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## Ecuador

**Country:**

Ecuador

**Year:**

2018

**Freedom Status:**

Partly Free

**Political Rights:**

3

**Civil Liberties:**

3

**Aggregate Score:**

60

**Freedom Rating:**

3.0

**Overview:**

Elections take place regularly, though there are persistent concerns about politicization of the National Electoral Council (NEC). A leftist government has ruled the country since 2007. While former president Rafael Correa imposed restrictions on the media and civil society, a new administration that came to power in 2017 has begun rolling back repressive Correa-era policies.

**Ratings Change:**

Ecuador's civil liberties rating improved from 4 to 3, and it received an upward trend arrow, due to reduced pressure on the media and civil society, as well as progress on anticorruption efforts, under newly elected president Lenín Moreno.

**Political Rights and Civil Liberties:**

### **POLITICAL RIGHTS: 25 / 40 (+1)**

#### **A. ELECTORAL PROCESS: 7 / 12**

**A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4**

The 2008 constitution provides for a directly elected president. The president has the authority to dissolve the legislature once in his term, which triggers new elections for both the assembly and the presidency, and to veto individual line items in legislation.

In April 2017, Lenín Moreno of PAIS won the presidential runoff with 51 percent of the vote, defeating Guillermo Lasso of the Creating Opportunities–Society United for More Action (CREO-SUMA) alliance, who took 49 percent. Some observers expressed concerns about the use of state resources to produce materials favoring Moreno, who had served as vice president under the outgoing president, Rafael Correa, during Correa's first term.

While Lasso denounced the results as fraudulent and refused to concede, international observers generally praised the election's conduct. Lasso requested a full recount of the vote, though the CNE granted only a partial one. The CNE in mid-April proclaimed that the recount failed to reveal any significant discrepancy from the previous count, and ratified the election's result.

**A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4**

International and domestic observers generally praised the February 2017 legislative elections, though an Organization of American States (OAS) mission urged reforms including removing the names of deceased persons from the voter rolls, and called for more training to be made available to various actors in the electoral process. The ruling PAIS coalition won 74 out of 137 seats in the unicameral National Assembly, followed by opposition CREO-SUMA, which took 28. The rest of the seats were captured by nine other parties.

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4**

The CNE is considered to be government-controlled. The body faced some criticism for its administration of the 2017 elections, including for slow vote counting and irregularities on the voter rolls. Its computer system also went down temporarily during the initial vote count for the presidential runoff, after showing Lasso in an early lead. After Moreno was declared the winner of the 2017 presidential election following a partial recount, outgoing president Correa gave the CNE president a medal for his handling of the year's elections, raising questions about whether such accolades were appropriate in light of the CNE's role as the election administrator. Separately, police raided a prominent polling agency that had publicized an exit poll suggesting that Lasso had won the run-off election.

Prior to the 2013 general elections, the Correa administration promoted changes to the parliament's seat-allocation formula that favored larger parties, which critics warned would benefit PAIS. The changes were still in effect for the 2017 elections.

In 2014, the National Assembly approved 15 constitutional amendments. Among other things, the changes eliminated term limits for elected officials, though they also included a provision restricting current officials who had already served two terms, including Correa, from running for president in 2017. The opposition and several civil society groups condemned the amendments. At the request of President Moreno, the legal process to

call for a referendum on banning unlimited reelection was ongoing at the end of 2017, with a vote expected in 2018.

