

ECUADOR 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ecuador is a constitutional, multiparty republic with an elected president and unicameral legislature. In 2013 voters re-elected President Rafael Correa and chose members of the National Assembly in elections that were generally free and fair. On December 3, the National Assembly approved 16 amendments to the constitution, including one that would eliminate term limits for the presidency and other elected positions, starting after the 2017 national elections. Civilian authorities maintained effective control over the security forces.

The main human rights abuses were lack of independence in the judicial sector; restrictions on freedom of speech, press, assembly, and association; and corruption. Government regulatory bodies established under the 2013 communications law issued a series of sanctions, fines, and forced corrections and retractions, primarily against independent media and journalists. President Correa and his administration continued to engage in verbal and legal attacks against the media and civil society. Presidential decrees provided the government discretion to dissolve civil society organizations on broad and ambiguous grounds. Limits on freedom of assembly continued, particularly affecting environmental activists and indigenous groups protesting laws affecting their lands.

Other human rights problems continued: excessive force and isolated unlawful killings by security forces; arbitrary arrest and detention; and delays and denial of due process. Violence and discrimination against women, children, minority groups, and the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community; trafficking in persons; and child labor persisted.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed politically motivated killings. Credible reports that security forces, particularly police units, used excessive force and committed isolated unlawful killings continued.

A local human rights nongovernmental organization (NGO) reported three cases of alleged unlawful killings by security forces during the year. A local human rights organization reported in mid-September that none of the cases had gone to court.

On March 21, the criminal court in Portoviejo sentenced former police officer Fidel A.V. to 25 years in prison for the murder of taxi driver Jose Gregorio Moreira. The media reported the police officer shot the taxi driver during an attempted robbery in May 2014.

On January 30, a criminal court in Guayaquil found two former police officers guilty of murder in the death of George Murillo, who was shot and killed in 2012 during a confrontation between soccer fans from two rival teams. The court ruled that seven other former police officers were not guilty. As of December no public information was available on sentencing for the two officers.

On September 4, the National Court of Justice sentenced two individuals involved in the extrajudicial killing of eight persons and the disappearance of three others during a 2003 police operation in Guayaquil. Marco C. received a 16-year prison sentence for the death of Jose Canar, while Aurelio Ch. received a two-year prison sentence for complicity in the crime. The court commuted Aurelio Ch.'s sentence, however, since the current criminal code does not include the crime of complicity. At a November 2014 hearing on the case, a judge sentenced five former police officers to 16 years in prison for murder and four others to eight years in prison for serving as accomplices to murder.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

A group of local human rights organizations reported 82 cases of “unwarranted physical aggression,” particularly against indigenous activists, by security forces during antigovernment demonstrations between August 13 and August 23.

The law and constitution recognize indigenous communities' right to exercise their own systems of justice based on their traditions and customs. There were concerns that certain indigenous punishments, such as "purifications" (often floggings followed by cold baths that cause pain on the irritated skin), violated human rights. Government officials reported that indigenous families continued to settle disputes and reach agreements on their own terms, including in cases that fall under the jurisdiction of ordinary courts, such as rapes.

Prison and Detention Center Conditions

Prison conditions were harsh due to food shortages, harassment by security guards against prisoners and visitors, physical abuse, and inadequate sanitary conditions and medical care.

Physical Conditions: Despite the opening of new prisons with more modern amenities, prisoners and human rights activists complained about a lack of resources for inmates, which meant that prisoners or their families were expected to provide many basic supplies, including mattresses, clothing, toiletries, and medicines. The health measures provided in prisons remained sufficient only for emergency care. Prisoners reported that medicines often were not available and that they had no access to dental care. On June 1, the human rights NGO Silueta X called on the government to provide better medical assistance to gay, bisexual, and transgender inmates in the men's wing of the Latacunga prison. Prisoners also complained of harsh living conditions, including sanitary problems, a lack of food, and the poor nutritional quality and quantity of the food.

The committee of relatives of inmates "Unidas Somos Mas" reported in May that prison guards ordered female relatives of prisoners to remove their clothing prior to visits, and in some cases they subjected the relatives to inappropriate touching during security body searches. A local human rights organization reported that some family members had complained that guards conducted vaginal and anal searches of several visitors while using the same disposable latex gloves.

Vulnerabilities in security remained a problem. The media reported that several inmates suffered injuries during a riot at the Guayas Regional Prison on May 11. Less violent riots occurred in the Latacunga prison on January 6 and September 10. Official information was unavailable concerning the national prevalence of deaths in prisons.

On April 29, a government-owned newspaper reported the killing of inmate Henry Patricio Vera Sanchez. According to a relative of the victim, other inmates organized the killing after Vera refused to join a prison gang inside a maximum-security prison center in Guayaquil. Prison guards found one inmate in possession of a pistol and bullets. Minister of Justice Ledy Zuniga responded that an investigation was underway to determine who was responsible for the killing of Vera. As of December there was no further information on the investigation.

Police conducted searches and raids in prisons throughout the year and discovered guns, ammunition, marijuana, and cocaine. On July 30, police dismantled an extortion network in a men's prison in Guayaquil, leading to the arrest of eight guards. A human rights activist reported that low-income families carried almost no money when visiting prisons to avoid extortion or harassment.

Administration: Despite improvements in recordkeeping in the new prison centers, upon completing their sentences most prisoners remained incarcerated due to bureaucratic inefficiencies, lack of recordkeeping on the length of their sentence or incarceration, and corruption. The Permanent Committee for the Defense of Human Rights (CDH) reported that officials failed to use alternatives to incarceration, including parole.

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

Public defenders assisted inmates in filing complaints and other motions. Prisoners had the right to submit complaints to local and national human rights ombudsmen. Human rights activists stated that independent authorities did not investigate allegations of poor prison conditions.

Police chiefs indicated that they did not have a manual on the procedures for transferring prisoners to different locations outside of prison centers. Media reported that in several provinces, police did not have enough official vehicles, and there were reports police officers used taxis to accompany prisoners to medical checkups and other outside visits.

Independent Monitoring: Independent nongovernmental monitors complained that their access to prisoners was limited. According to a local human rights organization, prison authorities placed strict limits on who can visit prisoners and

monitor prison conditions, which led to a “progressive isolation of prisoners.” Independent observers must submit in writing their reasons for visiting a prison, specifying general and specific objectives of the visit, as well as other information required by an administrative order. Observers stated that many requests never received a response, which effectively prohibited them from accessing prisons.

Improvements: On March 29, the Ministry of Justice reported it had eliminated overcrowding in prisons, due to the opening of new facilities and improvements in judicial procedures.

d. Arbitrary Arrest or Detention

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

According to human rights organizations, arbitrary detentions increased compared with 2014, due largely to an increase in the number of antigovernment demonstrations. On September 8, a local human rights NGO reported 146 cases of arbitrary detention during the first eight months of the year. The NGO received 32 complaints nationwide and recorded at least 114 cases of arbitrary detention during the August demonstrations. On August 30, the Confederation of Indigenous Nationalities of Ecuador (CONAIE) reported arbitrary detentions during the antigovernment August demonstrations in the cities of Quito, Puyo, and Macas, as well as in the provinces of Cotopaxi and Imbabura. Indigenous women, including pregnant women, reported cases of physical abuse, threats, and sexual harassment during detention.

Role of the Police and Security Apparatus

The National Police maintain internal security and law enforcement. The military is responsible for external security but also has some domestic security responsibilities, including combating organized crime. Both the police and military are in charge of border enforcement. Migration officers are civilians and report to the Ministry of Interior. The National Police are under the authority of the Ministry of Interior, and the military is under the supervision of the Ministry of Defense. The National Police’s internal affairs unit investigates killings by police and examines whether they were justified. The unit can refer cases to the courts. An intelligence branch within the military has a role similar to the police internal affairs unit. The law states that the Public Prosecutor’s Office must be involved in

all investigations concerning human rights abuses, including unlawful killings and forced disappearance.

