

ECUADOR 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ecuador is a constitutional multiparty republic with an elected president and unicameral legislature. In February 2013 voters re-elected President Rafael Correa and chose members of the National Assembly in elections that were generally free and open. Authorities maintained effective control over the security forces. There were credible reports that security forces committed human rights abuses.

The main human rights abuses were violations against the integrity of the person; restrictions on freedom of speech, press, and association; and violence and discrimination against vulnerable groups. Reports of use of excessive force and isolated unlawful killings by security forces continued. A new communications law placed a series of restrictions on journalists and threatened the independent media. President Correa and his administration continued verbal and legal attacks against the media and civil society. The government used legal mechanisms, such as libel laws and administrative regulations, to suppress freedom of the press, and societal aggression against journalists continued. Government officials and grassroots organizations continued to report violence and discrimination against women, children, minority groups, and the lesbian, gay, bisexual, and transgender (LGBT) community.

The following human rights problems continued: prison overcrowding; arbitrary arrest and detention; abuses by security forces; a high number of pretrial detainees; and delays and denial of due process. Limits on freedom of assembly continued, particularly targeting indigenous communities protesting laws affecting their community lands. Corruption was widespread, and transparency within the judicial sector continued to be an issue, despite attempts at procedural reform. Trafficking in persons, exploitation of minors, 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 political influence and an inefficient judiciary resulted in impunity in some cases.

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. There continued to be credible reports that security forces, particularly police units, used excessive force and committed isolated unlawful killings. The internal affairs unit investigates killings by the police and examines whether they occurred in the line of duty. An intelligence branch within the military has a role similar to the police internal affairs unit. The law states that the Office of the Public Prosecutor must be involved in all investigations concerning human rights abuses, including unlawful killings and forced disappearance.

As of August 14, the local nongovernmental organization (NGO) Ecumenical Human Rights Commission (CEDHU) reported seven complaints of unlawful killings by security forces. CEDHU reported that the Office of the Public Prosecutor often hesitated to investigate crimes allegedly committed by security forces, in part because security forces often provided protection to prosecutors.

On July 18, a court found soldiers Oscar Sanchez Mino, Nicanor F. Gonzalez, Julio Cesar Cumba Gavidia, Daniel Eduardo Choez Solis, Luis Alberto Naranjo Verdesoto, Luis Ivan Valdez, Alberto Estupinan Sandoval, and Jefferson Oswaldo Barrangan Guzman responsible for the 2012 disappearance and unlawful killings of Walter Tapia, Julio Aviles, and Pedro Castro. The court ruled that Sanchez Mino acted as the mastermind of the crime and sentenced him to 35 years in prison. The court sentenced Gonzalez, Cumba Gavidia, and Choez Solis to 16 years in prison each, and Naranjo Verdesoto, Valdez, Estupinan Sandoval, and Barrangan Guzman to eight years in prison each as accomplices in the murders.

On October 9, the minister of interior announced that police arrested six police officers in connection with the 2012 killing of George Michael Murillo, who was shot and killed while en route to a soccer game. The case against the officers had not gone to trial at year's end. Initially police claimed a supporter of a rival soccer team had killed Murillo, but in November 2012, the Office of the Public Prosecutor opened a criminal investigation against three police agents allegedly implicated in the crime.

CEDHU reported that the government only partially addressed recommendations made in 2010 by the UN special rapporteur on extrajudicial executions regarding impunity in cases of killings and abuses by security forces and hired gunmen, as well as by illegal armed groups and the military in the area bordering Colombia. CEDHU noted there were insufficient numbers of law enforcement personnel assigned to border communities.

b. Disappearance

There were no reports of politically motivated disappearances. On October 7, the government announced the creation of a bureau integrated into the National Police to investigate crimes against life, violent deaths, disappearances, extortion, and kidnappings.

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. In 2010, the Ombudsman's Office acknowledged that "torture is a practice that has taken root."

CEDHU reported that physical aggression and cruel and inhumane treatment in police stations continued. Between January and October, CEDHU registered 15 cases of alleged torture and 131 victims of "unwarranted physical aggression" by security forces. CEDHU reported that police frequently used excessive force during arrests and that police beat and threatened suspects throughout interrogations to force them to confess to crimes. In a 2012 report submitted to the Human Rights Council, the UN Committee Against Torture noted with concern the continued mistreatment of detainees during police detention.

The law and the 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" (normally floggings followed by cold baths that cause pain on the irritated skin), violated human rights.

Prison and Detention Center Conditions

Conditions in prisons and detention centers generally were poor and tended to be worse in the tropical coastal areas than in the temperate highlands.

Physical Conditions: Overcrowding continued to be a problem in most prison facilities. CEDHU reported that prisons held an average of 82 percent more inmates than capacity. On April 30, the Ministry of Justice reported that the main prison center in Guayaquil had an overpopulation of 131 percent. Foreign observers noted that many of the prisons throughout the country faced a high risk

of fire, largely due to overcrowding. The Ministry of Justice reported on December 10 that the systems held 24,722 prisoners (of which 2,130 were women), and local media reports indicated that the system's capacity was 12,089 inmates. Authorities held pretrial detainees with convicted prisoners.

A number of prisons experienced serious outbreaks of disease, with medical care often inadequate. Chronic overcrowding and lack of preventive health-care measures permitted disease to spread quickly. The health care provided was minimal and sufficient only for emergencies. Prisoners reported that medicines often were not available and that they had no access to dental care. Many prisoners reported problems with asthma due to dust and pollution and said that they had no access to inhalers. The Ministry of Justice reported in 2012 the deaths of 41 prisoners, but 2013 information was not available. The media reported on several prison escapes during the year and stated that least 63 prisoners had escaped from detention centers since 2010.

Inmates reported that vulnerabilities in security remained a problem; for example, metal scanners at the entrance of a prison center in Quito did not work or were not used. Trafficking in weapons continued, and inmates bought and sold items such as guns, knives, and cell phones.

Resources in prisons were minimal, and authorities expected prisoners or their families to provide almost all mattresses, clothing, and medicines. Prisons provided adult inmates three basic meals a day, while juvenile detainees received five meals per day. Prisoners had access to potable water.

While physical conditions were notably better in the Quito women's prison than in men's facilities, according to CEDHU and reports from prisoners, male guards were responsible for guarding female inmates, and female inmates reported that male guards requested sexual favors in return for better conditions. Former prisoners reported that prison officials and internal criminal groups ran prostitution rings out of some of the women's prisons, gaining participation from the female prisoners in exchange for preferential treatment. Detention centers provided day-care facilities for children younger than three years who could not be separated from their mothers.

Administration: Prisoners reported often having to pay bribes to guards, officials, and other prisoners to improve the quality or quantity of their food, have access to the prison medical clinic, or change or improve the location in which they were held. Upon completing sentences, most prisoners remained incarcerated for an

additional three to five months due to bureaucratic inefficiencies, lack of recordkeeping on the length of their sentence or incarceration, and corruption.

There were no improvements in recordkeeping during the year. Most prisons continued to rely on paper files and lacked access to computers and the internet. Prisoners convicted of nonviolent crimes could have their sentences reduced by up to 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.

