

ECUADOR COUNTRY ASSESSMENT

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Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This country assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It is intended to both inform of current news reportage and events, and to provide further information on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

2. GEOGRAPHY

2.1. Ecuador is on the west coast of South America and 283,560 sq km. Bordered by Colombia to the north, Peru to the east and south, and Pacific Ocean to the west, the country's history has been characterised by political instability (some 95 heads of state since independence in 1830, five in the past five years) and a long-running border dispute with Peru (resolved in 1998). (See *section A.24 - Border disputes*). The physical geography has created distinct differences between the areas of the coastal lowlands or Costa (inhabited by *costenos* = "people of the coast"), the Andean highlands or Sierra (inhabited by *serranos* = "people of the sierra") and the eastern Oriente region. The capital is Quito (population 1.5 million - 1997 official estimate), but the town of Guayaquil has the highest population (2.0 - 1997 official estimate; 2.4 - 2000 unofficial estimate). Overall population numbers 12,562,496 - mid-1999 official estimate. The official language is Spanish, though Quichua (same linguistic group as Quechua of Bolivia / Peru) and other indigenous Amerindian languages are widely used. The country is predominately Christian (93.8 percent of the population are Roman Catholic.) **[2a,2b,3d,7e]** (See *Section, B.1, Specific groups - Religious Freedom*)

3. HISTORY

Early history see sources [2a,2b]

Recent History

3.1. The new constitution of 1978 launched the return to civilian government after seven years of dictator and junta rule. In May 1979, the presidential election was won by Jaime **Roldos** Aguilera (CFP) with over 68percent of the votes cast. Roldos's reforming agenda was hampered by an opposition-led Congress. In 1981, Roldos was killed in an aeroplane crash, and succeeded by Osvaldo **Hurtado** Larrea. **[2b]**

3.2. The oil recession of the early 1980s hit the economy, and the IMF insisted on severe adjustment policies. These were unpopular with the electorate, and a right-wing populist Leon **Febres** Cordero was elected by a narrow margin (52.2percent of vote to Febres). **[2b]**

3.3. Febres adopted a policy of free enterprise, 'Andean Thatcherism', reducing the state's role and encouraging foreign investment through incentives. The neo-liberal economic experiment was backed up with "increasingly authoritarian behaviour by the executive, the alleged abuse of civil liberties and human rights, constitutional violations and conflicts between the legislature and the President." **[2b]** The president suffered a major reverse in June 1986 when he lost heavily in the congressional elections and lost a plebiscite on constitutional reform. **[2b]**

3.4. A political controversy arose over the dismissal of the Chief-of-Staff of the Armed Forces and Commander of the Air Force, Lt-Gen. Frank **Vargas** Pazzos after his allegations of corruption damaged the government. Rebel paratroopers kidnapped the president for eleven hours in January 1987, holding him until an amnesty was granted to Vargas. **[2b]**

3.5. The end of the Febres era was marked by increased allegations of human rights abuse, with Congress approving in January 1987 a resolution condemning presidential excesses and abuse of his constitutional powers. **[1d,2b]** This period of uncertainty saw the emergence of renewed political activity of indigenous peoples' group, with formation of CONAIE - Confederacion Nacional de Indigenas del Ecuador (National Confederation of the Indigenous Population of Ecuador). **[7g]** An earthquake in Napo province in March 1987 further crippled the economy and forced further financial retrenchment. **[2b]**

3.6. In May 1988, the running of the third presidential and the fourth congressional elections since restoration of civilian rule in 1979 underpinned the democratic process at a time of economic and political instability. The presidency was won by Rodrigo **Borja** Cevallos (ID) by 46percent of all votes cast in the second round of voting - a 4percent lead over Adbala **Bucaram** Ortiz, backed by a majority in Congress. **[2b,3d]**

3.7. Borja adopted an economic policy of moderate social-democrat reforms known as *Gradualismo*. He adopted a similar internal affairs policy that both pardoned the paramilitary kidnapers in the Vargas affair (*see para 3.4 The Vargas Affair*), and persuaded Alvaro Viva Carajo (AVC), a guerrilla group to lay down arms in March 1991 (*see section A.4 Paramilitary and Guerrilla Groups*). He took a firm stance against the illegal drugs trade, with measures easing the extradition of drugs traffickers and against money-laundering. **[2b]**

3.8. The Borja government came under attack in 1991 from the failing economy that necessitated changes to *gradualismo*, and consequently increased industrial unrest. The Frente Unitarion de Trabajadores (FUT) organised a series of general strikes, with government responding with rapid mobilization of troops, the closing of schools, and the decreeing of national holidays on declared strike days. The general industrial unrest worsened in November 1991 with reforms to the 60 year old Labour Code. **[2b]**

3.9. The Borja government completed its term in July 1992 and Sixto **Duran** Ballen (PUR) was

elected. He consolidated power by securing Congress with an alliance of the PUR with PC and PSC. (see list of *political organisations at Annex B. and acronyms at Annex D*) **[2b,3d]**

3.10. With this right leaning coalition as a power base, Duran effected a rapid reversal of *Gradualismo* between July and September 1991. Austerity measures were announced in the public sector, including the Modernization Law, a measure to privatise 160 state-owned companies and reduce the public sector by 10,000 employees. The Modernization Law was delayed in Congress and greatly weakened in the process. **[2b]**

3.11. Congressional opposition increased with opposition parties' gains in the 1994 congressional elections. By June 1994, Duran tried to create a legal basis for some constitutional reforms, but suffered a reverse when the Supreme Electoral Tribunal (TES) refused a referendum on a Constituent Assembly to replace Congress. A compromise formula for constitutional reform put to a plebiscite on 28 August 1994. Minor constitutional changes were approved, and enacted by Congress in December. **[2b]**

3.12. The border dispute with Peru erupted into open hostilities on 26 January 1995. A cease-fire arrangement was arrived at on 14 February. **[2b]**

3.13. Political opposition outside Congress had mounted in 1994, with a national strike organised by FUT, with the collaboration of CONAIE, in June 1994. Protest by indigenous groups was over increased exploration rights to petroleum companies in Amerindian lands, and agricultural reform. The combined action between FUT and CONAIE led to general highway closures, including the Pan-American Highway. **[2b,7g]**

3.14. A major political crisis arose in July 1995 when Vice-president Alberto Dahik Garzozzi admitted that the Duran administration had tried to effect legislative reform through bribery and patronage. Narrowly avoiding impeachment, Dahik was subjected to a criminal case of fraud in the Supreme Court, and avoided being arrested on 11 October by fleeing to Costa Rica, seeking political asylum. **[2b]**

3.15. President Duran faced calls for resignation and his impeachment with pushing through a second referendum on the Constitution in November 1995. All 11 proposals were rejected by the electorate. It was viewed as a protest vote, on top of rising popular protest and industrial unrest. Partido Maoista-Communista 'Puka Inti', also known as Sol Rojo were responsible for a number of public building bombings. **[2b]**

3.16. The 1996 Congressional elections were characterised by increased participation by indigenous peoples' groups, with the newly formed Movimiento Nuevo Pais-Pachakutik (MNPP) (see *Annex B: Political Organisations, Trade Unions And Rebel Groups*) **[2b]**

3.17. The Congress that took office in 1996 was constituted as follows:-

PSC 27 seats; PRE 19; DP 12; MNPP 8; ID 4; MPD 3; PC 2; FRA In alliance with PLR 2; APRE 2; CFP 1; Independents 2. (see list of *political organisations at Annex B. and acronyms at Annex D*) [2a]

3.18. Abdala **Bucaram** Ortiz of the PRE was inaugurated as President on 10 August 1996. Bucaram's popularity rapidly declined, due to a perceived inconsistency in many of his policies and the apparently arbitrary nature of his decisions. In January 1997, a general strike and street demonstrations led to violent clashes between protestors and security personnel in Quito. [2b,3d]

3.19. In January 1997, there was a major national strike, and general dissent. Troops were deployed and violent clashes between security forces and demonstrators occurred. President Bucaram was barricaded inside the presidential palace. By February 1997, Congress voted to dismiss the President on the grounds of mental incapacity, bypassing the impeachment process. Popular opinion was illustrated by demonstrations of 2 million people in early February. The military refused to back Bucaram, and Bucaram fled to Panama. Former Speaker Fabian **Alarcon** Rivera became interim President. [2a,3d,7b]

3.20. President Alarcon immediately pushed through a raft of measures to reverse Bucaram's policies; he also instructed the Armed Forces to take over the running of the customs system. By March 1997, a commission was established to investigate the Bucaram administration on corruption charges. The Supreme Court hands out a two year sentence to Bucaram *in absentia* in January 1998. and extradition proceedings were begun with Panama. [2b]

3.21. On 25 May 1997, a referendum on 14 questions including legitimacy of the interim presidency and the creation of a National Assembly for constitutional reform was passed. [2b]

3.22. A constitutional crisis stemmed from the dismissal of all 31 judges of the Supreme Court by Congress in July 1997. Condemned as unconstitutional by President of the Supreme Court. Other crises at the same time included a 48 hour strike led by CONAIE, pressing for introduction of the Assembly sooner than the government appointed date of August 1998 the Government announced regional elections in November 1997. [2b]

3.23. The initial rounds of the presidential elections in May 1998 were inconclusive. On 20 July 1998 in the second round, the DP candidate Jamil **Mahuad** Witt was declared winner of that year's presidential elections.[5a] The size of Congress was increased temporarily from 82 to 121 seats in the 1998 elections. The number of seats will revert to 82 for the 2002 elections. The newly elected Congress, which took office on 1 August 1998, was constituted as follows:

Democracia Popular (DP) 32 seats (26.4percent)

Partido Social Cristiano (PSC) 25 seats (20.6percent)

Partido Roldosista Ecuatoriana (PRE) 24 seats (19.8percent)

Izquierda Democracia (ID) 17 seats (14percent)

Lacking an overall majority, DP formed an alliance with market-oriented PSC.[3d,5f]

3.24. Since appointment, President Mahuad was faced with a deepening crisis in the economy, (See *part V Key issues: The Economy*) and resulting popular discontent with the imposition of first local, then national states of emergency.(See *section A.12 States of Emergency and the Coup*)**3.25.** On 10 January 2000, dollarisation came into effect, and was accompanied by dramatic devaluations of the sucre. The entire cabinet resigned. **[8a]** The economic collapse of the sucre and general unpopularity of Mahuad fuelled protests by dissident groups, headed by the indigenous peoples' confederation CONAIE. CONAIE is lead by Antonio Vargas, who orchestrated protests in July 1999. Vargas claims membership at the time of the coup numbered 45 percent of the population of Ecuador. Such a claim would mean that he had extended the confederation base away from the indigenous peoples who comprise 15 to 20 percent (some sources place as high as 40 percent) of the population. Indigenous people made up the bulk of the protesters at the time of the coup: Vargas claimed that 30,000 indigenous peoples protesters had been mobilised in Quito on the day of the coup. **[5am]**

3.26. On 20 January, President Mahaud announced that the military and the police were "taking prudent - but precisely targeted - actions, with the professional experience they have, and will undoubtedly protect the institutions of the country." It included a large cordon around the presidential palace. **[6d]**

3.27. The coup began on 21 January, with a mass occupation of Congress by indigenous protesters, aided by a military unit of 50 troops (some reports say 150), calling for "a government of national salvation". **[5am,8j]** Not all indigenous protesters were agreed on unseating President Mahaud, most notably Dr Nina Pacari's (MNPP) disagreement with Antonio Vargas (CONAIE) **[5ad]**

3.28. On 22 January, the arrival of the Armed Forces' Joint Staff at the presidential palace coincided with a people's march in support of the National Salvation Junta, who in turn later arrived at the palace. **[5ar]**

3.29. The Junta was composed initially of Lucio Gutierrez, an Army Colonel, previously unknown in political circles; Antonio Vargas, the leader of CONAIE (Confederacion Nacional de Indigenas del Ecuador), the national confederation of indigenous peoples of Ecuador (See *section B.3.*); and Carlos Solorzano, a former president of the Supreme Court. (See *section*

4.11) [5am,5ap]

3.30. Gutierrez was initially announced as President, but quickly relinquished power to General Carlos Mendoza, then head of the Armed Forces' Joint Command. [5aj,5an] Mendoza, as leader of the Junta, dissolved the Junta and handed government over to the Vice-President, Gustavo Noboa. [5ao] Press reports say that Mendoza was obliged to dissolve the junta as the coup was being condemned as unacceptable by the international community. The threat of the loss of US economic ties and aid was the deciding factor. [5af, 5ah,5ai]

