

ECUADOR 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ecuador is a constitutional, multiparty republic with an elected president and unicameral legislature. In 2017 voters elected President Lenin Moreno from the ruling party Alianza PAIS (Proud and Sovereign Fatherland) and chose members of the National Assembly in elections that were generally free and fair.

The National Police maintains internal security and law enforcement and is under the authority of the Ministry of Government. The military is under the supervision of the Ministry of Defense and is responsible for external security. Police and military forces share responsibility for border enforcement, with the military also having limited domestic security responsibilities. The military may complement police operations to maintain and control public order when expressly mandated. Migration officers are civilians and report to the Ministry of Government. Civilian authorities maintained effective control over the security forces. Members of the security forces allegedly committed some abuses.

Significant human rights issues included: reports of torture and abuse by police officers and prison guards; harsh and life-threatening prison conditions; the existence of criminal libel laws; serious acts of corruption; lack of investigation of and accountability for violence against women and children; and the use of child labor.

The government took steps to investigate and prosecute officials who committed human rights abuses.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings.

Human rights organizations reported excessive force by security forces who were likely responsible for several of the 11 deaths reported by the comptroller during the October 2019 violent protests against the government's economic reforms. Ministry of Government officials indicated that only eight deaths were linked to

demonstrations, and they argued that the causes of death were either due to force majeure actions of police attempting to control violent crowds or accidents that did not result from direct police action. The nongovernmental organization (NGO) Regional Human Rights Advisory Foundation and other NGOs reported that as of August 17, the Attorney General's Office had not significantly advanced investigations concerning deaths during the protests. Criminal investigations concerning the entire range of crimes committed during the several weeks of organized violence--including lootings, arson, attacks on public employees and institutions--that accompanied the political protests did not significantly advance before year's end.

In December 2019 the Provincial Court of Imbabura overturned police officer David Velastegui's June 2019 sentence for "overreaching in the execution of an act of service." In 2018 Velastegui shot and killed Andres Padilla, an Afro-Ecuadorian man, during a scuffle. The court, in reversing its ruling, determined Velastegui's life was in imminent danger, justifying use of his service weapon in self-defense. The court further found "no advance planning or intentionality in Padilla's death," and no "criminal responsibility in the accused, since the death did not occur as a consequence of an act of excess of duties." Padilla's family appealed the ruling, and a decision on the appeal was pending as of October 19.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

On August 14, after the National Court of Justice sentenced former intelligence officers Raul Chicaiza and Jessica Falcon to one year in prison for the 2012 kidnapping in Bogota, Colombia, of opposition legislator Fernando Balda, the court ruled that government officials used public funds to orchestrate Balda's kidnapping. The court found former intelligence director Pablo Romero guilty of planning the abduction under the orders of former president Rafael Correa, who was also indicted but remained in Belgium despite extradition requests. The extradition request remained in process as of October 27.

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

While the constitution and the law prohibit torture and similar forms of intimidation and punishment, there were reports that police officers and prison guards tortured and abused suspects and prisoners.

In two cases stemming from arrests relating to the violent October 2019 protests, victims reported to NGOs and international organizations alleged police kidnappings and torture or other forms of degrading treatment during police interrogations. Human rights activists asserted that as of August 17, officials had not investigated these claims. On January 14, the Inter-American Commission on Human Rights (IACHR) released a preliminary report from its state-sponsored October 2019 visit on reported abuses relating to the 2019 protests. Numerous detainees claimed authorities abused them through verbal threats, beatings with fists and metal truncheons, and forced physical exercises. The IACHR noted that judicial authorities in some cases did not record evidence presented by victims. Local human rights organizations reported that torture continued to occur in prisons, especially at Turi Prison in Azuay Province. On February 27, Azuay Public Prosecutor Leonardo Amoroso stated that contrary to official accounts claiming six prisoners died on February 20 in the prison by suicide, a forensic report (indicating one prisoner whose liver had burst) suggested the prisoners might have died as the result of torture, but he did not speculate who may have been responsible for the deaths. As of October 27, an inquiry request from human rights organizations to the Ombudsman's Office on the case was pending.

On October 13, media reported a female police officer in Duran, Guayas Province, assaulted a female street vendor with a disability, who was tied to a pole, by placing her hands on the vendor's buttocks while observers ridiculed the vendor and poured water over her head. The offending officer was dismissed from her duties the same day. On October 14, the public prosecutor launched an investigation and arrested two additional suspects involved in the incident.

The Internal Affairs Unit of the National Police investigates whether police killings are justifiable and can refer cases to the Attorney General's Office to pursue prosecutions. An intelligence branch within the military has a role similar to the police internal affairs unit. The law states that the Attorney General's Office must be involved in all human rights abuse investigations, including unlawful killings and forced disappearance. Although the National Police's Internal Affairs division is designed to investigate complaints of police abuses, human rights defenders reported these units often failed to conduct investigations adequately. Activists stated follow-up on abuse claims was difficult due to high staff turnover in the Internal Affairs Unit.

Although impunity was not a significant problem in the security forces, human rights NGOs and civil society groups reported the lack of prosecutions against

police officers who allegedly used excessive force against demonstrators during October 2019 protests could be interpreted as impunity. The government did not announce further actions taken to address general public concern about alleged human rights abuses during the October 2019 protests.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to gang violence, official corruption, food shortages, gross overcrowding, harassment by security guards against prisoners and visitors, physical and sexual abuse, and inadequate sanitary conditions and medical care.

Physical Conditions: Prisons continued to be overcrowded despite efforts to alleviate the problem. Officials reported a reduction in total prison overpopulation from 36 percent at the end of 2019 to 28 percent through June 1 by releasing 1,525 inmates between April 1 and June 1 in response to COVID-19 contagion concerns. A human rights NGO reported prison conditions were often better for female inmates due to their lower population density.

By law juveniles cannot be tried as adults, and individuals convicted as juveniles serve their full sentence in juvenile prisons. In May 2019 the daily newspaper *El Comercio* reported 40 percent of the population in the 11 centers for juvenile offenders were juveniles due to reach adulthood during their sentence. Human rights organizations reported no juveniles resided in adult prisons.

Media reports documented 22 violent deaths in prisons nationwide through August 20. Prison officials and human rights organizations agreed most violent deaths in prisons were linked to tension among criminal gangs with links to drug cartels. An August 3 confrontation between armed prison gangs left 11 inmates dead (including two who died from incineration) and 20 injured at Litoral Prison in Guayaquil. An August 11 gang confrontation in the Latacunga Rehabilitation Center in Cotopaxi Province maximum-security block left two inmates dead and five injured. An NGO reported criminal organizations operating within and outside of prisons intimidated prison staff while on and off duty.

On August 8, Israeli citizen Shy Dahan (incarcerated for alleged ties to corruption in acquiring medical equipment and fraudulent COVID-19 testing kits in a scheme allegedly involving former president Abdala Bucaram) was found dead in his cell in Litoral Prison. On October 1, media reported Litoral Prison director Hector

Vivar was arrested for alleged involvement in a bribery scheme in which he demanded \$30,000 in exchange for Dahan's protection and safety.