Prisoners reported reluctance to raise complaints to members of the prison staff due to fear of reprisal or belief that their requests would go unanswered. Authorities reportedly did not investigate allegations of inhumane conditions. CEDHU reported 173 cases of violations of the rights of prisoners and detainees through October. On December 10, the Ministry of Interior reported that 70 guards from the prisons in Guayaquil were being investigated for alleged physical abuse. There were no prison ombudsmen. Prisoners had the right to appeal to local and national human rights ombudsmen, although limited resources often hampered the entities' effectiveness. Prisoners were free to practice a religion, although officials did not always allow religious representatives to visit prisoners.

Independent Monitoring: Although in most instances the government permitted prison visits by independent human rights observers, authorities occasionally did not permit observers to visit prisoners, especially during times of internal disturbance. Prison officials stated that all properly identified officials and representatives from NGOs were able to visit prisoners, yet observers and authorities sometimes were unable to find prisoners because of poor recordkeeping and corruption of prison officials. Prisoners were able to express their concerns and complaints to local organizations, which played an important role in voicing problems to the human rights ombudsmen. According to a warden of one of the major prisons, officials limited prison visits to two hours, with one conjugal visit per week per prisoner.

Improvements: During the year the government opened three prison centers in the province of Guayas with a capacity for 6,480 inmates. The construction of prison centers in other provinces was also underway. The government also invested in remodeling older prison centers. According to former Minister of Justice Johanna Pesantez, in 2012 the government spent a total of \$89 million (U.S. dollar is the official currency) on the construction of prison centers that meet international and security standards, including the purchase of equipment such as surveillance

cameras. On April 2, President Correa announced that all prison guards would have to pass a lie detector test as a measure to prevent corruption in prisons. According to former Minister Pesantez, 290 prison staff were trained between January and May at the prison training school.

d. Arbitrary Arrest or Detention

While the constitution prohibits arbitrary arrest and detention, the law and some regulations adopted by central or provincial authorities undermine these guarantees.

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. The National Police are under the authority of the Ministry of Interior, and the military is under the supervision of the Ministry of Defense.

Corruption; poor hiring procedures; and insufficient training, supervision, and resources impaired National Police effectiveness. Police abuse persisted despite government efforts to control it. In some cases, instead of initiating an investigation against officers suspected of corruption, police authorities transferred them to other police units and prevented further administrative and judicial action. In other cases the police continued to block criminal investigations. The government news agency reported the dismissal of 340 police officers between January and August, including 203 in June for their involvement in crimes ranging from sexual abuse to assault. Civilian authorities maintained effective control over the police and armed forces. A police internal affairs unit investigates complaints against police officers and can refer cases to the courts.

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 formation. Additionally, there is a mandatory human rights training regimen (Preservation of Life and Human Rights), along with a human rights handbook. Human rights groups contributed to the development of the course and were sometimes asked to participate in course modules. Authorities offered other human rights training intermittently. The government continued to improve the preparedness of the police, including increasing funding, salaries, and purchasing equipment.

When mob violence took place, police sometimes failed to intervene or respond in a timely fashion (see section 6, Societal Violence).

Investigations into the 2010 police protest continued. On May 31, President Correa announced the creation of a commission to investigate the protests further and identify all who were responsible for the police revolt. The government offered \$50,000 rewards for information leading to the arrest of the persons behind the 2010 revolt. On March 26, 84 police and military personnel were placed under investigation and ordered not to leave the country, due to their alleged role in closing down a military air base in Quito during the protests. On May 31, Vice Minister of Interior Javier Cordova announced the detention of Vladimir Cajalombo Mantilla and charged him with attempted assassination of the president. Authorities released Cajalombo on September 3, but the investigation continued. On July 9, the Third Criminal Chamber of the Provincial Court of Justice of Pichincha rejected the appeal filed by 10 police officers convicted of rebellion and ruled that they should serve their full sentences. On August 21, the First Criminal Court of Pichincha convicted police officer Francisco Guzman for the shooting death of student Juan Pablo Bolanos, killed during the police revolt.

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 immediate 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 detrimental, the judge, upon the prosecutor's request, may order pretrial detention.

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

Authorities charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or from perceived external political pressures. Authorities frequently used the system as a

means of harassment in civil cases in which one party sought to have the other arrested on criminal charges.

Detainees have a constitutional right to an attorney. If indigent, they have the right to request a court-appointed attorney. The autonomous Public Defenders' Office provided free legal services to defendants. Although the number of available court-appointed defenders was higher in comparison with 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. Alleged narcotics traffickers commonly waited 24 to 48 hours for these visits. Detainees with sufficient resources reportedly bribed prison officials to facilitate access. CEDHU reported that Antinarcotics Police and Judicial Police facilities holding persons for preliminary investigation often did not allow visits by family or counsel.

Arbitrary Arrest: CEDHU reported 24 cases of arbitrary arrest. Many victims chose not to pursue legal cases due to fear of reprisal, lack of resources, or doubts that they would receive a fair trial due to judicial and police corruption.

On February 25, the court ruled that the "Luluncoto Ten" were guilty of attempted terrorism and sentenced them to one year in prison. The court released two defendants for time served. Police detained the 10 defendants in March 2012 and accused them of belonging to a terrorist organization involved in a series of pamphlet bombings. Human rights NGOs claimed the police conducted the raid without a proper warrant and did not notify the defendants of the charges, a claim refuted by the Prosecutor's Office. Prosecutors substituted the original charge of terrorism with attempted terrorism due to lack of evidence tying the defendants to the bombings. On February 26, their defense attorneys announced they would appeal the ruling because the charges under which the defendants were convicted differed from the original charge, a practice not permitted under the law. On December 9, a court upheld the sentence, although the defendants could appeal before the National Court of Justice.

Pretrial Detention: The government estimated that 36 percent of prisoners had not been sentenced. CEDHU reported that the vast majority of individuals in rehabilitation centers throughout the country continued to be detained without

sentencing. Trial delays were caused by lengthy and complicated judicial procedures; corruption and poor training of the police, prosecutors, public defenders, and judges; and general judicial inefficiency. Many victims abandoned their cases and dropped charges, in part because of the cost of retaining counsel and bribing judicial authorities.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, the judiciary was susceptible to outside pressure and corruption. The media reported on the susceptibility of the judiciary to bribes for favorable decisions and faster resolution of legal cases. Judges occasionally reached decisions based on media influence or political and economic pressures. Delays often occurred in cases brought against the government, whereas cases brought by the government moved quickly through the courts.

In some cases the outcome of trials appeared predetermined. After the Prosecutor's Office dismissed due to lack of proof rebellion charges against 12 students involved in a February protest at Quito's "Central Tecnico" High School over educational issues, President Correa announced that his government would find the proof and provide it to the prosecutor. The Prosecutor's Office reopened the case in late April, and on June 13, a judge ordered the 12 students to stand trial for rebellion. In the period leading up to the final trial, government officials characterized the students as "destabilizers of democracy." On July 29, a court declared the students guilty and sentenced them to 21 days in prison, although they were immediately released as all had served at least 24 days. The students lost an appeal on November 28.

Trial Procedures

By law defendants are presumed innocent until proven guilty in a trial. There are no juries in the justice system. Defendants have the right to be informed promptly and in detail of the charges, including free interpretation when necessary, although there were confirmed reports of foreigners tried and convicted without access to a translator. All citizens have the right to a public trial, although delays occurred frequently. The accused have the right to consult with an attorney or to have one provided, and to appeal. Defendants may present evidence and call witnesses, invoke the right against self-incrimination, and confront and cross-examine witnesses. Defendants have the right to adequate time and facilities to prepare defense, although delays in providing translation services made this difficult for

some foreign defendants. Defendants have the right to access evidence held by the police or public prosecutor; however, this right was inconsistently exercised because many defendants lacked knowledge of the right and had no legal representation to assist them in preparation. Authorities generally failed to inform defendants of the right to access official evidence.