3.31 President Mahuad went into hiding after 22 January. He was offered political asylum in Chile on the same day. His last public statement was on 24 January, when he appealed for support for Noboa, his successor. [5ag,5aq,5as]

3.32. President Noboa has stated a commitment to Mahuad's fiscal policy, and political opponents anticipate no change in other policy either. [8i,8j]

3.33. Since the resumption of civil government, the authorities have arrested Gutierrez, Mendoza, and 12 Lieutenant colonels. About 300 junior Army officers were initially detained in military barracks.[5k,8k] Fair trials were assured by the new Defence Minister. [8l]

3.34. On 9 May 2000, three top military officials were replaced, after they resigned in protest about a proposed pardon to be granted to the coup leaders. The amnesty duly went ahead on 31 May 2000, and Gutierrez was released on 4 June 2000. [3f,5bx,5bz,5ca] Gutierrez has been quoted as a political commentator since his release. In January 2001, he warned that the government of Noboa was facing "anarchy" in forthcoming opposition to utilities privatisation. [5de]

Current Political Situation

3.35. President Noboa is still in power but his term in office has been accompanied by sporadic social and popular unrest. Economic issues again lay at the heart of popular dissatisfaction. In January and February 2002 Ecuadorians protested against rise in price of utilities and poor infrastructure. A 10 cents rise in price of one gallon of gasoline ignited a protest in the city of Cuenca on 12 January 2002.[5fh] The shooting and killing of a 16 year old student by the police during these protests prompted the country's unions to threaten a popular uprising against the government. [5fh] In the same month, the indigenous leaders too rejected government's call for dialogue and considered the plans to resume nationwide Indian uprising to reject the government's economic and social policy of 11-12 January 2002. [5fi] **3.36** Amnesty International has expressed concern over the 60-day state of emergency declared on 22 February 2002 in the northern provinces of Sucumbios and Orellana. [1o] These measures have been taken by President Gustavo Noboa in response to demonstrations and strikes. The strikers are calling for better roads and electricity for the region as well as greater government

support during the current agricultural crisis. [1o]

The protesters, particularly from the indian communities, seriously disrupted the oil industry. The state-owned oil company Petroecuador reported losses of almost \$ 1m. [5fl] The local residents demanded that the consortium building the pipeline, OCP Ecuador, pay \$10 m for development projects, ranging from construction of roads and hospitals to providing running water. [5fl] 3.37 The social and economic issues are likely to dominate the electoral debate in the run up to the next presidential election to be held in autumn 2002. Surveys in January 2002 showed that the most popular candidates appeared to be Noboa, Febres Cordero who served 1984-88, and Borja, who was president 1988-1992. Twenty eight percent of those surveyed said they had no interest in politics in general and 5 percent said they did not expect to vote in the coming elections. [5fj] **3.38** There were many protests by different groups over general economic hardships in 2001. Examples include a strike by the country's 40,000 civil servants [5en] and 26,000 health workers [8av] in mid-July 2001. A demonstration of 1000 doctors was broken up on 11 July 2001 with tear gas. [8av]

3.39 A dispute that split the Congress in early August 2000 has disrupted all branches of government. The split was primarily over the candidates for the post of Congress Speaker, the chief congressional post, and led to physical disturbances within Congress. [5br,5bv,8z] President Noboa condemned "the shameful acts" of Congress, and as the executive branch of government, suspended all dealings with Congress until the intervention of the Constitutional Tribunal. On 10 August, the whole cabinet offered to resign in protest to Noboa's perceived manipulation of Congress at a crucial time. The military warned that they were profoundly alarmed by developments. [5br,5bu,8z]

3.40 The disruption of Congress came at a critical time in the legislative programme. A privatisation bill was under discussion, classed as economically urgent which meant it automatically becomes law after 30 days' presentation to Congress unless Congress approves or rejects. The bill needed 85 percent of congressional approval to be passed. This bill, presented on 13 July 2000, aimed to allow private-sector firms to buy up to 51 percent stakes in state oil, telecommunications, and electricity enterprises. The bond-swaps are aimed to stave off further defaults to the \$6.65 billion debt repayment scheme. [5br,8y] Noboa has indicated that a referendum might be called on the proposed economic changes [8ac].

3.41 Once the bill had become law, the opposition parties proposed reforms to the law, changing the 51 percent stakes to a 49 percent maximum of private holding. On 27 October 2000, Noboa vetoed reforms tabled. [5cs]

3.42 By mid-December, attempts to oppose the privatisation law had moved to the courts, with the Constitutional Tribunal on 12 December declaring the law partly unconstitutional. [5da] From December onwards, most of the debate and opposition was outside the formal political structures (see below at *States of Emergency*) **3.43** A similar situation arose over a bill

increasing VAT (see below). Congress has been increasingly restive in 2001, with the Congress President resigning in June 2001. **[5es]** In May 2001, the Congressional Oversight Commission permitted impeachment proceedings sponsored by the Izquierda Democratica (ID) against the Foreign Minister, Heinz Moeller. **[5et]** The latest Cabinet list dated 7 June 2001 is attached as a hardcopy source. **[5er]**

3.44 The latest political moves with regards to economic reform has been a battle over a bill to increase value added tax at point of sale, raising the tax from 12 percent to 14 percent. Congress overwhelmingly voted against the VAT bill on 9 May 2001 after two votes. **[8aq]** The Congress president, Hugo Quevedo, resigned on 6 June 2001, as a revolt grew within Congress. **[5es]** The VAT bill, after the congressional defeat, was forced through by Presidential Decree in June, that the Constitutional Tribunal then proceeded to declare unconstitutional. Finally, on 11 August 2001, President Noboa announced the repeal of the VAT rise, as part of the Independence day celebrations. **[8aw]**

3.45 One key continuing political concern has been the threat of Colombian refugees and border incursions as Colombia become more unsettled than usual. The first clashes between the Colombian guerrillas and the Ecuadorian government has occurred in September, with the repeated sabotage of the OTA oil pipeline, causing environmental and commercial damage. **[5cl,5cm]** Further explosions occurred on 15 December 2000 and 25 January 2001. Colombian guerrillas were blamed, but speculation also includes an anonymous opposition group to a new oil project. **[5dl]** In February 2001, protesters occupied oil stations in the region, demanding greater protection. **[8an]** (see *Border Disputes*) **3.46** The Canadian IRB could not find any reports of former president Abdala Bucaram supporters (mainly within the Partido Roldosista Ecuatoriano (PRE)) staging any demonstrations or being targeted by the authorities after Bucaram's fall from power in February 1997. **[4I]** **3.47** The latest news about Bucaram has centred around his sons. Dalo Bucaram was excluded from the national Under-20 football team by the team's coach, Hernan Gomez, in May 2001; and Jacobo Bucaram, who was wanted by police in connection with the shooting of Hernan Gomez on 10 May 2001. Indications are that Bucaram Senior is back in Ecuador after long periods of time abroad. **[8ar,8as]**

4. STATE Structure

Political System

4.1. Executive power is vested in the President, directly elected by universal adult suffrage for a four-year term. Legislative power is held by the 82 member unicameral Congress - otherwise referred to as the Chamber of Representatives - which is also directly elected. 12 members are elected on a national basis and serve 4 years; 65 members are elected on a provincial basis and are replaced every two years, being ineligible for re-election. **[2a,7e]**

Security services

Armed Forces

4.2. In August 1997, the armed forces stood at 57,100 personnel (army 50,000; navy 4,100 including 1,500 marines; air force 3,000). **[2a]**

4.3. The combined armed forces (the FFAA) has maintained a low profile since the return to constitutional rule in 1979. **[3b]** Indicative of the return to civilian rule, under the 1978 constitution, active duty military personnel are ineligible to vote or stand for Congress, the presidency or the vice-presidency. **[3a]**

4.4. However, the armed forces have retained considerable autonomy, such as separate martial courts and legal privileges, and both a large portfolio and certain direct revenues. **[1d,2a,7a]** Private sector involvement of the military was originally intended as part of the country's development strategy. The FFAA own more than 26 companies, though are in the process of disinvesting in most areas. Total private investment potential on these holdings was in 1998 estimated at US \$ 47 million. **[7a]** Since February 1997, the military have been in charge of collecting customs and are permitted revenues from them. **[2b]**

4.5 On 20 November 2000, the Congressional Economic Committee, the military's funding was established under a formula whereby the military would receive 45 percent of the royalties of state-owned Petroecuador's production (about \$127 million based on 1999 output): considerably less than the 50 percent of all crude oil royalties asked for by the military. The Commission proclaimed that "the national priority is education, health and social projects." **[5cv]** Further, the military share was limited to a three year period, ending the military's original thirty year stake. Military spending is also now included as part of the overall state budget. **[5cz]**

4.6. The fatigues uniform worn by Customs police (information dated April 2000) consists of grey trousers, shirt and sometimes a jacket, with baseball cap. The dress uniform is green, white shirt and peaked cap of the type worn by sea captains. **[4h]**

4.7. Military service is selective; for men, for one year, at the age of 20. **[2a]**

4.8. The armed forces have been heavily involved with the Peru / Ecuador border dispute since 1981 but also have recently co-operated with the US army on drug enforcement.**[5ae]**

4.9. One effect of the attempted coup in January 2000 has been a general weakening of the armed forces through many junior officers under disciplinary proceedings or having retired from active service, claimed the Defence Minister Vice-Adm Hugo Unda in late June 2000. He proposed changes in military education, re-educating junior officers to undertake "their constitutional responsibilities." He stated that junior officers should be encouraged to work for the development of their country, but should also be regulated. Essentially, officers had to learn "to differentiate between duty and emotional involvement." **[5bj]**

The Canadian IRB could not find any reports that the Ecuadorian authorities had difficulty regulating the activities of Navy officers or the Intelligence Division of the Navy towards their treatment of civilians. The report noted that there had been some involvement of naval officers in the January 2000 coup. **[4j]**

4.10. Press speculation emerged in July 2000 as to whether the Ecuadorian authorities had used the mycoherbicide, fusarium oxysporum fungus, in combating illegal coca crops, an accusation the Ecuadorian authorities denied. The Guayaquil College of Agronomist Engineers claimed that the fungus had been used in the Ecuadorian Amazon region. **[5bo,5bp]**

Police

4.11. The national police, which is responsible for domestic law enforcement and internal order, is under the civilian Ministry of Government and Police. **[3a]** Of the branches of the national police, there is a Youth Branch, dedicated to crimes by juveniles (*Brigada de Menores*) **[4a]** and a Special Operations Group (GOE) reported in October 1999 to be involved in the protection of Monsignor Emilio Lorenzo Sthele, who had been a negotiator in Colombian kidnap cases. **[6b]** Likewise, there are women's police stations that combine judicial administrative functions addressing domestic violence (*Comisarias de la mujer y de la Familia*). **[4e]** Reported on 30 March 2000, an anti narcotics unit has had a successful operation in conjunction with German police agents in breaking a major money laundering ring. **[6h]**

4.12. Police involvement in some extrajudicial (not political) killings has been reported. Police who were drunk reportedly killed 4 people in 1998. **[3a]** Similar isolated cases of individual police abusing their position occurred in year 2000, with most cases still pending. **[3f]** The majority of reports of torture and ill-treatment relate to the National Police. The authorities have acknowledged reports of torture and ill-treatment by police attached to the former Criminal Investigation Service (*Servicio de Investigacion Criminal*); the former Criminal Investigation Office (*Oficina de Investigacion del Delito*); and the present Judicial Investigation Police (*Policia Tecnica Judicial*). The authorities have made some attempts to reform the police, but in the view of Amnesty International, for the most part these efforts have come to nothing. **[1d]** Because disciplinary action for police abuses rests with police courts (See section 4.), officers are often able to act with impunity. However, in some cases, the government has withdrawn this

right and tried police in civil courts. **[3b]**

4.13. Police officers are susceptible to bribes. **[3b]** In January 2000, a scandal broke over the National Committee for Police Housing (Conavipol), where a government minister Walter Guiteras claimed he was approached with a bribe by former police commander General Jose Medina in the hope of appointment as head of Conavipol. Two colonels and six civilians were also accused. **[6c]**

