



FREEDOM IN THE WORLD 2020

Ecuador

65

/100

PARTLY FREE

| | |
|-------------------------|-------|
| <u>Political Rights</u> | 27/40 |
| <u>Civil Liberties</u> | 38/60 |

LAST YEAR'S SCORE & STATUS

63/100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Elections take place regularly, and the National Electoral Council (CNE), considered a politicized body for many years, has begun to display greater independence. A leftist government has ruled the country since 2007. The new administration of President Lenín Moreno, which came to power in 2017, has taken steps to fight corruption, bolster security, remove restrictions on civil society, encourage the free press, and strengthen democratic governance. A 2019 protest movement against austerity measures prompted a harsh crackdown that marred the administration's progress. However, the situation calmed after Moreno canceled the austerity program, following negotiations with protest leaders.

Key Developments in 2019

- In early October, President Moreno signed an order eliminating subsidies for gasoline and diesel, effectively doubling fuel prices in the country. The development triggered massive, countrywide demonstrations, strike actions, and road closures. The movement was led by indigenous movements, transportation workers' unions, and students, but drew support from many other sectors of Ecuadoran society.
- Numerous protest events featured violence, including attacks on journalists by protesters and police, clashes between participants and police, looting, and attacks on private property. Authorities declared a state of emergency that placed strict limits on free assembly, and police responded to the chaos with mass arrests.
- Later in October, after days of negotiations, Moreno canceled the order eliminating subsidies for gasoline and diesel, and civil society leaders in turn called off the demonstrations.
- In January, the Transitional National Council of Citizen Participation and Social Control (CPCCS) named a new Constitutional Court, selected by a committee of experts. In June, members of the court effectively recognized same-sex

marriage, adopting an opinion by the Inter-American Court of Human Rights (IACHR).

- In October, a court upheld a six-year prison sentence against former Vice President Jorge Glas, who had been convicted of illicit association in connection with the Odebrecht case, a wide-ranging scandal involving a Brazilian construction firm.

Political Rights

A. Electoral Process

A1 0-4 pts

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|---|-------------------|
| <p>Was the current head of government or other chief national authority elected through free and fair elections?</p> | <p>3/4</p> |
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The 2008 constitution provides for a directly elected president, who can serve up to two terms. The president has the authority to dissolve the legislature, which triggers new elections for both the assembly and the presidency. In February 2018, voters approved a referendum that restored term limits, which had been eliminated in a 2015 constitutional amendment under former president Correa; the president can now serve up to two terms, which effectively bars Correa from reclaiming the presidency.

In April 2017, Lenín Moreno of the Proud and Sovereign Fatherland (PAIS) alliance 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.

Lasso denounced the results as fraudulent and refused to concede, but failed to produce strong evidence to support his claims. Meanwhile, international observers generally praised the election's conduct. Lasso requested a full recount of the vote,

though the National Electoral Council (CNE) granted only a partial one. The CNE stated that the recount failed to reveal any significant discrepancy from the previous count, and ratified the election's result.

Mayoral elections in March 2019 took place without incident, although the Organization of American States (OAS) observer mission recommended better training for polling station staff. The PAIS alliance lost some mayoralties to other establishment and some newer parties.

A2 0-4 pts

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| Were the current national legislative representatives elected through free and fair elections? | 3/4 |
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Ecuador has a 137-seat unicameral National Assembly, with 116 members directly elected, 15 elected by proportional representation, and 6 elected through multiseat constituencies for Ecuadorians living abroad; members serve four-year terms. International and domestic observers generally praised the February 2017 legislative elections, though an 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 alliance won 74 out of 137 seats, followed by the opposition CREO–SUMA, which took 28. The rest of the seats were captured by nine other parties.

Local and provincial elections took place without disruption in March 2019.

A3 0-4 pts

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| Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? | 2/4 |
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In recent years, the CNE had generally been considered 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. In response to the criticism, the transitional National Council of Citizen Participation and Social Control (CPCCS),

which is responsible for appointing CNE members, dismissed all sitting CNE members in July 2018, and in November 2018, five newly appointed members began a six-year term. The new members have displayed greater impartiality than the previous group, and have worked to bring greater transparency and independence to the CNE; they also oversaw the successful 2019 local elections. Some members have also actively participated in outreach events organized by CNE's academic arm, the Institute for Democracy.

The seat allocation formula for the parliament favors larger parties, which has benefited the PAIS alliance in the last decade. In December 2019, the National Assembly approved a slate of reforms to the country's Democracy Code, aimed at addressing this issue, as well as existing inconsistencies and weak campaign finance regulations, among other issues. The reforms include a permanent formula for seat allocation in legislature, initiatives meant to ensure greater transparency for party financing and the electoral registry, and a parity rule mandating that candidates lists include an equal number of men and women.

