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2024 Country Reports on Human Rights Practices: Ecuador

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EXECUTIVE SUMMARY

On January 9, President Daniel Noboa decreed a state of emergency to stem escalating violence from local and transnational organized crime groups. The president directed police and military forces to conduct enhanced security operations against these groups to address security threats.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; and serious restrictions on freedom of expression and media freedom.

The government took credible steps to identify and punish officials who committed human rights abuses.

Kidnappings and extortion by criminal groups increased. Imprisoned members of criminal gangs staged disturbances leading to prison breaks. The government investigated and prosecuted instances of violence and threats of violence likely perpetrated by nongovernment actors against journalists and public officials.

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Section 1.

Life

a. Extrajudicial Killings

There were a few reports the government or its agents committed arbitrary or unlawful killings during the year. President Noboa's January 9 decree of a state of emergency characterized 22 transnational criminal groups as "terrorists" and authorized security operations targeting these groups, during which 15 individuals were killed.

President Noboa issued 11 executive decrees declaring and renewing states of exception throughout the year to curb rising crime and support the government's efforts to counter organized crime groups, as well as electric power outages caused by drought conditions. The decrees enabled armed forces support to police operations. The Constitutional Court declared unconstitutional two executive decrees and limited the scope of two others.

In February, gang members killed Diana Carnero, a councilwoman in Naranjal, Guayas Province. Media reported seven deaths among local officials in at least 10 incidents involving the killing or attempted killing of political leaders and elected officials.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2.

Liberty

a. Freedom of the Press

The constitution provided for freedom of expression, including for members of the press and other media, but laws restricted this right. The law prohibited persons from using “discrediting expressions,” treated as a misdemeanor with a 15- to 30-day detention. The government did not invoke this law to restrict freedom of expression during the year.

Physical Attacks, Imprisonment, and Pressure

Local government authorities and criminal groups committed acts of violence and harassment against journalists. The Observatory for Rights and Justice of Ecuador reported that journalists claimed they were subject to government surveillance and interception of communications.

On January 30, the mayor of Loja criticized journalists, asserting media “exuded verbal violence”; the mayor also characterized journalists as “extortionists.”

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

The media nongovernmental organization (NGO) Fundamedios reported several censorship cases between January and August. The NGO noted the government did not adequately investigate or prosecute these cases.

Some media outlets reported officials removed them from official chat rooms and restricted their access to public information.

On June 10, the national television interview program *Los Irreverentes* was discontinued. The network cited commercial justifications for the discontinuation of the program.

Unknown persons not presumed connected with government authorities conducted attacks against journalists during the year. Reporters Without Borders reported the rise of criminal gangs and drug cartel-related violence impacted aggression, threats, attacks, and killings.

Between January and August, Fundamedios registered 22 aggressions perpetrated by alleged criminal and terrorist organizations against media. These aggressions suggested a pattern of intimidation, threats, and direct attacks against journalists and media outlets.

On January 30, members of a criminal gang in Guayaquil attacked the shared facility of the state-owned networks TC Televisión and Gamavisión during a live broadcast. Armed men invaded the studio and beat and then kidnapped several media workers.

Efforts to Preserve the Independence of the Media

On March 20, President Noboa signed the Chapultepec and Salta Declarations, committing the government to promote freedom of expression.

On August 23, the government issued a decree that defined risk prevention and protection measures for journalists. The decree included new risk prevention measures, such as mapping risks facing journalists, the development of protection protocols, and the creation of support networks. New protection measures included monitoring threats and attacks and security training for journalists.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law, with exceptions, provided certain workers the right to form and join trade unions of their choice, to bargain collectively, and to strike. The law required a minimum of 30 workers for the creation of an association or labor union, regardless of the total number of employees in the workplace. To form a work committee, the law required the participation of 50 percent of a company's employees. Only labor unions that represented 50 percent of a company's employees could sign a collective bargaining agreement.

