

# ECUADOR 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Ecuador is a constitutional, multi-party republic with an elected president and unicameral legislature. In February 2013 voters re-elected President Rafael Correa and chose members of the National Assembly in elections that were generally free and fair. On October 31, the constitutional court granted the National Assembly the authority to vote on 16 amendments to the constitution, including one that would eliminate term limits for the presidency and other elected positions. Authorities maintained effective control over the security forces.

The main human rights abuses were lack of independence in the judicial sector; restrictions on freedom of speech, press, and association; and corruption. The communications law, enacted in 2013, continued to restrict journalists. New regulatory bodies established under the law issued a series of sanctions, fines, and forced corrections and retractions, primarily against independent media. President Correa and his administration intensified verbal and legal attacks against the media and civil society. Societal aggression against journalists continued.

Other human rights problems continued: excessive force and isolated unlawful killings by security forces; prison overcrowding; arbitrary arrest and detention; and delays and denial of due process. Limits on freedom of assembly continued, particularly affecting nongovernmental organizations (NGOs) and activists, including indigenous groups protesting laws affecting their lands. Violence and discrimination against women, children, minority groups, and the lesbian, gay, bisexual, and transgender (LGBT) community; trafficking in persons; and child labor persisted.

The government sometimes took steps to prosecute or punish officials in the security services and elsewhere in government who committed abuses, although in cases of public interest, political interference often resulted in impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed politically motivated killings. There continued to be credible reports that security forces,

particularly police units, used excessive force and committed isolated unlawful killings.

On November 6, the National Court of Justice sentenced five former police officers to 16 years in prison for the extrajudicial killing of eight persons and the disappearance of three others during a 2003 police operation in a pharmacy in Guayaquil. The court sentenced five other individuals, including a former prosecutor who investigated the case and two police officers accused of modifying the crime scene, to two years in prison for complicity in covering up the officers' crimes. According to the Public Prosecutor's Office, the five individuals found guilty of complicity would not serve their sentences due to the "principle of favorability" granted to them. The new criminal code, which entered into force on August 10, does not include penalties for concealing or covering up a crime. The court absolved the national police commander at the time of any responsibility for the killings.

On May 20, a police officer known as Fidel A.V. allegedly shot and killed a taxi driver, Jose Gregorio Moreira. News sources reported that the police officer tried to rob the taxi driver and consequently killed him. On June 4, police authorities dishonorably discharged the police officer. On September 15, the court ratified the arrest order for the officer, who remained in custody as of October 20 awaiting trial. The Ministry of Interior removed three senior police officials in the province of Manabi, where the killing occurred.

An NGO reported three complaints of unlawful killings by security forces during the year. As of October 20, the three cases remained under investigation.

On January 16, local media reported that a public prosecutor charged seven police officers for the killing of George Murillo, who was shot and killed in 2012 during a confrontation between soccer fans from two rival teams. The prosecutor did not file charges against two other police officers due to a lack of evidence. As of September 9, the case had not gone to trial.

## **b. Disappearance**

There were no reports of politically motivated disappearances. On June 5, the police commander of Manabi province, Rodrigo Suarez, reported that authorities arrested 10 police officers in 2013 for their participation in the forced disappearance of individuals. As of August 21, investigations continued, but

victims' families complained authorities did not assign the probes sufficient investigators and other resources.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

While the constitution and laws prohibit torture and similar forms of intimidation and punishment, some police officers reportedly tortured and abused suspects and prisoners, at times with impunity.

The nongovernmental Ecumenical Human Rights Organization (CEDHU) reported that physical aggression and cruel and inhuman treatment continued against suspected criminals in police stations. Between January 1 and August 28, CEDHU registered 12 cases of alleged torture and “unwarranted physical aggression” by security forces. CEDHU reported that police frequently used excessive force during arrests and that police beat and threatened suspects during interrogations to force them to confess to crimes.

Human rights monitors reported four cases of torture and physical aggression allegedly perpetrated by the center's warden at the time of detention during a legal investigation and one case of unwarranted aggression against a detainee at a provisional detention center in Quito. Two inmates reported cruel treatment at the prison center in Cotopaxi province due to poor hygiene, lack of medical personnel, and prolonged confinement for more than 20 hours. A detainee at a police station in Guayaquil reported that a police officer beat and then burned him.

Human Rights Watch (HRW) and local human rights organizations stated that security forces used excessive force against individuals participating in antigovernment protests in Quito on September 17 and 18. HRW's investigation found that security forces physically abused dozens of individuals during their arrest at a protest near Mejia public school and while detained. On September 24 and 25, the International Committee of the Red Cross examined 53 detainees in pretrial detention and noted that 47 had physical injuries that included fractured bones and wounds produced “by the blow of a blunt object.” The lawyers for the detained students filed a motion with the court, arguing that the students' detention was illegal and that detainees with visible signs of torture or cruel and degrading treatment should be released from pretrial detention according to the constitution and laws. According to media reports, on September 25 judges Ana Intriago, Sonia Acevedo, and Mario Guerrero rejected the motion.

In early October Judge Daniela Mayorga sentenced 16 defendants--one sentence was suspended due to the defendant's illness--to two months in prison for damaging public or private property and paralyzing public services; 38 others received suspended sentences that included mandatory community service, probation, and fines. According to HRW, the legal ruling stated there was no evidence that detainees were abused.

The law and constitution recognize indigenous communities' right to exercise their own systems of justice based on their traditions and customs. There were concerns that certain indigenous punishments, such as "purifications" (often floggings followed by cold baths that cause pain on the irritated skin), violated human rights. On July 30, the Constitutional Court ruled that indigenous communities would no longer be able to try cases of murder or manslaughter committed by members of their communities or within their territory. The court ruled that such crimes are the exclusive jurisdiction of ordinary courts. The ruling came after the 2010 case known as "La Cocha," when an indigenous community in Cotopaxi punished five young men for committing a murder. Ordinary courts also tried these men, and they served one year in prison. Their families objected on the grounds that the defendants should not be tried for the same crime twice.

### **Prison and Detention Center Conditions**

Conditions in prisons and detention centers generally were poor due to harsh living conditions; shortages of food, basic supplies, and medical care; and negligence by guards. Conditions tended to be worse in remote areas.

Physical Conditions: Overcrowding continued to be a problem in most prison facilities, despite the opening of new prisons that expanded the country's inmate capacity. In an October 30 interview published by government-owned newspaper *El Telegrafo*, Minister of Justice Ledy Zuniga stated that the opening of the Turi detention center in Azuay province in November would raise the inmate capacity to approximately 26,000 and would eliminate overcrowding. The Ministry of Justice reported in December 2013 that the penitentiary system held 24,722 prisoners (of which 2,130 were women), and local media reports indicated that the system's capacity was 12,089 inmates. Official statistics on the juvenile prison population were not available, but media reports from February 21 noted that 253 minors were in detention centers in Guayaquil. According to a December 2013 declaration by Minister of Interior Jose Serrano, the penitentiary system suffered a shortage of 4,000 guards needed to supervise the prison population.

Juvenile prison centers lacked sufficient space for the number of detainees. In a February 6 media interview, Prison Coordinator Alejandra Andrade Scott reported that, due to lack of juvenile centers available in their jurisdiction, authorities in Manabi continued to transfer juvenile offenders to detention centers in Guayaquil and Esmeraldas, making it difficult for their parents to visit due to the distance.

Resources in prisons were minimal, and some authorities expected prisoners or their families to provide many basic supplies, including mattresses, clothing, and medicines. The health measures provided in prisons remained sufficient only for emergency care. Prisoners reported that medicines often were not available and that they had no access to dental care. Physical conditions were notably better in the Quito women's prison than in the prisons for men, according to CEDHU and prisoner reports, although male guards were responsible for guarding female inmates. As of September 9, three female inmates had reported to human rights observers that they suffered sexual misconduct by prison guards during security body searches. A human rights NGO received complaints that prison guards ordered female relatives of prisoners to remove their clothing prior to visits, and in some cases they subjected the relatives to inappropriate touching during security body searches.

Detainees held at the new prison in Cotopaxi province, which included prisoners transferred from the former Garcia Moreno Penitentiary Center, complained of harsh living conditions, largely stemming from uncompleted construction, including a lack of bathroom access, water and food, and hot water for bathing; inability to sleep due to construction noise; and no segregation of prisoners by security risk. One prisoner said that authorities forced her to remain in a cell with feces because the prison was experiencing continued maintenance problems.

On April 11, Minister of Justice Zuniga maintained that the new prison in Cotopaxi province complied with basic human rights standards. During a visit on September 5, international observers confirmed that neither prison authorities nor the infrastructure adequately met the needs of the prison population. As of early September, the prison in Cotopaxi province did not have telephone connections. While authorities allowed inmates to make one call every two weeks on a mobile phone, it sometimes did not function, and relatives and visitors could not contact the prison facility in Cotopaxi by telephone.

On June 4, Minister Zuniga reported the new prison centers inaugurated by the government included spaces for prisoners with disabilities, training workshops, and

recreation. Observers noted medical units in prison centers were not fully equipped, which also affected persons with disabilities.

Vulnerabilities in security remained a problem. Official information was unavailable concerning the national prevalence of deaths in prisons, but the media reported that one inmate died in a prison in Guayaquil and 17 suffered injuries during a fire on January 19 caused by an explosion in the prison's transformer.

On August 28, a human rights NGO reported two alleged killings of detainees in the first eight months of the year. The first case involved the killing of a prisoner during a fight in a prison in the city of Cuenca. A second detainee died at a police station in the city of Portoviejo; as of September 9, a criminal investigation continued into the circumstances of his death.

According to Minister Zuniga, police conducted 370 operations in prisons during the first 10 months of the year. They confiscated large numbers of mobile phones, sharp weapons, and blunt objects, along with cocaine, heroin, and marijuana. In February video recordings released by the Ministry of Justice showed guards getting massages from inmates at a jail in Guayaquil.