Corruption, insufficient training, poor supervision, and a lack of resources continued to impair the effectiveness of the National Police.

Civilian authorities maintained effective control over the police and the armed forces. The government has mechanisms to investigate and punish abuse and corruption, although some problems with impunity existed.

Police receive required human rights instruction in basic training and in training academies for specialized units. In the police academy, human rights training is integrated throughout a cadet's four-year instruction. Additionally, there is a mandatory human rights training regimen concerning preservation of life and human rights, along with a human rights handbook. There were reports that police officers complained to local nonprofit groups about the lack of knowledge and preparation of police instructors teaching human rights in the academy. Authorities offered other human rights training intermittently. The government continued to improve the preparedness of police, including increasing funding, salaries, and purchasing equipment.

Investigations into the 2010 police protest, which the government referred to as an attempted coup, continued. On May 26, the Second Criminal Chamber in Guayaquil, headed by Justice Rodolfo Alvarado Mora, resumed the trial hearing against 34 police officers and dismissed charges involving another seven police officers, in both active and retired service. The Office of the Public Prosecutor filed charges of insubordination against the 34 indicted police officers.

On October 22, the National Court of Justice sentenced to 18 months in prison five of 13 individuals charged with sabotage for invading government-owned *Ecuador TV* in 2010. A court had previously sentenced nine individuals to four years in prison. A lawyer for the defendants said the case showed that there was no justice in the country, since such infractions normally resulted in a sentence of two to four days in prison. On July 9, two of the nine previously sentenced individuals, Paul Camacho and Alejandra Cevallos, received a presidential pardon, due to the visit of Pope Francis to the country and because they "expressed regret" for their actions, according to a presidential decree.

Arrest Procedures and Treatment of Detainees

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

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

Detainees have a constitutional right to an attorney. Indigents have the right to request a court-appointed attorney from the autonomous Public Defenders' Office. Although the number of available court-appointed defenders was higher than in previous years, the limited time they had to prepare for the defense of the detainees continued to represent a disadvantage during trials.

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

Arbitrary Arrest: On August 13, journalists covering the antigovernment marches in Quito reported the detention of several peaceful protesters, including Carlos Perez Guartambel, president of indigenous organization Ecuarrunari; Manuela Picq, a university professor and freelance journalist; and Salvador Quishpe, prefect of Zamora Chinchipe Province. An indigenous confederation reported the arrest that same night of another indigenous leader, Katy Betancourt, female leader and vice president of CONAIE. Police took a reporter, Edison Navarro, who was covering the march in the town of Cotacachi, into custody and later released him. A group of human rights NGOs reported the temporary detention of several journalists covering the protest marches on the evening of August 13.

On August 27, Minister of Justice Zuniga reported that 60 individuals were in pretrial detention for their participation in the antigovernment August demonstrations, and four underage individuals were ordered to comply with

“social-educational measures.” Zuniga underscored that those under pretrial detention were charged for paralyzing public services and attacking law enforcement officers.

Pretrial Detention: Corruption and poor training of police, prosecutors, public defenders, and judges, and general judicial inefficiency caused trial delays. Many victims abandoned their cases and dropped charges, in part because of the high cost of retaining counsel and bribing judicial authorities.

Pretrial Detention of Rejected Asylum Seekers or Stateless Persons: the Ministry of Interior administered a temporary detention center, known as “Hotel Carrion,” in Quito for foreigners with deportation orders. On August 27, media outlets reported that authorities allowed detainees to see visitors during a one-hour period three days per week. On August 21, the Ministry of Interior released a public statement noting, “Foreign citizens that are placed in that shelter are not detained. They are housed and their detention is temporary while administrative proceedings take place for their deportation.” Some human rights activists, however, stated that the center effectively operated as a jail by limiting detainees’ freedom of movement, and they complained that some periods of detention lasted several months. Detainees claimed that the temporary detention center lacked modern facilities. From January to July, authorities placed 876 foreigners in the detention center.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, outside pressure and corruption impaired the judicial process. The media reported on the susceptibility of the judiciary to bribes for favorable decisions and faster resolution of legal cases. Judges reached decisions based on media influence or political and economic pressures in cases where the government expressed interest. Delays often occurred in cases brought against the government, whereas cases brought by the government moved quickly through the courts. There were credible reports that the outcome of many trials appeared predetermined. According to human rights lawyers, the government also ordered judges to deny all “protection action” legal motions that argued that the government had violated an individual’s constitutional rights to free movement, due process, and equal treatment before the law.

On February 10, a court in Ibarra sentenced environmental activist Javier Ramirez to 10 months in prison for sabotage and terrorism. On the same day, authorities

released Ramirez from prison, since he had remained in pretrial detention for 10 months. Ramirez, a vocal opponent of the proposed Llurimagua copper mining project in the biodiverse region of Intag, was convicted for allegedly making threats against staff of the National Mining Company (Enami). Ramirez and eyewitnesses in the community of Junin, including those who support the mining project, claimed that he was not present when local residents confronted Enami employees. Local human rights organizations included Ramirez's case in a report they presented to the Inter-American Commission of Human Rights (IACHR) in October 2014.

Police arrested Manuela Picq, a French-Brazilian university professor and freelance journalist who had resided in the country for eight years, during an antigovernment demonstration on August 13 (see section 1.c.). On August 14, the Ministry of Foreign Affairs and Human Mobility cancelled Picq's cultural exchange visa. Authorities placed her in "Hotel Carrion," a temporary detention center for foreigners with deportation orders. During Picq's deportation hearing on August 17, Judge Gloria Pinza denied the deportation order, ruling that the government had not met any of the legal justifications. On August 19, Minister of Interior Jose Serrano sent a letter to Pinza claiming that the interior minister's approval was required before a deportation order could be denied. Picq's lawyers complained that Pinza handed over the case file to the interior ministry for "consultation," in violation of the "constitutional principles of... judicial independence and separation of powers." On August 20, another judge denied a habeas corpus motion and a protection action filed by Picq's lawyers, which allowed the cancellation of Picq's visa to stand. Picq chose to depart the country voluntarily on August 21, announcing that she feared additional actions by the government and noting that she was in "legal limbo" without a valid visa. On September 18, the Ecuadorian consulate in Rio de Janeiro notified Picq that it had denied her application for a Mercosur (Common Market of the South) temporary residence visa. On October 1, the Provincial Court of Pichincha rejected Picq's appeal of the August 20 denial of a protection action filed by her lawyers. On November 17, the foreign ministry confirmed its decision to deny Picq's appeal.

On September 1, the Criminal Chamber of the National Court of Justice ruled that former army major Fidel Araujo would serve a three-year prison term for his alleged involvement in the 2010 police protest. In 2011 the Fourth Criminal Tribunal in the province of Pichincha found Araujo not guilty of inciting police officers to rebellion, which led to Araujo's release after six months in detention. Nevertheless, the Second Criminal Chamber of the Court of Pichincha declared that decision void. The chamber accepted the prosecutor's argument that the initial

trial hearings were open to the public but should have been closed. In a new trial, the Fifth Criminal Tribunal in Pichincha sentenced Araujo to three years in prison, a judgment his lawyers then appealed to the National Court of Justice.

Trial Procedures

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

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

Judges reportedly rendered decisions more quickly or more slowly due to political pressure or, in some cases, the payment of bribes. Failures in the justice system contributed to cases in which communities took the law into their own hands and resorted to violence against suspected criminals.

Criminal justice reforms aimed at reducing congested dockets in criminal cases produced “simplified” proceedings in pretrial stages, resulting in summary proceedings against defendants with few if any due process protections.

The regular court system tried most defendants, although some indigenous groups continued to settle and tried members independently for violations occurred in indigenous territory.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees. Eduardo Veliz, a Galapagos Islands leader and former assembly member, started a hunger strike in

October after the government sentenced him to two years in prison for inciting citizens to suspend public services in a protest on the islands. Veliz ended his strike in early November but, as of December 21, remained in the hospital receiving medical care.

