



## Freedom in the World - Ecuador (2010)

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Capital:  
Quito

Population:  
13,625,000

Political Rights Score: 3 \*

Civil Liberties Score: 3 \*

Status: Partly Free

[Overview](#)

**President Rafael Correa won a new term in April 2009 elections, the first to be held under a constitution adopted the previous year. Meanwhile, a new mining law and a proposed water law spurred fierce antigovernment protests by civil society groups, which argued that the measures failed to protect the environment and indigenous rights. Also during the year, the administration was implicated in a corruption scandal involving the award of lucrative government contracts to Correa's brother.**

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Established in 1830 after the region achieved independence from Spain in 1822, the Republic of Ecuador has endured many interrupted presidencies and military governments. The last military regime gave way to civilian rule after a new constitution was approved by referendum in 1978, although President Jamil Mahuad was forced to step down in 2000 after midlevel military officers led by Colonel Lucio Gutierrez joined large protests by indigenous groups. Mahuad was succeeded by Vice President Gustavo Noboa.

Gutierrez won a surprise victory in the 2002 presidential election, marking the first time that Ecuador's head of state shared the ethnicity and humble background of the country's large indigenous population. However, by the end of 2003 Gutierrez had been politically weakened by conflicts within his leftist coalition and the immediate effects of his fiscal austerity policies. The powerful Confederation of Indigenous Nationalities of Ecuador (CONAIE) movement soon withdrew support for the president, and dissent over fiscal and labor reforms spilled into the streets.

After a dismal showing by Gutierrez's Patriotic Society Party (PSP) in the October 2004 regional and municipal elections, the opposition began to press for his removal. The protest movement grew after Gutierrez dismissed the Supreme Court for political bias in December and replaced the panel with loyal judges, who granted immunity to several exiled politicians facing corruption accusations. The president sought to placate protesters by dismissing the new Supreme Court in April 2005, but he was ousted that month on the spurious charge of "abandonment of post," and Vice President Alfredo Palacio assumed the presidency.

Demonstrations against foreign oil companies and a proposed free-trade

agreement (FTA) with the United States dominated the first half of 2006. In May, the government annulled the contract of U.S.-based Occidental Petroleum, accusing the company of violating its terms; the move prompted the United States to suspend FTA talks indefinitely.

Charismatic former finance minister Rafael Correa—who criticized free-market economic policies and pledged to renegotiate the country's foreign debt and end the FTA talks with the United States—won the 2006 presidential election, defeating banana magnate Alvaro Noboa with 57 percent of the vote in the November runoff. However, Noboa's Institutional Renewal Party of National Action (PRIAN) led concurrent congressional elections with 28 out of 100 seats. The PSP placed second with 24.

Correa soon began pressing Congress to authorize a referendum calling for a constituent assembly that would be empowered to write a new constitution. By the end of March 2007, the fight to determine the rules of the prospective assembly had led the congressional opposition to remove the head of the Supreme Electoral Tribunal (TSE). The tribunal subsequently dismissed 57 legislators, many of whom were replaced by alternates more sympathetic to the executive branch. When the Constitutional Court declared those dismissals illegal, the reshaped Congress removed all nine of its judges. According to Human Rights Watch, all of these decisions “were without any credible basis in law.”

In April 2007 some 82 percent of referendum voters approved the creation of a constituent assembly, and Correa's Proud and Sovereign Fatherland (PAIS) party captured 80 of the assembly's 130 seats in September delegate elections.

After nearly a year of fitful progress, the constituent assembly approved a draft constitution in late July 2008, and the charter was adopted in a September referendum with 64 percent of the vote. A subset of 76 constituent assembly members were tasked with fulfilling legislative duties until fresh presidential and legislative elections could be held in 2009.

Supporters of the new constitution said it would guarantee an array of rights and services to all citizens, and praised the charter's separation of powers into five independent branches—executive, legislative, judicial, electoral, and transparency and social control. Critics of the document argued that it concentrated both political and economic power in the hands of the president, including through reduced central bank independence and increased budget control, and posited a long list of rights that the state would be hard pressed to uphold.

Correa won a new four-year term in the April 2009 general elections, taking 52 percent of the vote in the first round. Gutierrez placed second with 28 percent, followed by Alvaro Noboa with 11 percent. PAIS captured 59 of 124 seats in the new National Assembly, followed by the PSP with 19, the Social Christian Party (PSC) with 11, PRIAN with 7, and a range of smaller parties with the remainder.

Parties allied with PAIS garnered over a dozen seats, giving it a working majority.

### **Political Rights and Civil Liberties**

Ecuador is an electoral democracy. However, it suffers from an unstable political system that has brought it eight presidents since 1996. The 2009 elections, the first under the 2008 constitution, were deemed generally free and fair by international observers, although the European Union monitoring team noted some problems with vote-tabulation procedures and the abuse of state resources on behalf of government-aligned candidates.