4.14. A main Ecuadorian paper claims corruption is rife in the lower ranks of the police and is said to take the form of complicity in crimes of theft, extortion and drug trafficking; systematic theft of police equipment, including weapons; and acting as people smugglers ('coyotes') in illegal emigration rings. **[6f]** The Governor of Guayas department has refuted the widespread nature of the charges, saying the paper drew the story out of six cases involving 21 policemen, and are still under going investigation. **[6g]** The Ecuadorian government attended an Andean Summit on tackling corruption on 20 / 21 November 2000. **[5cu]**

4.15. There is a misdemeanour law that is used to combat trafficking in persons, providing penalties from 6 months to 3 years in prison, as well as fines. Stiffer penalties are given to convicted smugglers of aliens. There are no reports of trafficking of illegal emigrants against their will, but police in Spain arrested 50 Ecuadorian women working as prostitutes in 1999 who were likely victims of trafficking. **[3f]**

4.16. One NGO source issued a report in April 2000 on impunity of security forces in Ecuador. The report emphasised a vicious cycle of impunity within the police force of initial brutality, followed by prosecution under a police court system that the source claims is neither independent or impartial, breeding a culture of acting with impunity in turn. The cases highlighted are individual cases of police brutality: the report criticises the police court system as the state's inaction to tackle impunity. The report does not mention impunity in the sense of not extending police services to the civil population, such as protection from criminal gangs; neither does it talk of corruption within the police force. Indeed, no sources can be found to indicate that police corruption or negligence is a major human rights issue in Ecuador; or that the sufficiency of police protection is any less than other Andean Latin American countries excepting Colombia. **[1h,1i,5bi]**

4.17. The same NGO has highlighted in September 2000 a case, namely of the shooting of the Jaramillo Brothers in Manabi province, that it argues is illustrative of the same cycle of impunity highlighted above. **[1j]**

4.18. The NGO source highlights police actions in the state of emergency in Guayas province during 1999. It numbered detentions by the police in the hundreds, with not carrying identity papers being the usual offence. Most detainees were usually released within 48 hours, on production of papers. Some, however, were held longer if papers could not be produced. There

were some cases of brutality. **[1h,5bi]**

4.19. The police, in operations undertaken to tackle a crime-wave in Guayaquil, have been accused of a number of extra-judicial killings in year 2000. For instance, on 31 May, a civil engineer was shot dead by the Guayas Transit Commission police at a police road block; seven criminals shot dead on 5 June by the Guayaquil Special Operations Group in pursuit of a fifteen strong gang; a 60 year old woman died after apparently being thrown from a police vehicle on 4 December; about 14 unsolved murders in the Guayaquil area in year 2000 are held to have had some police involvement, according to some human rights groups.**[3f]**

Sufficiency of police protection

4.20. Further research on the issue of sufficiency of police protection has highlighted a report published in April 1997 by the Inter-American Commission on Human Rights, entitled Report on the situation of human rights in Ecuador, that has not be assessed within the Ecuador assessment so far. **[7k]** Though new to CIPU, the report seems to have been echoed by the US State Department in their annual country reports on human rights practices for 1998 and 1999. **[3a,3c]**

4.21. The main conclusions of the report are the overarching inadequacy and inefficiency of the judicial system promotes a diminution of justice. Further, the hearing of cases of serious breaches of human rights in police and military courts rather than civil courts fosters impunity within the security forces. There are chapters on the position of various groups within Ecuador, namely inhabitants of development areas; women; Afro-Ecuadorians; and indigenous peoples. **[7k]**

4.22. Firstly it was noted that the report covers the period 1992 to 1996 i.e. in the period of president Bucaram and before the further reforms of presidents Mahaud and Noboa. There was an inferred link between police impunity and attention by the police to ensuring sufficiency of police protection. **[7k]** Criticism of police interpretations of their duty of care and protection are implied in accounts such as AI's reports on persecution of the LGBT community ("homosexual" community). **[1m]** In these recent reports of events in early 2001, allegations are made that Guayaquil police do not act on requests for protection from LGBT people, with individual officers acting unrestrained according to their own prejudice. **[1m]**

4.23. Officially, the security forces have affirmed their commitment to the principle of protection for a long time and under a number of administrations. In 1997, The Truth and Justice Commission heard evidence from the then Minister of Defence, General Jose Gallardo, emphasise that "the armed forces command were working under the principle that their forces should exist to preserve the human rights of the people." **[7k]**

4.24. The Commission approved that in 1993, the security forces (all 850,000 from Senior

Command to entry level recruits) received human rights training in a package produced by the Quito office of the Latin American Association for Human Rights. The Commission however was concerned over the separate courts issue, and the methods employed to counter crime, particularly in the level of co-operation between the military and the police. [7k]

4.25. There were reports in 1993 that police protection from paramilitary style groups operating mainly in the rural Sierra regions was ineffective, or not extended, and that the police were failing in their duty to investigate. [7k] No reports have been found since then of illegal paramilitary groups in operation. Analysis of reports found since 1997 seem to indicate that perpetrators of anonymous death threats are either common criminals or possibly (and allegedly) individual or very small groups of security force (both military and police) officers acting illegally and independently. [3a,3c,3f,1a-1n,4a,4c,4j]

4.26. The issue of sufficiency of police protection may therefore be defined as:-

- a. Are individual officers, when charged with human rights abuses and dereliction of duty, pursued and punished effectively? The dual system of military and civilian courts are held by most commentators not to achieve a just settlement. This is held to foster a culture of police impunity, and undermines government / senior command commitments to human rights. This position is extended in argument to say there is insufficient extension of police protection, arguing that if individual police are allowed to interpret application of human rights, then they may be equally arbitrary in extending protection.
- b. The simpler aspect of resources - Are the police too stretched to offer effective protection? The one report on policing levels [4a] indicates that in Guayaquil, the second city in Ecuador, the police can only contain criminal gangs and that private security and inter-gang dynamics are the real checks on criminality. [4a] The police in Guayaquil employ tough and questionable methods, and, allegedly, are known to passively condone discrimination, extending different levels of protection and assistance to different requestors. [1m]

4.27. From reports found and analysed so far, there is the commitment of the government and the senior command to develop a respect for human rights by the National Police. Since 1995, successive administrations have brought in measures to attempt to move cases of human rights abuse from the police courts to the civilian courts, developing an effective check to a culture of impunity. **(See below at Security forces and human rights)**

4.28. As to resources available, the National Police are as constrained as any other sector in Ecuador in the face of the disintegrating and patched economy. No reports have been found so far apart from [4a] that indicates the levels of police coverage, effectiveness against common crime, and effectiveness of police within terms of neighbouring countries. The mechanisms for registering a request for police protection are not fully known.

4.29. Overall, in Ecuador, the country is held by commentators not to be subject to the internal security risks of neighbouring countries such as Colombia and Peru. The Ecuadorian authorities are ever watchful of Ecuador's neighbours' internal conflicts, and have recently mounted high profile border enforcement to allay fears of the Ecuadorian population. Apart from the specific problems of youth gang crime in Guayaquil, and problems in policing associated with geographical remoteness in the high Sierra, the impression given by reports found to date is that Ecuador does not suffer the high levels of criminality of neighbouring Colombia and Peru.

4.30. As the reports above give an impression of the unevenness of police protection throughout the country, there is the question of whether a requester of police protection, having failed to find satisfactory cover in one place may not migrate to another, safer area. No reports have been found to date by CIPU on the internal flight option. All migration reports so far found on Ecuador concentrate on migration out of the country, particularly people-trafficking to Spain, Italy and the US. **[5ey-5fc]** One report mentions internal migration in terms of economic displacement of indigenous peoples drifting towards urban areas. **[5ey]** By extension, the same indigenous peoples may be forced out of development areas in order to seek safety from developers. The 1997 IACHR report hints at a cycle of deprivation and displacement as one tribe is forced off land and pressures neighbouring tribes. **[7k]** CIPU is currently searching for more information on internal migration and population movement in Ecuador.

4.31. There are very few sources on the Ecuadorian police, and most sources are campaigning reports based on the evidence of high profile cases. CIPU is actively seeking out further sources of objective information on policing and crime trends in Ecuador.

Judiciary

4.32. The judiciary is headed by the Supreme Court with 31 judges appointed for 4 years. There are 90 judges within the higher or divisional court system, sitting in 15 courts at regional centres. The high courts are underpinned with a provisional court system of 40 general courts, 94 criminal courts, 219 civil courts, 29 land disputes courts, and 17 rent tribunals. There is a National Court for Juveniles. **[2a]**

4.33. Some indigenous groups try members separately for breaking tribal laws. **[3a]**

4.34. The judiciary, according to source (US State Department) operates "slowly and inconsistently". Decisions are rendered more quickly or more slowly depending upon political pressure or the payment of bribes. **[3a]** An example of the slowness of the judicial system is the case of James Williams, a US national held since September 1996 on drug trafficking charges. Bail is not an option in drug trafficking cases. Mr Williams was indicted in 1998. A US Congressional Representative, Sonny Callahan has taken up the case and has argued for the suspension of \$20 million in aid in the hope of prodding the Ecuadorian authorities to action. **[8q]**

4.35. In November 1999, Congress passed a new Criminal Procedures Code designed to effect changes in the 1998 Constitution. The Code fundamentally changed the criminal justice system from an inquisitorial system to an accusatorial system. Under the new system, the Chief Prosecutor's office is to investigate and prosecute crimes, while the role of judges is to become neutral arbiters presiding over oral trials. **[3g]** It also strengthened the judicial system by improving due process and enhancing the rights of the accused by measures such as habeas corpus and limits on preventative detention. **[3g]** The code went into effect in July 2001. **[3g]**

4.36. The independence of the police and military court system from the civilian court system has been constantly criticised by Congress, political parties and external human rights organisations. Reform of these courts was attempted in 1986, 1991 and 1996. **[2a,3a]** The Supreme Court has been in conflict with different administrations, such as in July 1997, when all 31 Supreme Court judges were dismissed by President Alarcon. **[2b]**

4.37 The constitution and the Penal Code provide that no person may be deprived of liberty without a written order from a government authority; however, the authorities often violated these legal protections in practice, and arbitrary arrest and detention remain problems. The law requires the authorities to issue specific written arrest orders within 24 hours of detention and the authorities must charge the suspect of a specific criminal offence within 48 hours of their arrest, but in practice few such petitions are brought forward. Regardless of the legality of detention, a prisoner may be released only by court order. Bail generally is not available. **[3g]**

Prison Conditions

4.38 Conditions in prisons and detention centres generally are poor. Overcrowding and outbreaks of disease are chronic problems. According to a 1999 report by the National Directorate for Social Rehabilitation (DNRS), there were a total of 8,520 inmates incarcerated in facilities originally designed to hold 5,964 prisoners. **[3g]** DNRS also reported that traumatic injuries inflicted by fellow inmates, caused 65% of those deaths. Pretrial detainees are not held separately from convicted prisoners. There are not separate facilities for repeat offenders or dangerous criminals. **[3g]** At year's end, women constituted 9 per cent of the total prison population. Women are held separately from men and in better conditions. There are separate facilities for juveniles but they often face abuse. Young offenders routinely are beaten, shocked with stun guns, and subsist on rations worth about 55 cents per day. **[3g]**

4.39 The prison system includes institutions known as Social Rehabilitation Centres. A study of the conditions of 20 of these prisons were undertaken by *the Tribunal de Garantias Constitucionales* (TGC) in 1990, and condemned a culture of widespread abuse. Amnesty International received independent reports, including an INREDH report on the Provisional

Detention Center, Quito, in 1997 of abuse of prisoners by beatings in this particular type of prison. **[1d,7h]**

4.40 The TGC made a number of recommendations to the prison service and to Congress, but the source (Amnesty International) is not aware that they have been acted upon. **[1d]**

The government does permit prison visits by independent human rights monitors. Conditions are poor. The main pressure on the prison system is chronic overcrowding, such as in one case of 8,520 prisoners in facilities designed to hold 5,964. The 26 deaths in prison custody were routinely investigated by the authorities. There were no reports of political prisoners in year 2000. **[3a,3c,3f,1d]**

Healthcare System

4.41. The governmental management of the general healthcare system has been criticised by CESR in 1999 on the grounds of irresponsible financial cuts and negligence of environmental safety. **[7f]** The healthcare system is in the process of being privatised with a series of prepaid healthcare schemes, currently covering about 20percent of the population. The remaining 80percent depend totally on the healthcare system run by the Ministry of Health. **[5au]**

4.42. The Pan American Health Organisation's 1999 reports and profiles of the Ecuadorian healthcare system state that there are free distribution programs for micronutrients, drugs to treat tuberculosis, cholera, dengue, malaria, and AIDS/HIV, and also contraceptives. **[7j]** In 1992, only 30% of the population were covered by occupational health insurance through the IESS. **[7i]** Disadvantaged groups, healthwise, are registered disabled people (about 13 percent of the population), indigenous peoples, children of the Black ethnic minority of Esmeraldas province, and populations living near the Colombian border. Infant deaths in these groups are primarily through malnutrition, waterborne infections, and respiratory infections. **[7i]**

Education System

4.43 Education in Ecuador is officially compulsory for six years, to be undertaken between six and 14 years of age. All public schools are free. Primary education is available for children aged between six and 12 years. Secondary education , in general and specialized technical or humanities schools, is available for students aged 12 to 18.