Civil Judicial Procedures and Remedies

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

Property Restitution

Human rights groups denounced forced evictions by government authorities without due process or timely relocation to other housing. On March 27, the Technical Secretariat of Prevention of Irregular Human Settlements led an operation involving 426 police officers in Isla Trinitaria, a mainly Afro-Ecuadorian community located on the outskirts of Guayaquil. The operation destroyed 40 houses, affecting approximately 200 persons, including an estimated 90 children. According to police reports, two police officers suffered injuries, and they arrested three residents. Authorities claimed that the affected families had unlawfully invaded a mangrove reserve, and that the forced relocation sought to avoid environmental damages. Media reported that the government's efforts to recover the area would result in the relocation of 8,170 families. Local human rights organizations expressed concerns about the dire situation facing the families that suffered evictions. According to the CDH, officials from the Ministry of Urban Development and Housing did not initiate a dialogue with evicted residents about the relocation plan until a month after their houses were destroyed. Human rights groups and media reported additional examples in other parts of the country of forced evictions affecting mostly Afro-Ecuadorian families in urban areas or indigenous families living near natural resource extraction projects.

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

The constitution and the law prohibit such actions, but the government did not respect these prohibitions.

On July 5, the media reported that the National Intelligence Secretariat of Ecuador (SENAIN) purchased remote control system surveillance software from a foreign company. According to the reports, the government's contract with the company included a variety of surveillance services, including covert collection of e-mails, - texts, and telephone calls; keystroke logging; hijacking of cellphone GPS systems, and monitoring of activities of opposition politicians. Coordinating Minister for Security Cesar Navas and SENAIN head Rommy Vallejo denied that SENAIN had any contracts with the company.

On August 11, Maria Alejandra Vicuna, a legislator from the government's ruling party, disclosed through social networks an audio clip of a private conversation between opposition activist and former legislator Martha Roldos and her coworkers. According to Roldos, this action represented a clear violation of her privacy.

Human rights, environmental, and labor activists reported physical surveillance by authorities, including monitoring of their private movements and homes. On October 19, female environmental activists accused the government of physical surveillance during testimony before the IACHR.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech and Expression: Generally, individuals could discuss matters of general public interest publicly or privately without reprisal, although various civil society groups, journalists, and academics argued that the law limited their freedom of expression and restricted independent media. Under the communications law, media outlets are also legally responsible for the opinions of their contributors. Independent of this law, it is illegal to threaten or insult the president or executive branch, and penalties for violators range from six months to two years' imprisonment or a fine from \$16 to \$77.

Article 176 of the new criminal code that went into effect August 10 establishes a prison sentence of up to three years for those who "disseminate, practice, or incite any distinction, restriction, or preference on grounds of nationality, ethnicity, place

of birth, age, sex, gender identity or sexual orientation, cultural identity, marital status, language, religion, ideology, socioeconomic status, immigration status, disability, or health status with the aim of nullifying or impairing the recognition, enjoyment, or exercise of equal rights.” According to some legal experts, the article could restrict freedom of speech.

On March 19, at the request of the Superintendency of Information and Communications (Supercom), the government’s media regulatory agency, public prosecutor Galeano Balcazar opened a preliminary criminal investigation into political cartoonist Xavier “Bonil” Bonilla and the newspaper *El Universo* concerning an allegedly discriminatory cartoon about Afro-Ecuadorian legislator Agustin Delgado published in August 2014. The charges carried a prison term of one to three years, but on April 7, the Office of the Public Prosecutor closed the case against Bonil and *El Universo* due to a lack of evidence. In February, Supercom fined *El Universo* and Bonil and forced them to issue a public apology to the Afro-Ecuadorian community.

Press and Media Freedoms: Freedom House rated the country as “not free” for a third consecutive year. The freedom of expression watchdog group Fundamedios reported that 2015 was the worst year for freedom of expression, and particularly for the press, since it began its monitoring in 2008, with 368 “aggressions” on journalists, a 44 percent increase from 2014. President Correa continued to attack private newspapers and encouraged followers to buy only public newspapers. Regulatory bodies created under the law monitored and disciplined the media through a combination of legal and administrative sanctions.

During a press conference on June 23, Supercom director Carlos Ochoa reported that Supercom sanctioned 198 media outlets for violating the communications law since it went into force in June 2013. Of the cases reviewed by Supercom, 80 percent resulted in penalties. In at least one known case--a sanction against *El Universo* for a series of insufficient corrections to news stories demanded by the National Secretariat of Communication (Secom)--the fines reached several hundred thousand dollars. According to Fundamedios, Supercom and government officials initiated 54 percent of the cases. Fundamedios also found that 96 percent of cases before Supercom involved private media outlets, 2 percent involved government-owned media outlets, and 2 percent involved institutions.

The independent media remained active and expressed a wide variety of views, including those critical of the government, although many analysts and journalists

noted the law had led to self-censorship in private media, pointing to a decrease in investigative reporting.

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

The law includes the offense of inciting “financial panic” with a penalty of imprisonment for five to seven years. Some analysts viewed this as a warning to the media in their reporting on the country’s financial problems. Media outlets reported privately that they refrained from some financial reporting due to concern over the possible legal consequences.

The government owned or operated an estimated 20 broadcast stations and one newspaper and used its extensive advertising budget to influence public debate. The law mandates the broadcast of messages and reports by the president and his cabinet free of charge. The government increasingly required media stations to broadcast statements by the president and other leaders, thereby reducing the stations’ private paid programming. Various media outlets also reported pressure from the government to broadcast “voluntary” advertisements or face the risk of losing their broadcast frequencies. According to a report by Fundamedios, indigenous community radio stations stated that they aired the president’s weekly address and that their contracts also required them to send to Secom their daily programming list in advance.

The law calls for the redistribution of broadcast frequencies to create equal shares of media ownership between private media (33 percent), public media (33 percent), and community media (34 percent). Observers claimed this redistribution of frequencies would reduce the private media by almost 50 percent. The government asserted in public statements that information was a public good rather than a right and that the redistribution of frequencies guaranteed a more inclusive and diverse media environment. As of October 2, the government had yet to redistribute frequencies. Press reports indicated that the Agency for Regulation and Control of Telecommunications (ARCOTEL) initiated a process on September 8 to review irregularities in more than 300 radio and television frequencies. On December 19, media reported that ARCOTEL had closed seven media outlets due to expired or invalid frequencies. Media directors stated that the government had either directly

or indirectly threatened revocation of their frequencies unless they limited critical coverage of the government.

Violence and Harassment: During public appearances and his mandated weekly television and radio address, President Correa regularly questioned journalists' competence and professionalism, and accused the private media of bias. He cited individual journalists by name and encouraged both government officials and private individuals to raise complaints against the media. During his August 29 weekly address to the nation, President Correa urged supporters to protest outside the headquarters of "corrupt" media organizations. NGOs, journalists, and international human rights organizations reported increased pressure from authorities due to criminalization of speech and self-censorship that resulted from threats against journalists and sanctions under the communications law.

Fundamedios reported that on July 13 unknown individuals entered the residence of artist and political cartoonist Vilma Vargas, in Chambo. Vargas denounced the intrusion as an act of intimidation, since the intruders ransacked her house but did not take anything.

On July 29, unknown perpetrators left pamphlet bombs outside the offices of the government-owned newspaper *El Telegrafo* and the private newspaper *El Universo* in Guayaquil. Neither newspaper reported injuries. The bombs included a note from the "National Liberation Front" that criticized the government. The local prosecutor announced an investigation into a possible act of terrorism. As of December, there were no public announcements of arrests in the case.

Censorship or Content Restrictions: Journalists working at private media companies reported instances of indirect censorship and stated that President Correa's attacks caused them to practice self-censorship.

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

On May 13, Supercom fined the newspaper *La Hora* \$3,540 for "prior censorship" for choosing not to cover a press conference in which the mayor of Loja, Bolivar Castillo, presented an accountability report of his administration's work in 2014. Supercom ruled that *La Hora* had failed to cover "facts of public interest" as

required by the law. *La Hora* challenged the ruling in court and announced that it would not pay the fine, calling it a “disastrous precedent” that usurped the media’s editorial discretion and allowed public officials to decide what information is of public interest.

