

ECUADOR 2022 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.

According to representatives of several religious groups, the National Assembly again made no progress on a proposal to reform the 1937 religion law that the interfaith National Council on Religious Freedom and Equality (CONALIR) proposed in 2018 to create greater equality among religious groups. Jewish and Muslim leaders said general customs regulations continued to hinder the ability to import products for use in religious festivals. Roman Catholic and evangelical Christian leaders expressed opposition to an April law permitting abortion in some cases of rape.

Religious leaders again shared concerns regarding what they considered a rise in secularism and societal discouragement of their participation in important legal and cultural discussions. Jehovah's Witness leaders said several gated communities in the country limited access for members of their faith trying to proselytize.

U.S. embassy and consulate general officials met with officials in the Ministry of Women and Human Rights (formerly the Human Rights Secretariat) to discuss the registration process for religious groups and other government actions related to religious freedom. On October 6, embassy representatives held a religious freedom roundtable with leaders of Buddhist, Catholic, evangelical and nonevangelical Christian, Jewish, and Muslim communities to discuss religious liberty and societal respect for religious diversity.

Section I. Religious Demography

The U.S. government estimates the total population at 17.3 million. According to a Latinobarometer 2018 public opinion survey, approximately 92 percent of

respondents have a specific religious affiliation or belief: 74.8 percent identify as Catholic; 15.2 percent as evangelical Christian; and 1.2 percent as Jehovah's Witnesses. Approximately 1.4 percent identify as members of other religious groups, including Seventh-day Adventists, The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ), Jews, and other evangelical and nonevangelical Christians. Other religious groups include Anglicans, Baha'is, Episcopalians, the Family Federation for World Peace and Unification (Unification Church), Greek Orthodox-affiliated Orthodox Church of Ecuador and Latin America, Hindus, followers of Inti (the traditional Inca sun god), and practitioners of Santeria (primarily resident Cubans). Estimates of the number of followers of these groups are not available. Of the remaining respondents, 0.8 percent identify as atheists, while 6.1 percent have no religion.

Some groups, particularly those in the Amazon region, combine Indigenous beliefs with Catholicism or evangelical Christianity. 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 religion 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 organization does not need to register as a CSO and may conduct the processes separately.

According to a 2019 decree, the Ministry of Women and Human Rights (formerly the Human Rights Secretariat until November) oversees religious issues, including the registration process for religious groups and CSOs. The ministry maintains national databases of legally recognized religious organizations and legally recognized CSOs, including religious groups 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. All religious organizations must be nonprofit and are not required to disclose their financial accounts to the government.

To register as a religious organization, a group must present a charter signed by all its founding members to the Ministry of Women and Human Rights and provide information on its leadership and physical location. Registrants may deliver their documentation to the Ministry of Women and Human Rights directly, to one of the ministry's eight regional offices, or via email. The registration process is free of charge. The Directorate for Registration for Nationalities and Religious Organizations within the Ministry of Women and Human Rights is charged with reviewing and approving the submitted documentation.

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

The Ministry of Women and Human Rights may dissolve a religious group if the group does not maintain legal status or does not adhere to the mission, goals, and

objectives listed in its bylaws at the time of registration. Dissolution may include liquidation of physical property and be voluntary – in which case, the religious group could decide to whom to transfer its property – or forced, in which case the ministry would confiscate the group’s property. By law, religious organizations are prohibited from participating in political parties or endorsing political candidates. The Office of the Human Rights Ombudsman, a separate entity from the Ministry of Women and Human Rights, protects and advocates human rights, including rights pertaining to religious groups; however, its role in this regard is not clearly defined in the constitution.

The labor law states that in general, all work must be paid and does not distinguish religious workers from other types of workers. A 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, to 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. Private schools may offer religious instruction but 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

Religious leaders said the Ministry of Women and Human Rights registration process remained efficient. In October, a Ministry of Women and Human Rights

official said the ministry continued to work on digitizing religious organizations' documents to make the process more convenient for end-users. According to a ministry official, 5,433 religious groups were registered during the year, compared with 5,131 groups registered in 2021. The official said the registration processing time continued to average 30 days.

Religious leaders again shared concerns regarding what they considered a rise in secularism and societal discouragement of their participation in important legal and cultural discussions. Evangelical leaders continued to express concerns about the absence of a specific reference to religious volunteerism in the labor code, which they felt exposed religious organizations to potential negative legal consequences. They stated the government expected religious organizations to define specific working hours for staff and pay them according to those hours, which presented a problem, since many staff viewed their religious vocation as a way of life requiring them to be always available to meet the needs of their congregation.

According to Jewish and Muslim leaders, customs regulations, import tariffs, and onerous paperwork continued to hinder the ability to import kosher and halal foods, beverages, and plants used for religious ceremonies and holidays. A Jewish leader said the law treated religious communities the same as companies because all imports, including those for religious purposes, were taxed and treated as commercial items.