On September 2, seven prisoners were sentenced to 46 total additional years in prison for the June 11 kidnapping and murder--by decapitation and incineration--of a fellow prisoner in the Eighth Rehabilitation Regional Prison in Guayas Province.

On August 11, President Moreno declared a state of emergency for the nationwide penitentiary system to address the escalation of prison violence, similar to a May 2019 declaration. The government also ordered the presence of police inside prison centers and military personnel at security perimeters and entry checkpoints of prisons. The state of emergency remained in effect as of October 27. During the state of emergency, the government reclassified and segregated inmates at facilities according to assessed threat levels.

Access to and quality of food, potable and hot water, heating, sanitation, and medical care were inadequate. Officials verified that inmates did not have safe and permanent access to healthful food. In 2018 government officials detected a deterioration of the water systems at prison facilities with noticeable difficulties in access to drinking water, especially at the Latacunga Rehabilitation Center, and these problems persisted. In some facilities health measures were sufficient only for emergency care. On June 20, national prison officials reported 699 inmate infections and 10 deaths due to COVID-19 in the national detention centers. Prisoners noted inconsistent and generally insufficient protection and isolation measures from COVID-19 infection in prisons.

An NGO reported that prison officials, including medical staff, often failed to screen adequately and segregate prisoners with mental and physical disabilities from the rest of the prison population. On June 26, President Moreno signed a decree pardoning persons with disabilities and commuting their prison sentences. Pardoned inmates were required to comply with alternative measures, including community service and appearing personally before a judge twice a month.

Administration: Authorities sometimes conducted investigations of credible allegations of mistreatment in prisons.

On March 15, President Moreno ordered the suspension of visits to inmates and curtailed recreational activities at all prison centers as a measure to prevent COVID-19 contagion. Human rights organizations continued to report that the few visitors allowed before the pandemic faced degrading treatment during check-in at

prison facilities, including the removal of clothing and illumination of genitalia by flashlights while forced to jump naked. Such treatment dissuaded relatives and religious officials from visiting prisons. An NGO reported that access to inmates had been limited during the May-August 2019 emergency declaration, as inmates continued living in almost complete isolation from their relatives.

Independent Monitoring: Civil society representatives continued to report restrictions to monitoring by independent NGO observers. According to the NGO Permanent Committee (CDH) for the Defense of Human Rights, authorities failed to respond to many independent observers' requests to visit prisons. Prison officials explained that monitoring groups' safety could not be guaranteed, especially during the state of emergency in the penitentiary system.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but there were reports that provincial and local authorities did not always observe these provisions. According to NGOs, illegal detentions continued to occur.

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 initial detention was often considerably longer. Detainees have the right to be informed of the charges against them. By law, if the initial investigation report is incriminating, the judge, upon the prosecutor's request, may order pretrial detention. Judges at times ordered a detainee's release pending trial with the use of ankle-monitoring bracelets.

Detainees have a constitutional right to an attorney. Those without financial means to pay for an attorney have the right to request a court-appointed attorney from the Public Defenders' Office. Although there were many available court-appointed defenders, the number of cases and limited time to prepare for the defense continued to present a disadvantage during trials.

The law entitles detainees to prompt access to lawyers and family members, but NGOs continued to report delays depending on the circumstances and the willingness of local courts and prison guards to enforce the law.

Arbitrary Arrest: Several NGOs and international organizations reported that security forces arbitrarily detained protesters during the October 2019 violent antigovernment demonstrations. In its January 14 report, the IACHR highlighted information received indicating that “a large number of arrests were allegedly carried out arbitrarily or illegally,” underlining the comptroller’s October 2019 claim that up to 76 percent of the government’s reported 1,192 detentions during the demonstrations were arbitrary or illegal.

Pretrial Detention: Corruption and general judicial inefficiency caused trial delays. Police, prosecutors, public defenders, and judges did not receive adequate training. The length of pretrial detention did not usually exceed the maximum sentence for the alleged crime.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, outside pressure and corruption impaired the judicial process. Legal experts, bar associations, and NGOs reported on the susceptibility of the judiciary to bribes for favorable decisions and faster resolution of legal cases. No updates were available through September 18 on the selection of permanent replacement of Judicial Council members after 23 of 36 evaluated judges were deemed not to have met the minimum qualification threshold in November 2019 and were replaced by temporary judges from lower courts appointed by the council.

On January 29, six former police officials convicted for “paralyzing a public service” during a 2010 police protest known as 30-S were released from prison on appeal. All of the officers declared they would seek to reintegrate into the police force. On June 29, four other former police officials sentenced to 12 years in prison in the same incident presented a revision appeal to the National Court of Justice. The appellants, after serving nearly six years in prison, were released as they awaited the court’s ruling, which was pending as of October 27.

Trial Procedures

The law provides for the right to a fair and public trial, although delays occurred frequently. The law presumes a defendant innocent until proven guilty. Defendants have the right to be informed promptly of the charges in detail. The accused have the right to consult with an attorney or to have one provided and to appeal. Defendants have the right to free assistance from an interpreter, but some

defendants complained about the lack of an interpreter at court hearings. Defendants have the right to adequate time and resources to prepare their defense, although in practice this was not always the case, and delays in providing translation services made this difficult for some foreign defendants. Foreigners also often faced a language barrier with their public defenders, which impaired their ability to present a defense. Defendants have the right to be present at their trial. The accused may also present evidence and call witnesses, invoke the right against self-incrimination, and confront and cross-examine witnesses.

Judges reportedly rendered decisions more quickly or more slowly due to political pressure or fear in some cases. There were reported delays of up to one year in scheduling some trials.

Criminal justice reforms aimed at reducing congested dockets in criminal cases produced “simplified” proceedings in pretrial stages, resulting in faster resolution of cases. Prisoners reported that after cases reached a higher court, however, lengthy delays ensued in setting dates for preliminary hearings.

The regular court system tried most defendants, although some indigenous groups judged members independently under their own community rules for violations that occurred in indigenous territory, as provided under the constitution.

The court system slowed considerably due to the COVID-19 pandemic, with all courts initially moving to remote working conditions. Defendants’ counsels complained this format inhibited their ability to represent their clients adequately, and several noted that new procedural rules were inconsistently and sometimes arbitrarily applied. By June some courts had returned to in-person appearances, but judges in at-risk health or demographic categories continued to telework.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

On July 30, the National Assembly approved a resolution granting amnesty to 20 indigenous leaders charged and convicted in 2015 for kidnapping and extortion after participating in mobilizations against the former Correa administration. Aside from ordering the immediate release of four leaders still in detention, the resolution expunged all criminal records related to the charges, revoked any outstanding arrest warrants against any individuals, and removed any precautionary measures or prison alternatives that had been previously issued.

Human rights organizations reported that 150 abused and detained demonstrators continued to face legal processes for the same alleged 2015 acts.

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. Individuals and organizations may appeal adverse decisions domestically and to regional human rights bodies.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, but other laws restrict this right. Experts cautioned that restrictive provisions to journalistic work found in a 2013 communication law, reformed in February 2019, remained in effect, including Article 5, which characterizes media and communications as a public service, not a right, and a provision requiring all journalists to hold university degrees. Restrictive provisions found in other laws, such as punishing opinions as slander, which carries a prison term of six months to two years, also remained in force.