Score Change: The score improved from 1 to 2 because a newly appointed electoral commission has displayed greater impartiality than its predecessors, including through its oversight of generally free and fair subnational elections.

B. Political Pluralism and Participation

B1 0-4 pts

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|---|-------------------|
| <p>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?</p> | <p>3/4</p> |
|---|-------------------|

According to the 2008 constitution, political organizations must register in order to participate in general elections, with a requirement that groupings must collect

voters' signatures equivalent to 1.5 percent of the electoral rolls to win recognition. If a party or grouping fails to win 5 percent of the vote for two consecutive elections, its registration can be revoked, disadvantaging smaller parties. In September 2018, the transitional CNE announced that there were 276 political organizations registered for the 2019 local and provincial elections; 278 parties and movements wound up taking part.

B2 0-4 pts

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| Is there a realistic opportunity for the opposition to increase its support or gain power through elections? | 3/4 |
|---|------------|

For decades, Ecuador's political parties have been largely personality based, clientelist, and fragile. The ruling PAIS alliance, the largest bloc in the legislature, was split into two factions, one loyal to President Moreno and another loyal to former President Rafael Correa; ahead of the 2019 polls the latter group resigned from the ruling party and joined the new Citizens' Revolution party. Other establishment parties like Social Christian Party, and newer parties like Lasso's CREO, saw strong performances in the 2019 local elections, winning 43 and 34 mayoral races, respectively, compared with 27 won by the ruling PAIS alliance.

There was less informal suppression of opposition and new parties in the 2019 campaign period, compared to past years. For example, they had more equal access to media, whereas in past years some groups had been overwhelmed by progovernment advertising.

Score Change: The score improved from 2 to 3 because opposition and new parties competed in a freer environment, and posted strong results in the year's subnational elections.

B3 0-4 pts

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| Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? | 3/4 |
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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 0-4 pts

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

C. Functioning of Government

C1 0-4 pts

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| <p>Do the freely elected head of government and national legislative representatives determine the policies of the government?</p> | <p>3/4</p> |
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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.

President Moreno has taken steps to reduce the dominance of the executive. Additionally, the fracturing of the PAIS alliance, with more than one-third of its members in the parliament defecting in January 2018 to a new coalition that backs Correa, has compelled Moreno to work with opposition lawmakers to advance legislation.

C2 0-4 pts

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| Are safeguards against official corruption strong and effective? | 2/4 |
|---|------------|

Ecuador has long been racked by corruption, and the weak judiciary and lack of investigative capacity in government oversight agencies contribute to an environment of impunity. President Moreno campaigned on a promise to tackle high-level corruption, and in 2017, he stripped Vice President Jorge Glas of his powers amid corruption allegations regarding Glas's involvement with the Odebrecht scandal, which involved kickbacks paid to Ecuadorian officials by the Brazilian construction company. Later in 2017, Glas was convicted and sentenced to six years in prison for his role in the scandal, and in October 2019, a court upheld the sentence. Separately, in December 2018, Moreno suspended Vice President María Alejandra Vicuña, who had been accused of accepting bribes from an aide during her time as a lawmaker, and she subsequently resigned. In May 2019, the National Court of Justice accepted the request of the chief prosecutor to try her on corruption charges. The trial was scheduled for early 2020.

In September 2019, Congress passed a reform to the Penal Code that allows confiscation of assets without a judicial sentence for cases of money laundering, illicit enrichment, and embezzlement. In the same session, Congress decided not to pass another reform that would have allowed the seizure of assets obtained as the result of a corruption-related crime. However, in October, President Moreno partially vetoed the Penal Code reforms, including the provision that would have allowed asset seizure without sentencing.

C3 0-4 pts

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| Does the government operate with openness and transparency? | 2/4 |
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The law guarantees citizens' right to access public information, and although compliance has improved over the years, some government bodies remain reluctant

to disclose it. In 2018, the government took steps to enhance access to information, including the establishment of a transparency-monitoring mechanism to ensure that public agencies provide relevant information online. Public procurement processes are frequently opaque.

The October 2019 protests were triggered in large part the government's failure to consult with broad sectors of society before eliminating gasoline subsidies. Authorities eventually entered negotiations with protest leaders, leading to the deescalation of widespread unrest.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

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| Are there free and independent media? | 2/4 |
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Media freedom improved after President Moreno took office in 2017. Upon his election, Moreno met with the owners of private media outlets and pledged to usher in a new, more open environment for journalists. His administration has permitted more diverse coverage in the country's state-run media, which had previously shown clear bias toward Correa and the PAIS alliance.

