

# ECUADOR 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution grants individuals the right to choose, practice, and change religions; it prohibits discrimination based on religion. The constitution also states secular ethics are the basis for public service and the legal system. The law requires all religious groups to register with the government; failure to do so can result in the group's dissolution and liquidation of its physical property. Multiple religious leaders continued to express concern regarding the 2019 administrative consolidation of religious affairs issues within the Human Rights Secretariat, stating the change had improved the registration process but reduced a religious group's ability to advocate its interests before the government. Religious leaders said the registration processing time decreased from six-month delays in 2019 to an average 30-day wait. On September 1, the human rights ombudsman ruled in favor of a group of COVID-19 victims' relatives, stating authorities had infringed on the freedom of worship during the pandemic outbreak by misplacing or losing several remains and thus preventing religious traditions regarding burial customs from taking place as prescribed. Religious leaders said the National Assembly made no progress on the proposal to reform the 1937 religion law that the interfaith National Council on Religious Freedom and Equality (CONALIR), which includes representatives from Anglican, Baha'i, Buddhist, Catholic, evangelical and nonevangelical Protestants, Greek Orthodox, Jewish, Muslim, and Seventh-day Adventist Church faith communities, first discussed with the National Assembly in 2018. Jewish and Muslim leaders said general customs regulations continued to hinder their ability to import products for use in religious festivals. Religious leaders expressed opposition to a health reform law the National Assembly passed on August 25, but which President Lenin Moreno vetoed on September 25. Catholic and evangelical Christian leaders asked the President to reject the law because of a provision requiring medical doctors to provide emergency care to women who had begun an abortion or had complications from an abortion to protect the mother's life. Two cases involving Seventh-day Adventist students remained pending in the court system; both involved the refusal of two different universities to accommodate the students' requests to observe Saturday, the Seventh-day Adventist Sabbath.

Some Catholic and Protestant leaders said COVID-19 infection fears sparked social media disinformation about places of worship being epicenters for COVID-19 contagion. Several religious leaders expressed concern regarding what they considered a rise in secularism and societal discouragement of their participation in

important legal and cultural discussions. A Muslim leader said a common societal view was that Muslims were foreigners, with some individuals saying Muslims should “return to their countries,” even though they were citizens or residents.

U.S. embassy and consulate general officials met with officials in the Ministry of Government to discuss the registration process for religious groups, government promotion and protection of religious freedom, and other related human rights. A senior embassy official hosted an October 15 roundtable with religious leaders to discuss challenges facing their communities. The Consul General in Guayaquil hosted a roundtable on September 29 with religious leaders to discuss religious freedom and their communities’ response to COVID-19. Embassy officials spoke with representatives from CONALIR to encourage continued interfaith and ecumenical dialogue.

### **Section I. Religious Demography**

The U.S. government estimates the total population at 16.9 million (midyear 2020 estimate). According to Latinobarometro’s 2018 public opinion survey, approximately 92 percent of Ecuadorian respondents have a specific religious affiliation or belief: 74.8 percent identify as Catholic; 15.2 percent as evangelical; and 1.2 percent as Jehovah’s Witnesses. Approximately 1.4 percent identify as members of other specific religious groups, including Seventh-day Adventists, The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ), Jews, and other evangelical and nonevangelical Protestants. Of the remaining respondents, 0.8 identify as atheists, while 6.1 percent have no religion.

Some groups, particularly those in the Amazon region, combine indigenous beliefs with Catholicism or evangelical Protestantism. Pentecostals draw much of their membership from indigenous persons in the highland provinces. There are Jehovah’s Witnesses throughout the country, with the highest concentrations in coastal areas. Buddhist, Church of Jesus Christ, Jewish, and Muslim populations are primarily concentrated in large urban areas, particularly Quito, Guayaquil, and Cuenca. Other religious groups include Anglicans, Baha’is, Episcopalians, the Family Federation for World Peace and Unification (Unification Church), Greek Orthodox-affiliated Orthodox Church of Ecuador and Latin America, Hindus, followers of Inti (the traditional Inca sun god), and practitioners of Santeria (primarily resident Cubans). Estimates of the number of followers of these groups are not available.

### **Section II. Status of Government Respect for Religious Freedom**

## Legal Framework

The constitution grants all individuals the right to practice and profess publicly and freely the religion of their choice and prohibits discrimination based on religion. It states the government has a responsibility to “protect voluntary religious practice, as well as the expression of those who do not profess any religion and will favor an atmosphere of plurality and tolerance.” Individuals have the right to change their religion. The constitution also states secular ethics are the basis for public service and the country’s legal system. The constitution grants the right of self-determination to indigenous communities, including provisions granting freedom to “develop and strengthen their identity, feeling of belonging, ancestral traditions, and form of social organization.”

