

ECUADOR 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution grants individuals the right to choose, practice, and change religions; it prohibits discrimination based on religion. The constitution also states secular ethics are the basis for public service and the legal system. The law requires all religious groups to register with the government; failure to do so can result in the group's dissolution and liquidation of its physical property. Religious leaders said the registration processing time remained at an average of 30 days. Religious leaders said the National Assembly made no progress on a proposal to reform the 1937 religion law that the interfaith National Council on Religious Freedom and Equality (CONALIR) proposed in 2018 to create greater equality among religious groups. Jewish and Muslim leaders said general customs regulations continued to hinder the ability to import products for use in religious festivals. Roman Catholic leaders expressed opposition to the April Constitutional Court ruling that decriminalized abortion in cases of rape, but President Guillermo Lasso stated his government would respect the court's decision. On August 11, the Constitutional Court issued a landmark ruling involving religious discrimination, concluding that the religious freedom of Jehovah's Witnesses had been violated and that local courts had violated their right to due process. In December, the Constitutional Court upheld a provincial court decision requiring a university to accommodate a student's request to reschedule an exam so the student could observe the Seventh-day Adventist Sabbath.

In May, Jewish leaders said that during the military escalation between Gaza Palestinians and Israel, two local newspapers with national circulation ran opinion articles that included comments they considered antisemitic.

U.S. embassy and consulate officials met with officials in the Human Rights Secretariat to discuss the registration process for religious groups and other government actions related to religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population at 17.1 million (midyear 2021). According to a Latinobarometro 2018 public opinion survey, approximately 92 percent of respondents have a specific religious affiliation or belief: 74.8 percent identify as Catholic; 15.2 percent as evangelical Christian; and 1.2 percent as Jehovah's Witnesses. Approximately 1.4 percent identify as members of other

religious groups, including Seventh-day Adventists, The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ), Jews, and other evangelical and nonevangelical Protestants. Other religious groups include Anglicans, Baha'is, Episcopalians, the Family Federation for World Peace and Unification (Unification Church), Greek Orthodox-affiliated Orthodox Church of Ecuador and Latin America, Hindus, followers of Inti (the traditional Inca sun god), and practitioners of Santeria (primarily resident Cubans). Estimates of the number of followers of these groups are not available. Of the remaining respondents, 0.8 percent identify as atheists, while 6.1 percent have no religion.

Some groups, particularly those in the Amazon region, combine indigenous beliefs with Catholicism or evangelical Protestantism. Pentecostals draw much of their membership from indigenous persons in the highland provinces. There are Jehovah's Witnesses throughout the country, with the highest concentrations in coastal areas. Buddhist, Church of Jesus Christ, Jewish, and Muslim populations are primarily concentrated in large urban areas, particularly Quito, Guayaquil, and Cuenca.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution grants all individuals the right to practice and profess publicly and freely the religion of their choice and prohibits discrimination based on religion. It states the government has a responsibility to “protect voluntary religious practice, as well as the expression of those who do not profess any religion and will favor an atmosphere of plurality and tolerance.” Individuals have the right to change their religion. The constitution also states secular ethics are the basis for public service and the country's legal system. The constitution grants the right of self-determination to indigenous communities, including provisions granting freedom to “develop and strengthen their identity, feeling of belonging, ancestral traditions, and form of social organization.”

A 1937 concordat with the Holy See accords juridical status to the Catholic Church and grants it financial privileges and tax exemptions. Other religious groups must register as legal entities with the government under a separate 1937 religion law and a 2000 decree on religion. If a religious group wishes to provide social services, it must register under a 2017 executive decree regulating civil society. The 2017 decree dictates how civil society organizations (CSOs) must register to obtain and maintain legal status. A religious group does not need to register as a

religious organization to register as a CSO and may conduct the processes separately.

According to a 2019 decree, the Human Rights Secretariat, a government body reporting to the President, oversees religious issues, including the registration process for religious groups and CSOs. The Human Rights Secretariat maintains national databases of legally recognized religious organizations and legally recognized CSOs, including religious groups registered as CSOs. Registration provides religious groups with legal and nonprofit status. An officially registered religious group, whether as a religious organization or as a CSO, is eligible to receive government funding and exemptions from certain taxes, per the tax code. All religious organizations must be not-for-profit and are not required to disclose their financial accounts to the government.

To register as a religious organization, a group must present a charter signed by all its founding members to the Human Rights Secretariat and provide information on its leadership and physical location. Registrants may deliver their documentation to the Human Rights Secretariat directly, to one of the secretariat's eight regional offices, or via email. The registration process is free of charge. The Directorate for Registration for Nationalities and Religious Organizations within the Human Rights Secretariat is charged with reviewing and approving the submitted documentation.

