chains	Radio Chains	Total chains	Total Minutes
National Government	138	23	161	1464
General Interest	137	98	39	1029
National Assembly	66	40	106	544

On the one hand - and within the democratic debate and as to matters of public interest- State authorities are required to proceed more transparently and to be held regularly accountable to the public about how they carry out their work.

In this regard, the Inter-American Court has indicated that it is not only a right but the duty of every public official to report on such matters, and that it is legitimate to employ the

communication mechanisms of the State to do so, so that all citizens are informed about their administration.

It is for this reason that national chains are the traditional means by which State authorities communicate matters of special interest to the country.

Current legislation states that "national chains are spaces solely for the information of the activities of the respective branches of government, ministries or public organizations, and officials who violate this provision shall be punished according to law"¹. The same article mentions that the transmission of these broadcasts should be "compatible with the regular programming schedules of radio and TV stations, except in cases of constitutionally declared emergencies".²

However, the use given by the current government to this communication tool is contrary to national legislation and international principles on this matter. Some of the *characteristics of these mandatory broadcasts are:*

1. *Interruption of news programs.*
2. *Exclusive broadcasting through private media: to "deny", "clear", discredit, according to the government, inaccuracies of information or opinions expressed in these news programs*
3. *Sometimes the broadcast is ordered as a "chain" to be transmitted only by certain media outlets with the provision that no other station should link to the signal.*
4. *They are used to defend the official position: bills, judgments, etc.*
5. *The length of these broadcasts is between 3 and 15 minutes.*
6. *The material broadcasted as a chain is generally the same used by President Correa in his Saturday programs.*

In this regard, the institutions that constitute the Inter-American System have been issuing warnings in recent years about an abusive use by some States of their power to transmit national broadcasts and chains, as it has become in practice a mechanism to wrongfully restrict the exercise of the right to freedom of expression, and in some cases has led to an undermining of other fundamental individual rights.

The Special Rapporteur's Office has repeatedly issued alerts about the excessive and discretionary use of national chains. In particular, it has stated that the excessive frequency of such mechanisms means in practice that the media outlets that must interrupt their

¹ Art. 29 of the current amendment to the Radio and TV Law

² *ibid* 1

programming to give way to the national broadcast are prevented from exercising their right to disseminate the information they want as part of their exercise of free speech.

If these broadcasts are issued too frequently, the consequence will be that the non-official media will be transmitting the State's official message permanently, to the detriment of their own editorial line.

In this regard, the Special Rapporteur for Freedom of Expression has stated that "this mechanism, used discretionally and for purposes outside the public interest, can be a form of censorship."

An instrument to attack journalists?

Of the 1,364 chains transmitted during the presidency of Rafael Correa, 46 have been used against media outlets, journalists and public figures of the opposition. In 2008 2 mandatory broadcasts were used; in 2009 3 were transmitted; during 2010 there were 4 and a substantial increase was observed during 2011 and 2012, with 17 and 20 national chains respectively.

Phrases like: "*Is this an impartial, independent journalism? Until when? This is why Piero once sang...: 'And every day, every day, the newspapers published rubbish'. And Victor Heredia, faced by so much infamy, reaffirmed it by saying: 'And he lies lies what a way to lie'.*" To assert that certain journalists have "little journalistic criteria that prevents them from seeing beyond their political opposition interests," is also part of these mandatory messages.

Some examples

One of the first chains recorded by Fundamedios was issued in December 2008 to disqualify Carlos Vera, former host of the opinion program "Contacto Directo", who was criticized for stating his views about the poor performance of the Ministry of Housing in the construction of houses in the Manabí and Guayas provinces of Ecuador.

In March 2009, the government ordered a television chain against journalists Carlos Vera, Jorge Ortiz, and Emilio Palacio. All three had commented on the constitution of the Transparency Commission that investigated the bombing and incursion of

the Colombian Army in the sector known as Angostura.

- *In October 2010*, the interview program "Los Desayunos de 24 Horas", hosted by María Josefa Coronel of Teleamazonas TV station, was interrupted by a government "chain" to criticize the opinions and questionings of the presenter and her guests, among them former President Lucio Gutierrez, an opposition leader accused by the government of being the person who led the revolt of 30 September.