A 1937 concordat with the Holy See accords juridical status to the Catholic Church and grants it financial privileges and tax exemptions. Other religious groups must register as legal entities with the government under a separate 1937 religion law and a 2000 decree on religion. If a religious group wishes to provide social services, it must register under a 2017 executive decree regulating civil society. The 2017 decree dictates how civil society organizations (CSOs) must register to obtain and maintain legal status. A religious group does not need to register as a religious organization to register as a CSO and may conduct the processes separately.

By law, the Ministry of Government’s Human Rights Secretariat oversees religious issues, including the registration process for religious groups and CSOs. The Human Rights Secretariat maintains national databases of legally recognized religious organizations and legally recognized CSOs, including religious groups that have registered as CSOs. Registration provides religious groups with legal and nonprofit status. An officially registered religious group, whether as a religious organization or as a CSO, is eligible to receive government funding and exemptions from certain taxes per the tax code.

To register as a religious organization, a group must present a charter signed by all of its founding members to the Human Rights Secretariat and provide information on its leadership and physical location. Registrants may deliver their documentation to the Human Rights Secretariat directly, to one of the secretariat’s eight regional offices, or via email. The registration process is free of charge. The Office of Religious Groups within the Human Rights Secretariat then assigns an expert to analyze the submitted documentation.

To register as a CSO, religious groups require the same documentation as required for registration as a religious organization, in addition to approved statutes and a description of the mission statement and objectives of the organization. A religious group registers as a CSO under the government agency overseeing the issues on which the group wishes to work.

The secretariat may dissolve a religious group if the group does not maintain legal status or does not adhere to the mission, goals, and objectives listed in its bylaws at the time of registration. Dissolution may include liquidation of physical property and be voluntary – in which case, the religious group could decide to whom to transfer its property – or forced, in which case the Human Rights Secretariat would confiscate the group’s property. The Office of the Human Rights Ombudsman, a separate entity from the Human Rights Secretariat, protects and advocates for human rights, including rights pertaining to religious groups; however, its role in this regard is not clearly defined in the constitution.

The labor law states that in general all work must be paid and does not distinguish religious workers from other types of workers. A citizen participation law recognizes volunteerism and states social organizations may establish agreements with government authorities to employ unpaid labor. The law, however, does not specifically reference religious volunteerism as a category to be utilized to establish such an agreement.

Foreign missionaries and religious volunteers must apply for a temporary residence visa and present a letter of invitation from the sponsoring organization, which may be foreign or domestic but must have legal status in the country, to the Ministry of Foreign Affairs. The letter must include a commitment to cover the applicant’s living expenses and detail the applicant’s proposed activities. Applicants also must provide a certified copy of the bylaws of the sponsoring organization and the name of its legal representative as approved by the government.

The law prohibits public schools from providing religious instruction. Private schools may offer religious instruction but must comply with Ministry of Education standards. There are no legal restrictions specifying which religious groups may establish schools.

The country is a party to the International Covenant on Civil and Political Rights.

## **Government Practices**

Multiple religious leaders continued to express concern regarding the 2019 administrative consolidation of religious affairs issues within the Ministry of Government. Religious leaders said that while administrative procedures such as registration had improved, the loss of a vice ministry portfolio in the former Ministry of the Interior (now the Ministry of Government) dedicated to religious matters that could advocate on their behalf had reduced religious groups' influence on public policy.

Religious leaders reported fewer issues concerning the Human Rights Secretariat's registration process compared with 2019. Many leaders said the new online system implemented in March, when the COVID-19 pandemic began to expand in the country, reduced the number of problems registering. According to a Human Rights Secretariat official, 5,007 religious groups registered during the year, compared with 4,812 groups registered in 2019. Another secretariat official said there were approximately 200 pending registrations and that the registration processing time averaged 30 days, compared with reported six-month delays in 2019.

Religious leaders continued to express concerns about the absence of a specific reference to religious volunteerism in the labor code, which they felt exposed religious organizations to potential negative legal consequences. Religious leaders stated that the government expected religious organizations to define specific working hours for staff and pay them according to those hours, which, they said, presented a problem, since many staff viewed their religious vocation as a way of life requiring them to be available at all times to meet the needs of their congregation.

Jewish and Muslim leaders said customs regulations, import taxes, and onerous paperwork continued to hinder their ability to import kosher and halal foods, beverages, and plants used for religious ceremonies and holidays. A Jewish leader said the law did not recognize the needs of religious communities to import special products. He also said the law treated religious communities the same as companies because all imports, including those for religious purposes, were taxed and treated as commercial items.

On September 1, the Human Rights Ombudsman ruled in favor of a group of COVID-19 victims' relatives, stating authorities had infringed on their freedom of worship during the pandemic outbreak by misplacing or losing several remains, and thus preventing traditional burial practices from taking place as prescribed.

