

ECUADOR COUNTRY ASSESSMENT

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Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

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

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

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

2. GEOGRAPHY

2.1. Ecuador is on the west coast of South America and 283,560 sq km. Bordered by Colombia to the north, Peru to the east and south, and Pacific Ocean to the west, the country's history has been characterised by political instability (some 95 heads of state since independence in 1830, five in the past five years) and a long-running border dispute with Peru (resolved in 1995). (See *section A.24 - Border disputes*). The physical geography has created distinct differences between the areas of the coastal lowlands or Costa (inhabited by *costenos* = "people of the coast"), the Andean highlands or Sierra (inhabited by *serranos* = "people of the sierra") and the eastern Oriente region. The capital is Quito (population 1.5 million - 1997 official estimate), but the town of Guayaquil has the highest population (2.0 - 1997 official estimate). Overall population numbers 12,562,496 - mid-1999 official estimate. The official language is Spanish, though Quichua (same linguistic group as Quechua of Bolivia / Peru) and other indigenous Amerindian languages are widely used. The country is predominately Christian (93.8 percent of the population are Roman Catholic.) [2a,2b,3d,7e] (See *Section, B.1, Specific groups - Religious Freedom*)

3. HISTORY

Early history see sources [2a,2b]

Recent History

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

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

[2b]

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

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

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

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

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

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

3.9. The Borja government completed its term in July 1992 and Sixto **Duran** Ballen (PUR) was elected. He consolidated power by securing Congress with an alliance of the PUR with PC and PSC. (*see list of political organisations at Annex B. and acronyms at Annex D*) **[2b,3d]**

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

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

[2b]

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

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

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

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

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

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

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

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

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

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

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

[2b]

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

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

Democracia Popular (DP) 32 seats (26.4percent)

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

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

Izquierda Democracia (ID) 17 seats (14percent)

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

3.24. Since appointment, President Mahuad was faced with a deepening crisis in the economy, (*See part V Key issues: The Economy*) and resulting popular discontent with the imposition of first local, then national states of emergency. (*See section A.12 States of Emergency and the Coup*)

3.25. On 10 January 2000, the US dollar was declared as the official currency. This was in response to dramatic devaluations of the sucre. The entire cabinet resigned. **[8a]** The economic collapse of the sucre and general unpopularity of Mahuad fuelled protests by dissident groups, headed by the indigenous peoples' confederation CONAIE. CONAIE is led by Antonio Vargas, who orchestrated protests in July 1999. Vargas claims membership at the time of the coup numbered 45 percent of the population of Ecuador. Such a claim would mean that he had extended the confederation base away from the indigenous peoples who comprise 15 to 20 percent (some sources place as high as 40 percent) of the population. Indigenous people made up the bulk of the protesters at the time of the coup: Vargas claimed that 30,000 indigenous peoples protesters had been mobilised in Quito on the day of the coup. **[5am]**

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

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

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

3.29. The Junta was composed initially of Lucio Gutierrez, an Army Colonel, previously unknown in political circles; Antonio Vargas, the leader of CONAIE (Confederacion Nacional de Indigenas del Ecuador), the national confederation of indigenous peoples of Ecuador (*See section B.3.*); and Carlos Solorzano, a former president of the Supreme Court. (*See section 4.11*) **[5am,5ap]**

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

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

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

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

3.34. On 9 May 2000, three top military officials were replaced, after they resigned in protest about a proposed pardon to be granted to the coup leaders. The amnesty duly went ahead on 31 May 2000, and Gutierrez was released on 4 June 2000. **[5bx,5bz,5ca]**

Current Political Situation

3.35. Since the end of May, there has been general industrial and political unrest (see *below at section C.9. onwards*). Outside protests associated with groups discussed below, about 50 protestors staged a peaceful occupation of the Vatican's embassy in Quito on 10 July 2000. They asked for the Pope to intervene in the presidential programme for economic reform "to open real channels for communication". Seven people were arrested. **[5bn,8w]**

3.36. A dispute that split the Congress in early August 2000 has disrupted all branches of government. The split is primarily over the candidates for the post of Congress Speaker, the chief congressional post. The acting Congress president, Carlos Falquez, announced that parliament would convene on the 2 August, but a centre-left alliance, with Roldosist party support, numbering 70 of the 119 deputies, convened a separate session to elect a separate president, Susana Gonzales. Fist fights and stand-offs with bodyguards have occurred in the congressional building. **[5br,5bv,8z]**

3.37. President Noboa has condemned "the shameful acts" of Congress, and as the executive branch of government, has suspended all dealings with Congress until resolution. Resolution is held to be the ruling of the Constitutional Tribunal, which on 7 August, was expected within seven to thirty days. On 10 August, the whole cabinet offered to resign in protest to Noboa's perceived manipulation of Congress at a crucial time. The military have warned that they are profoundly alarmed by developments. **[5br,5bu,8z]**

