

Ecuador received a downward trend arrow due to increased limits on freedom of expression, including the monitoring of online content and harassment of bloggers and social-media users.

After losing key localities in the February 2014 local elections, the ruling Alianza PAIS sought to consolidate its power through other means. In June, the government introduced a constitutional reform initiative that included the removal of presidential term limits and would allow the armed forces to participate in police operations. Discussions of the proposed changes began in December 2014; the final vote by the legislature—which could pave the way for President Rafael Correa to run for a third term in office—was set for December 2015.

The government has increasingly cracked down on social media and other internet activity, leading some online outlets to disable sections for public comment out of fear of reprisal. The government has also hired private firms to monitor online content, and public officials have sued individuals for remarks made on social media.

Political Rights and Civil Liberties:

## **Political Rights: 24 / 40 [Key]**

### **A. Electoral Process: 7 / 12**

The 2008 constitution provides for a directly elected president who may serve up to two four-year terms. The unicameral, 137-seat National Assembly is elected for four-year terms, with 116 members elected in 24 provinces (each province elects at least 2 representatives and then one additional representative for every 200,000 inhabitants), 15 elected through nationwide proportional representation, and 6 in multimember constituencies representing Ecuadorians living abroad. 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 can veto individual line items in legislation.

In the February 2013 presidential election, Correa won a second term with more than 57 percent of the vote in the first round, followed by Guillermo Lasso Mendoza of the Creating Opportunities Movement (CREO) with 22 percent. In concurrent legislative elections, Correa's Alianza PAIS won an overwhelming 100 of the 137 seats. CREO took only 11 seats; the Social Christian Party won 6; Patriotic Society, Avanza, and the Pachakutik Plurinational Unity Movement won 5 each; and five smaller factions took 1 seat each.

International observers said the elections were generally free and fair. According to the Organization of American States (OAS), the environment for political competition among candidates was more equal than in previous elections. This was due to new electoral legislation that banned public institutions from advertising during the campaign period, established predetermined spaces for the candidates to campaign, and prohibited private individuals from contracting or disseminating electoral propaganda. However, the OAS also observed that because those rules were only in effect during the official six-week campaign period, competition between candidates in the precampaign period was unregulated, giving an advantage to the incumbent. Prior to the elections, the Correa administration promoted changes to the parliament's seat-allocation formula that favored larger parties, which critics warned would benefit PAIS.

In February 2014 local elections, which were conducted without major incident, the ruling Alianza PAIS was the overall winner, though it lost key localities to other parties.

Following a request from the president of the National Assembly, in October 2014 the Constitutional Court announced that it would permit a legislative vote—as opposed to a referendum—on the government's proposed constitutional reforms, including the removal of presidential term limits. Despite opposition calls to submit the proposals to a popular vote, the package would only require two separate legislative discussions separated by 12 months. The first debate was completed in December 2014; the second, including the decisive vote, was scheduled for December 2015.

## **B. Political Pluralism and Participation: 11 / 16**

For decades, Ecuador's political parties have been largely personality based, clientelist, and fragile. Correa's PAIS alliance remains by far the largest in the legislature. Other parties include CREO, the Social Christian Party, and the Patriotic Society Party. The Pachakutik movement is loosely affiliated with the Confederation of Indigenous Nationalities (CONAIE), the leading national organization representing indigenous groups.

The 2008 constitution mandated that political organizations register as a requirement for eligibility in the 2013 general elections. The registration process drew controversy, however, with reports that voters were signed up to support parties without their knowledge, among other irregularities. In preparation for the 2014 local elections, the registry of local organizations expanded. As of the end of 2014, a total of 137 political organizations were legally recognized—10 at the national level and 127 at the provincial level.

The election law requires that women account for 50 percent of party lists in national legislative elections. 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: 6 / 12**

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. Investigations into alleged corruption fall under the jurisdiction of the government's office of Transparency and Social Control (FTCS), created under the 2008 constitution. By the end of 2013, the FTCS was investigating 84 cases of corruption, ranging from irregularities in public contracting to disputes concerning fees at educational institutions. That year, the agency launched a national anticorruption plan aimed at eradicating corruption by 2017.