The government fired the national director of prisons and the director of a Quito prison facility in December 2013 after 55 inmates escaped. Additionally, prosecutors charged 13 guards with negligence. During the first six months of the year, police conducted several raids at different juvenile detention facilities to prevent escapes.

Administration: There were some improvements in recordkeeping in new prison centers, but most prisons continued to rely on paper files and lacked access to computers and the internet. Upon completing their sentences, most prisoners remained incarcerated for an additional three to five months due to bureaucratic inefficiencies, lack of recordkeeping on the length of their sentence or incarceration, and corruption.

Prisoners convicted of nonviolent crimes could have their sentences reduced by up to 50 percent by earning points for work, education, and good behavior. It was extremely difficult to obtain a firm release date from prison authorities, and the onus was often on inmates to schedule their own review boards.

Public defenders assisted inmates in filing complaints and other motions. Authorities allowed prisoners access to visitors and religious observance.

Prisoners had the right to submit complaints to local and national human rights ombudsmen, although limited resources often hampered the entities' effectiveness.

Independent Monitoring: Although in most instances the government permitted prison visits by independent human rights observers, authorities occasionally did not permit observers to visit prisoners, especially during times of internal disturbance. While prison officials stated that all properly identified officials and representatives from NGOs were able to visit prisoners, authorities sometimes were unable to find prisoners because of poor recordkeeping and corruption by prison officials. Prisoners were able to express their concerns and complaints to local organizations, which played an important role in voicing problems to the human rights ombudsmen.

Improvements: As of August 22, the government had opened two new prison facilities in the provinces of Cotopaxi and Azuay, with a combined capacity for 7,556 inmates. In November the new Turi detention center, with a capacity for 2,800 inmates, opened and began receiving detainees from other locations. The government closed five prisons during the year. The planning and construction of other prisons and juvenile detention centers continued. The government also invested in remodeling older prisons.

#### **d. Arbitrary Arrest or Detention**

The constitution and other laws prohibit arbitrary arrest and detention, but there were reports that provincial and local authorities in some cases undermined these provisions.

#### **Role of the Police and Security Apparatus**

The National Police maintain internal security and law enforcement. The military is responsible for external security but also has some domestic security responsibilities, including combating organized crime. The National Police are under the authority of the Ministry of Interior, and the military is under the supervision of the Ministry of Defense. The National Police's internal affairs unit investigates killings by police and examines whether they were justified. The unit can refer cases to the courts. An intelligence branch within the military has a role similar to the police internal affairs unit. The law states that the Public Prosecutor's Office must be involved in all investigations concerning human rights abuses, including unlawful killings and forced disappearance.

Civilian authorities maintained effective control over police and the armed forces. On June 10, the Ministry of Interior and the National Police discharged 322 police officers following a police internal affairs investigation. According to the Interior Ministry's findings, the discharged police officers had participated in drug trafficking, torture, homicide, extortion, and illegal possession of firearms, among other crimes. A similar purge in 2013 led to the discharge of 208 police officers.

Corruption; poor hiring procedures; and insufficient training, supervision, and resources continued to impair the effectiveness of the National Police.

Police receive required human rights instruction in basic training and in training academies for specialized units. In the police academy, human rights training is integrated throughout a cadet's four-year instruction. Additionally, there is a mandatory human rights training regimen concerning preservation of life and human rights, along with a human rights handbook. Human rights groups contributed to the development of the course and were sometimes asked to participate in course modules. Authorities offered other human rights training intermittently. The government continued to improve the preparedness of police, including increasing funding, salaries, and purchasing equipment.

When mob violence took place, police sometimes failed to intervene or respond in a timely fashion.

Investigations into the 2010 police protest, which the government referred to as an attempted coup, continued. On June 16, the commission in charge of investigating the protest and identifying those responsible delivered its final report to the Public Prosecutor's Office. The report identified individuals not tried previously. On July 2, the Sixth Criminal Chamber Court announced it would proceed with trial cases against 75 police and military personnel who were placed under investigation and ordered not to leave the country due to their alleged role in closing a military air base in Quito during the 2010 protest. The Public Prosecutor's Office decided not to file charges against 149 police officers under investigation. On July 9, the Third Criminal Chamber of the Provincial Court of Justice of Pichincha rejected the appeal filed by 10 police officers previously convicted of rebellion and ruled they should serve their full sentences. On August 26, the criminal court of Pichincha sentenced six former police officers to 12 years in prison for an assassination attempt against President Correa during the 2010 police protest.

### **Arrest Procedures and Treatment of Detainees**

The law requires authorities to issue specific written arrest orders prior to detention, and a judge must charge a suspect with a specific criminal offense within 24 hours of arrest. Authorities generally observed this time limit, although in some provinces immediate detention was often considerably longer. Detainees have the right to be informed of the charges against them. According to the law, if the initial investigation report is incriminating, the judge, upon the prosecutor's request, may order pretrial detention.

Detained persons may challenge the legality of their detention through an appeal to any judge in the locality where the detention took place, and there is no time limit by which such an appeal must be filed. The detainee may also request bail or other alternatives to pretrial detention. Such alternatives (for example, house arrest or probation) are allowed only in cases of crimes punishable with prison terms of less than five years.

Detainees have a constitutional right to an attorney. Indigents have the right to request a court-appointed attorney. The autonomous Public Defenders' Office provided free legal services to defendants. Although the number of available court-appointed defenders was higher compared with previous years, the limited time they had to prepare for the defense of the detainees continued to represent a disadvantage during trials.

Although the law prohibits incommunicado detention, human rights organizations continued to report occasional violations. The law entitles detainees prompt access to lawyers and family members, but there were delays depending on the circumstances and officials' willingness to enforce the law.

Arbitrary Arrest: CEDHU reported 24 cases of arbitrary arrest in 2013, the latest date for which information was available. Many victims chose not to pursue legal cases due to fear of reprisal, lack of resources, or doubts they would receive a fair trial due to judicial and police corruption.

On March 14, human rights organizations and the media reported that David Marmol, a volunteer with an environmental organization opposed to oil exploitation in the Yasuni National Park, turned his thumb down as a sign of protest when the president's motorcade passed. According to Marmol, two civilians and police officers subsequently forced him into a police vehicle. He claimed police officers tried to force him into signing an apology letter to the president. After his release from custody several hours later, three unknown assailants allegedly kicked and punched him while a fourth person filmed the

attack outside the police station. Although Marmol filed a complaint, as of September 8, there were no reports of any progress in the investigation.

NGOs reported that on April 30 authorities arrested arbitrarily three women for shouting criticisms against Minister of Interior Serrano during the transfer of prisoners to the new prison center in the province of Cotopaxi. On May 9, Judge Yolanda Cueva charged the two activists and an inmate's wife with sabotage and issued preliminary arrest orders for all three, but on May 13, authorities revoked the pretrial detention order. The court acquitted the women on June 27.

Pretrial Detention: Minister of Justice Zuniga declared in September that 70 percent of prisoners had received sentences. CEDHU reported authorities continued to detain the vast majority of individuals in rehabilitation centers throughout the country without sentencing. Lengthy and complicated judicial procedures; corruption and poor training of police, prosecutors, public defenders, and judges; and general judicial inefficiency caused trial delays. Many victims abandoned their cases and dropped charges, in part because of the high cost of retaining counsel and bribing judicial authorities.

#### **e. Denial of Fair Public Trial**

While the constitution provides for an independent judiciary, outside pressure and corruption impaired the judicial process. The media reported on the susceptibility of the judiciary to bribes for favorable decisions and faster resolution of legal cases. Judges reached decisions based on media influence or political and economic pressures in cases where the government expressed interest. Delays often occurred in cases brought against the government, whereas cases brought by the government moved quickly through the courts. There were credible reports that the outcome of many trials appeared predetermined.

On March 17, a lower court in Esmeraldas province sentenced Rosaura Bastidas, an opposition politician and head of a local teachers union, to three years in prison for terrorism in connection with a 2010 incident in the town of La Concordia, when a teargas canister exploded near a town meeting with President Correa. Bastidas claimed that police threw the tear gas after a crowd of locals protested her detention by police. Her lawyer asserted that the ruling ignored the law and was based on orders from the government due to Bastidas' affiliation with the opposition political party Popular Democracy Movement. Bastidas appealed the case to a higher court, but as of August 22, the court took no further action.

## **Trial Procedures**

All citizens have the right to a public trial, although delays occurred frequently. By law defendants are presumed innocent until proven guilty in a trial. There are no juries in the justice system. Defendants have the right to be informed promptly and in detail of the charges, including free interpretation when necessary.

The accused have the right to consult with an attorney or to have one provided, and to appeal. Defendants may present evidence and call witnesses, invoke the right against self-incrimination, and confront and cross-examine witnesses. Defendants also have the right to access evidence held by police or public prosecutors. Defendants have the right to adequate time and facilities to prepare defense, although in practice this was not always the case, and delays in providing translation services made this difficult for some foreign defendants. In several cases authorities required foreign defendants to attend court proceedings without translators, and in at least one instance the judge declared a mistrial because the local government did not provide a translator.

Despite efforts to modernize the court system, the judiciary continued to operate slowly and inconsistently. There were lengthy delays before most cases came to trial. Judges reportedly rendered decisions more quickly or more slowly due to political pressure or, in some cases, the payment of bribes. Failures in the justice system contributed to cases in which communities took the law into their own hands and resorted to violence against suspected criminals.

Criminal justice reforms aimed at reducing congested dockets in criminal cases produced “simplified” proceedings in pretrial stages, resulting in summary proceedings against defendants with few if any due process protections. On January 30, the Judicial Council reported that in 2013, following the creation of judicial units to resolve in flagrante (caught in the act) cases more quickly, the average processing time for this type of case declined from 190 days to 47 days. In these proceedings defendants must choose between contesting charges and facing extended pretrial detention, or accepting criminal responsibility and pleading guilty at the outset of the filing of charges, even when authorities offered little or no investigation or proof of guilt.