Human rights activists noted that national curfews and movement restrictions enacted during the October 2019 protests, and in place to varying degrees since March 17 due to the COVID-19 pandemic, meant for security and public health reasons, in effect set a series of de facto restrictions on freedom of expression, freedom of assembly and association, and freedom of movement (see section 2.b.).

Freedom of Speech: Individuals could usually discuss matters of general interest publicly or privately without reprisal. The law prohibits citizens from using “discrediting expressions,” treated as a misdemeanor with a 15- to 30-day prison term. There were no reports the government invoked this law to restrict freedom of speech during the year.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views, including those critical of the government.

The domestic freedom of expression monitoring group Fundamedios reported that due to the financial impact of the COVID-19 pandemic, public and private media companies in July reduced staff, including journalists, press support, and administrative staff, among others. According to Fundamedios, the staffing cuts adversely affected press freedom because critical views of the government decreased as a result of the reductions.

The law limits media's ability to provide election coverage during the official campaign period, with no coverage allowed in the 48 hours preceding a national election. 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 the ruling left in place restrictions on "direct or indirect" promotion of candidates or specific political views.

The law includes the offense of inciting "financial panic" with a penalty of imprisonment from five to seven years for any person who divulges false information that causes alarm in the population and provokes massive withdrawals of deposits from a financial institution that put the institution's stability at risk.

The law mandates television and radio broadcast of messages and reports by the president and his cabinet are to be free of charge. After taking office in 2017, President Moreno reduced the amount of time required for presidential broadcasts to one 15-minute weekly program, compared with the three- to four-hour weekly program by his predecessor.

Reforms to the 2013 communications law enacted in 2019 on spectrum allocations addressed past concerns about the potential excessive allocation of spectrum to state media. The reforms call for the redistribution of broadcast frequencies to divide media ownership between community media (up to 34 percent) and private and public media (up to 66 percent combined). Maximum figures under the reform are subject to demand and availability. The reforms limit the allocation of radio frequencies to the public sector to no more than 10 percent of the spectrum.

On May 15, the Agency for the Regulation and Control of Telecommunications (ARCOTEL) began a competitive public tender to allocate 3,196 radio frequencies.

Fundamedios and other civil society groups criticized the bidding process as lacking transparency and allowing a small number of bidders to accumulate a disproportionate number of frequencies. These groups noted the potential agglomeration of radio frequencies under one domain threatened freedom of expression by reinstalling self-censorship among media outlets. On September 18, the National Assembly initiated an audit of the bidding process. On October 5, ARCOTEL director Xavier Aguirre announced postponement of the bidding process for 25 days to review bidders' qualifications and review government and civil society inquiries about the process. On November 13, ARCOTEL stated on its website 70 percent of participants (of a total of 621) for the radio frequencies tender complied with all the requisites to obtain their qualifying title, which are valid for 15 years. The remaining 30 percent may ask for a second review of their application.

Violence and Harassment: Human Rights Watch reported police in Guayaquil used apparent excessive force to break up a May 14 peaceful protest against the government's COVID-19 response and education budget cuts. According to Fundamedios, police attacked two journalists from the daily newspaper *Diario Expreso* and a photographer for the CDH.

In a December 2019 report, Fundamedios stated the October 2019 violent antigovernment protests led to a resurgence in stigmatization and hateful speech against journalists and media last experienced during former president Correa's administration. This speech was broadly attributed to the protesters and their supporters, rather than to the Moreno government. Phrases such as "corrupt press" and "sold-out press" were frequently replicated across broad sectors and on social media during the October 2019 protests and carried forward throughout the year. Verbal attacks instilled "a mistrust by the citizenry towards reporters, especially those who belong to some traditional media outlets." Some journalists said they avoided covering politically charged protests due to fear of suffering physical attacks, as seen during the October 2019 protests.

Censorship or Content Restrictions: There were reports government officials tried to penalize those who published items critical of the government. Fundamedios reported five potential censorship cases involving government officials through August 11. While four cases did not involve legal action or penalties, in one instance a Chimborazo provincial council official filed a criminal complaint against two journalists for publishing a report on corrupt acts in Riobamba, capital of Chimborazo Province.

On September 2, the Constitutional Court overturned a 2012 decision issued by the Contentious Electoral Tribunal (TCE) that fined *Vistazo* news magazine \$80,000 for publishing an editorial rejecting the 2011 government-led referendum on proposed reforms to the judiciary branch three days before the vote was held. After initially ruling in the magazine's favor, stating an opinion editorial cannot be considered "political propaganda," the TCE reversed its decision after the then president Correa replaced the TCE's judges. In its September ruling, the Constitutional Court found the TCE responsible for violating the rights of due process and freedom of expression. The ruling also exhorted government officials to emphasize freedom of expression around the electoral process. A *Vistazo* legal representative told local media, "This decision sets a precedent that media outlets must express their opinions without self-censorship."

The law imposes local content quotas on 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 by a judge to be sexist, racist, or discriminatory in nature. Furthermore, the Ministry of Public Health must approve all advertising for food or health products.

Libel/Slander Laws: Libel is a criminal offense under the law, with penalties of up to three years in prison, plus fines. The law assigns responsibility to media owners, who are liable for opinion pieces or statements by reporters or others, including readers, using their media platforms. The February 2019 reforms to the 2013 communications law repealed a prohibition of "media lynching," described as the "coordinated and repetitive dissemination of information, directly or by third parties through media, intended to discredit a person or company or reduce its public credibility." Monitoring organizations reported that as of August 17, the government had not used libel laws against journalists.

On July 13, an attorney representing the Brazilian conglomerate Odebrecht sued the investigative journalist and director of *Investigative Journalism* online portal, Fernando Villavicencio, for defamation after Villavicencio published an August 2019 report on the private company's return to the country in 2010 after its 2008 expulsion. The report alleged the company paid \$20 million to the Correa government in exchange for generous debt forgiveness terms and cessation of investigations. The Moreno government barred Odebrecht from further operations in the country in January 2019, weeks after Odebrecht officials confessed to U.S. authorities of orchestrating an international corruption network for many years.

In 2019 the Constitutional Court overturned a 2012 ruling against the newspaper *Diario La Hora*. The National Secretary of Public Administration successfully argued in 2012 that the outlet published information about the then government's propaganda expenses that damaged the secretariat's reputation. The court's decision highlighted that only humans, not institutions, have rights. Legal experts argued the decision set a precedent in favor of free speech.

Actions to Expand Freedom of Expression, including for Media: The National Committee for the Protection of Journalists, a joint government-civil society committee formed in 2019, reconvened on August 11 to discuss ways to protect journalists from threats for reporting on corruption and other sensitive issues. The committee agreed to integrate representatives from the Attorney General's Office and Judicial Council and, if applicable, activate police intervention to provide protection and support for affected journalists.

Internet Freedom

The government did not restrict or disrupt access to the internet, but human rights organizations and media outlets reported cases of online content censorship.

