

ECUADOR 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ecuador is a constitutional, multiparty republic with an elected president and unicameral legislature. In April 2017 voters elected President Lenin Moreno from the ruling party Alianza PAIS (Proud and Sovereign Fatherland) and chose members of the National Assembly in elections that were generally free and fair, marking a successful democratic transfer of power after the two-term presidency of Rafael Correa.

Civilian authorities maintained effective control over the security forces.

Human rights issues included reports of torture and abuse by police officers and prison guards; harsh prison conditions; official corruption at high levels of government; criminalization of libel, although there were no reported cases during the year; violence against women; and the use of child labor.

The government took steps to investigate and prosecute officials who committed human rights abuses, as it engaged in efforts to strengthen democratic governance and promote respect for human rights.

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

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

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

On July 3, the National Assembly announced the creation of a temporary committee to investigate the conclusions reached by a 2012 government panel convened by former president Correa to investigate the 2010 killing of air force general Jorge Gabela. The panel had concluded the act was perpetrated by “common criminals” and was not part of a larger plot. General Gabela was an outspoken critic of the Correa administration’s plan to purchase Indian-made Dhruv helicopters in 2007 and 2008. Multiple Dhruv helicopters crashed due to mechanical failure, killing several persons.

b. Disappearance

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

On July 3, the National Court of Justice ordered former president Rafael Correa's pretrial detention and extradition after he failed to appear before the court in Quito, as required under the terms of the court's June 18 decision to include him in the investigation of the 2012 kidnapping of former opposition legislator Fernando Balda. On November 7, the court ordered Correa, his top intelligence chief, and two former police agents to stand trial. Since the crime of kidnapping cannot be tried in absentia, proceedings against Correa were suspended until his return to the country, either voluntarily or by extradition. Correa continued to live in Belgium at year's end and contested the court's decision.

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

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

On November 14, the Criminal Court of Azuay Province found 37 police officers guilty of the excessive use of force against inmates during a 2016 raid on Turi prison and sentenced them to 106 days in prison. The court also fined the officers \$500 each (the official currency is the U.S. dollar) and ordered the state to provide medical and psychological services to the affected prisoners. The court found four police officers not guilty and allowed one to complete her sentence later due to health concerns.

In August nongovernmental organizations (NGOs) reported they continued to receive new allegations of torture involving inmates at Turi prison, separate from the 2016 case. Prisoners claimed they were tortured and subjected to other forms of degrading treatment, including arbitrary beatings, exposure to extreme temperatures, and electric shocks. The daily newspaper *La Hora* reported in August 2017 that a doctor confirmed a prisoner's claims of torture and other forms of degrading treatment during an examination. The government continued to investigate these claims at year's end.

Prison and Detention Center Conditions

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

Physical Conditions: The 2016 earthquake, which damaged the penitentiary facility in the town of Portoviejo, exacerbated overcrowding in some prisons, causing relocation of prisoners to other facilities that were already over capacity. In an August 23 article in the daily newspaper *El Comercio*, Rosana Alvarado, then minister of justice, human rights, and worship, reported the prison population was 37 percent above designated capacity.

Prisoners and human rights activists complained of lack of resources for inmates. Relatives of the inmates reported public officials expected prisoners to buy provisions from the prison centers on a monthly basis and that prison officials did not allow families of inmates to provide basic supplies purchased outside the prison, including clothing and toiletries.

In some facilities health measures were sufficient only for emergency care. Prisoners complained of a lack of medicine and access to dental care; harsh living conditions, including sanitary problems; insufficient food and the poor nutritional quality of the food; and lack of heating and hot water.

Protecting the health and safety of prisoners remained a problem. NGOs expressed concern about mixing prisoners from various criminal gangs in prison units. On March 9, then justice minister Alvarado opened an investigation into the shooting of an inmate in Turi prison two days earlier during an arms control operation carried out by the police intelligence unit. The Ecumenical Commission for Human Rights, a local NGO, reported that as of August 22, it had received information concerning deaths due to prisoner-on-prisoner violence.

On February 15, a preliminary trial hearing was held on the 2017 allegations regarding a criminal extortion network at the Turi prison. Public Prosecutor Maria Belen Corredores accused the former director of Turi prison and two inmates of running a network that extorted at least 67 individuals inside the prison. Former minister of interior Diego Fuentes reported in 2017 that a criminal network in Turi prison had extorted relatives of inmates by demanding payments between \$200 and \$800 in exchange for the inmates' physical safety. According to local NGOs, prison authorities threatened family members of prisoners who died or suffered serious injuries to prevent them from making public complaints.

On August 6, human rights activist Anunziata Valdez reported female visitors to prisons continued to be subject to degrading treatment, including being forced to remove their clothing and have their genitalia illuminated by flashlights, despite 2016 guidelines that prohibit bodily searches of visitors and allow the use of body scanners. While law enforcement officials denied the accusations by Valdez, they noted body scanners might not be working in all prisons.

