

ECUADOR 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ecuador is a constitutional, multiparty republic with an elected president and unicameral legislature. On April 11, voters elected President Guillermo Lasso Mendoza from a center-right alliance among the Creating Opportunities Movement and the Social Christian Party and selected members of the National Assembly in elections that observers deemed 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. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible 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 government 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 and against those accused of corruption.

Members of criminal gangs operating in prisons committed acts of torture and killed their rivals during prison disturbances. The government investigated these crimes, and prosecutions were pending. There were incidents of violence and threats of violence against journalists by likely nongovernment actors. Members of society engaged in crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

Section 1. Respect for the Integrity of the Person

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

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Human rights organizations, however, reported excessive force by security forces was likely responsible for several of the 11 deaths reported by the comptroller during October 2019 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. A March 17 report from the ombudsman-created Special Commission for Truth and Justice alleged that up to six of the deaths during the protests could constitute extrajudicial killings and called on judicial authorities to further investigate the actions of security forces. 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.

On August 30, a judge accepted a prosecutor's request to indict two former police officers accused of attempted murder (constituting an attempted extrajudicial killing) in 2010 of taxi driver Aldo Zambrano in Guayaquil. The judge found the former officers had acted arbitrarily and negligently in shooting Zambrano.

b. Disappearance

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

Regarding the 2012 kidnapping in Colombia of opposition legislator Fernando Balda, in August 2020 the National Court of Justice 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. Romero appealed the ruling, with a subsequent ruling pending as of October 27. The National Court confirmed that Ecuador's extradition request remained in process as of October 27.

On January 28, the country's representative to the Inter-American Court of Human Rights accepted the state's responsibility for the forced disappearance in Quito in 1990 of writer Cesar Gustavo Garzon Guzman. The agents responsible for Garzon's disappearance remained unknown.

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

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

Human rights activists asserted that as of September 28, officials had not investigated claims alleging police kidnappings and torture or other forms of degrading treatment during police interrogations related to the October 2019 protests. Human rights advocates said prosecutors could potentially request the cases be closed starting in October, since the law stipulates the statute of limitations is two years for some crimes, although longer for more egregious ones.

A hearing on the case concerning the February 2020 deaths of six prisoners in Turi Prison was scheduled for January 2022 to identify which prison officials or inmates may be responsible for the speculated torture resulting in the deaths.

On November 14, a court in Azuay Province sentenced 37 police officers to 106 days in prison each for excessive use of force in a 2016 operation to confiscate contraband from inmates in Turi Prison. In the operation, officers beat and forced alleged violators to perform exercises in stressful positions while nude. The prosecutor's office, which sought convictions for torture, said it would appeal the ruling.

On February 10, the Attorney General's Office announced a 12-year, seven-month prison sentence for a police officer in Pillaro, Tungurahua Province, for raping a 24-year-old woman in September 2020 after taking her on a date in his patrol car.

Although impunity was not a significant problem in the security forces, human rights nongovernmental organizations (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 public concern regarding alleged human rights abuses during the protests.

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 disappearances. Human rights defenders reported the National Police Internal Affairs Unit and Attorney General's Office 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.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to escalating 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. As of March 19, the official overpopulation estimate was 29 percent. 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. A 2019 report in the daily newspaper *El Comercio* said 40 percent of the population in the 11 centers for juvenile offenders were due to reach adulthood during their sentence.

Prison officials and human rights organizations agreed most violent deaths in prisons were linked to tension among criminal gangs with links to drug cartels. Fighting between drug-trafficking gangs in prisons led to 331 violent deaths

through October 27, the highest-ever recorded annual total, with gangs employing increasingly brutal and sophisticated tactics. As of October prison deaths were more than six times the 2020 total (52) and more than 10 times the 2019 total (32). On February 23, coordinated attacks across four prisons between armed prison gangs resulted in a total of 79 inmates dead. The July 22 prison riots in the Latacunga Rehabilitation Center in Cotopaxi Province and the Litoral Prison in Guayaquil left 22 inmates dead. On September 28, a record 118 inmates died after continued fighting in Litoral Prison, and an additional 65 inmates died in November 12 clashes in the same facility. Other prison disturbances throughout the year included four inmates killed by hanging, also at Litoral Prison, on October 13 and seven on October 23. Police and prison authorities continued investigations into the incidents as of December 1.

During the July 22 riot, prison gangs injured eight police officers and sexually assaulted one female police officer as police attempted to retake control. Further, in the July 22 riots, inmates reportedly fired on prison staff and police reinforcements with high-caliber rifles, complicating government efforts to re-establish control. Government and media sources pointed out that gangs employed more gruesome tactics than in the past, including beheadings, dismemberment, live incineration, and torture. These events were captured on video and shared widely on commercial messaging services, presumably to intimidate rival gangs and the government.

NGOs reported that criminal organizations operating within and outside of prisons intimidated prison staff while on and off duty and inmates enlisted visitors and prison staff to help smuggle contraband into prisons. On July 13, the Attorney General's Office placed in pretrial detention a suspect arrested while attempting to smuggle two rifles, four handguns, more than 1,000 rounds of ammunition, and four explosive grenades into Litoral Prison. On June 30, a Venezuelan national was arrested outside Litoral Prison and placed into pretrial detention for attempting to smuggle more than six pounds of cocaine and marijuana, a shotgun, three handguns, ammunition of various calibers, and other prohibited items.