Despite efforts to modernize the court system, the judiciary continued to operate slowly and inconsistently. There were lengthy delays before most cases came to trial. 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.

Recent 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. On August 31, President Correa highlighted the creation of judicial units to resolve in flagrante (caught in the act) cases more quickly. Processing time for this type of case declined from 190 days to 47 days. In these proceedings, defendants must choose between contesting charges and facing extended pretrial detention, or accepting criminal responsibility and pleading guilty at the outset of the filing of charges, even when little to no investigation or proof of guilt had been offered.

The regular court system tried most defendants, although some indigenous groups tried members independently for violations of tribal law. While the law and the constitution recognize indigenous communities’ right to exercise their own systems of justice based on their traditions and customs, they do not specify how this right should be implemented. This parallel system raised questions of both jurisdiction and conformity with the right to a fair trial, as well as the possibility of inconsistent results between systems.

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. Civil lawsuits seeking damages for alleged

wrongs by the state were rarely filed, since such suits were time consuming and difficult to prosecute, with judges taking up to a decade to rule on the merits of a case.

Regional Human Rights Court Decisions

The government is subject to the jurisdiction of the Inter-American Court of Human Rights. On July 24, the government complied with a ruling by the court and paid the Sarayaku indigenous community \$1.3 million in indemnities for damages from petroleum exploration in their territory prior to 2003. The government continued to review additional pending requirements per the court ruling.

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

The constitution and the law prohibit such actions, and the government generally respected these prohibitions.

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.

Freedom of Speech: President Correa and his government continued verbal and legal attacks against the press during the year. The president regularly stated that the press was his “biggest enemy.” During his weekly television and radio address, the president continued to encourage government officials and private individuals to bring cases against the media, which led to increased media self-censorship. Government officials, in their capacity as “private citizens,” sometimes brought lawsuits against the media. NGOs and international human rights organizations continued to express concerns regarding criminalizing speech and the chilling effect that lawsuits had on many journalists.

Generally, individuals could criticize the government publicly or privately without reprisal, although a new communications law passed in June restricted the open space for criticism. This new law creates new regulatory bodies with the power to monitor and discipline the media through a combination of legal and administrative sanctions. According to Human Rights Watch, the law “seriously undermines free

speech” and limits freedom of expression. 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.

Press Freedoms: The independent media generally remained active and expressed a wide variety of views, including those critical of the government. Freedom House downgraded its evaluation of the country from “partly free” in 2012 to “not free” in 2013, noting a dramatic drop in press freedom over the last five years. The government owned or operated at least 21 media 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. The Special Rapporteur’s Office of the Inter-American Commission on Human Rights (IACHR) expressed concern that the excessive frequency of such mechanisms prevented media outlets from choosing what information to disseminate as part of their exercise of free speech. The Special Rapporteur’s Office stated, “If these broadcasts are issued too frequently, the consequence will be that the nonofficial media will be transmitting the State’s official message permanently, to the detriment of their own editorial line.”

The law limits the ownership of media companies. The new communications law redefines the assignment of broadcast frequencies, giving 33 percent of frequencies to private media, 33 percent to public media, and 34 percent to community broadcasting. Observers claimed the redistribution of frequencies could reduce the private media by approximately 50 percent. The government asserted in public statements that information was a public good rather than a right.

Provisions in the Democracy Code placed limits on 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.

Violence and Harassment: President Correa frequently used mandated broadcasts and his public appearances to make personal attacks on specific journalists, as well as to criticize the media, question its competence and professionalism, and accuse the private media of bias. During the year Correa referred to journalists as “sick,”

“ignorant,” “sinister,” and “liars.” The president repeatedly referred to the independent media as the “corrupt press.”

As of December 12, press-freedom NGO Fundamedios reported 174 cases of harassment (threats, verbal and physical attacks, or arrests) against journalists or other representatives of the press.

On April 11, long-time investigative journalist Fausto Valdiviezo was killed in front of his mother’s house in Guayaquil. Interior Minister Jose Serrano indicated that the killing was likely not related to Valdiviezo’s work and suggested that Valdiviezo might have been involved in questionable dealings. Colleagues of Valdiviezo requested that the Prosecutor’s Office conduct a more thorough investigation, and journalism organizations voiced fears that his death might have been an act of retaliation for his work uncovering underground criminal networks. On September 25, a judge released three suspects from detention, although they still faced charges as accessories to the murder and were required to report periodically to the court. The judge released another suspect and dropped all charges against him. One suspect remained in custody, while the alleged mastermind of the crime remained at large.

Censorship or Content Restrictions: The relationship between the press and the government was poor, due to considerable government pressure and legal and administrative actions against the press. 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 communications 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.

The communications 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.

Private media companies reported that the government continued to use tax and labor inspections to harass companies that published reports critical of the

government. These investigations forced the companies to undertake time-consuming and costly legal defense. The government continued to use these regulations to close media outlets. Journalists claimed that the government additionally used the broadcast-spectrum renewal process as a subjective political evaluation of each station rather than as a technical review.

On August 8, the National Communications Council ordered Ecotel Radio in the province of Loja to cease broadcasting on its frequency, claiming the station had not made required technical adjustments to comply with its license. Ecotel Director Ramiro Cueva maintained the shutdown was illegal, since the station had a pending case with the administrative appeals body, which should have kept their frequency concession valid until the matter was decided. Cueva also claimed that the closure was politically motivated due to the station's critical editorial line. On August 12, a Loja court rejected an injunction filed by Cueva to prevent the station's closure. Nearly 100 police officers raided the station on December 5 to seize Ecotel equipment.

The government remained the largest single advertiser in the country and used advertising contracts to reward or punish media companies.

Libel Laws/National Security: The government increasingly used legal mechanisms, including libel laws, against media companies, journalists, and private individuals. Fundamedios reported 43 lawsuits against journalists or media companies since 2008, five of which were filed during the year. Libel is a criminal offense under the law with penalties of up to three years in prison, plus fines and other damage awards.

On April 17, a National Court of Justice (CNJ) judge sentenced National Assembly member Clever Jimenez to 18 months in prison on charges of slander, ruling that parliamentary immunity did not apply in the case. The suit, brought personally by President Correa, was based upon a 2011 lawsuit Jimenez had filed against Correa, in which Jimenez claimed that on September 30, 2010, Correa himself ordered the military to stage a rescue of him from a police hospital, an event that resulted in several injuries and deaths. The judge ordered Jimenez and activist Fernando Villavicencio, who was also sentenced to 18 months, to pay reparations of approximately \$120,000, and make an apology in the national media. The judge sentenced activist Carlos Figueroa to a lesser sentence and fines. On July 24, the CNJ denied Jimenez' initial appeal, although Jimenez and his codefendants filed a final appeal within the CNJ.

The law includes criminal libel charges, which may be used to criminalize opinion. The communications law assigns prior responsibility to media owners who are liable for opinion pieces or statements made by reporters or others, including readers, using their media platforms.

The new communications law includes a prohibition of “media lynching,” which the law describes 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 authority to determine if a media outlet is guilty of media lynching and apply administrative sanctions.

