

ECUADOR 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution grants individuals the right to choose, practice, and change religions; it prohibits discrimination based on religion. The constitution also states secular ethics are the basis for public service and the legal system. The law requires all religious groups to register with the government; failure to do so can result in the group's dissolution and liquidation of its physical property. In August the Ministry of Interior (MOI) and National Secretariat for Policy Management (SPM) merged to become the new Ministry of Government, with its Human Rights Secretariat assuming responsibility for religious issues. Religious and human rights leaders said this administrative transition led to confusion and there was insufficient knowledge about the registration process and relevant points of contact in the new ministry, delaying already lengthy processing times for religious groups to register. Many religious leaders said the National Assembly made no progress on the proposal to reform the 1937 religion law that the interfaith National Council on Religious Freedom and Equality (CONALIR) discussed with the National Assembly in 2018. The proposed reform would strengthen equal treatment for religious groups. Jewish and Muslim leaders said general customs regulations continued to hinder their ability to import products for use in religious festivals.

The Jewish community reported authorities made no arrests in response to a June incident in which unknown individuals painted a swastika in a Jewish school parking lot in Quito. Legislative debates on same-sex marriage and the decriminalization of abortion in the case of rape were topics of social discourse in which some religious groups participated in demonstrations or made public statements. Some religious leaders reported harassment, threats, and desecration of religious symbols by opposing activists. During violent protests in October by indigenous groups, unions, students, and others against economic reforms, the Catholic Church's Episcopal Conference of Ecuador, together with the United Nations, jointly mediated the dialogue between the government and indigenous leaders to halt the violent demonstrations.

U.S. embassy officials met with officials in the Ministry of Government to discuss the registration process for religious groups and government promotion and protection of religious freedom and other related human rights. The Ambassador hosted an October 10 roundtable with religious leaders from the Baha'i, The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ), evangelical Christian, Jewish, Muslim, and Roman Catholic faiths to discuss challenges facing

their communities. On September 26, the Consul General in Guayaquil hosted a roundtable with Catholic, evangelical Christian, Jewish, Muslim, and Seventh-day Adventist leaders to discuss religious freedom topics affecting coastal communities, including registration requirements, access to prisons, and laws related to religious freedom. Embassy officials spoke with representatives from CONALIR, which includes representatives from Anglican, Baha'i, Buddhist, Catholic, evangelical Christian, Greek Orthodox, Jewish, Muslim, Protestant, and Seventh-day Adventist Church faith communities, to encourage continued interfaith and ecumenical dialogue.

Section I. Religious Demography

The U.S. government estimates the total population at 16.7 million (midyear 2019 estimate). According to a 2012 survey by the National Institute of Statistics and Census, the most recent government survey available, approximately 92 percent of the population professes a religious affiliation or belief. Of those, 80.4 percent is Catholic; 11.3 percent evangelical Christian, including Pentecostals, although many evangelical Christian churches are not affiliated with a particular denomination; and 1.3 percent Jehovah's Witnesses. Seven percent identify as members of other religious groups, including the Church of Jesus Christ, Buddhists, Jews, Muslims, Hindus, Anglicans, Episcopalians, Lutherans, the Greek Orthodox-affiliated Orthodox Church of Ecuador and Latin America, Presbyterians, the Family Federation for World Peace and Unification (Unification Church), Baha'is, spiritualists, followers of Inti (the traditional Inca sun god), and indigenous and African faiths. There are also Seventh-day Adventists and practitioners of Santeria, primarily resident Cubans, not listed in the survey results.

Some groups, particularly those in the Amazon jungle, combine indigenous beliefs with Catholicism. Pentecostals draw much of their membership from indigenous persons in the highland provinces. There are Jehovah's Witnesses throughout the country, with the highest concentrations in coastal areas. Buddhist, Church of Jesus Christ, Jewish, and Muslim populations are primarily concentrated in large urban areas, particularly Quito, Guayaquil, and Cuenca.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution grants all individuals the right to practice and profess publicly and freely the religion of their choice and prohibits discrimination based on religion. It

states the government has a responsibility to “protect voluntary religious practice, as well as the expression of those who do not profess any religion and will favor an atmosphere of plurality and tolerance.” Individuals have the right to change their religion. The constitution also states secular ethics are the basis for public service and the country’s legal system. The constitution grants the right of self-determination to indigenous communities, including provisions granting freedom to “develop and strengthen their identity, feeling of belonging, ancestral traditions and form of social organization.”