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

3.39. The latest political concern has been the threat of Colombian refugees and border incursions as Colombia become more unsettled than usual. The first clashes between the Colombian guerrillas and the Ecuadorian government has occurred in September, with the repeated sabotage of the OTA oil pipeline, causing environmental and commercial damage. **[5cl,5cm]**

4. INSTRUMENTS OF THE STATE

Political System

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

Security services

Armed Forces

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

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

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

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

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

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

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

4.9. Press speculation emerged in July 2000 as to whether the Ecuadorian authorities had used the mycoherbicide, fusarium oxysporum fungus, in combating illegal coca crops, an accusation the Ecuadorian authorities denied. The Guayaquil College of

Agronomist Engineers claimed that the fungus had been used in the Ecuadorian Amazon region. [5bo,5bp]

Police

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

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

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

4.13. A main Ecuadorian paper claims corruption is rife in the lower ranks of the police and is said to take the form of complicity in crimes of theft, extortion and drug trafficking; systematic theft of police equipment, including weapons; and acting as people smugglers ('coyotes') in illegal emigration rings. [6f] The Governor of Guayas department has refuted the widespread nature of the charges, saying the paper drew the story out of six cases involving 21 policemen, and are still under going investigation. [6g] The US State department knows of no reported cases of people trafficking. [3c]

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

4.15. The NGO source highlights police actions in the state of emergency in Guayas province during 1999. It numbered detentions by the police in the hundreds, with not carrying identity papers being the usual offence. Most detainees were usually released

within 48 hours, on production of papers. Some, however, were held longer if papers could not be produced. There were some cases of brutality. [1h,5bi]

Judiciary

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

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

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

4.19. In November 1999, Congress passed a new Criminal Procedures Code designed to effect changes in the 1998 Constitution. It seeks to strengthen the judicial system by improving due process and enhancing the rights of the accused by measures such as habeas corpus and limits on preventative detention.[3c]

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

4.21. The prison system includes institutions known as Social Rehabilitation Centres. A study of the conditions of 20 of these prisons were undertaken by *the Tribunal de Garantías Constitucionales* (TGC) in 1990, and condemned a culture of widespread abuse. Amnesty International received independent reports, including an INREDH report on the Provisional Detention Center, Quito, in 1997 of abuse of prisoners by beatings in this particular type of prison.[1d,7h]

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

4.23. The government does permit prison visits by independent human rights monitors. Conditions are poor. The main pressure on the prison system is chronic overcrowding, such as in one case of 8,520 prisoners in facilities designed to hold 5,964. The 26 deaths in prison custody were routinely investigated by the authorities. There were no reports of political prisoners in 1999. [3a,3c,1d]

5. KEY ISSUES

The Economy

5.1. The economy is the overriding issue in Ecuador: it is of major concern in both parliamentary (elections; trade and indigenous peoples' unions; the political parties; presidential and congressional based system of government) and extra-parliamentary political processes (guerrilla activity; demonstrations, strikes, riots and the abortive

coup). According to a 1999 study, 62.5percent of the population live in poverty and 15percent are indigent, with an almost total lack of resources. The per capita GDP of \$1,101 per year is short of the estimated \$196.60 per month basic shopping basket of goods and services pegged at the poverty line. **[3c,5at]**

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

5.3. Since the 11 January, there has been growing opposition to then President Mahuad's and current President Noboa's fiscal measure of replacing the Ecuadorian sucre with the US dollar. Such a policy would mean salaries paid out in and savings held in sucres would become worthless through inflation. **[5al]** President Noboa approved the bill adopting the US dollar as the national currency on 9 March 2000. **[8p]** Such a move has secured further loans from the IMF, the World Bank, the Inter-American Development Bank and the Corporacion Andina de Fomento, a local development bank.**[8p,8u]** A further economic upturn has been a decision by the World Trade Organisation in Ecuador's favour over EU banana import policies, with Ecuador looking to claim back \$450 million through suspension of intellectual property obligations. **[8s]** On the strength of such successes, the government has offered on 30 March a pay increase of between \$10-\$12 a month to public sector workers, that has in turn been rejected by the main trade unions.**[5at]**