As part of a government reorganization and downsizing plan to reduce public spending, in August the government announced the elimination of the Ministry of Justice, Human Rights, and Worship, whose responsibilities in prison administration were to be transferred to another entity. In October Minister of Interior Maria Paula Romo announced a technical secretariat would assume responsibility for managing the prison system within 90 days of the signing of a new decree in November.

Administration: Authorities sometimes conducted proper investigations of credible allegations of mistreatment. Public defenders assisted inmates in filing complaints and other motions. Some prisoners remained incarcerated after completing their sentences due to bureaucratic inefficiencies and corruption.

Independent Monitoring: NGOs continued to report restrictions to monitoring by independent nongovernmental observers. According to the human rights NGO Permanent Committee for the Defense of Human Rights, authorities failed to respond to many requests by independent observers to visit prisons.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The National Police maintains internal security and law enforcement and is under the authority of the Ministry of the Interior. The military is under the supervision of the Ministry of Defense and is responsible for external security. The military also had some domestic security responsibilities until August 1, when the Constitutional Court repealed a 2015 constitutional amendment authorizing the

armed forces to provide comprehensive support to the domestic security of the state. Police and military share responsibility for border enforcement. Migration officers are civilians and report to the Ministry of Interior. The Internal Affairs Unit of the National Police investigates killings by police and 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 State Prosecutor's Office must be involved in all investigations concerning human rights abuses, including unlawful killings and forced disappearance.

Insufficient training and poor supervision continued to impair the effectiveness of the National Police. Civilian authorities maintained effective control over police and the armed forces. The government has mechanisms as outlined in the constitution to investigate and punish abuse and corruption.

Police received required human rights instruction in basic training, after promotions, and in training academies for specialized units. The police academy integrated human rights training throughout a four-year training program for cadets.

Arrest Procedures and Treatment of Detainees

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

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

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

Pretrial Detention: Corruption and general judicial inefficiency caused trial delays. Police, prosecutors, public defenders, and judges did not receive adequate training. In September 2017 then justice minister Alvarado reported that 36 percent of inmates awaited sentencing. The length of pretrial detention did not usually exceed the maximum sentence for the alleged crime.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, outside pressure and corruption impaired the judicial process. Legal experts, bar associations, and NGOs reported on the susceptibility of the judiciary to bribes for favorable decisions and faster resolution of legal cases. In April the independent Transition Council on Citizen Participation and Social Control (T-CPCCS) began its evaluation of judicial entities, as mandated by a February 4 national referendum. On June 4 and August 31, respectively, the T-CPCCS announced a unanimous decision to remove the leading members of the Judicial Council and Constitutional Court from their positions for failing to carry out their duties and responsibilities. The T-CPCCS cited examples of the arbitrary appointment and removal of judges based on political criteria.

On September 30, media reported 222 individuals had been found guilty of charges stemming from their involvement in the 2010 protest, known as 30-S, against austerity measures imposed by former president Correa's government. Seventy-four investigations of law enforcement and military officers continued. On February 20, law enforcement and military officers previously indicted for participating in 30-S demanded an investigation into former government and intelligence officials whom they accused of manipulating and altering evidence during their trial preparation. This request followed public statements made by the former comptroller, General Carlos Polit, that officials had contracted "services" to alter evidence in the 30-S investigations. The families of the five persons killed during 30-S (two police officers, two military members, and a university student) continued to demand the government provide them full access to information and conduct a transparent investigation.

Trial Procedures

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

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

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

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

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Civil courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or immediate ending of, human rights violations. Individuals and organizations may appeal adverse decisions domestically and to regional human rights bodies.

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

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

On March 19, President Moreno announced the National Secretariat of Intelligence would be restructured and renamed in response to criticism that it had engaged in physical surveillance of human rights, environmental and labor activists, and opposition politicians during the Correa administration. On September 21, President Moreno issued a decree establishing the Center for Strategic Intelligence to oversee and coordinate the production of intelligence information that contributes to the public security of the state.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, but other laws restrict this right. The Committee to Protect Journalists reported the 2013 communication law “institutionalized repressive mechanisms, established state regulation of editorial content, and gave authorities the power to impose arbitrary sanctions and censor the press.” During a visit in August, the Inter-American Commission on Human Rights (IACHR) rapporteur for freedom of expression, Edison Lanza, highlighted improvements in freedom of expression but said the 2013 law would remain a “freedom of expression guillotine” unless adequately reformed. The rapporteur also noted the need for reforms to the criminal code’s treatment of “slander” and “insult,” which do not meet international standards. A Constitutional Court ruling in August to repeal 2015 constitutional amendments re-established communication as a right and not a public service.