In August 2020 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 March 9, media reported former Litoral Prison director Hector Vivar was sentenced to 20 months in prison for extortion and ordered to pay a fine. Vivar was convicted for his involvement in a bribery scheme in which he demanded \$30,000 in exchange for Dahan's protection and safety. According to media Vivar had two other cases against him, one for illicit association, the other for delinquency, linked to his time as prison director pending as of September 18.

On August 25, the Attorney General's Office announced three inmates were sentenced to 34 years and eight months each for the murder of two other inmates in Litoral Prison in July 2020.

President Lasso declared a state of emergency following the July 22 prison riots and replaced the prison system director to help re-establish control. Minister of Government Alexandra Vela proposed to decrease prison violence by reducing overcrowding through the release of approximately 5,200 nonviolent offenders, foreigners, and elderly inmates. Law enforcement experts noted that such a plan was unlikely to reduce violence in the short term because power disputes between gangs dominating the prisons remained unresolved. On August 18, new prison system director Fausto Cobo announced an additional \$75 million in funding over four years to improve prison infrastructure, upgrade surveillance technology, and hire and train additional prison staff. After the first state of emergency expired September 20, President Lasso declared a second state of emergency on September 29 in response to the September 28 prison killings and announced an additional \$24 million to improve security and conditions specifically in Guayaquil area prisons. Lasso renewed the state of emergency in the prison system for 30 days on November 29.

On November 15, the president announced a comprehensive, seven-point "national agreement" to curb prison violence and confront drug-trafficking gangs. The plan included elements such as continued police and military efforts to provide order and security inside and outside prisons, legislative changes to reform use of force protocols, accelerated judicial processes to reduce overcrowding, and civil society support for conflict resolution between prison gangs.

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. A November 2020 media report highlighted that potable water would be brought into the Latacunga prison via truck “permanently.”

Prisoners noted inconsistent and generally insufficient protection and isolation measures from COVID-19 infection in prisons. On February 1, media reported that 124 inmates had died nationwide of COVID-19-related complications and noted 17,042 (of 37,676 total) inmates in prisons nationwide tested positive for COVID-19 in 2020. The same media report highlighted the August 2020 ombudsman report, which stated that despite the stresses the COVID-19 pandemic placed on the prison health-care system – most prominently, inadequate staffing – prisons continued to provide adequate care overall for other illnesses among inmates including diabetes, HIV, and hypertension. 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.

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

Human rights organizations continued to report that visitors 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.

Independent Monitoring: Civil society representatives continued to report restrictions to monitoring by independent NGO observers. According to the NGO Permanent Committee 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. NGOs stated that judges frequently did not determine a specific criminal offense, particularly for arrests of protesters. Authorities generally observed the time limit for charging a suspect, 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 monitoring anklets.

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 to defendants 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.

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. As of October 25, authorities had made no information available 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 2019 and were replaced by temporary judges from lower courts appointed by the council.

In January 2020 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. In June 2020 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, and November 24, the court acquitted the officials of all charges.

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 media

and 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.

Defendants’ counsels complained that some modified remote proceedings due to the COVID-19 pandemic inhibited their ability to represent their clients adequately, and several noted that new procedural rules were inconsistently and sometimes arbitrarily applied.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

According to an August 1 report from a local human rights group, restrictions were not yet fully removed for indigenous leaders granted amnesty in the previous year. In July 2020 the National Assembly approved a resolution granting amnesty to 20 indigenous leaders charged and convicted in 2015 for kidnapping and extortion after participating in protests. 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. Nevertheless, in May an official from Canar Province Property Registry reported that according to registry records, nine of the 20 persons granted amnesty still had their land assets frozen. The report added that prohibitions against leaving the country and against voting remained in place for some of the leaders, while fines paid in the previous convictions had not been reimbursed by the Judicial Council.

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 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

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, but laws restrict this right. Experts cautioned that restrictive provisions to journalistic work found in a 2013 communication law, reformed in 2019, technically remained in effect, although on May 24, President Lasso ordered the implementing regulations of that law no longer be applied.

On January 26, the National Assembly reformed the communication law, reversing provisions that previously characterized media and communications as a public service, not a right, and required all journalists to hold university degrees. Some other restrictive provisions found in other laws, such as punishing opinions as slander, which carries a prison term of six months to two years, remained in force but were not applied in practice. Journalists and NGOs said the media environment under the new administration seemed less restrictive than in the past, although replacement legislation was necessary to repeal the previous, more restrictive framework and institutionalize reforms to facilitate greater freedom of expression.

Freedom of Expression: 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 expression during the year.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: 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.

A presidential decree in May in effect eliminates the offense of inciting “financial panic,” which previously carried a penalty of imprisonment from five to seven years. It also eliminates mandates on time allocated for television and radio broadcast of messages and reports by the president and his cabinet, as well as provisions for the planned redistribution of broadcast frequencies between community media and private and public media. Indigenous political and community leaders were concerned that any future redistribution of broadcast frequencies, potentially in the open market, would reduce or eliminate access to free, public radio (in various native languages especially) in isolated areas inhabited by diverse indigenous populations.