On August 15, President Correa declared a “state of emergency” for the entire country and named Coordinating Minister for Security Cesar Navas as the sole official source of information regarding Cotopaxi Volcano, which began to emit large columns of ash, sparking public fears of a large eruption. Correa subsequently issued a presidential decree that prohibited private media from speculating about the volcanic activity. Private media criticized the restrictions on their ability to report on the volcano. During a radio interview on September 14, Navas announced that his ministry would initiate legal action through the Office of the Public Prosecutor against social media users that had published “unscrupulous” comments and rumors related to the volcano. On October 13, Navas announced an end to the 60-day state of emergency.

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

The government remained the largest single advertiser in the country. Media watchdog organizations argued that the government used advertising contracts to reward or punish media companies.

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

Libel/Slander Laws: The government used libel laws against media companies, journalists, and private individuals. Libel is a criminal offense under the law with penalties of up to three years in prison, plus fines and other damage awards.

The law assigns prior responsibility to media owners, who are liable for opinion pieces or statements by reporters or others, including readers, using their media platforms.

On January 17, authorities released doctor and social activist Carlos Figueroa from prison after he served six months for defamation of the president. On March 23, National Court of Justice judge Luis Enriquez vacated the 12-month prison sentence against former National Assembly member Clever Jimenez and journalist and political activist Fernando Villavicencio and dismissed the arrest warrant against them, since the new criminal code does not include the crime for which they were convicted. Government representatives announced that the government would demand an explanation from the National Court of Justice regarding Enriquez's ruling. In 2013 Jimenez and Villavicencio received 18-month prison sentences for defamation, while Figueroa received a six-month sentence. In August 2014 Judge Lucy Blasio reduced Jimenez' and Villavicencio's sentences from 18 months to one year under the "principle of favorability" in accordance with the new criminal code. Jimenez and Villavicencio reappeared publicly on March 24 after hiding almost a year with the Sarayaku indigenous community in Pastaza Province.

On September 24, Maria Jose Carrion, a legislator affiliated with ruling party Alianza PAIS (AP), announced that she would initiate legal action against Lourdes Tiban, a legislator affiliated with opposition party Pachakutik, for libel. On September 23, Tiban had reported that two women and a man attacked her on the street in Quito. Tiban filed a complaint with the prosecutor's office, and told media that she had previously suffered threats and aggressions from individuals affiliated with the AP, including Carrion. In December the case remained open.

On November 11, a court in Cuenca sentenced Sebastian Cevallos, deputy director of opposition political movement Unidad Popular, to 15 days in prison for a series of tweets he posted in July alleging nepotism on the part of former minister of labor Carlos Marx Carrasco in securing a government post for his niece, Paula Rodas. Rodas initiated a judicial case against Cevallos for libel. Media noted that this was the country's first reported case of a tweet resulting in a criminal sentence. Cevallos stated that the ruling violated his human rights and freedom of expression and cited it as an example of how the government seeks to criminalize public opinion.

The law includes a prohibition of "media lynching," described as the "coordinated and repetitive dissemination of information, directly or by third parties through the media, intended to discredit a person or company or reduce its public credibility." The exact terms of this provision remained vaguely defined but threatened to limit the media's ability to conduct investigative reporting. The superintendent of

information and communication has the authority to determine if a media outlet is guilty of media lynching and to apply administrative sanctions.

On February 13, Supercom sanctioned the private the television network *Teleamazonas* for “media lynching.” The case involved satirical skits about Luis Chiriboga, president of the Ecuadorian Soccer Federation, in which he was portrayed trying to “buy votes” in order to secure his re-election as the federation’s president. In its defense *Teleamazonas* argued that any attempt to control the contents of the program would have violated the prohibition on “prior censorship.” Supercom forced the outlet to issue a public apology, although *Teleamazonas* did not incur any financial penalties.

Internet Freedom

The government did not restrict or disrupt access to the internet, but there were credible reports that the government censored online content and monitored private online communications without appropriate legal authority. A 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 International Telecommunication Union reported that 43 percent of the public used the internet during the year. Freedom House evaluated the internet as partly free.

While individuals and groups could generally engage in the expression of views via the internet, the government increasingly monitored Twitter and other social media accounts for perceived threats or alleged insults against the president and government officials. Some NGOs and media outlets reported cyberattacks by unknown perpetrators that appeared politically motivated, since they occurred during coverage of antigovernment protests and when reporting problems perceived as critical of the government.

During his January 24 weekly national address, President Correa announced the launch of a new website, Somos + (We Are More), to confront what he called a “systematic smear campaign” against his government. He said that those who registered would receive an update anytime someone posted a critique of the president or the government on social media, so that they could respond to the critique. Correa claimed the new website would respond to persons who “abuse the anonymity and freedom that social networks provide.” Correa singled out the Facebook and Twitter accounts operated by Crudo Ecuador for satirical posts, calling on his followers to identify the accounts’ administrator. Following

Correa's comments the Crudo Ecuador administrator received threats from other social media users. On January 26, Minister of Interior Jose Serrano announced an investigation into the threats. As of December the ministry of interior had not announced any results of its investigation.

On January 28, Crudo Ecuador's Twitter feed was temporarily suspended following a complaint lodged by Ximah, a private public relations company that received public contracts from the government. On February 19, the Crudo Ecuador administrator announced that he would close his Facebook and Twitter accounts, after two individuals left a bouquet of flowers and a threatening note at the door to a family member's residence where he and his family were staying in the province of Guayas. On February 21, Correa lamented the "excesses" on social media from supporters and critics, but he speculated that the threat against the Crudo Ecuador administrator came from "people who want to damage the government."

Various local press outlets reported on the government's relationship with a Spanish antipiracy firm named Ares Rights that targeted internet websites, YouTube, and Twitter accounts critical of President Correa or of his government and forced these sites to take down content based on the Digital Millennium Copyrights Act (DMCA). In what many media analysts considered online censorship, Ares Rights sent DMCA takedown notices on behalf of several government officials, targeting documentaries, tweets, and search results that included images of those officials, alleging copyright infringement. According to a report published on July 29 by the Inter-American Press Association, Ares Rights successfully petitioned for the closure of four Twitter accounts that posted tweets critical of the government. On December 28, Ares Rights asked on behalf of Secom that Amazon take down the Fundamedios website, alleging that the site violated copyright laws by using an image of President Correa in a montage that accompanied one of its alerts. As of December 31, the site remained operational.

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 card) or created a system to delete offensive comments. The law also prohibits the media from using information obtained from social media unless they can verify the author of the information.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of peaceful assembly. The government respected this right, with some exceptions. Public rallies required prior government permits that usually were granted. The government often deployed a large security presence at demonstrations. Security forces generally respected the rights of participants, but some exceptions occurred.

International and local human rights NGOs denounced the “excessive use of force” by security forces against protesters during antigovernment demonstrations in August. Jose Miguel Vivanco, director of the Human Rights Watch Americas division, noted the NGO received credible allegations that police used excessive force, which included beatings, against unarmed and nonviolent protesters. Local media reported on August 26 that police had detained 123 persons nationwide and 113 police officers had suffered injuries. Local human rights activists argued that beatings; detentions of protesters, particularly protest leaders; and “disproportionate” charges, including sabotage, terrorism, disruption of public services, and attacks or resistance against police, were part of a government effort to criminalize social protest. The minimum sentence for these different charges ranges from one to seven years. The interior minister and defense minister defended the police and military’s performance in managing the protests and clearing roadblocks around the country, arguing that protesters instigated violence against the security forces.

On December 4, 21 persons were convicted and sentenced to 15 days in prison for “issuing expressions of discredit and dishonor” against police officers during December 3 protests in Quito following the National Assembly’s approval of constitutional amendments. The Ministry of Interior reported that several police officers suffered injuries during the protests. Although some detainees claimed that they had suffered physical and verbal abuse from police, the Pichincha Provincial Court of Justice rejected a habeas corpus petition filed by their defense lawyers.