In December 2018, the National Assembly approved a reform of the restrictive Organic Communications Law, including the elimination of the notorious Superintendency of Information and Communication (SUPERCOM), which monitored media content, investigated journalists, and issued fines and other sanctions. The legislation also removes a provision that allowed the criminalization of investigative reporting.

However, many obstacles remain before Ecuador can host a fully free and independent media. A report on the implementation of sustainable development goals in Latin America, released in April 2019 by a group of Latin American civil society organizations, found that state actors in Ecuador are still responsible for implementing assaults on the press through legislative, judicial, and administrative means. The report noted that local officials and authorities, rather than the central government, are now generally responsible for the attacks. Media also face pressure from nonstate actors, including protesters.

During the protests that paralyzed the country in October 2019, more than 130 journalists were reportedly threatened, beaten, or harassed, by both protesters and security forces. The television network Telemazonas and one of the country's most important newspapers, *El Comercio*, had their headquarters attacked. Also in October, executives from the Venezuelan network Telesur claimed that their channel was removed from the airways by the government.

D2 0-4 pts

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| Are individuals free to practice and express their religious faith or nonbelief in public and private? | 4/4 |
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Freedom of religion is constitutionally guaranteed and generally respected in practice.

D3 0-4 pts

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| Is there academic freedom, and is the educational system free from extensive political indoctrination? | 3/4 |
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In May 2018, the National Assembly approved reforms to the Organic Law on Higher Education, which restores public funding for research at universities that operate in Ecuador under international agreements. The legislation that removed the funding, passed in 2016, had threatened the viability of two graduate institutions, Universidad Andina Simón Bolívar and FLACSO Ecuador.

D4 0-4 pts

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

E1 0-4 pts

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| Is there freedom of assembly? | 2/4 |
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Numerous protests occur throughout the country without incident, and restrictions on assembly rights have eased under President Moreno. However, national security legislation provides a broad definition of sabotage and terrorism, extending to acts against persons and property by unarmed individuals, which can be used to limit assembly rights.

In October, President Moreno signed Executive Order 883, which eliminated subsidies for gasoline and diesel, effectively doubling fuel prices in the country. The move triggered massive, countrywide demonstrations and strike actions by unions, indigenous movements, and other sectors of society. Some demonstrations turned violent, featuring looting, clashes between protesters and police, and attacks on private property. In response, the government declared a nationwide state of emergency that imposed a curfew and other limits on freedom of assembly rights. A number of demonstrations also saw mass arrests of participants. After days of

negotiations, Moreno canceled the order eliminating subsidies for gasoline and diesel, and civil society leaders in turn called off the demonstrations.

Score Change: The score declined from 3 to 2 due to violence and mass arrests that accompanied protests against the elimination of gasoline subsidies, and the imposition of a nationwide state of emergency that limited public gatherings.

E2 0-4 pts

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| Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? | 3/4 |
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In 2017, President Moreno rescinded controversial Correa-era decrees that had introduced onerous requirements for forming a nongovernmental organization (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 has also drawn criticism for retaining excessive government regulatory power. 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.

In May 2019, the government announced that it would negotiate a new cooperation agreement with the United States Agency for International Development (USAID), which had stopped operating in Ecuador in September 2014, under accusations from President Correa of working with the opposition to undermine his government.

E3 0-4 pts

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|---|------------|
| Is there freedom for trade unions and similar professional or labor organizations? | 3/4 |
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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 March 2018, the National Union of Educators (UNE), which had been dissolved by the government in 2016

under restrictive NGO regulations, was able to resume operations when it was registered as a union.

F. Rule of Law

F1 0-4 pts

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| Is there an independent judiciary? | 2 /4 |
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Ecuador's highest-ranking judicial bodies are the 21-member National Court of Justice, and the 9-member Constitutional Court. Both courts faced attacks on their autonomy during the Correa era, but President Moreno has moved to increase judicial independence. One of the measures passed in a February 2018 referendum involved restructuring the CPCCS, a powerful body responsible for appointing the attorney general and the Judiciary Council, which appoints judges. The referendum's passage led to the sacking of all CPCCS members, who were considered allies of the Correa government and had previously ensured the removal of independent judges and the appointment of judges loyal to the former president. In June 2018, the Transitional CPCCS appointed by Moreno replaced all members of the Judiciary Council with transitional members who have expressed commitment to an independent judiciary.