Freedom of Expression: Individuals could usually discuss matters of general public interest publicly or privately without reprisal, although various civil society groups, journalists, and academics argued the law limited their freedom of expression and restricted independent media. Under the 2013 law, media outlets are legally responsible for the opinions of their contributors. The 2014 criminal code prohibits citizens from threatening or insulting the president or executive branch, and penalties for violators range from six months’ to two years’ imprisonment or a fine of \$16 to \$77. There were no reports the government invoked these laws to restrict freedom of expression during the year.

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

On January 16, independent watchdog organization Freedom House classified the country as partially free. Although the 2013 law remains in place, journalists reported attacks on the media decreased and that government-aligned public media outlets were more objective and balanced in both their news reporting and editorial pages. The domestic freedom of expression watchdog group Fundamedios registered 156 attacks on freedom of expression from May 2017 to May 2018. This was down from 499 and 491 attacks on freedom of expression reported in 2015 and 2016, respectively.

The law limits the ability of media to provide election coverage during the official campaign period. A constitutional court ruling in 2012 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 for any person who divulges false information that causes alarm in the population and provokes massive withdrawals of deposits from a financial institution that places at risk the institution’s stability.

The law mandates the broadcast of messages and reports by the president and his cabinet free of charge. President Moreno reduced the amount of time required for presidential broadcasts to one 15-minute weekly program from the three- to four-hour weekly program by his predecessor. In July 2017 President Moreno replaced the general editor of the state-owned newspaper *El Telegrafo*, which traditionally strongly advocated for the Correa administration and its policies.

The law calls for the redistribution of broadcast frequencies to divide media ownership between private media (33 percent), public media (33 percent), and community media (34 percent). In August 2017 the redistribution of frequencies was suspended following protests by opposition groups about the lack of transparency in the government-run tendering process for airwaves. On May 28, the Office of the Comptroller General annulled the awarding of broadcast frequencies from 2016 to August 2017, citing multiple irregularities. During a visit in August, the IACHR freedom of expression rapporteur noted that under former president Correa there were obvious irregularities in the awarding of broadcast frequencies and emphasized that the state did not need one-third of the available frequencies to inform the public.

Violence and Harassment: On July 20, two reporters from online political news blog *La Posta* began to receive threatening telephone calls and online attacks against their website following their announcement of a crowdfunding campaign for a trip to Belgium to investigate former president Correa. The harassment included the posting of pictures of their residences and personal telephone numbers in addition to threats of harm against them and their family members. On July 24, the reporters filed a complaint with the Office of the Public Prosecutor.

Censorship or Content Restrictions: In contrast with 2017, the government did not penalize those who published items counter to government guidelines described by the law. There also were no reports of direct or indirect government censorship of media. On May 14, President Moreno announced the elimination of the Superintendence of Information and Communication (SUPERCOM). This control entity issued 429 monetary fines against media outlets and reporters between 2014 and 2017. On March 7, the T-CPCCS unanimously dismissed the former head of SUPERCOM, Carlos Ochoa, based on a December 2017 ruling by the Comptroller General's Office that found Ochoa guilty of improper use of public resources and fined him \$115,810 for his purchase of a private vehicle with funds from a state television station.

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 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.

Libel/Slander Laws: In contrast with 2017, there were no reports 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. The law assigns responsibility to media owners, who are liable for opinion pieces or statements by reporters or others, including readers, using their media platforms. The 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 rule remained vaguely defined but threatened to limit the media’s ability to conduct investigative reporting.

Nongovernmental Impact: On April 13, President Moreno confirmed the deaths of three members of a local news team who were kidnapped on March 26 by a narcoguerrilla group called the Oliver Sinisterra Front, led by Walter Arizala, alias “Guacho.” The team was kidnapped while reporting on drug-related violence in Esmeraldas Province along the northern border with Colombia. President Moreno requested the IACHR’s technical support for investigation of the incident. In July the IACHR established a special mechanism, with the support of the government, that provided access to information and facilitated discussions with security personnel and the families of the victims. Some journalists expressed concern actions by organized-crime groups on the northern border could lead to self-censorship.

Actions to Expand Freedom of Expression, Including for the Media: President Moreno publicly highlighted the important role the press plays in fighting corruption. He promoted a national dialogue between civil society representatives and government agencies to address differences in opinion regarding the 2013 communications law. On July 12, the Committee to Protect Journalists issued a press release underscoring the government’s efforts “in working to improve relations with the press, encouraging investigative journalists, and vowing to reform the repressive communication law.”

President Moreno invited IACHR Special Rapporteur for Freedom of Expression Edison Lanza to visit the country to verify the country’s compliance with its international obligations on promoting and protecting the right to freedom of expression. This was the first visit by the IACHR special rapporteur in more than a decade. The IACHR’s 2014 request to visit the country had been denied by the previous government. Following an August 23 meeting between President Moreno and Lanza, the government announced the creation of a Committee for the Protection of Journalists, charged with drafting security protocols, providing training, and ensuring that threats against journalists are investigated. Lanza noted the IACHR put in place a special mechanism with the support of the government to investigate the kidnapping and killing of the *El Comercio* team.