Freedom of Association

The law provides for freedom of association, but the government took steps to limit this right. Presidential Decree 16, released in 2013, requires all social organizations (including NGOs), to reregister in a new online registration system within one year or face dissolution. In December 2014 the National Secretariat for Policy Management announced that all NGOs registered in the old system would automatically be incorporated into the new system established under the decree. As of December, three challenges to the decree remained pending before the Constitutional Court.

On August 4, President Correa issued a decree to reform Decree 16. The changes, codified in Decree 739, eliminate a requirement that NGOs report their levels of foreign financing and removed their obligation to have assets worth at least \$4,000 before registering as an NGO, while also placing foreign NGOs under the decree's regulations. Government officials argued that Decree 739 made it easier for NGOs to register, such as by eliminating the minimum equity requirement and standardizing the registration process so that the same requirements bind religious, community, and other organizations.

The law provides the government discretion to dissolve organizations (including civil society, foundations, and churches) on multiple grounds, including compromising the interests of the government, engaging in partisan political activity, threatening public peace, deviating from the organization's stated purpose, or not providing access to information requested by the government. Provisions in Decree 16 limit the ability of organizations to choose their members.

On August 12, representatives of more than a dozen NGOs issued a public letter demanding the withdrawal of Decrees 16 and 739 for violating freedom of association. They noted that the new decree maintains "ambiguous justifications" to close NGOs and a "controversial procedure for dissolution, in open violation of international standards" regarding freedom of association. NGOs continued to report increasing government scrutiny and regulation, as well as harassment during tax and labor inspections.

On September 8, Secom notified Fundamedios that it had initiated a process to dissolve the organization. Secom accused Fundamedios of deviating from its stated purpose and engaging in political activities, both of which are justifications for the dissolution of civil society organizations under Decree 739. Secom's resolution, dated September 7, gave Fundamedios 10 days to refute the allegations. The notification followed a June 23 letter from Secom, in which it warned

Fundamedios to refrain from issuing “alerts” of a political nature. On September 17, a group of rapporteurs from the UN and the IACHR published a joint statement condemning the government’s actions, noting, “the rationale cited for Fundamedios’ dissolution could be used to block the legitimate exercise of freedom of association.” On September 21, Ombudsman Ramiro Rivadeneira appealed to Secom to refrain from dissolving Fundamedios in the spirit of strengthening dialogue with civil society. On September 25, Secom notified Fundamedios that it had shelved the dissolution process against the organization, albeit with a “final warning” that Fundamedios must abide by its statutes and abstain from political activities.

On October 20, Secom stated that the defense of human rights such as freedoms of expression, assembly, and association was the responsibility of the government as mandated in the constitution. Therefore, NGOs should not take on such a public administration role. Legal director Cristian Hernandez ordered Fundamedios to revise its overall function to these standards, giving it 20 days to respond (see section 5).

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In September 2014 the Constitutional Court declared several provisions of the decree on refugee admissions unconstitutional and removed some of the restrictions on refugee seekers' gaining status, such as provisions that set time limits of 15 days to apply for refugee status after entering the country and of three to five days to appeal a decision. It extended those time limits to three months and 15 days, respectively. The court also added the definition of a refugee contained in the 1984 Cartagena Declaration, allowing for "generalized violence" as a basis for granting the refugee status. While experts believed the court ruling would lead to a greater number of refugees receiving asylum, as of November 5, the government had not published new figures in support of this assumption.

The law establishes a two-step procedure for asylum seekers to apply for refugee status with a right to appeal rejections in the second stage of the process. The government limits applications for asylum to persons who enter the country within the previous 90 days. While an improvement over the previous 15-day time limit, experts noted that the admissibility procedure still hampered the granting of protection to deserving cases and remained the main challenge to refugee protection in the country. UNHCR estimated that, between the pre-eligibility interview and the refugee determination panel, the government denied refugee status to up to 94 percent of refugee applicants. Previously the government permitted 80 to 90 percent of asylum seekers to obtain refugee status.

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

Refoulement: According to UNHCR, there were 36 cases of refoulement from January 1 to September 9. Additionally, UNHCR reported that during the same period 54 persons presumably of interest were returned, mostly to Colombia.

Refugee Abuse: Refugees, especially women and children, experienced sexual and gender-based violence, and youths experienced forced recruitment in border areas. There were no reports of detentions of refugees and asylum seekers who lacked documentation.

Access to Basic Services: Forty percent of refugees and asylum seekers resided in isolated regions with limited basic services, primarily along the northern border, or in poor urban areas of major cities such as Quito and Guayaquil. Refugees reported widespread discrimination in employment and housing.

Durable Solutions: Societal stereotypes and media reports often portraying refugees as criminals and prostitutes affected refugees' ability to assimilate into the local population. Few refugees were able to naturalize as citizens or gain permanent resident status, due to the expensive and lengthy legal process required. The main durable solution remained local integration, even though there were many obstacles to achieve sustainable local integration.

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

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

In April 2014, as an associate member of Mercosur, the government began issuing the Mercosur temporary visa to citizens of the countries parties to or associated with the trade bloc. The agreement covers citizens of Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru, and Uruguay, and the government waived the visa application fee (normally \$230) for Colombian and Paraguayan citizens. Foreigners in an irregular migratory status in the country were eligible to apply for the visa. While the Mercosur visa does not provide any safeguard against refoulement, UNHCR noted that many persons opted for the visa, since it is faster than the refugee process and carries less social stigma. Visa recipients are able to work and study for a period of two years. The visa is renewable, but the requisites for such renewal were unclear to refugee advocates. According to UNHCR, the government granted 25,578 Mercosur visas from April 2014 to July 2015, of which 20,600 were granted to Colombians.

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 based on universal and equal suffrage, and citizens exercised that right. On December 3, the National Assembly approved a constitutional amendment to eliminate term limits for all elected positions, including the president, starting after the 2017 national elections. In October 2014 the Constitutional Court granted the National Assembly authority to vote on proposed amendments the president's political party introduced in June 2014, including allowing the government to regulate communication as a public service, allowing the military to intervene in domestic security, reducing the powers of both the municipal governments and the comptroller general, and stripping some labor protections from all public-sector employees. Opposition political parties and some legal experts argued that a public referendum or constituent assembly should have approved the proposed constitutional amendments. On December 16, the Constitutional Court ruled that the National Assembly's modifications to the amendments were acceptable, because they did not change the main provisions of the amendments.

Elections and Political Participation

Recent Elections: In February 2013 the government held elections for national offices, including the presidency and the multiparty National Assembly. The Organization of American States (OAS), Inter-American Union of Electoral Organisms, Union of South American Nations, and domestic observers judged the elections open, free, and well organized, despite some recurring and limited local irregularities. Although the international and domestic observation teams reported no major fraud, some reports of missing or marked ballots and of counting and vote-tabulation irregularities resulted in challenges filed with the National Electoral Council (CNE) and Electoral Contentious Court (TCE), the appeals body for electoral matters. Opposition candidates claimed the CNE and TCE did not address irregularities transparently. The OAS reported the precampaign period featured "differential access and exposure of the contenders in the media." Furthermore, during the campaign period there was unequal coverage of parties and candidates in news reports, depending on the ownership of the media. According to media monitoring by the local NGO Participacion Ciudadana's, President Correa and his political supporters had a significantly greater presence in both public and private media than other candidates.

Political Parties and Political Participation: Electoral laws require political parties to register with the CNE. In order to receive authorization to participate in elections, parties and movements need to show the support of at least 1.5 percent

of the electoral rolls by collecting voters' signatures. The law requires registered parties to obtain minimum levels of voter support to maintain registration. Voters are restricted to registering with only one political group.

