Republic of Ecuador

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1. (A) Introduction

1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the Global South, and have members in more than 170 countries throughout the world.

1.2 Fundamedios, founded in 2007, focuses on supporting journalists, media outlets and civil society organizations by providing training, monitoring and denouncing threats to the freedoms of expression and association, and advocating for legal change for the protection of civic space freedoms.

1.3 Fundación Ciudadanía y Desarrollo (hereafter FCD) was established in 2009 to train ethical social leaders, advocate for transparent governance, promote community development, establish civic education programs and disseminate citizen tools for responsible democratic participation.

1.4 Asociación Ecuatoriana de Editores de Periódicos (hereafter AEDEP) is an organization of private media editors formed in 1985 in order to advocate for the full respect of the freedoms of the press and the rights to freedom of expression and information in Ecuador.

1.5 In this document, CIVICUS, Fundamedios, FCD and AEDEP examine the Government of Ecuador's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyze Ecuador's fulfillment of the rights to freedom of association, peaceful assembly, and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous Universal Periodic Review (UPR) examination in May 2012. To this end, we assess Ecuador's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations to the State under Review.

1.6 During the 2nd UPR cycle, the Government of Ecuador received fifteen recommendations relating to the above-mentioned freedoms/civic space.[1] Of these recommendations, twelve were accepted and three were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of Ecuador has not implemented 73% of the recommendations it received. Excluding noted recommendations and those based on inaccurate factual information, the

[1] All calculations regarding the proportion of accepted and noted recommendations, as well as of partially, fully or not implemented recommendations, are based on the list included in Section II of the *Report of the Working Group on the Universal Periodic Review – Ecuador* (A/HRD/21/4), available in http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-4_en.pdf.

Government of Ecuador fully complied with 20% of the recommendations, partially complied with 10%, and failed to implement the remaining 70%.

1.7 The government has persistently failed to address unwarranted restrictions on the freedoms of expression, association and peaceful assembly since its last UPR examination.

1.8 CIVICUS, Fundamedios, FCD and AEDEP are deeply concerned by the expansion of state controls over Ecuadorean civil society, implemented through both legal and de facto restrictions to the freedoms of association, peaceful assembly, and expression.

1.9 CIVICUS, Fundamedios, FCD and AEDEP are further alarmed by the situation of human rights defenders, particularly those working on the rights of indigenous peoples, environmental and land rights and sexual and reproductive rights.

- In Section B, CIVICUS, Fundamedios, FCD and AEDEP examine Ecuador's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- In Section C, CIVICUS, Fundamedios, FCD and AEDEP examine Ecuador's implementation of UPR recommendations and compliance with international human rights standards related to the protection of human rights defenders, civil society activists and journalists.
- In Section D, CIVICUS, Fundamedios, FCD and AEDEP examine Ecuador's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression, independence of the media and access to information.
- In Section E, CIVICUS, Fundamedios, FCD and AEDEP examine Ecuador's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- In Section F, CIVICUS, Fundamedios, FCD and AEDEP make a number of recommendations to address the concerns listed.

2. (B) Freedom of association

2.1 During Ecuador's examination under the 2nd UPR cycle, the government received five recommendations on the right to freedom of association and creating an enabling environment for civil society organizations, including two pertaining to indigenous peoples' consultation and participation rights. [2] Among other recommendations, the government committed to "allow national and international human rights organisations the space to undertake their non-violent advocacy, campaigning, reporting and investigative work" (135.42) and "institutionalize the

[2] Cf. 135.39, 135,42, 135.44, 135.57 and 136.3.

right to consultation of the indigenous population and involve civil society and indigenous groups in the elaboration of a functioning consultation mechanism in line with Ecuador's commitments under ILO-Convention 169" (135.44). The government accepted four out of five recommendations pertaining to the freedom of association made by the submitting states. However, as evidenced below, the government has failed to take adequate measures to fully realize these recommendations. None of the five recommendations on freedom of association and consultation rights was implemented in a way that guarantees an enabling environment for civil society.

2.2 Article 96 of the Constitution of the Republic of Ecuador recognises all forms of societal organisation as expressions of popular sovereignty.[3] Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Ecuador is a state party, also guarantees freedom of association. However, despite these commitments, the Ecuadorean government has adopted restrictive legislation that it subsequently invoked to unwarrantedly dissolve a CSO and threaten the continuity of others. Additionally, we remain concerned that according to the International Trade Union Confederation (ITUC), Ecuadorean workers' right to organise remains unduly restricted.[4]

2.3 Ecuador has no comprehensive law governing the work of CSOs. Under the authority granted by the 19th century Civil Code,[5] the sector is still governed by decree. Described by an interviewed Ecuadorean attorney and civil society activist as "the main threat to civil society"[6], Executive Decree No. 16 of 2013 established new procedures and requirements for legal recognition of CSOs and introduces a screening process to authorize international organizations to operate in the country. It also requires CSOs to re-register, imposes excessive information requirements (which CSOs fear may be politically used against them) and gives the government wide discretion to deny applications or dissolve an organization on vague grounds such as "moving away from the aims and objectives for which it was constituted" or "engaging in partisan political activities, [...] interfering with public policies and undermining the internal or external security of the State, or affecting the public peace"[7].