A March 2014 OAS report on corruption in Ecuador recommended that the Prosecutor's Office adopt measures to ensure the timely processing of corruption cases and to remove obstacles to pursuing alleged embezzlement and illicit enrichment. Ecuador was ranked 110 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

## **Civil Liberties: 35 / 60 (-1)**

### **A. Freedom of Expression and Belief: 12 / 16 (-1)**

Ecuador remained a hostile environment for freedom of expression in 2014. The press watchdog Fundamedios reported 253 cases of verbal, physical, or legal harassment against journalists during the year. President Correa continued to use national broadcasts to castigate opposition leaders. The government also made use of its unlimited access to public service airtime to interrupt news programming on privately owned stations for the purpose of discrediting journalists.

After suing Correa for his response to a 2010 police revolt, opposition assembly member Cléver Jiménez and journalist Fernando Villavicencio were convicted of defamation in April 2013. As of December 2014, Jiménez and Villavicencio—both of whom were sentenced to 18 months in prison and forced to pay fines and issue public apologies to the president—remained in hiding. Calls from the Inter-American Court of Human Rights for a suspended sentence were denied, though in August 2014 the sentences were reduced to 12 months.

Ecuador's controversial Organic Law on Communications, approved by the National Assembly in June 2013, has faced strong criticism from international press freedom groups and human rights commissions for overly broad restrictions on the media. Among other provisions, the legislation created powerful regulatory bodies with little independence from the executive, placed excessive controls on journalistic content, and imposed onerous obligations on journalists and media outlets, such as barring reporters from working unless they hold degrees from accredited institutions. The law also employs vague language that could be used to censor critical reporting, prohibiting "media lynching" and "character assassination." The former extends to investigative reporting, while the latter covers the dissemination of any information that could undermine the prestige of an individual or institution. In September 2014, the Constitutional Court upheld the law, rejecting a challenge by opposition politicians and civil society groups.

In a high-profile case in January 2014, the Superintendency of Information and Communication (SECOM) applied the communications law to order cartoonist Xavier Bonilla (known as Bonil) to alter an image he published in the newspaper *El Universo* in December 2013. The drawing criticized a police raid on the home of Fernando Villavicencio in which officials seized computers that allegedly held evidence of official corruption. SECOM also fined *El Universo* for failing to verify the text printed in the cartoon. The Inter American Press Association and the National Union of Journalists both criticized the ruling.

A new criminal code approved in December 2013 contains potential restrictions on freedom of expression, including provisions penalizing the propagation of information that could erode equality, the unauthorized dissemination of personal information, the publication of false news that could affect the economy, and the defense of someone sentenced for a crime. The new code also retained existing libel and terrorism clauses. The constitutional reform package under discussion in 2014 included a provision to make communications a “public service,” which would give the government broad regulatory powers over the media.

Critical content published online has been subject to increasing pressure from the government in recent years. The government has employed private firm Ares Rights to force the removal of YouTube videos and Twitter messages that are critical of the government on grounds of copyright infringement. In July 2014, Twitter suspended the accounts of four government critics for 24 hours with providing justification.

Freedom of religion is constitutionally guaranteed and is generally respected in practice. Academic freedom is likewise unrestricted.

## **E. Associational and Organizational Rights: 7 / 12**

Numerous protests occur throughout the country without incident. However, national security legislation that predates the Correa administration provides a broad definition of sabotage and terrorism, extending to acts against persons and property by unarmed individuals. The use of such charges against protesters has increased under Correa.

In June 2013, Mery Zamora, a former leader of the teachers’ union, received an eight-year prison sentence for sabotage due to her role in encouraging students to protest against the government during a 2010 police revolt. In a surprising decision, the National Court of Justice overturned Zamora’s conviction in May 2014. In September, police suppressed a Quito-area protest organized by workers and students, leaving dozens injured, and arrested more than 100 participants for causing disturbances and assaulting police.

While the right to organize civic groups and unions is provided for by law, domestic and international nongovernmental organizations (NGOs) have come under increasing government scrutiny and regulation. A 2013 presidential decree introduced onerous requirements for forming an NGO, granted officials broad authority to dissolve organizations, and obliged NGOs to register all members. Critics contended that the regulations violated international standards, and activists challenged the constitutionality of the decree in

Ecuadorian courts. NGO representatives also testified on the matter before the Inter-American Commission on Human Rights. Nevertheless, in January 2014, SECOM invoked the decree when it assumed administrative control of Fundamedios, which is known for its open criticism of the government. The government also made use of the decree to shut down indigenous rights NGO Pachamama in 2013. NGOs were granted 18 months to comply with the new rules. As of December 2014, the government automatically registered all 46,330 social and civil organizations, prompting at least 15 NGOs to complain that they had opted not to register in protest.