Radio stations have also been affected by these interruptions. In February 2011, Radio Quito's news program was

interrupted for 15 minutes by a "government chain" that was used to discredit the interview carried out by Miguel Rivadeneira, journalist and director of the station, with the coordinator of the oversight committee that investigated Fabricio Correa's contracts with the State.

On 28 March 2011, another national chain was issued, this time against investigative journalists Juan Carlos Calderón and Cristian Zurita, authors of the book "El Gran Hermano" (Big Brother), which revealed the contracts signed between Fabricio Correa, the president's brother, with the State.

After the hearing on the situation of freedom of expression in Ecuador, which took place on 25 October 2011 before the

Inter-American Commission on Human Rights (IACHR) in Washington, to which Fundamedios attended as a human rights defender together with victims and journalists, at least three national TV and radio chains lasting more than 15 minutes were broadcasted. In them, false accusations were made against Fundamedios' executive director and the organization, linking them even to characters accused by the government of being involved in State crimes committed in the past and conspiratorial plots against it.

They have even been used *to clarify what the president had for breakfast*, as on Tuesday 11 September 2012, in a three-minute chain broadcasted through the interview program "Desayunos de 24 Horas".

Official Position

This communication tool has been used politically, as expressed by Communication Secretary Fernando Alvarado in a discussion with the International Press Institute (IPI) on 10 May 2012, during which he stated that "We consider certain media outlets and certain people who say they practice journalism as political actors who have interests that go beyond free speech or the right to inform the public. These political actors, who are clearly identified, receive a political response,"..

He also declared to the magazine GatoPardo, that the media are "weeds that needed to be cleared (...) the weeds are always there, and always would be, so there were only two choices: give them space and negotiate with them, which meant letting the weeds grow, pruning them only once in a while... "

In the same sense and to justify the use of these spaces to attack journalists, last 26 November 2011 during his 247 Saturday program "Enlace Ciudadano" President Correa declared that national chains have been used to refute the "corrupt press" and defended their use saying "It is our right and duty to inform the Ecuadorian people. These chains cost zero (dollars) by the

way, they are the government's legal right. If this is not appropriate or right, then why is it part of the law and why are we using this right?.

He also argued that this right would be used less "if we had a somewhat decent press that published the truth, or at least rectified its lies when it is wrong or lies outright, but it never does" and affirmed that "we will not be frightened, we will continue broadcasting chains while there is a corrupt press, bad faith that manipulates everything and does not even publish the rectifications we send against the lies it publishes. We will continue to use that right and our duty to inform the public", expressed the Head of State.

Recently, Rafael Correa again defended the use of this tool. This time it was through his twitter account @mashirafael, after one of his followers @angieayala_mrtz asked: "Why does Secom (Presidency's Communication Department) spend our money on national chains even to clarify that you had breakfast in the market?". To which Correa responded: "1st. National chains are free. 2nd. You did not understand anything. It is not about where the president ate, but how (the press) lie...".

For his part, the communication secretary, Fernando Alvarado, warned in his Twitter account that due to those whose "dignity is short-sighted, fatuous representatives of concepts. We have been encouraged to make a couple more productions!"

On the management of these broadcasts, in its 2011 report, the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), criticized the use that the Government has given to the chains, usually to point out its critics, saying that the Executive "has implemented a new way to use the powers that authorize the issuing of presidential chains."

The IACHR and its Special Rapporteur's Office note that there are limits to the contents of national chains and argue that "it is not just any information that legitimizes the Presidential interruption of regular programming, rather, it is that which deals with a collective interest in the knowledge of facts of importance to the public and that are really necessary for the real participation of citizens in community life".

Moreover, the Special Rapporteur has recognized the power of the President and senior government officials to use the independent media in order to inform the public on matters that need to be urgently informed. Indeed, not only is it legitimate but on certain occasions it is the duty of State authorities to report on matters of public interest.

The exercise of this power is not absolute. Principle 5 of the Declaration of Principles states explicitly that, (...) "restrictions on the free circulation of ideas and opinions, as well as the

arbitrary imposition of information and the creation of barriers to the free flow of information violate the right to freedom of expression”.

The Inter-American Court has also held that risk situations can be exacerbated if they are subject of official speeches that may provoke, suggest actions, instructions, inducements, or any authorization or support, to commit acts that endanger or undermine the life, personal safety or other rights of the people who exercise their freedom of expression.

