

ECUADOR 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution grants individuals the right to choose, practice, and change religions, and prohibits discrimination based on religion. The government requires religious groups register with the Ministry of Justice (MOJ), Human Rights, and Worship; there is no penalty for failing to register, however, and many smaller groups do not register. As of the end of the year, a case remained pending before the constitutional court about construction of a Jehovah's Witnesses assembly hall in an indigenous community; the case centers on whether the indigenous community's constitutional right to self-determination takes precedence over the free practice of religion. The MOJ sanctioned two officials from the Quito Provisional Detention Center for allowing the use of a stamp with a Nazi swastika for visitors entering the facility.

A private gated community near Guayaquil banned Jehovah's Witnesses from proselytizing within the community. Two courts upheld the community's right to do so. The Jehovah's Witnesses filed for protection before the constitutional court, which had not accepted the case as of the end of the year.

U.S. embassy representatives requested but did not receive information from government officials about the registration of religious groups and the government's efforts to facilitate dialogue among different religious groups. In commemoration of Religious Freedom Day, U.S. officials hosted a breakfast on January 15 for religious leaders from Guayaquil to discuss challenges facing their communities and to promote interfaith dialogue. Embassy and consulate representatives met with leaders of the Catholic, evangelical Christian, Jehovah's Witness, Jewish, Mormon, and Muslim communities to discuss religious freedom and societal respect for religious diversity.

Section I. Religious Demography

The U.S. government estimates the total population at 16.1 million (July 2016 estimate). According to a 2012 survey by the National Institute of Statistics and Census, approximately 92 percent of the population professes a religious affiliation or belief. Of those, 80.4 percent are Roman Catholic; 11.3 percent are evangelical Christian, including Pentecostals; and 1.3 percent are Jehovah's Witnesses. Seven percent belong to other religious groups including Muslims, Buddhists, Jews, Hindus, The Church of Jesus Christ of Latter-day Saints (Mormons), Anglicans,

Episcopalians, Lutherans, Eastern Orthodox, Presbyterians, the Family Federation for World Peace and Unification, Bahais, spiritualists, followers of Inti (the traditional Inca sun god), and indigenous and African faiths. There are also practitioners of Santeria, primarily resident Cubans.

Some groups, particularly those in the Amazonian jungle and Choco regions, combine indigenous beliefs with Catholicism. Pentecostals draw much of their membership from indigenous people in the highland provinces. Jehovah's Witnesses have members throughout the country, with the highest concentrations in coastal areas. Many evangelical Christian churches are not affiliated with a particular denomination.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution grants all individuals the right to practice and profess publicly and freely the religion of their choice, and prohibits discrimination based on religion. It states the government has a responsibility to "protect voluntary religious practice, as well as the expression of those who do not profess any religion, and will favor an atmosphere of plurality and tolerance." Individuals have the right to change their religion.

The law requires religious groups to register with the MOJ. Registration in the Register of Religious Entities provides the religious group with legal and nonprofit status. An officially registered organization is eligible to receive government funding, exemptions from certain taxes, and legal recognition as an organization with permission to operate in the country. To register, a religious group must possess a charter, include in its application all names used by the group to ensure that names of previously registered groups are not used without their permission, and provide signatures of at least 15 members, typically leaders of the organization. The application is evaluated by three experts in religious matters appointed by the ministry, in consultation with religious organizations that are already legally established within the country. The registration process is free. All nonprofit organizations, including the more than 2,200 registered religious groups, must report on the expenditure of any government funding received. Groups that do not register are not penalized but are ineligible to receive the aforementioned benefits.

The law prohibits public schools from providing religious instruction, but private schools may provide religious instruction. There are no legal restrictions or regulations on which religious groups may establish a school.

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

Government Practices

Evangelical Christian representatives said religious organizations often encountered barriers to registration. They noted legal representatives were required to travel to the capital, Quito, to register rather than being able to register in their local communities. An evangelical Christian leader said administrative costs, delays in processing, and demands by some officials for the payment of bribes created additional obstacles to registration of several of the churches. He said the slow process and delays led many groups not to apply for registration. Without a legal representative, groups were unable to open bank accounts or engage in formal land transactions. According to evangelical Christian representatives, unregistered groups often met in private homes or ad hoc structures on the private land of a group member.