The regular court system tried most defendants, although some indigenous groups tried members independently for violations of indigenous law. On July 30, the Constitutional Court ruled that indigenous communities would no longer be able to

try cases of murder or manslaughter committed by members of their communities or within their territory.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Civil courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or immediate ending of, human rights violations. Civil lawsuits seeking damages for alleged wrongs by the government were rarely filed, since such suits were difficult to prosecute and time-consuming, with judges taking up to a decade to rule on the merits of a case.

### **Regional Human Rights Court Decisions**

The government is subject to the jurisdiction of the Inter-American Court of Human Rights. On July 28, the Sarayaku community released a statement that the government had refused to comply with indigenous communities' rights, as required by the constitution and international human rights law, to be consulted prior to natural resource exploitation in their territories. It reported that the government offered a contract to an oil company that would affect 6,790 acres. As of September 19, the government continued to review additional pending requirements of the court ruling.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and the law prohibit such actions, and the government generally respected these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, but the government restricted these rights. The government increasingly used the 2013 communications law to limit the independence of the press.

Freedom of Speech: President Correa and his government intensified verbal and legal attacks against journalists who criticized him during the year. The president regularly stated the press was his “biggest enemy.” During his weekly television and radio address, the president regularly cited individual journalists by name and encouraged government officials and private individuals to raise complaints against the media. NGOs, journalists, and international human rights organizations reported increased pressure from authorities due to criminalization of speech and rising self-censorship that resulted from lawsuits against journalists. On May 23, the Superintendence of Communication (Supercom), the country’s media regulatory body, determined that citizens did not have a right of reply to any statements the president made during his weekly television broadcasts.

Generally, individuals could discuss matters of general public interest publicly or privately without reprisal, although various civil society groups, journalists, and academics argued that the communications law limited their freedom of expression and restricted independent media. New regulatory bodies created under the law monitored and disciplined the media through a combination of legal and administrative sanctions. Independent of this law, it is illegal to threaten or insult the president or executive branch, and penalties for violators range from six months to two years’ imprisonment or a fine from \$16 to \$77.

A new criminal code went into effect on August 10. Article 176 of the new code establishes a prison sentence of up to three years for those who “disseminate, practice, or incite any distinction, restriction, or preference on grounds of nationality, ethnicity, place of birth, age, sex, gender identity or sexual orientation, cultural identity, marital status, language, religion, ideology, socioeconomic status, immigration status, disability, or health status with the aim of nullifying or impairing the recognition, enjoyment, or exercise of equal rights.” According to some legal experts, the article could restrict freedom of speech.

Press Freedoms: Freedom House rated the country as “not free” for a second consecutive year and noted the developments over the past year were more disturbing than just a continuing negative trend. In its April 23 press release of its annual report, the Inter-American Commission on Human Rights (IACHR) highlighted freedom of expression in the country as one of the region’s top issues of concern. President Correa continued to attack private newspapers and encouraged followers to buy only public newspapers.

In the first year since the passage of the June 2013 communications law, Supercom issued nearly 30 sanctions against the media. In a controversial February

judgment, Supercom forced cartoonist Xavier “Bonil” Bonilla to “correct” a cartoon critical of the Correa administration and fined newspaper *El Universo* \$90,000 for publishing the “inaccurate” caricature, which in Supercom’s view promoted “social unrest.” Prior to Supercom’s action, President Correa had called Bonil a “coward” and “ink assassin” during his weekly national address.

The independent media remained active and expressed a wide variety of views, including those critical of the government, although many analysts and journalists noted the law had led to self-censorship in private media, pointing to a decrease in investigative reporting. On September 17, the Constitutional Court struck down three pending challenges to the communications law, upholding the law’s constitutionality with only minor wording changes to a few clauses. The plaintiffs had claimed the law contravened the constitution, the country’s commitments under international human rights treaties, and a ruling by the Inter-American Court of Human Rights. They also challenged the government’s assertion that information is a public good rather than a right. The Communications Regulatory Council (Cordicom), the supervisory body responsible for implementing the communications law, released a statement declaring the court ruling “reinforces liberty of expression and other human rights in Ecuador and Latin America” and “breaks up the media monopolies of the past.”

The National Communication Secretariat launched a campaign in mid-July that compiled statements from citizens on the street offering their views on how local media outlets should do their job more effectively. The mandatory broadcasts included one spot in which a citizen advised Alfonso Espinosa de los Monteros, long-time news anchor of Ecuavisa, the country’s leading private television network, to retire. On August 1, Ecuavisa refused to transmit the broadcasts on the basis that they violated the right to honor to which everyone is entitled and other rights provided by law. On August 4, Secretary of Communication Fernando Alvarado apologized in writing to Espinosa de los Monteros and suspended the campaign. On August 11, however, President Correa said the campaign would continue because citizens are entitled to express their views on the media, just as journalists can express their opinions.

On July 30, the president of the Constitutional Court, Patricio Pazmino, prohibited media outlets from discussing matters of indigenous justice without the authorization of indigenous leaders. He noted all media outlets should “communicate the facts by ensuring accuracy and context, comprehensively reporting the ongoing processes and not only acts of punishment.”

On November 10, Ecuavisa broadcast “under protest” a message produced by the Communication Secretariat (Secom) entitled “This is true liberty.” Critics of the piece stated that it appeared to mock bank owners and private media interests for monopolizing freedom of expression. After the piece was broadcast, Ecuavisa broadcast a statement rejecting it for “trying to polarize public opinion” and pointing out that under the Communication Law, the government can order broadcasts only “when it is necessary for the public interest.” The next day, another leading television network, Teleamazonas, broadcast its own statement of protest. On November 12, Cordicom issued a statement saying the Secom spot did not violate the Communications Law. Cordicom also threatened to fine Ecuavisa for “censorship” for having broadcast a critical commentary on the piece.

Provisions in the law limit the ability of the media to provide election coverage during the official campaign period. A Constitutional Court ruling affirmed the right of the press to conduct interviews and file special reports on candidates and issues during the campaign period, but it left in place restrictions on “direct or indirect” promotion of candidates or specific political views.

The new penal code includes the offense of inciting “financial panic” with a penalty of imprisonment for five to seven years. Some analysts viewed this as a warning to the media in their reporting on financial problems.

The government owned or operated an estimated 20 broadcast stations and one newspaper, and used its extensive advertising budget to influence public debate. The law mandates the broadcast of messages and reports by the president and his cabinet free of charge. The government increasingly required media stations to broadcast statements by the president and other leaders, thereby reducing the stations’ private paid programming.

The communications law limits the ownership of media companies. Specifically, it redefines the assignment of broadcast frequencies, giving 33 percent of frequencies to private media, 33 percent to public media, and 34 percent to “community broadcasting” (yet to be formally defined). Reporters Without Borders, citing official figures, noted in June that the private media held 78 percent of frequencies, the public sector held 20 percent, and community media accounted for 1 percent. Observers claimed the redistribution of frequencies would reduce the private media by almost 50 percent. The government asserted in public statements that information was a public good rather than a right and that the redistribution of frequencies guaranteed a more inclusive and diverse media environment.

Violence and Harassment: President Correa frequently used mandated broadcasts and his public appearances to make personal attacks on specific journalists, criticize the media, question journalists' competence and professionalism, and accuse the private media of bias. The president repeatedly referred to the independent media as the "corrupt press." Reporters Without Borders noted 16 smear campaigns against journalists between June 2013 and June 2014, most of them carried out by President Correa during televised declarations.

The NGO Fundamedios reported 253 cases of harassment (threats, verbal and physical attacks, or arrests) against journalists or other representatives of the press during the year.

On April 23, the Guayas Eleventh Criminal Court acquitted four of the five suspects for the killing of journalist Fausto Valdiviezo in April 2013. The fifth suspect remained at large, and his trial was suspended. In 2013 Minister of Interior Serrano indicated that the killing was likely not related to Valdiviezo's work and suggested that Valdiviezo might have been involved in questionable dealings.

Censorship or Content Restrictions: Journalists working at private media companies reported instances of indirect censorship and stated that President Correa's attacks caused them to practice self-censorship. Reporters Without Borders identified at least 67 press freedom threats targeting journalists and media organizations between June 2013 and June, including nine cases of direct censorship and 18 forced corrections. On August 14, during a press conference in the city of Loja, President Correa refused to answer a question raised by reporter Paulina Bustamante from the newspaper *Centinela* after she deviated from a set of questions previously scripted by provincial officials.

The communications law requires the media to "cover and broadcast facts of public interest" and defines the failure to do so as a form of prior censorship. The superintendent of information and communications decides prior censorship cases and can impose fines. Many private media complained that the government itself can decide what is of "public interest" and thus unduly influence their independent reporting.

During a televised speech following his visit to Chile in May, President Correa accused the press of violating the human rights of citizens by failing to provide them with important information about his trip. Subsequently Supercom accused four newspapers, *El Comercio*, *El Universo*, *Hoy*, and *La Hora*, of censoring

coverage of a public interest event. As of October 27, the case remained in process.

The communications law also imposes local content quotas on the media, including a requirement that a minimum of 60 percent of content on television and 50 percent of radio content be produced domestically. Additionally, the law requires that advertising be produced domestically and prohibits any advertising deemed to be sexist, racist, or discriminatory in nature. Furthermore, the Ministry of Public Health must approve all advertising for food or health products.

Private media companies reported that the government continued to use tax and labor inspections to harass companies that published reports critical of the government. These investigations forced the companies to undertake time-consuming and costly legal defense.

The government remained the largest single advertiser in the country. Media watchdog organizations argued that the government used advertising contracts to reward or punish media companies. On June 28, national daily newspaper *Hoy* announced it would cease publishing its print edition due to, among other cited reasons, a “permanent boycott in advertisements” by the government. On August 26, the Superintendence of Companies ordered the dissolution of 700 companies, including Edimpres, which owns *Hoy*, due to losses of at least 50 percent of their capital in 2012 and 2013. According to the Superintendence of Companies, *Hoy*’s losses in 2013 accounted for 63 percent of its capital, which violated the law. The government argued that *Hoy*’s closure was due to fiscal mismanagement.