On February 4, a presidency employee denounced the digital media outlet *4 Pelagatos* for alleged intellectual property violations for using a photograph of President Moreno, which was taken by the government, in an online article. According to the complaint, *4 Pelagatos* violated the government's intellectual property for using a government image without authorization. On the same day, the Communications Secretariat stated the presidency employee had been dismissed for "taking unauthorized decisions." The press release reiterated the government's respect for the freedom of expression but justified restrictions on imagery use based on copyright standards, saying, "in (our) fight against disinformation, (the national government) has copyright over images and information it generates."

A government regulation requires that internet service providers comply with all information requests from the superintendent of telecommunications, allowing access to client addresses and information without a judicial order. The law holds a media outlet responsible for online comments from readers if the outlet has not established mechanisms for commenters to register their personal data (including national identification number) or created a system to delete offensive comments. The law also prohibits media from using information obtained from social media unless they can verify the author of the information.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights, although the government imposed some restrictions due to the COVID-19 pandemic.

Human rights defenders reported a state of emergency enacted on March 17 to control the spread of COVID-19 included de facto restrictions on freedom of assembly and association, as well as freedom of movement. The government instituted nationwide curfews effective seven days a week. Restrictions on freedom of assembly and association limited the number of persons in public places and private residences. President Moreno extended the state of emergency in 60- and 30-day increments through September 12. In an August 25 decision, the Constitutional Court prohibited the president from renewing the state of emergency using the same grounds as the previous requests, ruling the state of emergency “cannot be extended indefinitely through decrees that extend the state of exception or that declare new ones,” as the state needed to transition to a condition allowing “the enjoyment and exercise of constitutional rights threatened (under a state of emergency).”

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Public rallies require prior government permits, which authorities usually granted.

Human Rights Watch, the Alliance of Human Rights Organizations, and the CDH reported that police in Guayaquil allegedly arbitrarily detained four demonstrators during a May 14 protest in which police beat and injured demonstrators. According to the CDH, the police report declared the four detainees had verbally assaulted police officers. At a May 15 judicial hearing, a judge ruled police lacked sufficient evidence that the detained protesters had committed a crime and ordered them released.

On June 17, the Constitutional Court struck down Ministerial Agreement 179, issued on May 26 by the minister of defense, in response to complaints by several human rights organizations that argued such a protocol was unnecessary. The agreement governed a May 29 protocol on the use of force formulated in response to state-sponsored visits by missions from the United Nations and the IACHR, which concluded state security forces used excessive force to contain the October 2019 violent antigovernment protests. The NGOs that challenged the protocol argued the constitution grants the power to reestablish public order only to police and not the armed forces. They argued the armed forces' role is limited to the protection of national sovereignty and territorial integrity. Further, they claimed the protocol, as written, poses a threat to the full exercise of human rights by providing the military wide latitude to intervene in future protests.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right. Civil society representatives noted that some policies enacted during the Correa administration remained in place and could enable the government to dissolve independent organizations for poorly defined reasons.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

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

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to migrants, refugees, asylum seekers, stateless persons, and other vulnerable persons of

concern. In addition the law codifies protections granted to migrants in the constitution, advances the protection of refugees and asylum seekers, and establishes provisions such as equal treatment before the law for migrants, nonrefoulement, and noncriminalization of irregular migration.

Abuse of Migrants, Refugees, and Stateless Persons: Migrants and refugees, especially women and children, sometimes experienced sexual and gender-based violence. UNHCR and local NGOs reported that refugee women and children were susceptible to violence and trafficking in persons for the purposes of sex trafficking and forced labor. They also reported the forced recruitment of adolescents into criminal activity, such as drug trafficking and robbery, on the northern border, particularly by organized-crime gangs that also operated in Colombia. Government authorities provided basic protection for vulnerable populations; however, the influx of migrants and refugees during the year continued to place a significant strain on the government's capacity to address and prevent abuses against migrants and 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.

Following the institution of a visa entry requirement in August 2019, a significant number of Venezuelan citizens began to enter through informal border-crossing points. International organizations expressed concern that the increased number of informal crossings placed more migrants in vulnerable conditions. The organizations also stated the new policy initially did not allow for exceptions to the visa requirement for some vulnerable populations. International organizations reported an increase in Colombian and Venezuelan asylum seekers during the year.

Access to Basic Services: The law provides for access to education, health care, and other services to all individuals irrespective of their legal status. According to UN agencies and NGOs, refugees encountered discrimination in employment and housing. Recognized refugees received national identification cards that facilitated access to education, employment, banking, and other public services. A 2016 agreement between UNHCR and the Civil Registry allows UNHCR to provide financial aid to refugees who cannot afford to pay the identification card fee and travel expenses to the three cities where the cards are issued. The Civil Registry also requires a refugee enrollment order from the Ministry of Foreign Affairs and Human Mobility, and sometimes refugees were required to return to the ministry if the information on their records contained errors.

Durable Solutions: The government accepted refugees for resettlement and offered naturalization to refugees, but discrimination and limited access to formal employment and housing affected refugees' ability to assimilate into the local population.

Temporary Protection: The government implemented a special humanitarian visa process for Venezuelans in September 2019. As of August 31, the Ministry of Foreign Affairs and Human Mobility had issued more than 40,000 two-year humanitarian visas and continued to adjudicate visa applications filed prior to the special regularization period's August 13 conclusion.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. A 2018 national referendum restored term limits for all elected positions, including the presidency, which had been eliminated through a 2015 constitutional amendment.

Elections and Political Participation

Recent Elections: In nationwide elections held in March 2019, citizens elected individuals for municipal, provincial, and parochial offices. Citizens also elected seven members for the permanent Council of Citizen Participation and Social Control for the first time. International observers from the Organization of American States, Inter-American Union of Electoral Organisms, and accredited diplomatic missions concluded the electoral process was orderly and peaceful, and they did not note any significant incidents.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. On February 3, electoral reforms went into effect requiring that women lead no fewer than 15 percent of party candidate lists at all levels in 2021, at least 30 percent in scheduled 2023 local elections, and 50 percent in 2025. The law mandates that all presidential/vice presidential tickets include at least one woman starting in the 2025 national election.

The proportion of female candidates was low for mayoral seats (14.3 percent) and provincial prefect positions (17.9 percent) in the March 2019 elections.

Social media harassment against female politicians and candidates continued. Local NGO Participacion Ciudadana found 4,381 derogatory tweets against 28 women in politics and government in a study of tweets posted between December 2019 and June. The study indicated a significant increase in violent messages against female politicians in April, as COVID-19 national quarantine measures took hold and women headed prominent ministries and served as government spokespersons most relevant to the lockdown. Participacion Ciudadana director Ruth Hidalgo said, “Most attacks focused on women’s appearance and historical roles that society believes women should maintain. These types of messages discourage women from engaging in politics.”

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government took steps to implement the law effectively. Officials, particularly at the local level, sometimes engaged in corrupt practices with impunity. There were numerous reports during the year of government corruption that occurred during the Correa presidency. Additionally, reports of price gouging on medicines and personal protective equipment at public hospitals in the midst of the COVID-19 health crisis implicated local and national officials.

Corruption: The government launched or continued multiple investigations, judicial proceedings, and legislative audits of officials accused of corruption related to state contracts and commercial endeavors that reached the highest levels of government.