5.4. The Brady bond governing the \$6.65 billion debt is due in September 2000 for honouring again. Bond-swaps of state industries are the President's solution to stave off a further default. In April, the IMF extended credit by \$306 million, opening up further loans of \$2 billion from other foreign institutions. The largest group of creditors, the Paris Club creditors, were assured in May that forthcoming plans in June or July would ensure partial repayment. A private poll in late May showed the presidential plan (then) had the backing of most Ecuadorians; it also showed that 78percent of respondents of the survey said they had been greatly affected by the economic crisis. On the 24 May, the Finance Minister Jorge Guzman resigned. **[5ba,5bc,5bd,8y]** On September 18, the Ecuadorian government announced that it intends to ask the Paris Club to forgive the debt when it meets in April 2001. **[8ae]**

5.5. On 11 September 2000, the economy officially made the full final switch to the dollar. This however about \$20 million's worth of low denomination sucre notes and coins still in circulation, to be finally phased out by 9 March 2001. **[8ad]**

Crime

5.6. The mixture of fast urban growth, poor infrastructure and general poverty has lead to crime waves. The port city of Guayaquil has a population of over 2.5 million inhabitants and a police force of 2,800 officers. Since the 1970s gangs and high crime levels have been a feature of the city, totalling in 1998 about 163 known gangs and involving 5000 youths. In 1994 the crime epidemic spawned 150 legally regulated private security firms and about 100 "informal" ones. Police successes in 1996 broke up 20 of the adult gangs; and the emergence of a particular local gang leader "Comandante Duro" ("Commander

Tough") has added to an uneasy peace.[4a] Guayaquil police have been accused of using extreme corporal punishment with impunity on young offenders [3c]

5.7. There have been instances where citizens have taken the law into their own hands, with mobs killing 16 suspects of crimes between January and September 1999. It is most prevalent in remote rural areas of the sierra. [3c] (see section A.14)

Drugs

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

5.9. The Ecuadorian government has permitted the US government to extend and operate from the Manta air force base, in assistance with anti-drug campaigns, and the US government highly prizes the base for operations in Ecuador and Colombia. [5cc,5ce] The strategic value has led to the Colombian group FARC to issue threats towards Ecuador. [5ck,5ci]

6. HUMAN RIGHTS

A. HUMAN RIGHTS: GENERAL

Introduction

A.1. The most fundamental human rights abuse stems from shortcomings in the politicised, inefficient and corrupt legal and judicial system. (see section IV. Judiciary) People are subject to arbitrary arrest; once incarcerated, they wait years before being convicted or acquitted unless they pay bribes. More than half of the prisoners in jail have not been formally sentenced. [1f,3a,1d] (see section 4.13 for the case of James Williams)

A.2. The Truth and Justice Commission, established in 1996 to investigate reports of previous human rights abuse was dissolved in 1996. The office of Ombudsman (Defensoria del Pueblo) was created to carry on the work of the commission. [3a] The first Ombudsman was appointed in April 1997, but resigned in June 1997 over lack of resources and reduction of term of office. [1d, 3a]

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

Paramilitary and Guerrilla Groups

A.4. There are no reports of paramilitary groups in operation. There are citizens groups known as neighbourhood brigades, organised by the national police. They have been implicated in some extrajudicial killings, notably in September 1998. They are not authorised to carry firearms. [3a]

A.5. Most of the rebel groups have discontinued armed struggle and entered the main political process. Puka Inti, (fully known as Partido Maoista-Communita 'Puka Inti', also known as Sol Rojo) allegedly demobilised in June 1994, after "a military defeat", and entered the main political process as a political party. A series of bombings of public buildings were however attributed to the group in latter 1995. [3b,2b]

A.6. The MPL - Montoneros Patria Libre was founded in 1986, advocating the end of authoritarianism. In September 1986, the MPL began negotiations with the government of President Febres, but they had broken down by March 1991 when the AVC abandoned their armed struggle but the MPL did not. **[2a,2b]**

A.7. AVC - Alvaro Viva ¡Carajo! abandoned an armed struggle in March 1991, and entered the political process under the ID (Izquierda Democrática).**[2b]**

A.8. Grupo de Combatientes Populares [GCP] - Group of People's Fighters or People's Combatants Group. A rebel group, variously described as having formed in early 1997 or in 1993, it is allegedly composed of around 200 students, with links to Marxist-Leninist Communist Party of Ecuador [PCMLE]. It has been reported to be trying to recruit, and responsible for bomb blasts at the Bishop's Conference and at two bus terminals in Quito in September 1998. It is also alleged to have been behind violence at student demonstrations in January 1999. It is a very elusive organisation, and has been linked to the MPD by political opponents, to try and discredit the MPD. **[5d,5e,7c]**

A.9. A number of student groups have been active in demonstrations and rioting. FEUE (Frente Estudiante Universitario del Ecuador) is an example. It appeared in June 1991 in demonstrations calling for the impeachment of then-education minister Alfredo Vera. Active in 1997 and 1998, by September 1998 it was reported to be under the sway of the FETRAPEC to join general economic protests.**[4f]**