2.4 Several additional provisions of this decree run counter to established best practices regarding freedom of association articulated by the UN.[8] Worryingly, the decree lacks clearly defined and objective criteria for rejecting a CSO's application or

[3] Constitution of the Republic of Ecuador, 2008, http://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf.
[4] ITUC Survey of violations of Trade Union Rights: Ecuador, http://survey.ituc-csi.org/Ecuador.html.
[5] The latest reforms to the Civil Code, introduced in April 2015, are mostly related to matrimony and divorce.
[6] CIVICUS, 10 September 2015, "Juan Auz: Protecting civic space crucial for Ecuador", http://goo.gl/2CfweG.
[7] Executive Decree No. 16, 2013, http://www.oas.org/juridico/pdfs/mesicic4_ecu_dec16.pdf.
[8] See reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association A/HRC/20/27 (21 May 2012) and A/HRC/23/39 (24 April 2013).

dissolving organisations. The decree also places excessive bureaucratic burdens on CSOs by imposing the obligation to declare on a yearly basis every project funded by foreign donors, its funding source and its degree of completion.[9] Although Executive Decree No. 16 does not prohibit foreign funding, CSOs funded by international donors are subject to extra scrutiny. Two major bilateral donors - Germany's Konrad Adenauer Foundation and the U.S. Agency for International Development (USAID)- left the country in 2014 as accusations of meddling and obstacles for their operations increased.[10] In 2015, the Executive issued Decree No. 739 was issued to reform and codify Decree No. 16, addressing some of these unwarranted limitations, including the controls on foreign funding. However, despite these welcome changes, Decree No. 739 has failed to remove the state's broad regulatory and dissolution powers established under Decree No. 16.[11]

2.5 In December 2013, the Pachamama Foundation, a highly regarded environmental CSO that opposed the government's decision to allow oil drilling in Yasuní National Park, was shut down on the vague grounds established by Executive Decree No. 16.[12] In September 2015 the National Communications Secretariat initiated an administrative process to dissolve Fundamedios, a CSO monitoring free expression, for disseminating messages with "indisputable political overtones".[13] The process was withdrawn after an outpouring of domestic and international condemnation, and Fundamedios was allowed to continue operating "under a last warning to respect its statutes, particularly the prohibition of dealing with issues of a political nature, to avoid raising unfounded alerts that have the sole purpose of affecting Ecuador's prestige and institutions, and to report its funding sources and the use of those resources when the authorities so require".[14] More recently, in August 2016,

[9] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, 2014, "The right to freedom of association. Best practices fact sheet", http://goo.gl/hCRFNu.
[10] Telesur, 1 October 2014, "USAID closes shop in Ecuador", http://goo.gl/NaOcQZ; Infobae, 20 August 2014, "La fundación alemana Konrad Adenauer abandona Ecuador por presión de Correa", http://goo.gl/mo55Ze. The Ecuadorean government however denied that the Adenauer Foundation was leaving due to political pressures. See Tercera, 1 September 2014, "Ecuador: Fundación alemana injerencista Konrad Adenauer miente", http://goo.gl/DjYDaQ.
[11] Executive Decree No. 739, 2015, http://goo.gl/7kjZZy. Additionally, the Ecuadorean Constitution, the country's Labour Law, and its organic laws regulating specific sectors such as public education, all impose restrictions on unionisation. The Labour Code (articles 450, 459 and 466) establishes excessive representativity (minimum number of members) requirements for the establishment of a union, and states that only Ecuadorean nationals may hold leadership posts in trade unions. For all industrial relation matters in state institutions, the Constitution establishes single union representation (article 326.9). It also requires alternation in leadership positions (article 326.8), therefore imposing restrictions on trade unions' right to organize their own administration. Additionally, the 2010 Organic Law on Higher Education and the 2011Organic Law on Intercultural Education do not recognize the right of public workers in the education sector to form trade union organizations. See ITUC, Ecuador: Freedom of association/right to organize, http://survey.ituc-csi.org/Ecuador.html#tabs-2.
[12] Ecuador En Vivo, 4 December 2013, "El Gobierno disuelve Fundación Pachamama", http://bit.ly/2cLvUeK.
[13] CPJ, 2015, "Press freedom group Fundamedios fears closure over Ecuadoran government pressure", https://goo.gl/YoVUz8.
[14] SECOM, Resolución No. 2015-SECOM-008, http://goo.gl/3OTFvb.

the country's oldest and biggest trade union, the National Educators' Union (UNE) was forcibly dissolved applying Decree No. 739. While the government justified its dissolution on the basis of alleged violations of a number of provisions contained in the newly enacted rules of the Unified System of Information on Social Organizations, UNE representatives viewed the measure as reprisals for their participation in recent ILO and UNHRC sessions where they reported on violations of teachers' rights in the country.[15]

2.6 In addition to being threatened with the application of the abovementioned laws and decrees, since Ecuador's last UPR review independent CSOs have been routinely stigmatized by high public officials on state-run media outlets. In his weekly TV programme as well as in international fora, President Correa has repeatedly described CSOs as foreign destabilizing agents and enemies of the state, and denounced their "infiltration" by right wing elements and their having turned into "antidemocratic and illegitimate alternatives to states".[16]

3. (C) Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under Ecuador's previous UPR examination, the government received six recommendations on the protection of human rights defenders, journalists and civil society representatives.[17] The government committed to several relevant recommendations including to "ensure that criminal provisions are not misused to curb the ability of human rights defenders or other protesters to exercise their rights to freedom of expression, peaceful assembly and association and that appropriate authorities reconsider the cases of those arrested and prosecuted" (135.39) and to "ensure that all human rights activists operating in the country, including individuals cooperating with United Nations human rights mechanisms, are spared from any criminalisation, harassment or intimidation and can perform freely their legitimate duties" (135.44). The Ecuadorean government accepted all the recommendations it received regarding the situation of HRDs, civil society activists and journalists. However, as examined in this section, it has failed to effectively operationalize and implement most of them. Only one recommendation, regarding fostering representative, direct and community citizen participation in the political process (135.41), has continued to be implemented.

3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection to human rights defenders. The ICCPR

[15] Fundamedios, 18 August 2016, "Gobierno disuelve al gremio de educadores más grande y antiguo del Ecuador", http://goo.gl/b4gG9f.
[16] Andes-Agencia de Noticias, 4 June 2014, "Presidente de Ecuador reclama una respuesta regional por infiltración de ONG desestabilizadoras", http://goo.gl/96blRA.
[17] Cf. 135.37, 135.39, 135,40, 135.41, 135.42 and 135.44.

further guarantees the freedoms of expression, association and peaceful assembly. In spite of these protections, however, HRDs, civil society activists, citizen bloggers, and professional journalists continue to be subjected to repression in both law and practice.