On April 7, the National Court of Justice sentenced former president Correa, former vice president Jorge Glas, and 16 other public officials and businessmen to eight years in prison for bribery in the Sobornos (bribes) corruption scheme that illicitly financed Correa’s Alianza PAIS party in exchange for public contracts from 2012 to 2016. Two other convicted presidential aides received reduced sentences of 19 and 38 months, respectively, due to their cooperation in the investigation. The judges found sufficient evidence to prove the existence of a criminal network of corruption headed by Correa, even without directly linking him to the bribes. The National Court of Justice’s Tribunal of Cassation upheld the ruling on September 7, and on October 7, it requested that Interpol issue a new red notice for the arrest of Correa and 14 other defendants residing abroad.

On May 20, President Moreno announced measures to combat public corruption during the COVID-19 pandemic and in future emergencies. Moreno conceded to

growing demands to dissolve the Anti-Corruption Secretariat, following the public release of a letter from the attorney general and statements by the presidents of the National Court and Judicial Council criticizing the secretariat for interfering in anticorruption investigations.

On June 1, Attorney General Diana Salazar Mendez announced the formation of a 40-person multidisciplinary task force to investigate all allegations of public health sector corruption during the COVID-19 crisis at the national, provincial, and municipal levels. She argued the task force was needed to ensure impartial investigations, since local prosecutors often faced pressure or conflicts of interest due to personal or family ties to those being investigated. On June 4, 17 persons, including former president Abdala Bucaram, were detained in the task force's first operation. High-profile prosecutions in those investigations were pending as of October 27, although recent government officials including former risk and emergency management secretary Maria Alexandra Ocles Padilla and former Social Security Institute board director Ivan Granda Molina were under investigation.

On January 30, the National Court of Justice sentenced former vice president Maria Alejandra Vicuna to one year in prison for abuse of official privileges. She was also ordered to pay a \$173,118 fine and surrender her home.

Financial Disclosure: Government officials are required to declare their financial holdings upon taking office and, if requested, during an investigation. All agencies must disclose salary information monthly through their web portal. The constitution requires public officials to submit an affidavit regarding their net worth at the beginning and end of their term, including their assets and liabilities, as well as an authorization to lift the confidentiality of their bank accounts. Public officials are not required to submit periodic reports, except in the case of legislators, who must also present a declaration at the midpoint of the period for which they were elected. All the declarations must be filed online with the comptroller general, whose website provides general information on the declarations and contains a section where the public can conduct a search of officials to see if officials complied with the disclosure requirements of income and assets. Access to the entire declaration requires a special application, and the comptroller has the discretion to decide whether to provide the information. A noncomplying official cannot be sworn into office, but there are no criminal or administrative sanctions for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 often cooperative and responsive to their views.

Government Human Rights Bodies: The Ombudsman's Office is an administratively and financially independent body under the Transparency and Social Control Branch of government focused on human rights. The Ombudsman's Office regularly presented cases to the Public Prosecutor's Office.

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

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal and intimate partner rape and domestic violence. The government enforced the law, although victims were sometimes reluctant to report these crimes. Rape is punishable with penalties of up to 22 years in prison. The law includes spousal rape under crimes against sexual and reproductive integrity. The penalty for rape where death occurred is 22 to 26 years' imprisonment. Domestic violence is punishable with penalties ranging from four days to seven years in prison and a substantial fine for "damages, pain, and suffering," depending on the severity of the crime. Penalties for physical, psychological, and sexual violence were enforced.

The law provides reparation to victims of gender-based violence, while also advocating for the re-education of aggressors. The law defines rape, including spousal rape or incest, forced prostitution, sexual harassment, and other analogous practices, as forms of sexual violence. It also entitles victims to immediate protective measures designed to prevent or cease violence, such as police surveillance, placement in shelters, and awareness programs for the victim and family. These restorative measures were generally enforced.

According to human rights organizations, victims were generally reluctant to press domestic violence charges, and the court system was insufficiently staffed to deal with the caseload. The COVID-19 national quarantine additionally left victims stranded with their perpetrator 24 hours a day and unable to call support hotlines or

leave their homes to file formal complaints. On April 12, Human Rights Secretary Cecilia Chacon stated that sex crime-related complaints received by the Public Prosecutor's Office decreased from 300 per week before the pandemic to just 60 per week since. Human rights organizations and NGOs said the lower number of calls and complaints was a sign that victims were not reporting gender-based violence incidents.

Due to a drop in the number of complaints filed in person with judicial authorities, the government expanded online legal services available to victims in April. Nevertheless, barriers such as digital illiteracy, internet unavailability in rural areas, and lack of general familiarization with these technological resources limited the ability of victims to obtain help.

Judges lacked specialized training for dealing with gender-based violence. Rights organizations also reported local protection-board officials at times discouraged victims from reporting their aggressors.

According to local experts, 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 submit to gynecological evaluations akin to rape kits administered by medical experts. Many individuals did not report cases of rape and sexual assault due to fear of retribution from the perpetrator or social stigma.

Sexual Harassment: The law criminalizes sexual harassment and provides for penalties of one to five years in prison. The law defines sexual harassment and other analogous practices as forms of sexual violence and mandates that judges prohibit contact between the aggressor and the victim to prevent revictimization and intimidation, and the law was typically enforced. Despite the legal prohibition of sexual harassment and government implementation of the law, women's rights organizations described a tendency not to report alleged harassment, while harassment remained common in public spaces.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The constitution affords women the same legal status and rights as men. Nevertheless, discrimination against women was prevalent, particularly with respect to economic opportunities for older women and for those in the lower economic strata. Some businesswomen alleged financial institutions would

sometimes require a female client to obtain a husband's cosignature for loan considerations.

UN agencies and NGOs reported female medical staff were discriminated against and subject to violence, including physical and verbal assaults, from their partners and family members for assisting COVID-19-infected patients. According to information collected by UN Women and the NGO CARE International, women outnumbered men in the first line of defense against COVID-19, in a medical field already two-thirds composed of women, making women far more susceptible to COVID-19 exposure.

Children

Birth Registration: Citizenship is acquired through birth in the country, birth to an Ecuadorian mother or father abroad, or by naturalization. According to media reports, ethnic minority families and those with limited economic resources continued to show registration rates significantly lower than those of other groups. Government brigades occasionally traveled to remote rural areas to register families and persons with disabilities. While the law prohibits schools from requesting civil registration documents for children to enroll, some schools, mostly public schools, continued to require them. Other government services, including welfare payments and free primary health care, require some form of identification.

Education: The lack of schools in some areas specifically affected indigenous and refugee children, who must travel long distances to attend school.

Child Abuse: The law criminalizes child abuse and provides penalties of 30 days to 26 years in prison, depending on the severity of the abuse.

On February 1, Ana Cristina Vera, director of the local NGO Surkuna, estimated six of 10 rape aggressors were immediate relatives, with most victims younger than 14. In 2019 the Office of the Public Prosecutor stated approximately 60 percent of rape victims were children and adolescents.