Libel Laws/National Security: The government used legal mechanisms, including libel laws, against media companies, journalists, and private individuals. Libel is a criminal offense under the law with penalties of up to three years in prison, plus fines and other damage awards. As of late October, Fundamedios reported 49 lawsuits against journalists or media companies since 2008, 11 of which were filed during the year.

On January 14, journalist and political activist Fernando Villavicencio, National Assembly member Clever Jimenez, and doctor and social activist Carlos Figueroa lost their final appeal before the National Court of Justice. In April 2013 Jimenez and Villavicencio had been sentenced to 18 months in prison for defamation of the president, while Figueroa received a six-month sentence. They were free pending an appeal in December 2013, when security forces, upon receiving an “urgent action” request from President Correa’s general counsel, raided Villavicencio’s

home and confiscated computers and documents. That same night government forces broke into the office of Jimenez, seizing two computers. On January 24, the Office of the Special Rapporteur for Freedom of Expression of the IACHR expressed its concern over the decision by the National Court of Justice, arguing that “the use of criminal law to sanction expressions about public officials is disproportionate and infringes the right to freedom of expression.” On March 24, the IACHR issued precautionary measures, requesting that the government immediately suspend the court ruling until the IACHR could rule on petitions brought by the three men. On April 26, the Sarayaku community condemned the government’s decision to send soldiers into its territory in the Amazon region following the community leaders’ announcement that they were providing refuge to Jimenez, Villavicencio, and Figueroa. Police arrested Figueroa in Quito on July 23 and transferred him to a prison in the capital.

The law includes criminal libel charges, which may be used to criminalize opinion. The communications law assigns prior responsibility to media owners who are liable for opinion pieces or statements by reporters or others, including readers, using their media platforms.

The communications law includes a prohibition of “media lynching,” which the law describes as the “coordinated and repetitive dissemination of information, directly or by third parties through the media, intended to discredit a person or company or reduce its public credibility.” The exact terms of this provision remained vaguely defined but threatened to limit the media’s ability to conduct investigative reporting. The superintendent of information and communication has authority to determine if a media outlet is guilty of media lynching and to apply administrative sanctions.

### **Internet Freedom**

The government did not disrupt access to the internet, but there were credible reports that the government censored online content and monitored private online communications without appropriate legal authority. On January 14, a government-run newspaper published electronic documents as part of a report alleging that opposition politician Martha Roldos sought funding for an independent media outlet. She told the Associated Press that she believed someone allied with or in the government was responsible for hacking her e-mail account. On January 23, Roldos filed a complaint against the government-run newspaper that published her private e-mails. Her complaint was based on the “media

lynching” provision of the communications law, but Supercom dismissed the complaint on February 11.

A regulation requires that internet service providers fulfill all information requests from the superintendent of telecommunications, allowing access to client addresses and information without a judicial order. The International Telecommunication Union reported that 35 percent of the public used the internet in 2012. The NGO Freedom House evaluated the internet as partly free.

While individuals and groups could generally engage in the expression of views via the internet, the government increasingly monitored Twitter and other social media accounts for perceived threats or alleged insults against the president and government officials, a practice that Freedom House called “a form of legal intimidation that stands to result in greater self-censorship online.” Supercom requested on August 22 that Radio Canela, closed in 2011, rectify a comment made via Twitter regarding a possible family nexus between the superintendent of communication and a representative from a building consortium.

Various local press outlets reported on the government’s relationship with a Spanish antipiracy firm named Ares Rights that targeted internet websites, YouTube, and Twitter accounts critical of President Correa or of his government and forced these sites to take down content based on the Digital Millennium Copyrights Act (DMCA). In what many media analysts considered online censorship, Ares Rights sent DMCA takedown notices on behalf of several government officials, targeting documentaries, tweets, and search results that included images of those officials, alleging copyright infringement.

The communications law holds the media responsible for online comments from readers if the media outlet has not established mechanisms for commenters to register their personal data (including national identification card) or created a system to delete offensive comments. The law also prohibits the media from using information obtained from social media unless the author of the information can be verified.

### **Academic Freedom and Cultural Events**

While there were no government restrictions on academic freedom or cultural events, academics reported that concerns over the process of awarding government contracts led to self-censorship.

## **b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of assembly and association, but the government did not always respect these rights.

### **Freedom of Assembly**

The law provides for freedom of peaceful assembly. The government respected this right, with some exceptions. Public rallies required prior government permits that were usually granted. The government often deployed a large security presence at demonstrations. Security forces generally respected the rights of participants, but some exceptions occurred. On July 17, during a rally led by supporters of Pachamama Foundation, an environmental organization dissolved by the government in December 2013, police detained three foreign citizens for more than four hours. On July 18, immigration officials issued a statement informing one of the detained persons that he had to leave the country if he did not “want his human rights to be violated,” since his work with Pachamama Foundation had ended. Government officials in later statements clarified that officials had been referring to the possibility of the person becoming a victim of human trafficking, since he no longer possessed a valid visa. The person left the country that night.

Police arrested more than 270 persons in Quito during September 17-18 protests against government policies, according to local human rights organizations.

### **Freedom of Association**

The law provides for freedom of association, but the government took steps to limit this right. Presidential Decree 16, released in June 2013, required all social organizations (including NGOs), to reregister in a new online registration system within one year or face dissolution. On June 16, the government extended the deadline by six months. The law provides the government discretion to dissolve organizations (including civil society, foundations, and churches) on multiple grounds, including compromising the interests of the state, engaging in political activity, threatening public peace, deviating from the organization’s stated purpose, or not providing access to information requested by the government. Provisions in the decree limit the ability of organizations to choose their members. The decree requires NGOs to report all projects that receive foreign funding. NGOs also reported increasing government scrutiny and regulation, as well as harassment during tax and labor inspections. Critics argued that the government did not provide sufficient information about the registration process and that the electronic

platform for the registration was not in place. On December 18, the National Secretariat for Policy Management announced that all NGOs registered in the old system would automatically be incorporated into the new system established under Decree 16, and created a new website on December 18 that enabled NGOs to check if they are registered. As of December 18, three challenges to the decree remained pending before the Constitutional Court.

In December 2013 President Correa defended the decision by the Ministry of Interior to close Pachamama Foundation, stating, “NGOs are not to engage in politics or star in acts of violence.” The government had used Presidential Decree 16 to justify the NGO’s closure, claiming that Pachamama Foundation had disturbed public order during a November 28 protest over the government’s latest round of oil negotiations with foreign firms.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other vulnerable persons of concern. Changes to the asylum process, stemming from a 2012 presidential decree, resulted in fewer persons accessing the refugee status determination process and a much lower rate of approval for refugee claims. According to government statistics from September 2013, the latest data available, 4 percent of claimants received refugee status during the first nine months of 2013.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The UNHCR reported that as of September 2013, there were 54,865 recognized

refugees in the country, mostly from Colombia, although some NGOs estimated that the true number could be two or three times higher. The UNHCR also tracked 80,243 “persons of concern,” individuals seeking international protection not recognized as refugees by the government. Authorities publicly stated that the cumulative number of refugees recognized by the government was 60,000, including those who were resettled and those who renounced their refugee status. According to international organizations, as of mid-October approximately 950 Colombians fleeing violence in Colombia crossed into Ecuador every month.

The law establishes a two-step procedure for asylum seekers to apply for refugee status with a right to appeal rejections in the second stage of the process. The government limits applications for asylum to persons who had entered the country within the previous 15 days, and by officially approving the addition of an eligibility interview. Experts noted that the admissibility procedure, in particular the 15-day timeframe to request asylum, hampered the granting of protection to deserving cases and remained the main challenge to refugee protection in the country. The UNHCR estimated that between the pre-eligibility interview and the refugee determination panel, the government denied refugee status to up to 94 percent of refugee applicants. Previously the government permitted 80 to 90 percent of asylum seekers to obtain refugee status.

On September 12, the Constitutional Court declared several provisions of the decree on refugee admissions unconstitutional and removed some of the restrictions placed on refugee seekers in gaining status, such as provisions that set time limits of 15 days to apply for refugee status after entering the country and of three to five days to appeal a decision. Instead, it extended those time limits to three months and 15 days, respectively. The court also added the definition of a refugee contained in the 1984 Cartagena Declaration, allowing for “generalized violence” as a basis for granting the refugee status. Experts believed that the court ruling would lead to a greater number of refugees receiving asylum.

While the decree establishes a timeframe of four months for the application process, the UNHCR and NGOs estimated that the procedure often lasted up to 18 months. The decree establishes a timeframe of two months for decisions by the minister of foreign affairs and human mobility on administrative appeals, but decisions often took six months to a year. During the application process, an applicant receives an asylum-seeker card, renewable every two months, which grants the applicant the right to work until refugee status is adjudicated and all appeals are exhausted. A grant of refugee status is valid for two years but can be renewed.

Refoulement: According to the UNHCR, there were three cases of refoulement during the year.

Refugee Abuse: Refugees, especially women and children, experienced sexual and gender-based violence, and youth experienced forced recruitment in border areas. There were reports of detentions of refugees and asylum seekers who lacked documentation. The Ombudsman's Office, the UNHCR, and NGOs sought to obtain certificates from the government's refugee officer to gain the individuals' release.

Access to Basic Services: Approximately 40 percent of refugees and asylum seekers resided in isolated regions with limited basic services, primarily along the northern border, or in poor urban areas of major cities such as Quito and Guayaquil. The UNHCR reported that in some cases noncitizen children experienced difficulty enrolling in school due to problems with refugee identification numbers. Refugees reported widespread discrimination in employment and housing. Societal stereotypes and media reports often portrayed refugees as criminals and prostitutes and affected refugees' ability to assimilate into the local population.

Durable Solutions: Few refugees were able to naturalize as citizens or gain permanent resident status, due to the expensive and lengthy legal process required. In 2012 no refugees voluntarily repatriated with the assistance of the UNHCR. The main durable solution remained local integration, even though there were many obstacles to achieve sustainable local integration. In 2013 the UNHCR presented 1,802 persons for resettlement to a third country, and 1,045 persons resettled to eight countries.