In many rural areas, Quechua and other indigenous Amerindian languages are used in education. A number of adult schools and literacy centres were established with the aim of reducing the adult illiteracy rate. **[2e]**

University courses last up to six years and include programmes for teacher training. **[2e]**

5. Key Issues

The Economy

5.1. The economy is the overriding issue in Ecuador: it is of major concern in both parliamentary (elections; trade and indigenous peoples' unions; the political parties; presidential and congressional based system of government) and extra-parliamentary political processes (guerrilla activity; demonstrations, strikes, riots and the abortive coup). According to a 1999 study, 62.5percent of the population live in poverty and 15percent are indigent, with an almost total lack of resources. The per capita GDP of \$1,101 per year is short of the estimated \$196.60 per month basic shopping basket of goods and services pegged at the poverty line. **[3c,5at]**

5.2. President Mahaud inherited a poor economic position and struggled as it worsened, reaching two major low points. On 27 September 1999, Ecuador partially defaulted on its Brady bonds (a mechanism for paying back foreign debt), and President Mahaud declared a partial moratorium on paying back foreign debt. The two main cash exports, oil and bananas, in 1999 saw price crashes; and official unemployment rates have increased from 13 percent in August 1998 to 18.1 percent in September 1999. Other sources put the actual rate of unemployment is higher with 57 percent of the population registered as underemployed, and only one in four workers in a full time job. **[5v,5cc]** On 10 January 2000, the US dollar was declared as the official currency. This is in response to dramatic devaluations of the sucre. The economy shrank by 7 percent in 1999 and inflation ended up over 60 percent by December 1999. **[8b,8g]**

5.3. Since the 11 January, there has been growing opposition to then President Mahuad's and current President Noboa's fiscal measure of replacing the Ecuadorian sucre with the US dollar. Such a policy would mean salaries paid out in and savings held in sucres would become worthless through inflation. **[5al]** President Noboa approved the bill adopting the US dollar as the national currency on 9 March 2000. **[8p]** Such a move has secured further loans from the IMF, the World Bank, the Inter-American Development Bank and the Corporacion Andina de Fomento, a local development bank.**[8p,8u]** A further economic upturn has been a decision by the World Trade Organisation in Ecuador's favour over EU banana import policies, with Ecuador looking to claim back \$450 million through suspension of intellectual property obligations. **[8s]** On the strength of such successes, the government has offered on 30 March a pay increase of between \$10-\$12 a month to public sector workers, that was in turn rejected by the main trade unions.**[5at]** Over the year 2000, the economy has benefited from higher oil prices, but has suffered with poor banana and shrimp harvests, both hit by diseases. The slight surplus, apart from debt servicing (see below at 5.4) has been pledged by Raul Patino, the social welfare minister, to boost the social welfare budget in both real terms and from 13 percent to 20 percent of the government budget. **[5co]** This has been supplemented by social project funding pledged by private foreign foundations. **[5cx]** The government, particularly

President Noboa, has improved its poll popularity on the back of the economy's improvement. **[5cp]**

5.4. The Brady bond governing the \$6.65 billion debt was due in September 2000 for honouring again. Bond-swaps of state industries are the President's solution to stave off a further default. In April 2000, the IMF extended credit by \$306 million, opening up further loans of \$2 billion from other foreign institutions. The largest group of creditors, the Paris Club creditors, were assured in May that forthcoming plans in June or July would ensure partial repayment. A private poll in late May showed the presidential plan (then) had the backing of most Ecuadorians; it also showed that 78percent of respondents of the survey said they had been greatly affected by the economic crisis. On the 24 May, the Finance Minister Jorge Guzman resigned.

[5ba,5bc,5bd,8y] On 18 September 2000, the Ecuadorian government announced that it intended to ask the Paris Club to forgive the debt when it meets in April 2001. **[8ae]** However, on 15 February 2001, the Ecuadorian government made its first six monthly interest payment of \$45m on its 30 year Brady bond after much pressure from the Paris Club creditors. **[5ef]**

5.5. On 9 September 2000, the economy officially made the full final switch to the dollar. This however about \$20 million's worth of low denomination sucre notes and coins still in circulation, to be finally phased out by 9 March 2001. **[5cn,8ad]** News reports in February 2001 say that dollarisation has been accepted in practice, but it is still too early to measure the economic benefits of the move. **[8am]**

5.6. In April 2001, the banana dispute between Ecuador and the EU resolved, with Ecuador accepting the EU / USA agreement upon banana import / export. Ecuador now faces stiff US competition for the EU market. As Ecuador is the world's largest banana exporter, the agreement may have economic repercussions. **[8ap]**

5.7. The Ecuadorian banking sector was rocked by the collapse of Filanbanco, one of the country's largest financial institutions in July 2001. The state has acted as receiver and is in the process of transferring customer accounts to private banks. **[5el]**

5.8. The weakness of regulation of the private banking sector has been a long running problem in Ecuador. The official watchdog, the Superintendencia de Bancos, has been subject to a number of investigations itself from the Commission for the Civic Control of Corruption (the CCCC), usually charged with "failing to act" (presunta participacion por omision) in fraud cases. **[4k]**

5.9. Border trade, namely of Colombians coming over the Colombia / Ecuador border to take advantage of the weak Ecuadorian currency, the sucre, has been greatly reduced since "dollarisation". Indeed, there has been some reversal of flow, with Ecuadorians purchasing in southern Colombia. The threat of conflict in the border region (see below) is held to have contributed only in a small part to the decline of trade. **[5eu]**

5.10 Economic recovery has been mentioned in articles, but also grumbles at street level that such touted recovery is not readily apparent. **[5eu]**

On 25 April 2002 the national Congress passed the Fiscal Reform Bill. The most important aspects of the document concern the need for creating a comprehensive development programme in Ecuador. More rigid regulations governing public spending are also requested, as well as a re-evaluation of spending associated with the foreign debt, the GDP and the creation of a financial cushion to face the volatile price of the barrel of crude oil. **[5fm]**

Crime

5.11. The mixture of fast urban growth, poor infrastructure and general poverty has led to crime waves. The port city of Guayaquil has a population of over 2.5 million inhabitants and a police force of 2,800 officers. Since the 1970s gangs and high crime levels have been a feature of the city, totalling in 1998 about 163 known gangs and involving 5000 youths. In 1994 the crime epidemic spawned 150 legally regulated private security firms and about 100 "informal" ones. Police successes in 1996 broke up 20 of the adult gangs; and the emergence of a particular local gang leader "Comandante Duro" ("Commander Tough") has added to an uneasy peace.**[4a]** Guayaquil police have been accused of using extreme corporal punishment with impunity on young offenders **[3c]**

5.12. There have been instances where citizens have taken the law into their own hands, with mobs killing 16 suspects of crimes between January and September 1999. It is most prevalent in remote rural areas of the sierra. **[3c]** In August 2000, for example, a suspected cattle rustler was beaten to death by a mob. **[3f]** (see *section A.14*)

5.13. In late November, there were reports of piracy around Guayaquil port. **[5cw]**

Drugs

5.14. Ecuador has been a transit country for drug traffickers for a number of years. Most of drug activity is arranged outside Ecuador, notably in Colombia, and has increased in line with the increase of the Colombian trade. Reports indicate that cocaine is the main drug trafficked, though there is very little coca production in the country. **[3e]** International drug traffickers have included Ecuador in large rings. **[5ab]**

5.15. The Ecuadorian government has permitted the US government to extend and operate from the Manta air force base, in assistance with anti-drug campaigns, and the US government highly prizes the base for operations in Ecuador and Colombia. **[5cc,5ce]** A modernisation program was agreed in May 2000, to take place in April 2001. **[5ei]** The strategic value has led to the Colombian group FARC to issue threats towards Ecuador. **[5ck,5ci]**

6. HUMAN RIGHTS

A. An Overview

A.1 In 2001, the Government's human rights record was poor and in a number of areas serious problems remain. **[3g]** The police are suspected of carrying out extrajudicial killings, torture and held responsible for at least one disappearance in this year. **[3g]** Police tortured and mistreated prisoners and detainees, frequently with impunity. Persons often are subject to arbitrary arrest, and prolonged detention is a problem. The Government failed to prosecute and punish human rights abusers. The legal and judicial systems are politicized, inefficient and sometimes corrupt. **[3g]** Prison conditions are poor and once incarcerated persons without lawyers may wait years before being tried. More than half of the detainees have not been sentenced formally. **[3g]**

Violence and pervasive discrimination against women remained problems. Child labour is a problem and there were reports of child trafficking. **[3g]**

A.2. The Truth and Justice Commission, established in 1996 to investigate reports of previous human rights abuse was dissolved in 1996. The office of Ombudsman (Defensoria del Pueblo) was created to carry on the work of the commission. **[3a]**

The first Ombudsman was appointed in April 1997, but resigned in June 1997 over lack of resources and reduction of term of office. **[1d, 3a]**

A.3. Ecuador is unlike its neighbours Peru and Colombia in that it is not widely known for its violations of human rights. However, conflict and abuse of persons and of power occur over natural and economic resources: it is such perceived abuses that are at the heart of most conflict in Ecuador. **[7f]**

A.4. Ecuador was a signatory to a new human rights pledge by the Andean Community of Nations (CAN) at Machu Picchu on 29 July 2001. The presidents of Ecuador, Venezuela, Colombia, Peru and Bolivia were all signatories. They jointly declared that they would "support all efforts geared towards the protection and promotion of the basic rights of indigenous communities, within public order, as well as compliance of our constitutional and legal provisions." They promised it would lead to the drafting and approval of an American declaration on the rights of indigenous communities, with full involvement of such groups. **[5ew]**

Paramilitary and Guerrilla Groups

A.5. There are no reports of paramilitary groups in operation. There are citizens groups known as neighbourhood brigades, organised by the national police. They have been implicated in some extrajudicial killings, notably in September 1998. They are not authorised to carry firearms. **[3a,3f]**

A.6. Most of the rebel groups have discontinued armed struggle and entered the main political process. Puka Inti, (fully known as Partido Maoista-Communista 'Puka Inti', also known as Sol Rojo) allegedly demobilised in June 1994, after "a military defeat", and entered the main political process as a political party. A series of bombings of public buildings were however attributed to the group in latter 1995. **[3b,2b]**

A.7. The MPL - Montoneros Patria Libre was founded in 1986, advocating the end of authoritarianism. In September 1986, the MPL began negotiations with the government of President Febres, but they had broken down by March 1991 when the AVC abandoned their armed struggle but the MPL did not. **[2a,2b]**

A.8. AVC - Alvaro Viva ¡Carajo! abandoned an armed struggle in March 1991, and entered the political process under the ID (Izquierda Democratica). **[2b]**

A.9. Grupo de Combatientes Populares [GCP] - Group of People's Fighters or People's Combatants Group. A rebel group, variously described as having formed in early 1997 or in 1993, it is allegedly composed of around 200 students, with links to Marxist-Leninist Communist Party of Ecuador [PCMLE]. It has been reported to be trying to recruit, and responsible for bomb blasts at the Bishop's Conference and at two bus terminals in Quito in September 1998. It is also alleged to have been behind violence at student demonstrations in January 1999. It is a very elusive organisation, and has been linked to the MPD by political opponents, to try and discredit the MPD. **[5d,5e,7c]**

A.10. A number of student groups have been active in demonstrations and rioting. FEUE (Frente Estudiante Universitario del Ecuador) is an example. It appeared in June 1991 in demonstrations calling for the impeachment of then-education minister Alfredo Vera. Active in 1997 and 1998, by September 1998 it was reported to be under the sway of the FETRAPEC to join general economic protests. **[4f]**