In response to a May 31 headline that read, “Correa calls gay marriage a novelty,” the Secretariat of Communication and President Correa accused *Hoy* newspaper of misrepresenting the president’s words. Human Rights Ombudsman Ramiro Rivadeneira filed a complaint against *Hoy* on June 19, claiming the paper had infringed on the rights of the LGBT community through its inaccurate reporting. Judge Veronica Medina accepted the complaint and ordered *Hoy* to issue an apology and correction. The newspaper complied with the judicial order with an apology to the LGBT community titled, “*Hoy* apologizes to the LGBT [community], whom we did not offend.” President Correa dismissed *Hoy*’s apology as shallow and stated that the paper would have to apologize again and pay a fine for all the legal expenses incurred by the government.

In September an NGO presented a lawsuit brought by 60 citizens against the communications law. The suit asserts that the law contravenes the constitution and the country’s commitments under international human rights treaties as well as an Inter-American Court of Human Rights ruling. The suit also challenges the government’s assertion that information is a public good rather than a right. At year’s end the Court had not addressed the complaint.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. A 2012 telecommunications regulation requires that internet service providers fulfill 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 35 percent of the public used the internet in 2012. The NGO Freedom House evaluated the internet as partially free.

While individuals and groups could generally engage in the expression of views via the internet, including by e-mail, the government increasingly monitored Twitter and other social media accounts for perceived threats or alleged insults against the president, a practice that Freedom House called “a form of legal intimidation that stands to result in greater self-censorship online.” The communications law holds the media responsible for online comments from readers if the media 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 the author of the information can be verified. According to Freedom House, “There are no specific laws criminalizing online content; however, standard defamation laws apply to content posted online and are sometimes invoked by the government.” Government officials also suggested social media be regulated and defamation on these sites be punishable under the penal code, with sentences of up to two years in prison.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. Academics reported that intimidation by government officials, including President Correa, and concerns over the process of awarding government contracts created a chilling effect and led to 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 were usually granted. The government often deployed a large security presence at demonstrations. Security forces generally respected the rights of participants, but some exceptions occurred.

Over the last few years, the government filed legal charges or opened investigations against protesters who blocked roads or impeded public services, citing demonstrators for “terrorism and sabotage” or similar charges that

effectively criminalized protest. In December 2012 the Corporation Research Center of Communication of Ecuador released a report that stated approximately 47 indigenous leaders, trade union representatives, and students faced legal proceedings on charges of committing acts of sabotage and terrorism. The report explained that many of these legal processes began in 2010 and most remained frozen in the investigation stage. Indigenous groups estimated that authorities had charged approximately 200 of their members with terrorism or sabotage.

On July 19, an appeals court upheld the conviction of National Assembly member Pepe Acacho, also a leader in the indigenous organization Confederation of Indigenous Nationalities of Ecuador (CONAIE), on charges of sabotage and terrorism. The charges stem from the death of a teacher during indigenous protests against changes to the water law in 2009. Authorities originally detained Acacho in 2011 and charged him with inciting violent protests through his radio program. The court also convicted indigenous leader Pedro Mashiant, while acquitting five others a few days earlier. The court sentenced Mashiant and Acacho to 12 years in prison; the defendants' appeal remained pending.

Freedom of Association

The law provides for freedom of association, but the government took steps to limit this right. Presidential Decree 16, released in June, required all social organizations (including NGOs), to reregister in a new online registration system within one year or face dissolution. The law provides the government discretion to dissolve organizations (including civil society, foundations, and churches) on multiple grounds, including compromising the interests of the state, engaging in political activity, threatening public peace, deviating from the organization's stated purpose, or not providing access to information requested by the government. Provisions in the decree limit the ability of organizations to choose their members. The decree requires NGOs to report all projects that receive foreign funding. On September 13, a court dismissed an initial legal challenge of the decree by civil society organizations. Human Rights Watch called upon the government to repeal Decree 16, as it limits the right of freedom of association. NGOs also reported harassment with tax and labor inspections. On December 4, the government invoked Decree 16 when it closed Fundacion Pachamama, an environmental NGO that opposed oil drilling in the Amazon. The government said the organization disturbed public order during a November 28 protest over the government's latest round of oil negotiations with foreign firms.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The law provides for freedom of movement within the country, 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, and other vulnerable persons of concern. Changes to the asylum process, stemming from Presidential Decree 1182 of May 2012, resulted in fewer persons accessing the refugee status determination process and a much lower rate of approval for refugee claims. The government granted refugee status to fewer than 10 percent of claimants in 2013.

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 UNHCR reported that as of July 30, there were 55,141 recognized refugees in the country, 98 percent of whom were Colombian. The law establishes a two-step procedure for asylum seekers in applying for refugee status with a right to appeal rejections in the second stage of the process.

In part due to political backlash, in May 2012 the government significantly tightened the asylum process by removing “generalized violence” as a basis for asylum, limiting applications for asylum to people who had entered the country within the previous 15 days, and by officially approving the addition of an eligibility interview. The UNHCR estimated that after the new procedures were instituted, 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.

The registration process often took six months to a year, and occasionally more than 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: The UNHCR did not have information on refoulement of recognized refugees or asylum seekers during the year; however, it reported that in 2012 it was aware of 22 cases of refoulement, and it intervened to prevent 79 other cases.

Refugee Abuse: Refugees, especially women and children, experienced sexual and gender-based violence, and youth experienced forced recruitment in border areas.

Access to Basic Services: The law provides recognized refugees and asylum seekers the same access to public-health services as citizens. The presentation of any identity document is sufficient to provide access to public educational institutions. The UNHCR reported that in some cases noncitizen children experienced difficulty enrolling in school due to problems with refugee identification numbers. Refugees reported widespread discrimination in employment and housing. Societal stereotypes and media reports often portrayed refugees as criminals and prostitutes, which affected refugees' ability to assimilate into the local population.

Durable Solutions: Few refugees were able to naturalize as citizens or gain permanent resident status, due to the expensive and lengthy legal process required. Five Colombian refugees voluntarily repatriated to Colombia with the assistance of the UNHCR in 2012. The main durable solution remained local integration, even though there were many obstacles to achieve sustainable local integration. Between January and September 30, the UNHCR presented 1,346 persons for resettlement to a third country and 812 persons departed to the new country.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. The government and NGOs provided humanitarian aid and additional services, such as legal, health, education, and psychological assistance, to Colombians recorded as having crossed the border during the year. Most government assistance ended after denial of official refugee status.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic and free elections based on universal suffrage.

Elections and Political Participation

Recent Elections: On February 17, the government held elections for national offices, including the presidency and the multi-party National Assembly. The Organization of American States (OAS), Inter-American Union of Electoral Organisms, and Union of South American Nations – in addition to 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, there were some reports of missing or marked ballots, and counting and vote-calculation irregularities that resulted in challenges to the National Electoral Council (CNE) and Electoral Contentious Court (TCE), the appeals body for electoral matters. Opposition candidates claimed that the CNE and TCE did not address irregularities transparently. The OAS reported that the pre-campaign 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 local NGO Participacion Ciudadana’s media monitoring, President Correa had a significantly greater presence in both public and private media than other candidates.

Political Parties: 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 voter 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.