3.3 Until 2014, several articles in Chapter III (on crimes against the internal security of the State) and Chapter IV (on the crimes of sabotage and terrorism) of the previous Ecuadorean Criminal Code were systematically used to persecute HRDs.[18] More specifically, the wide definition of "crimes against security" contained in Article 160.1 of the Criminal Code was repeatedly applied to actions and activities of protestors and activists, and particularly (but not exclusively) against indigenous leaders and organisations challenging extractive industry projects and protesting against their communities not being consulted on issues affecting their lands and livelihood. The Organic Integral Criminal Code, which replaced the previous Criminal Code in 2014,[19] contains 29 articles regarding crimes against the internal security of the state, such as sabotage and the interruption of public services.[20]

3.4 Both the old and new criminal laws have been routinely used to harass and persecute HRDs. In the context of increased public activism in opposition to the environmental and human consequences of extractive and infrastructure megaprojects, indigenous, environmental, and land rights defenders have been specifically targeted. In an example emblematic of the State's intolerance of dissent of such legitimate activism, Darwin Javier Ramírez Piedra, a land rights activist who opposed a joint project between the national mining company (ENAMI) and its Chilean counterpart Codelco in the community of Junín, was subject to targeted judicial harassment.[21] In April 2014, the police arrested Ramírez Piedra without a warrant as he and other community leaders were returning from a meeting with the Interior Ministry. He was first charged with assault on a public servant, and later with terrorism, sabotage and rebellion for an alleged attack against ENAMI officials. Ramírez denied any involvement in the alleged altercations and several witnesses confirmed that he was not at the scene of the incident. He remained in pre-trial detention for ten months, and was then found guilty on a charge of attacking and resisting authority, for which he was sentenced to the ten months in prison that he had already completed.[22]

3.5 The work and activities of trade unionists, including in the context of exercising the rights to freedom of assembly, have also been criminalized on several specious

[18] Ecuadorean Criminal Code, http://www.cepal.org/oig/doc/EcuArt5511Codigopenal.pdf.
[19] Organic Integral Criminal Code, http://goo.gl/fa0pWM.
[20] ICNL NGO Law Monitor: Ecuador, 2016, http://www.icnl.org/research/monitor/ecuador.html.
[21] Frontline Defenders, "Historia del caso: Darwin Javier Ramírez Piedra", https://goo.gl/WsW8lc.
[22] IACHR, *Criminalization of Human Rights Defenders*, 2015, http://goo.gl/Ab2ig4. See also FIDH, 2016, *Criminalización de defensores de derechos humanos en el contexto de proyectos industriales: Un fenómeno regional en América Latina*, https://goo.gl/vS6LJA.

charges including defamation, sabotage and terrorism under both the old and new criminal codes. In May 2014, for example, Mery Zamora, a former president of the National Educators' Union, was prosecuted for a second time for sabotage and terrorism but was eventually found innocent and released.[23] Zamora's case is currently under review by the Constitutional Court after the Attorney General started an extraordinary action against the judicial decision that declared her innocent.[24] Trade union leader and former executive secretary of the Ecuadorian Medical Federation, Dr. Carlos Figueroa, was arrested in July 2014 despite precautionary measures requested on his behalf by the Inter-American Commission of Human Rights after the National Court of Justice sentenced him to six months in prison for allegedly slandering the Ecuadorean president. Dr. Figueroa had requested a judicial investigation of the president's order allowing military forces to intervene in a 2010 police revolt, which the government considered to be a coup attempt, causing several deaths.[25]

3.6 Tactics of judicial harassment have also been used against human rights lawyers, and more generally against those willing to defend government critics, including prolonging judicial processes, postponing hearings, repeatedly changing judges and prosecutors, and even imposing fines and sanctions placing them on the brink of suspension.[26] In January 2013, for instance, the defence lawyers of the so-called "Luluncoto 10", a group of young social activists accused of sabotage and terrorism, denounced the judicial persecution aimed at removing them from the case and leaving the accused in the hands of court-appointed lawyers barely a week before the trial began.[27] Lawyers willing to defend government critics have also been intimidated. Human rights lawyer Juan Pablo Alban, for example, recently reported receiving death threats and noticing cars following him. Although formally in a state-run protection programme, he also reported never having seen any indication that the officers supposedly assigned to him were actually on the job.[28]

3.7 The work of HRDs in Ecuador has also been undermined through a number of worrying extra-legal measures including intimidation, anonymous death threats, surveillance, physical attacks, smear campaigns and even extra-judicial killings. Again, environmental, indigenous peoples' and land rights defenders have been the main targets of this aggression. José Isidro Tendetza, an indigenous leader opposing

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[23] El Universo, 27 May 2014, "Corte Nacional resolvió inocencia de Mery Zamora", http://goo.gl/kMD9MQ.
[24] Metro, 23 December 2015, "Caso de Mery Zamora se analiza en la Corte Constitucional de Ecuador", http://goo.gl/KCgnWv.
[25] Ecuador Inmediato, 23 July 2014, "Carlos Figueroa capturado tras una visita a su madre", http://goo.gl/jANk9Q.
[26] Ecuador Review, 18 August 2015, "The persecution of lawyers, another weapon of Correa's government", http://goo.gl/0VpRwB.
[27] El Universo, 15 January 2013, "Abogado de los 10 de Luluncoto denuncian 'persecución'", http://goo.gl/poK7Ol.
[28] HRW, *World Report 2016*, https://www.hrw.org/world-report/2016.

a Chinese-funded mining project in his ancestral homeland, was assassinated in 2014 in the Cordillera del Cóndor. He had been a prominent critic of President Correa's policy shift, from constitutionally recognizing the rights of nature to promoting a series of extractive megaprojects.[29] Specific journalists and bloggers have also been criticized, ridiculed and harassed in state media, social networks, and through public fora. In April 2016, for example, President Correa used his Twitter account to disclose the names of the Ecuadorean journalists investigating corruption cases on the basis of documents that had been leaked among the so-called Panama Papers, and called on his supporters to harass them.[30]