On October 5, the CNE approved the inscription of the Popular Unity political movement. Popular Unity replaced the extinct Popular Democratic Movement (MPD), which the CNE eliminated in July 2014, since the MPD did not meet the requirements set by the democracy code regarding the number of votes it needed to secure in two consecutive elections. Popular Unity collected 193,507 valid signatures in support of its inscription, exceeding the 174,199 required by the law.

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

Section 4. Corruption and Lack of Transparency in Government

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

The government recognized corruption in the legislative and judicial branches. It continued a process to reform the judiciary, which improved the judiciary's ability to remove corrupt or ineffective judges. Many civil society activists noted, however, that the judges on the higher courts appeared more closely aligned with the current administration, and many questioned the independence of those courts, especially in politicized cases. Media reports alleged police corruption and extensive corruption in public contracts and procurement. Labor leaders and business owners reported corruption among labor inspectors.

The Council for Citizen Participation and Social Control (CPCCS), together with the Office of the Comptroller General, the ombudsman, and a number of superintendencies, make up a nominally independent fifth branch of government, known as the Transparency and Social Control Branch. These organizations are in charge of policy development for the promotion of transparency, control, and accountability in the public and private sectors. They head the National Plan against Corruption. The Office of the Comptroller General investigates reports of

corruption in the public sector. When there are grounds for a criminal investigation, the comptroller general refers the case to the Public Prosecutor's Office. The National Secretariat for Management Transparency, part of the National Secretariat of Public Administration, also has responsibility for investigating and reporting complaints of corruption in the public sector. Observers noted that the CPCCS, which is tasked with promoting and controlling civic participation, did not effectively engage a broad segment of civil society. Critics argued that the new members of the CPCCS, assigned on July 23, had close ties to the ruling party.

David Rosero, a former CPCCS member, stated that government funding for the CPCCS' Index of Transparency, intended to measure transparency in all public institutions, amounted to \$65,000 in the year, a 98-percent decrease from the \$3.65 million requested by the CPCCS.

Corruption: On May 24, police arrested Maria Esperanza Galvan, a National Assembly legislator affiliated with the AP, for allegedly receiving an \$800,000 bribe from a company selected to provide potable water services to the city of Esmeraldas and surrounding towns. Police also arrested Miguel Salvatierra, the former AP director in Esmeraldas and former manager of the provincial branch of the public water company; and Walter de la Torre Cevallos, Galvan's legislative advisor. President Correa publicly apologized for "a serious case of corruption in the ranks of the Citizens' Revolution." A judge ordered their pretrial detention, and Vice President Jorge Glas announced on May 25 that the AP had expelled the accused. On November 24, media reported that the Criminal Tribunal of the National Court of Justice found Galvan, Salvatierra, and another individual guilty of bribery and sentenced them to three years in prison. Prosecutors did not press charges against de la Torre, whom the court declared innocent.

On April 27, the Criminal Chamber of the National Court of Justice sentenced former minister of sports Raul Carrion to four years in prison for embezzlement, in relation to his involvement in contracts related to the construction of sports complexes in Macas, Carpuela, and Sucua in 2007 and 2008. The court also sentenced other former ministry of sports employees to between two and four years in prison for their role in the embezzlement scheme, while the recipient of the contract received an eight-year prison sentence. In May 2014 Carrion received a three-month prison sentence for a separate charge in relation to the same case.

There were other reported instances of corruption involving lower-level government officials, judges, and police officers.

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

Following the May 24 arrests of a National Assembly member and two other public officials, National Assembly president Gabriela Rivadeneira requested that the comptroller general investigate the declared assets of all 137 lawmakers. As of December the comptroller general had not made public the results of the investigation.

Public Access to Information: The constitution and other regulations provide for the right of public access to government information, but authorities did not effectively implement the law. The law requires all public and private organizations that receive public funds to respond to written requests for information, publish specific information on their website, and submit an annual report to the Ombudsman's Office that details their compliance with the transparency law. Because of this legislation, government agencies increasingly included budget information, functions, organizational information, lists of government officers, and official notices on the internet in addition to responding to written requests. Nevertheless, the government did not always grant requests for information, and the government made exceptions, stating that the requested information was not available. Judges did not enforce the legislation requiring the government to release information.

Opposition legislators complained that, although the law allows them to request information directly from government institutions, President Correa instructed government ministers to respond only to requests for information channeled through the president of the National Assembly.

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

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

On October 20, Secom stated that the defense of human rights such as freedoms of expression, assembly, and association was the responsibility of the government as mandated in the constitution and declared that NGOs should not take on such a public administration authority. Secom legal director Cristian Hernandez ordered Fundamedios to revise its overall function to these standards, giving it 20 days to respond (see section 2.b.).

Civil society organizations expressed concern about the government's discretion to dissolve NGOs per Decrees 16 and 739. Decree 16 created the National Secretariat of Policy Management, an authority responsible for regulating the fulfillment of the objectives and activities of social and civic organizations. Civil society representatives argued that the vague and overly broad grounds for dissolution led to self-censorship among NGOs. Additionally, NGOs contended that challenging an order of dissolution via the judicial process might take as long as six years.

International NGOs are also subject to the NGO regulations in Decree 739. The government continued to claim many NGOs were tools of foreign governments that destabilize the government.

The government used public statements to criticize and attack the credibility of specific international and local NGOs as well as NGO findings during public appearances, including the president's weekly television and radio address. The government continued to lead an effort to disparage and weaken the IACHR and often refused to send representatives to the IACHR's public hearings. On October 19, government representatives participated in an IACHR public hearing for the first time since 2013.

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

A special unit within the Prosecutor's Office has responsibility for investigating crimes revealed in the 2010 Truth Commission report on alleged human rights abuses that occurred between 1984 and 2008.

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

The constitution and the law prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation, gender identity, age, language, HIV-positive status, or health condition. The government did not fully enforce these prohibitions. Women, persons with disabilities, indigenous persons, Afro-Ecuadorians, LGBTI persons, and those with HIV-positive status or other communicable diseases continued to face discrimination.

Women

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

According to 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 the victim must submit to several gynecological evaluations. Many individuals did not report many cases of rape and sexual assault because of the victims' fear of retribution from the perpetrator or social stigma.

Domestic violence is punishable with penalties ranging from four days to seven years in prison. The law provides penalties for physical violence, psychological violence, and sexual violence. According to the law, a prosecutor must investigate the victim's complaint of domestic abuse before issuing a restraining order. There

were reports that in some cases victims waited 10 days or more for a response from the Prosecutor's Office. On August 11, media reports indicated that from August 2014 to March 2015, courts issued only 30 sentences against perpetrators in more than 2,848 cases involving physical violence. According to the law, domestic violence may be punished with a fine for "damages, pain, and suffering" ranging from \$354 to \$5,310, depending on the severity of the crime. The law also gives family courts the power to remove an abusive spouse from the home if continued cohabitation creates a risk to the victim of abuse. The law requires public hospitals to provide "first reception halls" to handle cases of sexual violence and domestic violence. The specialized halls--under the supervision of the Ministry of Health and staffed by physicians, psychologists, and social workers--offer immediate attention to the victim. The Ministry of Social and Economic Inclusion also provides psychosocial services to victims of sexual and domestic violence through the shelters and other initiatives it funds.

Based on 2013 statistics, there were 30 judicial units with 82 judges specialized in domestic violence problems. The judicial units have responsibility for collecting complaints and assisting victims, and have the authority to order arrest warrants for up to 30 days of detention against the aggressor. The units forward serious abuse cases to prosecutors for criminal prosecution.

Sexual Harassment: The criminal code criminalizes sexual harassment and provides penalties of three to five years in prison. Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in public spaces as common. There were reports of sexual harassment on public transportation. On August 11, the media reported 693 cases of sexual harassment under investigation from August 2014 to March, but only three court rulings in sexual harassment cases.

Reproductive Rights: The law acknowledges the basic right of couples and individuals to decide the number, spacing, and timing of their children; to manage their reproductive health; and to have the information and means to do so, free from discrimination, coercion, or violence. Some women's rights activists complained about the lack of formal sexual education, the ineffective distribution of birth control, and the social stigma that discouraged women from seeking family planning services.