In this same sense, a national chain loses its quality of public interest when it is used to impinge upon the rights of third parties, or when it is used as a mechanism of interference in other functions of the State.

Thus, when the authorities use these broadcasts to harass, attack, insult and stigmatize individuals or groups, not only is there an abusive use of the chains, but they become acts of violation of fundamental rights. Similarly, and as the institutions of the Inter-American System for the Protection of Human Rights have alerted, public officials (the Executive in particular) who use these spaces should not do it to intimidate, influence, or affect the due course of judicial proceedings, since this would be a threat to the right to independence and impartiality enjoyed by those who exercise the judicial function.

ENLACE CIUDADANO (President’s Saturday program)

These Saturday presidential broadcasts, which are not mandatory by the way (and so far 296 have been issued), constitute a central part of the “mobile cabinets”, a political communication mechanism consisting of weekly trips around the country by the President, his ministers and other authorities, and whose aim is to “ensure access to public and political participation” under the government’s Well-Being Plan.

The Saturday broadcasts began one month after Correa took office (January 2007). At the beginning they were only transmitted by radio, but then spread to television. They are broadcasted by the media in the hands of the State (10) and around 200 private outlets nationwide.

Their objective of citizen participation through weekly accountability has been changing shape. The broadcasts are now used as a tool to discredit opponents, defend government members involved in corruption scandals, attack journalists and private media, and even as a platform for the establishment of public policies such as prohibiting ministers and officials from granting interviews to private media outlets or the withdrawal of government advertising from outlets described as mercantilist.

In this regard, the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), in its 2011 report, regretted that the president uses his Saturday broadcasts to discredit media and journalists who are critical of the government

and recalled that the head of state has called them: "corrupt press", "sensationalist", "manipulative", "mediocre", "corrupt", "conspirators" and "ink assassins."

The Rapporteur believes there is an intention to "stigmatize journalists, media outlets or NGOs that make public any information that criticizes the State's actions" and recalled that public officials have a duty to ensure that their statements do not affect the rights of those who contribute to the public debate through the expression and dissemination of their thoughts.

National chains in the region

This tool has also been used by other presidents in the region, according to an article published by the newspaper El País in Spain, on 22 July 2012, under the title: "Chavez, Correa and Fernández, leaders in the use of television advertising", a study that originated after the president of Argentina, Cristina Fernández, broadcasted four televised speeches in five days.

The first place in the use of chains is occupied by Venezuela. **President Hugo Chávez has used 75 hours and 20 minutes in national chains so far this year.** This figure has been obtained from the count made by the NGO Monitoreo Ciudadano in its *cadenaómetro* (chain counter) plus the sum of 9 hours and 49 minutes that Chávez used on 13 January to submit his accounts before Parliament breaking his own record.

According to data collected by the NGO Espacio Público, from 1 July to 7 October 2012 there were 31 presidential chains that added up to 46 hours. According to Carlos Correa, president of the NGO who was quoted by the Venezuelan media, there is no general regulation on the subject of chains in that country. What does exist is an article in the Telecommunications Law that establishes that the Executive can make use of these broadcasts in a discretionary and arbitrary way.

After the Ecuadorian president, the president of Argentina is one of the most popular users of chains. In an article published in August of this year, Argentina's El Clarin newspaper reported that so far in 2012, President Cristina Kirchner has used national chains 12 times. She has used them 43 times since the enactment of the media law in that country. In Argentina as in Ecuador, the use of the national chains is officially established by law, which gives them the character of "mandatory", stating that the government should use them "in serious, exceptional or institutionally transcendent situations".

In other countries

According to the Spanish newspaper, other countries in Latin America have abused national chains.

In **Paraguay**, for example, this figure was abolished after the dictatorship (1954-1989) of Alfredo Stroessner, precisely because of the military's constant use of it. Today private stations are not required to tune in to presidential messages. When a president wants to give more publicity to his Christmas message, he hires slots in those stations where he wants to broadcast it.

According to research done by El País, in México the use of chains has also become very moderate and they are employed only in exceptional cases. For example, Felipe Calderon did last July 1st to recognize the victory of Enrique Peña Nieto.

This resource is also used in Chile, but the media are not required to broadcast presidential messages, because since the return to democracy in that country, this is voluntary.