1. (A) Introduction

1.1 In this consolidated document, CIVICUS, Fundamedios, FCD and AEDEP examine the Government of Ecuador’s compliance with its international human rights obligations to protect, promote and fulfill 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.

1.2 During the 2nd UPR cycle, the Government of Ecuador received fifteen recommendations relating to the above-mentioned freedoms. Of these

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2 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.
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 Government of Ecuador fully complied with 20% of the recommendations, partially complied with 10%, and failed to implement the remaining 70%.

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

1.4 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.

1.5 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.

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. 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 Recommendations

- 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

3 Cf. 135.39, 135,42, 135.44, 135.57 and 136.3.
• 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.

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. The Ecuadorian 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 Recommendations

• 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 to ensure that its provisions on crimes against the internal security of the state are not employed to hinder or criminalise the work of HRDs.

• 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.

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. Out of ten recommendations

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4 Cf. 135.37, 135.39, 135,40, 135.41, 135.42 and 135.44.
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,

4.2 Recommendations

- 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.

- 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.

- 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.

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. 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.

5.2 Recommendations

- 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.

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6 Cf. 135.29, 135.37, 135.38, 135.39, 135.40, 135.42 and 135.44.
• 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.