Discrimination: The constitution affords women the same legal status and rights as men under family, labor, property, and inheritance laws. The law also provides that the government should formulate and implement policies to achieve gender

equality, incorporate a gender focus into plans and programs, and provide technical assistance to implement the law in the public sector. Nevertheless, discrimination against women was prevalent, particularly with respect to economic opportunities for older women and for those in the lower economic strata. According to a government study published in March, women's average monthly income was \$443.60, compared with men's average monthly income of \$548.15 (see also section 7.d.).

Children

Birth Registration: Citizenship is acquired through birth in the country, birth to an Ecuadorian mother or father abroad, or by naturalization. In December 2013 a study by the vice presidency revealed that 5.5 percent of the population were not registered at birth. On September 25, officials of the Social Security Institute announced the availability of an electronic database in all its medical centers to register all newborns; previously it was done manually. According to 2014 statistics, ethnic minority families with limited economic resources continued to show registration rates significantly lower than those of other groups. Government brigades traveled to remote rural areas in 2014 and 2015 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. Human rights organizations reported that this problem particularly affected refugee children. Other government services, including welfare payments and free primary health care, require some form of identification.

Education: According to the constitution, education is obligatory through ninth grade and free through 12th grade. Nonetheless, costs associated with school, such as for uniforms and books, and a lack of space in public schools continued to prevent many adolescents from attending school. In some provinces children were assigned to schools outside their neighborhood, and school buses were not made available.

Child Abuse: On October 7, the newspaper *El Comercio* reported 1,951 cases of sexual violence against children and adolescents during the first six months of the year. According to the Office of the Public Prosecutor, family members of the victim perpetrated the sexual abuse in 98 percent of the cases. Police estimated that more than 40 percent of child abuse cases were not reported to authorities. According to media reports, one in four children suffered sexual violence in 2013. Among girls, 78 percent reported abuse in their homes and 41 percent in their schools. A 2013 study by Plan International found that 69 percent of children

between the ages of 10 and 15 were victims of violence. NGOs reported that children living in the streets or in rural parts of the country, many from poor indigenous families, suffered from exploitative conditions. In July 2014 the Office of the Public Prosecutor reported that 27 percent of the victims of trafficking in the country were children.

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

Early and Forced Marriage: The legal age of marriage is 18. On June 11, a new procedural code went into effect that repeals provisions that had allowed marriage before the age of 18, with the exception that legally emancipated minors can marry at age 16.

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/english/country/ecuador.html.

Anti-Semitism

There is a small Jewish community, including an estimated 250 families in Quito and 120 families in Guayaquil, according to the local synagogues. On April 9, President Correa tweeted "Heil Hitler" in response to a tweet reporting that former president Osvaldo Hurtado had called Correa a "typical fascist" during a speech in Panama.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

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

The law grants persons with disabilities the right to cost and fee reductions from several public and private entities, including utilities, transportation, and taxes. It also stipulates rights to health facilities and insurance coverage, increases access and inclusion in education, and creates a new program for scholarships and student loans for persons with disabilities. On July 31, the government-owned newspaper *El Telegrafo* cited a study by the Technical Secretariat for the Inclusive Management of Disabilities that 65 percent of persons with disabilities finished primary education and 7 percent pursued university studies. The law provides for special job security for those with disabilities or those who care for a person with disabilities, and it entitles employees who acquire a disability to rehabilitation and relocation. A national system evaluates and registers persons with disabilities. Many of the benefits in the law are transferable to a parent or primary caregiver. The law also gives the Office of the Human Rights Ombudsman responsibility for following up on alleged violations of the rights of persons with disabilities and stipulates a series of fines and punishments for lack of compliance with the law.

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

The government continued a campaign to create jobs for persons with disabilities, to provide funding to municipalities to improve access to public buildings, and to open training and rehabilitation centers. The initiative also monitored the degree of compliance by companies that hire persons with disabilities. The caregivers of persons with more significant disabilities received a monthly government subsidy of \$240. The Technical Secretariat for Disabilities reported that between 2010 and 2014, there were 353,000 persons with disabilities registered, and 73,500 were incorporated into the labor market. According to a government study, the poverty rate for persons with disabilities fell from 42.1 percent in 2006 to 28.2 percent during the year.

The law directs the electoral authorities to provide access to voting and to facilitate voting for persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in the 2014 local elections. The CNE initiated a program to allow in-home voting for those with more significant disabilities.

National/Racial/Ethnic Minorities

The constitution declares the state to be plurinational and affirms the principle of nondiscrimination by recognizing the rights of indigenous, Afro-Ecuadorian, and Montubio (an independent ethnic group of persons with a mixture of Afro-Ecuadorian, indigenous, and Spanish ancestry) communities. It also mandates affirmative action policies to provide for the representation of minorities. In 2009 the government began implementing a national plan to eradicate racial discrimination and exclusion based on ethnic and cultural differences. On September 5, Rene Ramirez, the secretary of higher learning, science, technology, and innovation, reported that with the government's financial aid and scholarship policies, the enrollment of indigenous and Afro-Ecuadorians in higher education had doubled since 2007. Local groups, however, reported that enrollment was still low.

Afro-Ecuadorian citizens, who accounted for approximately 7 percent of the population according to the 2010 census, suffered pervasive discrimination, particularly with regard to educational and economic opportunity. Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination and stereotyping in the media continued to result in barriers to employment, education, and housing. Afro-Ecuadorians continued to assert that police stopped them for document checks more frequently than they stopped other citizens. According to Jose Ayala, from the Corporation of Development for Afro-

Ecuadorians, only 0.02 percent of Afro- Ecuadorians attended graduate schools (see also section 7.d.).

Indigenous People

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

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

Indigenous groups continued to challenge government decisions and laws covering mining, water resources, and hydrocarbon resources that did not consider indigenous viewpoints or intruded upon indigenous autonomy over their lands and resources. Indigenous leaders protested that the government failed to respect their right to prior consultation.

On August 13, several thousand representatives of various indigenous groups who had marched from their lands converged on Quito for antigovernment demonstrations. According to Human Rights Watch and local human rights organizations, police met the protesters with excessive force, beating and detaining them.

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

Indigenous representatives complained about the lack of progress in the investigation into the death of indigenous leader and activist Jose Tendetza (see section 1.a). Tendetza, who was found dead in December 2014, was a leading critic of the government-approved Mirador copper and gold project, an open-pit mine in an area inhabited by the country's second-largest indigenous group. Tendetza was the third Shuar critic of the Mirador mine to die in suspicious circumstances in recent years. In December 2014 Minister of Interior Jose Serrano announced an investigation into Tendetza's death. On May 23, Serrano announced on Twitter that police arrested two men allegedly involved in Tendetza's killing, both of whom were Shuar men employed by the mining company Ecuacorriente. Indigenous leaders reported on May 28 that authorities released one of the suspects, while the other one remained in custody for an unrelated incident. As of December the case was pending trial.

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

The constitution includes the principle of nondiscrimination and the right to decide one's sexual orientation as a right. The law also prohibits hate crimes. Although the law prohibits discrimination based on sexual orientation, LGBTI persons continued to suffer discrimination from both public and private bodies, particularly in education, employment, and access to health care. LGBTI organizations reported that transgender persons suffered more discrimination because they were more visible. On December 10, the National Assembly approved a law on identity and civil data that enabled individuals above the age of 18 to choose if they want to include their sex or gender on their government-issued identity cards.

Generally, the government, led by the human rights ombudsman, was responsive to concerns raised by the LGBTI community. Nevertheless, LGBTI groups claimed police and prosecutors did not thoroughly investigate deaths of LGBTI individuals, including when there was suspicion that the killing was because of sexual orientation or gender identity. According to Silueta X, transgender women were particularly vulnerable to violence motivated by sexual orientation or gender identity. LGBTI advocates estimated only 33 percent of cases involving violence due to sexual orientation or gender identity were reported to police and only a third of reported cases were processed through the legal system. During the year the Ministry of Interior and Silueta X announced they would implement for police officers a virtual training program on gender-based violence, including violence against LGBTI persons.

