

Background- Ecuador¹

Ecuador is a small Andean nation (population 16 million, 2016 est.), known for its mountains, volcanoes, cocoa, diverse plant and animal life, and oil industry. Ecuador's reliance on oil has led it to appropriate indigenous people's lands for oil extraction and made it vulnerable to fluctuations in the oil market. In the 1980s, a drop in oil prices and ensuing economic problems prompted a small leftist guerilla movement, which the government cracked down on by murdering suspected guerillas. Since the 1990s, there have also been repeated incidents of police and private security officers torturing or murdering ordinary suspected criminals. However, Ecuador's most persistent human rights problem has been the ineffectiveness and lack of impartiality of its court system. In the early 2000s, Ecuador faced a trio of Inter-American Court of Human Rights cases for its failure to prevent and provide appropriate remedies for medical negligence. The government has also repeatedly exerted improper influence over the courts. In 2004, then-President Lucio Gutiérrez dismissed the judges from Ecuador's highest courts in a bid to remain in power. Rafael Correa, president from 2006 to 2016, also replaced hundreds of judges and suppressed dissent through repeated defamation lawsuits against critical journalists.

Before its emergence as an independent nation, Ecuador was part of both the Incan and Spanish empires. The tribes native to Ecuador had been conquered by the Incas less than a generation before the Spanish arrived. Some sided with the Incas and some with the Spanish. Ultimately, the Spanish prevailed, establishing a system of *encomiendas*, in which indigenous peoples worked Spanish owned farms and intermarried with the Spanish population. However, the Spanish never fully conquered the indigenous tribes in the eastern Amazon and the prevalence of disease on the Pacific coast meant that the coast remained sparsely populated until well into the 1800s. In 1809, Ecuadorians began their fight for independence from Spain. In 1822, Venezuelan independence leader Simón Bolívar arrived with his armies to obtain Ecuador's final independence from Spain, as part of Bolívar's larger dream of creating a unified and independent Latin America. Ecuador briefly joined Venezuela, Colombia, and Panama as part of the larger confederation of Gran Colombia but left to become its own independent state in 1830.

Ecuador's early years were marked by ideological and economic conflict between the Conservatives, traditional *encomienda* owners based in Ecuador's central capitol of Quito, and the Liberals, *nouveau riche* merchants based in Ecuador's primary port of Guayaquil. The Conservatives supported a strong role for the Roman Catholic Church and complained that Guayaquil monopolized exports, raising the prices and reducing the international competitiveness of cocoa and other agricultural goods. The Liberals supported greater separation between church and state and complained that the old guard aristocrats in Quito monopolized political control and tax money. Two of the most notable early presidents were Gabriel García Moreno, a Conservative who held power from 1860 to 1875, and General Eloy Alfaro, a Liberal who held power from 1897 to 1911. García Moreno and Alfaro differed dramatically in their support for the Catholic Church but pursued similar economic and political policies. They made great progress in developing railroads, roads, and other infrastructure, while showing little concern for the inequality suffered by the working class and indigenous peoples. Both were harsh autocrats whose attempts to repress dissent and retain power provoked intense hostility. Moreno was shot

¹ Caitlin Hunter, *Author, Foreign and International Law Librarian at Loyola Law School*; Erin Gonzalez, *Chief IACHR Editor*; Cesare Romano, *Faculty Advisor*.

to death on the steps of the presidential place in 1875, while Alfaro was murdered by a lynch mob in 1912.

From the 1920s through the 1970s, economic woes and the polarizing influence of five-time President José María Velasco Ibarra lead to repeated military take-overs. In 1922, the global economic depression coincided with a fungal infestation that devastated Ecuador's cocoa crops. Impoverished Ecuadorians formed unions, protested, and rioted. The army shot hundreds of rioters but, in 1925, finally turned on and overthrew the government. World War II boosted Ecuador's economy but, by focusing the world's attention elsewhere, allowed Peru to seize large swathes of Ecuador's poorly controlled Amazonian region from Ecuador's still chaotic government. In 1934, José María Velasco Ibarra attained the presidency, promising to fix the economy with "a third position between capitalism and Communism."² However, his mercurial style added to the chaos and, over the next four decades, he would attain the presidency five times and be ousted by the military four times. Following Velasco Ibarra's initial election as a Conservative candidate, he announced that he would instead pursue Liberal policies, then, when those proved unpopular, swung to support a right-wing group instead. On one occasion he was elected in a landslide victory; on another, he seized power after his supporters' demonstrations forced the existing president to resign. Once the military ousted him because he threw opposition politicians in jail; on another occasion, the military ousted him because Ecuador went bankrupt. In 1970, the military assisted Velasco Ibarra in transitioning from president to dictator but, in 1972, they overthrew him a final time after he promised to hold elections.³ The military remained in control until 1979, when Velasco Ibarra finally passed away and the military agreed to pass power to a democratically elected president.