In August 2018, the Transitional CPCCS voted to remove all nine judges on the Constitutional Court, citing corruption and a lack of independence within the body. The referendum earlier that year did not include the Constitutional Court as one of the bodies the CPCCS has jurisdiction over, meaning the move itself could be construed as an impingement on judicial independence. The Transitional CPCCS created a committee to select the new members of the Constitutional Court. In January 2019, those members were selected and then approved by the Transitional CPCCS. Later in the year, the new Constitutional Court ratified the legality of the actions of the members of the Transitional CPCCS.

New members to the CPCCS were elected in March 2019. However, the attorney general in July announced the beginning of an investigation into members of the new CPCCS after that body voted to review judicial appointments made by the Transitional CPCCS. The next month, the CPCCS's leadership was replaced. The Constitutional Court in September gave its approval for a move to collect signatures to hold a referendum to eliminate the CPCCS entirely.

Score Change: The score improved from 1 to 2 because the Constitutional Court has demonstrated increased independence, including in its handling of controversies involving a powerful judicial nominating body.

F2 0-4 pts

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| Does due process prevail in civil and criminal matters? | 2/4 |
|--|------------|

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 in recent years, the state is still unable to provide adequate legal counsel for all defendants who are unable to supply their own.

During his tenure, former president Correa and his allies frequently intervened in court cases, telling judges how they should rule, and sometimes removing judges who refused to comply. Under President Moreno, such blatant interference in court proceedings has subsided, allowing defendants more fair public hearings of their cases.

F3 0-4 pts

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| Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? | 2/4 |
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Allegations of police abuse of suspects and detainees continue. In August 2019, a police officer in the city of Quevedo was caught on video kicking a suspect, who was

handcuffed and on the ground, who had tried to rob the officer's wife. Later that month, despite severe criticism by the human rights community, the officer was decorated by the Governor of Los Ríos.

The demonstrations in October 2019, triggered by the elimination of gasoline subsidies, created a state of siege in which hundreds of people were beaten, threatened, or harassed by violent protesters who kidnapped journalists, police officers, and military personnel, attacked media outlets and private businesses, and openly called for the removal of the elected government. Police and security forces also violently attacked protesters and journalists during the two weeks of demonstrations.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

2/4

Indigenous people continue to suffer widespread societal discrimination, and oil-drilling projects on indigenous lands are frequently carried out without consulting local indigenous communities, as required by the constitution.

Ecuador is one of the largest recipient of refugees in Latin America. According to the UN High Commissioner for Refugees (UNHCR), 1.5 million people from Venezuela have arrived in Ecuador since 2016, with some 380,000 there as of the end of 2019. In addition, approximately 250,000 refugees from Colombia have entered Ecuador since the late 1990s and thousands are still there. Many Venezuelan immigrants have reported facing discrimination and xenophobia, amid unfounded accusations that their arrival has caused a spike in crime and violence in the country.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

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. Workers in the palm oil industry, however, have faced restrictions on their movement imposed by employers, including curfews. Individuals may generally determine their place of employment and education.

G2 0-4 pts

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 and weakens the protection of property rights.

G3 0-4 pts

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

In June 2019, the Constitutional Court, by a vote of 5-4, ruled that the marriage ban on same-sex couples was unconstitutional, based on a previous opinion by the Inter-American Court of Human Rights (IACHR), which recommended the recognition of same-sex marriage. The Constitutional Court ruling divided public opinion, but same-sex couples have been successfully applying for marriage licenses in following months. Civil unions had previously been recognized in Ecuador.

Abortion remains a crime in Ecuador. In September 2019, the National Assembly failed to pass a bill that would have legalized abortion in the case of rape.

G4 0-4 pts

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|---|------------|
| Do individuals enjoy equality of opportunity and freedom from economic exploitation? | 2/4 |
|---|------------|

Men, women, and children are sometimes subjected to forced labor and sex work in Ecuador; indigenous and Afro-Ecuadorian individuals, as well as migrants and refugees, remain most vulnerable. In February 2019, the Office of the Ombudsman published a report detailing the exploitation of workers in the plantations of the Japanese company Furukawa. The report described the inhumane living conditions of employees and their families as well as the legal maneuvers from the company to avoid prosecution. The National Institute of Statistics and Censuses also reported over 1,200 cases of economic exploitation against migrants, mostly from Venezuela.

The government has taken some action to address the problem of economic exploitation, 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.

**On Ecuador**

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Country Facts

Global Freedom Score

65/100 **Partly Free**

Internet Freedom Score

61/100 Partly Free

Other Years

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| 2019 |
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1850 M St. NW Floor 11
Washington, DC 20036
(202) 296-5101

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info@freedomhouse.org

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press@freedomhouse.org

@2020 FreedomHouse