## **B. POLITICAL PLURALISM AND PARTICIPATION: 11 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4**

The 2008 constitution mandated that political organizations register in order to be eligible for participation in the 2013 general elections, with a requirement that groupings must collect voters' signatures equivalent to 1.5 percent of the electoral rolls to win recognition. The registration process has drawn controversy in the past, with reports that voters were signed up to support parties without their knowledge, among other irregularities. For the 2017 elections, there were 70 registered political organizations, most of them at the local level.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4**

For decades, Ecuador's political parties have been largely personality based, clientelist, and fragile. The ruling PAIS coalition remains by far the largest party in the legislature. There were reports that the government abused administrative resources ahead of the 2017 polls, tilting the playing field in PAIS's favor.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4**

The people's political choices are generally free from domination by powerful groups that are not democratically accountable. However, wealthy business interests can undermine democratic accountability by facilitating or encouraging corruption among elected officials.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4**

Ecuador's constitution promotes nondiscrimination and provides for the adoption of affirmative action measures to guarantee equality and representation of minorities. In practice, however, indigenous groups often lack a voice in key decisions pertaining to their land and resources. Despite gender parity measures, women's interests are not well-represented in politics, as reflected in a persistent lack of access to reproductive health care.

## **C. FUNCTIONING OF GOVERNMENT: 7 / 12 (+1)**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

Elected officials are generally free to set and implement government policy without undue interference from nonstate actors. However, the executive has exhibited a strong influence on other branches of the government, and political actors are susceptible to manipulation by powerful business interests.

**C2. Are safeguards against official corruption strong and effective? 2 / 4 (+1)**

Ecuador has long been wracked by corruption, and the weak judiciary and lack of investigative capacity in government oversight agencies contribute to an environment of impunity.

Ecuador is among a number of countries in the region where public officials were swept up in a corruption scandal involving the Brazilian construction firm Odebrecht, which has admitted to making more than \$30 million in corrupt payments to Ecuadoran officials since 2006. In December 2017, Vice President Jorge Glas—who had also served as former president Correa’s vice president, and was reelected on the Moreno ticket—was convicted of “illicit association” in connection with the Odebrecht scandal and later sentenced to six years in jail. Moreno’s suspension of Glas in August in connection with the corruption allegations contributed to a broader falling out between Moreno and Correa during the year.

**Score Change: The score improved from 1 to 2 due to President Moreno’s support of the fight against corruption, as reflected by his suspension of Vice President Glas amid a corruption investigation, and Glas’s conviction in December.**

**C3. Does the government operate with openness and transparency? 2 / 4**

The law guarantees citizens’ right to access public information, and although compliance has improved over the years, some government bodies remain reluctant to disclose public information. Public procurement processes are frequently opaque.

## **CIVIL LIBERTIES: 35 / 60 (+2)**

### **D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16 (+1)**

**D1. Are there free and independent media? 2 / 4 (+1)**

Media freedom improved noticeably after Moreno took office in May 2017. In a symbolic break from Correa—who frequently expressed hostility toward the press, and who had ushered in powerful media and telecommunications regulators to impose vaguely worded content restrictions—Moreno in July met with the owners of private media outlets and pledged to usher in a new, more open environment for journalists. His administration then curtailed the operations of the notorious Superintendence of Information and Communication (SUPERCOM) regulator, and permitted more diverse coverage in the country’s state-run media, which had previously shown clear bias toward Correa and the PAIS alliance.

However, challenges remain. Correa’s long history of harassing the media both verbally and through lawsuits encouraged widespread self-censorship, which Ecuadoran media

advocates say will take years for the country's press corps to shake off. Criminal defamation laws remain on the books, and journalists continued to report harassment, including death threats, in 2017.

**Score Change: The score improved from 1 to 2 because the new Moreno administration adopted a more cordial attitude toward the media than the previous administration, and has reined in the operations of aggressive media regulators.**

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4**

Freedom of religion is constitutionally guaranteed and generally respected in practice.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4**

In 2016, the National Assembly approved changes to the Law on Higher Education that eliminated public funding for research at universities that operate in Ecuador under international agreements. The law threatened the viability of two graduate institutions, Universidad Andina Simón Bolívar and FLACSO Ecuador. However, at the end of 2017, the National Assembly was working on revisions to the higher education law.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4**

Discussion of controversial topics among private citizens is generally free. However, crackdowns on social media have led some online outlets to disable sections for public commentary for fear of reprisals, limiting the freedom of private discussion online.