Internet Freedom

The government did not restrict or disrupt access to the internet, and there were no credible reports the government censored online content or monitored private online communications without appropriate legal authority.

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

According to the International Telecommunication Union, 57 percent of the population used the internet in 2017.

Early in the year, the Pichincha Provincial Prosecutor's Office recommended the closure of the Ministry of Interior's investigation into Luis Vivanco, former editor in chief of *La Hora*, for his tweets that "attempt[ed] to disparage the actions carried out by the government in its permanent fight against corruption." As of October 31, authorities had not informed Vivanco if they would close the case.

Following his October visit, UN Special Rapporteur for Freedom of Expression David Kaye noted the Moreno administration appeared to have turned away from the previous administration's efforts to restrict and punish online activity.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. In August the National Assembly passed a set of reforms effectively repealing a 2016 law that had eliminated public funding for research at universities operating under international agreements.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

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

Freedom of Association

The law provides for freedom of association. In October 2017 President Moreno issued Decree 193 to replace executive Decrees 16 and 739 that regulated freedom of association. NGOs claimed former president Correa used the latter two decrees--which required all social organizations, including NGOs, to reregister in a new online registration system within one year of the decree or face dissolution--to stymie opposition and limit foreign influence. Following implementation of the new decree, the government allowed the reincorporation of two organizations Correa had dissolved.

Decree 193 simplifies the application process to obtain and maintain legal status for NGOs and social groups by relaxing and eliminating some bureaucratic hurdles. The decree closes loopholes exploited by the former government to infiltrate and fracture NGOs, including the elimination of a clause forcing groups to provide membership to any person, even against the will of the other members. International NGOs faced fewer restrictions on working in the country under the new decree. It ends the policy requiring government entities to collect information through the country's diplomatic missions abroad on the "legality, solvency, and seriousness" of foreign NGOs before they are allowed to work in the country. Civil society representatives said the new decree was a step in the right direction but lamented that it leaves in place some Correa-era policies, including the right of the government to dissolve organizations for poorly defined reasons.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The 2017 Human Mobility Law codifies protections guaranteed to migrants in the constitution, advances the protection of refugees and asylum seekers, and establishes provisions such as equal treatment before the law for migrants, nonrefoulement, and noncriminalization of irregular migration. As of September the government was developing regulations to implement the law. During the year large numbers of migrants and asylum seekers, and the country's economic slowdown, strained the government's immigration and social services, which

worked closely with local, international, and civil society organizations to cover assistance gaps. 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, asylum seekers, stateless persons, or other persons of concern.

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

The government cooperated with UNHCR, the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to migrants, internally displaced persons, refugees, asylum seekers, stateless persons, and other vulnerable persons of concern.

Internally Displaced Persons (IDPs)

From January to April, a series of attacks by a narcoguerrilla group against military and police personnel and installations in Esmeraldas Province, including the bombing of a police station, led persons to leave the area for security concerns. The Catholic Church provided shelter to the internally displaced families, with local government assistance. On April 17, Economic and Social Inclusion Minister Berenice Cordero reported that 158 families displaced by the attacks received government assistance.

On July 8, government officials reported the closure of the last shelter for families affected by the 2016 earthquake in the province of Manabi. The government noted all families had a place to live due to reconstruction efforts and the housing assistance provided by the Ministry of Urban Development.

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.

The country's population of recognized refugees and asylum seekers, mostly Colombians, numbered more than 64,300. During the first 10 months of the year, the Ministry of Interior registered more than 700,000 Venezuelans entering the country, more than double the number (288,000) who entered in all of 2017. As of September authorities estimated that 250,000 Venezuelans were residing in Ecuador and had issued more than 100,000 Union of South American Nations (UNASUR) temporary residency visas to Venezuelans, with 50,000 more being processed.

UNHCR reported an increase in Colombians seeking asylum during the year. Venezuelans were the second-highest nationality of asylum seekers, with approximately 9,000 Venezuelan asylum cases recorded during the first nine months of the year, according to UNHCR. An international organization reported many Venezuelans did not apply for asylum because they were unfamiliar with the process or did not know how long they would stay.

Access to Basic Services: Of refugees and asylum seekers, 40 percent 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. According to UNHCR and NGOs, refugees encountered discrimination in employment and housing. A 2016 agreement between UNHCR and the Directorate General of Civil Registry enables recognized refugees to receive national identification cards that facilitate access to education, employment, banking, and other public services. A nonprofit organization reported the Civil Registry began issuing national identification cards for refugees in November 2017 but offered this service in only three cities, which resulted in refugees incurring additional expenses for travel. The Civil Registry also requires authorization from the Ministry of Foreign Affairs and Human Mobility, and often refugees were required to return to the ministry if the information on their records contained errors.