Religious leaders, however, said authorities were helpful in providing the requisite permission for religious groups to deliver food kits and other humanitarian assistance. Religious leaders also said they coordinated closely with national authorities to ensure health and safety protocols were followed in the staged reopening of in-person religious practices.

Religious leaders said President Moreno's state-of-emergency declaration for the national prison system (August 11-November 11), issued due to acute security and safety concerns, restricted visitors' access to inmates, including visits by religious groups. Catholic, evangelical Christian, and human rights leaders cited restrictions in Guayaquil-area prisons, where security concerns were greatest.

Religious leaders said the National Assembly made no progress on a proposal to reform the 1937 religion law that CONALIR discussed with the National Assembly in 2018, in part due to COVID-19-related restrictions on meetings. CONALIR's proposed reforms had aimed to create greater equality between the Catholic Church and other religious groups, to update the registration process for religious groups, and to recognize legally the nonprofit status of all religious groups and the practice of utilizing volunteers for certain activities.

In August, the Constitutional Court heard a case filed by Jehovah's Witnesses that had been accepted for review in 2014, but it did not rule on the case by year's end. The case involved a conflict in the town of San Juan de Iluman in Imbabura Province between Jehovah's Witnesses who wanted to build a new Kingdom Hall and indigenous residents who opposed it.

Religious leaders expressed opposition to a health reform law the National Assembly passed on August 25, but which President Moreno vetoed on September 25. Catholic and evangelical Christian leaders asked the President to reject the law because of a provision requiring medical doctors to provide emergency care to women who had begun an abortion or had complications from an abortion in order to protect the mother's life. The Catholic Ecuadorian Episcopal Conference and the Catholic Church's Conference of Bishops said the bill forced physicians to intervene in obstetric emergencies without the "right to conscientious objection." Catholic Church leadership in the country also rejected an article in the bill requiring public health facilities to offer access to high-quality, safe, and effective contraceptive methods, and it issued a statement that the bill "approved the indiscriminate use of contraceptives by minors without parental consent."

A case filed by a Seventh-day Adventist remained pending with the Constitutional Court at year's end. The case involved the 2018 refusal by the University of Guayaquil to accommodate a student's request to observe Saturday, the Seventh-day Adventist Sabbath. A provincial court ordered the school to accommodate the student's request in 2019, but the university appealed the decision. In 2019, the Constitutional Court found the university's appeal admissible, but the case remained pending at year's end.

In February, a Seventh-day Adventist student represented by the human rights ombudsman presented a separate case against the University of Cuenca. The student stated that he had requested to take an exam originally scheduled for a Saturday on a different day so that he could observe the Sabbath. When the university did not respond to the student's request, he filed a case before a provincial court, where it remained pending at year's end.

### **Section III. Status of Societal Respect for Religious Freedom**

Several religious leaders expressed concern regarding what they considered a rise in secularism and societal discouragement of their participation in important legal and cultural discussions. According to a Jewish leader, moral and ethical education tended to be relegated to religious leaders, whereas, he said, moral and ethical education should be the responsibility of all members of society.

Some religious leaders also spoke about the spread of disinformation on social media that depicted places of worship as epicenters for COVID-19 infection.

A Muslim leader said a common and longstanding societal view was that Muslims were foreigners, with some individuals saying Muslims should "return to their countries," even though they were citizens or residents.

### **Section IV. U.S. Government Policy and Engagement**

Embassy officials discussed the registration process for religious groups with the Ministry of Government's Human Rights Secretariat.

On October 15, a senior embassy official hosted a roundtable with religious leaders in Quito to discuss challenges facing their communities and their role in working toward economic and social recovery during and after the COVID-19 pandemic. Leaders from Baha'i, Catholic, the Church of Jesus Christ, evangelical and nonevangelical Protestant, Jewish, and Eastern Orthodox communities

participated. Embassy officials also spoke with representatives from CONALIR, an interfaith group established in 2018 to encourage the continuation of interfaith and ecumenical dialogue.

The Consul General in Guayaquil hosted a roundtable on September 29 to learn more about religious issues in coastal communities, including registration requirements, access to prisons, and religious communities' response to COVID-19. Leaders from Buddhist, Catholic, evangelical and nonevangelical Protestant, Jewish, and Muslim communities attended the event.

The embassy and consulate general used social media platforms to highlight International Religious Freedom Day, religious roundtable discussions with representatives from various religious communities, and other efforts to promote social inclusion of religious groups and religious diversity.

Throughout the year, embassy and consulate general officials met with leaders of Buddhist, Catholic, evangelical and nonevangelical Protestant, Jehovah's Witnesses, Jewish, Muslim, and Orthodox Church of Ecuador and Latin America communities to discuss religious liberty and societal respect for religious diversity.