

ECUADOR 2017 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 law requires all religious groups to register with the government; failure to do so can result in the group's dissolution and liquidation of physical property. On October 23, President Lenin Moreno, who became president on May 24, replaced two restrictive executive decrees regarding civil society issued by former President Rafael Correa with a new decree regulating how civil society organizations, including religious organizations, must register to obtain or maintain legal status. The new decree relaxes or eliminates some aspects of the registration process. The Ministry of Justice, Human Rights, and Worship (MOJ) and the National Secretary for Policy Management (NSPM) trained religious groups on the registration process. Evangelical Christian and Catholic groups said that before the new decree, they faced lengthy delays, high costs, and excessive requests for membership information. According to the MOJ, approximately 4,000 religious groups operated in the country, but only half had registered with the government due to the previous registration procedures. A case involving the construction of a Jehovah's Witnesses assembly hall in an indigenous community was still pending before the Constitutional Court more than three years after it had been accepted for review. The case focused on whether the constitutional right to self-determination of the indigenous community, which opposed the construction, took precedence over the free practice of religion. The Constitutional Court found another Jehovah's Witness case requesting a "special action of protection" to be inadmissible after two courts previously upheld a gated community's right to ban proselytization.

Jewish, Muslim, and Mormon representatives said they engaged with other religious groups through social work projects and occasional discussions through interfaith groups about promoting religious values among youth and ways to enhance respect for different belief systems. The interfaith group Religions for Peace organized dialogues between representatives from monotheistic religions and also promoted greater respect for different traditions within the Anglican, evangelical Christian, and Catholic communities. Some religious leaders said they were concerned about what they considered an erosion of traditional religious values but did not state concerns about the ability to express their religious beliefs.

Embassy officials discussed issues facing religious groups, including difficulties with the registration process, with the MOJ and the NSPM. The Ambassador hosted roundtables with religious leaders on February 9 in Guayaquil and March 29 in Quito to discuss challenges facing their communities. Leaders from the Bahai, Catholic, evangelical Christian, Jewish, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormon), and Muslim communities attended the events. Participants raised concerns about the registration process for religious groups, while noting a general lack of public knowledge about non-Catholic religious traditions.

Section I. Religious Demography

The U.S. government estimates the total population at 16.3 million (July 2017 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 Roman Catholic; 11.3 percent evangelical Christians, including Pentecostals; and 1.3 percent Jehovah's Witnesses. Seven percent belongs to other religious groups, including Muslims, Buddhists, Jews, Hindus, Mormons, Anglicans, Episcopalians, Lutherans, Eastern Orthodox, Presbyterians, the Family Federation for World Peace and Unification, Bahais, spiritualists, followers of Inti (the traditional Inca sun god), and indigenous and African faiths. There are also practitioners of Santeria, primarily resident Cubans.

According to Mormon and Muslim leaders, their communities are growing due to conversions, especially in coastal areas. A Muslim leader said there were concentrations of Muslim communities in Cuenca, Guayaquil, and Quito.

Some groups, particularly those in the Amazon jungle and Choco regions, combine indigenous beliefs with Catholicism. Pentecostals draw much of their membership from indigenous people in the highland provinces. There are Jehovah's Witnesses throughout the country, with the highest concentrations in coastal areas. Many evangelical Christian churches are not affiliated with a particular denomination.

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 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.”

On October 23, President Moreno repealed past executive decrees regarding civil society, issued by former President Correa, and issued a new decree explaining how civil society organizations, including religious organizations, must register to obtain and maintain legal status. The new decree relaxes or eliminates some aspects of the registration process, including certain requirements for religious organizations to collect, organize, and retain information. Additionally, the new decree removes some subjective justifications for dissolving organizations and eliminates the authority of public officials, at their sole discretion, to impose changes to the bylaws of civil society organizations. Under the new decree, civil society organizations are no longer required to extend membership to any person, even against the will of the other members.

Under the new registration decree, the government requires individual religious congregations and organizations to conduct this registration process through the MOJ. The NSPM’s Office of Planning maintains a national database of legally recognized civil society organizations. Registration provides religious groups with legal and nonprofit status. An officially registered organization is eligible to receive government funding and exemptions from certain taxes. To register, a religious group must present to the government a charter signed by all of its founding members and provide information on its leadership and physical location. Three experts in religious matters appointed by the ministry evaluate the application, in consultation with religious organizations already legally established within the country; the evaluation process may be revised under the new registration decree. The decree does not specify the criteria for selection of religious experts. The registration process is free. Failure to obtain legal status through registration can result in the dissolution of the group and liquidation of its physical property by the government.

The law prohibits public schools from providing religious instruction, but private schools may provide religious instruction. There are no legal restrictions specifying which religious groups may establish schools.

Foreign religious missionaries and volunteers must apply for a temporary residence visa to work in the country and present a letter of invitation from the sponsoring organization to the Ministry of Foreign Affairs. The letter must include a commitment to cover the applicant's living expenses and details the activities to be conducted by the applicant. 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 country is a party to the International Covenant on Civil and Political Rights.