Durable Solutions: The government accepted refugees for resettlement and offered naturalization to refugees, although few refugees were able to naturalize as citizens or gain permanent resident status due to an expensive and lengthy legal process. Discrimination, difficulty in obtaining adequate documentation, and limited access to formal employment and housing affected refugees' ability to assimilate into the local population.

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 individuals recorded as having crossed the border during the year.

As a member of UNASUR and an associate member of the Southern Common Market (MERCOSUR), Ecuador issues temporary visas to citizens of Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru, Uruguay, and Venezuela, and the government waived the visa application fee for Colombian and Paraguayan citizens. Foreigners in an irregular migratory status in the country were eligible to apply for the visa. While the UNASUR and MERCOSUR visas do not provide a safeguard against forced repatriation, UNHCR noted that many persons opted for these visas, since the procedure was faster than the refugee process and carried less social stigma. Visa recipients are able to work and study for two years. The visas are renewable based upon the same guidelines as the initial application, with only the additional requirement that the applicant provide an Ecuadorian Criminal Records Certificate.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. On February 4, a national referendum restored term limits for all elected positions, including the presidency, which had been eliminated through a 2015 constitutional amendment.

Elections and Political Participation

Recent Elections: On February 4, 82 percent of citizens voted in a national referendum that consisted of seven questions related to corruption, environmental rights, child abuse, real estate capital gains, elimination of indefinite reelection, and institutional reforms of oversight bodies. The “yes” vote won an average of 68 percent on all seven questions. International observers from the Organization of American States, UNASUR, Association of World Election Bodies, Inter-American Union of Electoral Organisms, and Council of Electoral Specialists of Latin America concluded the electoral process was orderly and peaceful, and they did not note any significant incidents.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government took steps to implement the law effectively. Officials sometimes engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: The government launched or continued multiple investigations, judicial proceedings, and legislative audits of officials accused of corruption related to state contracts and commercial endeavors that reached the highest levels of government, including former vice president Jorge Glas, sentenced in December 2017 to six years in prison for committing illicit association in relation to the Odebrecht case.

In September local media outlets reported on accusations by former National Assembly staffers that legislators exchanged staff positions for personal financial benefits, including contributions to political movements, free meals, and loans. Accusations were leveled against members of various political parties, including Alianza PAIS, Creating Opportunities, Pachakutik, and Partido Social Cristiano. In response National Assembly president Elizabeth Cabezas signed agreements with the Financial Analysis Unit, Comptroller General's Office, and Attorney General's Office to conduct a full investigation of the accusations. On November 13, the National Assembly voted to remove National Assembly member Norma Vallejo from her position.

On May 9, the National Court of Justice sentenced former minister of hydrocarbons Carlos Pareja Yannuzzelli to 10 years in prison for the crime of illicit enrichment in relation to state oil company Petroecuador. This sentence was in addition to the sentence of five years' imprisonment that Pareja and Alex Bravo, the former manager of Petroecuador, received in February 2017 for bribery, and the six-year sentence Pareja, former general manager of Petroecuador Marco Calvopina, and Petroecuador's operations submanager Diego Tapia received in October 2017 for illicit association. The Second Criminal Court of Pichincha sentenced 14 other individuals to prison for bribery in relation to the Petroecuador corruption case and noted an additional 23 cases of corruption related to Petroecuador were under investigation. Trials related to the Petroecuador case continued.

As part of the February 4 national referendum called by President Moreno, citizens approved a constitutional amendment ending the statute of limitations on corruption charges and prohibiting those sentenced for crimes related to the mismanagement of public resources from running for public office or contracting with the state. In April the T-CPCCS began its evaluation of independent state bodies, as mandated by the referendum, ordering the dismissal of the leading members of the Judicial Council and National Electoral Council, among others, citing failures to perform their duties according to the law and irregularities in their decision making. As of October the T-CPCCS had dismissed 28 of the 29 individuals who were evaluated.

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

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

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

In October 2017 President Moreno issued decree 193 to replace executive decrees 16 and 739 that regulated freedom of association. Domestic and international human rights organizations are subject to the NGO regulations in the decree. Civil society representatives said the new decree was a step in the right direction but

noted it leaves in place some Correa-era policies, including the right of the government to dissolve organizations for imprecise reasons (see section 2.b.).

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

On May 2, the T-CPCCS voted unanimously to dismiss Ombudsman Ramiro Rivadeneira after he refused to submit to an official evaluation by the control body. In 2016 several NGOs issued a joint press release stating that the Ombudsman's Office "had failed in fulfilling its role of defending the rights of the people, and focused more on protecting its image and the [Correa] government."