A.11. There have been reports of a new guerrilla group emerging in February 2000. On 16 February, the Ecuadorian television network Telecentro was sent a "cassette-bomb" by the self-styled "Ecuadoran Army of National Liberation" (ELN-E). A special police group has been appointed to investigate the incident. **[6e]** In communiques sent at the time of the bombing, the group has called for Noboa's resignation, repudiation of all foreign debt, stabilization of the petroleum industry, expulsion of the US military from the Manta base, and a price freeze on commodities. **[6f]**

A.12. There are no reports of destabilization of the North-Eastern province of Sucumbios through the incursion of Colombian rebel forces. The rebels are keen to stress their struggle is limited to Colombian targets, and kidnappings have been targeted at foreigners, and allegedly just foreign company oil workers. **[5x,5y,5z,5aa,5ab,5ad]**

The Security Forces and Human Rights Issues

States of emergency and the Coup (January 2000)

A.13. A state of emergency was declared in Guayas province in early January 1999. Under the emergency decree, the military, police and local officials can employ "public force to re-establish secure conditions required for the normal development of activities". Police said the region had been hit by a series of robberies, kidnappings, rapes and murders.**[5g]** The emergency regulations were subsequently tightened. Under the Military Penal Code, no person can refuse military entry into his or her homes or businesses for inspection.**[5n]** Under the state of emergency, police and soldiers are empowered to detain and order strikers off the road or confiscate vehicles. **[5r,1c]**

A.14. A state of national emergency was declared on 9 March 1999 for 60 days.**[5l]** It was reinstated in July, when the President authorised troops to break a strike that paralysed transport.**[5o]** The government lifted the state of emergency on 17 July 1999.**[5o]** Amnesty International issued a press release announcing a letter sent to President Mahaud during the March 1999 state of emergency, urging attention to human rights whilst in a state of emergency. **[1b]**

A.15. A state of emergency was declared by the president on 6 January 2000 in the face of increasing industrial unrest.**[8c]** Again, the emergency powers mainly revolve around the deployment of troops as riot police and in keeping the oil industry and the Pan-American highway going; limiting public meetings, and ordering strikers back to work. **[8e]** Tear gas has been used by the Quito police when the March and July 1999 demonstrations erupted into violence. **[3c]** Tear gas has been used extensively in demonstrations from 1999 onwards. **[3f,5dc,8ai]**

A.16. During the coup of 21 January 2000 (*details above*) there were no reports of violence or bloodshed on either side, with the coup effected by the switching of loyalties of the military forces. The military forces leadership maintained a grip on the situation, steering junior officer disaffection towards capitulation to a restored government. **[5aj,5an,5ao]**

A.17. Since the resumption of civil government, the authorities have arrested Gutierrez, Mendoza, and 12 Lieutenant colonels. About 300 junior Army officers were initially detained in military barracks.**[5ak,8k]** Fair trials have been assured by the new Defence Minister. **[8l]**

A.18. To date, no reports of human rights abuses have been posted by the main NGOs such as Amnesty International and Human Rights Watch. There was universal condemnation of the coup by countries inside and outside South America. **[5ai,8h]**

A.19. On 4 February, the families and supporters of the arrested junior officers marched in Quito for the release of the accused. Jenny Gutierrez, the sister of Lt. Col. Luis Gutierrez described the arrests as "brutal repression" by the military. President Noboa again promised fair trials, and on 5 February, announced that 113 officers would stand trial. **[8m,8n]** Defense Minister Hugo Unda has since ordered express trials through the military tribunals system. **[8t]**

A.20. Opposition groups started collecting names for a petition on 8 February to seek the dissolution of the present Congress and Supreme Court. **[8o]** Further demonstrations were held on 15 March 2000. **[8r]**

A.21. Ex-president Jamil Mahaud and six economic advisers had criminal charges arraigned against them by Ecuador's anti-corruption office in late April 2000. The basis of the charges stemmed from a freezing of \$3.2 billion and \$3.6 billion in assets in March 1999 to try to halt speculation against the sucre. On 13 July, the Supreme Court issued arrest warrants for Mahaud and former Finance Minister Ana Lucia Armijos. Jamil Mahaud's current whereabouts are unreported. **[3f,5av,5bk,8x]**

A.22. The government has condemned the idea current in early July of an imminent "social explosion" as "a dangerous rumour being furthered by the extreme leftist groups that are linked to the social movements". President Noboa said there were groups that wished to cause chaos but that the government was going to stand firm to its economic policy. Likewise, the government a month earlier refuted the rumour that it was going to stage a "self-inflicted coup" in July. **[5ay, 5be]**

State of emergency, 2 February 2001 - 13 February 2001

A.23. A crisis erupted in January 2001, the causes of which included a breakdown of indigenous peoples' groups / government dialogue, leading to a "diversification of protests" by the indian groups, particularly CONAIE, that included roadblocks and kidnapping **[5dj,5dk]**. This was combined with protests by unions under the umbrella Frente Patriotico (FP). **[5db]** Added to the above were protests by students and teachers about increased public transport costs, and fuel charges. **[5dc]**

A.24. The government on 29 January ruled out any dialogue with CONAIE and other groups, on the basis that their demands were impossible to meet. **[5dn]** As the protests escalated in Quito on the 29 January, the situation became particularly tense **[5do]** On 30 January, Luis Villacis, leader of the FP, was arrested. **[5dp]**

A.25. The declaration of a state of national emergency was not a sudden decision. Previously, on 12 January, the government alarmed by talk of "anarchy" downplayed similarities between the current protests and the coup the year before. **[5de]** The government reported that policing of protests and maintaining public order would be performed by the armed forces (the FFAA) as well as the National Police, stressing that they will "act firmly within a legal framework to offset any destabilizing attempt." **[5dg]** The protests beginning on 29 January was the final, defining incident. On the 2 February, the government declared a state of national emergency, through Executive Decree No. 1214, calling for a "full national mobilization". **[5dq,8ai]**

A.26. The unions immediately declared the state of national emergency illegal and unconstitutional **[5dy]** Vargas, leader of CONAIE, however went further, calling for a "major nationwide uprising" in which "all provinces will strongly participate" and that he could not be liable for what may happen once the new uprising begins. **[5dr]** The government alleged that the indian protests were driven by "malicious subversive interests", an allegation rejected by Vargas. **[5ds,5dt,5dv,5dz]** A focal point of the protests was the occupation of the Politechnical Salesian University, Quito, occupied by 7,000 indigenous people protesters from 29 January. **[5du,5dv,8ai]**

A.27. The protests became uglier, with a bomb exploding in Quito on 4 February **[5dw]**; the death of a protester in Tungurahua Province on 6 February **[5dx]**, bringing the death toll up to four protesters **[8ah,8aj]**; an unidentified group carried out an attack on the potable water supply in Chimborazo Province. The Defence Minister Hugo Unda blamed on Colombian guerrillas, claiming that the unrest is engineered to distract the Ecuadorian security forces from paying attention to the incursions in the Colombian border areas. **[5eb]**

A.28. A resolution to the crisis occurred on 7 February, with the signing of an agreement between the government and the indigenous groups. **[5ec,8ak]** On 13 February, the government lifted the state of emergency. **[5ed,8al]** The tradeoffs included an agreement for the price of domestic gas cylinders to be pegged at \$1.60 and not \$2, and freeze prices on most other fuels. **[5ee,8ak]**

Assassinations and death squads

A.29. A member of the opposition Popular Democratic Movement, Congressman Jaime **Hurtado** Gonzalez, his nephew and a bodyguard, were shot dead in February 1999. **[5j]** President Mahuad sought the help of Colombian crime experts in February 1999, because of their experience of assassination-style murders. **[5k]** In this case, as Hurtado had taken part in the Colombian peace process, Colombians were suspected, though the source suggests this might be a smoke-screen for Ecuadorian killers. **[1j]**

A.30. Amnesty International Annual report for the year 2000 was published in July 2001: AI was still concerned by the unresolved killings of Hurtado and associates. However, the main area of

concern mentioned in the annual report was the aftermath of the coup of January 2000. The security forces were mentioned in relation to torture with emphasis on the cases of the Jaramillo brothers; possible extrajudicial murders; possible disappearances; and impunity of the security forces in terms of trial by military as opposed to civil courts. Prison conditions, the arbitrary detention of transvestites, and the harassment of lawyers and witnesses were also highlighted. **[11]**

A.31. In June 1999, Amnesty International reported the existence of a death list of 11 names. One of those on the list received an anonymous letter telling him that unless he stopped his trade union activities by the end of June he would be killed and his baby daughter could be abducted. The letter made reference to the assassination of Hurtado, and of prominent trade unionist Saul Canar Pauta (**see section A.31**) in December 1998. **[1a]**

A.32. According to the Committee for the Defense of Human Rights (CDH), at least 20 alleged criminals were executed by vigilante groups in Guayaquil during the first four months of 1999. The US State Department has recorded 16 vigilante deaths for the whole of 1999. **[3c]** The provincial government announced plans for joint operations involving police and the armed forces to combat the "death squads." **[5n]**

A.33. One group whose activities have come to light after the fall of President Bucaram in 1997, is that of the Pepudos, Bucaram's gang of 40 armed bodyguards. There have been allegations of kidnapping and other violent acts in the days after Bucaram's fall. **[4c]**

A.34. A recent complaint against the National Police, highlighted by Amnesty International, has been possible police involvement in the 'disappearances' of Elias Lopez and Luis Shinin in November 2000, in Esmeraldas Province. Eight police officers have since been detained and charged. However AI is concerned as their cases will be heard in police courts and not in a civilian court. There are further complaints of a campaign of intimidation of witnesses and obstruction towards the families of the disappeared. **[1n]**

Border disputes and incidents

Peru/ Ecuador border

A.35. Since 1942, there has been a constant dispute over the Cordillera del Condor on the Peru / Ecuador border. War has erupted in the disputed area in January 1981, clashes between 1982 - 1994, and a further major clash in January 1995. A ceasefire and agreement was brokered by mid-February, but observed by neither side. An arms race fuelled the tension in 1997. **[2a]**

A.36. However, the decades-old border dispute between Ecuador and Peru was formally ended after signing a border settlement agreement on 26 October 1998, and further ratified on 13 May 1999. It ended the last and longest running source of armed international conflict in the

Americas. [5m]

A.37. The Defence Minister, Jose Gallardo, referred to moves by the military to increase finance from the government to fund border control initiatives. He hoped that it would allow for the funding of a mapping project currently undertaken by IGM, the Military Geographic Institute. A new map of Ecuador with definitive national borders should be available in December 1999. [5t]

A.38. The Chilean army has pledged to assist the Ecuadorian army to remove landmines buried along the Peru / Ecuador border. Some 50,000 landmines have been cleared from the Zarumilla canal area. [5cy]

Colombia / Ecuador Border

A.39. The border between Ecuador and Colombia has traditionally been relatively open, as its terrain (mainly pacific coast jungle and rainforest) and length (600 km) makes it difficult to patrol. The remoteness of the region has attracted the establishment of Colombian rebel bases, particularly of the groups Fuerzas Armadas Revolucionarias de Colombia (FARC - Revolutionary Armed Forces of Colombia) and Ejercito de Liberacion Nacional (ELN - Army of National Liberation) on the Colombian side of the border. FARC have denied operating actively within Ecuador, or any other non-Colombian territory, though this is widely doubted by the Ecuadorian media and military. The question of the existence of FARC camps able to hold 700 troops was a live topic in the Colombian and Ecuadorian press in July 1999. [5x,5y,5z,5aa]

A.40. The governor of Carchi Province (Ecuador), Rene Yandun, one of the three provinces on the Colombian border, called for talks between Ecuador and FARC (Colombian guerrillas) in June 2001. [5ep] Meanwhile, the Ecuadorian army is reportedly continuing its tactic of continuous patrolling of the border to prevent incursions by FARC. [5eq] Colombian rebel groups have previously clashed with Ecuadorian troops, alleging the troops were part of US drug enforcement incursions into rebel-held Colombia. [5x] Ecuadorian commentators have wondered whether the Colombian government has any interest or resources to actively patrol the border region. [6a]

A.41 Despite these efforts, in 2001 there were reports of a number of armed conflicts and killings in Ecuador that were attributed to the Colombian rebels FARC and the rightwing paramilitaries. On 4 June 2001, in Carchi Province, a group of 20 uniformed and armed men attacked an armored car. Unconfirmed reports indicated that the assailants were Colombian guerrillas. [3g] Government officials reported 54 homicides in the town of Lago Agrio between January and September. Most killings were execution style and were blamed on conflicts between rival Colombian groups who had entered the country. [3g]