In the midst of the political turbulence of the 1960s, Ecuador discovered oil reserves in the Amazon, solving its existing economic problems but creating new ones. The chaos created by Velasco Ibarra's repeated rises to power and changes of ideology had hampered Ecuador's ability to develop a coherent economy, and, when the military took power in 1972, it expressed plans to develop the oil industry and use the resulting revenues to decrease social inequality. However, although the oil boom boosted infrastructure and the middle class, it did not reach the poor, created inflation, and left the economy vulnerable to fluctuations in oil production and prices. In 1987, Ecuador was forced to suspend payments on its foreign debt after an oil pipeline was damaged by an earthquake. In the 1980s, oil prices dropped and inflation increased and, by the 1990s, Ecuador was suffering from one of the worst economic contractions in Latin America.⁴

² Joseph B. Treaster, *Velasco, Ex-Leader of Ecuador, 86, Dies*, N.Y. TIMES (March 31, 1979), <http://www.nytimes.com/1979/03/31/archives/velasco-exleader-of-ecuador-86-dies-5-times-president-he-was-exiled.html>.

³ *Armed Forces Oust Ecuador President In a Bloodless Coup*, N.Y. TIMES (Feb. 16, 1972), <http://www.nytimes.com/1972/02/16/archives/armed-forces-oust-ecuador-president-in-a-bloodless-coup-ecuadors.html>; Joseph Novitski, *Ecuador Planning Social Reforms*, N.Y. TIMES (March 9, 1972), <http://www.nytimes.com/1972/03/09/archives/ecuador-planning-social-reforms-new-military-government-awaits-oil.html>.

⁴ Larry Rohter, *Ecuador Coup Shifts Control to No. 2 Man*, N.Y. TIMES (Jan. 23, 2000), <http://www.nytimes.com/2000/01/23/world/ecuador-coup-shifts-control-to-no-2-man.html>.

In the 1980s and 1990s, Ecuador's economic problems lead to a small guerilla movement that the government violently repressed. Leftist guerilla groups such as "Alfaro Lives, Damn It!" (Alfaro Vive ¡Carajo!; "AVC") engaged in bombings and kidnappings to protest conservative economic policies. President León Febres Cordero, a free market supporter and Reagan ally elected in 1984, was briefly kidnapped and faced repeated calls to resign. His government responded by torturing and murdering suspected members of the AVC.⁵ President Sixto Durán Ballén, a conservative elected in 1992, stabilized the economy but incurred crippling war debt by renewing the boundary dispute with Peru. Additionally, he oversaw the adoption of 1992's Decree-Law No. 86, declaring a state of emergency that allowed the military to raid the homes of suspected criminals and terrorists, bursting through suspects' doors with explosives and then shooting them to death in front of their families.⁶

From 1996 to 2006, Ecuador experienced a flurry of regime changes, as successive presidents were forced out for corruption, controversial economic policies, and dissolving the courts. In 1996, voters elected President Abdalá Bucaram Ortíz, a flamboyant left-wing populist who campaigned under the nickname "El Loco" and (perhaps predictably) was quickly removed by Congress for mental instability, then fled the country to escape corruption charges. A brief power struggle ensued between Vice President Rosalía Arteaga and Congressional President Fabián Alarcón over who was constitutionally entitled to assume the presidency. Arteaga spent two days as Ecuador's first and so far only female president before being forced to return to her role as vice president with Alarcón taking on the role of interim president.⁷ Alarcón called for a referendum to confirm his appointment as president and to make governmental reforms, including the appointment of judges for lifetime terms to reduce their susceptibility to political influence.⁸ Voters confirmed the reforms and Alarcón's appointment to the presidency until new elections could be held and, in 1998, Alarcón passed the presidency on to center-right politician Jorge Jamil Mahuad Witt. Facing a struggling economy, Mahuad implemented austerity measures that included freezing bank accounts and adopting the U.S. dollar. The measures touched off massive indigenous protests and prompted a military coup that forcibly replaced Mahuad with his vice president.⁹ In 2002, voters elected the leader of the coup President Lucio Gutiérrez, a center leftist. However, once in power, Gutiérrez, too, concluded that austerity measures were necessary, alienating the leftist coalition that had elected him. His problems worsened when Congressional opponents attempted to impeach him on embezzlement charges. To stay in power, Gutiérrez cut a deal with Bucaram's party, who were outraged that the courts