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. On June 11, then justice minister Alvarado participated in a signing ceremony of 25 reparation agreements for victims of human rights abuses reported by the 2010 Truth Commission, bringing the total number signed under President Moreno to 101, in contrast with one signed during Correa's decade in power.

On September 13, the National Anticorruption Commission requested the creation of a joint working group with the Attorney General's Office to investigate whether former president Correa, military officers, and other public officials were criminally liable for the abuses reported in the 2010 protest, known as 30-S. Anticorruption Commission Chairman Jorge Rodriguez stated that a thorough investigation was required to determine who was behind the "persecution of more than 300 citizens who lost their jobs and in some cases even their lives."

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

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, 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 22 to 26 years' imprisonment. Domestic violence is punishable with penalties ranging from four days to seven years in prison and a fine for "damages,

pain, and suffering” ranging from \$350 to \$5,300, depending on the severity of the crime. The law stipulates penalties for physical, psychological, and sexual violence.

On February 5, the Comprehensive Law to Prevent and Eradicate Violence against Women went into effect. The law seeks to prevent and provide reparation to victims of gender-based violence. It also advocates for the re-education of aggressors. The law defines rape, including spousal rape or incest, forced prostitution, sex trafficking, sexual harassment and other analogous practices, as forms of sexual violence. It also entitles victims to immediate protective measures designed to prevent or cease violence, such as police surveillance, placement in shelters, and awareness programs for the victim and family.

The Office of the Public Prosecutor reported 202 killings of women between January 2017 and July 2018. A report by four civil society organizations indicated there were 64 cases of femicide between January 1 and October 2. According to local experts, reporting rapes and other forms of violence continued to be a traumatic process, particularly for female minors. For example, a rape victim must file a complaint at the Public Prosecutor’s Office and submit to gynecological evaluations akin to rape kits administered by medical experts. Many individuals did not report cases of rape and sexual assault because of fear of retribution from the perpetrator or social stigma.

During the year the government offered installation of emergency buttons in the homes of potential gender-based violence victims and established toll-free telephone lines with personnel trained to support victims of gender-based violence. The Ministry of Social and Economic Inclusion, together with some local and provincial governments and NGOs, also provided psychosocial services to victims of sexual and domestic violence. The ministry subsidized shelters and other initiatives, including medical services at care centers and private clinics. Based on 2016 statistics, there were 50 judicial units and 78 courts specializing in gender-based violence. The judicial units have responsibility for collecting complaints and assisting victims in ordering arrest warrants for up to 30 days of detention against the aggressor. Victims and NGOs expressed concern the court system was insufficiently staffed to deal with the caseload and that judges lacked specialized training for dealing with gender-based violence.

Sexual Harassment: The penal code criminalizes sexual harassment and provides for penalties of one to five years in prison. The Comprehensive Law to Prevent and Eradicate Violence against Women defines sexual harassment and other

analogous practices as forms of sexual violence and mandates that judges prohibit contact between the aggressor and the victim to prevent revictimization and intimidation. Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in public spaces as common. The Office of the Public Prosecutor received 739 complaints of sexual harassment during the first trimester of the year. Of the 2,067 complaints received in 2017, as of July officials were investigating 48 cases and the courts had convicted and sentenced 12 perpetrators.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution affords women the same legal status and rights as men. Nevertheless, discrimination against women was prevalent, particularly with respect to economic opportunities for older women and for those in the lower economic strata. On March 8, *El Universo* cited figures by the National Institute of Statistics and Census that in 2017 the average monthly income of an employed man was 20 percent more than a woman working under the same conditions.

Children

Birth Registration: Citizenship is acquired through birth in the country, birth to an Ecuadorian mother or father abroad, or by naturalization. According to media reports, ethnic minority families and those with limited economic resources continued to show registration rates significantly lower than those of other groups. Government brigades occasionally traveled to remote rural areas to register families and persons with disabilities. While the law prohibits schools from requesting civil registration documents for children to enroll, some schools, mostly public schools, continued to require them. NGOs reported the 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 for school-related items, such as uniforms and books, as well as a lack of space in public schools, continued to be an impediment to adolescents attending school.

Child Abuse: The penal code criminalizes child abuse and provides penalties of 30 days to 90 years in prison depending on the severity of the abuse.

The Office of the Public Prosecutor received 4,800 complaints of rape, sexual harassment, and abuse against minors between 2015 and September 2018. At least 714 of these alleged crimes took place in elementary and secondary schools. NGOs reported that children living in the streets or in rural parts of the country, many of whom came from poor indigenous families, suffered from exploitative conditions. Throughout the year the Ministry of Education sent officials to investigate reported cases of child abuse in educational establishments. In October the National Assembly's special legislative committee to investigate the judicial handling of child abuse complaints met to review its final draft report. Since its creation in 2017, the committee had issued several reports on the efficiency of government institutions in processing child abuse cases.