3.8 Women Human Rights Defenders (WHRDs), and particularly (but not exclusively) those advocating for sexual and reproductive rights have also suffered intimidation aimed at discouraging them from pursuing their work.[31] A typical case was that of Paulina Muñoz Samaniego,[32] who worked to raise awareness about the impact of free trade agreements on vulnerable populations. In July 2015, Samaniego filed a criminal complaint over an eight month-long intimidation campaign against her, including anonymous threats, hacked email and Facebook accounts and street harassment, which forced her to leave the country for three months.[33] Women advocates for sexual and reproductive rights have suffered frequent criticism and ridicule from high public officials, including the President himself, in the public media.[34]

4. (D) Freedom of expression, independence of the media and access to information

4.1 Under the 2nd UPR cycle, the government received ten recommendations relating to freedom of expression and access to information.[35] The government pledged to "undertake a review of existing and proposed legislation relating to freedom of expression and media freedom to ensure its alignment with international standards, and more specifically, eliminate any existing criminal defamation provisions, also known as desacato laws" (135.38) and "allow national and international human

[29] The Guardian, 2 June 2015, "Was this indigenous leader killed because he fought to save Ecuador's land?", https://goo.gl/qsjc6z. See also Global Witness, 2015, *How many more? 2014's deadly environment: the killing and intimidation of environmental and land activists, with a spotlight on Honduras*, https://goo.gl/sGYyzU.

[30] PanamPost, 13 April 2016, "Ecuador: Correa hostiga y estigmatiza a periodistas de #PanamaPapers", http://goo.gl/LEbXuc.

[31] For testimonies of women activists regarding being specifically targeted see AI, 2015, *Defenders under attack! Promoting sexual and reproductive rights in the Americas*, https://goo.gl/KL1v4x.

[32] Frontline Defenders, "Historia del caso: Paulina Muñoz Samaniego", https://goo.gl/LMKMSs.

[33] AWID, 5 August 2015, "Ecuador: Ongoing intimidation against human rights defender Paulina Muñoz Samaniego", http://goo.gl/fTXahF.

[34] President Correa denounced the prevalence of a foreign-inspired, theoretically weak and politically dangerous "gender ideology" among women's rights CSOs. See ACIPrensa, 3 January 2014, "Ecuador: Correa rechaza ideología de género y afirma que defender la familia es cuestión moral", https://goo.gl/EfglPF.

[35] Cf. 135.13, 135.36, 135.38, 135.39, 135.40, 135.42, 135.43, 135.44, 136.1 and 136.2.

rights organizations the space to undertake their non-violent advocacy, campaigning, reporting and investigative work" (135.42). A recommendation was also made for the Ecuadorean government to "accept visit requests from the OAS and the United Nations Special Rapporteurs on Freedom of Expression" (136.2), which was noted with the argument that there is in fact a standing invitation for all Special Rapporteurs. Of the recommendations received, eight were accepted and two were noted. However, as discussed below, the government did not take effective measures to implement many of these recommendations. Out of ten recommendations pertaining to these issues, five –including those related to the decriminalisation of opinion- were not implemented. Recommendations regarding the promotion of a plurality of voices in the media and the right to intercultural communication were either partially or fully implemented, while it is unclear whether the recommendation that the government accept the request of the Special Rapporteur on freedom of opinion and expression to visit the country was to be implemented to begin with, given that in their response to noted recommendation 136.2 the government of Ecuador stated that it maintained standing invitations for all special rapporteurs.

4.2 Article 19 of the ICCPR guarantees the right to freedom of expression and opinion. Article 66 of the Constitution of Ecuador also guarantees the right to freedom of expression. However, this right is undermined in Ecuador by restrictive legislation as well as attacks and intimidation against media and journalists by both state and non-state actors.

4.3 Based on the notion that the exercise of the freedom of expression is a public service,[36] the 2013 Organic Law on Communications established a rigorous regulatory framework for media outlets and journalists, including controls on content emanating from the requirement that news coverage is "of public relevance, truthful, verifiable, timely" and contextualized" (Art. 80), and does not have offensive, violent or discriminatory content. The law explicitly prohibits "media lynching", defined as "the concerted and repeated publication of information meant to discredit or harm the reputation of a person or entity" (Art. 26) and bans censorship, a concept that includes "the deliberate and repeated lack of coverage of issues that are of public interest" (Art. 18). A new agency, the Superintendence of Information and Communication (Supercom), was set up in 2013 and mandated to monitor compliance and authorized to impose fines and administrative sanctions and bring criminal charges for violations.[37] Against international standards and explicit recommendations by international human rights bodies, a constitutional

[36] OAS, R47/13, 28 June 2013, "Press release: Office of the Special Rapporteur for Freedom of Expression states its concern over the enactment of the Communications Act in Ecuador", https://goo.gl/trJLLO.
[37] Organic Law on Communications, 25 June 2013, http://goo.gl/0WNw8m.

amendment passed in late 2015 and gave constitutional status to the consecration of communication as a public service.[38]

4.4 Under the new Communications Law, Supercom has repeatedly ordered journalists and media outlets to correct, retract and apologize for published content, including opinion pieces and even cartoons,[39] and has imposed substantial fines on those who refused to publish corrections in the exact terms requested.[40] Supercom has also fined media outlets for not publishing information that the government deemed to be in the public interest. For instance, La Hora Newspaper was fined in May 2015 for not covering a mayor's annual accountability event.[41] In the context of a wave of anti-government demonstrations, in 2015 the National Secretary of Communications (Secom) ordered all radio stations to broadcast live presidential speeches and pro-government marches.[42]

4.5 According to Fundamedios, 422 sanctions were applied to media outlets and journalists under the Communications Law between June 2013 and July 2016.[43] This number, however, corresponds to an undercount because Supercom does not deliver complete official information. Supercom's 2016 report mentions 565 sanctions against media as a result of the application of the Communications Law.[44] Although some defamation provisions (particularly the one on *desacato*, literally "disrespect" or "contempt for authority") are absent from the new Criminal Code, others (such as slander or *calumnia*) remain criminal offences[45], and sentences for these crimes, including hefty fines and even imprisonment, have actually increased.[46] Criminal charges for freedom of expression violations have been brought not only against journalists but also against social activists and trade unionists. Concerns abound that the application of this legislation, along with