Asylum seekers with family ties to Ecuadorian citizens can obtain a "dependent's visa," which offers permanent residence and full access to legal rights. The UNCHR reported that a growing number of refugees renounced the refugee visa in order to obtain the dependent's visa.

Temporary Protection: While there is no legal provision for temporary protection, the government and NGOs provided humanitarian aid and additional services, such as legal, health, education, and psychological assistance, to refugees recorded as having crossed the border during the year. Most government assistance ended after denial of official refugee status.

In April, as an associate member of MERCOSUR (Common Market of the South), the government began issuing the MERCOSUR temporary visa to citizens of the countries parties to or associated with the trade bloc. The agreement covers citizens of Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru, and Uruguay, and the government waived the visa application fee (normally \$230) for Colombian and Paraguayan citizens. Foreigners in an irregular migratory status in the country were eligible to apply for the visa. While the MERCOSUR visa does not provide any safeguard against refoulement, the UNHCR noted that many persons applied for the visa after they were denied access to the asylum procedure (via the admissibility procedure) or had received rejections to their asylum applications. Visa recipients were able to work and study for a period of two years. The visa is renewable, but the requisites for such renewal remained unclear to refugee advocates.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage. On October 31, the constitutional court granted the National Assembly authority to vote on a proposed constitutional amendment to eliminate term limits for all elected positions, including the president. The court also approved 15 other proposed amendments the president's political party introduced in June, including allowing the government to regulate communication as a public service, allowing the military to intervene in domestic security, reducing the powers of both the municipal governments and the Comptroller General, and stripping some labor protections from all public sector employees.

#### **Elections and Political Participation**

Recent Elections: On February 23, the government held local elections throughout the country. While observers noted that the elections were generally open, free, and well organized, the media reported that violence and ballot burning occurred in the provinces of Esmeraldas, Guayas, and Manabi. On March 23, more than 74,000 voters cast their votes for a second time due to problems associated with violence, the design of electoral ballots, and electronic voting in eight provinces.

In February 2013 the government held elections for national offices, including the presidency and the multi-party National Assembly. The Organization of American States (OAS), Inter-American Union of Electoral Organisms, Union of South

American Nations, and domestic observers judged the elections open, free, and well organized, despite some recurring and limited local irregularities. Although the international and domestic observation teams reported no major fraud, some reports of missing or marked ballots and of counting and vote-tabulation irregularities resulted in challenges to the National Electoral Council (CNE) and Electoral Contentious Court (TCE), the appeals body for electoral matters. Opposition candidates claimed the CNE and TCE did not address irregularities transparently. The OAS reported the precampaign period featured “differential access and exposure of the contenders in the media.” Furthermore, during the campaign period there was unequal coverage of parties and candidates in news reports, depending on the ownership of the media. According to local NGO Participacion Ciudadana’s media monitoring, President Correa and his political supporters had a significantly greater presence in both public and private media than other candidates.

Political Parties and Political Participation: Electoral laws require political parties to register with the CNE. In order to receive authorization to participate in elections, parties and movements need to show the support of at least 1.5 percent of the electoral rolls by collecting voters’ signatures. The law requires registered parties to obtain minimum levels of voter support to maintain registration. Voters are restricted to registering with only one political group.

On July 3, the media reported that the CNE eliminated four political parties: Institutional Renewal Party of National Action, Ecuadorian Roldosist Party, Democratic People’s Movement, and Ruptura. The CNE announced that these four parties did not meet the requirements set by the electoral democracy code regarding the number of votes they needed to secure in two consecutive elections. Although representatives from the affected parties appealed before the CNE, on August 4, the electoral council upheld its decision to eliminate them. The CNE did not authorize several nationwide parties to participate in the 2013 elections due to irregularities with the signatures submitted for their registration. On August 13, the media reported the CNE was also analyzing whether 127 local political parties complied with requirements set by the democracy code to maintain their existence.

Participation of Women and Minorities: The constitution provides for government-promoted, gender-balanced representation in the public sector, including in the lists of political parties’ candidates for the National Assembly and other representative institutions. The electoral law mandates that electoral lists be gender-balanced and structured in an alternating male-female (or vice versa) pattern, for both primary and stand-in candidates.

According to the CNE, women won 25.7 percent of the seats in the February 23 local government elections. As of September 3, there were 54 women in the 137-seat National Assembly and nine women in the 35-member cabinet. The president and both vice presidents of the National Assembly were women. There were nine indigenous persons and seven Afro-Ecuadorians in the National Assembly. No Afro-Ecuadorians or indigenous persons were in the cabinet.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption. The government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

The government recognized corruption in the judicial branch and continued a process to reform the judiciary. The reform process improved the judiciary's ability to remove corrupt or ineffective judges and reduce the case backlog. Many civil society activists noted, however, that the judges on the higher courts appeared more closely aligned with the current administration, and many questioned the independence of those courts, especially in politicized cases. Media reports alleged police corruption and extensive corruption in public contracts and procurement.

Labor leaders and business owners reported corruption among labor inspectors.

Corruption: On May 20, a judge found former minister of sports Raul Carrion guilty of embezzlement and sentenced him to three months in prison and a \$190 fine for his involvement in contracts related to the construction of sports complexes in Macas, Carpuela, and Sucua between 2006 and 2008. The maximum penalty for embezzlement is eight years in prison. As of October 20, media reported that Carrion continued to face eight open criminal proceedings. A judge sentenced Fernando Moreno, a former advisor to the Ministry of Sports, to one year in prison, while Patricio Sanchez, the former director of the Office of Sports Infrastructure Management, received a three-month sentence.

On April 17, a judge found Juan Salazar Lopez, former mayor of Riobamba, guilty for the embezzlement of \$13.3 million from the municipality account at the Central Bank of Ecuador. The Court of Justice of Chimborazo province sentenced Salazar to eight years in prison.

The Council for Citizen Participation and Social Control (CPCCS), together with the Office of the Comptroller General, the ombudsman, and a number of superintendencies, make up a nominally independent fifth branch of government, known as the Transparency and Social Control Branch. These organizations are in charge of policy development for the promotion of transparency, control, and accountability in the public and private sectors and head the National Plan against Corruption. The Office of the Comptroller General investigates reports of corruption in the public sector. When there are grounds for a criminal investigation, the comptroller refers the case to the Public Prosecutor's Office. The National Secretariat for Management Transparency, part of the National Secretariat of Public Administration, also has responsibility for investigating and reporting complaints of corruption in the public sector. Observers noted that the CPCCS, which is tasked with promoting and controlling civic participation, did not effectively engage a broad segment of civil society and that its leadership had close ties to the ruling party.

Financial Disclosure: Government officials are required to declare their financial holdings upon taking office and if requested in an investigation, and all agencies must disclose salary information annually. The constitution requires civil servants to present a sworn statement regarding their net worth at the beginning and end of their term of office, including their assets and liabilities, as well as an authorization to lift the confidentiality of their bank accounts. The Office of the Comptroller has the responsibility to monitor and verify disclosures, examine the statements, and investigate those cases where illicit enrichment is alleged. The statements of disclosures can be made available to the public by request of an interested party. All declarations are filed in the offices of public notaries and are entered as a public deed. The Comptroller General's website contains a section in which the public can conduct a search on officials to see if they complied with the income and asset disclosure requirement. There are no criminal or administrative sanctions for noncompliance, except for the inability to assume office. The Comptroller General's Office can report any unusual actions or activities to other government officials, who in turn can initiate their own investigations. Public officials are not required to submit periodic reports, even when changes occur in their holdings.

Public Access to Information: The constitution and other regulations provide for the right of public access to government information, but authorities did not effectively implement the law. The law requires all organizations (public and private) that receive public funds to respond to written requests for information, publish specific information on their website, and submit an annual report to the

Ombudsman's Office that details their compliance with the transparency law. Because of this legislation, government agencies increasingly included budget information, functions, organizational information, lists of government officers, and official notices on the internet in addition to responding to written requests. Nevertheless, the government did not always grant requests for information, and the government made exceptions, stating that the requested information was not available. Judges did not enforce the legislation requiring the government to release information.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Civil society organizations expressed concern about the government's discretion to dissolve NGOs per Decree 16. The decree created the National Secretary of Politics Management, an authority responsible for regulating the fulfillment of the objectives and activities of social and civic organizations. Civil society representatives argued that the grounds for dissolution were vague and overly broad, which led to self-censorship among NGOs. The decree states an organization can be closed for, among other reasons, deviating from its established objectives, engaging in partisan political activities, or "interference in public policy that harms the internal or external security of the state or affect public peace." In addition, NGOs contended that challenging an order of dissolution via the judicial process might take up to six years.

On May 28, the CPCCS met with social organizations to analyze the decree. After the meeting, the president of the CPCCS, Fernando Cedeno, agreed to analyze the complaints about the decree. He also stated social organizations could file complaints before the CPCCS regarding the decree's impact.

On February 12, the Ministry of Environment denied environmental NGO Pachamama Foundation's appeal of the government's December 2013 dissolution order for alleged violations of Decree 16 and ruled that "for clear and precise reasons, there has been no violation of the fundamental individual rights established in the constitution." The ministry also blamed Pachamama Foundation for a "violent demonstration" that took place in November 2013.

International NGOs are also subject to the NGO regulations in Decree 16. The government continued to claim many NGOs were tools of foreign governments that destabilize the government.

The government used public statements to criticize and attack the credibility of specific international and local NGOs as well as NGO findings during public appearances, including the president's weekly television and radio address. The government continued to lead an effort to disparage and weaken the IACHR and specifically its special rapporteur for freedom of expression, labeling the special rapporteur a tool of imperialists and corporations. On July 14, Maina Kiai, the UN special rapporteur on the rights to freedom of peaceful assembly and of association, reported he sent several letters to the government with questions about freedom of association and the closure of Pachamama Foundation, but the government did not respond.