The Agency for the Regulation and Control of Telecommunications (ARCOTEL) completed its competitive public tender to allocate 3,096 FM radio frequencies in November 2020. Media reported that between December 2020 and February, qualifying titles valid for 15 years were awarded to 340 participants. Fundamedios and other civil society groups continued to criticize the bidding process as lacking transparency and allowing two particular 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 inducing self-censorship among media outlets.

On January 12, ARCOTEL announced the start of separate public tenders for the concession of 2,347 additional FM radio and 3,016 broadcast television

frequencies. On March 23, Fundamedios called on the government to further delay the bidding process, considering the proximity to the second round of presidential elections scheduled for April 11. The formal bidding process was pending as of October 27.

Violence and Harassment: On January 27, gunmen shot and killed popular television presenter Efrain Ruales Rios, allegedly for a string of social media posts critical of drug gangs reportedly linked to influential political families, especially that of former president Bucaram. Victor Gonzalez, the lead prosecutor investigating the Ruales killing, stated he started receiving death threats on July 6 after giving an interview in which he speculated on those allegedly responsible for Ruales's death. Gonzalez added he had since received police protection. On November 26, a trial started against six persons accused in a conspiracy to murder Ruales.

Also on January 27, former president Bucaram, in an interview regarding the Ruales killing and in response to accusations about his family, issued death threats to several individuals, including national television journalist Dayanna Monroy, whose reporting he had criticized since October 2020. On February 3, then presidential spokesperson Caridad Vela stated the government rejected intimidation attempts against Monroy and other journalists and would offer police protection to Monroy.

On April 25, Blanca Moncada, a writer for the newspaper *Diario Expreso*, published an investigation critical of Guayaquil mayor Cynthia Viteri for perceived exorbitant city street cleaning expenditures. On April 28, a graphic circulated on digital platforms with Moncada's photograph, describing her as an "Enemy of Guayaquil" and accusing her of being funded by "mafias" opposed to the local government. Moncada claimed to Fundamedios that a troll center from the Guayaquil mayor's office was responsible for the graphic. On May 12, Moncada, writing for the same outlet, said Viteri justified supposed high salaries for public employees in the municipal government, with many of the highest-paying positions going to relatives of individuals also working in the municipality. Viteri responded to the claim of nepotism by stating she had never in public or private said such things and that *Diario Expreso* held a "political bias" against her administration.

Fundamedios condemned the National Police's use of canines for crowd control during an August 11 incident in which independent photojournalist Juan Diego Montenegro was bit by a police dog while covering public protests in Quito. Montenegro claimed a police officer slackened the working dog's leash to get within range to bite Montenegro.

Censorship or Content Restrictions: There were reports government officials tried to penalize those who published items critical of the government. Fundamedios reported eight potential censorship cases involving government officials as of September 9.

On January 12, the Pichincha Provincial Electoral Delegation ordered the immediate suspension of a political advertisement exclusively featuring former president Correa asking voters to support the Union for Hope (UNES) coalition linked to him. Under the constitution and in accordance with the terms of an April 2020 corruption conviction against him (see section 4), Correa had lost his political rights, so his likeness was prohibited from campaign materials for any political candidate or party. UNES presidential candidate Andres Arauz denounced the decision and alerted international observers to supposed censorship and arbitrary application of the law. The suspension was subsequently upheld, and election monitoring NGOs said Correa and the party flouted the restriction throughout the campaign period.

On September 2, unidentified individuals claiming to be agents from the Attorney General's Office deleted photographs from *La Posta* digital outlet reporter Domenica Vivanco's mobile telephone as she covered a story about a raid on offices tied to a construction company allegedly linked to favorable contracts with Quito mayor Jorge Yunda.

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. Monitoring organizations reported the government did not use libel laws against journalists during the year.

The Law Against Digital Violence, approved by the National Assembly on July 9,

expands the prohibition on expressions meant to “discredit or dishonor” another person to acts committed over digital mediums.

Nongovernmental Impact: Unknown persons conducted attacks against journalists throughout the year. Domestic and international media rights groups reported on a January 19 incident in which a gunman shot and wounded Sucumbios Province radio show host Marilu Capa in a Lago Agrio restaurant. Media reported an August 26 incident in which an individual on a bicycle threw and then remotely detonated an explosive object on the balcony of digital journalist Mario Pinto’s Machala home in El Oro Province, although nobody was injured. A previous, similar attempt on his home in December 2020 also resulted in no injuries. Pinto reported on crime in the city. Police were investigating both incidents, but no further developments were available as of December 1.

Stigmatization and hateful speech against journalists and media surged during the election campaign. According to journalists, phrases such as “corrupt press” and “sold-out press” were frequently replicated across broad sectors and on social media starting in January, particularly after former president Correa posted in response to damaging news stories about the Arauz presidential campaign or after publication of investigations into opaque public projects developed under the Correa administration. Investigations of corrupt practices by others (including former president Bucaram) also led to online insults and threats to journalists from the implicated individuals and their allies. NGOs and journalists reported the volume of threatening posts and overall feeling of stigmatization decreased significantly after the April 11 election of President Lasso.