A 2012 party-registration scandal and problems with the registration process within the CNE delayed party registration for several weeks, limiting the ability of parties to organize and hold primaries. The CNE did not authorize several nationwide parties to participate in the 2013 elections due to irregularities with the signatures submitted for their registration. The scandal also delayed other important CNE decisions, such as a new districting plan for the three largest provinces. Opposition parties and civil society organizations criticized the registration review process and districting plan and complained that the CNE did not operate with appropriate transparency.

Participation of Women and Minorities: The constitution provides for state-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, both for primary and stand-in candidates.

There were 58 women in the 137-seat National Assembly and nine women in the 35-member cabinet. The president and both vice presidents of the National Assembly were women. There were nine indigenous persons and seven Afro-Ecuadorians in the National Assembly. There were no Afro-Ecuadorians or indigenous persons in the cabinet.

Section 4. Corruption and Lack of Transparency in Government

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

The government recognized extensive corruption in the judicial branch and continued a process to reform the judiciary. The reform process improved somewhat the judiciary's ability to deliver services to the public through infrastructure and technology, remove corrupt or ineffective judges, and reduce case backlog. Independent observers noted, however, that the judges on the higher courts appeared more closely aligned with the current administration, and some questioned the independence of those courts. Some academics and think-tank analysts said that courts did not process legal cases unless the police and judicial officials were bribed. There were media reports alleging police corruption and extensive corruption in public contracts and procurement.

Labor leaders and business owners reported corruption among labor inspectors (see section 7.d.).

Corruption: On April 12, Juan Salazar Lopez, the mayor of Riobamba, reported the theft of \$13.3 million from the municipality account at the Central Bank of Ecuador, of which only \$10 million had been recovered. Initially, Salazar claimed that hackers had infiltrated the account and stolen the money, but investigations ultimately found that Salazar disclosed the account password to several

unauthorized persons. On April 24, the city council approved the removal of the mayor from office. The Prosecutor's Office charged Salazar with embezzlement.

At year's end no resolution had been reached in the investigations into former Central Bank president Pedro Delgado, who left the country in December 2012 after announcing he had falsified his academic credentials and refused to return for questioning. The government investigated irregular loans authorized by Delgado.

The Transparency and Social Control branch of government (CPCCS) is in charge of policy development for the promotion of transparency, control, and accountability in the public and private sectors and heads the National Plan against Corruption. Within the Transparency Branch, the Office of the Comptroller General investigates reports of corruption in the public sector. When there are grounds for a criminal investigation, the comptroller refers the case to the Office of the Public Prosecutor. Observers noted that the CPCCS did not effectively engage a broad segment of civil society and that its leadership had close ties to the ruling party. 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.

Whistleblower Protection: The law provides for protection to public employees who disclose or report acts of corruption, but there were not sufficient mechanisms to prevent retaliation from their supervisors or peers. In some cases human rights NGOs reported the firing of public employees after they denounced acts of corruption. The Office of the Public Prosecutor has a program to protect victims and witnesses. The law allows access to independent adjudicative entities. In the private sector, the person who reports the act of corruption has the burden of proof. There is no statute of limitations for reporting retaliation or other discriminatory actions in both the public and private sectors.

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 has the responsibility to monitor and verify disclosures, examine the statements, and investigate those cases where illicit enrichment is alleged. The statements of disclosures can be made available to the public by request of an interested party. All declarations are filed in the offices of public notaries and are entered as a

public deed. The Comptroller General's website contains a section in which the public can conduct a search on officials to see if they complied with the income and asset disclosure requirement. There are no criminal or administrative sanctions for noncompliance, only the inability to assume office. The Comptroller General's Office can report any unusual actions or activities to other government officials, who in turn could initiate their own investigations. Public officials are not required to submit periodic reports, even when changes occur in their holdings.

Public Access to Information: The constitution and other regulations provide for the right of public access to government information; however, authorities did not effectively implement the law. The law requires all organizations (public and private) 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.

The law is clear on the exceptions for nondisclosure of information, including private information on an individual's personal accounts. According to the law on transparency, representatives of a public entity must respond to requests within 10 days, a period that may be extended for five additional days. Requests for government information are free of charge. Public officials who refuse to comply with requests without legal justification may be sanctioned with a penalty equivalent of one month's salary, suspension from office for a term of 30 calendar days without pay or remuneration, and removal from office in the event of a continued refusal to deliver requested information. The law provides an appeal mechanism, both administrative and judicial, to review disclosure denials. Some government entities hosted public outreach activities, and NGOs worked with local governments to encourage effective implementation of these policies.

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 regularly cooperated with the groups but often did not act on their recommendations.

In 2011 the government began a process to standardize requirements for international NGOs to register and operate in the country. NGOs reported the registration process was difficult, that it included the cumbersome requirement of obtaining a letter of “no objection” from a cabinet ministry relevant to the NGO’s work, and that they encountered delays from the Technical Secretariat of International Cooperation. In 2012 the secretariat issued new compliance standards for NGOs, which included prohibitions on political interference and granted the government greater control over NGO finances. International NGOs are also subject to the NGO regulations in Presidential Decree 16 (see section 2, Freedom of Association).

The government used public statements to criticize and attack the credibility of specific international and local NGOs, as well as NGO findings. On August 24, President Correa referred to the Inter American Press Association as a collaborator with foreign intelligence services that works to overthrow Latin American governments. During the year the government headed an effort to disparage and weaken the IACHR and specifically its special rapporteur for freedom of expression, labeling the special rapporteur a tool of imperialists and corporations. In response to the special rapporteur’s report on freedom of expression, President Correa referred to the report as “a monstrosity” and “a disgrace” in his April 20 weekly address to the nation. Press freedom NGO Fundamedios reported that on March 19, the government used a mandatory broadcast to interrupt regular programming of private television channel Ecuavisa to discredit testimony by civil society to the IACHR on the status of freedom of expression in the country. Fundamedios reported that government-controlled media also waged a campaign to discredit the testimony and that the organization received threats via telephone calls, e-mail, and social media. President Correa stated that some NGOs undermine national security and during the year labeled several local NGOs with international ties as informants for foreign embassies seeking to undermine the government.

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. In 2012, the latest date for which information was available, the office had 144 lawyers and regularly presented cases to the Prosecutor’s Office. The public generally perceived the Ombudsman’s Office as

independent, although some observers questioned its independence from the executive branch after the Ombudsman's Office filed legal action against newspaper *Hoy* for a May 31 article on the views of President Correa on same-sex marriage. The office's effectiveness improved, and there were efforts to address lack of resources. The budget assigned to hiring and maintaining staff remained almost the same in comparison with the previous year. In 2012 the Ombudsman's Office assumed new responsibilities, including the monitoring of the rights of persons with disabilities, and reorganized to support decentralization of its services throughout the country.

A special unit within the Office of the Public Prosecutor has responsibility for investigating crimes revealed in the 2010 Truth Commission report on alleged human rights abuses that occurred between 1984 and 2008, and the government initiated proceedings in several cases, including a high-profile indictment of 10 retired officers for crimes against humanity.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status. The government did not fully enforce these prohibitions. Women, persons with disabilities, indigenous persons, Afro-Ecuadorians, and LGBT persons continued to face discrimination.