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

LGBTI organizations and the government continued to report that private treatment centers confined LGBTI persons against their will to “cure” or “dehomosexualize” them, although such treatment is illegal. The clinics reportedly used cruel treatments, including rape, in an attempt to change LGBTI persons’ sexual orientation.

HIV and AIDS Social Stigma

The constitution specifically prohibits discrimination directed at persons with HIV/AIDS. There was limited societal violence against such persons. NGOs reported, however, that individuals with HIV/AIDS complained that they experienced discrimination, including in equal employment opportunities and access to appropriate health care (see section 7.d.). On September 15, the online news portal *Plan V* reported that indigenous persons, particularly women, were vulnerable to HIV in their communities. According to a study by Family Care International (FCI), since 2000 the province of Morona Santiago experienced a 680 percent increase in the rate of HIV infection. Of the province’s 69 cases of HIV infection in 2013, according to Ministry of Health data cited by the FCI, half of the cases involved indigenous persons. The FCI also reported that many of the women infected with HIV moved out of their communities because they suffered discrimination or violence. The FCI also found that less than 4 percent of indigenous women in the country had taken an HIV test.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

A new labor justice law that went into effect on April 17 introduced some reforms to worker rights. This 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 the Ministry of Labor, there were 4,000 labor unions in 2013, 80 percent of them in the public sector.

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

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

The law provides for the right of private sector employees to strike on their own behalf and conduct three-day solidarity strikes or boycotts on the behalf of other industries. The law also establishes, however, that all collective labor disputes be referred to courts of conciliation and arbitration. The International Labor Organization (ILO) called on the government to amend this provision by limiting such compulsory arbitration to cases where both parties agree to arbitration and the strike involves the public servants who exercise authority in the name of the state or who perform essential services. As of November 6, the government did not take any action.

In most industries the law requires a 10-day "cooling-off" period from the time a strike is declared before it can take effect. In the case of the agriculture and

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

The law 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 post 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 between two and five years’ imprisonment. All unions in the public sector fall under the Confederation of Public Servants. Although the vast majority of public-sector workers also maintained membership in labor sector associations, the law does not allow such associations to bargain collectively or strike. On December 3, the National Assembly voted to amend the constitution to specify that only the private sector could engage in collective bargaining.

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

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

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law is overly broad and includes as exploitation all child labor, illegal adoption, and begging. The law broadly defines “trafficking” to include not only sex and labor trafficking, but also illegal adoption; the sale of tissues, fluids, and genetic materials of living persons; and all child labor. Penalties under this article range from 13 to 16 years’ imprisonment. The law penalizes forced labor and other forms of exploitative labor, including all labor of children younger than age 15. Penalties for forced or exploitative labor are 10 to 13 years’ imprisonment.

The government made efforts to identify victims of forced labor and to prosecute forced labor crimes. Authorities convicted 20 traffickers in 2014; at least four of the convictions were for labor trafficking. Limited resources, limited presence in parts of the country, inadequate victim services, bureaucratic delays, and the frequent rotation of specialized police hampered the effectiveness of police and prosecutors. Some officials, particularly judges, demonstrated a lack of knowledge about human trafficking, particularly forced labor.

Reports of forced labor of children (see section 7.c.) and women persisted. Observers most frequently reported women as victims of forced prostitution and domestic servitude. In some regions local gangs were involved in sex trafficking. Indigenous and Afro-Ecuadorians, as well as Colombian refugees and migrants (see section 7.d.), were particularly vulnerable to human trafficking. Traffickers often recruited children from impoverished 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. Children were subjected to forced labor in criminal activity, such as drug trafficking and robbery. An illegal armed group reportedly attempted to recruit Ecuadorian children along the northern border with Colombia. Ecuadorian women and children were exploited in forced labor and sex trafficking abroad, including in other South American countries, the United States, and Europe. The country is a destination for Colombian, Peruvian, Paraguayan, and Cuban women and girls exploited in sex trafficking, domestic servitude, and forced begging.

Some Colombian migrant workers were reportedly victims of labor exploitation (also see section 7.d.), at times amounting to forced labor, on palm oil plantations.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum working age for minors at 15 for all types of labor and the maximum hours a minor may work at six hours per day, five days per week. The law requires employers of minors who have not completed elementary school to give 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 under the age of 18 from working in “dangerous and unhealthy” conditions. A ministerial accord issued on June 5 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,” including work in mines, garbage dumps, slaughterhouses, livestock, fishing, textiles, logging, and domestic service; and any work environment requiring exposure to toxic or dangerous substances, dust, dangerous machinery, or loud noises.

The law establishes penalties for violations of child labor laws, including fines and closure of the business. Fines for violations of child labor laws range from \$50 to \$300 for parents or guardians and \$200 to \$1,000 for employers hiring children younger than age 15. These penalties were not sufficient to deter violations. If an employer commits a second child labor violation, inspectors may close the business temporarily. The law authorizes labor inspectors to conduct inspections at workplaces including factories, workshops, workers’ homes, and any other location when they consider it appropriate or when an employer or worker requests an inspection.

The Ministries of Labor and of Economic and Social Inclusion and the Minors’ Tribunal enforce child labor laws. According to official reports, as of September 22, the government removed 300 children from labor as the result of labor inspections.

The government continued the “Ecuador without Child Labor by 2015” program, aimed at eliminating the worst forms of child labor. The program involved multiyear campaigns specifically targeting child labor in landfills, slaughterhouses, the agriculture industry, and begging. The government enrolled children in school while also providing their families with financial assistance. The program was also successful in removing many children from the streets, where they often worked as street vendors or beggars. In the agricultural sector, the government worked with an established public/private working group to explain and enforce labor rules and

educate families about the negative effects of child labor. On June 4, the Ministry of Economic and Social Inclusion and the Ministry of Labor launched a new campaign called, “Let’s put our hands together against child labor.” During the inauguration of the campaign, government officials highlighted that 80 percent of former child laborers returned to school and that authorities had succeeded in removing 50 percent of children and adolescents who had worked in the construction, informal trade, manufacturing, agriculture, forestry, and fishing sectors.

According to statistics published on June 12 by the Institute on Statistics and Census, between 2006 and 2014 the overall child labor rate dropped from just more than 9 percent to just less than 3 percent. More than 73 percent of child laborers up to the age of 14 worked in agriculture, while trade and manufacturing represented 12.2 percent and 5.5 percent, respectively, of the overall child labor rate.

Several labor organizations and NGOs reported that child labor in the formal employment sectors continued to decline. According to these groups, it was rare in virtually all formal sector industries due to an increased number of government inspections, improved enforcement of government regulations, and self-enforcement by the private sector. For example, in the past several years, banana producers working with the Ministry of Agriculture and unions on a plan to eliminate child labor, formed committees to certify when plantations used no child labor. These certification procedures do not apply to informal sector, family-run banana farms.

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

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

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

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

e. Acceptable Conditions of Work

The minimum monthly wage was \$354. Additional benefits mandated by law correspond to 40 percent of this salary. The official poverty level was \$83.29 per month, and official extreme poverty level was \$46.94 per month. According to official statistics published in June, 22 percent of the population lived at or below the poverty level, and 7.36 percent lived at or below the extreme poverty level.

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

regarding schedule and vacations apply to live-in domestic workers. The law provides for the health and safety of workers and outlines health and safety standards, which are current and appropriate for the country's main industries. These regulations and standards were not applied in the informal sector, which employed more than 50 percent of the population.

Enforcement of labor laws is the responsibility of the Ministry of Labor and the Social Security Administration. The government's 161 inspectors enforced all labor laws, including those for child labor. Between January and September 2014, the Ministry of Labor conducted more than 16,200 inspections for labor violations, but the inexperience of newly hired inspectors hampered enforcement efforts.

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

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

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

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

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

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