Actions to Expand Freedom of Expression, including for Members of the Online Media: The National Committee for the Protection of Journalists, a joint government-civil society committee formed in 2019, met periodically in response to prominent instances of attacks against journalists. Groups including Fundamedios criticized the committee, saying it lacked strategic vision and planning and often did not follow up on cases in an integrated manner. The groups expressed concern that the haphazard and reactionary government approach to attacks on journalists gave the impression they could be threatened and attacked with relative impunity.

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 May 26, the Personal Data Protection Law went into effect. Among the law's provisions, citizens have the right to access and edit their personal information through the civil registry or any other public or private institution that holds personal records; it sets terms under which personal data may be transferred to third parties; it establishes penalties for the misuse of personal data; it sets penalties and remediation measures for unauthorized data breaches; and it mandates the creation of a Data Protection Superintendency to monitor and identify violations of personal data use. The law also specifies that data protection provisions in the law would apply to foreign entities that store Ecuadorian nationals' information on their servers. At the same time, the government declared the law's "extraterritoriality" provision would not impede the cross-border flow of data. Media watchdog groups such as Fundamedios largely praised the law for establishing high standards for data and privacy protection while protecting freedom of expression.

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.

The government had declared and extended a broad state of emergency between March and September 2020 until a Constitutional Court decision in August 2020 prohibited the president from renewing the state of emergency using the same grounds as previous requests. The court ruled the state of emergency, which included de facto restrictions on freedom of assembly and association, “cannot be extended indefinitely” because the government 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.

On May 5, the Constitutional Court ruled as unconstitutional Ministerial Agreement 179, issued in May 2020 by the minister of defense. The agreement governed a May 2020 protocol on the use of force formulated in response to state-sponsored visits by missions from the United Nations and the Inter-American Commission on Human Rights, which concluded state security forces used excessive force to contain the October 2019 antigovernment protests. The court reviewed the agreement in response to complaints by several human rights organizations that argued such a protocol was unconstitutional. The organizations claimed the constitution grants the power to re-establish public order only to police and not the armed forces; the armed forces’ role is limited solely to the protection of national sovereignty and territorial integrity; and the protocol, as written, posed a threat to the full exercise of human rights by providing the military wide latitude to intervene in future protests. The court declared in its ruling that armed forces’ involvement in controlling public order and citizen security must be “extraordinary, subordinate and complementary, regulated, and supervised.” In addition, armed forces’ involvement must be carried out within a declared state of exception, in strict adherence to the law and under orders of the president of the country. Legislation or subsequent regulations implementing the court’s ruling were pending as of December 1.

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 and Right to Leave the Country

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, 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 human mobility 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.

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.

Abuse of Migrants and Refugees: Migrants and refugees, especially women and children, sometimes experienced sexual and gender-based violence. UN agencies and local NGOs reported refugee women and children were susceptible to violence

and human trafficking, including forced labor, sex trafficking, and the forced recruitment of individuals 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, continued inflows of migrants and refugees at irregular crossings amid continued border closures complicated the government's ability to address and prevent abuses against migrants and refugees.

Access to Basic Services: The law provides for access to health care, education, and other services to all individuals irrespective of their migration status. Nonetheless, most Venezuelan migrant and refugee children remained out of the school system, according to official government statistics. According to NGOs, barriers to the enrollment and retention of refugee and migrant children in school included a lack of information about universal access to education; hidden costs of schooling such as uniforms; lack of classroom space; and, in some instances, xenophobic attitudes towards Venezuelans. 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. Refugees and migrants reported that in certain instances, employers did not recognize government-issued documents that establish their right to work.

Durable Solutions: The government accepted refugees for resettlement and offered naturalization to refugees but had recognized very small numbers of Venezuelan refugees. 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 from September 2019 to December 2020, which led to the issuance of more than 56,000 two-year humanitarian visas. To uphold President Lasso's June commitment to launch a new regularization process for Venezuelan migrants, the government began designing a new regularization process.

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.

Elections and Political Participation

Recent Elections: In nationwide elections held on February 7, citizens voted the president and vice president, 137 National Assembly members, and five representatives to the Andean Parliament. Creating Opportunities Movement candidate Guillermo Lasso Mendoza defeated UNES opponent Andres Arauz Galarza in an April 11 presidential runoff election. Official results indicated that almost 83 percent of more than 13.1 million registered voters participated in the runoff election. 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. The February 2020 electoral reforms require 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.

In May the local NGO Participacion Ciudadana reported that despite the 2020 reforms, the percentage of female legislators elected decreased compared with 2017 (39 to 37 percent), with the proportion of female legislators progressively decreasing in every national election since the 2013 high (when 42 percent of all elected legislators were women). Further the report found most parties failed to fully abide by the reform requirement that women lead certain percentages of party candidate lists. The UNES coalition was an exception, as it exceeded the requirement in nearly all instances.

Social media harassment against female politicians and candidates continued,

although the harassment generally declined compared with 2020. Participacion Ciudadana found 8,839 derogatory tweets against 28 sampled women in politics and government in a study of tweets posted between December 2019 and August 31. The study indicated violent messages against female politicians peaked in April 2020, as COVID-19 national quarantine measures took hold and women headed prominent ministries and served as government spokespersons most relevant to the lockdown. According to the study, 79 percent of derogatory tweets contained messaging dealing with the objectification of women and perceived roles of women in society.

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. There were numerous reports of government corruption throughout the year.

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.