To register as a CSO, religious groups submit the same documentation required to register as a religious organization, in addition to approved statutes and a description of the mission statement and objectives of the organization. A religious group registers as a CSO under the government agency overseeing the issues on which the group wishes to work.

The secretariat may dissolve a religious group if the group does not maintain legal status or does not adhere to the mission, goals, and objectives listed in its bylaws at the time of registration. Dissolution may include liquidation of physical property and be voluntary – in which case, the religious group could decide to whom to transfer its property – or forced, in which case the Human Rights Secretariat would confiscate the group's property. By law, religious organizations are prohibited from participating in political parties or endorsing political candidates. The Office of the Human Rights Ombudsman, a separate entity from the Human Rights Secretariat, protects and advocates for human rights, including rights pertaining to religious groups; however, its role in this regard is not clearly defined in the constitution.

The labor law states that in general, all work must be paid and does not distinguish religious workers from other types of workers. A citizen participation law recognizes volunteerism and states social organizations may establish agreements with government authorities to employ unpaid labor. The law, however, does not specifically reference religious volunteerism as a category to be utilized to establish such an agreement.

Foreign missionaries and religious volunteers must apply for a temporary residence visa and present a letter of invitation from the sponsoring organization, which may be foreign or domestic but must have legal status in the country, to the Ministry of Foreign Affairs. The letter must include a commitment to cover the applicant's living expenses and detail the applicant's proposed activities. Applicants also must provide a certified copy of the bylaws of the sponsoring organization and the name of its legal representative as approved by the government.

The law prohibits public schools from providing religious instruction. Private schools may offer religious instruction but must comply with Ministry of Education standards. There are no legal restrictions specifying which religious groups may establish schools.

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

Government Practices

Religious leaders said the Human Rights Secretariat's registration process implemented during the COVID-19 pandemic remained efficient. A Human Rights Secretariat official said the secretariat would fully implement an online registration system by year's end after digitalizing all religious organizations' documents to make the process more convenient for end-users. According to a Human Rights Secretariat official, a total 5,131 religious groups were registered during the year, compared with 5,007 groups registered in 2020. The secretariat official said there were approximately 195 pending registrations and that the registration processing time continued to average 30 days, similar to 2020.

Religious leaders continued to express concerns about the absence of a specific reference to religious volunteerism in the labor code, which they felt exposed religious organizations to potential negative legal consequences. Religious leaders stated that the government expected religious organizations to define specific working hours for staff and pay them according to those hours, which, they said,

presented a problem, since many staff viewed their religious vocation as a way of life requiring them to be always available to meet the needs of their congregation.

Jewish and Muslim leaders said customs regulations, import taxes, and onerous paperwork continued to hinder the ability to import kosher and halal foods, beverages, and plants used for religious ceremonies and holidays. A Jewish leader said the law treated religious communities the same as companies because all imports, including those for religious purposes, were taxed and treated as commercial items. Jehovah's Witnesses leaders said they were exploring legal actions to address their concerns about local authorities' violating religious organizations' rights to receive certain tax privileges. For example, they said, authorities in Quito denied their requests for property tax exemptions, and the municipal government in Duran in the Guayaquil area charged religious organizations permit fees intended for business entities. A Jehovah's Witnesses representative said he did not believe his organization was being singled out.

President Lasso invited leaders from Catholic and evangelical Protestant communities to attend his May 24 inauguration to convey what he said was his message of inclusion and reconciliation, stating that religious groups were called to be "witnesses of the reconciliation between the state and churches." According to evangelical Protestant leaders, it was the first time in the country's history that non-Catholic leaders were formally invited to a presidential inauguration.

Religious leaders said they coordinated closely with national authorities to ensure COVID-19 health and safety protocols were followed in the staged reopening of in-person religious practices. They also said they continued to work with authorities to deliver food kits and other humanitarian assistance to vulnerable communities.

Religious leaders said President Lasso's first state of exception declaration for the national prison system due to violent prison riots, in effect July 22 to September 20, temporarily restricted visitors' access to inmates, including visits by religious groups. President Lasso declared a second state of exception for the national prison system from September 29 to November 28 after 118 inmates were killed during violent clashes between rival gangs in Guayaquil on September 28. Lasso declared a third state of exception for the national prison system from November 29 to December 28 after 68 inmates were killed in a prison riot involving rival gangs on November 12. Catholic and evangelical Christian volunteers said they were not allowed to visit inmates during the states of exception in Guayaquil-area prisons, where security concerns were greatest. According to press reports,

religious leaders expressed a willingness to participate in a dialogue with President Lasso to find a solution to the prison crisis. Religious leaders welcomed Lasso's December 16 announcement to appoint two religious representatives to serve on a newly formed commission with a mandate to develop a strategy to prevent, control, and respond to prison violence.