A.10. There have been reports of a new guerrilla group emerging in February 2000. On 16 February, the Ecuadorian television network Telecentro was sent a "cassette-bomb" by the self-styled "Ecuadoran Army of National Liberation" (ELN-E). A special police group has been appointed to investigate the incident. **[6e]** In communiques sent at the time of the bombing, the group has called for Noboa's resignation, repudiation of all foreign debt, stabilization of the petroleum industry, expulsion of the US military from the Manta base, and a price freeze on commodities. **[6f]**

A.11. There are no reports of destabilization of the North-Eastern province of Sucumbios through the incursion of Colombian rebel forces. The rebels are keen to stress their struggle is limited to Colombian targets, and kidnappings have been targeted at foreigners, and allegedly just foreign company oil workers. **[5x,5y,5z,5aa,5ab,5ad]**

The Security Forces and Human Rights Issues

States of emergency and the Coup

A.12. A state of emergency was declared in Guayas province in early January 1999. Under the emergency decree, the military, police and local officials can employ "public force to re-establish secure conditions required for the normal development of activities". Police said the region had been hit by a series of robberies, kidnappings, rapes and murders.**[5g]** The emergency regulations were subsequently tightened. Under the Military Penal Code, no person can refuse military entry into his or her homes or businesses for inspection.**[5n]** Under the state of emergency, police and soldiers are empowered to detain and order strikers off the road or confiscate vehicles. **[5r,1c]**

A.13. A state of national emergency was declared on 9 March 1999 for 60 days.**[5I]** It was reinstated in July, when the President authorised troops to break a strike that paralysed transport.**[5o]** The government lifted the state of emergency on 17 July 1999.**[5o]** Amnesty International issued a press release announcing a letter sent to President Mahaud during the March 1999 state of emergency, urging attention to human rights whilst in a state of emergency. **[1b]**

A.14. A state of emergency was declared by the president on 6 January 2000 in the face of increasing industrial unrest.**[8c]** Again, the emergency powers mainly revolve around the deployment of troops as riot police and in keeping the oil industry and the Pan-American highway going; limiting public meetings, and ordering strikers back to work.

[8e] Tear gas has been used by the Quito police when the March and July demonstrations erupted into violence. [3c]

A.15. During the coup of 21 January 2000 (*details at section 3.26 onwards*) there were no reports of violence or bloodshed on either side, with the coup effected by the switching of loyalties of the military forces. The military forces leadership maintained a grip on the situation, steering junior officer disaffection towards capitulation to a restored government. [5aj,5an,5ao]

A.16. Since the resumption of civil government, the authorities have arrested Gutierrez, Mendoza, and 12 Lieutenant colonels. About 300 junior Army officers were initially detained in military barracks.[5ak,8k] Fair trials have been assured by the new Defence Minister. [8l]

A.17. To date, no reports of human rights abuses have been posted by the main NGOs such as Amnesty International and Human Rights Watch. There was universal condemnation of the coup by countries inside and outside South America. [5ai,8h]

A.18. On 4 February, the families and supporters of the arrested junior officers marched in Quito for the release of the accused. Jenny Gutierrez, the sister of Lt. Col. Luis Gutierrez described the arrests as "brutal repression" by the military. President Noboa again promised fair trials, and on 5 February, announced that 113 officers would stand trial. [8m,8n] Defense Minister Hugo Unda has since ordered express trials through the military tribunals system. [8t]

A.19. Opposition groups started collecting names for a petition on 8 February to seek the dissolution of the present Congress and Supreme Court.[8o] Further demonstrations were held on 15 March 2000. [8r]

A.20. Ex-president Jamil Mahaud and six economic advisers had criminal charges arraigned against them by Ecuador's anti-corruption office in late April 2000. The basis of the charges stemmed from a freezing of \$3.2 billion and \$3.6 billion in assets in March 1999 to try to halt speculation against the sucre. On 13 July, the Supreme Court issued arrest warrants for Mahaud and former Finance Minister Ana lucia Armijos. Jamil Mahaud's current whereabouts are unreported. [5av,5bk,8x]

A.21. The government has condemned the idea current in early July of an imminent "social explosion" as "a dangerous rumour being furthered by the extreme leftist groups that are linked to the social movements". President Noboa said there were groups that wished to cause chaos but that the government was going to stand firm to its economic policy. Likewise, the government a month earlier refuted the rumour that it was going to stage a "self-inflicted coup" in July. [5ay, 5be]