High-profile prosecutions and investigations of alleged public-health sector corruption during the COVID-19 crisis at the national, provincial, and municipal levels continued. On May 17, former Ecuadorian Institute of Social Security (IESS) board president Paul Granda was called to trial for charges of organized crime along with two former IESS hospital managers. Granda was also accused of alleged irregularities in medical supply acquisition contracts during the COVID-19 emergency. As of December 1, the date for proceedings remained pending.

Regarding the Sobornos (bribes) corruption scheme that illicitly financed former president Rafael Correa's Alianza PAIS party in exchange for public contracts from 2012 to 2016, former vice president Jorge Glas was serving his eight-year sentence for involvement in the scheme, in addition to a six-year sentence in a separate case for an illicit association connected to Brazilian company Odebrecht. On August 18, Interpol denied a National Court of Justice request to issue a Red

Notice for Correa, who was self-exiled in Belgium. The court stated it would continue to pursue the extradition of Correa and the other 14 defendants in the case, who were residing abroad.

On May 24, President Lasso issued Decree 4 on Governmental Ethical Behavior Standards that applies to all executive branch members. The decree includes a prohibition on remuneration of any nature to the spouses of the president and vice president; prohibits the nomination of executive branch officials' relatives for other government positions; requires a preemptive declaration of conflicts of interest where they may exist; and prohibits the unofficial use of official aircraft, vehicles, and government property, among others.

Section 5. Governmental Posture Towards 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.

On August 19, the National Court of Justice ruled against Ombudsman Freddy Carrion's habeas corpus request. Carrion had been in pretrial detention since May 17 for alleged sexual assault. The National Assembly impeached and removed Carrion from office for nonfulfillment of duties on September 14. On October 20, the court found Carrion guilty of sexual abuse and sentenced him to three years in prison.

Section 6. Discrimination and Societal Abuses

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. On November 24, the Attorney General's Office, in cooperation with the civil society-UN Spotlight Initiative reported 172 total femicides through November, compared with 118 in 2020 and 106 in 2019. On August 25, the Attorney General's Office announced a 26-year prison sentence for a man from Morona Santiago Province for murdering his four-year-old stepdaughter in August 2020 in front of her mother, whom he threatened to harm if she intervened.

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 2020. Nevertheless, barriers such as digital illiteracy, internet unavailability in rural areas, and lack of general familiarization with these technological resources

continued to limit 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 and social stigma.

On February 10, the Attorney General's Office announced a 12-year, seven-month prison sentence for a police officer in Tungurahua Province for raping a woman in September 2020 (see section 1.c.).

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 generally 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, and harassment remained common in public spaces.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Some women's rights activists complained that a lack of comprehensive sex education limited individuals' ability to manage their reproductive health and that ineffective distribution of birth control reduced access to contraception. Additionally, the Roman Catholic Church's stance against contraceptive use and social stigma discouraged women from seeking family planning services.

A 2019 study found income status affected equity in sexual and reproductive health access and outcomes, with low income and rural individuals having

significantly less access. UN agencies and CARE International reported migrant women faced limited access to, discrimination in, or both the provision of reproductive health services.

CARE International observed less access to sexual and reproductive health resources to survivors of sexual violence, and specifically, a lack of availability of emergency contraception as part of the clinical management of rape.

A February 2020 UNICEF-funded and Ministry of Health-supported teenage pregnancy report found that, although live birth rates for women ages 15 to 19 trended downward between 2009 and 2018 (the most recent year available for the report) from 88 live births per 1,000 women to 69), while live birth rates among girls ages 10 to 14 trended slightly upward, from 2.1 per 1,000 in 2007 to 2.8 in 2017. The report found the incidences of girls ages 10 to 14 having children were highest in coastal and Amazonian provinces, including Esmeraldas, Sucumbios, Orellana, and Morona Santiago. On August 17, Secretary of Human Rights Bernarda Ordonez stated 70 percent of girls ages 10 to 14 who become pregnant were most likely sexually violated. Ordonez added that many of these adolescents also suffered from sexually transmitted diseases, urinary tract infections, and other health complications.

Although the country's maternal mortality rate had remained below 70 per 100,000 live births since 2012, media citing official national statistics indicated the rate increased from 37 to 57.6 between 2019 and 2020. According to local health experts, maternal mortality was 36 percent more likely among women in rural areas compared with those in urban areas, and women with primary or less education were three times more likely to suffer maternal death than those with at least a high school education. Further, indigenous and Afro-Ecuadorian women were 69 and 50 percent more susceptible to maternal death, respectively, than their mestiza counterparts.

While the law prohibits discrimination against girls who become mothers, NGOs reported some faced discrimination and subsequently left school. A lack of resources also resulted in young mothers discontinuing their education to pursue work.

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. Women continued to face wage disparities compared with men. NGOs said women also faced discrimination in housing access and some judicial proceedings, namely, in reporting and filing charges in cases of alleged sexual abuse.

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 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.

Systemic Racial or Ethnic Violence and Discrimination

The constitution declares the state to be plurinational and affirms the principle of nonviolence and 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. NGOs and civil society representatives said those provisions were not effectively enforced.

A 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 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 regarding 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, gender, and sexual stereotypes. Late-night news show host Andres Carrion was criticized in social media as reinforcing negative gender and racial stereotypes after asking Afro-Ecuadorian Olympic gold medal-winning weightlifter Neisi Dajomes in an August 16 interview whether she “knew how to cook,” followed by whether she “knew how to wash dishes.”