A.42 Recently there have been reports of increased Colombian paramilitary activities in

Ecuador. According to one report in April 2002, the paramilitary group, the United Self-Defence Forces of Colombia (AUC), issued death threats and forced 500 indigenous people in Sucumbos, an Ecuadorean province on the border with Colombia, to abandon their homes. **[8ay]** The AUC claimed that they needed the area completely free of people for fighting that would occur with the Colombian guerrillas. **[8ay]**

Local authorities have complained that the incident was part of the impact in Ecuador of the partly U.S.-financed Plan Colombia and its anti-drug and military programme. **[8ay]**

A.43 The authorities in Ecuador have been concerned about the fumigation programme in Colombia, which is aimed at destruction of illegal coca plants in Colombian by anti-narcotics forces, and its effect upon the health of Ecuadorian citizens living near to the border. There is also an allied concern that Colombian coca growers will decamp to the Ecuadorian side of the border. **[8at,8au]** The governor of Sucumbos, Luis Bermeo, has claimed that banana and coffee plantations and livestock on farms located near the Colombian border were affected by the chemical spraying of coca crops in Colombia. **[8ay]**

A.44 In September 1999, the Trans-Andean oil pipeline (the OTA) was cut on the Colombian side of the border by an unidentified rebel group, disrupting the main export of crude oil for about a week. **[5w]**

A.45 On 11 September, an unidentified rebel group kidnapped 7 Canadian and 1 US oil workers, and 3 Spanish and 1 Canadian eco-tourists, in the Ecuadorian province of Sucumbios, 20 minutes from the Colombian border. The 30-strong band of rebels apparently had Colombian accents, according to an Ecuadorian woman also temporarily held hostage. On 18 December, all hostages were released unharmed. Colombian rebels are known to use kidnapping as a source of revenue: between January and July 1999, 1400 kidnappings were reported in Colombia, including 20 foreigners. In Ecuador, 200 people are kidnapped each year, according to Kroll security services. **[3c,5y,5z,5aa,5bb]**

A.46 The international press has been interested in the Colombian rebel kidnappings, and the Ecuadorian media has been concerned by the intrusions within the border. The disruption of crude oil transport has been a concern. The government has been accommodating towards the US government in allied operations. **[5x-5bb,5dd,5ee]**

A.47 On 11 July 2000, the Foreign Minister Heinz Moeller announced that the Colombian border area was going to be declared an emergency area. Ecuador was "not going to tolerate any kind of infiltration" and not going to allow "criminals or seditious or subversive groups from other countries to enter our territory". Regarding the Colombian armed crisis, Moeller said, "Ecuador does not want to know anything about that conflict because it respects the right to non-intervention." **[5bl]** Non-intervention was reiterated by Defence Minister Hugo Unda on 3 August 2000. **[5bs]** Defences have been stepped up though. **[5cj]**

A.48 The number of Colombians displaced to northern Ecuador was given on August 2000 as about 12,000 throughout Carchi province, as well as others in Tulcan, the provincial capital. The army has doubled its presence in northern Ecuador, after a wave of 3,000 Colombians arrived in "recent months". **[5bt]**

A.49 Ecuador - both government and people - has been concerned in late 2000 about the possible effect of Colombian President Pastrana's Plan Colombia (*See the Colombia country assessment, October 2000*). 5,000 Colombian refugees (in September 2000) crossed the border into Ecuador. **[5ci,5cr]**

A.50 The border has become an increasingly dangerous area since late year 2000. **[5eo,5ep,5eq,8ao,8at]** Drug traffickers and producers are active. **[8ao]** Tension surfaced in late November 2000, when three Colombian Army helicopters allegedly violated Ecuadorian airspace. **[5ct]** On 12 January 2001, there were reports of FARC / Colombian paramilitaries fighting on Ecuadorian territory. **[5dd]** On 18 January, 8 Colombians were killed in Ecuadorian territory by Ecuadorian troops at the San Miguel River crossing. **[5dh]** Such violent incidents has lead the Latin American Association for Human Rights (ALDHU) to call for a UN led multinational peace keeping force to patrol the border. **[5eg]** By February 2001, the number of Ecuadorians held to have been displaced by the border violence was given as 635, including 120 Quinchua indians. **[5eh]**

A.51 Residents fear the development of a borderline state, where conflict makes the border a hazy and unsafe area. Ecuador is held to be involved in plan Colombia by some commentators because of their permission for the US to expand the US base at Manta. **[5eo]** Ecuador is also in negotiation with the US government over payments to assist in cushioning Ecuador from its new frontline position. **[5eo]** In September 2001, the Colombian Minister for Defence met with President Noboa. **[5fe]**

Human Rights Activists

A.52 There are no reports of government interference with human rights defenders.

The disappearance and death of Saul Canar Pauta, a prominent trade unionist, in December 1998 has been linked by some sources to the combined police and military actions in operation at that time. **[1f]** The authorities now believe he was murdered by private landlords after his organising land invasions by squatters. **[3c]**

The Role of the Government and the International Community

A.53 Ecuador participated in a workshop hosted by the UNHCR on the development of national plans of action for the promotion and protection of human rights in July 1999. **[7a]** The UN has

contributed \$1.2 million to support the plan. **[3c]**

HUMAN RIGHTS: SPECIFIC GROUPS

Religious freedom

B.1. The Constitution prohibits discrimination based on religion. There is no state religion but 93.8percent of the population are Roman Catholics. There are representatives of various Protestant Churches, and of the Jewish and the Ba'hai faiths in Quito and Guayaquil. **[2a,2b]**

B.2. There have been reports during 1998 and 1999 of friction between Catholic and Protestant Christians, of mainly non-violent confrontations and bad feeling. **[3c]**

Indigenous People

B.3. While at least 85percent of all citizens claim some indigenous heritage, culturally indigenous people make up about 15-20percent of the total population. Other estimates put indigenous peoples at 25percent, about 2,634,000 people.**[3a,7g]**

B.4. There are twelve main groups living in three distinct areas: highland and lowland Quichua; lowland Cofan, Secoya Siona, Waorani, Achuar and Shuar; and coastal Tsachila and Chachi. Most live in varying degrees of rural poverty. **[3a, 7g]**

B.5. The revised Constitution recognises the rights of indigenous communities to hold property communally, to administer traditional community justice in certain cases, and to be consulted before natural resources are exploited in community territories. Indigenous people have, in addition, the same civil and political rights as other citizens. **[3a]**

B.6. Indigenous groups' rights to land ownership are granted by the constitution but limited by other regulations. The 1994 Agrarian Development Law, in force from August 1994, met some of the indigenous peoples' concerns. The Canadian IRB has posted a report about the actions of the National Agrarian Development Institute in the period 1996 to 1999. It was the successor to the Ecuadorean Institute of Agrarian Reform and Colonization, created under an 1994 amendment to the 1979 Law of Agrarian Promotion and Development. It does not renew land ownership titles, but INDA does adjudicate in land disputes. In November 1999, INDA awarded collective land ownership rights to ten communities. **[4i]**

B.7. Initially, the indigenous groups worked through resistance, shunning the existing political process. One of the earliest groups was the Shuar Federation, founded in 1964. 1964 also saw the creation of a government agency, IERAC to oversee land distribution, ensuring seizure of idle land from absent landowners. In 1993, the Shuar Federation promoted bilingual / bicultural education via radio schools, broadcasting from its own radio station. ECUARU-NARI was

founded in 1972, launching in 1979 a programme of land revindication in the Sierra. COICA working in the Amazonian regions, was founded in 1980. **[4d,7g]**

B.8. ECUARU-NARI and COICA came together in 1986 to form CONAIE - Consejo Nacional de Coordinacion de las Nacionalidades Indigenas del Ecuador. CONAIE has been a considerable force within Ecuadorian politics, combining in action with the FUT to effect the 1996 transport strikes. IERAC, after initial success, became ineffective, and was wound up in 1994. **[4d,7g]**

B.9. The indigenous movement, which previously shunned traditional politics, formed an electoral movement in 1996 called Pachukutik (which means "cataclysmic change" in Quichua) and ran candidates for national, provincial and local office in the 1996 and 1998 elections. A Pachukutik Congresswoman, Nina Pacari, was elected Second Vice-President of Congress in 1998. The first indigenous member to hold a top leadership rank, Pacari heads an 8 member congressional bloc whose co-operation with the majority in Congress on some issues has ensured its significant influence. Despite their growing political influence and with few exceptions, the indigenous people are at the lowest end of the socio-economic scale. **[3a]** The appointment of Luis Maldonado, an indigenous group person, as Social Welfare Minister on 20 September 2001, has been held as progress by the government. Indigenous peoples groups are more cautious in their assessment, accusing president Noboa of a tactical appointment to divide their political movement. **[5ff]**

B.10. Oil exploration and oil companies' practices on tribal lands have been a major source of conflict. In 1995, indigenous groups and ecology groups in the Amazonian Oriente area united to sue Texaco for damage by unsafe petroleum extraction. **[3a,7g]**

B.11. In 1999, CONAIE has become increasingly militant, and have been the main driving force behind the March and July protests. In the July demonstration, security forces killed one person and injured score of others; CONAIE and the government are currently settling upon compensation. In the January 2000 coup, the mobilization of demonstrators by CONAIE was a significant factor in the overthrowers' initial success. **[3c]**

B.12. On 24 April 2000, talks between CONAIE and the interior ministry broke down and the Interior Minister, Francisco Huerta, resigned. CONAIE accused the government of reneging on promises to improve the social conditions of indigenous peoples. Trade unions and students added to the general unrest, and it culminated in a nation strike on 1 May. On 8 May, the government was forced to deny rumours of a "self-inflicted coup" leading to a change of government in July. By 26 July, Antonio Vargas, the leader of CONAIE and one of the leaders of the January coup, announced that CONAIE would present to the Supreme Electoral Court on 2 August a petition of 500,000 signatures demanding a popular consultation on six questions. **[5aw,5ax,5ay,5bq]**

B.13. The petition however proved to be upstaged by a concurrent move by Vargas to call for a

national "uprising": both ploys seem to have met with very limited success in September 2000 **[5db,5ek]** From this point Vargas and the indigenous peoples' groups were just one element, for the next couple of months, in the wider based movement headed by the Frente Patriotico (FP), in turn led by Luis Villacis. **[5ek]**

B.14. In the late January and early February 2001, there were significant indigenous protests across the country. Indigenous groups demanded a freeze in the price of fuel, increased social spending and subsidies for cooking gas and transportation. Protestors blocked roads throughout the country, and there were several violent confrontations. **[3g]** In February 2001, President Noboa declared a 2-week state of emergency due to the protests by indigenous people; this gave him the authority to use troops to monitor and react to public protests. **[3g]**

On January 24 2001, CONAIE and Vargas renewed extra-political action, setting up roadblocks and allegedly kidnapping officials in the town of Otavalo, all as part of a "diversification" of protests. **[5dj,5dk]** An "indefinite uprising" was called for 29 January 2001 by Vargas, and the breakdown in government / CONAIE - indigenous peoples' groups' talks began the crisis described above in A.22.