[38] Fundamedios, 3 December 2015, "Asamblea aprueba cambio a la Constitución para que la comunicación sea considerada como servicio público", http://bit.ly/1NtiDpz.
[39] Knight Center, 5 February 2014, "Cartoonist publishes correction as part of Ecuador's first sanction under controversial communications law", https://goo.gl/9co2rY.
[40] For an example, see the case involving the daily paper *El Universo*, in CPJ, 16 June 2015, "Ecuadoran daily fined for publishing unsatisfactory government rebuttal", https://goo.gl/WqAVai.
[41] Libertad Digital, 18 May 2015, "Correa multa a un periódico por no publicar una noticia favorable", http://goo.gl/eB7v5N.
[42] Fundamedios, 14 June 2015, "Secom orders that every radio station in the country should broadcast pro-government demonstration", http://goo.gl/GdxBki.
[43] Fundamedios, 30 July 2016, Alertas, http://goo.gl/qnKGh0.
[44] Supercom. Ley de Comunicación: tres años democratizando la palabra. http://www.supercom.gob.ec/es/prueba
[45] Organic Integral Criminal Code, Art. 182, http://goo.gl/fa0pWM.
[46] Fundamedios, 8 August 2014, "Tipos de delitos abiertos en el nuevo Código Penal pueden restringir aún más el derecho a la libertad de expresión", http://goo.gl/OB2vBm.

increased threats and harassment against journalist, has resulted in a climate of self-censorship.[47]

4.6 In the name of seeking a more balanced distribution of frequencies among commercial, public and community broadcasters, the implementation of the Communications Law has resulted in a growing sector of state-owned and government-friendly media fed with public advertising resources, which have also been used to discipline privately-owned and critical media.[48] Other *de facto* restrictions have also increased. According to both international and local advocacy NGOs, journalists have frequently suffered verbal and physical (as well as legal) harassment. Since June 2013, 115 physical aggressions against the press (16 in the case of digital media) and 149 verbal attacks (including 14 against digital media) have been documented.[49] President Correa and other senior officials have frequently chastised critical journalists and media outlets on TV and over the social media.[50] Fundamedios' Media Observatory tracked 1,384 tweets by government officials and institutions containing stigmatizing and discrediting remarks towards the press between 2012 and 2015.[51]

5. (E) Freedom of peaceful assembly

5.1 During the 2nd UPR cycle, the government received seven recommendations on the right to freedom of peaceful assembly.[52] Among other recommendations, the government committed to ensuring that "community activists and indigenous leaders can exercise their right to peaceful assembly and protest and that anti-terrorist legislation is not misused to inappropriately censure such activities" (135.37) and that "cases of excessive use of force and violence by security forces and prison authorities are immediately stopped and investigated by an independent and impartial authority" (135.29). Ecuador accepted all of these recommendations, many of which were highly unspecific –i.e. generically calling for respect for freedom of assembly rights. The most solid recommendations –those concerning excessive use of force, the use of anti-terrorist legislation, and the application of criminal sanctions for sabotage to legitimate expressions of social protest- were not adequately addressed, as evidenced below.

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[47] Supercom authorities, however, favour the expression "prudence" over that of "self-censorship", and state that far from restricting the freedom of expression, the law attempts to curb "freedom excesses" (*libertinaje*). See El País, 3 July 2014, "La autocensura es ley en la prensa de Ecuador", http://goo.gl/gQrEwY.

[48] El Universal, 28 July 2012, "Correa suspende publicidad oficial en medios 'mercantilistas' en Ecuador", http://goo.gl/A9bVC.

[49] Fundamedios, 30 July 2016, Alertas, http://goo.gl/qnKGh0.

[50] RWB, 17 July 2015, "Leaders who publicly threaten journalists", https://goo.gl/fwpzL9.

[51] Fundamedios, "Tuitómetro: La batalla en 140 caracteres", http://fundamedios.org/tuitometroEcuador/.

[52] Cf. 135.29, 135.37, 135.38, 135.39, 135.40, 135.42 and 135.44.

5.2 Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article 66.13 of the Constitution of Ecuador also guarantees the right to freedom of assembly. However, no specific law regulates public gatherings. Municipalities, the entities in charge of the use of public spaces, require advance notice of demonstrations, and spontaneous protests are often punished with fines and even imprisonment.

5.3 According to the Organic Code of Territorial Organisation, Autonomy and Decentralisation, public space management is in the hands of local governments, and therefore protests require municipal authorisation.[53] Additionally, according to the old Criminal Code, in effect until 2014, public demonstrations carried out "without written permission of competent authority", including the object, place, date and time of the gathering, were punishable with fines and imprisonment of one to three months (and between three to six months if taking place "against the prohibition issued by competent authority")[54]. The old Criminal Code also included broad anti-terrorist provisions, which the Organic Integral Criminal Code that entered into force in August 2014 narrowed but did not eliminate.

5.4 Anti-government protestors have often been arbitrarily detained, charged with terrorism and sabotage and subjected to judicial procedures without due process guarantees, both before and after the enactment of the new Criminal Code. In October 2015, 5 of the 13 people involved in breaking into a state-owned TV station during a police mutiny in September 2010 were sentenced to 18 months in prison under the accusation of "paralysing a public service" typified in article 346 of the Organic Integral Criminal Code. The accused, along with many others, had been protesting against the government's decision to interrupt broadcasting by all privately owned networks. One of them was sentenced for merely cheering at the protest.[55]

5.5 In a context of growing conflict surrounding extractive industries, indigenous activists challenging mining projects have also been increasingly criminalised. In the cases of Manuela Pacheco and Manuel Trujillo, proceedings for broad terrorism charges initiated under the old Criminal Code continued long after the new one had been enacted. Pacheco and Trujillo, who were accused of taking part in violent incidents during a 2012 protest against a hydroelectric project that threatened their community's water supply, were absolved for lack of sufficient evidence in January 2016.[56] In August 2015, as several indigenous confederations protested throughout