Women

Rape and Domestic Violence: Although the law prohibits violence against women, including within marriage, abuse was widespread. The law criminalizes rape and provides penalties of up to 12 years in prison. Under family law, spousal rape is considered a type of violence and may be prosecuted under the criminal code. The penalty for rape where death occurred is from 12 to 16 years' imprisonment. On June 26, the Commission for Integral Security of the Ministry of Interior reported that sex-related crimes dropped 23 percent from 2012 levels. The National Police received 2,067 reports of rape and detained 789 individuals in 2012, the latest date for which the ministry provided information. It did not provide statistics on numbers prosecuted, convicted, or punished.

Individuals did not report many instances of rape and sexual assault because of the victim's fear of retribution from the perpetrator or further violence and social stigma. According to local media reports, 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 Office of the Public Prosecutor, and the victim must submit to several gynecological evaluations, including the Helsinki test. In certain cases officials mistreated victims and obliged them to deal with unnecessary bureaucratic hurdles. In addition, authorities sometimes accused victims of being responsible for the aggression.

The most pervasive violence against women involved domestic and sexual violence. According to a 2011 national survey of 18,880 women conducted by the Ecuadorian Institute on Statistics and the Census (INEC), 61 percent of women reported being victims of abuse. The percentages were higher for women with children. INEC also reported that psychological aggression was the most common form of abuse nationwide, the least reported, and carried fewer sanctions than physical aggression. According to INEC's survey, gender-based violence affected indigenous women more than any other group: 68 percent of women who identify themselves as indigenous reported that they had been victims of some form of domestic violence.

The Office of the Public Prosecutor recorded 767 injuries due to family violence from January 1 to August 31. In 2012 government-run Commissions for Women and Family Issues reported 74,025 complaints of domestic violence, 86 percent of which were against women. Beginning August 1, specialized judicial units under the Ministry of Justice replaced the commissions. The government placed 80 judges specializing in family and gender violence in 19 provinces. The judicial units have responsibility for collecting complaints and assisting victims, and they have the authority to order arrest warrants for up to 30 days of detention against the aggressor. The units forward serious abuse cases to the Office of the Public Prosecutor for prosecution.

According to family law, domestic violence may be punished with a fine for "damages, pain, and suffering" ranging from \$264 to \$3,960, 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.

Sexual Harassment: The law criminalizes sexual harassment and provides penalties of up to two years in prison. Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in the workplace as common. In 2012, the National Police received 505 reports and complaints of sexual harassment; 2013 statistics were not available. Different studies revealed that female minors were targeted and victimized more than any other age group,

particularly in schools and public places. On March 23, the organization Plan International, together with various ministries and organizations related to children's rights, reported that 69 percent of underage women suffered harassment or gender violence, including sexual harassment.

Reproductive Rights: The law acknowledges the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. The law protects the sexual and reproductive rights of women and calls for free prenatal care, family planning services, and cancer screening.

Family Care International reported that 69 percent of women gave birth with the assistance of a skilled attendant. The Ministry of Public Health stated that approximately 62 percent of births to self-identified indigenous mothers took place at home without professional attendants in 2010, the latest date for which information was available. According to the UN Population Fund, the country's maternal mortality rate was 110 deaths per 100,000 live births in 2010. Limited access to maternal health care for women, particularly those residing in rural and remote areas, contributed to the high maternal mortality rate. During the year the government took steps to increase the number of medical staff in rural areas.

According to statistics published by the UN Children's Fund (UNICEF) in 2012, 73 percent of women between the ages of 15 and 49 used contraceptives. Family Care International estimated that 66 percent of women used some method of contraception. The Ministry of Health developed radio programs in indigenous languages to provide rural indigenous communities with information on reproductive rights and the use of modern contraceptive methods. On April 19, Minister of Health Carina Vance announced new regulations on availability and access to birth control methods, which included emergency contraception. The Ministry of Health promoted sex education in all public schools, and those under 18 years of age were required to go to a specialized health center for a general medical checkup before obtaining emergency contraception.

Discrimination: The constitution affords women an array of economic, political, and social rights. The law stipulates 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; however, women often did not have equal rights. Societal discrimination against women was pervasive, particularly with respect to educational and economic opportunities for older women and for those in the lower economic strata. On March 8, NGOs reported that the average income of women

was 33 percent lower than that of men, and only 13.7 percent of women had higher education. The average monthly income of women was \$258, compared with \$386 for men, according to a study by INEC. The same study revealed that 8 percent of working age women were heads of households and 40 percent were self-employed, especially in the commercial sector. Women were more likely to be employed in the informal sector or as domestic workers and thus enjoyed less stability and earned lower wages. Indigenous women continued to face triple discrimination on the basis of gender, ethnicity, and reduced economic status.

The government combated discrimination against women and other vulnerable groups through several programs. On April 11, the Ministry of Interior reported the start of the second phase of the “React Ecuador, Machismo is Violence” campaign with the aim of eliminating practices that condone gender violence.

Children

Birth Registration: Citizenship is acquired through birth in the country, birth to an Ecuadorian mother or father abroad, or by naturalization. UNICEF statistics indicated that the government registered 90 percent of births between 2005 and 2011. Provincial offices of the Civil Registry worked together with the Ministry of Social and Economic Inclusion (MIES) and UNICEF in registering children throughout the country. For three consecutive years, the ministry promoted the campaign “Put Your Name Down.” The Afro-Ecuadorian population showed registration rates significantly lower than those for the general public.

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 prevented many adolescents from attending school. In some provinces public schools denied entry to students due to a lack of space or assigned children to schools outside their local neighborhood.

Child Abuse: On April 11, the Observatory for the Rights of Children and Adolescents reported that 44 percent of children in the country were victims of

some form of abuse. On April 23, the Office of the Public Prosecutor reported to local media that three of 10 children suffered some kind of sexual abuse during their lifetime, and, as of March, 476 cases were reported nationwide. NGOs reported that children living in the streets or in rural parts of the country, many from poor indigenous families, suffered from exploitative conditions.

Studies revealed that 60 percent of children between ages eight and 10 were reported as victims of bullying. Several NGOs began a series of campaigns to raise awareness on the effects of bullying.

Forced and Early Marriage: The legal age of marriage is 18, although civil law allows minors over 16 to marry if they have the authorization and consent from both parents or have been legally emancipated. UNICEF statistics from 2011 showed that 4 percent of adolescents are married at age 15 and 24 percent were married by age 18. The same study indicated that 16 percent of female adolescents age 15 to 19 were married or in conjugal union during the period of 2002 to 2011. A 2004 UN report estimated that 7 percent of males between 15 and 19 were married, divorced, or widowed.

Sexual Exploitation of Children: The law prohibits child pornography, with penalties of six to 16 years of imprisonment. The age of consent is 14. The penalty for commercial sexual exploitation of children is 16 to 25 years in prison. Commercial sexual exploitation of minors remained a problem.

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 country-specific information http://travel.state.gov/abduction/country/country_6027.html.

Anti-Semitism

There were no reports of anti-Semitic acts. There was a small Jewish community, including an estimated 250 families in Quito and 200 families in Guayaquil, according to the local synagogues.

Trafficking in Persons

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

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 state 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.

A 2012 law grants persons with disabilities the right to cost and fee reductions from several public and private entities, including utilities, transportation, and taxes. 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 or those who care for a person with disabilities, and it entitles employees who acquire a disability to rehabilitation and relocation. The law also creates a new national system intended to evaluate and register persons with disabilities. Many of the benefits in the law are transferable to a parent or primary caregiver. The law also gives the Human Rights Ombudsman's Office responsibility for following up on alleged violations of the rights of the disabled and lays out a series of fines and punishments for lack of compliance with the law. Disability rights observers pointed out that the government failed to implement required procedural regulations in a timely manner and expressed concern that this failure had led to a lack of full implementation of the law.