⁵ Benavides Cevallos v. Ecuador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 38 (June 19, 1998), <https://iachr.ils.edu/cases/benavides-cevallos-v-ecuador>.

⁶ Zambrano Vélez et al. v. Ecuador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 166 (July 4, 2007), <https://iachr.ils.edu/cases/zambrano-v%C3%A9lez-et-al-v-ecuador>.

⁷ Diana Jean Schemo, *Ecuadorean Is Again Elected Interim President, Five Days Later*, N.Y. TIMES (Feb. 12, 1997), <http://www.nytimes.com/1997/02/12/world/ecuadorean-is-again-elected-interim-president-five-days-later.html>.

⁸ Supreme Court of Justice (Quintana Coello et al.) v. Ecuador, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 266 (Aug. 23, 2013), <https://iachr.ils.edu/cases/supreme-court-justice-quintana-coello-et-al-v-ecuador>; Juan Forero, *Firings on Ecuador's Top Court Stir Opposition's Wrath*, N.Y. TIMES (Dec. 18, 2004), <http://www.nytimes.com/2004/12/18/world/americas/firings-on-ecuadors-top-court-stir-oppositions-wrath.html>; Carlos Cisternas, *Bucaram History After Ecuador Vote, President Says*, ASSOCIATED PRESS (May 26, 1997); Fabio Castro, *Ecuadorans Vote On Ousted President, Referendum Questions*, AGENCE FRANCE PRESSE (May 25, 1997).

⁹ Rohter, *supra* note 4.

were pursuing corruption charges against Bucaram and had struck down bonuses for public employees and their preferred method of assigning electoral seats. In exchange for the party's opposition to his impeachment, Gutiérrez agreed to dismiss the Supreme Court of Justice, the Constitutional Tribunal, and the Supreme Electoral Tribunal in December of 2004.¹⁰ The move touched off mass demonstrations and, when Gutiérrez attempted to dismiss the Supreme Court a second time in April 2005, Congress and the military forced him out of office.

In 2006, voters elected President Rafael Correa, a Hugo Chávez-style leftist who used oil revenues to combat poverty. Correa took greater control of the oil industry and used the booming oil prices to expand social programs and reduce poverty levels from 37 percent in 2006 to 28 percent in 2011.¹¹ Correa codified these rights to social programs in a new 2008 Constitution that formally established rights to housing, work, education, and health.¹²

Among the most necessary of Correa's reforms were his efforts to improve Ecuador's underfunded, poorly regulated healthcare system, which had generated three Inter-American Court of Human Rights cases criticizing Ecuador's failure to adequately prevent or remedy medical negligence. In one case, a hospital killed a patient with improperly prescribed morphine.¹³ In another case, an investigation of a woman's botched appendix operation revealed that the "doctors" who operated on her were unaccredited and the clinic's operating permit had expired.¹⁴ In a third case, a clinic infected a three year old girl with HIV after failing to test blood used for a transfusion. Because of her HIV infection, the girl was barred from attending school and her family was repeatedly evicted from apartments.¹⁵ To combat these problems, Correa more than tripled the healthcare budget from \$561 million in 2006 to \$1774 million in 2012.¹⁶ Ecuador's budget for disability initiatives also increased from \$900,000 to \$200 million under the supervision of Vice President Lenín Moreno, a disability advocate and wheelchair

¹⁰ Constitutional Tribunal (Camba Campos et al.) v. Ecuador, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 268 (Aug. 28, 2013), <https://iachr.ils.edu/cases/constitutional-tribunal-camba-campos-et-al-v-ecuador>; Supreme Court of Justice (Quintana Coello et al.), Inter-Am. Ct. H.R. (ser. C) No. 266; *A Coup by Congress and the Street*, THE ECONOMIST (Apr. 25, 2005), <http://www.economist.com/node/3893731>; Forero, *supra* note 8.