On September 1, the German Konrad Adenauer Foundation (KAS) closed its office. Media outlets cited Wienfried Weck, the director of the KAS office, who claimed that KAS's departure resulted from the "growing control and influence of the government in Quito in the political work of foundations and nongovernmental organizations." President Correa and Foreign Minister Ricardo Patino denied the government had attempted to change the foundation's activities.

Government Human Rights Bodies: The Ombudsman's Office, which the constitution describes as an administratively and financially independent body under the Transparency and Social Control Branch of government, focused on human rights problems. The Ombudsman's Office based in Quito had more than 70 attorneys and regularly presented cases to the Public Prosecutor's Office. During the year the Ombudsman's Office hired 200 additional employees as part of efforts to improve effectiveness.

A special unit within the Prosecutor's Office has responsibility for investigating crimes revealed in the 2010 Truth Commission report on alleged human rights abuses that occurred between 1984 and 2008. On July 12, the government-owned newspaper *El Telegrafo* reported the Prosecutor's Office took to the courts nine cases related to human rights abuses and crimes against humanity committed during that period.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. The government did not fully enforce these prohibitions. Women, persons with disabilities, indigenous persons, Afro-Ecuadorians, and LGBT persons continued to face discrimination.

## **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape and domestic violence. Rape is punishable with penalties of up to 22 years in prison. The new criminal code that went into effect on August 10 includes spousal rape under crimes against sexual and reproductive integrity. The penalty for rape where death occurred is from 22 to 26 years' imprisonment.

According to a center specializing in comprehensive safety analysis, in 2013, 4,785 cases of rape were reported at a national level, compared with 4,743 in 2012. During the first six months of the year, the National Police received 1,768 reports of rape and detained 651 individuals.

Individuals did not report many instances of rape and sexual assault because of the victim's fear of retribution from the perpetrator or further violence and social stigma. According to local media reports, reporting rapes and other forms of violence continued to be a traumatic process, particularly for female minors. For example, a rape victim must file a complaint at the Public Prosecutor's Office, and the victim must submit to several gynecological evaluations. In the city of Guayaquil, rape victims filed 100 complaints between January and March 21, compared with 70 complaints filed during the same period in 2013.

Domestic violence is punishable with penalties ranging from four days to seven years in prison. The new criminal code provides penalties for physical violence, psychological violence, and sexual violence. Several women's groups complained that the new code made it more difficult to obtain a restraining order. According to the new rules, the Prosecutor's Office must investigate the complaint filed by the victim of domestic abuse before issuing a restraining order. There were reports that in some cases victims waited 10 days or more for a response from the Office of the Prosecutor's Office. On April 22, *El Telegrafo* reported that gender violence occurred most frequently in the province of Azuay, where seven of 10 women were victims of physical violence, compared with six of 10 in other provinces. According to family law, domestic violence may be punished with a fine for "damages, pain, and suffering" ranging from \$264 to \$3,960, depending on the severity of the crime. The law also gives family courts the power to remove an

abusive spouse from the home if continued cohabitation creates a risk to the victim of abuse.

In August 2013 women and family judicial units, under the supervision of the Judicial Council, replaced the government-operated commissions for women and family problems. At a national level, there were 30 units distributed in all provinces. There were 82 judges specialized in family violence working in the units. The judicial units have responsibility for collecting complaints and assisting victims, and have the authority to order arrest warrants for up to 30 days of detention against the aggressor. The units forward serious abuse cases to the Prosecutor's Office for prosecution. In January the judicial units reported 6,879 complaints of domestic violence. According to the judiciary's statistics, there were 31,224 complaints of domestic violence in 2013. On August 7, Judicial Council President Gustavo Jalkh reported an increase in the number of judgments compared to cases handled by the former women and family commissions. He highlighted that, under the previous system, only 3 percent of the cases reached sentencing, and the remainder went unpunished. During the first seven months of the year, more than 50 percent of the complaints reached sentencing. Jalkh noted that these efforts relieved the judicial backlog in the court system, but he called for family judges to receive more training in criminal law.

On April 10, Minister of Interior Serrano launched the national campaign against gender-based violence. Serrano noted that gender-based violence against women exceeded 50 percent in all provinces of the country and affected women of all education levels. The Ministry of Interior reported that 76 percent of victims of gender-based violence suffered attacks by partners or former partners. Almost 47 percent of victims suffered sexual violence perpetrated by third parties. As observed by the statistics, many women were victims of sexual violence by both partners and third parties. The Ministry of Interior and the Ministry of Justice continued promoting a campaign to eliminate practices that condone gender violence.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Harassment: The new criminal code that went into effect on August 10 criminalizes sexual harassment and provides penalties of up to five years in prison. Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in public spaces as common. There were reports of sexual harassment on public transportation. In the first of a series of actions to combat

sexual harassment, on August 25, the municipal government of Quito created five public assistance booths in different parts of the city to help victims. On August 19, Quito's vice mayor, Daniela Chacon, reported the municipal government trained metropolitan police and security guards at trolley stations to assist victims of sexual harassment. At the same time, the municipality of Quito reported 47 percent of women suffered sexual harassment. During the first eight months of the year, the National Police received 551 complaints of sexual harassment and 612 reports of indecent assault. In 2013 different studies revealed that female minors were often targets of sexual harassment, particularly in schools and public places.

Reproductive Rights: The law acknowledges the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health. The law protects sexual and reproductive rights of women and mandates free prenatal care, family planning services, and cancer screening. The Ministry of Health conducted workshops, distributed brochures to raise awareness, provided health services, and distributed birth control pills. The government also extended social security coverage to all members of the family, including homemakers and children under 18 years old, to ensure access to health services.

On May 7, the World Health Organization announced that the country had reduced maternal mortality rates by 44 percent from 1990 to 2013. Women in rural and remote areas had a higher maternal mortality rate due to limited access to maternal health care and lack of utilization of existing health care. On August 11, the Ministry of Health declared 2014-15 as the year for rural health, and the government required medical students to do internships in rural areas to improve health coverage. HRW noted that abortion--often performed in clandestine, unsafe conditions due to its illegality--was the leading cause of female morbidity and a significant cause of maternal mortality.

Discrimination: The constitution affords women an array of economic, political, and social rights. Women enjoy the same legal status and rights as men under family, labor, property, and inheritance laws. The law also provides that the government should formulate and implement policies to achieve gender equality, incorporate a gender focus into plans and programs, and provide technical assistance to implement the law in the public sector. Nevertheless, discrimination against women was prevalent, particularly with respect to economic opportunities for older women and for those in the lower economic strata. On March 7, the

Inter-American Development Bank reported the average income of women was 14 percent lower than that of men (see also section 7.d.).

The government combated discrimination against women and other vulnerable groups through several programs.

## **Children**

Birth Registration: Citizenship is acquired through birth in the country, birth to an Ecuadorian mother or father abroad, or by naturalization. In December 2013 a study by the vice presidency revealed that 5.5 percent of the population was not registered at birth. As of December 2013, women with limited economic resources and Afro-Ecuadorians showed registration rates significantly lower than those of other groups. While the law prohibits schools from requesting civil registration documents for children to enroll, some schools, mostly public schools, continued to require them. Human rights organizations reported that this problem particularly affected refugee children. Other government services, including welfare payments and free primary health care, require some form of identification.

Education: According to the constitution, education is obligatory through ninth grade and free through 12th grade. Nonetheless, costs associated with school, such as for uniforms and books, and a lack of space in public schools continued to prevent many adolescents from attending school. In some provinces public schools denied entry to students due to a lack of space or assigned children to schools outside their local neighborhood.

Child Abuse: According to media reports, one in four children suffered sexual violence in 2013. On May 30, Francisco Carrion from the Children and Adolescent Council stated that children reported mistreatment at home more than any other place. Among girls, 78 percent reported abuse in their homes and 41 percent in their schools. An October 2013 study by Plan International found that 69 percent of children between the ages of 10 and 15 were victims of violence. NGOs reported that children living in the streets or in rural parts of the country, many from poor indigenous families, suffered from exploitative conditions.

According to the national survey of childhood and adolescence, 64 percent of schoolchildren between the ages of eight and 17 witnessed fights between pupils. Bullying remained a problem in schools.

Early and Forced Marriage: The legal age of marriage is 18, although civil law allows girls to marry at age 12 and boys to marry at age 14 if they have the authorization and consent from both parents. Legally emancipated minors can marry at age 16. The Civil Registry reported that the number of marriages between minors increased from 236 in 2009 to 2,251 as of August 6. Some analysts attributed the significant increase to the minimum legal age of marriage and social pressure for adolescent couples to get married when they had children. On June 6, a local think tank reported that 22 percent of girls married before reaching the age of 18.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: The law prohibits sexual exploitation of children, including child pornography, with penalties of 16 to 22 years of imprisonment. The age of consent is 14. The penalty for commercial sexual exploitation of children under the age of 18 is 13 years to 26 years in prison. Commercial sexual exploitation of minors remained a problem, despite government enforcement efforts.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on country-specific information [travel.state.gov/content/childabduction/english/country/ecuador.html](http://travel.state.gov/content/childabduction/english/country/ecuador.html).

## **Anti-Semitism**

There is a small Jewish community, including an estimated 250 families in Quito and 200 families in Guayaquil, according to the local synagogues. Isolated cases of anti-Semitism occurred, including graffiti in Quito that compared a Jewish-owned supermarket chain to Nazis.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. The National Council on Disability Equality oversees government policies regarding persons with disabilities. Although the law mandates access to buildings and promotes equal access to health, education, social security, employment, transport, and communications for persons with disabilities, the government did not fully enforce it. The law requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities.