[53] Organic Code of Territorial Organisation, Autonomy and Decentralisation, http://goo.gl/Q8tA17.
[54] Ecuadorean Criminal Code, http://www.cepal.org/oig/doc/EcuArt5511Codigopenal.pdf.
[55] Fundamedios, 21 October 2015, "National court sentences to 18 months in prison some of those involved in breaking into state TV station", http://goo.gl/nCU5uK; VICE, 25 February 2016, "Applauding a protest in Ecuador could land you in prison", https://goo.gl/d3vO47.
[56] La Hora, 25 January 2016, "Comuneros de Bolívar declarados inocentes de delito de terrorismo", http://goo.gl/D59CdU.

the country, the government issued Executive Decree No. 755 establishing a state of exception[57] Allegedly issued for dealing with an emergency related to volcanic activity, the decree was used to allow the security forces to forcefully respond to a largely peaceful demonstration entering the capital, Quito.[58]

5.6 The Ecuadorean police have repeatedly used excessive force against protesters to allegedly protect public order. In September 2014, as confrontations erupted during a protest organized by workers and students, dozens of protestors were injured and more than a hundred were arrested. Protestors were reported to be have been subjected to excessive force and serious physical abuse both during arrest and under detention.[59] In 2015 several protests took place around a variety of issues, including large-scale mining, agrarian reform, access to health services, and proposed constitutional amendments allowing for the president's indefinite reelection, and many were harshly repressed. In August 2015, as a minority of demonstrators within largely peaceful nationwide indigenous protests attacked and injured several police officers, the security forces responded with excessive force. Dozens of peaceful demonstrators and bystanders were arbitrarily arrested and beaten, and the police entered illegally into the homes of people not participating in the protests. In the capital, Quito, French-Brazilian journalist and academic Manuela Picq was beaten, detained, and forced to leave the country as her resident permit was arbitrarily revoked. Environmental defender Margoth Escobar, in turn, was held in preventive detention for more than a week for disturbing peace and resisting authority in Puyo, in the eastern province of Pastaza. She faced criminal proceedings; only in November was her case eventually dismissed.[60] In December, as sixteen constitutional amendments were passed, an opposition demonstration was repressed with excessive force, and more than twenty people were arbitrarily detained.[61] On several occasions, the president's response was to congratulate the police for their professionalism and praise their restraint in view of the "provocations" and "aggressions" against them rather than initiate an investigation into the abuses.[62]

6. (F) Recommendations to the Government of Ecuador

CIVICUS, Fundamedios, FCD and AEDEP call on the Government of Ecuador to create and maintain, in law and in practice, an enabling environment for civil

[57] Executive Decree No. 755, 2015, http://goo.gl/ulsq2M.
[58] Ecuador Review, 20 August 2015, "Protest and repression intensify in Ecuador", http://goo.gl/yXydrQ.
[59] HRW, 20 October 2014, "Ecuador: Embestida policial durante protestas", https://goo.gl/KYhxuK.
[60] Upside Down World, 16 August 2015, "Ecuador: Stop the deportation of Manuela Picq", http://goo.gl/rAxPr2; El Universo, 11 November 2015, "Juez de Pastaza sobreseyó a la activista Margoth Escobar", http://goo.gl/T0KWhh.
[61] AnRed, 4 December 2015, "Ecuador: Reprimen protestas contra reformas constitucionales", http://goo.gl/rAUjPg.
[62] El Universo, 21 March 2015, "Rafael Correa acusa a la CIA de infiltrarse en protestas", http://goo.gl/XhUqYS.

society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions A/HRC/RES/22/6,[63] A/HRC/RES/27/5[64] and A/HRC/RES/27/31.[65]

At a minimum, the following conditions should be guaranteed: freedom of association, freedom of expression, freedom of peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made:

6.1 Regarding freedom of association

- Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures unwarrantedly limiting the right to association. Specifically, Executive Decrees No. 16 and No. 739 should be repealed and replaced by a comprehensive Associations law removing all undue restrictions on the freedom of association in line with article 21 and 22 of ICCPR

- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and reinstate all civil society organizations that have been arbitrarily and unduly sanctioned or deregistered.

6.2 Regarding the protection of human rights defenders

- Provide a safe and secure environment for civil society members, journalists and human rights defenders to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.

- Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against civil society activists, journalists and human rights defenders, and bring the perpetrators of such offences to justice.

- Repeal or amend the laws and decrees that unwarrantedly restrict the legitimate work of human rights defenders in line with the UN Declaration on Human Rights Defenders. Specifically, the Organic Criminal Code should be suitably amended in accordance with the ICCPR and the UN Declaration on Human Rights Defenders, ensuring that its provisions on crimes against the

[63] A/HRC/RES/22/6, "Protecting human rights defenders", 12 April 2013, https://goo.gl/JDgbm1.
[64] A/HRC/RES/27/5, "The safety of journalists", 2 October 2014, https://goo.gl/058aK6.
[65] A/HRC/RES/27/31, "Civil Society Space", 3 October 2014, https://goo.gl/1Nwts1.

internal security of the state, such as sabotage and interruption of public services, are not employed to hinder or criminalise the work of HRDs. Specific legislation on the protection of human rights activists should also be adopted in accordance with resolution 27.31 of the Human Rights Council.

- All human rights defenders detained for exercising their right to fundamental rights to freedom of expression, association and peaceful assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.

6.3 Regarding freedom of expression, independence of the media and access to information

- Ensure freedom of expression and media freedom by bringing all national legislation into line with international standards. More specifically, review the Organic Law on Communications in order to align it with the best practices and international standards in the area of freedom of expression, particularly regarding the controls presently placed on journalistic content and the criminalisation of free expression. Refrain from adopting any laws providing for censorship or undue control over media content.

- Take adequate steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.

- Ensure that journalists and writers, both off and online, may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive. Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all forms, including the arts.

- Reform defamation legislation in conformity with article 19 of the ICCPR.

- Develop an action plan ensuring that Internet laws comply with the government's commitment to guarantee freedom of expression and information, so as to ensure free access to electronic media, liberalize electronic media ownership rules and allow national bloggers, journalists, other Internet users to play a full and active role in promoting and protecting human rights.