¹¹ William Neuman and Maggy Ayala, *Ecuador's President Shows Confidence About Re-election, Too Much for Some*, N.Y. TIMES (Feb. 15, 2013), <http://www.nytimes.com/2013/02/16/world/americas/ecuadoreans-are-apprehensive-over-likely-re-election-of-president-correa.html>.

¹² CONSTITUTION OF THE REPUBLIC OF ECUADOR, arts. 26-29 (right to education), art. 30 (right to housing), art. 32 (right to health), art. 33 (right to work), published in Registro Oficial, Organo de Gobierno del Ecuador, No. 449, Oct. 20, 2008, republished in WORLD CONSTITUTIONS ILLUSTRATED (HeinOnline) [hereinafter ECUADOR CONST.].

¹³ Albán Cornejo et al. v. Ecuador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 171 (Nov. 22, 2007), <https://iachr.ils.edu/cases/alb%20A1n-cornejo-et-al-v-ecuador>.

¹⁴ Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 261 (May 21, 2013), <https://iachr.ils.edu/cases/su%20A1rez-peralta-v-ecuador>.

¹⁵ Gonzales Lluy et al. v. Ecuador, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 298 (Sep. 1, 2015), <https://iachr.ils.edu/cases/gonzales-lluy-et-al-v-ecuador>.

¹⁶ Doris Soliz, *La Inversión Social Permitió Mayor Acceso, Pero La Calidad Del Gasto Y De Los Servicios Es Criticada*, EL COMERCIO (March 15, 2012), https://web.archive.org/web/20131003090141/http://www.elcomercio.com/sociedad/inversion-permitio-calidad-servicios-criticada_0_664133728.html.

user.¹⁷ Further, the 2008 Constitution prohibited discrimination both against people with disabilities generally and people with HIV/AIDS specifically.¹⁸

The 2008 Constitution also continued the previous decade's gradual but incomplete expansion of rights for LGBT people. In 1997, the Constitutional Tribunal struck down a statute criminalizing same-sex sexual activity.¹⁹ The following year, Ecuador adopted a new constitution that prohibited discrimination based on sexual orientation.²⁰ Nevertheless, in 2000, a military officer was fired for suspected homosexual activity under a provision of the military code that was not repealed until after the enactment of the 2008 Constitution.²¹ The 2008 Constitution re-affirmed the prohibition on discrimination against LGBT people and further mandated that same-sex couples be given the same legal rights as married opposite-sex couples.²² However, the Constitution demonstrated continuing ambivalence about LGBT rights, prohibiting same-sex marriage and forbidding same-sex couples from adopting children.²³

Because of his government's reliance on oil revenues, Correa was also ambivalent about respecting the rights of the indigenous peoples living in the oil rich Amazon. The 2008 Constitution also prohibited discrimination against indigenous peoples and protected their rights to their communal lands.²⁴ Under Correa, Ecuador agreed to end efforts dating back to the 1990s to search for oil and blast explosives on the land of the Kichwa Indigenous People of Sarayaku without their consent.²⁵ However, the need for oil money remained strong and, when indigenous people and environmentalists once again protested the expansion of oil drilling, Correa cracked down, closing one of the country's largest environmentalist groups.²⁶ Today, the government continues to allow mining companies to exploit the lands of indigenous people without their

¹⁷ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2016: ECUADOR 30-32 (2016), <https://www.state.gov/documents/organization/265796.pdf>; Ernesto Londoño, *Ecuador Elects World's Only Head of State in a Wheelchair*, N.Y. TIMES (April 7, 2017), <https://www.nytimes.com/2017/04/07/opinion/ecuador-elects-worlds-only-head-of-state-in-a-wheelchair.html>.

¹⁸ ECUADOR CONST., *supra* note 12, at arts. 47-48 (prohibiting disability discrimination) and art. 11(2) (prohibiting discrimination against people with HIV.)

¹⁹ Case No. 111-97-TC, Resolución Tribunal Constitucional No. 106, published in Registro Oficial Suplemento, Organo de Gobierno del Ecuador, No. 203, Nov. 27, 1997, available from the Int'l Comm'n of Jurists, <https://www.icj.org/sogicasebook/case-no-111-97-tc-constitutional-tribunal-of-ecuador-27-november-1997/>, repealing Código Penal art. 516(1), available via vLex.