A 1937 concordat with the Holy See accords juridical status to the Catholic Church and grants it financial privileges and tax exemptions. Other religious groups must register as legal entities with the government under a separate 1937 religious law and a 2000 decree on religion. If a religious group wishes to provide social services, it must register under a 2017 executive decree regulating civil society. The 2017 decree dictates how civil society organizations (CSOs) must register to obtain and maintain legal status. A religious group does not need to register as a religious organization to register as a CSO and may conduct the processes separately.

By law the Ministry of Government and its Human Rights Secretariat oversee religious issues. A 2018 executive decree, signed by President Lenin Moreno, formally dissolved the Ministry of Justice, Human Rights, and Religion and temporarily transferred responsibilities related to religious issues to the SPM. On April 11, as part of the government’s consolidation of ministries, President Moreno signed an executive decree ordering the merger of the MOI and the SPM. On August 1, the MOI and SPM finalized their merger to become the Ministry of Government, with its Human Rights Secretariat responsible for oversight of religious issues, including the registration process for religious groups and CSOs.

The Human Rights Secretariat maintains national databases of legally recognized religious organizations and legally recognized CSOs, including religious groups that have registered as CSOs. Registration provides religious groups with legal and nonprofit status. An officially registered religious group, whether as a religious organization or as a CSO, is eligible to receive government funding and exemptions from certain taxes per the tax code.

To register as a religious organization, the group must present to the Human Rights Secretariat a charter signed by all of its founding members and provide information on its leadership and physical location. Registrants may deliver their documentation to the Human Rights Secretariat directly or to one of its eight

regional offices countrywide. The registration process is free of charge. The Office of Religious Groups at the Human Rights Secretariat assigns an expert to analyze the submitted documentation.

To register as a CSO, religious groups require the same documentation as required for registration as a religious organization, in addition to approved statutes and a description of the mission statement and objectives of the organization. The groups register as a CSO under the government agency overseeing the issues on which the religious group wishes to work.

A religious group's failure to maintain legal status by not adhering to the mission, goals, and objectives listed in its bylaws during registration may result in the dissolution of the group and liquidation of its physical property by the government. Dissolution may be voluntary – in which case, the religious group could decide to whom to transfer its property – or forced, under which the Human Rights Secretariat would seize the group's property.

The Human Rights Ombudsman is a separate entity from the Human Rights Secretariat. A Human Rights Ombudsman representative has stated that the Human Rights Ombudsman would work on issues pertaining to religious groups, but its role in this regard is not clearly defined.

The labor law states that, in general, all work must be paid and does not distinguish religious workers from other types of workers. The citizen participation law recognizes volunteerism and states social organizations may establish agreements with government authorities to employ unpaid labor. The law, however, does not specifically reference religious volunteerism as a category to be utilized to establish such an agreement.

Foreign missionaries and religious volunteers must apply for a temporary residence visa and present a letter of invitation from the sponsoring organization, which may be foreign or domestic but must have legal status in the country with the Ministry of Foreign Affairs. The letter must include a commitment to cover the applicant's living expenses and detail the applicant's proposed activities. Applicants also must provide a certified copy of the bylaws of the sponsoring organization and the name of its legal representative as approved by the government.

The law prohibits public schools from providing religious instruction, but private schools may do so. Private schools must comply with Ministry of Education

standards. There are no legal restrictions specifying which religious groups may establish schools.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Multiple religious leaders expressed concern with the dissolution of the Ministry of Justice, Human Rights, and Religion and the transition of responsibility for religious issues first to the SPM and then to the Human Rights Secretariat in the Ministry of Government. Religious leaders said the transition had undermined the influence of religious groups, not only by taking away a ministry dedicated to religious matters that could advocate on their behalf, but also by what they said was relegating the handling of religious issues to a mostly administrative function. Human rights and religious leaders in Guayaquil and Quito also expressed lack of knowledge about the new governmental structure after the administrative transition, such as points of contact within the new Human Rights Secretariat who handle the registration process for religious groups.