The law grants persons with disabilities the right to cost and fee reductions from several public and private entities, including utilities, transportation, and taxes. It also stipulates rights to health facilities and insurance coverage, increases access and inclusion in education, and creates a new program for scholarships and student loans for persons with disabilities. The law provides for special job security for those with disabilities or those who care for a person with disabilities, and it entitles employees who acquire a disability to rehabilitation and relocation. The law also creates a new national system intended to evaluate and register persons with disabilities. Many of the benefits in the law are transferable to a parent or primary caregiver. The law also gives the Human Rights Ombudsman's Office responsibility for following up on alleged violations of the rights of persons with disabilities and lays out a series of fines and punishments for lack of compliance with the law.

Advocates for persons with disabilities reported procedural regulations that went into effect in December 2013 reduce coverage, protection, and the legal recognition of some persons with disabilities. Individuals with disabilities that are considered less inhibitive--those that restrict their capacity to perform less than 40 percent of essential everyday activities--lost access to certain economic benefits, including health care, home loans, special retirement and disability payments, and reduced fees in utility services. On April 17, media outlets reported that these reductions also affected persons with disabilities in the areas of tax refunds and employment.

The government continued a campaign to create jobs for persons with disabilities, provide funding to municipalities to improve access to public buildings, and open training and rehabilitation centers. The initiative also monitored the degree of compliance by companies that hire persons with disabilities. The caregivers of persons with severe disabilities received a monthly government subsidy of \$240. In December 2013 the Technical Secretariat for Disabilities reported that between

2010 and 2013, the government incorporated 60,758 persons with disabilities into the labor market.

The law directs the electoral authorities to provide access to and facilitate voting for persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in this year's local elections. During the year the CNE promoted disability access in the electoral process through public outreach and workshops to train election observers with disabilities. In addition, during the February elections, the CNE initiated a program to allow in-home voting for those with severe disabilities.

### **National/Racial/Ethnic Minorities**

Afro-Ecuadorian citizens, who accounted for approximately 7 percent of the population according to the 2010 census, suffered pervasive discrimination, particularly with regard to educational and economic opportunity. The constitution declares the state to be plurinational and affirms the principle of nondiscrimination by recognizing the rights of indigenous, Afro-Ecuadorian, and Montubio (an independent ethnic group of persons with a mixture of Afro-Ecuadorian, indigenous, and Spanish ancestry) communities. It also mandates affirmative action policies to provide for the representation of minorities. In 2009 the government began implementing a national plan to eradicate racial discrimination and exclusion based on ethnic and cultural differences. According to the government's Universal Periodic Review, the net enrollment of Afro-Ecuadorians increased in 2011 from 88.3 to 93.5 percent in primary education and from 44.2 to 58.5 percent in middle school. The proportion of Afro-Ecuadorians receiving a university education increased from 9.5 percent to 17.8 percent. According to 2010 statistics provided by the organization Fundacion Afroamerica XXI, the Afro-Ecuadorian community had illiteracy rates of more than 12 percent and an unemployment rate of 11 percent, compared with 9 percent and 6 percent nationwide, respectively.

Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination and stereotyping in the media continued to affect them and resulted in barriers to employment, education, and housing. Afro-Ecuadorians continued to assert that police stopped them for document checks more frequently than they stopped other citizens (see also section 7.d.).

### **Indigenous People**

The constitution strengthens the rights of indigenous persons; it declares the state plurinational, recognizing Kichwa and Shuar as “official languages of intercultural relations.” The law provides indigenous persons the same civil and political rights as other citizens. The constitution grants indigenous persons and communities the right to prior consultation before the execution of projects that affect their rights. It also provides for their right to participate in decisions about the exploitation of nonrenewable resources located on their lands and that could affect their culture or environment. The constitution also allows indigenous persons to participate in the economic benefits that natural resource extraction projects may bring and to receive compensation for any damages that result.

In the case of environmental damage, the law mandates immediate corrective government action and full restitution from the responsible company, although some indigenous organizations asserted a lack of consultation and remedial action. The law recognizes the rights of indigenous communities to hold property communally, although the titling process remained incomplete in different parts of the country.

Indigenous groups continued to challenge government decisions and laws covering mining, water resources, and hydrocarbon resources that did not consider indigenous viewpoints or intruded upon indigenous autonomy over their lands and resources. Indigenous leaders reported that government prosecution continued against their members. On January 10, Secretary of Hydrocarbons Andres Donoso Fabara filed a formal complaint against eight indigenous leaders. The government accused them of “making threats” while opposing the government’s 11th round of oil auctions and recommended they be imprisoned. Cecilia Velasque, former public attorney with the national Department of Indigenous Peoples and Communities, noted “more than 200 leaders have been prosecuted, both indigenous activists and trade unionists.”

On May 7, Domingo Paredes, president of the CNE, announced that public initiatives for a referendum on oil drilling in Yasuni National Park did not meet the required number of signatures after the CNE rejected more than half of the signatures submitted. The government accused those behind the referendum initiative, including indigenous leaders, of fraud and trying to deceive public opinion.

The Law on Hydric Resources and Use of Water (known as the Water Law) went into effect on August 6. Indigenous leaders protested that the new law fails to provide for their right to prior consultation. According to indigenous legislator

Lourdes Tiban, the law does not acknowledge their right to participate in decision-making and provides them only with monitoring powers.

NGOs reported that indigenous persons continued to suffer discrimination at many levels of society and, with few exceptions, were at the bottom of the socioeconomic scale.

On December 8, Interior Minister Serrano announced an investigation into the death of Jose Isidro Tendetza Antun, an indigenous activist whose body was discovered in a river on December 2. Shuar leaders called on the authorities to conduct a full autopsy to determine the causes of death. The former vice president of the Shuar Federation of Zamora was a leading critic of the Mirador copper and gold mine, an open-pit mine that the government approved in an area of significant biodiversity that is also home to the country's second-biggest indigenous group.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The constitution includes the principle of nondiscrimination and the right to decide one's sexual orientation as a right. The law also prohibits hate crimes. Although the law prohibits discrimination based on sexual orientation, LGBT persons continued to suffer discrimination from both public and private bodies, particularly in the areas of education, employment, and access to health care. LGBT organizations reported that transgender persons suffered more discrimination because they were more visible. Transgender persons were not able to change their gender on government-issued identification cards. On September 15, a new measure recognizing "de facto civil unions" (same-sex civil unions) on national identification cards went into effect. LGBT activists noted the measure conferred on same-sex couples the same legal rights that heterosexual married couples enjoy, except that same-sex couples are unable to adopt children legally.

Generally, the government, led by the human rights ombudsman, was responsive to concerns raised by the LGBT community. The NGO Silueta X reported that five LGBT individuals were killed during the first 10 months of the year, four of whom were transgender women. On October 28, Silueta X called on authorities to investigate the death of another transgender woman whose body was discovered on a major street in Guayaquil. LGBT groups claimed police and prosecutors did not thoroughly investigate deaths of LGBT individuals, including when there was suspicion that the killing was because of sexual orientation or gender identity.

LGBT advocates estimated only 33 percent of cases involving violence due to sexual orientation or gender identity were reported to police and only a third of reported cases were processed through the legal system.

LGBT organizations and the government continued to report that private treatment centers confined LGBT persons against their will to “cure” or “dehomosexualize” them, although such treatment is illegal. The clinics reportedly used cruel treatments, including rape, in an attempt to change LGBT persons’ sexual orientation. The government undertook a review of rehabilitation clinics nationwide, the number of which media reports estimated could exceed 300. These clinics often were difficult to identify, since some were underground and unregistered. According to a local NGO, law enforcement officers closed approximately 80 clinics in 2013. As of September 17, there had been no reports of closures of “dehomosexualization clinics.”

LGBT persons continued to report that the government sometimes denied their right of equal access to formal education. LGBT students, particularly in the transgender community, sometimes were discouraged from attending classes (particularly in higher education) or denied diplomas at the end of their studies. The LGBT population involved in the commercial sex trade reported abusive situations, extortion, and mistreatment by security forces.

### **HIV/AIDS Social Stigma**

The constitution specifically prohibits discrimination directed at persons with HIV/AIDS. There was no societal violence against such persons. NGOs reported, however, that individuals with HIV/AIDS believed they experienced discrimination, including in equal employment opportunities and access to appropriate health care (see section 7.d.).

### **Other Societal Violence or Discrimination**

Instances of vigilante justice remained a problem. Such violence occurred particularly in indigenous communities and poor neighborhoods of major cities where there was insufficient police presence.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, with some exceptions, provides for the rights of workers to form and join trade unions of their choice, bargain collectively, and conduct legal strikes. The law prohibits the dismissal of union members from the moment a union notifies the labor inspector of its general assembly until the formation of its first executive board, the first legal steps in forming a union. Employers are not required to reinstate workers fired for union activity but are required to pay compensation and fines to such a worker. According to the Ministry of Labor, there were 4,000 labor unions in 2013, 80 percent of them in the public sector.

Companies who dismiss employees attempting to form a union or who dismiss union members exercising their rights face a fine of one year's annual salary for each individual wrongfully let go. The process to register a union often takes weeks or longer and is complicated, inhibiting union registration. Individual workers still employed may take complaints against employers to the Labor Inspection Office, or to courts charged with protecting labor rights if they are no longer employed. Unions may also take complaints to a tripartite arbitration board established to hear these complaints. These procedures often were subject to lengthy delays and appeals.

All private employers with a union are required to negotiate collectively when the union so requests. The law requires a minimum of 30 workers for the creation of an association, work committee, or labor union, and it does not allow foreign citizens to serve as trade union officers. The law prohibits employers from using domestic outsourcing, including subcontracting, third party, and hourly contracts to avoid providing employees the right to form a union and to employee benefits.

The law provides for the right of private sector employees to strike on their own behalf and conduct three-day solidarity strikes or boycotts on the behalf of other industries. The law also establishes, however, that all collective labor disputes be referred to courts of conciliation and arbitration. The International Labor Organization (ILO) called on the government to amend this provision by limiting such compulsory arbitration to cases where both parties agree to arbitration and the strike involves the public servants who exercise authority in the name of the state or who perform essential services. As of September 10, the government did not take any action.