6.4 Regarding freedom of assembly

- Adopt best practices on freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his annual report (2012), which calls for simple notification rather than explicit permission to assemble.

- Enact a federal law regulating public assemblies in order to fully guarantee the exercise of the right to freedom of peaceful assembly, and ensure that anti-terrorist legislation is not misused to impose unwarranted restrictions on the exercise of the freedom of assembly.

- Provide for immediate and impartial investigation of all instances of excessive force committed by security forces while monitoring protests and demonstrations. Senior government officials should publically condemn the use of excessive and brutal force by security forces in the dispersal of protests.

- Review and if necessary update existing human rights training for police and security forces with the assistance of independent nongovernmental organizations to foster more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

6.5 Regarding access to UN Special Procedures mandate holders

- The Government of Ecuador has a standing invitation to all UN Special Procedure mandate holders extended since 2003. It should prioritize official visits with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on human rights defenders.

Annex 1. UPR of Ecuador (2nd Cycle – 13th session) - Thematic list of recommendations pertaining civic space

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
135.13. Accept the request of the Special Rapporteur on freedom of expression to visit the country which had been requested in 2004 (Belgium); Accept the request made by the Special Rapporteur on freedom of opinion and expression, which has been awaiting a response since 2004 (Latvia) **Source of position:** A/HRC/21/4 - Para. 135	Supported	3.2 Cooperation with special procedures 14.3 Freedom of opinion and expression **Affected persons:** - general	Status: Unclear In their response to recommendation 136.2 (noted) the government of Ecuador states that it maintains standing invitations for all special rapporteurs. Source: 4.1 & 6.5
135.29. Ensure that cases of excessive use of force and violence by security forces and prison authorities are immediately stopped and investigated by an independent and impartial authority (Austria) **Source of position:** A/HRC/21/4 - Para. 135	Supported	13.1 Liberty and security - general 16 Right to an effective remedy, impunity **Affected persons:** - general - persons deprived of their liberty	Status: Not implemented Source: see paragraph 5.6
135.36. Continue making efforts to guarantee all Ecuadorians the right to free intercultural, diverse and participative communication in all environments and media and the right to search, receive, exchange produce and circulate truthful, verified, timely, contextualized and plural information (Peru) **Source of position:** A/HRC/21/4 - Para. 135	Supported	14.3 Freedom of opinion and expression **Affected persons:** - general	Status: Partially implemented Source: see paragraph 4.6
135.37. Ensure that community activists and indigenous leaders can exercise their right to peaceful assembly and protest and that anti-terrorist legislation is not misused to inappropriately censure such activities (Canada) **Source of position:** A/HRC/21/4 - Para. 135	Supported	14.4 Right to peaceful assembly 36 Human rights defenders **Affected persons:** - human rights defenders - general - indigenous	Status: Not implemented Source: see paragraphs 5.3, 5.4 & 5.5.

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
135.38. Undertake a review of existing and proposed legislation relating to freedom of expression and media freedom to ensure its alignment with international standards, and more specifically, eliminate any existing criminal defamation provisions, also known as desacato laws (Canada); Decriminalize defamation and make the necessary amendments in this regard, in line with Inter-American and international standards (Norway); Repeal all legal provisions that contravene international norms on freedom of expression, especially all insult laws and all norms that criminalize defamation of public officials and institutions (Latvia); Align criminal legislation on insult and defamation with international standards governing freedom of expression. It hoped that these important elements would be taken into account in the on-going reform of the Penal Code (Belgium); Guarantee in all circumstances the independence of the media and take the necessary measures in order that domestic legislation on the offense against honour and defamation does not undermine the freedom of expression (France); Respect the right to freedom of expression and peaceful demonstration, and restrict to the absolute minimum the use of criminal prosecutions against people who exercise these rights (Belgium); Consider taking measures to guarantee freedom of expression, particularly the freedom of the press and to harmonize national legislation in this area with international norms (Costa Rica); Stick to its international commitments, particularly to article 19 of the International Covenant on Civil and Political Rights (Estonia) **Source of position:** A/HRC/21/4 - Para. 135	Supported	14.3 Freedom of opinion and expression 5.1 Constitutional and legislative framework 10 Discrimination against women 14.4 Right to peaceful assembly **Affected persons:** - general - media	Status: Not implemented Source: see paragraph 4.5

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
135.39. Create an enabling legal environment for civil society organizations to contribute to democratic governance by creating entry points for dialogue and refraining from restricting their freedom to operate independently and freely (Canada); Ensure that criminal provisions are not misused to curb the ability of human rights defenders or other protesters to exercise their rights to freedom of expression, assembly and association and that appropriate authorities reconsider the cases of those arrested and prosecuted (Germany); Facilitate that different civil society actors express their views and opinions with responsibility and objectivity (Holy See) **Source of position:** A/HRC/21/4 - Para. 135	Supported	14.3 Freedom of opinion and expression 13.1 Liberty and security - general 14.4 Right to peaceful assembly 14.5 Freedom of association 36 Human rights defenders **Affected persons:** - human rights defenders	Status: Not implemented Source: see paragraphs 5.3, 5.4 & 5.5.
135.40. Protect human rights defenders and journalists against harassment and attacks and to fully ensure freedom of assembly (Latvia); Guarantee to everyone, including journalists and human rights defenders, enjoyment of freedom of expression (Luxembourg); Protect the right to freedom of expression for journalists (Australia); Develop mechanisms to improve the safety of journalists and ensure that all cases of attacks are investigated by independent and impartial bodies (Austria) **Source of position:** A/HRC/21/4 - Para. 135	Supported	36 Human rights defenders 13.1 Liberty and security - general 14.3 Freedom of opinion and expression 14.4 Right to peaceful assembly **Affected persons:** - human rights defenders - general - media	Status: Not implemented Source: see paragraphs 4.3 to 4.6, 5.4 to 5.6