An appeal filed in 2021 by evangelical Christian groups regarding a landmark Constitutional Court ruling that legalized abortion in some cases of rape remained pending at the end of the year. President Lasso held frequent meetings with leaders from Catholic and evangelical Christian communities, specifically to discuss a February law passed by the National Assembly permitting abortion in the case of rape in limited circumstances. In February, religious leaders opposed the law, and an evangelical Christian leader asked President Guillermo Lasso to use his veto power to limit further the circumstances under which abortion in cases of rape are allowed. President Lasso limited the circumstances on March 16. The final law, which has been in force since April 29, permits abortion in cases of rape for all women and girls during the first 12 weeks of gestation, and requires proof the pregnancy resulted from rape. On April 29, the Catholic Church issued a statement that read "Life must be protected, and the conscientious objection of

medical personnel must be guaranteed because abortion is not a right, it is a crime.”

Religious leaders said they continued to coordinate closely with national authorities to ensure COVID-19 health and safety protocols were followed in the staged reopening of in-person religious practices. In January, the government permitted churches to offer services at 50 percent capacity. By year’s end, the government repealed all capacity restrictions. Using a mask in confined spaces, including churches, remained mandatory. Religious leaders also said they continued to work with authorities to deliver food kits and other humanitarian assistance to vulnerable communities.

Access to prison inmates was again periodically restricted throughout the year in response to the ongoing security crisis facing the prison system. Catholic and evangelical leaders said President Lasso’s state of exception declaration for Guayas, Manabi, and Esmeraldas Provinces (in effect April 30 - June 30) to address the rapidly worsening security situation temporarily restricted visitors’ access to inmates in local prisons, including visits by religious groups. They further cited an August 14 state of exception in Guayaquil following rising violence and several prison riots in May and October as examples of authorities restricting access to prisons due to security concerns.

According to press reports, religious leaders met during the year with President Lasso to seek a solution to the prison security crisis. The Commission for Prison Pacification and Dialogue, which the President appointed in December 2021, delivered its final report to the government on June 16, calling for structural changes and investment in prison security. The President had appointed two representatives, one Catholic and one evangelical Christian, to represent religious groups on the commission, whose mandate was to develop a strategy to prevent, control, and respond to prison violence. Despite periodic restricted access to prisons, hundreds of volunteers from Catholic and evangelical Christian churches regularly visited prisons to offer religious services, training, and inmate care.

According to religious leaders, the National Assembly made no progress during the year on a proposal to reform the 1937 religion law that CONALIR discussed with the previous National Assembly in 2018. CONALIR includes representatives from Anglican, Baha’i Faith, Buddhist, Catholic, evangelical and nonevangelical

Christians, Greek Orthodox, Jewish, Muslim, and Seventh-day Adventist Church religious groups. CONALIR's proposed reforms aim to create greater equality between the Catholic Church and other religious groups, to update the registration process for religious groups, and to recognize legally the nonprofit status of all religious groups and the practice of utilizing volunteers for certain activities.

Jehovah's Witnesses leaders said they continued to explore taking legal action through administrative procedures in local municipalities to address their concerns that local authorities were violating religious organizations' rights to receive certain tax privileges. For example, they said authorities in Quito and in smaller cities such as Catamayo, Atacames, and Chordeleg had denied their requests for property tax exemptions. They also said the municipal government in Duran, in the Guayaquil metropolitan area, charged religious organizations permit fees intended for business entities. A Jehovah's Witnesses representative said he did not believe the municipality was singling out his religious group.

In October, Jehovah's Witnesses urged San Juan de Iluman authorities to enforce remediation measures the Constitutional Court ordered in 2021 that required local government officials to attend training on intercultural coexistence, norms, and religious diversity. The Constitutional Court ordered a full translation of the ruling into the Indigenous Kichwa language and called on all members of the community of Iluman to maintain harmonious social relations based on intercultural dialogue, as established in the constitution. The remediation measures were the result of a 2021 Constitutional Court ruling in favor of the Jehovah's Witnesses involving a conflict with Indigenous residents in the town of San Juan de Iluman, in Imbabura Province. The precedent-setting ruling concluded the Jehovah's Witnesses' religious freedom and right to equal treatment and nondiscrimination had been violated. The Constitutional Court also ruled local courts had violated the Jehovah's Witnesses' right to due process by repeatedly dismissing their protective action requests. At year's end, the Jehovah's Witnesses' representatives did not know whether the community had complied with the Constitutional Court's ruling.

During the year, the Constitutional Court reviewed two cases that Seventh-day Adventist students filed in 2021 against universities in Guayaquil and Cuenca. The students stated those universities did not accommodate their requests to

reschedule classes that were held on the Sabbath. The students' cases were raised to the Constitutional Court after provincial courts dismissed the students' requests for constitutional protection from the universities. The Constitutional Court's ruling on these cases remained pending at year's end.

Section III. Status of Societal Respect for Religious Freedom

Jehovah's Witnesses leaders said several gated communities throughout the country, and particularly in Guayaquil, limited access for their members trying to proselytize because they were unable to provide the names of residents they were visiting.

Section IV. U.S. Government Policy and Engagement

In September and November, U.S. embassy and consulate general officials discussed the registration process for religious groups with the Ministry of Women and Human Rights as well as other government efforts to support religious freedom.

Embassy representatives held a religious freedom roundtable on October 6 with leaders of Buddhist, Catholic, evangelical and nonevangelical Christian, Jewish, and Muslim communities to discuss religious liberty and societal respect for religious diversity. Throughout the year, embassy and consulate officials also maintained contact with Jehovah's Witnesses, Seventh-day Adventists, and representatives of Orthodox churches.