The law prohibited the dismissal of union members from the moment a union notified the labor inspector of its definitive board members. Employers were not required to reinstate workers fired for union activity but were required to pay such workers compensation and a fine of one year's annual salary for everyone wrongfully dismissed. Individual workers still employed could take complaints against employers to the Labor Inspection Office. Individuals no longer employed could take their complaints to courts charged with protecting labor rights. Unions with at least 50 percent of a company's total workers could take labor complaints to a tripartite arbitration board established to hear their complaints. The law obligated that mediation begin within 48 hours of issuing a complaint. All private employers

with unionized employees were legally required to negotiate collectively when the union so requested.

Ministerial resolutions allowed for the use of certain types of short-term or outsourcing labor contracts, with specific provisions for the flower, palm, fishing, livestock, and construction sectors.

The right for workers to organize at a sectoral level was recognized by the courts but was not always protected.

The law provided for the right of private-sector employees to strike and conduct solidarity strikes or boycotts on behalf of employees in other industries, after mandatory steps had been taken. The law established that before most strikes were declared, collective labor disputes had to be referred to courts of conciliation and arbitration.

The law required a 10- to 20-day cooling-off period from the time a strike was declared before it could take effect. During this time, workers and employers had to agree on how many workers were needed to ensure a minimum level of service; at least 20 percent of the workforce had to continue to work to provide essential services. The law provided the employer could contract substitute personnel only when striking workers refused to send the number of workers required to provide the minimum necessary services. The law did not provide for time-limited, seasonal, hourly, or part-time contracts.

The law prohibited formation of unions and restricted the right to collective bargaining and striking of public-sector workers in a long list of “strategic sectors” that went beyond International Labor Organization standard for essential services. Workers in these sectors attempting to strike could face charges with penalties of two to five years’ imprisonment. The government effectively enforced the law on “strategic sectors.”

All unions in the public sector fell under the Confederation of Public Servants. The law specified that only the private sector could engage in collective bargaining.

The government did not effectively enforce all applicable laws. Penalties were commensurate with those for other laws involving denial of civil rights, such as discrimination, but they were rarely applied against violators.

Employers did not always respect freedom of association and collective bargaining. Unions reported the Ministry of Labor delayed unions’ requests to update their boards of directors,

which led to delayed registration. Labor unions and associations reported difficulties and delays in registering unions in the ministry due to excessive and ever-changing requirements – sometimes not stated in the regulations – and ministry staff shortages.

There were a few cases in which employers fired leaders of new unions while the unions were awaiting ministry registration. Even if a court supported a union's registration efforts, dismissed leaders were entitled only to compensation, not reinstatement, which undermined the union's ability to form. In addition, dismissed union leaders could not turn to the Ministry of Labor but were required to go through the courts. ✓

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The law provided for a minimum monthly wage, which was above the poverty income level. The law limited the standard work period to 40 hours a week, eight hours a day, with two consecutive days of rest per week. The labor code stipulated workers should be paid at 150 percent for each hour of overtime while working on the weekend; between midnight to 6 a.m., workers should be paid at 200 percent of the hourly salary in overtime. Overtime was limited to no more than four hours per day and a total of 12 hours per week. Mandatory overtime was prohibited. The law mandated penalties for employers who did not register workers with the Social Security Administration.

The law allowed employers and employees to enter force majeure agreements, addressing unforeseen events beyond an employer's control that could temporarily suspend work and allowing employers to adjust working hours without incurring overtime pay to recover lost time. Employers were required to compensate employees for the interruption, while adhering to regulations regarding maximum working hours and minimum wage stipulated in wage laws.

The dismissal of an employee was permitted only if the business ceased operations permanently. The law permitted employers to reduce working hours and salaries by up to 50

and 45 percent, respectively, by signing “emergency contracts” with their employees to prevent job losses. In 2021, the Constitutional Court declared the force majeure provision unconstitutional, arguing it was “incompatible with the right to legal certainty recognized in the constitution.” In June 2022, the National Assembly approved a partial repeal of the law, which the president vetoed in July 2022, preventing the legislature from addressing it for a one-year period. Labor unions filed a lawsuit with the Constitutional Court the same month challenging other provisions in the law. The law remained in effect.