The MOJ provided training to religious groups to help them navigate the registration process. According to the ministry, roughly 4,000 religious groups operated in the country, although only half were actually registered with the government. The MOJ provided no public information on specific groups that were denied registration or the reasons for their denial.

As of the end of the year, a case filed by the Jehovah's Witnesses and accepted for review in September 2014 remained pending before the constitutional court. The case involved a conflict in the northern town of Iluman between Jehovah's Witnesses who wanted to build a new assembly hall and indigenous residents who opposed it. Two lower courts had previously ruled in favor of the residents, concluding that their right to self-determination was a valid rationale for preventing the practice of religion. Representatives of the Jehovah's Witnesses said they hoped to set a legal precedent with the case, which they said would establish that an indigenous community's constitutional right to self-determination could not violate individuals' right to practice freely the religion they chose. The Jehovah's Witnesses said they requested information from the MOJ but did not receive explanation for why the case was pending more than two years after it was accepted for review by the constitutional court.

Catholic, Jewish, and Seventh-day Adventist representatives stated the government's standard academic calendar, which applied to private and public schools, made it difficult for some schools to observe their religious holidays. Catholic representatives said religious schools received scrutiny from the government. Whereas public schools and nonreligious private schools were under the jurisdiction of the Ministry of Education only, both the Ministry of Education and the MOJ conducted visits to religiously affiliated schools and reviewed their curricula. Some religious leaders stated regulatory burdens made it extremely difficult to run a private religious school. An evangelical Christian leader said that in the past five years the government increased technology requirements for schools to maintain accreditation. He stated private schools, including religiously affiliated schools, were held to a higher standard than public schools. For example, he said public schools either were given the resources to comply with regulations or were given relaxed treatment on inspections regardless of compliance. Some private and religious schools were shut down for not complying with the technology standard.

In September the MOJ sanctioned the director and chief of security of the Quito Provisional Detention Center for allowing the use of an official stamp with a Nazi swastika for visitors entering the facility. The MOJ condemned the use of any offensive symbol that could compromise human rights. According to media reports, the Office of the Public Defender reported the use of the stamp in July 2015. In September the media reported on criticism by Public Defender Ernesto Pazmino about the delay in the government's response and questioned why the stamp was permitted for so long.

Representatives of the Catholic Church stated they collaborated with government institutions on social assistance projects, particularly in coastal regions devastated by an earthquake on April 16. They said the government imposed restrictions on religious groups' social welfare activities in which the government was active. Leaders of other religious groups said they did not seek government funding for social welfare projects either because of internal policies averse to government involvement or to avoid conditions the government might place on them. After the earthquake, some religious groups stated the government required all disaster relief assistance to be channeled through the military. Despite this policy, many religious groups distributed disaster assistance through their own networks.

Section III. Status of Societal Respect for Religious Freedom

A gated community near Guayaquil banned proselytization by Jehovah's Witnesses following complaints from community residents. In January the Jehovah's Witnesses filed a complaint against the community before a lower court. The court ruled against the Jehovah's Witnesses, citing the community's right to prevent trespassing on private property. In February the Jehovah's Witnesses were notified of the court's decision and appealed to the judicial court of Guayas Province. The appeal was rejected in May. On June 1, the Jehovah's Witnesses filed for a "special action of protection" before the constitutional court. The law required the constitutional court to decide whether to accept the case within 20 days; however, at year's end the constitutional court had not accepted the case for review.

Religious leaders said societal respect for religious diversity was generally good, but some expressed concerns about what they perceived to be an erosion of traditional religious values and an increase in secularism. Religious leaders also expressed concerns about promoting religious values among youth, burdensome government regulations that they said made it difficult to operate religious schools, and the lack of mechanisms for interfaith dialogue.

Section IV. U.S. Government Policy

U.S. embassy representatives requested clarification on the registration process for religious groups and on the government's efforts to promote interfaith dialogue from the MOJ. The MOJ did not provide this information during the year.

Embassy and consulate officials met with leaders of Catholic, evangelical Christian, Jehovah's Witness, Jewish, Mormon, and Muslim communities, among others, to discuss religious freedom, societal respect for religious diversity, and their relations with the government and other religious communities. In commemoration of Religious Freedom Day, U.S. officials hosted a breakfast on January 15 for religious leaders from Guayaquil to discuss challenges facing their communities. The event was attended by leaders from the evangelical Christian, Jewish, Mormon, and Muslim communities.