Assassinations and death squads

A.20. A member of the opposition Popular Democratic Movement, Congressman Jaime **Hurtado** Gonzalez, his nephew and a bodyguard, were shot dead in February 1999.[5j] President Mahuad sought the help of Colombian crime experts in February 1999, because of their experience of assassination-style murders.[5k] In this case, as Hurtado had taken part in the Colombian peace process, Colombians were suspected, though the source suggests this might be a smoke-screen for Ecuadorian killers.[1j]

A.21. In June 1999, Amnesty International reported the existence of a death list of 11 names. One of those on the list received an anonymous letter telling him that unless he stopped his trade union activities by the end of June he would be killed and his baby daughter could be abducted. The letter made reference to the assassination of Hurtado, and of prominent trade unionist Saul Canar Pauta (*see section A.31*) in December 1998. [1a]

A.22. According to the Committee for the Defense of Human Rights (CDH), at least 20 alleged criminals were executed by vigilante groups in Guayaquil during the first four

months of 1999. The US State Department has recorded 16 vigilante deaths for the whole of 1999. **[3c]** The provincial government announced plans for joint operations involving police and the armed forces to combat the "death squads."**[5n]**

A.23. One group whose activities have come to light after the fall of President Bucaram in 1997, is that of the Pepudos, Bucaram's gang of 40 armed bodyguards. There have been allegations of kidnapping and other violent acts in the days after Bucaram's fall. **[4c]**

Border disputes and incidents

Peru/ Ecuador border

A.24. Since 1942, there has been a constant dispute over the Cordillera del Condor on the Peru / Ecuador border. War has erupted in the disputed area in January 1981, clashes between 1982 - 1994, and a further major clash in January 1995. A ceasefire and agreement was brokered by mid-February, but observed by neither side. An arms race fuelled the tension in 1997. **[2a]**

A.25. However, the decades-old border dispute between Ecuador and Peru was formally ended after signing a border settlement agreement on 26 October 1998, and further ratified on 13 May 1999. It ended the last and longest running source of armed international conflict in the Americas. **[5m]**

A.26. The Defence Minister, Jose Gallardo, referred to moves by the military to increase finance from the government to fund border control initiatives. He hoped that it would allow for the funding of a mapping project currently undertaken by IGM, the Military Geographic Institute. A new map of Ecuador with definitive national borders should be available in December 1999. **[5t]**

Colombia / Ecuador Border

A.27. The border between Ecuador and Colombia has traditionally been relatively open, as its terrain (mainly pacific coast jungle and rainforest) and length (600 km) makes it difficult to patrol. The remoteness of the region has attracted the establishment of Colombian rebel bases, particularly of the groups Fuerzas Armadas Revolucionarias de Colombia (FARC - Revolutionary Armed Forces of Colombia) and Ejercito de Liberacion Nacional (ELN - Army of National Liberation) on the Colombian side of the border. FARC have denied operating actively within Ecuador, or any other non-Colombian territory, though this is widely doubted by the Ecuadorian media and military. The question of the existence of FARC camps able to hold 700 troops was a live topic in the Colombian and Ecuadorian press in July 1999. **[5x,5y,5z,5aa]**

A.28. Colombian rebel groups have previously clashed with Ecuadorian troops, alleging the troops were part of US drug enforcement incursions into rebel-held Colombia. **[5x]** Ecuadorian commentators have wondered whether the Colombian government has any interest or resources to actively patrol the border region. **[6a]**

A.29. In September 1999, the Trans-Andean oil pipeline (the OTA) was cut on the Colombian side of the border by an unidentified rebel group, disrupting the main export of crude oil for about a week. **[5w]**

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

200 people are kidnapped each year, according to Kroll security services. [3c,5y,5z,5aa,5bb]

A.31. The international press has been interested in the Colombian rebel kidnappings, and the Ecuadorian media has been concerned by the intrusions within the border. The disruption of crude oil transport has been a concern. The government has been accommodating towards the US government in allied operations. [5x-5bb,5dd,5ee]

A.32 On 11 July 2000, the Foreign Minister Heinz Moeller announced that the Colombian border area was going to be declared an emergency area. Ecuador was "not going to tolerate any kind of infiltration" and not going to allow "criminals or seditious or subversive groups from other countries to enter our territory". Regarding the Colombian armed crisis, Moeller said, "Ecuador does not want to know anything about that conflict because it respects the right to non-intervention." [5bl] Non-intervention was reiterated by Defence Minister Hugo Unda on 3 August 2000. [5bs] Defences have been stepped up though. [5cj]

A.33. The number of Colombians displaced to northern Ecuador was given on August 2000 as about 12,000 throughout Carchi province, as well as others in Tulcan, the provincial capital. The army has doubled its presence in northern Ecuador, after a wave of 3,000 Colombians arrived in "recent months". [5bt]

