

## FREEDOM IN THE WORLD

# Ecuador

[Ecuador](#) | [Freedom in the World 2013](#) | 

### OVERVIEW:

In preparation for the 2013 general elections, and in compliance with a constitutional mandate, political organizations reregistered with the electoral authority in 2012 through a process that was marred by irregularities. Also during the year, President Rafael Correa used his line-item veto powers to reform the electoral law, changing the parliamentary seat-allocation formula to favor the ruling party and limiting media coverage during the electoral campaign. Correa's plan to restructure the judicial branch was implemented amid controversy over a lack of transparency in the appointment of judges and key court rulings that sided with the government.

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. However, since 1998, three presidents have been forced from office before the conclusion of their terms as a result of popular protests and congressional action.

Indicating their frustration with political instability and the traditional parties, voters endorsed change in the 2006 presidential election. The winning candidate was Rafael Correa, a charismatic young economist who had served briefly as finance minister. A fiery critic of neoliberal economic policies, Correa promised to spearhead a transformative "Citizens' Revolution" that would include a new constitution. In the election's second round, Correa won with 57 percent of the vote.

After taking office in early 2007, Correa eliminated the legal barriers to a constitutional referendum, using questionable maneuvers to remove opposition legislators and members of the Constitutional Court. In April 2007, 82 percent of the electorate approved the creation of a constituent assembly in a national referendum. Correa's Proud and Sovereign Homeland (PAIS) party then captured 80 of the assembly's 130 seats in September elections. A year later, the newly written constitution won popular approval with 64 percent of the vote.

The 2008 constitution stipulated an array of new rights for groups including women, indigenous people, and the disabled. It also created a new branch of government called Transparency and Social Control, organized around the Council of Popular Participation and Social Control. The council was endowed with important powers in organizing the appointment processes for the attorney general, the human rights ombudsman, and the Judicial Council charged with selecting National Court of Justice members. Executive power was enhanced by a constitutional provision allowing presidents to serve up to two consecutive terms and the creation of a line-item veto.

Correa won a new four-year term in the April 2009 general elections, taking 52 percent of the vote in the first round. PAIS captured 59 of 124 seats in the new

## 2013 SCORES

### STATUS

# Partly Free

### FREEDOM RATING

# 3.0

### CIVIL LIBERTIES

# 3

### POLITICAL RIGHTS

# 3

National Assembly. Smaller parties allied with PAIS garnered over a dozen seats, giving it a working majority. However, subsequent defections from PAIS and diminished support from other small parties made it difficult for the government to maintain its majority.

On September 30, 2010, a date known as 30-S, police and a few military regiments staged a one-day rebellion, protesting a new public-service law that altered salaries and benefits. After an angry confrontation with the protesters, Correa was forced to take refuge in a nearby hospital and declared a state of emergency. By the end of the day, he had been rescued in a military operation that left five people dead. The government alleged that the events constituted an attempted coup by Correa opponents.

In February 2011, Guayaquil's leading newspaper, *El Universo*, published an opinion column suggesting that Correa could be held accountable in the future for the use of lethal force during the 30-S episode. In response, Correa lodged a lawsuit against the author, Emilio Palacio, and the owners of the newspaper. All four defendants were found guilty of aggravated defamation and sentenced to three years in prison and an unprecedented fine of \$40 million. International human rights and press freedom organizations, the Organization of American States (OAS), and the United Nations denounced the court decision as a clear effort to intimidate the press.

In May 2011, Correa promoted and won a national referendum that included controversial reforms to the judiciary and the media. One provision that created a government-controlled media oversight body was a particular source of concern. Critics also argued that the judicial overhaul was unconstitutional because it violated the system prescribed in 2008. The government justified the measure as the only way to address the acute problem of corruption and the backlog in the courts, which was estimated at 1.2 million cases. A Transitional Judicial Council was established in July 2011 to implement the judicial reform, with the power to fire, hire, or reappoint judges and prosecutors at all levels. It oversaw the appointment of the National Court of Justice in January 2012, appointed hundreds of judges to lower courts, and reviewed other appointments in the judicial branch.