Government Practices

While Mormon and Muslim groups said they did not have difficulties with the registration process before President Moreno issued the new registration decree on October 23, some other religious groups stated the registration process had been onerous and disruptive to their activities at times. Evangelical Christian leaders noted their legal representatives often had to travel to Quito to complete processing because satellite registration offices could not handle the final processing of the registration forms, resulting in significant administrative costs and delays. For example, Guayaquil's registration office had to send documents to Quito for processing, which frequently resulted in a lengthy back and forth to correct simple administrative errors. An evangelical Christian leader said the delays led many groups not to apply for registration. Without a legal representative, groups were unable to open bank accounts or engage in formal land transactions. According to evangelical Christian representatives, unregistered groups often met in private homes or ad hoc structures on the private land of a group member.

Some religious leaders said the government's enforcement of its decrees under former President Correa was unequal and arbitrary. A Catholic representative said the government requested a complete membership list for his congregation, even though the governing presidential decree required groups to provide only a list of the organization's founding members. The representative stated it was difficult to comply with the request given the size of the congregation and the fact that its members did not necessarily participate in regular gatherings.

Evangelical Christian leaders said that the Correa government disqualified many of their pastors from serving as the recognized legal representative for their congregations, citing a requirement that legal representatives be citizens with permanent residence in the country and extensive legal knowledge. They said dividing a community's moral and legal authority complicated decision making

and weakened their pastors' standing within their communities. They stated the MOJ's Office of Policies for the Regulation and Promotion of the Freedom of Religion prohibited them from naming religious leaders to serve as legal representatives in the city of Ambato.

The NSPM provided training on the old registration process to civil society organizations, including religious groups, throughout the country. The MOJ also provided training to religious groups to help them navigate the registration process. According to the ministry, roughly 4,000 religious groups operated in the country, but only half actually registered with the government. The MOJ provided no public information on specific groups that were denied registration. No religious organizations were dissolved during the year for failure to register.

In January the Constitutional Court found a Jehovah's Witnesses case filed in June 2016 requesting "special action of protection" to be inadmissible. Jehovah's Witness representatives stated they were analyzing the case to determine if they could present it to the Inter-American Court of Human Rights. The Jehovah's Witnesses had filed their initial complaint before a lower court after a gated community near Guayaquil banned proselytization by Jehovah's Witnesses following complaints from community residents. The court ruled against the Jehovah's Witnesses, citing the community's right to prevent trespassing on private property. In May 2016 the judicial court of Guayas Province rejected the Jehovah's Witnesses' appeal of the decision.

As of the end of the year, another case filed by the Jehovah's Witnesses and accepted for review in September 2014 remained pending before the Constitutional Court. 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. Two lower courts had previously ruled in favor of the residents, concluding that their right to self-determination was a valid rationale for preventing the practice of religion. Representatives of the Jehovah's Witnesses said they hoped to set a legal precedent with the case, which they said would establish that an indigenous community's constitutional right to self-determination could not violate individuals' right to practice freely the religion they chose. The Jehovah's Witnesses said they regularly requested information from the MOJ but did not receive an explanation for why the case remained pending more than three years after the Constitutional Court had accepted it for review.

Section III. Status of Societal Respect for Religious Freedom

Jewish, Muslim, and Mormon representatives reported they engaged with other religious groups through social work projects and occasional discussions through interfaith groups to enhance understanding and respect among different faiths. A local representative from the interfaith group Religions for Peace said that religious groups did not face societal discrimination or persecution in the country. Many religious leaders said that society exhibited a general lack of knowledge about religious traditions and practices outside of Catholicism. For example, Muslim leaders said members of society asked them about traditional Muslim dress and names. Some religious leaders expressed concerns about what they considered an erosion of traditional religious values and a rise in secularism.

Section IV. U.S. Government Policy and Engagement

Prior to the release of the new registration decree in October, Embassy officials discussed with the MOJ and NSPM the inability of numerous religious groups to register because of difficulties with the process. Government officials provided information to embassy officials about the registration process and about their plans to improve religious groups' understanding of the governing decrees. Following President Moreno's issuance of the new registration decree, embassy officials engaged the government on its plans to implement the new registration procedures.

The Ambassador hosted roundtables with religious leaders on February 9 in Guayaquil and March 29 in Quito to discuss challenges facing their communities. Leaders from the Bahai, Catholic, evangelical Christian, Jewish, Jehovah's Witnesses, Mormon, and Muslim communities attended the events. Embassy officials also spoke with a representative from the interfaith group Religions for Peace to encourage the continuation of interfaith and ecumenical dialogue.

The embassy and consulate used social media platforms in Quito and Guayaquil to highlight their efforts to promote social inclusion and religious diversity. Separately, embassy and consulate officials met with leaders of the Buddhist, Catholic, evangelical Christian, Jehovah's Witnesses, Jewish, Mormon, and Muslim communities to discuss challenges associated with the government's registration process for civil society organizations and societal respect for religious diversity.