A July 2011 presidential decree used broad language to limit the scope of foreign-sponsored NGOs, forbidding activities “incompatible with public security and peace,” among other things. In September 2013, the U.S. Agency for International Development (USAID) left Ecuador after the government denied it permission to renew existing programs or begin new activities.

Private-sector labor unions have the right to strike, though the labor code limits public-sector strikes. There are more labor unions in the public than in the private sector. It is estimated that only a small portion of the general workforce is unionized, partly because many people work in the informal sector. Under the December 2013 criminal code, public servants who “impede, suspend, or obstruct the execution of a law or regulation” may face sentences of one to three years in prison.

## **F. Rule of Law: 6 / 16**

As established under a 2011 reform, Ecuador’s highest-ranking judicial bodies are the 21-member National Court of Justice and the nine-member Constitutional Court, whose judges were appointed in 2012. Opposition members and foreign experts expressed concern about the pronounced lack of transparency in the appointment process for the National Court of Justice. The Constitutional Court has likewise faced criticism on the grounds that members of the selection committee are closely aligned with the government. The system used by the Council of Popular Participation to vet candidates for the attorney general appointed in April 2011 was similarly criticized for its lack of transparency.

Judicial processes remain slow, with many inmates reaching the time limit for pretrial detention while their cases are still under investigation. Overcrowding plagues the prison system, and torture and ill-treatment of detainees and prisoners are widespread. The December 2013 criminal code introduced more restrictive rules on pretrial detention, penalties for specific crimes such as hired killings, and tougher sentences for existing offenses.

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, however, has steadfastly refused the claims of indigenous inhabitants, maintaining that development of protected land is a matter of national interest. Those who continue to campaign against the government

often face harassment or violence. In December 2014, the body of indigenous leader and vocal mining opponent José Isidro Tendetza Antún was discovered; he had last been seen en route to a local mining protest.

Ecuador is the largest recipient of refugees in Latin America. A 2012 presidential decree introduced restrictive admissibility rules, including the possibility of reversing the status of a previously recognized refugee. In 2014, the Constitutional Court declared these provisions unconstitutional.

The government has shown some responsiveness in upholding the rights of LGBT (lesbian, gay, bisexual, and transgender) people. The constitution includes the right to decide one's sexual orientation, and discrimination based on sexual orientation is prohibited by law. Nevertheless, LGBT individuals continue to face discriminatory treatment, and there have been instances of efforts to change people's sexual orientation at specialized clinics. Some LGBT students, especially transgender students, have been discouraged from attending university classes.

### **G. Personal Autonomy and Individual Rights: 10 / 16**

Ecuador removed an exit permit requirement in 2008, and freedom of movement outside and inside the country is now largely unrestricted. Individuals can determine their place and type of employment. There has been some controversy over entrance to public higher education institutions, however, since the government introduced a nationwide examination and reorganized admission procedures.

Citizens have the right to own property and establish private businesses without undue influence by nonstate actors. While there may be delays due to red tape, Ecuador's business environment is better than the regional average, according to the World Bank's 2015 *Doing Business* report. A 2011 referendum, followed by an antimonopoly law, prevents asset holders in private financial institutions or private companies in the communications sector from simultaneously holding stakes outside each of these sectors.

Following a 2008 constitutional mandate calling for a significant female presence in public office, women won 53 of 137 assembly seats in the 2013 elections. Employment discrimination is common. The government has taken steps to protect women's rights through public campaigns and legal measures. The 2013 criminal code included femicide as a crime carrying penalties of up to 26 years in prison, and sexual harassment is punished with up to two year in prison. Nevertheless, according to the National Institute for Statistics and Censuses 2011 Survey on Gender Violence, 6 in every 10 women have suffered from some form of gender violence; one in four of those suffering violence has been subjected to sexual violence, though the most prevalent form of gender violence is psychological. Human trafficking, especially of women and children, remains a problem.

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

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**