A November 25 media article reported 4,812 religious groups were registered with the government, according to statistics provided by the Human Rights Secretariat, compared with 3,638 groups registered with the MOJ in 2018. In October a Human Rights Secretariat representative said it was in the process of registering 200 additional religious groups since assuming administrative responsibilities for religious affairs in August. According to the representative, the Human Rights Secretariat inherited more than 3,000 pending requests from the SPM, which previously handled the registration process. The Human Rights Secretariat representative said registration processing time averaged between three to six months, depending on whether there were missing documents or other unfulfilled registration requirements. The official also stated the secretariat was understaffed and in the process of hiring more employees, while also renewing its registration procedures for religious groups to accommodate the administrative transition. The representative said it could be easier in some cases for a religious group to register as a CSO, rather than as a religious entity, because the religious group might lack the required certified paperwork issued by the country where the religious group is headquartered.

According to multiple religious leaders, the absence of a specific reference to religious volunteerism in the existing legal framework created uncertainty and exposed religious organizations to potential negative legal consequences.

Religious leaders stated that the government expected religious organizations to define specific working hours for staff and pay them according to those hours, a challenge because many staff viewed their religious vocation as a way of life requiring them to be available at all times to meet the needs of their congregation. One Assembly of God leader said sometimes volunteers later wanted to be paid for their services and filed a complaint with the Ministry of Labor. He reported that a volunteer teacher sued a fellow Assembly of God pastor and won compensation because the court did not recognize a signed voluntary work agreement between the teacher and church as valid.

Jewish and Muslim leaders said customs regulations and onerous paperwork continued to hinder their ability to import kosher and halal foods, beverages, and plants for use in religious festivals. A Muslim leader reported having to pay customs duties on imported and donated books for which his organization had no intention of making a profit. He said the same customs regulations applied to all products and did not distinguish commercial imports from imports for religious purposes.

Religious and human rights leaders stated the May 27-August 15 state of emergency President Moreno declared for the national prison system, due to acute security and safety concerns, restricted visitors' access to inmates, including visits by religious groups. Catholic, evangelical Christian, and human rights leaders cited specific restrictions in Guayaquil-area prisons, where security concerns were greatest. A Catholic priest said authorities at two Guayaquil prisons continued not to allow his church's volunteer pastoral service to enter after the state of emergency ended. The Catholic priest reported an instance in which Guayaquil-area prison guards, citing security concerns, refused entry to nuns wearing habits unless they changed their clothing. The priest said that requirement was subsequently lifted, although he said that he had heard leaders of other religious groups state that prison authorities required their female adherents to wear pants. According to a human rights leader, Guayaquil-area prisons required women to wear pants to reduce the smuggling of contraband into prisons, a restriction affecting women of evangelical Christian and other religious communities who wear skirts as part of their religious belief.

According to many religious leaders, religious issues were not a top priority for the Moreno administration or the National Assembly due to other more pressing issues. The leaders said the National Assembly made no progress on the proposal to reform the 1937 religion law that CONALIR discussed with the National Assembly in 2018. CONALIR's proposed reforms aimed to create greater equality

between the Catholic Church and other religious groups, to update the registration process for religious groups, and to recognize the nonprofit status of all religious groups and accommodate their need to rely on volunteer labor for certain activities.

A case filed by the Jehovah's Witnesses and accepted for review in 2014 remained pending before the Constitutional Court at year's end. The case involved a conflict in the northern town of Iluman between Jehovah's Witnesses who wanted to build a new assembly hall and indigenous residents who opposed it.

On January 10, the Provincial Court of Guayas ruled in favor of a Seventh-day Adventist medical student in a case brought against the University of Guayaquil in September 2018. The student stated that the university's refusal to modify the student's schedule to accommodate the student's observance of the Sabbath and the university's failure to respond to the student's requests violated the student's rights to freedom of religion, equality, nondiscrimination, and education. The provincial court ordered the university to reopen the courses to the student on the basis that it had violated the student's right to lodge complaints and petitions to authorities and receive attention or adequate response – rather than her religious and education rights. The university published a public apology on its website in May affirming it was reopening coursework to the student. A human rights leader familiar with the case confirmed the university complied with the court ruling and reopened courses for the student on an accommodating schedule. In February the university filed an extraordinary protective action with the Constitutional Court in Quito arguing the order to open coursework to one student did not appropriately correspond to the basis of “not responding to the student's request,” and that the decision as a result was detrimental to the university community because it had an impact on the curriculum and affected all other students who previously had the option to take the medical course in question on weekends. In October the Constitutional Court found the university's extraordinary protective action admissible, and the case remained pending with the court at year's end.