A.34. Ecuador - both government and people - has been concerned in August and September 2000 about the possible effect of Colombian President Pastrana's Plan Colombia (*See the Colombia country assessment, October 2000*). 5,000 Colombian refugees have already (in September 2000) crossed the border into Ecuador. [5ci]

Human Rights Activists

A.34. There are no reports of government interference with human rights defenders. The disappearance and death of Saul Canar Pauta, a prominent trade unionist, in December 1998 has been linked by some sources to the combined police and military actions in operation at that time. [1f] The authorities now believe he was murdered by private landlords after his organising land invasions by squatters. [3c]

The Role of the Government and the International Community

A.35. Ecuador participated in a workshop hosted by the UNHCR on the development of national plans of action for the promotion and protection of human rights in July 1999. [7a] The UN has contributed \$1.2 million to support the plan. [3c]

HUMAN RIGHTS: SPECIFIC GROUPS

Religious freedom

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

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

Indigenous People

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

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

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

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

B.7. Initially, the indigenous groups worked through resistance, shunning the existing political process. One of the earliest groups was the Shuar Federation, founded in 1964. 1964 also saw the creation of a government agency, IERAC to oversee land distribution, ensuring seizure of idle land from absent landowners. In 1993, the Shuar Federation promoted bilingual / bicultural education via radio schools, broadcasting from its own radio station. ECUARU-NARI was founded in 1972, launching in 1979 a programme of land revindication in the Sierra. COICA working in the Amazonian regions, was founded in 1980. **[4d,7g]**

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

B.9. The indigenous movement, which previously shunned traditional politics, formed an electoral movement in 1996 called Pachukutik (which means "cataclysmic change" in Quichua) and ran candidates for national, provincial and local office in the 1996 and 1998 elections. A Pachukutik Congresswoman, Nina Pacari, was elected Second Vice-President of Congress in 1998. The first indigenous member to hold a top leadership rank, Pacari heads an 8 member congressional bloc whose co-operation with the majority in Congress on some issues has ensured its significant influence. Despite their growing political influence and with few exceptions, the indigenous people are at the lowest end of the socio-economic scale. **[3a]**

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

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

5.1. On 24 April, talks between CONAIE and the interior ministry broke down and the Interior Minister, Francisco Huerta, resigned. CONAIE accused the government of renegeing on promises to improve the social conditions of indigenous peoples. Trade unions and students added to the general unrest, and it culminated in a nation strike on 1 May. On 8 May, the government was forced to deny rumours of a "self-inflicted coup" leading to a change of government in July. By 26 July, Antonio Vargas, the leader of CONAIE and one of the leaders of the January coup, announced that CONAIE would

present to the Supreme Electoral Court on 2 August a petition of 500,000 signatures demanding a popular consultation on six questions. [5aw,5ax,5ay,5bq]

Ethnic minorities

B.11. The population of the rural, northern coastal area includes large numbers of Afro-Ecuadorian citizens. They suffer widespread poverty and pervasive discrimination. There are five major Afro-Ecuadorian organisations active in the country. They estimate that Afro-Ecuadorians account for 700,000 people (about 6percent of the total population); other estimates vary between 573,000 and 1.1 million (5.4 - 10 percent). [3a,7g]

B.12. There is no official discrimination, but lingering societal racism reportedly exists, with Afro-Ecuadorian organizations asserting that Afro-Ecuadorians are stopped for document checks with greater frequency than other citizens. Employment and educational opportunities are limited. [3a]

Women

B.13. A 1995 Law against Violence Affecting Women and Children criminalised spousal abuse for the first time, including physical, sexual and psychological abuse. It also created family courts and reformed the Penal Code to give courts the power to separate an abusive spouse from the home. [3a]

B.14. However violence against women reportedly continues to be a widespread practice. Many rapes go unreported. The Women's Bureau (*Comisaria de la Mujer*), established in 1994, can accept complaints about abuse of women and actively refers abuse cases to prosecutors. [3a,4e] The procedure of complaint involves the victim making a formal verbal complaint that includes the presentation of the victim's identity card (*cedula de identidad*). The victim may ask for protective measures (*boleta de auxilio o medidas de amparo*). The *boleta* has proved a qualified success. [4e]

Children

B.15. There is no pattern of societal abuse against children. Government resources to assist children have been limited. Approximately 45percent of children under 5 are malnourished. [3a]

B.16. Education is compulsory for six years, usually undertaken between 6 and 14 years of age, with approximately 90percent attendance. State schools are free. Literacy is given as 90.1percent of the adult population. [2a]

B.17. Child labour is common amongst both rural and urban poor. [3a,3c]

