

# Ecuador - Human Rights Scorecard <sup>1</sup>

Ecuador, officially the Republic of Ecuador, is a representative democratic republic in northwestern South America, bordered by Colombia to the north, Peru on the east and south, and the Pacific Ocean to the west. Ecuador also includes the Galápagos islands in the Pacific, about 1,000 kilometres (620 mi) west of the mainland.<sup>2</sup>

**Official language:** Spanish

**Ethnic groups:** 71.9% Mestizo, 7.4% Montubio, 7.2% Afroecuadorian, 7% Amerindian, 6.1% White, 0.4% Other

**Government:** Unitary presidential constitutional republic

- President: Rafael Correa
- Vice President: Jorge Glas

**Death penalty:** Abolitionist for all crimes

**Population:** 16.1 million

**Life expectancy:** 76.2 years

**Under-5 mortality:** 23 per 1000

**Adult literacy:** 93 percent



## Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



**Partially respected** <sup>3</sup>

There have been no reports of politically motivated killings by the government, although there are occasional isolated incidents of extrajudicial killings by security forces.

### Freedom from disappearance



**Respected** <sup>4</sup>

There are no reports of disappearances.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



**Partially respected** <sup>5</sup>

The law prohibits torture and other methods of inhumane punishment; however, police officers have been reported to abuse suspects and prisoners. The government allows indigenous communities to exercise their own systems of justice, which raises human rights concerns.

### Freedom from arbitrary arrest or detention



**Partially respected** <sup>6</sup>

Unlawful detention has increased in recent years due to a rise in anti-governmental protests, despite constitutional provisions which prohibit arbitrary arrest and detention.

### Freedom from denial of fair public trial



**Partially Respected** <sup>7</sup>

The right to a fair trial is guaranteed by law, but delays frequently occur. Judges are often influenced by bribes and external pressure, whether it be from the media or from political and economic actors.

### Freedom from arbitrary interference with privacy, family, home or correspondence



**Largely disrespected** <sup>8</sup>

The government does not respect privacy laws, conducting illegal technological and physical surveillance on civilians.

## Section 2: Respect for Civil Liberties

*Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.*

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>9</sup>



**Score: 33.21, Rank: 109 / 180 – Highly controlled, limited or intimidated**<sup>10</sup>

Ecuador's president has increased government control over the media since his election. Journalists are not outright suppressed but instead subjected to dismissals or defamation suits, while privately-owned broadcasters are consistently undermined by repressive media laws.

### Freedom from academic censorship



**Respected**<sup>11</sup>

There are no reports of restrictions on academic freedom.

### Freedom of peaceful assembly and association



**Partially Respected**<sup>12</sup>

Protests generally occur peacefully and without government obstruction. Nevertheless, national security legislation involving terrorism and sabotage allow for use of force against unarmed individuals. These charges have been increasingly used under the current administration.

### Freedom of religion



**Respected**<sup>13</sup>

Religious freedom is constitutionally guaranteed and generally respected in practice.

### Protection of refugees and stateless persons



**Respected**<sup>14</sup>

Ecuador receives the largest number of refugees out of any Latin America country, mostly Colombians fleeing violence in their country. The government cooperates with NGOs and the UN to protect and assist refugees and stateless persons.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>15 16</sup>



**3 / 7 – Partly free**<sup>17</sup>

Although freedom of expression, particularly that of the press, suffers from a number of restrictions, the government generally protects many civil liberties.

## Section 3: Respect for Political Rights

*Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..*

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>18</sup>



**3 / 7 – Partly free**<sup>19</sup>

Elections are generally free and fair. However, the government has promoted policies and constitutional reforms, including eliminating the term limit and changing parliament's seat-allocation formula to benefit itself. Political rights are hindered by widespread corruption.

## Section 4: Corruption and Lack of Transparency in Government

*The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.*

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>20</sup>



**Score: 32%, Rank: 107/168 – Highly Corrupt**<sup>21</sup>

Corruption runs rampant in Ecuador due to a weak judiciary and the lack of investigative capacity of governmental agencies. There have been repeated reports of corruption involving the judiciary, law enforcement, labour inspectors, and lower level government officials

## Section 5: Governmental Response to Criticism

*This section deals specifically with the response heads of state have to civil society or international human rights reports.*

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



#### **Partially respected**<sup>22</sup>

Multiple local and international human rights groups operate without government restriction, and officials are generally cooperative. The president repeatedly uses slander laws to discourage criticism of the regime, as well as attacking NGOs through public statements.

## Section 6: Discrimination and Societal Abuses

*Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.*

### Rights of women (World Economic Forum Gender Gap Index)<sup>23</sup>



#### **Score: 73.8%, Rank: 44 / 145 – Somewhat unequal**<sup>24</sup>

In terms of health and education, Ecuador has largely closed the gender gap. Nevertheless, Ecuador lags behind other countries in the region in terms of political empowerment and economic opportunity. Women face restricted access to modern contraceptives.

### Rights of Children (KidsRights Index Overall Score)<sup>25</sup>



#### **Score: 79%, Rank: 58 / 165 – Protected**<sup>26</sup>

Ecuadorian law protects children from sexual exploitation and abuse. Children are guaranteed citizenship at birth and education is obligatory until 9<sup>th</sup> grade, and free until 12<sup>th</sup> grade.

### Rights of persons with disabilities



#### **Partially respected**<sup>27</sup>

The government campaigns for rights of persons with disabilities, mandating equal access to healthcare, education, transportation, and other government services. However, enforcement is limited.

### Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



#### **Partially respected**<sup>28</sup>

Afro-Ecuadorians suffer from pervasive societal discrimination, despite the lack of official discriminatory policies. Indigenous populations are afforded equal rights, as well as special say in matters concerning land rights. However, such groups still experience societal discrimination.

### Freedom from abuse and discrimination based on sexual orientation or gender identity



#### **Partially respected**<sup>29 30</sup>

Legal provisions prohibit discrimination based on sexual orientation and guarantee the right to choose one's orientation. However, significant numbers of public and private organizations often do not abide by non-discrimination laws.

## Section 7: Workers' Rights

*Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.*

### Rights to freedom of association and to collective bargaining



#### **Partially respected**<sup>31</sup>

Ecuadorian law provides for freedom of association, collective bargaining, and the right to strike. Ecuador has over 4,000 unions. However, the government prohibits the formation of unions in certain "strategic sectors" and employers do not always respect employee protection laws.

### Freedom from forced or compulsory labour



#### **Largely disrespected**<sup>32</sup>

Ecuador's anti-forced labour laws are both too broad and under enforced, due to lack of resources, inadequate bureaucratic practices, and ineffective police. This results in the frequent exploitation of child, women, and migrant labour.

## Freedom from forced labour for children, and a minimum age of employment



### Partially respected<sup>33</sup>

The minimum working age in Ecuador is 15 years old, and penalties are in place to fine those who exploit child labour. However, these penalties are not sufficient to deter violations, and child labour makes up about 3 percent of the total workforce.

## Right to acceptable conditions of work



### Largely respected<sup>34</sup>

Ecuador has relatively stringent labour laws in place, which are all enforced to certain degrees of efficacy by the Ministry of Labour and the Social Security Administration.

## Right to employment



### 4.5% - Reasonable unemployment<sup>35</sup>

Unemployment has been remarkably low recently but is projected to climb in the upcoming years.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2015." Amnesty International. April 6, 2016. Accessed May 11, 2016.

<https://www.amnesty.org/en/documents/act50/3487/2016/en/>.

<sup>3</sup> "Country Reports on Human Rights Practices for 2015 Ecuador." U.S Department of State. January 1, 2015. Accessed May 11, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

<sup>4</sup> Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

<sup>5</sup> Ibid. U.S Department of State.

<sup>6</sup> Ibid. U.S Department of State.

<sup>7</sup> Ibid. U.S Department of State.

<sup>8</sup> Ibid. U.S Department of State.

<sup>9</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

<sup>10</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2016. Accessed May 11, 2016. <https://rsf.org/en/ranking>.

<sup>11</sup> "Country Reports on Human Rights Practices for 2015 Ecuador." U.S Department of State. January 1, 2015. Accessed May 11, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

<sup>12</sup> Ibid. U.S Department of State.

<sup>13</sup> "Ecuador." International Religious Freedom Report for 2014. January 1, 2014. Accessed May 12, 2016.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

<sup>14</sup> "Country Reports on Human Rights Practices for 2015 Ecuador." U.S Department of State. January 1, 2015. Accessed May 11, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

<sup>15</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

<sup>16</sup> Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed May 10, 2016 <https://freedomhouse.org/report/freedom-world-2016/methodology>

<sup>17</sup> "Ecuador." Freedom in the World 2015: Ecuador. January 1, 2015. Accessed May 10, 2016. <https://freedomhouse.org/report/freedom-world/2015/ecuador>.

<sup>18</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed May 10, 2016. <https://freedomhouse.org/report/freedom-world-2016/methodology>

<sup>19</sup> "Ecuador." Freedom in the World 2015: Ecuador. January 1, 2015. Accessed May 10, 2016. <https://freedomhouse.org/report/freedom-world/2015/ecuador>.

<sup>20</sup> Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows:

80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

<sup>21</sup> "Ecuador." Corruption by Country. January 1, 2015. Accessed May 10, 2016 <https://www.transparency.org/country/#ECU>.

<sup>22</sup> "Country Reports on Human Rights Practices for 2015 Ecuador." U.S Department of State. January 1, 2015. Accessed May 11, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

<sup>23</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

<sup>24</sup> "Ecuador." World Economic Forum. January 1, 2015. Accessed May 10, 2016. <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=ECU>.

<sup>25</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

<sup>26</sup> "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed May 11, 2016. <http://www.kidsrightsindex.org/>

<sup>27</sup> "Country Reports on Human Rights Practices for 2015 Ecuador." U.S Department of State. January 1, 2015. Accessed May 11, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

<sup>28</sup> Ibid. U.S Department of State.

<sup>29</sup> "ILGA State-Sponsored Homophobia." International Lesbian Gay and Intersex Association. May 1, 2015. Accessed May 12, 2016. [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2015.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf). See also Ibid. U.S Department of State.

<sup>30</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

<sup>31</sup> "Country Reports on Human Rights Practices for 2015 Ecuador." U.S Department of State. January 1, 2015. Accessed May 11, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

<sup>32</sup> Ibid. U.S Department of State.

<sup>33</sup> Ibid. U.S Department of State.

<sup>34</sup> Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at [http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country)

<sup>35</sup> "Global Employment Trends." International Labour Organization. January 1, 2014. Accessed May 11, 2016. [http://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/WCMS\\_233936/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/WCMS_233936/lang--en/index.htm).