Section III. Status of Societal Respect for Religious Freedom

A Jewish leader said the Jewish community reported to the Attorney General's Office an incident in June in which unknown individuals painted a swastika in a Jewish school parking lot in Quito and that the police investigation did not lead to any arrests. Jewish community members reported threats and the propagation of anti-Semitic stereotypes about the community from a social media user in May. They said the Attorney General's Office detained the suspect in August, but after investigation, the office determined he did not pose a threat and did not file formal

charges. According to Jewish community leaders, the social media harassment ceased.

A Greek Orthodox leader reported he received a telephone call from a member of an activist group in June threatening his place of worship would be burned if he marched against the country's proposed same-sex marriage law. The leader said he did not report the threat to authorities because he preferred to avoid confrontation with the activist group the caller said he represented.

In September after the National Assembly voted against a law that would decriminalize abortion in the case of rape, a group of activists in Quito tied green kerchiefs, the symbol of the decriminalization movement, around a statue of the Virgin Mary and over its face. Photographs circulated on social media of a group of women posing in front of a Catholic church in Guayaquil while wearing green kerchiefs over their faces and pulling up their shirts to expose their breasts. A Catholic archbishop reported that the faces of National Assembly lawmakers opposing the proposed abortion law were posted online; he said doing so constituted a threat to religious freedom.

The informal interfaith group that formed in 2018 and included members of the Baha'i, Catholic, Church of Jesus Christ, evangelical Christian, Jewish, and Muslim communities participated in interfaith discussions throughout the year. On October 12, as civil unrest escalated over economic reforms, including violent protests led by indigenous groups, unions, students, and others, the interfaith group sent a joint statement to the Office of the Presidency and members of the media condemning the violence, looting, and vandalism, calling for peace, and encouraging a dialogue between the government and groups affected by the proposed reforms. On October 13, the Episcopal Conference of Ecuador, together with the United Nations, jointly mediated the dialogue between the government and indigenous leaders that halted the violent protests. The Episcopal Conference of Ecuador continued to facilitate subsequent dialogue between the government and indigenous groups.

Section IV. U.S. Government Policy and Engagement

Embassy officials discussed with the Human Rights Secretariat of the Ministry of Government the registration process for religious groups and delays reported by some religious groups in registering or updating their information and encouraged the secretariat's efforts to streamline the registration process and clear the backlog in pending registration applications.

On October 10, the Ambassador hosted a roundtable with religious leaders in Quito to discuss challenges facing their communities and the role of the religious community in working toward peace during the violent protests over economic reforms. Leaders from Baha'i, Catholic, Church of Jesus Christ, evangelical Christian, Jewish, and Muslim communities participated. Embassy officials also spoke with representatives from CONALIR and the interfaith group established in 2018 to encourage the continuation of interfaith and ecumenical dialogue.

The Consul General in Guayaquil hosted a roundtable on September 26 to learn more about religious issues in coastal communities, including registration requirements, access to prisons, and laws related to religious freedom. Leaders from Catholic, evangelical Christian, Jewish, Muslim, and Seventh-day Adventist communities attended the event.

The embassy and consulate used social media platforms in Quito and Guayaquil to highlight International Religious Freedom Day and other efforts to promote social inclusion of religious groups and religious diversity. The consulate used social media to highlight the Consul General's religious roundtable discussions with representatives from different religious communities.

During the year, embassy and consulate officials met with leaders of Catholic, evangelical Christian, Greek Orthodox, Jehovah's Witnesses, Jewish, Muslim, and Orthodox Church of Ecuador and Latin America communities to discuss challenges associated with the government's registration process and societal respect for religious diversity.