The government continued its Ecuador Without Barriers campaign, led by former Vice President Lenin Moreno, which created jobs for persons with disabilities, provided funding to municipalities to improve access to public buildings, and opened training and rehabilitation centers. The initiative also monitored the degree of compliance by companies that hire persons with disabilities. The caregivers of persons with severe disabilities received a monthly government subsidy of \$240. The government reported in its Universal Periodic Review (UPR) that it had created 10,000 new jobs for persons with disabilities and their families between 2008 and 2011.

The law directs the electoral authorities to provide access to and facilitate voting for persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in the 2013 national elections. During the year the CNE promoted disability access in the electoral process through public outreach and workshops to train disabled election observers. Additionally, the CNE reached agreements with transportation companies to ensure access for persons with disabilities to the 2013 elections and launched the small pilot program "Vote at Home" to allow in-home voting for those with severe disabilities.

National/Racial/Ethnic Minorities

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. The constitution declares the state to be plurinational and affirms the principle of nondiscrimination by recognizing the rights of indigenous, Afro-Ecuadorian, and Montubio (a rural, farming population recognized as an independent ethnic group) 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. According to the government's UPR report, the net enrollment of Afro-Ecuadorians increased in 2011 from 88.3 to 93.5 percent in primary education and from 44.2 to 58.5 percent in middle school. The proportion of Afro-Ecuadorians receiving a university education increased from 9.5 percent to 17.8 percent. According to 2010 statistics provided by the organization Fundacion Afroamerica XXI, the Afro-Ecuadorian community had illiteracy rates over 12 percent and an unemployment rate of 11 percent, compared with 9 percent and 6 percent nationwide, respectively.

Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination and stereotyping in the media continued to affect them and resulted in barriers to employment, education, and housing. For instance, Afro-Ecuadorians continued to assert that police stopped them for document checks more frequently than they stopped other citizens and that employers often would not interview persons whose job applications carried Afro-Ecuadorian photographs. Afro-Ecuadorian writer and editorialist Juan Montano Escobar noted in July that despite legal progress, gaps still existed between the law and practice, specifically the lack of Afro-Ecuadorian themes in education.

On July 4, a judge ordered the arrest of an army training officer for alleged hate crimes and racial discrimination committed in 2011 against an Afro-Ecuadorian cadet, the first such case in the country. According to the complaint, among the aggressions the officer forced the cadet to fight five men at a time in training and targeted the cadet for strong and repeated punishments because of his race.

Indigenous People

The vast majority of indigenous citizens resided in rural areas, including the highlands and Amazonian provinces. Indigenous persons continued to suffer discrimination at many levels of society and, with few exceptions, were at the bottom of the socioeconomic scale.

The law recognizes the rights of indigenous communities to hold property communally, and the government titled land in many cases to the indigenous community, although the process remained incomplete. In other instances indigenous groups managed a reserve that the government set aside for biodiversity protection. The government worked with indigenous communities to help them gain titles to their lands.

The constitution grants indigenous persons and communities the right to be consulted and participate in decisions about the exploitation of nonrenewable resources that are located in their lands and that could affect their culture or environment. Indigenous groups claimed that laws covering mining, water resources, and hydrocarbon resources did not take indigenous viewpoints sufficiently into account and furthermore intruded upon indigenous autonomy over their lands and resources. According to Amnesty International, a 2012 presidential decree providing a consultative framework is not in line with international standards, as the government did not consult indigenous communities in the formulation of the decree. Although the Constitutional Court required the government to consult with affected communities on water issues before enacting new laws, there was no clear mechanism for consultation, and not all communities participated.

The constitution allows indigenous persons to participate in the 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.

Indigenous groups lobbied the government and mounted protests in attempts to win a greater voice in natural resource and development decisions. Some indigenous leaders faced criminal charges for participating in social protests (see section 2.b.).

Although indigenous persons have the same civil and political rights as other citizens, some of their leaders reported discrimination in access to higher education and employment. The constitution strengthens the rights of indigenous persons; it declares the state plurinational, recognizing Kichwa and Shuar as “official languages of intercultural relations,” and specifically recognizes indigenous justice. The lack of a clearly defined relationship between indigenous justice and the regular justice system, however, led to legal conflicts between the government and indigenous leaders. Indigenous punishments received greater attention following deadly conflict in March between tribes in the Amazon region. On May 29, Judicial Council head Gustavo Jalkh requested that the Constitutional Court define the scope of indigenous justice in the country and expressed concern over what he saw as the misuse of rules regarding vigilante justice and its jurisdiction, which leave some crimes unpunished. At year’s end no ruling had been issued.

Environmental damage, in part due to deforestation and petroleum production, constituted a serious problem. Settlers, including those from other indigenous groups, drug traffickers, and loggers, illegally encroached into indigenous territory. Corrupt local officials, a lack of political will, and divisions among and within indigenous communities undermined indigenous efforts to stop the flow of illegally harvested timber. Small-scale mining, often on the part of indigenous communities themselves, also contributed to environmental damage.

Societal Abuses, Discrimination, and Acts of Violence 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, LGBT persons continued to suffer discrimination from both public and private bodies, particularly in the areas of education, labor, and access to health care. LGBT organizations reported that transgender persons suffered more discrimination because they were more visible. Transgender persons were not able to change their gender on government-issued identification cards. When a presidential candidate made disparaging remarks about LGBT persons during the 2013 election season, both the human rights ombudsman and the National Electoral council responded to

complaints. The candidate lost his political rights for a year and paid a \$3,180 fine. Generally, the government, led by the human rights ombudsman, was responsive to concerns raised by the LGBT community. INEC conducted a survey of 2,805 LGBT persons (the first such national study conducted in the country), which showed that 71 percent of respondents had experienced some form of discrimination (including rejection and violence) from within their own family. The survey also showed that 44 percent had faced discrimination in the workplace, 40 percent in education, and 34 percent in health care. Furthermore, 66 percent reported experiencing some form of violence in their interactions with the general public. LGBT groups claimed that police and prosecutors did not thoroughly investigate deaths of LGBT individuals, including when there was suspicion that the killing was because of sexual orientation or gender identity.

LGBT organizations and the government continued to report that private treatment centers confined LGBT persons against their will to “cure” or “de-homosexualize” them, although such treatment is illegal. The clinics reportedly used cruel treatments, including rape, in an attempt to change LGBT persons’ sexual orientation. In May Zulema Costante was kidnapped by a clinic at the request of her parents and held against her will for more than two weeks. The government undertook a review of rehabilitation clinics nationwide, the number of which media reports estimated could exceed 300. These clinics often were difficult to identify, as some were underground and unregistered. In a July radio interview, Public Health Minister Carina Vance asserted the government had closed 18 clinics (including 15 for human rights violations) since 2012.

LGBT persons continued to report that the government sometimes denied their right of equal access to formal education. LGBT 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. NGOs reported that notaries occasionally denied same-sex couples the right to a “union de hecho,” a constitutional guaranteed legal mechanism similar to a civil union. A survey by NGO Silueta X showed that in Guayas province, 50 percent of notaries refused to register a union de hecho for same-sex partners. The LGBT population involved in the commercial sex trade reported abusive situations, extortion, and mistreatment by security forces.