Indigenous Peoples

There were isolated reports of restrictions placed on indigenous persons and their institutions in decisions affecting their property or way of life. Media reported the Pastaza Provincial Court partially accepted a habeas corpus request on July 16 for former Confederation of Indigenous Nationalities of Ecuador (CONAIE) president Antonio Vargas Guatatuca. Vargas Guatatuca was originally convicted for land trafficking in 2018, with his sentence extended to three years and four months in 2019, all of which he had served doing community service. He was arrested on June 20 in Pastaza Province after an arrest warrant had been issued a few days prior to serve part of his time in jail. CONAIE argued Vargas Guatatuca’s detention was arbitrary and illegal, as international conventions to which Ecuador is a signatory state indigenous persons are subject to prison alternatives. The court ruled Vargas Guatatuca should serve 60 days in jail and 30 in his community, then continue serving out the rest of his sentence doing community service. On November 8, President Lasso issued an executive pardon exonerating Vargas Guatatuca of charges and cancelling the fines ordered in his convictions.

The law provides indigenous persons the same civil and political rights as other citizens. The constitution 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. The constitution prohibits mining in urban and protected areas and limits oil drilling in Yasuni National Park.

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. Precise information on COVID-19 vaccination rates among indigenous persons was not available as of September 18, but government authorities declared they prioritized vaccinating indigenous communities and publicized several instances of vaccine drives in indigenous communities that included military-assisted vaccine transport to remote areas. The government nonetheless faced logistical challenges due to transportable vaccine availability and the physical isolation of some communities.

Media and activist groups reported environmental and anti-illegal mining activist Andres Durazno was stabbed outside his home in Azuay Province on March 17, allegedly by a relative. Activist groups called on the attorney general to open an investigation, which had not begun as of October 28.

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 and migrant 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.

In 2020 Ana Cristina Vera, director of the local NGO Surkuna, estimated six of 10 rape aggressors were immediate relatives, with most underage victims younger than 14. In 2019 the Office of the Public Prosecutor stated approximately 60 percent of rape victims were children and adolescents.

In 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 regarding child abuse and infanticide during the COVID-19 pandemic. The Quito Rights Protection Council reported 10 suicides and seven cases of infanticide between March and May 2020. The council stated the infanticides in that span were allegedly committed by the victims' immediate family members. Council vice president Sybel Martinez warned that a lack of precise statistics on violence against minors could fuel impunity. The Attorney General's Office publicized progress on several intrafamilial violence cases throughout the year.

Bullying remained a problem in schools and increasingly occurred on social media. On April 10, reforms to the Intercultural Education Law took effect, aiming to prevent and combat digital sexual violence and strengthen the fight against cybercrimes by making online bullying punishable. The law obligates educators to

investigate allegations of bullying, considering the victim's best interests. Cases that may lead to school violence (defined as incidents that may lead to death, physical, sexual, emotional, or psychological harm), harassment, or discrimination are prioritized for reporting to higher authorities within 48 hours.

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. CARE International reported the government did not respond effectively to these cases, especially in Kichwa and Shuar indigenous communities.

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 human trafficking, including child sex trafficking, is 13 to 16 years in prison. Authorities did not criminalize all forms of child sex trafficking. The criminal code requires proof of force, fraud, or coercion as essential elements of a trafficking crime, neglecting to recognize that anyone younger than age 18 is unable to provide such consent. Child sex trafficking remained a problem, despite government enforcement efforts.

On May 5, the Pichincha Provincial Court upheld the convictions and maximum prison sentences of 25 years and four months for five members of a criminal ring responsible for trafficking an estimated 100 teenage girls in Quito since at least 2018. The group recruited teenage girls from low-income neighborhoods to attend parties in an affluent Quito neighborhood. The case was related to a February 2020 conviction against one of the same defendants to a 34-year sentence for rape resulting in the death of a 15-year-old girl.

Displaced Children: Humanitarian organizations expressed concern that an increasing number of unaccompanied refugee and migrant children entered via irregular crossings after the government closed its borders in March 2020 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 450 individuals in Quito, 40 individuals in Guayaquil, and 10 individuals elsewhere in the country. The Jewish community reported no attacks or aggressions as of September 28. Community members said that during the military escalation between Gaza and Israel in May, opinion articles in *El Comercio* and *El Universo* newspapers included comments they considered anti-Semitic. Members of the Jewish community condemned the statements, but the government did not comment on the statements.

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. By law children with disabilities could attend specialized schools, but all educational establishments must accommodate students with disabilities. An educational policy NGO said nonspecialized institutions lacked the capacity and staff to accommodate the range of disabilities. The NGO said children with disabilities

attended primary school at similar rates to other children, but they attended secondary education at lower rates due to a lack of access to quality support.

The law stipulates persons with disabilities have the right to health facilities and insurance coverage, job security, access and inclusion in education, and a program for scholarships and student loans. The law also requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities, and it gives the Ombudsman's Office responsibility for following up on alleged violations of the rights of persons with disabilities, stipulating a series of fines and punishments for lack of compliance. A March 15 media report noted that the Ministry of Labor recorded a 29 percent increase in job dismissal complaints from persons with disabilities between 2019 and 2020 (652 to 838). More broadly, the number of complaints nearly tripled between 2017 and 2020.

