

FREEDOM IN THE WORLD

Ecuador

[Ecuador](#) | [Freedom in the World 2012](#) |

OVERVIEW:

President Rafael Correa led his government to another victory in a national referendum held in May 2011. But controversies raged during the year over the president's ongoing confrontations with the press, his plan to restructure the judiciary, and continuing fallout from a September 2010 police rebellion. The importance of the judicial overhaul was highlighted when Correa won a multimillion-dollar defamation suit that threatened to bankrupt one of the country's leading newspapers. Other legal proceedings were pending against participants in the police rebellion, journalists, and indigenous activists.

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 defeated billionaire businessman Álvaro Noboa 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, 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 a September election. A year later, voters returned to the polls to endorse the newly written constitution, which garnered 64 percent of the vote.

The 2008 constitution stipulated an array of new rights for groups that included 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. Critics argued that the Council of Popular Participation and Social Control was likely to become an instrument of the executive branch rather than an independent watchdog. Executive power was enhanced further by a constitutional provision allowing presidents to serve up to two consecutive terms and the creation of a line-item veto.

2012 SCORES

STATUS

Partly Free

FREEDOM RATING

3.0

CIVIL LIBERTIES

3

POLITICAL RIGHTS

3

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 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, Correa faced the greatest crisis of his presidency. 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 then alleged that the events constituted an attempted coup by Correa opponents including former president Lucio Gutiérrez.

The 30-S episode had far-reaching political consequences. 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 rescue operation. In response, Correa lodged a lawsuit against the author, Emilio Palacio, and the owners of the newspaper. The president appeared in court during the proceedings, with a large security escort and throngs of supporters. All four defendants were found guilty of aggravated defamation and sentenced in July to three-year prison sentences and an unprecedented fine of \$40 million. International human rights and press freedom organizations, along with the Organization of American States (OAS) and the United Nations, denounced the court decision as a clear effort to intimidate the press.

In a move to reestablish the administration's momentum and confirm Correa's popularity, a national referendum was scheduled for May 2011. The ballot contained nine separate questions on matters ranging from casinos and bullfighting to major reforms affecting the judiciary and the media. Critics, including some high-profile former allies of the president, regarded the referendum question allowing a judicial overhaul as unconstitutional because it violated the system prescribed in 2008. Another controversial question concerned the creation of a government-controlled media oversight body, the Council of Regulation. Correa led the campaign to approve all nine initiatives. After a long tabulation process, the government declared victory, registering over 45 percent approval for every question.

The referendum paved the way for the creation of a new body, the Transitory Council of the Judiciary. It was tasked with reviewing all personnel appointments in the judicial branch, including prosecutors and judges at all levels. The council was empowered to fire, hire, or reappoint. The government justified the measure as the only way to address the acute problem of corruption and the backlog in the judicial system, which was estimated at 1.2 million cases.[In September, the government issued Decree 872, which declared the judicial branch to be in a "state of exception," allowing for an estimated \$400 million in emergency funds to be allotted to the Transitory Council. The government also announced a plan to have the work of the council reviewed by a panel of foreign experts that included prominent Spanish jurist Baltasar Garzón.

The overhaul of the judicial system came at a time when the courts were poised to rule on numerous cases of interest to the government. These cases included the criminal prosecutions of activists involved in antigovernment protests along with individuals involved in the 30-S events. In September, three police officers were found guilty of the attempted assassination of the president.

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. In practice, this means that President Rafael Correa, who won his first term under the charter in 2009, could serve until 2017. 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. 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. In 2011, Correa increased his use of national broadcasts to castigate opposition and indigenous leaders, creating a hostile environment for opposition political activity.

Ecuador is 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 120 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

The environment for freedom of expression deteriorated in 2011, as reflected in the *El Universo* defamation case. In addition to the verbal attacks that Correa routinely directs at the press in his weekly television and radio broadcasts, the government uses its unlimited access to public-service airtime to interrupt news programming on privately owned stations and discredit journalists. The press watchdog Fundamedios reported 156 cases of verbal, physical, or legal harassment against journalists in 2011. The Inter-American Commission on Human Rights held hearings during the year to investigate the status of press freedom in Ecuador, and condemned the government's targeting of journalists who testified.

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 unabridged in law. However, domestic and international nongovernmental organizations (NGOs) have come under increasing government scrutiny and regulation. In July 2011, a presidential decree outlined broadly framed regulations for foreign-sponsored NGOs, forbidding activities that are "incompatible with public security and security." Correa has denounced many NGOs as 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 against protestors, along with the application of criminal and civil law, has increased under Correa. Marcelo Rivera, a student leader, continued serving a three-year prison term on terrorism charges related to an altercation during a 2008 protest at the Central University. In 2011, the National Prosecutor reported handling 994 sabotage and terrorism cases, with guilty findings rendered in 185 cases. Indigenous organizations in particular complain that the government is "criminalizing"

protest by targeting leaders for legal harassment and applying more aggressive police tactics against demonstrators. CONAIE maintained that the Correa government has filed a variety of charges against 204 participants in social protests since taking power in 2007. In January 2011, three Shuar leaders were arrested and charged with sabotage and treason for their involvement in a 2009 protest in the province of Morona Santiago that ended in violent clashes between police and demonstrators. They were released in February, though the charges remained pending at year's end, as did those against other indigenous leaders on crimes related to protests.

The country's labor unions have the right to strike, though the labor code limits public-sector strikes. Public employees have questioned the legality of terminations that removed 2,700 workers from their jobs in the last quarter of 2011. 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 and the 21-member National Court of Justice; the latter is now subject to the personnel review by the Transitory Council of the Judiciary. Galo Chiriboga's appointment as the new attorney general in April was the subject of political controversy due to a lack of transparency in the system used by the Council of Popular Participation to vet candidates. A similar dispute erupted about the council's selection process for members of the National Electoral Council, which will supervise the 2013 elections.

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 remain 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. Voters endorsed more restrictive rules on pretrial detention in the 2011 referendum.

Ecuador has granted 54,500 refugee visas to Colombians fleeing violence in their country, and 25,000 requests are pending. This makes Ecuador the largest recipient of refugees in Latin America. According to the United Nations, 70 percent of the refugees are women, children, and adolescents. The government provides the 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 the government's intensified campaign against opposition leaders and intimidation of journalists, its excessive use of public resources to influence a national referendum, and the unconstitutional restructuring of the judiciary.

[Careers](#)
[Contact Us](#)
[Privacy Policy](#)
[Credits](#)

[Democracy Web](#) | [Derecho a Voz](#) | [Family Law - Khaleej](#) |
[Peace in the Caucasus](#) | [Undermining Democracy](#) |
[Voice of Freedom](#)