Other Societal Violence or Discrimination

The constitution specifically prohibits discrimination directed at persons with HIV/AIDS. There was no societal violence against such persons. NGOs reported,

however, that individuals with HIV/AIDS believed they experienced discrimination, including on issues such as equal employment opportunities and access to appropriate health care. A 2012 study by the NGO Kimirina showed that 32 percent of persons with HIV surveyed had lost their employment or source of income with the previous 24 months – 48 percent of those directly due to having HIV. The same study indicated that employers denied 9 percent of applicants because of HIV infection during the previous 12 months.

Instances of vigilante justice remained a problem. Such violence occurred particularly in indigenous communities and poor neighborhoods of major cities where there was insufficient police presence. On March 29, seeking revenge for the killing of two of their tribesmen, a group of Waorani (or Huaorani) warriors attacked an uncontacted Taromenane tribe, burning their huts, reportedly killing several Taromenane (including children and elderly), and abducting two young girls.

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, conduct legal strikes, and bargain collectively. The law prohibits employers from using discriminatory criteria in hiring, discriminating against unions, and retaliating against striking workers and their leaders. 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 a worker.

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.

In some industries, during a legal strike workers may take possession of a factory or workplace (thus ending production at the site) and receive police protection during the takeover. 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 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 are prohibited from forming unions, bargaining collectively, and striking. Workers in these sectors attempting to strike may face charges with penalties of between two and five years’ imprisonment. Only one union, reportedly affiliated with the government party, is available to public sector employees. Although the vast majority of public sector workers also maintained membership in labor sector associations, such associations are not allowed to strike or bargain collectively.

Government efforts to enforce legal protections of freedom of association and the right to collective bargaining often were inadequate and inconsistent. Companies who dismiss employees attempting to form a union or who 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, or to courts

charged with protecting labor rights if they are no longer employed. 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.

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.

On August 29, a violent confrontation between striking sugar plantation workers and law enforcement officers who did not allow workers to shut down the plantation resulted in injuries to some workers and 14 police officers. Police arrested three striking workers on charges of rebellion for their role in the confrontation. The workers had been striking since August 14, alleging their employer had not complied with certain labor obligations requiring that private companies share their profits with their employees. According to the strikers, the company had not done so from 2000 to 2008. The Ministry of Labor investigated the claims and agreed that the company was obligated to pay employees a portion of those profits. Labor organizations reported six cases during the year of workers being fired for union activities in banana plantations. In several of these cases legal complaints were filed and remained pending. 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 and prescribes punishments of six to 16 years' imprisonment. Such penalties are commensurate with those prescribed for other serious crimes.

The government did not always effectively enforce the law. Between January and October 3, an anti-trafficking police unit and the National Police Specialized Department for Children and Adolescents rescued 40 children from forced labor. The government showed significant improvement in its effectiveness in rescuing forced labor victims and prosecuting forced labor crimes. Resources remained insufficient to address forced labor fully.

Reports of forced labor of children (see section 7.c.) and women persisted: migrants, refugees, and indigenous persons were particularly vulnerable. Women most frequently were reported as victims of forced labor while working as

domestic servants. There were reports that some Colombian migrant workers were victims of forced labor, reporting working conditions ranging from labor exploitation (also see section 7.d.) to being forced into debt for food and accommodation in palm oil plantations.

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

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. Employers of minors who have not completed elementary school are required to give the minor two additional hours off from work to complete his or her studies. The law requires employers to pay minors the same wages received by adults for the same type of employment. The law prohibits minors under the age of 18 from working in “dangerous and unhealthy” conditions. The law lists 93 economic activities that qualify as dangerous and unhealthy, including slavery, prostitution, pornography, and drug trafficking. Additionally, the law includes 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, domestic service, and in any work environment requiring exposure to toxic or dangerous substances, dust, dangerous machinery, or loud noises.

The law establishes penalties for violations of child labor laws, including fines and closure of the business. 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 15 years of age. 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 the Ministry of Labor, it removed 671 children from labor as the result of labor inspections during the first eight months of the year.

The government continued the “Ecuador without Child Labor by 2015” program, aimed at eliminating the worst forms of child labor. The program involved multi-year campaigns specifically targeting child labor in landfills, slaughterhouses, the

agriculture industry, and begging. In December 2012 the government reported it had eliminated all child labor in slaughterhouses. In 2011 the government reported it had inspected all landfills and found no child labor. The government continued to inspect landfills and slaughterhouses to ensure children do not return to working there. These programs worked with families during the year to enroll children in school while also providing the families with financial assistance to supplement the income lost by placing the children in school. The program was also successful in removing many children from the streets, where they often worked as street vendors or beggars. On June 11, MIES announced its goal of eradicating child labor in the agricultural sector, including by conducting increased labor inspections of agricultural fields, working with an established public/private working group to explain and enforce labor rules, and educating families about the negative effects of child labor. A second government program, which began in 2012, supports these efforts and aims to eliminate all illegal child labor (not only the worst forms) by the year 2020.

According to statistics published during the year by UNICEF and INEC and reported by ILO, 8.6 percent (359,597) of children and adolescents between the ages of five and 17 worked. Although this number was higher than the number of children and adolescents reported working in 2010 (269,881), the methodology used in the 2013 survey was modified to provide a more accurate picture of the state of child labor. The INEC survey was improved to elicit more truthful and relevant responses by classifying domestic housework over 14 hours a week as “work” rather than “help around the house” and directing all questions to the children and adolescents rather than the parents. According to the INEC survey, 75 percent of the children and adolescents who worked also attended school, a 25 percent increase from 2010. According to statistics provided by MIES on June 12, child labor dropped from 17 percent in 2007 to 6 percent in 2012.

According to several labor organizations and NGOs, child labor in the formal employment sectors has been steadily on the decline for many years. 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 worked with the Ministry of Agriculture and unions on a plan to eliminate child labor, forming 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 children were most likely found working in family-owned farms or businesses, including banana and rose farms. For example, the ILO estimated that between 8 to 10 percent of minors in the workforce work in 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. Some NGOs believed that children were likely to have been recruited by militias and gangs near the northern border to transport drugs. In urban areas many children under age 15 worked informally to support themselves or 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/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum monthly wage was \$318. The official poverty level was \$77.03 per month, and official extreme poverty level was \$43.41 per month. An estimated 23.7 percent of the population lived at or below the poverty level and 8.5 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. Foreign and migrant workers are subject to the same labor standards.

Enforcement of labor laws is the responsibility of the Ministry of Labor and the Social Security Administration. The government had approximately 260 inspectors, who were in charge of enforcing all labor laws, including those for

child labor. The Ministry of Labor conducted 14,500 inspections between January and July for labor violations, but the inexperience of newly hired inspectors hampered enforcement efforts.

Labor inspections may be conducted 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 down 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 subject to legal challenges that delayed changes for months. Penalties were limited to monetary fines between \$950 and \$6,360 and were not sufficient to deter violations and 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.

A 2011 referendum approved jail 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 and were not subject to the minimum wage laws or legally mandated benefits. Occupational health and safety issues were more prevalent in the large informal sector. The labor code singles out the health and safety of miners; however, 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 in the palm oil industry continued, where many workers were Colombian refugees and other migrants, as well as fugitives from the law. The abuses included excessive work hours, very low or no wages, and inhumane living conditions.