²⁰ CONSTITUTION OF THE REPUBLIC OF ECUADOR, art. 23(3), published in Registro Oficial, Organo de Gobierno del Ecuador, No. 1, Aug. 11, 1998, republished in WORLD CONSTITUTIONS ILLUSTRATED (HeinOnline).

²¹ Flor Freire v. Ecuador, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 315 (Aug. 31, 2016). The revised military code is available at Reglamento Disciplina Militar, No. 1909, published in La Orden General Ministerial No. 243, Dec. 15, 2008, https://www.defensa.gob.ec/wp-content/uploads/downloads/2017/02/REGLAMENTO-DISCIPLINA-MILITAR_enero2017.pdf#page=15.

²² ECUADOR CONST., *supra* note 12, at art. 11(2) art. 68 (providing same-sex couples with the same rights as married opposite-sex couples)

²³ *Id.* at art. 67 (prohibiting same sex marriage), 68 (prohibiting adoption by same sex couples).

²⁴ *Id.* at arts. 56-60.

²⁵ Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 245 (June 27, 2012), <https://iachr.ils.edu/cases/kichwa-indigenous-people-sarayaku-v-ecuador>.

²⁶ Nick Miroff, *Ecuador's Popular, Powerful President Rafael Correa Is A Study In Contradictions*, WASHINGTON POST (March 15, 2014), https://www.washingtonpost.com/world/ecuadors-popular-powerful-president-rafael-correa-is-a-study-in-contradictions/2014/03/15/452111fc-3eaa-401b-b2c8-cc4e85fccb40_story.html?utm_term=.1847c86185b6.

consent, pursuing criminal charges against indigenous people who protest or attack mining sites.²⁷

Correa also showed little interest in addressing longstanding abuses of people accused or convicted of crimes. In the 2000s and 2010s, Ecuador repeatedly faced charges before the Inter-American Court regarding mistreatment of prisoners that had occurred from the late 1980s to 1990s. Both guilty and falsely accused suspects were subjected to years of pre-trial detention, arrested without warrants, and denied access to public defenders and judges.²⁸ Prisons were overcrowded and lacking in basic services and both police and private security officers killed and beat suspects.²⁹ In one case, police beat, burned, and asphyxiated a suspect to obtain a confession.³⁰ In another case, a suspect was shot while fleeing police, then died of the bullet wound in prison after being denied medical care.³¹ In a third case, an on duty police officer got drunk, fought with a taxi driver, and engaged in a gun battle with fellow police officers attempting to arrest him. He was found dead of a bullet wound to the head, which police attributed to suicide.³² The 2008 Constitution explicitly opposed such abuses, affirming all persons' right to life and prisoners' rights to humane conditions; prohibiting torture and cruel, inhumane, and degrading treatment; and imposing a duty on the state to actively prevent violence.³³ However, despite these Constitutional protections, little changed. Prisons remain overcrowded and lack adequate food, potable water, sanitation, and medical care. Police and guards continue to beat, shock, tear gas, and occasionally kill prisoners, threatening harm to family members who pursue complaints against them.³⁴

Finally, under Correa, the judicial system's longstanding lack of independence and impartiality not only continued but worsened. Ecuador's court system had long failed to provide fair and efficient trials, particularly in cases involving the government. In 1997, Quito expropriated the

²⁷ U.S. DEPARTMENT OF STATE, *supra* note 17, at 33-34.

²⁸ Chaparro Álvarez and Lapo Íñiguez v. Ecuador, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 170 (Nov. 21, 2007), <https://iachr.ils.edu/cases/chaparro-%C3%A1lvarez-and-lapo-%C3%AD%C3%B1iguez-v-ecuador>; Acosta Calderón v. Ecuador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 129 (June 24, 2005), <https://iachr.ils.edu/cases/acosta-calder%C3%B3n-v-ecuador>; Tibi v. Ecuador, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 114 (Sep. 7, 2004), <https://iachr.ils.edu/cases/tibi-v-ecuador>; Suárez Rosero v. Ecuador, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 35 (Nov. 12, 1997), <https://iachr.ils.edu/cases/su%C3%A1rez-rosero-v-ecuador>