Bullying remained a problem in schools and increasingly occurred on social media. On June 22, officials from the Ministry of Education launched a campaign to combat the problem. Antiviolence teams visited 251 public schools in the coastal region to identify bullying and reviewed cases of students with repetitive violent conduct. In the city of Guayaquil, officials reported 175 cases of bullying in the 12 months preceding October.

Early and Forced Marriage: The legal age of marriage is 18. There were reports of early and forced marriage in indigenous communities, particularly in instances in which girls became pregnant following an instance of rape. A Plan International study cited the testimony of public officials who reported that in many cases sexual aggressors compensated violence with payment or exchange of animals, but in some cases victims were forced to marry their aggressors.

Sexual Exploitation of Children: The 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 to 16 years in prison. Child sex trafficking 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. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

There is a small Jewish community, including an estimated 250 families in Quito and 82 families in Guayaquil, according to local synagogues. There were no reports of anti-Semitic acts.

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. The National Council on Disability Equality oversees government policies regarding persons with disabilities.

President Moreno promoted social initiatives to raise awareness about disability rights. In October 2017 the president replaced procedural regulations that went into effect in 2013 with executive decree 194, which broadens the defined legal recognition of a disability and increases tax benefits for persons with disabilities; however, human rights activists noted that much work remained. 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. According to a December 2017 article in *El Telegrafo*, the National Council on Disability Equality reported there were not enough ramps for persons with disabilities that used public transport in Quito and that architectural barriers used in constructions in public spaces were obstacles.

The law 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. The law provides for special job security for those with disabilities and requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities. The law also gives the Ombudsman's Office responsibility for following up on alleged violations of the rights of persons with disabilities and stipulates a series of fines and punishments for lack of compliance with the law.

The law directs the electoral authorities to provide access to voting and to facilitate voting for persons with 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. From 2013 to 2017, the government implemented a national agenda to promote the equality of indigenous peoples and nationalities.

Afro-Ecuadorian citizens, who accounted for approximately 7 percent of the population according to the 2010 census, suffered pervasive discrimination, particularly with regard to educational and economic opportunity. Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination and stereotyping in media continued to result in barriers to employment, education, and housing. Afro-Ecuadorian activist Antonio Ayovi reported in September 2017 that “racism, discrimination, and intolerance affect almost all sectors of the Ecuadorian population”

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 natural resource extraction projects may bring and to receive compensation for any damages that result.

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

Throughout the year indigenous groups engaged in a national dialogue with the government in which they raised issues related to community development, intercultural education, respect for the application of indigenous law, and environmental rights and extractive industries. The National Council on the Equality of Peoples and Nationalities reported on January 22 that almost 23 percent of indigenous women were underemployed, 36 percent were illiterate, and political participation of indigenous woman continued to lag behind the rest of the population. During the February 4 national referendum, voters approved two constitutional amendments relevant to indigenous communities, prohibiting mining in urban and protected areas and limiting oil drilling in Yasuni National Park.

On July 17, legislator Encarnacion Duchi reported that in 2017 the Confederation of Indigenous Nationalities of Ecuador filed 180 petitions for amnesty related to convictions of indigenous protesters during the Correa administration. Human rights activists claimed that under Correa the government forcibly evicted indigenous communities from their ancestral territory, without respecting their constitutional rights, to facilitate the establishment of Chinese mining projects, leading to clashes between the Shuar community and local security forces. Duchi said the National Assembly's Administrative Council had deemed only 33 cases merit-worthy and approved only one case.

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, lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons continued to suffer discrimination from both public and private entities, particularly in education, employment, and access to health care. LGBTI organizations reported that transgender persons suffered more discrimination because they were more visible.

On May 31, the Constitutional Court ordered the Civil Registry Office to register a seven-year-old girl parented by a female same-sex couple with their last names. Human rights activists said the decision set a precedent favoring LGBTI rights by officially recognizing same-sex couples and their children as a family unit.

The government, led by the Ombudsman's Office, was generally 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 motivated by anti-LGBTI bias.

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

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. According to a local LGBTI organization, law enforcement officials closed at least two such clinics in Guayaquil in 2017.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, with some exceptions, provides for the rights of workers to form and join trade unions of their choice, bargain collectively, and conduct legal strikes. The law prohibits the dismissal of union members from the moment a union notifies the labor inspector of its general assembly until the formation of its first executive board, the first legal steps in forming a union. Employers are not required to reinstate workers fired for union activity but are required to pay compensation and fines to such workers. According to a May 1 article in *El Universo*, the country’s 2,569 labor unions represented 4 to 8 percent of all public and private workers.