After the Transitional Judicial Council's creation, the government won a number of key cases in the courts, including the aforementioned *El Universo* case. Although those sentences were appealed, in February 2012 the Constitutional Court ruled in favour of Correa, who subsequently pardoned the defendants. In August 2012, Palacio was granted asylum in the United States. The courts in 2011 ruled against the government in the high-profile case of César Carrión, a colonel whom the government accused of attempting to assassinate the president during the 30-S incident. However, the Transitional Judicial Council later fired the judges who acquitted Carrion. The council's tenure was due to end in January 2013, with the appointment of the permanent Judicial Council. Commentators expressed fears that the nominees to the permanent body, who included a former private secretary and cabinet member in the Correa administration, would lack independence from the executive.

Separately, in January 2012, Correa used his line-item veto power to make a series of revisions to the electoral law ahead of the 2013 general elections. Among other changes, he altered the parliamentary seat-allocation formula in a way that appeared to benefit the ruling party and restricted media coverage during the campaign period. In response to several lawsuits, the Constitutional Court ruled in October that the revisions were largely constitutional, though it eased the restrictions on media coverage. The National Union of Journalists requested a clarification of the vaguely worded prohibition on media outlets indirectly promoting a particular candidate or view during the campaign. In December, the Constitutional Court responded by requiring the media to give equal space or air time to candidates. It also tasked the electoral authority with drafting specific guidelines for implementing these provisions, which were not done by year's end.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES:**

Ecuador is an electoral democracy. 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 progovernment candidates.

The 2011 referendum was monitored by an OAS observer mission. While it found no major irregularities in the voting process itself, the mission recommended enhanced monitoring and legislation to control campaign spending and the unfettered use of public resources. Unregulated campaign spending by the government has also been a focal point of concern among domestic observers.

The new constitution provides for a president elected to serve up to two four-year terms. 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. The president enjoys line-item veto power over legislation.

For decades, Ecuador's political parties have been largely personality-based, clientelist, and fragile. President Rafael Correa's PAIS party remains by far the largest in the legislature, though it has suffered defections. The opposition includes the center-right Institutional Renewal Party of National Action (PRIAN), the Social Christian Party—Madera de Guerrero, and the Patriotic Society Party. Pachakutik, a party with four seats in the legislature, is loosely affiliated with the Confederation of Indigenous Nationalities (CONAIE), the leading national organization representing indigenous groups.

The 2008 constitution mandated the reregistration of political organizations as a requirement for eligibility to participate in the 2013 general elections. The process drew controversy as it unfolded during 2012, with reports that voters were signed up to support parties without their knowledge, among other irregularities. As of December, there were 42 legally recognized political organizations—11 at the national level and 31 at the provincial level—including PAIS, PRIAN, and the Social Christian Party. The parliamentary seat-allocation changes enacted by Correa in January 2012 favored larger parties, prompting critics to warn that they would benefit PAIS. A government-sponsored revision of the electoral law removed language that would have forced Correa to take a leave of absence during the presidential race, though he ultimately requested voluntary leave in late December in order to campaign full time. The National Electoral Council that will supervise the 2013 elections was appointed in 2011, and the Council of Popular Participation was criticized for a lack of transparency in its selection of the body's members.

Ecuador has long been racked by corruption. The weak judiciary and lack of investigative capacity in government oversight agencies contribute to an atmosphere of impunity. Corruption investigations fall under the jurisdiction of the Council of Popular Participation, which has an estimated backlog of over 3,000 unresolved cases. Ecuador was ranked 118 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The environment for freedom of expression did not improve in 2012. Correa continued his use of national broadcasts to castigate opposition and indigenous leaders, and his January reforms of the electoral law barred the media from influencing the electoral campaign. In addition to Correa's regular verbal attacks on the press, the government uses its unlimited access to public-service airtime to interrupt news programming on privately owned stations and discredit journalists. During the UN Human Rights Council's 2012 Universal Periodic Review process for Ecuador, the government denied the existence of laws criminalizing opinion and rejected the standards recommended by the Inter-American Commission on Human Rights, alleging that only the Inter-American Court on Human Rights had jurisdiction over the matter.