The new constitution provides for a president elected to serve up to two four-year terms; in practice, this means that President Rafael Correa, who won his first term under the charter in 2009, could serve until 2017. To win without a runoff, presidential candidates must garner 40 percent of the first-round votes and beat their closest rival by at least 10 percentage points. The unicameral, 124-seat National Assembly is elected via open-list proportional representation for four-year terms. The president has the authority to dissolve the legislature once in his term, which triggers new elections for both the assembly and the presidency; the assembly can likewise dismiss the president, though under more stringent rules.

For decades, Ecuador's political parties have been largely personality-based, clientelist, and fragile. Correa's PAIS party, though not fully ideologically coherent, is currently the largest in the legislature. Its competitors include the right-of-center PRIAN and PSC, the populist PSP, and the center-left Ethics and Democracy Network (RED).

Political representation of the indigenous population, which is centered in the country's interior, has increased greatly over the past 15 years; the CONAIE indigenous movement is one of the better-organized and more vocal social groups in the country.

Ecuador is racked by corruption, and numerous politicians and functionaries have been investigated for graft. In 2009, a corruption scandal erupted over the award of hundreds of millions of dollars in government contracts to Fabricio Correa, the president's brother and former fundraiser, who responded with counteraccusations of bribery and conflict of interest in the president's inner circle. The case remained under investigation at year's end. Ecuador was ranked 146 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

Freedom of expression is generally observed, and the media, most of which are privately owned, are outspoken. However, press freedom watchdog organizations warned that several vague articles in the new constitution could allow abusive forms of media regulation. Correa has accused the press of improper links with private interests and often lambastes journalists. This hostile rhetoric has been blamed for an increase in physical attacks on and harassment of reporters and news outlets. Between January and August 2009, there were more than 30 cases

of harassment against journalists. The television station Teleamazonas has faced government interventions on several occasions, including three days of suspended transmission in December 2009 in response to coverage of potential damage to fisheries caused by oil production. Two television stations that were confiscated in July 2008 as part of the government's seizure of 250 businesses owned by the Grupo Isaias conglomerate remained under state control in 2009, despite a government pledge to sell the seized assets to compensate citizens whose savings were lost in the 1998 failure of an Isaias-owned bank. Internet access is unrestricted.

The constitution provides freedom of religion, and the authorities respect this right in practice, though tensions between the government and the Roman Catholic Church increased during the run-up to the constitutional referendum. Academic freedom is not restricted.

The right to organize political parties, civic groups, and unions is upheld by the authorities. Ecuador has numerous human rights organizations, and despite occasional acts of intimidation, they report openly on arbitrary arrests and instances of police brutality and military misconduct. While many protests occur peacefully, human rights groups strongly objected to repression by security forces—including a large number of arrests—during protests related to a draft mining law that was enacted in January 2009. Opposition to provisions of the mining law was among the issues that created friction between the government and Ecological Action, a nongovernmental organization (NGO) whose license was briefly suspended in March 2009. Critics decried the temporary shutdown as arbitrary and potentially chilling. More generally, however, thousands of NGOs operate throughout the country with relative freedom. The country's labor unions have the right to strike, though the labor code limits public-sector strikes. As little as 1 percent of the workforce is unionized, partly because most people work in the informal sector.

The judiciary, broadly undermined by the corruption afflicting all government institutions, has in recent years also been subject to significant political pressures. The highest judicial bodies under the new constitution are the nine-member Constitutional Court and the 21-member National Court of Justice (CNJ). Following approval of the new charter, the majority of previous Supreme Court members selected to serve on the CNJ refused to take their seats. A standoff of several months ended with an agreement in which former alternate Supreme Court judges occupied a majority of the new court's positions.

Judicial processes remain slow, and many inmates reach the time limit for pretrial detention while their cases are still under investigation. The number of inmates in the prison system is more than double the intended capacity, and torture and ill-treatment of detainees and prisoners remain widespread. In March 2009 a new criminal procedure code and elements of a new penal code, which were designed to improve the system's efficiency and fairness, entered into force, though their

effectiveness was difficult to ascertain by year's end.

In 2008, after the Colombian military launched a cross-border raid on leftist Colombian rebels encamped on Ecuadorean territory, it emerged that Ecuadorean military officials had provided information to their Colombian counterparts that had not been provided to Correa. The president consequently dismissed his defense minister and several senior commanders. Efforts to step up patrols along the border continued in 2009, as did attempts to regularize the status of the tens of thousands of Colombian refugees living in Ecuador.

Despite their significant political influence, indigenous people continue to suffer discrimination at many levels of society. In the Amazon region, indigenous groups have attempted to win a share of oil revenues and a voice in decisions on natural resources and development. Although the 2008 constitution recognizes indigenous justice and the right of indigenous groups to be consulted on matters affecting their communities, the government has maintained that it will not hand indigenous groups a veto on core matters of national interest. The new mining law, combined with the introduction of a draft water law in September 2009, has stirred conflict between the government and CONAIE-led indigenous groups. A September 2009 protest ended in the death of one indigenous man, dozens of injuries to demonstrators and police, and the suspension of an indigenous-language radio station's license for allegedly inciting violence.

Women took 40 of 124 seats in the 2009 legislative elections, and the new constitution calls for significant female presence throughout the public sphere. Violence against women is common, as is employment discrimination. Trafficking in persons, generally women and children, remains a problem.

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*\* Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*