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
135.41. Continue incorporating effective forms of participation of its citizens in the process of decision-making, specially through the mechanisms of a representative, direct and community democracy aiming at the development of the country in all issues of public interest with a special emphasis on the needs of persons that require priority attention (Nicaragua) **Source of position:** A/HRC/21/4 - Para. 135	Supported	36 Human rights defenders 18 Right to participation in public affairs and right to vote **Affected persons:** - general	Status: Implemented Source: N/A
135.42. Allow national and international human rights organizations the space to undertake their non-violent advocacy, campaigning, reporting and investigative work and that the Government of Ecuador engage constructively with human rights defenders in seeking solutions to address Ecuador's human rights challenges (Norway) **Source of position:** A/HRC/21/4 - Para. 135	Supported	36 Human rights defenders 14.3 Freedom of opinion and expression 14.4 Right to peaceful assembly 14.5 Freedom of association **Affected persons:** - human rights defenders	Status: Not implemented Source: see paragraphs 2.5 & 2.6
135.43. Continue its efforts to promote diversity in the society by using mass media (Pakistan) **Source of position:** A/HRC/21/4 - Para. 135	Supported	8 Equality & non-discrimination 14.3 Freedom of opinion and expression **Affected persons:** - media	Status: Implemented Source: see paragraph 4.6

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
135.44. Promote, protect and respect the right to freedom of expression, assembly and association in compliance with country's international HR obligations (Slovakia); Ensure that all human rights activists operating in the country, including individuals cooperating with United Nations human rights mechanisms, are spared from any criminalization, harassment or intimidation and can perform freely their legitimate duties (Slovakia); Examine recent restrictive legislation on NGOs with a view to prevent that legitimate demonstrations and protests by civil society can be taken to Court or criminalized under the penal definition of "terrorism" or "sabotage" (Spain); Engage in a constructive dialogue with the media, NGOs and international bodies to promote freedom of expression in Ecuador (United Kingdom of Great Britain and Northern Ireland); Promote and protect the right to freedom of opinion and expression, in accordance with what is stated in article 19 of the Universal Declaration of Human Rights (Sweden); Ensure that Decrees No. 982 and No. 812, with regard to the freedom of association, freedom of assembly and freedom of expression, are not applied to block the legitimate work of NGOs (Switzerland); Make sure that the Presidential Decree No. 982 is not applied as a way to impede the work of human rights defenders (Austria) **Source of position:** A/HRC/21/4 - Para. 135	Supported	14.3 Freedom of opinion and expression 13.1 Liberty and security - general 14.4 Right to peaceful assembly 14.5 Freedom of association **Affected persons:** - human rights defenders - general	Status: Not implemented Source: see paragraphs 3.3 to 3.6, 5.4 & 5.5

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
135.57. Adopt special measures for the realization of collective rights of indigenous peoples and the adoption of mechanisms to ensure their right to be consulted (Hungary); Undertake effective measures to further strengthen the existing mechanisms for consultation with the indigenous population on issues which have an impact on the economic and social aspects of the indigenous population (Malaysia); Continue to improve the promotion and protection of the rights of indigenous peoples, in particular the respect of their cultural and linguistic diversity, and further think about programmes and policies for indigenous peoples, particularly focusing on women and children (Morocco); Institutionalize the right to consultation of the indigenous population and involve civil society and indigenous groups in the elaboration of a functioning consultation mechanism in line with Ecuador's commitments under ILO-Convention 169 (Norway) **Source of position:** A/HRC/21/4 - Para. 135	Supported	33 Indigenous peoples 18 Right to participation in public affairs and right to vote **Affected persons:** - children - indigenous - women	Status: Not implemented Source: see paragraphs 3.3 & 3.4

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
136.1. Reform legislation regarding freedom of expression with a view to bringing it in conformity with international standards and those of the Inter-American Commission on Human Rights (Switzerland) **Source of position:** A/HRC/21/4 - Para. 136 **Comments:** A/HRC/21/14 states: The Ecuadorian State has signed and ratified the American Convention on Human Rights (Pact of San José), which clearly establishes the mandatory compliance of the Inter-American Court of Human Rights' decisions, granting the latter the possibility to interpret and apply the norms of the previously mentioned Convention. For that reason, respectful as we are of our international obligations, we cannot accept to reform our legal framework in accordance with standards from the Inter-American Commission of Human Rights, when it is the Court, not the Commission, which has judicial competency over this matter.	Noted	14.3 Freedom of opinion and expression 5.1 Constitutional and legislative framework **Affected persons:** - general	Status: Not implemented (with justification)
136.2. Eliminate laws that criminalize opinion and accept visit requests from the OAS and the United Nations Special Rapporteurs on Freedom of Expression (United States of America) **Source of position:** A/HRC/21/4 - Para. 136 **Comments:** A/HRC/21/4 states: In Ecuador, there are no laws that "criminalize opinion". As a consequence, we cannot eliminate inexistent laws. It is important to mention that no requests from Special Rapporteurs have been denied, both from the UN and the OAS. On the contrary, Ecuador maintains standing invitations for all Special Rapporteurs.	Noted	14.3 Freedom of opinion and expression 5.1 Constitutional and legislative framework 3.2 Cooperation with special procedures 5.2 Institutions & policies - General **Affected persons:** - human rights defenders - general	Status: Not implemented (with justification)

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
136.3. Establish clear consultation procedures in order to implement the right to free, prior and informed consent of indigenous peoples as contained in the Constitution (Germany) **Source of position:** A/HRC/21/4 - Para. 136 **Comments:** A/HRC/21/4 states: The Constitution of the Ecuadorian State establishes consultation as a right of all Ecuadorians, but particularly for communities, peoples and nationalities, a previous, free and informed consultation, but not their consent. Additionally, it is necessary to indicate that Ecuador recognizes the existence of indigenous peoples living in voluntary isolation, with the consequent obligation of guaranteeing their lives, of respecting and making others respect their self-determination and will to remain in isolation, and defend the validity of their rights, which turns unviable obtaining their consent.	Noted	18 Right to participation in public affairs and right to vote 33 Indigenous peoples **Affected persons:** - indigenous	Status: Not implemented (with justification)

Total number of civic space recommendations	Supported/ Noted (%)	Assessment on level of implementation		
		Fully implemented (%)	Partially implemented (%)	Not implemented (%)
15	80/20	20	7	73