The press watchdog Fundamedios reported 173 cases of verbal, physical, or legal harassment against journalists during the year. In June, Correa prohibited his ministers from giving interviews to privately owned media, and a judge upheld the decision in September after a nongovernmental organization (NGO) challenged its legality. Also in September, Correa's communications secretary

warned the newspaper *El Comercio* that some reader comments on its website were offensive to the president and others and could be considered criminal offenses. In response, the newspaper temporarily suspended online comments. Separately, in compliance with a court order, the newspaper *La Hora* printed a front-page apology to the government in November for having published inaccurate information about government spending on publicity.

Freedom of religion is constitutionally guaranteed and generally respected in practice. Academic freedom is not restricted.

The right to organize political parties, civic groups, and unions is unbridged in law. However, domestic and international NGOs have come under increasing government scrutiny and regulation. A July 2011 presidential decree outlined broadly framed regulations for foreign-sponsored NGOs, forbidding activities that are “incompatible with public security and peace.” Correa has accused many NGOs of forming part of a right-wing conspiracy to bring down his government.

Numerous protests occur peacefully. However, national security legislation that predates the Correa administration provides a broad definition of sabotage and terrorism, which includes acts against persons and property by unarmed individuals. The use of such charges, along with other criminal and civil laws, against protesters has increased under Correa. Indigenous organizations in particular complain that the government is criminalizing protest by targeting leaders for legal harassment and using more aggressive police tactics against demonstrators. The Ecumenical Commission for Human Rights reported that 15 people were charged with sabotage and 10 others were accused of terrorism during 2012. In August 2012, three community leaders were sentenced to eight days in jail for blocking a road during a 2010 protest in Azuay Province.

The country’s labor unions have the right to strike, though the labor code limits public-sector strikes. Only 1 percent of the workforce is unionized, partly because most people work in the informal sector.

The highest judicial bodies under the new constitution are the nine-member Constitutional Court, whose members were appointed in January 2012, and the 21-member National Court of Justice, whose members were appointed in November. Opposition members and a panel of foreign experts cited problems in the appointment process to the National Court of Justice, including a lack of transparency in hiring decisions. The primary criticism regarding the selection of justices for the Constitutional Court was that the members of the selection committee were too closely aligned with the government. A new attorney general was appointed in April 2011, and the system used by the Council of Popular Participation to vet candidates was similarly criticized for a lack of transparency.

Judicial processes remain slow, and many inmates reach the time limit for pretrial detention while their cases are still under investigation. Prisons are seriously overcrowded, and torture and ill-treatment of detainees and prisoners are widespread. Various projects to reform the penal and criminal procedure codes in order to improve efficiency and fairness were undertaken in 2009 and 2010, but rising crime—partly blamed on prisoners who were released to relieve overcrowding—pushed the focus of debate away from comprehensive reform. A government-sponsored bill proposing a comprehensive reform of the criminal code had not been approved by the legislature by the end of 2012. Voters endorsed more restrictive rules on pretrial detention in the 2011 referendum.

As of December 2012, Ecuador had granted 55,323 refugee visas out of 162,687 requests, many of them to Colombians fleeing violence in their country. This makes Ecuador the largest recipient of refugees in Latin America. The government provides refugees with access to health facilities, schools, and small-business loans.

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. The government has maintained that it will not hand indigenous groups a veto on

core matters of national interest.

Women took 40 of 124 assembly seats in the 2009 elections, and the new constitution calls for a significant female presence in public office. The election law requires that women account for 50 percent of the party lists in national legislative elections. Violence against women is common, as is employment discrimination. The 2008 constitution does not provide for same-sex marriage, but civil unions are recognized. Trafficking in persons, generally women and children, remains a problem.

#### **TREND ARROW:**

Ecuador received a downward trend arrow due to widespread irregularities in the constitutionally mandated reregistration process for political organizations and a change to the parliamentary seat-allocation formula that favors the ruling party.

[About us](#)

[Careers](#)

[Contact Us](#)

[Privacy Policy](#)

[Credits](#)

[Subscribe](#)

Related websites:

[Democracy Web](#) | [Derecho a Voz](#) | [Family Law - Khaleej](#) |

[Peace in the Caucasus](#) | [Undermining Democracy](#) |

[Voice of Freedom](#)