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

HIV and AIDS Social Stigma

Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) activists reported that during the peaks of the COVID-19 pandemic in April and May 2020, officials at public and private hospitals blocked access to retroviral treatment and hormones to LGBTQI+ patients to focus resources on COVID-19 treatment. The sudden unavailability adversely affected LGBTQI+ individuals undergoing medical treatment.

The NGO Fundacion Ecuatoriana Equidad, a sexual health and LGBTQI+ advocacy group, said that despite a Constitutional Court order that the Ministry of Health improve the administration of HIV home treatment regimens for LGBTQI+ individuals and the Ministry of Health's commitment to do so, treatment continued to be inadequate due to perceived poor management by the ministry.

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

LGBTQI+ groups claimed police and prosecutors did not thoroughly investigate

deaths of LGBTQI+ individuals, including when there was suspicion that the killing was motivated by anti-LGBTQI+ bias. On September 3, NGO Silueta X representatives said 14 members of the LGBTQI+ community had been killed in 2020 and seven more as of September 3 (including one alleged forced disappearance by unknown perpetrators). Fundacion Ecuatoriana Equidad cited police and prosecutors' lax attitude and the lack of technical capacity and knowledge about the LGBTQI+ individuals to explain insufficient investigations into crimes committed against LGBTQI+ persons.

Regarding the May 2020 killing of Javier Viteri, on July 7, a municipal court in Arenillas convicted and sentenced the accused person, a military conscript, to 34 years and eight months in prison.

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

LGBTQI+ persons continued to report that the government sometimes denied their right of equal access to formal education. Despite the publication of a "Guide to Prevent and Combat Discrimination Based on Sexual Diversity and Gender Identity" by the Ministry of Education in 2019, Fundacion Ecuatoriana Equidad indicated the government had not comprehensively applied the guide's provisions and not adapted relevant regulations to implement the guide. LGBTQI+ 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 regarding overall harassment, discrimination, or abuse, particularly against LGBTQI+ persons. LGBTQI+ persons involved in the commercial sex trade reported abusive situations, extortion, and mistreatment by security forces.

The law prohibits changing gender on identity documents for LGBTQI+ persons younger than 18, even with parental consent. In 2019 an LGBTQI+ NGO reported a transgender minor was denied enrollment at 15 schools under her chosen name and gender in 2017. The minor’s parents subsequently filed a lawsuit requesting that officials allow her to change her name and gender on identity documents to end discrimination against her. In 2018 the Office of the Civil Registry allowed changes on her identity card. Fundacion Ecuatoriana 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 remained pending as of September 28.

An LGBTQI+ organization reported the existence of clandestine private treatment centers confining LGBTQI+ persons against their will to “cure” or “dehomosexualize” them despite the illegality of such treatment. According to the organization, the Ministry of Public Health had some success in identifying and closing such institutions. Alternatively, LGBTQI+ organizations said relatives also took LGBTQI+ persons to neighboring countries, where clinics reportedly used violent treatments, including rape, to change LGBTQI+ persons’ sexual orientation.

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 October 17 *El Comercio* article, 3 percent of the total workforce was unionized, with the number of public and private unions registered by the Ministry of Labor decreasing by half since 2017. Labor unions and associations reported difficulties in registering unions in the Ministry of Labor due to excessive requirements and ministry 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 everyone 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. Despite the promise of receiving a mediator within 48 hours of issuing a complaint, 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.

In May a provincial court ordered that the Ministry of Labor recognize the Trade Union Association of Agricultural Banana Workers and Peasants as a sector-wide union for banana workers and assigned monitoring to the Ombudsman's Office. This decision followed recent requests by the International Labor Organization (ILO) to permit sector-wide union organizing in compliance with international labor standards. In September the Ombudsman's Office submitted a report finding that the Ministry of Labor had not complied with the court order. Instead of appealing the decision, the ministry filed an extraordinary action for protection against the provincial court judges seeking the protection of the Constitutional Court for having to enforce the order. The Constitutional Court accepted the writ in September. The ministry had not complied with the court order as of October 28.

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 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 on “strategic sectors.”

All unions in the public sector fall under the Confederation of Public Servants. Although most public-sector workers also maintained membership in labor-sector associations, the law does not allow such associations to bargain collectively or to strike. The law specifies that only the private sector may 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 2020. The strike started after five employees allegedly were dismissed in June 2020 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 March 24, the strike and military presence ended when Explocen reached an agreement with workers. The Ombudsman's Office and the Ministry of Labor supported the negotiations.

The government did not effectively enforce all 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, and labor rights advocacy groups said that influential business interests tied to local officials sometimes used criminal proceedings to restrict workers' right to unionize. 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, trends that NGOs reported the COVID-19 pandemic had worsened. NGOs and media outlets continued to report that children were victims of human trafficking in 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 domestic servitude. In 2020 police detained 22 suspected traffickers. Authorities prosecuted eight individuals in seven trafficking cases and convicted and sentenced eight traffickers. In 2020 the government identified 140 victims of human trafficking and aided 126.