Ethnic minorities

B.15. The population of the rural, northern coastal area includes large numbers of Afro-Ecuadorian citizens. They suffer widespread poverty and pervasive discrimination. There are five major Afro-Ecuadorian organisations active in the country. They estimate that Afro-Ecuadorians account for 700,000 people (about 6percent of the total population); other estimates vary between 573,000 and 1.1 million (5.4 - 10 percent). **[3a,7g]**

B.16. There is no official discrimination, but lingering societal racism reportedly exists, with Afro-Ecuadorian organizations asserting that Afro-Ecuadorians are stopped for document checks with greater frequency than other citizens. Employment and educational opportunities are limited. **[3a,3f]**

Women

B.17. A 1995 Law against Violence Affecting Women and Children criminalised spousal abuse for the first time, including physical, sexual and psychological abuse. It also created family courts and reformed the Penal Code to give courts the power to separate an abusive spouse from the home. **[3a]**

B.18. However violence against women reportedly continues to be a widespread practice. Many rapes go unreported. Between June 2000 and June 2001, the Women's Bureau reported 6,868 cases of sexual, psychological, or physical mistreatment of women. In 1999, a Guayaquil NGO reported that one out of three women suffered from some form of domestic violence. **[3g]** The

Women's Bureau (*Comisaria de la Mujer*), established in 1994, can accept complaints about abuse of women and actively refers abuse cases to prosecutors. **[3a,4e]** As of November 2001, the bureau had a network of 37 outreach offices in 16 provinces.**[3g]**The procedure of complaint involves the victim making a formal verbal complaint that includes the presentation of the victim's identity card (*cedula de identidad*). However, women may file a complaint against a rapist or an abusive partner only if they produce a witness. **[3g]** The victim may ask for protective measures (*boleta de auxilio o medidas de amparo*). The *boleta* has proved a qualified success. **[4e]**

Children

B.19. There is no pattern of societal abuse against children. Government resources to assist children have been limited. Approximately 45percent of children under 5 are malnourished. **[3a]**

B.20. Education is compulsory for six years, usually undertaken between 6 and 14 years of age, with approximately 90percent attendance. State schools are free. Literacy is given as 90.1percent of the adult population. **[2a]**

B.21. Child labour is common amongst both rural and urban poor. **[3a,3c]**

Homosexuals

B.22. In November 1997, the newly established *Tribunal de Garantias Constitucionales* (Tribunal of Constitutional Guarantees) decriminalised homosexual acts between consenting adults by removing article 516 of the Criminal Code, on the grounds that the article contravened the Constitution. **[1e]** The Ecuadorian Constitution is one of the few in the world that explicitly includes "sexual orientation" in their non-discrimination provisions. **[1p]** The effect of the legislation has been negligible since police understanding of the change has been found to be lacking. FEDAEPS (*Fundacion Ecuatoriana de Accion y Educacion para la Promocion de la Salud*) = Ecuadorian Foundation for Action and Education in Health Promotion is currently running a program to sensitize state agents including the police to such issues. **[4b]**

B.23. The Amnesty International report of 2002, has documented cases of continued homophobic harassment, torture and ill-treatment against lesbian, gay, bisexual and transgendered (LGBT) people. In these new cases some people have been accused of committing "outrages against decency". Although these offences are infractions that are not punishable by detention but with a fine, people have been detained for this offence. **[1p]**

AI has also recorded cases of torture and ill-treatment of detainees by police officers because of the victim's sexual orientation, particularly in Guayaquil. **[1p]** Amnesty International believes that there is a direct relation between the personal views of the newly appointed Guayas Province Chief of National Police about homosexuality and the increase in police round-ups in

the streets of Guayaquil since September 2001. **[1p]**

A.24 Amnesty International in September 2000 took up the cause of transvestites in Ecuador. In early July 2000, 53 transvestite sex workers were detained over a three week period by the Guayaquil police, accused of scandalous behaviour. All released between 21 and 27 July. The charges levelled at the transvestites, AI argues, should have been payable with a fine and not arbitrary detention. **[1k]**

B.25 Amnesty International has stated its concern in an increase in reports of discriminatory practices, ill-treatment and torture by the police towards lesbian, gay, bisexual and transgender (LGBT) people. AI contends that the police are routinely ignoring the equality provisions for LGBT people that are written into the constitution. Police protection is not being granted to LGTB people receiving death threats. AI further contends that the police are still heavily influenced by societal discrimination of LGBT people. **[1m]**

B.26 AI put forward five sample cases, and quotes local activists that pressure was increasing as part of the police's "More Security" campaign. The cases all drawn from the Guayaquil area: most involve the targeting of transvestites. **[1m]**

People with disabilities

B.27 Disabled people are not officially discriminated against in terms of employment, education, or other general state services. However, there are no regulations to guarantee physical access to public buildings or services, though the city of Guayaquil unilaterally started a modest programme of access improvement in June 2000. **[3a,3c,3f]** Compulsory social insurance paid by all employees gives nominal benefits. **[2a]**

HUMAN RIGHTS - OTHER ISSUES

Freedom of political association

C.1. The Constitution provides for freedom of association, and this right is generally respected by the Government. **[3a]** In practice, however, at times of imposition of state of emergency as in February 2001, when the government declared a 60-day state of emergency, this constitutional right has been curtailed. **[1o]**

C.2. The MPD (Movimiento Popular Democratico) is a far-left party held by most of the Ecuadorian media to be closely linked to the two largest single occupation trade unions, the Teachers' Union (UNE) and the Union of Social Security Workers. The MPD is therefore viewed as fomenting extra-parliamentary trouble. **[3c,4g,]**

C.3. On 30 March 2000, the national police warned candidates in the forthcoming regional

elections of possible disruption and threats by "certain elements". They have as yet to reveal who is at risk, who the "certain elements" are, and the source of the information. **[6h]**

Freedom of speech and press

C.4. There is a free and vigorous press. Ownership of the media is broadly based, and editorials represent a wide range of political views and often criticise the government. **[3a]**

C.5. There is some element of self-regulation in the print media. Sensitivity is shown in covering politically-sensitive stories and about the military and its related industries. (*see section IV - The armed forces.*) **[3a,3c]**

Freedom of assembly

C.6. The Constitution provides for the right of free assembly and association, and these rights are generally respected in practice. In general, security forces intervene in demonstrations only when there is violence, and the police generally show restraint in the use of force. Most arrested demonstrators are soon released. **[3b]**

C.7. Public unrest against government austerity measures was manifest by late 1998. A public holiday was declared on 5 February 1999, in response to the call for a national strike and mass protest on that day.**[5i]** Thousands of union workers, students, and representatives of social movements and indigenous organisations took part in the protest, which was dispersed by riot police.**[5h]** A state of national emergency was declared on 9 March 1999 for 60 days, due to the domestic upheaval in the country and the tense climate generated by the announcement of further strikes.**[5l]** It was reinstated in July, when the President authorised troops to break a strike that paralysed transport.**[5o]**

C.8. More than 500 people arrested during the transport strike were granted amnesty when the strike was broken 12 days later. **[5p]** The government lifted the state of emergency and reached agreement with the indigenous people who had joined the protests.**[5q]**

C.9 After a seven-week strike from 15 May to 29 June 2000, with one particular violent demonstration of about 1,000 on 15 June 2000, **[5az,5bg,5bh,8v]** the National Union of Teachers (UNE) again took to the streets on 10 January 2001 in protest to transportation fare and fuel prices increases. **[5cq,5dc]**

C.10. The trade unions called a 48 hour general strike on 15 June to protest at the government's handling of the economy. It was held by the protesters (led by the United Front labour confederation (FUT)) to have been successful, but not well-supported as CONAIE did not participate. **[5bf,5bg]**

C.11. CONAIE dropped all communication links to the government in early September 2000, embarking on a programme of strikes and disruption, but after three weeks has returned to negotiate, after failing to muster sufficient support to be thoroughly effective in their disruption. **[8af]**

Freedom of the individual

C.12. The law prohibits arbitrary interference with privacy and an individual's private life, and has effective legal sanctions and remedies. Government authorities generally respect these rights. In states of emergency, however, the Military Penal Code can be invoked by the military forces for inspection and entry purposes. **[3a,3c,5n]**

Freedom of travel / internal flight

C.13. The Constitution assures the right of all citizens to travel freely throughout the country, to choose their place of residence, and to depart from and return to Ecuador. According to the US State Department, Ecuadorian citizens who return after residing abroad are not harassed or discriminated against by the government. **[3b]**

C.14. The same source stated in 1996 that "With the exception of those wanted on serious criminal charges, most asylum applicants can find safe residence elsewhere in Ecuador, which is a rugged country whose police forces are thinly spread. In most instances, only the most notorious fugitives would be actively traced or pursued by the police into areas outside of their local jurisdictions." **[3b]**

C.15. About 25,000 Ecuadorians attempt to enter the US illegally every year. More than 200,000 Ecuadorians now live and work abroad illegally. Official sources said that 172,360 people emigrated to Europe in the first half of 1999. **[5q]** Official figures place legal emigration at 57,000 in the first three months of year 2000, of whom 22,000 headed for Spain and 18,000 for the United States. According to the report, many migrants, particularly those heading for Spain travel on tourist visas and then work illegally. **[5bm]** One source puts the Ecuadorian community outside Ecuador at 3 million people. **[5ch]**

C.16. On 31 July 2000, Heinz Moeller, the Ecuadorian Foreign Minister called upon the Spanish government to provide special mechanisms to for illegal Ecuadorian immigrants in Spain. Ecuadorians are the second large immigrant group in Spain. The end of July marked the end of a general regularisation programme for immigrants in Spain. Over 20,000 requests generally have been filed under the programme, double the government's estimates. **[5bw]**

C.17. The regularisation program has been followed by a new law on immigration. 30,000 immigrants may be removable, and on the back of the deaths of 12 illegal Ecuadorian farm workers in a road accident in Northern Spain, Ecuadorian immigrants were involved in protests,

the most prominent being an occupation of a church in Barcelona on 21 January 2001. **[5df, 5di,8ag]**

C.18. The economic situation saw capital flight and inflation when a one year freeze on most bank deposits was lifted in March 2000, with an annual inflation rate of 91 percent in year 2000. **[3f,5v]** The banks began unfreezing the accounts from 21 February, with accounts under \$500 first, and senior citizens as a priority. **[6i]**

C.19. Ecuador has also become a transit point for illegal immigrants from other South American countries. **[5b]** In turn, people-smugglers are reported to operate in Quito and Guayaquil, smuggling either by sea in container shipments, or by land via Central America, to Mexico, and then the United States. **[5bm]** A large people smuggling ring from Ecuador to the US via Madrid was broken by the Spanish police in 1999. **[5cf]** Ecuadorians are starting to be smuggled abroad, particularly to Spain and the US. **[3f,5fd]**

C.20. From 25 May, a direct airside travel visa (DATV) has been in force in the UK for Ecuadorian and Colombian travellers. The regime was imposed to tighten up on abuses of concessions normally granted to travellers in transit enabling them to circumvent full visa requirements. **[5bb]**

Persecution within the terms of the 1951 UN Convention

C.21 There is no convincing evidence of any organised, systematic persecution by the State of individuals or specific groups in Ecuador. Human rights reports do, however, indicate some internal conflict and some forced disappearances and extrajudicial killings by government forces, paramilitary groups and guerrillas **[1d,3a]**.

ANNEX A:

CHRONOLOGY

1822 - Independence from Spain as part of Gran Colombia.

1830 - Seceded as the separate republic of Ecuador.

1830 - 1925 Governed by 40 different regimes of presidents, dictators and juntas.

1925 - 1948 Greater political instability with 22 heads of state.

1948 - 1960 Two Liberal presidents (Dr Galo Plaza Lasso, 1948 - 1952, and Dr Jose Maria Velasco Ibarra, 1952 - 1956) and one Conservative president (Dr Camilo Ponce Enriquez, 1956 - 1960) achieved holding office full term.

1961 - 1972 Period of political instability marked by coups and counter-coups.

February 1972 - April 1979 Military coup led to Brig.-Gen. Guillermo Rodriguez Lara declaring himself president, resigning to a three man junta in January 1976. The framing of a new constitution in 1978 led to referendum and election in April 1979.

April 1979 Return to civilian government. The presidential election was won by Jaime **Roldos** Aguilera (CFP) with over 68percent of the votes cast, but his economic and social reforms agenda was constrained by an opposition majority in Congress and divisions within the CFP.

May 1981 President Roldos dies in an aeroplane crash. Succeeded by Osvaldo **Hurtado** Larrea. Period of social-democratic reformism.

May 1984 President Hurtado defeated by right-wing populist Leon **Febres** Cordero by a narrow margin (52.2percent of vote to Febres).

1984 - 1988 The Febres Presidency was characterised by radical neo-liberal economic policies, cutting the public sector. After 1986, with a petroleum price collapse, a military rebellion (see section III, 3.4 The Vargas Affair), and the 1987 Napo Province earthquake, the Febres government was unpopular. A period of increased allegations of human rights abuse. **[1d]**

1986 CONAIE - Confederacion Nacional de Indigenas del Ecuador (National Confederation of the Indigenous Population of Ecuador) founded.

May 1988 The running of the third presidential and the fourth congressional elections since restoration of civilian rule in 1979 underpinned the democratic process at a time of economic and political instability. The presidency was won by Rodrigo **Borja** Cevallos (ID) by 46percent of all votes cast in the second round of voting - a 4percent lead over Adbala **Bucaram** Ortiz, backed by a majority in Congress.

1988 Borja adopted an economic policy of *Gradualismo*. Pardoned the paramilitary kidnapers in the Vargas affair. Persuaded Alvaro Viva Carajo (AVC), a guerrilla group to lay down arms in October 1991 (see section V - Paramilitary and Guerrilla Groups). Took a firm stance against the illegal drugs trade.

