

We are deeply concerned by the lack of institutional mechanisms to protect and promote an enabling environment for human rights defenders and journalists in a context marked by recurrent judicial harassment, criminalisation and violence. We are further alarmed by the repeated violations of peaceful assembly rights, particularly through the use of excessive force by security forces policing protests. Additionally, more efforts are needed to improve the legal framework governing the right to freedom of expression.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

Criminal law continues to be used to disrupt protests and subject demonstrators to judicial proceedings. Government authorities and private companies have resorted to the justice system to intimidate and silence protesters.

In 2019, police responded to mass protests using disproportionate force. These included instances of teargas fired in closed spaces and at close range, and police violence against medical aid groups. In ten days, 228 people were detained and 1,507 were injured.

The repression of protests has been recurrent practice across government administrations. Instead of addressing this, government authorities attempted pass regulation shielding security agents from responsibility for excessive use of force. Few steps were taken to guarantee justice for victims.



FREEDOM OF EXPRESSION

In recent years, important reforms were made to the 2013 Organic Law on Communication, removing some administrative sanctions and criminal offences used to punish critical voices and stifle journalism. Nevertheless, more effort is needed to fully replace this law.

While moderate legislative advances to protect the freedom of expression have taken place, communicators and media outlets are still frequently subjected to intimidation, stigmatisation and attacks.

There is a growing climate of insecurity for journalistic activity with threats coming from state and non-state actors, in particular criminal groups. The country lacks institutional mechanisms to protect journalists.



FREEDOM OF ASSOCIATION

Civil society organisations operate in an insecure legal environment, without a comprehensive law governing their work. Regulation by executive decrees leaves CSOs vulnerable to the discretion of government administrations.

A Draft Law of Non-Profit Organisations, discussed in the National Assembly in August 2018, would make significant improvements to the legal environment for CSOs. However, debate on the bill has not moved further.

Ecuadorean legislation imposes severe restrictions workers' right to organise. Those in the public sector face excessive restrictions on their right to strike and to collective bargaining.

THE SITUATION OF HUMAN RIGHTS DEFENDERS AND JOURNALISTS

There is no mechanism to protect human rights defenders and journalists. In 2021, the Alliance for Human Rights Ecuador documented 22 cases demonstrating systematic rights violations of at least 449 HRDs over the previous decade. Recurrent violations include:



Attacks on HRDs' lives, integrity and personal security



Criminalisation, judicial harassment and judicial processes marred by due process violations



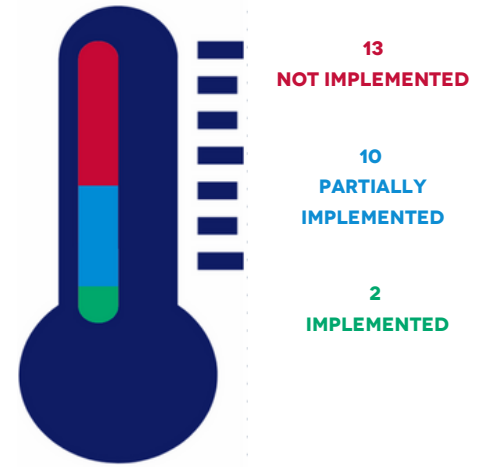
Harassment and intimidation



Stigmatisation and public vilification

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Recommendations related to the space for civil society in 2016:



While the government has made important strides in reforming legal restrictions on the freedoms of association and expression, acute implementation gaps were found with regard to the right to the freedom of peaceful assembly and issues relating to the protection of HRDs, civil society activists and journalists.



RECOMMENDATIONS

- 1 Initiate consultations with CSOs and trade unions with a view to amending restrictive provisions in laws and policies, including Article 19 of Decree No 193.
- 2 Promote an enabling environment for the operation of civil society, including by considering the adoption of a comprehensive legal framework for CSOs.
- 3 Adopt a framework to promote the protection of human rights defenders and journalists, in consultation with civil society groups.
- 4 Reform defamation legislation, including provisions on slander and crimes against honour in the Criminal Code, and ensure that laws governing communications are in line with best practices and international standards in the area of the freedom of expression.
- 5 Immediately and impartially investigate all instances of excessive force committed by security forces in the context of protests. Provide recourse to judicial review and effective remedy to victims.
- 6 Review and update existing human rights training for police and security forces, with the assistance of independent CSOs.