²⁹ García Ibarra et al. v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 306 (Nov. 17, 2015), <https://iachr.ils.edu/cases/garc%C3%ADa-ibarra-et-al-v-ecuador> (police fatally shoot 16 year old bystander after fighting with his friends); Palma Mendoza et al. v. Ecuador, Preliminary Objection and Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 247 (Sep. 3, 2012), <https://iachr.ils.edu/cases/palma-mendoza-et-al-v-ecuador> (Ecuador found not at fault after appropriately investigating and prosecuting private security officers who kidnapped and killed two men suspected of theft); *Tibi*, Inter-Am. Ct. H.R. (ser. C) No. 114.

³⁰ *Tibi*, Inter-Am. Ct. H.R. (ser. C) No. 114.

³¹ Vera Vera et al. v. Ecuador, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 226 (May 19, 2011), <https://iachr.ils.edu/cases/vera-vera-et-al-v-ecuador>.

³² Valencia Hinojosa v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 327 (Nov. 29, 2016).

³³ ECUADOR CONST. art. 51(2) (prisoners' right to contact with family and attorneys), art. 51(4) (prisoners' right to healthcare), art. 51(5) (prisoners' right to education, work, culture, food, and recreation), art. 66(1) (right to life), art. 66(3)(b) (state's affirmative duty to prevent violence), art. 66(3)(c) (prohibition on torture and cruel, inhumane, and degrading treatment.)

³⁴ U.S. DEPARTMENT OF STATE, *supra* note 17, at 2-4.

land of several families to create a municipal park without adequate due process or compensation. The landowners' attempts to challenge the expropriation in court dragged on unsuccessfully for over a decade.³⁵ In the 2000s, a wrongful termination lawsuit filed by a military officer also dragged on as the government repeatedly ignored court orders to reinstate the officer.³⁶ Correa tightened government control of the judiciary even further, obtaining public approval for 2011 Constitutional amendments that allowed Correa and Congress (controlled by Correa's party) to dismiss and replace hundreds of judges.³⁷ Another Constitutional amendment extended greater government control over the media, later expanded further by a 2013 communications law.³⁸ Taking advantage of the new laws and the easily controlled court system, Correa and other politicians routinely used defamation lawsuits and regulatory action to punish journalists who criticized them.³⁹ Today, lawsuits filed against the government continue to drag on slowly, while lawsuits filed by the government move speedily through the court system. Judges who rule against the government risk removal for "inexcusable error."⁴⁰

As his term continued, Correa grew increasingly authoritarian and unpopular, eventually forcing him to turn power over to his less confrontational vice president. Although the 2008 Constitution limited presidents to two terms in office, Correa first obtained a court ruling that his original term did not count against the limit and then obtained a Constitutional amendment allowing him to run for unlimited terms in office.⁴¹ However, as oil prices fell, Correa was forced to cut social programs and propose steep taxes and his popularity dropped dramatically. In 2010, protests by the military and police over cuts to their benefits deteriorated into a quasi-coup in which protestors assaulted Correa and then trapped him in a police hospital for hours.⁴² About a dozen people died when the military stormed the hospital to rescue him.⁴³ When a newspaper op-ed blamed Correa for the deaths, Correa sued for defamation, allowing four journalists to be

³⁵ Salvador Chiriboga v. Ecuador, Preliminary Objections and Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 179 (May 6, 2008), <https://iachr.ils.edu/cases/salvador-chiriboga-v-ecuador>.

³⁶ Mejía Idrovo v. Ecuador, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 228 (July 5, 2011), <https://iachr.ils.edu/cases/mej%C3%ADa-idrovo-v-ecuador>.

³⁷ Resultados del Referéndum y Consulto Popular, published in Registro Oficial, Organo de Gobierno del Ecuador, No. 490, July 13, 2011, republished in WORLD CONSTITUTIONS ILLUSTRATED (HeinOnline); Mercedes Alvaro, *Ecuador's Correa Wins Referendum, but Challenges Remain*, WALL ST. J. (May 19, 2011), <https://www.wsj.com/articles/SB10001424052748704904604576333753591834530>; Hugh Bronstein, *Ecuador Moves To Clean Up Courts, Opposition Balks*, REUTERS (Jan. 17, 2011), <https://www.reuters.com/article/us-ecuador-referendum/ecuador-moves-to-clean-up-courts-opposition-balks-idUSTRE70H08Y20110118>; Human Rights Watch, World Report 2017: Ecuador (2017), <https://www.hrw.org/world-report/2017/country-chapters/ecuador#515640>; Human Rights Watch, Submission to the Human Rights Council for Universal Periodic Review of Ecuador (Nov. 21, 2011), <https://www.hrw.org/news/2011/11/21/universal-periodic-review-ecuador>.