Homosexuals

B.18. In November 1997, the newly established *Tribunal de Garantias Constitucionales* (Tribunal of Constitutional Guarantees) decriminalised homosexual acts between consenting adults by removing article 516 of the Criminal Code, on the grounds that the article contravened the Constitution. [1e] The effect of the legislation has been negligible since police understanding of the change has been found to be lacking. FEDAEPS (*Fundacion Ecuatoriana de Accion y Educacion para la Promocion de la Salud*) = Ecuadorian Foundation for Action and Education in Health Promotion is currently running a program to sensitize state agents including the police to such issues. [4b]

People with disabilities

B.19. Disabled people are not officially discriminated against in terms of employment, education, or other general state services. However, there are no regulations to

guarantee physical access to public buildings or services. Compulsory social insurance paid by all employees gives nominal benefits. [2a,3a,3c]

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

HUMAN RIGHTS - OTHER ISSUES

Freedom of political association

C.1. The Constitution provides for freedom of association, and this right is generally respected by the Government. [3a]

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

C.3. On 30 March 2000, the national police warned candidates in the forthcoming regional elections of possible disruption and threats by "certain elements". They have as yet to reveal who is at risk, who the "certain elements" are, and the source of the information. [6h]

Freedom of speech and press

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

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

Freedom of assembly

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

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

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

C.9. The public teachers' union, the National Union of Teachers (UNE) began an indefinite strike on 15 May 2000. Membership of UNE is put at 142,000. On 15 June, teachers and health workers were at the forefront of a demonstration of about 1,000 that

clashed with 100 police. The police fired tear gas; there were no reported injuries; no arrests were made. On 29 June, the teachers ended their seven week strike. **[5az,5bg,5bh,8v]**

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

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

Freedom of the individual

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

Freedom of travel / internal flight

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

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

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

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

C.17. The economic situation may see capital flight and inflation when a one year freeze on most bank deposits is lifted in March 2000.**[5v]** The banks will begin unfreezing the accounts from 21 February, with accounts under \$500 first, and senior citizens as a priority. **[6i]**

C.18. Ecuador has also become a transit point for illegal immigrants from other South American countries.**[5b]** In turn, people-smugglers are reported to operate in Quito and Guayaquil, smuggling either by sea in container shipments, or by land via Central America, to Mexico, and then the United States. **[5bm]** A large people smuggling ring from Ecuador to the US via Madrid was broken by the Spanish police in 1999. **[5cf]**

C.19. From 25 May, a direct airside travel visa (DATV) is in force in the UK for Ecuadorian and Colombian travellers. The regime was imposed to tighten up on abuses of concessions normally granted to travellers in transit enabling them to circumvent full visa requirements. **[5bb]**

Persecution within the terms of the 1951 UN Convention

C.20. There is no convincing evidence of any organised, systematic persecution by the State of individuals or specific groups in Ecuador. Human rights reports do, however, indicate some internal conflict and some forced disappearances and extrajudicial killings by government forces, paramilitary groups and guerrillas **[1d,3a]**.

ANNEX A:

CHRONOLOGY

1822 - Independence from Spain as part of Gran Colombia.

1830 - Seceded as the separate republic of Ecuador.

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

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

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

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

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

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

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

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

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

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

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

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

1991 The Borja government under attack from the failing economy and increased industrial unrest. The Frente Unitarion de Trabajadores (FUT) organised a series of general strikes, with government responding with rapid mobilization of troops, the closing of schools, and the decreeing of national holidays on declared strike days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 February 1999 Congressman Jaime Hurtado shot dead.

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

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

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

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

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

ANNEX B

- POLITICAL ORGANISATIONS

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

POLITICAL ORGANISATIONS

Accion Popular Revolucionaria Ecuatoriana (APRE)

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

Coalicion Institucionalista Democrata (CID)

After 1986, Coalicion Nacional Republicana (CNR)

Coalicion Nacional Republicana (CNR)

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

Concentracion de Fuerzas Populares (CFP)

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

Bucaram Saxida

Democracia Popular (DP)

Christian Democrat. 32 seats in 1998 Congress (largest). Party of President Mahuad.

Founded in 1978 as Democracia Popular - Union Democrata Cristiana (DP-UDC).

Christian Democrat.

Frente Amplio de la Izquierda (FADI)

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

Director: Dr Rene **Mauge** M.

Frente Radical Alfarista (FRA)

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

Izquierda Democratica (ID)

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

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

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

Movimiento Popular Democratico (MPD)

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

Partido Conservador (PC)

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

Partido Liberal Radical (PLR)

In alliance with FRA in 1996 Congress.