In an August 14 ruling, the Inter-American Court of Human Rights found the state culpable for the sexual violence suffered by Paola Guzman Albarracin inflicted by her public school vice principal, leading to Guzman's suicide in 2002. In its ruling, the court ordered several restorative measures, including monetary compensation to the victim's family. On August 15, President Moreno committed to honor the court's sentence, adding that "our fight to eradicate sexual violence in

the education sector has remained firm since my government's first day." In June 2019 media reported that approximately 16 percent of the 7,977 sex-crime complaints tracked by the Ministry of Education between 2014 and May 2019 were directed against minors. Teachers or school staff were accused as perpetrators in 25 percent of all complaints.

Local NGOs and the government expressed concern about child abuse and infanticide during the COVID-19 national quarantine but lacked specific, comparative national statistics. The municipal government of Quito's rights protection council reported 10 suicides and seven cases of infanticide, respectively, between March 17 and May 13. The council stated the infanticides in that span were allegedly committed by an immediate family member. Council vice president Sybel Martinez warned that a lack of precise statistics on violence against minors could fuel impunity. The Attorney General's Office asserted that, while it tracked and publicized intrafamilial violence statistics weekly, it lacked historical data to establish trend lines. The Human Rights Secretariat ran a public-awareness campaign in late August aimed at children and adolescents, including information about how to access available resources for potential domestic violence victims.

Bullying remained a problem in schools and increasingly occurred on social media. There was no national official data available on bullying, but local officials in Tungurahua Province reported 14 suicides through February 15. A local Education Ministry representative acknowledged school bullying could have been a factor in those suicides. The government's *Lifetime Plan* initiative establishes programs addressing different types of violence, including bullying. Municipal and provincial governments also launched other initiatives to address bullying in schools under their supervision throughout the year.

Child, Early, and Forced Marriage: The legal marriage age is 18. There were reports of early and forced marriage in indigenous communities, particularly in instances in which girls became pregnant following an instance of rape. Indigenous leaders reported cases in which sexual aggressors compensated violence with payment or exchange of animals, but in some cases victims were forced to marry their aggressors.

Sexual Exploitation of Children: The age of consent is 14. The law prohibits sexual exploitation of children, including child pornography, with penalties of 22 to 26 years' imprisonment. The penalty for sex trafficking for the purpose of commercial sexual exploitation of children younger than age 18 is 13 to 16 years in

prison. Child sex trafficking remained a problem, despite government enforcement efforts.

Displaced Children: Humanitarian organizations expressed concern that an increasing number of unaccompanied refugee and migrant children entered from Colombia until the government closed its borders on March 17 in response to the COVID-19 pandemic. International organizations remained concerned unaccompanied children and adolescents were vulnerable to exploitation and trafficking by criminal groups.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There is a small Jewish community, including an estimated 250 families in Quito and 82 families in Guayaquil. The Jewish community reported no attacks or aggressions through October 27.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. 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.

On October 13, media reported a female police officer assaulted a disabled female street vendor by placing her hands on the vendor's buttocks while observers ridiculed the vendor (see section 1.c.).

The law stipulates rights to health facilities and insurance coverage as well as access and inclusion in education, and it mandates a program for scholarships and student loans for persons with disabilities. The law provides for job security for those with disabilities and requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities. The law also gives the Ombudsman's Office responsibility for following up on alleged violations of the rights of persons with disabilities and stipulates a series of fines and punishments for lack of compliance with the law. On September 11, media reported the Ombudsman's Office received illegal dismissal complaints of persons with disabilities and counted approximately 400 such alleged public-sector dismissals during the COVID-19 pandemic. The Ministry of Labor's inspectorate office treated each complaint individually, and all were under investigation as of October 23.

The law directs the electoral authorities to provide access to voting and to facilitate voting for persons with disabilities.

Members of National/Racial/Ethnic Minority Groups

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.

A November 2019 report by the National Council for the Equality of Peoples and Nationalities reiterated that racism and discrimination continued against indigenous peoples and Afro-descendants despite government policies promoting equality. The report reiterated that ethnic minorities continued to struggle with education and job opportunities and often earned less in comparison with their nonindigenous counterparts. Less than 4 percent of the indigenous population entered higher education, according to the most recent census, carried out in 2010. The same agency in February 2019 reported racial minority groups had less access to managerial positions and other professional opportunities.

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. Afro-Ecuadorian organizations noted that, despite the absence of official discrimination,

societal discrimination and stereotyping in media continued to result in barriers to employment, education, and housing. A National Gender Survey published in November 2019 found Afro-Ecuadorian women were particularly vulnerable to gender-based violence and harassment based on racial and sexual stereotypes.

Indigenous People

There were no reports of restrictions placed on indigenous persons and their institutions in decisions affecting their property or way of life. The law provides indigenous persons the same civil and political rights as other citizens. The constitution strengthens the rights of indigenous persons and recognizes Kichwa and Shuar as “official languages of intercultural relations.” The constitution grants indigenous persons and communities the right to prior consultation, which is to participate in decisions on the exploitation of nonrenewable resources located on their lands that could affect their culture or environment, although indigenous peoples’ organizations noted public- and private-sector actors often ignored prior consultation. The constitution also allows indigenous persons to participate in the economic benefits 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 parts of the country. During the 2018 national referendum, voters approved two constitutional amendments relevant to indigenous communities, prohibiting mining in urban and protected areas and limiting oil drilling in Yasuni National Park.

A June 1 report by various environmental and indigenous monitoring groups warned that because the mining sector was considered of “strategic importance” during the pandemic and a disproportionate number of indigenous miners were deemed essential employees, the mining sites were “hot spots for contagion” and put neighboring indigenous communities at serious risk of COVID-19 infection. Although confirmed COVID-19 cases and deaths among indigenous communities were lower than the national average, indigenous leaders and international organizations asserted indigenous communities, like other rural low-income communities, were particularly vulnerable to the pandemic’s environmental, medical, and economic effects. On July 1, Amnesty International joined two local indigenous umbrella groups, the Confederation of Indigenous Nationalities of

Ecuador and the Confederation of Indigenous Nationalities in the Amazon, in calling on the national government to assemble a national action plan to protect indigenous communities.

The National Council on the Equality of Peoples and Nationalities reported in 2018 that almost 23 percent of indigenous women were underemployed, 36 percent were illiterate, and political participation of indigenous women continued to lag behind the rest of the population.

An April 2019 Amnesty International report faulted the government for a lack of will to adequately provide protection and conduct serious criminal investigations into the 2018 attacks and threats against the female Amazonian environmental defenders Patricia Gualinga, Nema Grefa, Salome Aranda, and Margoth Escobar. Human rights organizations expressed concern about intimidation tactics used against these activists from unidentified sources, including death threats and physical assault. On March 12, Amnesty International reported these tactics were intended to silence their environmental activism and denounced the lack of progress in the case.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The government, led by the Ombudsman's Office, was generally responsive to concerns raised by the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community. Nevertheless, LGBTI groups claimed police and prosecutors did not thoroughly investigate deaths of LGBTI individuals, including when there was suspicion that the killing was motivated by anti-LGBTI bias.