Religious leaders said the National Assembly that took office on May 14 made no progress on a proposal to reform the 1937 religion law that CONALIR, which includes representatives from Anglican, Baha'i, Buddhist, Catholic, evangelical and nonevangelical Protestants, Greek Orthodox, Jewish, Muslim, and Seventh-day Adventist Church faith communities, discussed with the previous National Assembly in 2018. CONALIR's proposed reforms aim to create greater equality between the Catholic Church and other religious groups, to update the registration process for religious groups, and to recognize legally the nonprofit status of all religious groups and the practice of utilizing volunteers for certain activities.

On April 28, the Constitutional Court issued a ruling decriminalizing abortion in all cases of rape. On April 26, the Episcopal Conference of Ecuador, representing Catholic bishops, issued a statement calling on the Constitutional Court to defend life and expressing concerns for decriminalizing abortion. Then president-elect Lasso published a statement on April 28, saying his government would respect the court's decision, despite his strong personal religious beliefs. The statement also said he believed in the separation of powers and the separation between church and state. In May, evangelical Christian organizations submitted an appeal of the ruling to the Constitutional Court.

On August 11, the Constitutional Court set a precedent involving the rights of religious organizations by ruling in favor of the Jehovah's Witnesses in a case involving a conflict with indigenous residents in the town of San Juan de Iluman in Imbabura Province. The ruling concluded the Jehovah's Witnesses' religious freedom and right to equal treatment and nondiscrimination had been violated. The Constitutional Court also ruled local courts had violated the Jehovah's Witnesses' right to due process by repeatedly dismissing their protective action requests and ordered intercultural training sessions for local government officials and judges involved in the case. Jehovah's Witnesses said the ruling was the first Constitutional Court case involving discrimination due to religious belief. The case stems from a 2014 Jehovah's Witness appeal after a group of protesters broke into and damaged a Kingdom Hall under construction. According to religious leaders, local government authorities then coerced the Jehovah's Witnesses

leadership to sign a statement requiring the suspension of construction and preventing the group from gathering in town.

In December, the Constitutional Court ruled in favor of a Seventh-day Adventist student who filed a lawsuit against the University of Guayaquil to accommodate the student's request to reschedule an exam to allow the student to observe the Seventh-day Adventist Sabbath. A provincial court ordered the school to accommodate the student's request in 2019, but the university appealed the decision. The Constitutional Court upheld the provincial court's decision.

Section III. Status of Societal Respect for Religious Freedom

Several religious leaders continued to express concern regarding what they considered a rise in secularism and societal discouragement of their participation in important legal and cultural discussions. According to a Jewish leader, moral and ethical education tended to be relegated to religious leaders, whereas, he said, moral and ethical education should be the responsibility of all members of society.

In May, Jewish leaders said that during the military escalation between Israel and Palestinians in Gaza, two local newspapers ran opinion articles that included comments they considered antisemitic. A May 29 opinion piece in *El Universo* newspaper by Julio Cesar Roca De Castro compared contemporary Israeli policies to the Nazis, stating, "The wall is reminiscent of the ghettos where Jews were confined and crowded, subjecting them to hunger and disease, as the Nazis did in Warsaw, whose inhabitants they exterminated when they rebelled." Jewish leaders publicly condemned the statements but reported no acts of aggression on their community, unlike in previous years.

Religious leaders said although the COVID-19 pandemic continued to challenge their communities, their congregations were meeting in person for religious services. Participation, however, remained lower than before the pandemic, mainly due to continued caution about attending large in-person gatherings.

Section IV. U.S. Government Policy and Engagement

In September and November, embassy and consulate officials discussed the registration process for religious groups with the Human Rights Secretariat, as well as other government efforts to support religious freedom.

Throughout the year, embassy and consulate officials met with leaders of Buddhist, Catholic, evangelical and nonevangelical Protestant, Jehovah's Witnesses, Jewish, Muslim, and Orthodox Church of Ecuador and Latin America communities to discuss religious liberty and societal respect for religious diversity.

The embassy and consulate used social media platforms to highlight International Religious Freedom Day and other efforts to promote social inclusion of religious groups and religious tolerance.