Labor leaders and NGOs reported that there were no specific sectors with a concentration of alleged violations of wage, hour, or overtime laws.

Occupational Safety and Health

The law provided for the health and safety of workers and outlined occupational safety and health (OSH) standards, which were appropriate for the country’s main industries. Authorities could conduct labor inspections of formal workplaces either by appointment, after a worker complaint, or through unannounced visits. If a worker requested an inspection and a Ministry of Labor inspector confirmed a workplace hazard, the inspector then could close the workplace. Labor inspections generally occurred because of complaints, not as a preventive measure. In some cases, violations were remedied, but other cases were subjected to legal challenges that delayed changes for months.

Workers in the formal sector could generally remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. Labor representatives from the agricultural sector said they registered cases in which employers forced workers to return to plantations shortly after fumigations took place, risking illness or bodily harm.

Wage, Hour, and OSH Enforcement

The Ministry of Labor was responsible for enforcement of wage, hour, and OSH laws. The government did not effectively enforce the laws. Inspectors had the authority to make unannounced inspections. The ministry issued fines for wage, and hour, and OSH violations. Penalties were commensurate with those for similar crimes, such as fraud or negligence, but were rarely applied to violators. The ministry had an insufficient number of inspectors to ensure compliance.

The law singled out the health and safety of miners, but the government faced challenges to enforce safety rules in informal (artisanal), often illegal, small-scale mines (frequently linked to local community leaders and criminal groups), which made up most mining enterprises. Illegal mining rose precipitously during the year following the increase in the price of gold in legal and illicit markets, with criminal organizations behind much of the expansion in territory and extraction. Mining activity was present in 17 of the 24 provinces. Migrants and refugees were particularly vulnerable to hazardous and exploitative working conditions. According to media and labor associations, local organizations reported complaints of Venezuelans being paid below the minimum wage, particularly in the informal sector. Gig workers reported conditions that did not follow wage, hour, and safety laws.

The informal sector employed 53.5 percent of the working population as of June. The government did not enforce applicable labor laws in this sector. Wage, hour, and OSH regulations and standards did not apply to workers in the informal sector.

c. Disappearance and Abduction

Disappearance

The government disputed an NGO's reporting of an alleged enforced disappearance in the Cotopaxi prison and vouched that the individual was in custody and "in good health." The government did not comment on two other alleged enforced disappearances by the same NGO.

Prolonged Detention without Charges

Several NGOs reported the existence of arbitrary arrests by the police and military during the government's declarations of a state of emergency.

In a report covering the period from January 8 to April 8, the Regional Human Rights Advisory Foundation noted at least five arbitrary arrests, three by the military and two by police. NGOs noted the number of arbitrary detentions was likely much higher during the year.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3.

Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibited torture and similar forms of intimidation and punishment.

A released prisoner detained during the state of emergency said that, on one occasion, military officers put prisoners face down and stepped on their toes, backs, heads, and necks with their boots and then randomly selected prisoners to submerge the detainees' heads into a water tank while applying electric shocks to demand information regarding weapons or drugs deposits.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/> .

Child Marriage

The legal marriage age was 18. There were reports of early and forced marriage in rural and poor areas.

According to a 2023 study by the Gender Roundtable of International Cooperation, Plan International, UN Population Fund, and UNICEF, an estimated 30,000 girls and adolescents were in early unions in the country.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.

Resettlement

As part of the regularization initiative, the government sought to achieve better integration of migrants and refugees in their host communities; nevertheless, discrimination as well as limited access to formal employment, education, and housing affected migrants' and refugees' ability to integrate.

d. Acts of Antisemitism and Antisemitic Incitement

There was a small Jewish community, including an estimated 450 individuals in Quito, 50 individuals in Guayaquil, and an unspecified number of individuals elsewhere in the country. There were no reports of antisemitic incidents.

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