An LGBTI NGO reported the May 28 killing of Javier Viteri, allegedly perpetrated by a military enlistee in the town of Huaquillas. Viteri had a romantic relationship with the enlistee, who was presumably responsible for stabbing Viteri 89 times in the face and genital area. On June 9, the Ombudsman's Office "urged the competent authorities, especially the Attorney General's Office, to consider the facts presented as a hate crime in the pertinent investigations, in accordance with criminal law." The ombudsman also exhorted that investigating officials "carry out their work impartially, without prejudice or stereotypes of gender or sexual orientation." LGBTI representatives reported a July 26 preparatory trial hearing was suspended. As of October 27, no further information was available.

The constitution includes the principle of nondiscrimination and the right to decide one's sexual orientation. The law also prohibits hate crimes, but LGBTI activists asserted that since the legal codification of hate crimes in 2008, there had been no hate crime convictions. Although the law prohibits discrimination based on sexual orientation, LGBTI persons continued to suffer discrimination from both public and private entities, particularly in education, employment, and access to health care. LGBTI organizations reported transgender persons suffered more discrimination because they were more visible.

LGBTI persons continued to report that the government sometimes denied their right of equal access to formal education. LGBTI students, particularly transgender students, sometimes were discouraged from attending classes and were more susceptible to bullying in schools. Human rights activists argued the Ministry of Education and school administrators were slow to respond to complaints. LGBTI persons involved in the commercial sex trade reported abusive situations, extortion, and mistreatment by security forces.

The law prohibits LGBTI persons younger than 18 to change gender on their identity documents, even with parental consent. In July 2019 an LGBTI NGO reported a transgender minor was denied enrollment at 15 schools under her chosen name and gender in 2017. The minor's parents filed a lawsuit requesting that officials allow her to change her name and gender on identity documents to end discrimination against her. The Office of the Civil Registry allowed changes on her identity card in 2018. The NGO Equidad reported the parents then filed an inquiry with the Constitutional Court to determine the age transgender underage individuals may change their identity information. A court decision on the inquiry was pending as of October 27.

LGBTI organizations and the government did not report the existence of private treatment centers confining LGBTI persons against their will to "cure" or "dehomosexualize" them, since such treatment is illegal. LGBTI organizations said relatives took LGBTI persons to neighboring countries instead, where clinics reportedly used cruel treatments, including rape, in an attempt to change LGBTI persons' sexual orientation.

HIV and AIDS Social Stigma

LGBTI activists reported that during the peaks of the COVID-19 pandemic in April and May, officials at public and private hospitals blocked access to retroviral treatment and hormones to LGBTI patients to focus resources on COVID-19

treatment. The sudden unavailability adversely affected LGBTI individuals undergoing medical treatment.

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 workers. According to an April 2019 *El Comercio* article, the number of public and private unions registered by the Ministry of Labor had increased by 32 percent since 2013. Labor unions and associations reported difficulties in registering unions in the Ministry of Labor due to excessive requirements and Ministry of Labor staff shortages.

Companies that dismiss employees attempting to form a union or that dismiss union members exercising their rights face a fine of one year's annual salary for each individual wrongfully dismissed. Individual workers still employed may take complaints against employers to the Labor Inspection Office. Individuals no longer employed may take their complaints to courts charged with protecting labor rights. Unions may also take complaints to a tripartite arbitration board established to hear these complaints. These procedures often were subject to lengthy delays because the Ministry of Labor continued to be nonspecialized and understaffed to address all arbitration requests and appeals. Private-sector representatives alleged that boards exhibited conscious bias in favor of employees when they did convene.

All private employers with unionized employees 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. In 2018 the Ministry of Labor authorized, through ministerial resolutions, eight new types of labor contracts, with specific provisions for the flower, palm, fishing, livestock, and construction sectors.

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. In 2014 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. Since this action requires constitutional reform, the provision had not been amended as of year's end.

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 may not 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 to provide essential services. The law provides the employer may contract substitute personnel only when striking workers refuse to send the number of workers required to provide the minimum necessary services. Contracting substitute personnel is effectively impossible, however, as the law does not provide for time-limited, seasonal, hourly, or part-time contracts.

The law prohibits formation of unions and 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 postal service and telecommunications sectors. Some of the sectors defined as strategic exceed the ILO standard for essential services. Workers in these sectors attempting to strike may face charges with penalties of two to five years' imprisonment. The government effectively enforced the law.

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 to strike. A 2015 constitutional amendment specifies that only the private sector could engage in collective bargaining.

Several unions, labor associations, and media outlets denounced the presence of military vehicles and alleged police harassment during strikes by employees of local explosives company Explocen since July 13. The strike started after five

employees allegedly were dismissed in June without due compensation. The military deployed vehicles to guard the entrance to Explocen's facilities when the strike started, and officials stated the military presence was necessary because of the national state of emergency (due to the COVID-19 pandemic) and highly dangerous nature of the materials stored and processed at the facility. Employees' attorneys and unions denounced the protest's "militarization." On July 13, the Ombudsman's Office demanded the Ministry of Labor and Explocen "stop discriminating" and threatening employees' right to strike. The strike and military presence continued through October 27.

The government did not effectively enforce applicable laws, but penalties were commensurate with those for other laws involving denial of civil rights, such as discrimination. Employers did not always respect freedom of association and collective bargaining. Independent unions often had strong ties to political movements.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including all forms of labor exploitation; child labor; illegal adoption; servile marriage; and the sale of tissues, fluids, and genetic materials of living persons. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

The government did not effectively enforce the law. Limited resources, limited presence in parts of the country, and inadequate victim services hampered the effectiveness of police and prosecutors. NGOs and media outlets continued to report that children were being subjected to forced criminality, particularly drug trafficking and robbery.

Reports of forced labor of children (see section 7.c.) and women persisted. Observers most frequently reported women as victims of sex trafficking or of working in private homes under conditions that may amount to human trafficking. The National Police reported through August the rescue of 17 female sex trafficking victims, 19 arrests of individuals involved in trafficking in persons, and the dismantling of an international sexual exploitation network. Through August 17, consolidated government figures reported 42 trafficking-in-persons victims (80 percent of them female).

Indigenous and Afro-Ecuadorians, Colombian refugees, and Venezuelan migrants (see section 7.d.) were particularly vulnerable to human trafficking. Traffickers

often recruited children from impoverished indigenous families under false promises of employment; these children were then forced to beg or to work as domestic servants, in sweatshops, or as street and commercial vendors within the country or in other South American countries. Men, women, and children were exploited in forced labor and sex trafficking abroad, including in other South American countries and the United States. The country is a destination for South and Central American women and girls exploited in sex trafficking, domestic servitude, and forced begging.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. It 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 them 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 younger than age 18 from working in “dangerous and unhealthy” conditions. A 2015 ministerial accord lists 27 economic activities that qualify as dangerous and unhealthy. Other illegal activities, including slavery, prostitution, pornography, and drug trafficking, are punishable. The law identifies work that is “likely to harm the health, safety, or morals of a child,” which includes work in mines, garbage dumps, slaughterhouses, livestock, fishing, textiles, logging, and domestic service, as well as in 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. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. If an employer commits a second child labor violation, inspectors may close the business temporarily. The law authorizes labor inspectors to conduct inspections at factories, workshops, and any other location when they consider it appropriate or when an employer or worker requests an inspection. The COVID-19 pandemic led to a partial moratorium on labor inspections, although some were still conducted. As of October 27, statistics on inspections conducted during the year were unavailable.