In some industries during a legal strike, workers may take possession of a factory or workplace (thus ending production at the site) and receive police protection during the takeover. In most industries the law requires a 10-day "cooling-off" period from the time a strike is declared before it can take effect. In the case of the

agriculture and hospitality industries, where workers are needed for “permanent care,” the law requires a 20-day “cooling-off” period from the day the strike is called, and workers cannot take possession of a workplace. During this time workers and employers must agree on how many workers are needed to ensure a minimum level of service, and at least 20 percent of the workforce must continue to work in order to provide essential services. The law provides that “the employer may contract substitute personnel” only when striking workers refuse to send the number of workers required to provide the minimum necessary services.

The law restricts the right to collective bargaining and striking of public sector workers in “strategic sectors.” Such sectors include workers in the health, environmental sanitation, education, justice, firefighting, social security, electrical energy, drinking water and sewage, hydrocarbon production, fuel processing, transport and distribution, public transportation, and post and telecommunications sectors. Some of the sectors defined as strategic exceed the ILO standard for essential services. The law prohibits workers in these sectors from forming unions, bargaining collectively, and striking. Workers in these sectors attempting to strike may face charges with penalties of between two and five years’ imprisonment. All unions in the public sector fall under the Confederation of Public Servants. Although the vast majority of public sector workers also maintained membership in labor sector associations, the law does not allow such associations to bargain collectively or strike.

Government efforts to enforce legal protections of freedom of association and the right to collective bargaining often were inadequate and inconsistent.

Employers did not always respect freedom of association and collective bargaining, and employers retaliated against workers for organizing. Although independent, unions often had strong ties to political movements.

As of September 9, labor organizations reported five cases of workers fired for union activities. Labor activists reported that the government prevented strikes by detaining organizers the day prior to the planned demonstrations. Labor organizations also reported that, although illegal, some companies used outsourcing or domestic contract labor to avoid hiring workers with the rights to organize, form unions, and bargain collectively.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor and prescribes punishments of six to 16 years' imprisonment. Such penalties are commensurate with those prescribed for other serious crimes.

The government did not always effectively enforce the law. Penalties for forced labor include 10 to 13 years in prison. They were generally sufficient to deter violations. The government made efforts to identify victims of forced labor and prosecute forced labor crimes. There were five convictions for labor trafficking in 2013. Nevertheless, resources remained insufficient to address forced labor fully.

Reports of forced labor of children (see section 7.c.) and women persisted, and migrants, refugees, and indigenous persons were particularly vulnerable. Observers most frequently reported women as victims of forced labor while working as domestic servants. Some Colombian migrant workers were reportedly victims of forced labor, in working conditions ranging from labor exploitation (also see section 7.d.) to being forced into debt for food and accommodation in palm oil plantations.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum working age for minors at 15 for all types of labor and the maximum hours a minor may work at six hours per day, five days per week. The law requires employers of minors who have not completed elementary school to give the minor two additional hours off from work to complete studies. The law requires employers to pay minors the same wages received by adults for the same type of employment and prohibits minors under the age of 18 from working in "dangerous and unhealthy" conditions. The law lists 93 economic activities that qualify as dangerous and unhealthy, including slavery, prostitution, pornography, and drug trafficking. The law identifies work that is "likely to harm the health, safety, or morals of a child," including work in mines, garbage dumps, slaughterhouses, livestock, fishing, textiles, logging, and domestic service; and any work environment requiring exposure to toxic or dangerous substances, dust, dangerous machinery, or loud noises.

The law establishes penalties for violations of child labor laws, including fines and closure of the business. Fines for violations of child labor laws range from \$50 to \$300 for parents or guardians and \$200 to \$1,000 for employers hiring children

younger than 15 years of age. These penalties were not sufficient to deter violations. If an employer commits a second child labor violation, inspectors may close the business temporarily. The law authorizes labor inspectors to conduct inspections at workplaces including factories, workshops, workers' homes, and any other location when they consider it appropriate or when an employer or worker requests an inspection.

The Ministries of Labor and of Economic and Social Inclusion and the Minors' Tribunal enforce child labor laws. According to media reports on June 12, the government removed 1,500 children from labor as the result of labor inspections in 2013.

The government continued the "Ecuador without Child Labor by 2015" program, aimed at eliminating the worst forms of child labor. The program involved multi-year campaigns specifically targeting child labor in landfills, slaughterhouses, the agriculture industry, and begging. The government continued to inspect slaughterhouses and landfills--which it declared free of all child labor--to ensure children do not return to work there. The program enrolled children in school while also providing their families with financial assistance. The program was also successful in removing many children from the streets, where they often worked as street vendors or beggars. In the agricultural sector, the government worked with an established public/private working group to explain and enforce labor rules and educate families about the negative effects of child labor. On June 12, the government launched a campaign to educate the public about the problems and consequences associated with child labor.

According to statistics published in 2013 by the UN Children's Fund and the Institute on Statistics and Census and reported by the ILO, 8.6 percent (359,597) of children and adolescents between the ages of five and 17 worked; among those who worked, 75 percent also attended school. This represented a decrease in child labor from 17 percent in 2007, according to statistics provided by the Ministry of Economic and Social Inclusion. According to government figures, approximately 2.6 percent of children between the ages of five and 12 worked, and 29 percent of self-identified indigenous children worked.

Several labor organizations and NGOs reported that child labor in the formal employment sectors continued to decline. According to these groups, it was rare in virtually all formal sector industries due to an increased number of government inspections, improved enforcement of government regulations, and self-enforcement by the private sector. For example, in the past several years, banana

producers worked with the Ministry of Agriculture and unions on a plan to eliminate child labor, forming committees to certify when plantations used no child labor. These certification procedures do not apply to informal sector, family-run banana farms.

Child labor remained a problem in the informal sector, which accounted for approximately 52 percent of jobs in the country. In rural areas where 15.5 percent of children worked, children were most likely found working in family-owned farms or businesses, including banana and rose farms. For example, the ILO estimated that between 8 to 10 percent of minors in the workforce worked on banana plantations, although labor organizations reported that children were largely removed from the most heavy and dangerous work. Additionally, there were reports of rural children working in small-scale, family-run brick-making and gold-mining operations. Some NGOs believed that militias and gangs near the northern border continued to recruit children to transport drugs. In urban areas many children under age 15 worked informally to support themselves or to augment family income by street peddling, shining shoes, or begging.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The law prohibits employers from using discriminatory criteria in hiring, discriminating against unions, and retaliating against striking workers and their leaders. The government did not always effectively enforce those laws and regulations.

Employment discrimination against women was prevalent, particularly with respect to economic opportunities for older women and for those in the lower economic strata. On March 7, the Inter-American Development Bank reported the average income of women was 14 percent lower than that of men, although other studies indicated that women represent 55.5 percent of the university population and work an average of 17 hours more per week. The female underemployment rate was 59 percent, 7 percent higher than the national underemployment rate and 10 points more than male underemployment. Afro-Ecuadorians reported that employers often would not interview persons whose job applications carried Afro-

Ecuadorian photographs. Indigenous and LGBT individuals also experienced employment discrimination.

### **e. Acceptable Conditions of Work**

The minimum monthly wage was \$340. The official poverty level was \$78.90 per month, and official extreme poverty level was \$44.40 per month. According to official statistics published in March, 24.6 percent of the population lived at or below the poverty level and 8.2 percent lived at or below the extreme poverty level.

The law limits the standard work period to 40 hours a week, eight hours a day, with two consecutive days of rest per week. Miners are limited to six hours a day and may only work one additional hour a day with premium pay. Premium pay is 1.5 times the basic salary for work done from 6 a.m. to 12 p.m. Work done from 12 a.m. to 6 a.m. receives twice the basic salary, although workers whose standard shift is at night receive a premium of 25 percent instead. Premium pay also applies to work done on weekends and holidays. Overtime is limited to no more than four hours a day and a total of 12 hours a week. Mandatory overtime is prohibited. Workers are entitled to a continuous 15-day annual vacation, including weekends, plus one extra day per year after five years of service. Different regulations regarding schedule and vacations apply to live-in domestic workers. The law provides for the health and safety of workers and outlines health and safety standards, which are current and appropriate for the country's main industries.

Enforcement of labor laws is the responsibility of the Ministry of Labor and the Social Security Administration. The government's 161 inspectors enforced all labor laws, including those for child labor. Between January and September, the Ministry of Labor conducted more than 16,200 inspections for labor violations, but the inexperience of newly hired inspectors hampered enforcement efforts.

Authorities may conduct labor inspections by appointment or after a worker complaint. If a worker requests an inspection and a Ministry of Labor inspector confirms a workplace hazard, the inspector then may close the workplace. Labor inspections generally occurred because of complaints, not as a preventive measure, and inspectors could not make unannounced visits. In some cases violations were remedied, but other cases were subjected to legal challenges that delayed changes for months. Penalties were limited to monetary fines between \$950 and \$6,360; they were not sufficient to deter violations and often not enforced.

The Ministry of Labor continued its labor rights enforcement reforms by increasing labor inspections and increasing the number of workers protected by contracts, minimum wage standards, and registration for social security benefits. Various NGOs charged that the government rarely investigated complaints by migrants and refugees. Labor leaders and business owners also claimed corruption was common among the inspectors.

The law mandates prison terms for employers who do not comply with the requirement of registering domestic workers with the Social Security Administration.

Most workers worked in the large informal sector and in rural areas. They were not subject to the minimum wage laws or legally mandated benefits. Occupational health and safety problems were more prevalent in the large informal sector. The labor code singles out the health and safety of miners, but the government did not enforce safety rules in the small mines, which made up the vast majority of enterprises in the mining sector. Migrants and refugees were particularly vulnerable to hazardous and exploitative working conditions.

Reports of abuses and insufficient government oversight in the palm oil industry continued, where many workers were Colombian refugees, other migrants, and fugitives from the law. The abuses included excessive work hours, very low or no wages, and inhuman living conditions.

Workers in the formal sector could generally remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. Workers in the informal sector received far fewer labor protections, and they were less likely to be able to remove themselves from dangerous health or safety situations without jeopardy to their employment.