³⁸ Resultados del Referéndum y Consulto Popular, *supra* note 37; Ley Orgánica de Comunicación, http://www.asambleanacional.gob.ec/es/system/files/ley_organica_comunicacion.pdf.

³⁹ Freedom House, Freedom in the World 2017: Ecuador, D. Freedom of Expression and Belief (2017), <https://freedomhouse.org/report/freedom-world/2017/ecuador>; Human Rights Watch, World Report 2017, *supra* note 37.

⁴⁰ U.S. DEPARTMENT OF STATE, *supra* note 17, at 7-9.

⁴¹ Enmiendas a la Constitución de la República del Ecuador, published in Registro Oficial, Organo de Gobierno del Ecuador, No. 653, Dec. 21, 2015, republished in WORLD CONSTITUTIONS ILLUSTRATED (HeinOnline).

⁴² Simon Romero, *Standoff in Ecuador Ends With Leader's Rescue*, N.Y. TIMES (Sept. 30, 2010), <http://www.nytimes.com/2010/10/01/world/americas/01ecuador.html>.

⁴³ Associated Press, *Ecuador: Police Officers Convicted*, N.Y. TIMES (June 28, 2011), <http://www.nytimes.com/2011/06/29/world/americas/29briefs-EcuadorBrf.html>.

sentenced to three years in jail and fined \$42 million before pardoning them.⁴⁴ In 2015, Correa's popularity fell even further as protestors took to the streets against proposed tax hikes and Ecuador became one of many Latin American countries accused of accepting bribes to award government contracts to Brazil's Odebrecht construction company. In 2016, Correa reluctantly decided not to run for reelection, instead passing the presidency on to his former vice president, Lenín Moreno, who squeaked to a narrow victory amidst charges that the government had rigged the election in his favor. However, Lenín Moreno soon proved to be less authoritarian than Correa, reaching out to the opposition, restoring term limits, and investigating corruption that had occurred under Correa. Jorge Glas, who had served as vice president under both Correa and Lenín Moreno, was suspended by Lenín Moreno and then sentenced to six years in prison for accepting bribes from Odebrecht. Correa lashed out, calling Lenín Moreno a "wolf in sheep's clothing" and kicking him out of his own political party. Ordinary Ecuadorans, in contrast, appear to like the change and Lenín Moreno's approval ratings have climbed.⁴⁵

More information

Additional background was provided by the sources below.

For historical background, see the [Encyclopedia Britannica](#) and [BBC Country Profiles](#).

For an overview of the current human rights situation, see the [U.S. Department of State's 2017 Human Rights Report](#).

For information about human rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).

⁴⁴ William Neuman, *In 'Battle' With Media, a New Tactic in Ecuador*, N.Y. TIMES (March 12, 2012), <http://www.nytimes.com/2012/03/13/world/americas/ecuadorean-president-says-he-will-keep-pressure-on-media.html>.

⁴⁵ Maggy Ayala and Marcelo Rochabrún, *Ecuador Votes to Bring Back Presidential Term Limits*, N.Y. TIMES (Feb. 4, 2018), <https://www.nytimes.com/2018/02/04/world/americas/ecuador-presidential-term-limits.html>; *Ecuador's Vice President Sentenced to 6 Years in Corruption Case*, REUTERS (Dec. 13, 2017), <https://www.nytimes.com/2017/12/13/world/americas/ecuadors-vice-president-sentenced-to-6-years-in-corruption-case.html>; *Ecuador's Lenin Moreno, Recently Elected President, Ousted As Head Of His Party*, CBCNEWS (Nov. 1, 2017), <http://www.cbc.ca/news/world/ecuador-moreno-correa-internal-clash-1.4382498>; *Ecuador's President Lenín Moreno Faces Party Revolt*, BBC (Nov. 1, 2017), <http://www.bbc.com/news/world-latin-america-41833960>.