The government did not effectively enforce the law. The Ministries of Labor and of Economic and Social Inclusion, Rights Protection Boards, and the Minors' Tribunals are responsible for enforcing child labor laws.

A January 2019 report by the governmental Intergenerational Equality Council indicated the provinces of Bolivar, Chimborazo, and Cotopaxi had the highest child labor rates for children between the ages of five and 14. A 2017 survey on employment and underemployment found that 3 percent of children ages five to 11 and 10.6 percent of children ages 12 to 14 worked. The survey found that child laborers were most likely in rural areas, particularly in the agricultural and ranching sectors. Although the government conducted two surveys in 2017 that included some information on child labor, the government had not conducted a nationwide child labor survey since 2012. Government, union, and civil society officials agreed that a lack of updated statistics hampered efforts in eradicating child labor.

Several labor organizations and NGOs reported that no reliable data concerning child labor in the formal employment sectors was available due to the COVID-19 pandemic. According to these groups, even before the pandemic, the government-led austerity measures affected the Ministry of Labor's child labor eradication program, and thus the number of government inspections decreased.

The government also did not effectively enforce child labor laws in the informal sector. The COVID-19 pandemic most likely increased child labor in the informal sector, as NGO surveys and studies found an increase in children supporting family-run businesses who otherwise would attend school. The worsening national economic situation and nationwide school closures triggered by the pandemic further exacerbated this trend. The most common informal economic activity was cooking homemade meals and selling them on the streets or delivering them to customers. According to CARE International, children in rural areas were most likely found working in family-owned farms or businesses, including banana and rose farms.

As the COVID-19 pandemic led to nationwide school closures, more parents were forced to take their children to agricultural fields while the parents worked. Labor organizations reported children were largely removed from the most heavy and dangerous work. In urban areas many children younger than 15 worked informally to support themselves or to augment family income by peddling on the street, shining shoes, sorting garbage, or begging.

Local civil society organizations reported that children conducted domestic work, including paid household work. A July study by CARE International found that during the pandemic many female house cleaners took their children, mostly girls, to their place of employment to help with the mother's household tasks, likely increasing child labor in domestic environments.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation 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 effectively enforce those laws and regulations, but penalties were commensurate with laws related to civil rights, such as election interference.

Employment discrimination against women was prevalent, particularly with respect to economic opportunities for older women and for those in the lower economic strata. In 2018 the National Assembly approved a series of labor reforms for employees in the public and private sectors to prevent workplace harassment.

The National Institute for Statistics and Census (INEC) announced the unemployment rate in June was 15.7 percent for women and 11.6 percent for men, compared with 5.5 percent and 3.7 percent, respectively, in June 2019. Although INEC did not release further disaggregated gender employment information, economic analysts stressed women were disproportionately affected in some sectors hardest hit by social distancing and workhour reduction measures, including tourism, floriculture, and domestic services.

A labor association reported female health-care personnel in public hospitals nationwide were equipped with ill-fitting medical and protective equipment for treating patients diagnosed with COVID-19, as the majority of the equipment was provided in men's sizes, although women represented nearly two-thirds of social and health-care service workers.

Afro-Ecuadorians continued to demand more opportunities in the workforce and complained that employers often profiled them based on their job application photographs and racial stereotypes. At the conclusion of a December 2019 official country visit, the UN Working Group of Experts on People of African Descent expressed concern about reports of impunity and also human rights abuses and violations against farm workers, the majority of whom were Afro-descendants, at banana plantations owned by Japanese subsidiary company Furukawa Plantations C.A. The Working Group was also concerned by “the lack of access to justice for people of African descent” seeking reparations for injuries doing agricultural work, and welcomed the Constitutional Court’s commitment to address the backlog of labor cases against agricultural employers. Indigenous and LGBTI individuals as well as persons with disabilities also experienced employment discrimination.

e. Acceptable Conditions of Work

The law provides for a minimum monthly wage, which was above the poverty income 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 midnight. Work done from midnight 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 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. The government did not effectively enforce minimum wage and overtime laws, but penalties were commensurate with those for similar crimes, such as fraud. 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 mandates prison terms for employers who do not comply with the requirement of registering domestic workers with the Social Security Administration. INEC data showed the “adequate employment” rate--the proportion of the population working at least 40 hours per week or earning at or above the minimum salary of \$400 per month--fell to a record low 16.7 percent through June, and the “underemployment rate” doubled from December 2019 to 34.5 percent.

On June 22, a law to address COVID-19's impact went into effect that includes provisions allowing employers and employees to enter into force majeure agreements, although the dismissal of an employee is permitted only if the business ceased operations permanently. The law also permits employers to reduce working hours and salaries by up to 50 and 45 percent, respectively, by signing "emergency contracts" with their employees to prevent job losses. Citing government figures, media reported that as of August 20, a total of 671 companies had enrolled 5,971 workers under "emergency contracts," with the majority of them being in the agriculture, livestock, manufacturing, and trade industries. Unions and labor organizations stated the new law enabled precarious work conditions, reduced wages below the minimum wage, and allowed unfair dismissals without due compensation because of employers' leverage over employees desperate to keep their jobs during the COVID-19 economic slowdown.

The new law facilitates and encourages teleworking options, including a worker's right to "disconnect" from work duties for a minimum of 12 continuous hours in a 24-hour period. On July 23, the minister of labor affirmed that more than 430,000 persons in the public and private sectors worked remotely.

The law provides for the health and safety of workers and outlines occupational safety and health (OSH) standards, which are current and appropriate for the country's main industries. These regulations and standards were not applied in the informal sector, which employed 46.7 percent of the working population before the COVID-19 pandemic. The number of inspectors was insufficient, and the government did not effectively enforce OSH laws.

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. The COVID-19 pandemic impeded in situ inspections due to social distancing measures and budgetary constraints at the Ministry of Labor. In some cases violations were remedied, but other cases were subjected to legal challenges that delayed changes for months. Penalties were not sufficient to deter violations and were often not enforced.

Some unions and labor associations alleged public- and private-sector employers sometimes failed to enforce biosecurity protocols and provide adequate protective equipment to prevent COVID-19 contagion.

The Ministry of Labor continued its enforcement reforms by increasing the number of workers protected by contracts, minimum wage standards, and registration for social security benefits.

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. OSH problems were more prevalent in the large informal sector. The law singles out the health and safety of miners, but the government did not enforce safety rules in informal, often illegal, small-scale mines (frequently linked to local community leaders and organized crime), which made up the vast majority of enterprises in the mining sector. Migrants and refugees were particularly vulnerable to hazardous and exploitative working conditions. According to media and labor associations, local organizations reported complaints of Venezuelans receiving below the minimum wage, particularly in the informal sector.

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. Labor representatives said that COVID-19 complicated these protections, however, as employees and their employers sometimes had a conflicting sense on the degree of risk involved in presenting themselves for work and the extent of protective measures at the workplace, while employees feared losing employment in an economic downturn. 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.