Indigenous and Afro-Ecuadorians, Venezuelan migrants, and Colombian refugees (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. Ecuadorian men, women, and children were exploited in forced labor within the country's borders, including in domestic servitude; forced begging; on banana, hemp, and palm plantations; street vending; mining; and other areas of the informal economy. According to the government, COVID-19 lockdown measures further pushed trafficking underground to occur on private properties, and in some cases even in mines or hidden locations near the country's borders.

Men, women, and children were exploited in forced labor abroad, including in the United States and other South American countries, particularly Chile and Colombia. Traffickers used the country as a transit route for trafficking victims from Colombia, Venezuela, and the Caribbean to other South American countries and Europe.

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 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 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. Although the government conducted two surveys in 2017 that included some information on child labor, it had not conducted a nationwide child labor survey since 2012. Government, union, and civil society officials agreed that a lack of updated statistics hampered child labor eradication efforts.

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. Observers noted 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 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. Children were also subjected to gold mining and the production of bricks.

As COVID-19-induced nationwide school closures continued, some parents continued 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. For students who could not attend virtual classes due to internet connectivity problems, some communities organized community centers so these children could continue remote learning. Many children younger than 15 in urban areas worked informally to support themselves or to augment family income by peddling on the street, shining shoes, sorting garbage, or begging. According to the NGO Partners of the Americas, city governments took some children who worked on the street to attention centers where internet connections and computers provided an opportunity to resume online learning often unavailable in the home.

Local civil society organizations reported that children conducted domestic work, including paid household work. A July 2020 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. An NGO reported

that Ministry of Labor representatives were frequently unprepared for administrative cases regarding discrimination based on sexual orientation or gender identity due to a lack of familiarity with LGBTQI+ issues.

Employment discrimination against women was prevalent, particularly with respect to economic opportunities for older women and for those in the lower economic strata. A study of average salary statistics reported in media on August 25 found that the average pay gap between men and women widened between February and July. While men's reported average monthly salary increased from \$301 to \$350 (or 16 percent), women's salary decreased from \$259 to \$248 (or 4 percent) in that span. Reasons the article cited for this reduction in average pay for women were reduced labor opportunities and workhour reductions, as women disproportionately worked in sectors (lodging, food service, and manufacturing) most adversely affected by the COVID-19-induced economic slowdown.

The National Institute for Statistics and Census (INEC) announced the unemployment rate in July was 7.1 percent for women and 3.8 percent for men, compared with 15.7 percent and 11.6 percent, respectively, in June 2020.

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. NGOs and labor leaders continued to note significant delays in processing these cases. Indigenous and LGBTQI+ individuals as well as persons with disabilities also experienced employment discrimination.

e. Acceptable Conditions of Work

Wage and Hour Laws: 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 Ministry of Labor is responsible for enforcement of wage and hour laws. Inspectors have the authority to make unannounced inspections. The ministry issues fines for wage and hour law violations. 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 and earning at or above the minimum salary of \$400 per month – was at 33.5 percent through September, and the “underemployment rate” was at 22.7 percent.

A June 2020 law addressing COVID-19’s impact allows 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 April 20 companies had enrolled 81,309 workers under “emergency contracts,” with most

of them being in the agriculture, livestock, manufacturing, and trade industries. Unions and labor organizations stated the 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. Labor unions filed a lawsuit with the Constitutional Court in June challenging the provisions in the June 2020 law. A ruling by the Constitutional Court remained pending as of October 25.

Labor leaders and NGOs said there were no specific sectors with a concentration of alleged violations of wage, hour, or overtime laws. They reported the number of complaints against public and private companies in the service, tourism, agricultural, and manufacturing sectors, however, were rising because of perceived unfair dismissals mostly under "emergency contracts" as provided in the June 2020 law. They said that women and young workers were sometimes vulnerable to wage exploitation in the informal sector, and that domestic and service-sector workers sometimes had to accept less convenient conditions on hours worked, especially in the context of customer capacity and operating hour restrictions due to COVID-19. Efforts to combat forced labor were deficient. The government did not have labor inspectors solely dedicated to identifying forced labor, although they were trained to do so. The government's 159 total reported labor inspectors through November 8 were below ILO standards for the country's population and labor force size.

The June 2020 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. Ministry of Labor data through July 29 indicated more than 457,000 persons in the public and private sectors worked remotely.

Occupational Safety and Health: 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 approximately 50 percent of the working population as of June. 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; inspectors could 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.

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.

On July 9, the Labor Ministry issued guidelines for the progressive return to work activities in the public and private sectors. The guidelines did not consider recent COVID-19 exposure or previous infection as justifiable cause for not returning to in-person work and included fines for noncompliance. On July 18, the National Federation of Public Servants expressed concern with the guidelines, arguing they prevented public-sector employees' safe, progressive return to work. On July 22, the Pichincha Medical Association requested the city of Quito to postpone the official return to in-person work due to concerns regarding the spread of the COVID-19 delta variant in the capital, but the request was denied. COVID-19 infection rates declined in August due in large part to higher vaccination rates

among the population.

Informal Sector: Most workers worked in the large informal sector and in rural areas. These workers received far fewer labor protections and were less likely to be able to remove themselves from dangerous health or safety situations without jeopardy to their employment. Informal sector workers were not covered by minimum wage laws or legally mandated benefits. OSH problems were more prevalent in the 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.