The Ministry of Labor reported the registration of 52 new labor organizations as of May 1. 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. 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. On April 12, the Ministry of Labor authorized, through ministerial resolutions, eight new types of labor contracts, with specific provisions for the flower, palm, fishing, livestock, and construction sectors.

The law provides for the right of private-sector employees to strike on their own behalf and conduct three-day solidarity strikes or boycotts on the behalf of other industries. The law also establishes, however, that all collective labor disputes be referred to courts of conciliation and arbitration. In 2014 the International Labor Organization (ILO) called on the government to amend this provision by limiting such compulsory arbitration to cases where both parties agree to arbitration and the strike involves the public servants who exercise authority in the name of the state or who perform essential services. As of July 30, the government had not taken 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 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. The government effectively enforced the law. There were no reports of strikes by workers from strategic sectors during the year. 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. In 2015 the National Assembly amended 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. Although independent, unions often had strong ties to political movements.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including all forms of labor exploitation; child labor; illegal adoption; servile marriage; and the sale of tissues, fluids, and genetic materials of living persons. Penalties 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.

Limited resources, limited presence in parts of the country, and inadequate victim services hampered the effectiveness of police and prosecutors. NGOs and media outlets continued to report that children were being subjected to forced criminality, particularly drug trafficking. On June 1, the Ministry of Justice confirmed there were 1,100 underage offenders in the country, many of whom were recruited by organized-crime groups to participate in drug trafficking and gang activity.

Reports of forced labor of children (see section 7.c.) and women persisted. Observers most frequently reported women as victims of sex trafficking or of working in private homes under conditions that may amount to human trafficking. On July 30, Ministry of Interior officials reported law enforcement agents rescued 40 victims of sex trafficking in the first seven months of the year.

Indigenous 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. 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.

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 prohibits the worst forms of child labor. It sets the minimum working age for minors at 15 for all types of labor and the maximum hours a minor may work at six hours per day, five days per week. The law requires employers of minors who have not completed elementary school to give them two additional hours off from work to complete studies. The law requires employers to pay minors the same wages received by adults for the same type of employment and prohibits minors under the age of 18 from working in “dangerous and unhealthy” conditions. A 2015 ministerial accord lists 27 economic activities that qualify as dangerous and unhealthy. Other illegal activities, including slavery, prostitution, pornography, and drug trafficking, are punishable. The law identifies work that is “likely to harm the health, safety, or morals of a child,” which includes work in mines, garbage dumps, slaughterhouses, livestock, fishing, textiles, logging, and domestic service, as well as 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 range from \$50 to \$300 for parents or guardians and \$200 to \$1,000 for employers hiring children younger than age 15. Although penalties were enforced, they 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 factories, workshops, 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 are responsible for enforcing child labor laws.

Statistics from the National Institute of Statistics and Census (INEC) and the National Survey of Employment, Unemployment, and Underemployment reported

in March 2017 a total of 522,656 children and adolescents between the ages of five and 17 working in the country. According to the newspaper *El Tiempo*, the provinces of Azuay, Cotopaxi, and Chimborazo had the highest child labor rates. In a 2015 INEC study, more than 73 percent of child laborers up to age 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 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 the informal sector.

Child labor remained a problem in the informal sector. In rural areas children were most likely found working in family-owned farms or businesses, including banana and rose farms. Labor organizations reported 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 peddling on the street, 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 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. On October 4, *El Telegrafo* reported the Ministry of Labor

received 347 complaints from employees about workplace harassment between 2015 and 2017. On August 24, the National Assembly approved a series of labor reforms for employees in the public and private sectors to prevent workplace harassment.

Afro-Ecuadorians continued to demand more opportunities in the workforce and complained that employers often profiled them based on their job application photographs. Indigenous and LGBTI individuals also experienced employment discrimination.

e. Acceptable Conditions of Work

The law provides for a minimum monthly wage, which was set at \$394 as of December. Additional benefits mandated by law correspond to 40 percent of this salary. The official poverty level was \$85.58 per month, and the official extreme poverty level was \$48.23 per month.

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

The law provides for the health and safety of workers and outlines health and safety standards, which were current and appropriate for the country's main industries. These regulations and standards were not applied in the informal sector, which employed more than 45 percent of the working population.

The Ministry of Labor reported there were 150 labor inspectors responsible for enforcing all labor laws. According to the ministry, the inspectors completed six general and comprehensive inspections each month. The government, the ILO, and civil society organizations all agreed that the number of inspectors was

insufficient to ensure adequate coverage of the entire country. According to the ILO's technical advice of a ratio of approximately one inspector for every 15,000 workers in developing economies, the country should employ approximately 535 inspectors.

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 enforcement reforms by increasing labor inspections and increasing the number of workers protected by contracts, minimum wage standards, and registration for social security benefits.

Most workers worked in the large informal sector and in rural areas. They were not subject to the minimum wage laws or legally mandated benefits. 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 informal small-scale 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.

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.