## **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12 (+1)**

**E1. Is there freedom of assembly? 3 / 4 (+1)**

Numerous protests occur throughout the country without incident. However, national security legislation provides a broad definition of sabotage and terrorism, extending to acts against persons and property by unarmed individuals.

In 2017, President Moreno granted pardons to a number of environmental and indigenous activists who had been charged with crimes in connection with their participation in peaceful demonstrations during the Correa administration.

**Score Change: The score improved from 2 to 3 because President Moreno pardoned a number of individuals who had been accused of crimes in connection with their participation in peaceful demonstrations, signaling greater support for freedom of assembly compared to the previous administration.**

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4**

In October 2017, President Moreno rescinded controversial Correa-era decrees that had introduced onerous requirements for forming an NGO, granted officials broad authority to dissolve organizations, and obliged NGOs to register all members. However, while observers say Moreno's new regime for NGO regulation is an improvement, it also drew criticism for granting excessive regulatory power to the government. For example, Moreno's NGO regulations allow authorities to close an NGO deemed to be performing activities different from those for which it was created, or to be participating in politics.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4**

Private-sector labor unions have the right to strike, though the labor code limits public-sector strikes. Only a small portion of the general workforce is unionized, partly because many people work in the informal sector. In 2016, the government dissolved the National Union of Educators (UNE), which remained legally unrecognized in 2017.

**F. RULE OF LAW: 6 / 16**

**F1. Is there an independent judiciary? 1 / 4**

Ecuador's highest-ranking judicial bodies are the 21-member National Court of Justice and the nine-member Constitutional Court. Opposition members and foreign experts have expressed concern about the pronounced lack of transparency in the appointment process for the National Court of Justice, and the Constitutional Court has likewise faced criticism because members of its selection committee are closely aligned with the government.

**F2. Does due process prevail in civil and criminal matters? 1 / 4**

Judicial processes remain slow, and procedures designed to expedite cases have been implemented at the detriment of defendants' due process rights. Many people are held in pretrial detention for longer than is permitted by law. While the number of public defenders has increased over the past years, the state is still unable to provide adequate legal counsel for all defendants who are unable to supply their own.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4**

Allegations of police abuse of suspects and detainees continue. The prison system is overcrowded, and some facilities lack basic amenities like potable water. Prisoners risk ill-treatment and threats by guards, and violence at the hands of other prisoners.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**

Indigenous people continue to suffer discrimination at many levels of society.

The constitution includes the right to decide one's sexual orientation, and discrimination based on sexual orientation is prohibited by law. Nevertheless, LGBT (lesbian, gay, bisexual, and transgender) individuals continue to face discriminatory treatment.

Ecuador is the largest recipient of refugees in Latin America, with about 60,000 currently living in the country. In January 2017, a new Law on Human Mobility, which secures the rights of refugees, took effect; the law won praise from the Inter-American Commission on Human Rights (IACHR) and the UN High Commissioner for Refugees (UNHCR) for opening new avenues for refugees to claim resident status.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16**

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Freedom of movement outside and inside the country is largely unrestricted. Individuals may generally determine their place of employment and education. However, many lack access to education because they are unable to afford it.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4**

The government does not impose significant restrictions on the right to own property and establish private businesses. However, widespread corruption by both public officials and private-sector actors can obstruct normal business activity.

### **G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4**

The government has taken steps to protect women's rights through public campaigns and legal measures. Sexual harassment is punishable by up to two years in prison. The criminal code includes femicide as a crime, with penalties reaching 26 years in prison. However, violence against women remains a serious problem, with police reporting 85 cases of femicide between January and September 2017.

The constitution does not provide for same-sex marriage, but civil unions are recognized.

### **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

Men, women, and children are subjected to forced labor and sex work in Ecuador; indigenous and Afro-Ecuadorian individuals, as well as migrants and refugees, remain most vulnerable. The government has taken some action to address the problem, including by increasing trafficking-related law enforcement operations. However, services for victims are inadequate, and some public officials believed to be complicit in trafficking operations have escaped punishment.

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