Partido Roldosista Ecuatoriano (PRE)

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

Partido Social Cristiano (PSC)

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

TRADES UNIONS

Frente Unitarion de Trabajadores (FUT)

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

Confederacion Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores (CEDOCUT)

Confederacion Ecuatoriana de Organizaciones Sindicales Libres (CEOSL)

Confederation de Trabajadores del Ecuador

Central Catolica de Obreros

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

Trabajadores Maritimos y Portuarios del Ecuador (FNTMPE)

REBEL GROUPS

Alvaro Viva Carajo (AVC)

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

Combiatientes Populares

Claims to defend human rights and to fight poverty.

Grupo de Combatientes Populares [GDP]

Group of People's Fighters or People's Combatants Group. Leftist rebel group, variously described as having formed in early 1997 or in 1993. Allegedly composed of around 200 students, with links to **Marxist-Leninist Communist Party of Ecuador [PCMLE]**.

Reported to be trying to recruit, and responsible for bomb blasts at the Bishop's Conference and at two bus terminals in Quito in September 1998. **[5d,5e,7c]**

Partido Maoista-Communista 'Puka Inti'

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

However, bombings were ascribed to the group in 1995. **[2b]**

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ANNEX D:**ACRONYMS**

Acronym	Full Title	Translation	Type of Organisation
ALDHU	Asociacion Latinoamericana para los Derechos Humanos	Latin American Human Rights Association	Human Rights Organisation
APRE	Accion Popular Revolucionaria Ecuatoriana		Political party
AVC	Alvaro Viva ¡Carajo! shortened form of Fuerzas Armadas Populares Eloy Alvaro	Alvaro Lives, Damn it! - Eloy Alvaro Popular Armed Forces	Defunct guerrilla group
CCO	Central Catolica de Obreros		Trade Union
CEDHU		Ecumenical Committee for Human Rights	Church social action group
CEDOCUT	Confederacion Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores	Ecuadorian Confederation of United Working Class Organisations	Trade Union alliance
CEOSL	Confederacion Ecuatoriana de Organizaciones Sindicales Libres		Trade Union
CFP	Concentracion de Feurzas Populares		Political party
CID	Coalicion Institucionalista Democrata		Political party
COICA	Confederacion Organizaciones Indigenas de la Cuenca Amazonica	Confederation of Indigenous Nationalities of the Ecuadorian Amazon	Indigenous peoples organisation
CONAIE	Confederacion Nacional de Indigenas del Ecuador	National Confederation of the Indigenous Population of Ecuador	Indigenous peoples organisation
CP	Combatientes Populares		Defunct guerrilla group
CTE	Confederacion Trabajadores del Ecuador		Trade Union
DP	Democracia Popular		Political party

DP-UDC	Democracia Popular - Union Demócrata Cristiana		Political party
FADI	Frente Amplio de la Izquierda		Political party alliance
FDSNP	Frente para la Defensa de la Soberanía Nacional y contra las Privatizaciones	Front for the Defence of National Sovereignty and against the Privatizations	Indigenous peoples organisation
FNTMPE	Federación Nacional de Trabajadores Marítimos y Portuarios del Ecuador	National Federation of Maritime and Port Workers of Ecuador	Trade Union
FRA	Frente Radical Alfarista		Political party
FRN	Frente de Reconstrucción Nacional		Political party
FUT	Frente Unitario de Trabajadores	United Workers Front or United Workers Union	Trade Union
GDP	Grupo de Combatientes Populares		'Active' guerrilla movement
ID	Izquierda Democrática		Political party alliance
JRE			Radical students organisation linked to MPD
MNPP	Movimiento Nuevo País - Pachakutik (Otherwise known as Pachakutik)		Political party
MPD	Movimiento Popular Democrático		Political party
MPL	Montoneros Patria Libre		Guerrilla movement
OID	Oficina de Investigación del Delito	Criminal Investigation Office	Defunct division of the National Police
PC	Partido Conservador	Conservative Party	Political party
PCD	Pueblo, Cambio y Democracia		Political party
PCMLE		Communist Party [Marxist-Leninist] of Ecuador	Political party
PM-C	Partido Maoísta-Comunista 'Puka Inti' (Otherwise known as Puka Inti. Also known as Sol Rojo)		Political party
PLR	Partido Liberal Radical	Liberal Party	Political party
PRE	Partido Roldosista Ecuatoriano		Political party

PSC	Partido Social Cristiano		Political party
PTJ	Policia Tecnica Judicial	Judicial Investigation Police	Police Department
PUR	Partido Unidad Republicano		Political party
SIC	Servicio de Investigacion Criminal	Criminal Investigation Service	Defunct Police Department
TGC	Tribunal de Garantias Constitucionales	Tribunal of Constitutional Guarantees	Government body
UDP	Union Democratica Popular		Political party
UPP	Union del Pueblo Patriotico		Political party