1991 The Borja government under attack from the failing economy and increased industrial unrest. The Frente Unitarion de Trabajadores (FUT) organised a series of general strikes, with

government responding with rapid mobilization of troops, the closing of schools, and the decreeing of national holidays on declared strike days.

November 1991 Industrial relations worsen with reforms to the 60-year old labour code.

May 1992 Defeat of the ID, and the election of Sixto **Duran** Ballen (PUR). Secured Congress by an alliance with PC and PSC.

July 1992 - September 1992 Rapid reversal of *Gradualismo*. Austerity measures announced in the public sector, including the Modernization Law.

June 1994 President Duran's proposed constitutional reform plans halted by the decision of the TSE (Tribunal Supremo Electoral - the Supreme Electoral Tribunal).

June 1994 General disruption effected by the combined action of FUT and CONAIE, with general highway closures, including the Pan-American Highway.

27 January 1995 Border dispute with Peru erupts into armed conflict.

July 1995 Vice-President Dahik admits corruption within the government; flees to Costa Rica in October 1995 seeking political asylum. Government rocked by the scandal.

November 1995 Second referendum on constitutional reform. All 11 of the reform proposals rejected. Seen as a general protest vote.

June 1995 - December 1995. Three major national strikes and bombing campaign committed by Partido Maoista-Communista 'Puka Inti'.

May 1996 The PSC secured the congressional elections, but presidential elections won by Abdala **Bucaram** Ortiz (PRE). MNPP emerged as a significant new force.

January 1997 General dissent with violent clashes between security forces and demonstrators. President Bucaram barricaded inside the presidential palace.

6 February 1997 In emergency session, the Congress voted to dismiss Bucaram, by-passing impeachment processes. A demonstration of 2 million people pressed for dismissal. Acting president Fabian **Alarcon** Rivera called for removal of Bucaram. Bucaram fled on the 9 February.

February 1997 President Alarcon pushes through a raft of measures to reverse Bucaram's policies, including the handing over of the customs system to the Armed Forces.

25 May 1997 Referendum on 14 questions including legitimacy of the interim presidency and the creation of a National Assembly for constitutional reform. Passed.

July 1997 Crisis stemming from the dismissal of all 31 judges of the Supreme Court by Congress. Condemned as unconstitutional by President of the Supreme Court.

August 1997 48 hour strike led by CONAIE, pressing for introduction of the Assembly sooner than the government appointed date of August 1998. Government announced regional elections in November 1997. Mass rally by eleven indigenous peoples' organisations.

31 May 1998 The first round of presidential elections won by Jamil **Mahaud** Witt (DP) with 36.7percent of all votes cast. Necessitated going to a second round on 12 July.

12 July 1998 Jamil **Mahaud** Witt (DP) elected by 51.16percent of total valid votes cast.

23 October 1998 Border dispute between Peru and Ecuador settled by formal peace proposal brokered by Brazil, Chile, Argentina and the USA.

1 December 1998 The emergence of a new rebel group, the Grupo de Combatientes Populares [GDP] (**see GDP entry in Annex C**). First noted by the Ecuadorian media in May 1998

8 January 1999 State of emergency declared in the province of Guayas.

5 February 1999 Large demonstrations near to the presidential palace. Dispersed by the police.

17 February 1999 Congressman Jaime Hurtado shot dead.

11 March 1999 State of national emergency declared. 48 hour national strike declared by FUT. Clashes between riot police and protesters.

July 1999 Demonstrations by indigenous peoples led by CONAIE. Clashes with police, and use of tear gas by police.

11 September 1999 Kidnapping of 12 foreigners by the Colombian rebels inside Ecuador near the Colombian border. Released 18 December 1999.

10 January 2000 President Mahaud adopts the US dollar as the national currency.

21/22 January 2000 Demonstrations leading to a 5 hour coup. President Mahaud deposed, then a military-led three front junta finally capitulating to a new administration led by Vice-President, now President Noboa.

31 May 2000 Lt. Col. Gutierrez released

20 November 2000 Revenue package of the Military reduced in real terms.

2 February 2001 State of national emergency declared. 4 deaths in riots.

7 February 2001 Agreement between indigenous peoples' groups and the government reached.

13 February 2001 State of emergency lifted.

15 February 2001 First Brady Bond repayment paid.

26 February 2002 President Noboa declared a state of emergency in Sucumbios and Orellana provinces following protests by the indigenous population.

23 March 2002 Government declared a state of emergency following heavy rains and flooding in parts of the country.

25 April 2002 Congress passed the Fiscal Reform Bill

ANNEX B

POLITICAL ORGANISATIONS

Except where indicated, information is from Europa Yearbook and Regional Surveys of the World: South America, Central America and the Caribbean 1999.

POLITICAL ORGANISATIONS

Accion Popular Revolucionaria Ecuatoriana (APRE)

Centrist. 2 seats in 1996 Congress. Leader: Lt.-Gen. Frank **Vargas** Pazzos.

Coalicion Institucionalista Democrata (CID)

After 1986, Coalicion Nacional Republicana (CNR)

Coalicion Nacional Republicana (CNR)

Founded in 1986. Formerly the Coalicion Institucionalista Democrata. (CID)

Concentracion de Fuerzas Populares (CFP)

1 seat in 1996 Congress. Founded in 1946. Leader Galo **Vayas**; Director Dr Averroes **Bucaram** Saxida

Democracia Popular (DP)

Christian Democrat. 32 seats in 1998 Congress (largest). Party of President Mahuad. Founded in 1978 as Democracia Popular - Union Democrata Cristiana (DP-UDC). Christian Democrat.

Frente Amplio de la Izquierda (FADI)

Left-wing alliance of the following parties; Partido Comunista Ecuatoriano (PCMLE), Partido Socialista Revolucionario (PSR), Movimiento para la Unidad de la Izquierda (MUI), Moveimiento Revolucionario de la Izquierda Cristiana (MRIC). Founded in 1977. Director: Dr Rene **Mauge** M.

Frente Radical Alfarista (FRA)

Founded in 1972. Led by Fabian **Alarcon** Rivera, who was President February 1997 - July 1998. In July 1999, Alarcon was released on bail after 4 months in jail for corruption charges.[5s]

Izquierda Democratica (ID)

17 seats in 1998 Congress. Founded in 1977. Absorbed the AVC - Alvaro Viva ¡Carajo! in October 1991. Leader: Rodrigo **Borja** Cevallos; National Director: Andres **Vallejo**.

Movimiento Nuevo Pais-Pachakutik (MNPP) (Pachakutik - New Country Movement; Pachakutik = "cataclysmic change" in Quichua)

Otherwise known as **Pachakutik**. Formed 1996 to represent indigenous people in the political process. Leader: Rafael **Pandam**.

Movimiento Popular Democratico (MPD)

Maoist. 3 seats in 1996 Congress; opposes current DP majority. Prominent member Jaime Hurtado Gonzalez assassinated outside Congress in February 1999.

Partido Conservador (PC)

Centre-right. 2 seats in 1996 Congress. Incorporated Partido Unidad Republicano in 1995.

Partido Liberal Radical (PLR)

In alliance with FRA in 1996 Congress.

Partido Roldosista Ecuatoriano (PRE)

24 seats in 1998 Congress. Party of former President Bucaram.

Partido Social Cristiano (PSC)

25 seats in 1998 Congress - second largest. In voting alliance with DP. Centre-right party, founded in 1951.

TRADES UNIONS

Frente Unitario de Trabajadores (FUT)

United Workers' Front (or United Workers Union.) Ecuador's largest union, responsible for calling for civil disobedience and nation-wide strikes in 1999. Comprises:-

Confederacion Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores (CEDOCUT)

Confederacion Ecuatoriana de Organizaciones Sindicales Libres (CEOSL)

Confederation de Trabajadores del Ecuador

Central Catolica de Obreros

There are a number of trade unions not affiliated to the above groups, including both railway unions and the maritime and port workers union **Federacion Nacional de Trabajadores**

Maritimos y Portuarios del Ecuador (FNTMPE)

REBEL GROUPS

Alvaro Viva Carajo (AVC)

Guerrilla group. Defunct since March 1991. Absorbed into legal **Izquierda Democratica (ID)**.

Combiatientes Populares

Claims to defend human rights and to fight poverty.

Grupo de Combatientes Populares [GDP]

Group of People's Fighters or People's Combatants Group. Leftist rebel group, variously described as having formed in early 1997 or in 1993. Allegedly composed of around 200 students, with links to **Marxist-Leninist Communist Party of Ecuador [PCMLE]**. Reported to be trying to recruit, and responsible for bomb blasts at the Bishop's Conference and at two bus terminals in Quito in September 1998. **[5d,5e,7c]**

Partido Maoista-Communista 'Puka Inti'

Described by US State Department as having demobbed to take up legitimate political activity in June 1994, after suffering what its leader called a "military defeat." **[3b]** However, bombings were ascribed to the group in 1995. **[2b]**

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ACRONYMS

Acronym	Full Title	Translation	Type of Organisation
ALDHU	Asociacion Latinoamericana para los Derechos Humanos	Latin American Human Rights Association	Human Rights Organisation

APRE	Accion Popular Revolucionaria Ecuatoriana		Political party
AVC	Alvaro Viva ¡Carajo! shortened form of Fuerzas Armadas Populares Eloy Alvaro	Alvaro Lives, Damn it! - Eloy Alvaro Popular Armed Forces	Defunct guerrilla group
CCO	Central Catolica de Obreros		Trade Union
CEDHU		Ecumenical Committee for Human Rights	Church social action group
CEDOCUT	Confederacion Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores	Ecuadorian Confederation of United Working Class Organisations	Trade Union alliance
CEOSL	Confederacion Ecuatoriana de Organizaciones Sindicales Libres		Trade Union
CFP	Concentracion de Feurzas Populares		Political party
CID	Coalicion Institucionalista Democrata		Political party
COICA	Confederacion Organizaciones Indigenas de la Cuenca Amazonica	Confederation of Indigenous Nationalities of the Ecuadorian Amazon	Indigenous peoples' organisation
CONAIE	Confederacion Nacional de Indigenas del Ecuador	National Confederation of the Indigenous Population of Ecuador	Indigenous peoples' organisation
CP	Combatientes Populares		Defunct guerrilla group
CTE	Confederacion Trabajadores del Ecuador		Trade Union
DP	Democracia Popular		Political party
DP-UDC	Democracia Popular - Union Democrata Cristiana		Political party
FADI	Frente Amplio de la Izquierda		Political party alliance
FDSNP	Frente para la Defensa de la Soberania Nacional y contra las Privatizaciones	Front for the Defence of National Sovereignty and against the Privatizations	Indigenous peoples' organisation
FNTMPE	Federacion Nacional de Trabajadores Maritimos y Portuarios del Ecuador	National Federation of Maritime and Port Workers of Ecuador	Trade Union
FRA	Frente Radical Alfarista		Political party
FRN	Frente de Reconstruccion Nacional		Political party
FUT	Frente Unitarion de Trabajadores	United Workers Front or United Workers Union	Trade Union

GDP	Grupo de Combatientes Populares		'Active' guerrilla movement
ID	Izquierda Democratica		Political party alliance
JRE			Radical students organisation linked to MPD
MNPP	Movimiento Nuevo Pais - Pachakutik (Otherwise known as Pachakutik)		Political party
MPD	Movimiento Popular Democratico		Political party
MPL	Montoneros Patria Libre		Guerrilla movement
OID	Oficina de Investigacion del Delito	Criminal Investigation Office	Defunct division of the National Police
PC	Partido Conservador	Conservative Party	Political party
PCD	Pueblo, Cambio y Democracia		Political party
PCMLE		Communist Party [Marxist-Leninist] of Ecuador	Political party
PM-C	Partido Maoista-Comunista 'Puka Inti' (Otherwise known as Puka Inti. Also known as Sol Rojo)		Political party
PLR	Partido Liberal Radical	Liberal Party	Political party
PRE	Partido Roldosista Ecuatoriano		Political party
PSC	Partido Social Cristiano		Political party
PTJ	Policia Tecnica Judicial	Judicial Investigation Police	Police Department
PUR	Partido Unidad Republicano		Political party
SIC	Servicio de Investigacion Criminal	Criminal Investigation Service	Defunct Police Department
TGC	Tribunal de Garantias Constitucionales	Tribunal of Constitutional Guarantees	Government body
UDP	Union Democratica Popular		Political party
UPP	Union del Pueblo Patriotico		Political party