

ECUADOR

EXECUTIVE SUMMARY

Ecuador is a constitutional multiparty republic with an elected president and unicameral legislature. In April 2009 voters reelected President Rafael Correa and chose members of the National Assembly in elections that were considered generally free and fair. In May voters approved amendments to the constitution in a process also considered free and fair. Security forces reported to civilian authorities.

The main human rights abuses were use of excessive force by public security forces, restrictions on freedom of speech and press, and official corruption. President Correa and his administration continued verbal and legal attacks against the media and increasingly used legal mechanisms such as libel laws to suppress freedom of expression. Corruption was endemic, especially in the judicial sector, and officials engaged in corrupt practices with impunity.

The following human rights problems continued: isolated unlawful killings, poor prison conditions, arbitrary arrest and detention, corruption and other abuses by security forces, a high number of pretrial detainees, and corruption and denial of due process within the judicial system. Societal problems continued, including: physical aggression against journalists; violence against women; discrimination against women, indigenous persons, Afro-Ecuadorians, and persons based on their sexual orientation; trafficking in persons and sexual exploitation of minors; and child labor.

The government sometimes took steps to prosecute or punish officials in the security services and elsewhere in government who committed abuses, although political influence and a dysfunctional judiciary resulted in impunity in some cases.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings. However, there continued to be credible reports that security forces, particularly police units, used excessive force and committed isolated unlawful killings. The

Ecumenical Human Rights Commission (CEDHU) received 38 complaints of unlawful killings by security forces during the year.

On July 25, Julio Antonio Baquerizo Reyes died after 41 days in a coma due to injuries reportedly inflicted by local police. According to Baquerizo's family, on June 11, two local police officers, Marcelo Capurro and Jhonatan Obando, responded to a domestic dispute and severely beat Baquerizo before leaving the scene. The family filed a complaint that remained under investigation at year's end.

There were no developments in the case of the "social cleansing group" of active-duty police officers that was reported on by the government's Unit for the Fight against Organized Crime in 2010.

b. Disappearance

There were no reports of politically motivated disappearances.

A court dismissed charges related to the reported disappearance of Georgy Hernan Cedeno Saltos in 2009. The victim's family submitted as evidence the video of a routine polygraph test in which a police officer confessed to killing Cedeno Saltos. The court ruled that the video was obtained through illegal means and dismissed the case for lack of evidence (for related torture case see section 1.c.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While the constitution and laws prohibit torture and similar forms of intimidation and punishment, some police officers reportedly tortured and abused suspects and prisoners, at times with impunity. In July 2010 the Ombudsman's Office acknowledged that "torture is a practice that has taken root."

During the year the CEDHU registered 10 cases of alleged torture and 305 cases of "unwarranted physical aggression" by security forces. The CEDHU reported that police beat suspects and used tear gas during arrests and that police beat and threatened suspects throughout interrogations to force them to confess to crimes.

On March 2, Marco Luis Sovenis, who had been briefly detained by the presidential guard on February 26, filed a complaint accusing the president's

bodyguards of beating him. Sovenis alleged that the guards punched and kicked him.

On June 6, the government began the trial of 14 police officers in the case of three siblings and their stepfather, Georgy Hernan Cedeno Saltos, who accused members of the National Police Operations Support Group of illegally detaining and torturing them in northern Quito in 2009. On July 19, the court announced that it found two police officers guilty of torture and illegal detention, five others complicit in those crimes, and another five participants guilty of a cover-up. The court sentenced the police to jail terms ranging between two and 10 months, although the minimum sentence for torture is three years. All of the accused were released shortly after sentencing with credit for time served.

The law and the constitution recognize indigenous communities' right to exercise their own systems of justice based on their traditions and customs. However, there were concerns that in some instances indigenous punishments, such as floggings or cold baths, violated human rights.

Prison and Detention Center Conditions

Conditions in prisons and detention centers generally were poor and tended to be worse in the tropical coastal areas than in the temperate highlands. In 2010 then minister of justice Jose Serrano stated that existing facilities were overcrowded by 93 percent.

Overcrowding continued to be a problem in most prison facilities. As of December the National Agency for Social Rehabilitation (DNRS) reported that 43 facilities held 16,587 prisoners, compared with 11,800 the previous year. Pretrial detainees were held with convicted prisoners. The government reported that there were 1,372 juvenile prisoners but did not report on the number of female prisoners.

A number of prisons experienced serious outbreaks of disease, and medical care was often inadequate. Chronic overcrowding and lack of preventive health-care measures permitted disease to spread quickly. The health care provided was minimal and sufficient only for emergencies. Prisoners reported having to pay bribes to visit the medical clinic and said they had no access to dental care. Many prisoners reported problems with asthma due to dust and pollution and said that they had no access to inhalers. The DNRS reported that 21 prisoners died during the year, compared with 42 deaths in 2010.

Prisoners reported widespread extortion by prison guards, officials, and other prisoners. Prisoners are expected to pay bribes to improve the quality or quantity of food they receive, to have access to the prison medical clinic, or to change or improve the location in which they are held. Some prisoners reported that the penitentiary did not have a record of how long they had been incarcerated or how long their sentence was. Most prisoners were not released upon completing their sentence, but rather remained incarcerated for an additional three to five months due to bureaucratic inefficiencies and corruption. There were no improvements in recordkeeping during the year. Most prisons continued to rely on paper files and lacked access to computers and the Internet. Prisoners convicted of nonviolent crimes could have their sentences reduced by 50 percent for good behavior and were eligible for parole after serving 60 percent of the time of their original sentence. There were no changes in alternatives to sentencing for nonviolent offenders during the year.

According to a report by the international nongovernmental organization (NGO) Prisoners Abroad, resources in the prisons were minimal, and prisoners (and their families) were expected to provide almost all mattresses, clothing, and medicines. Prisons provided three very basic meals a day, but prisoners reported that the quality of food could be very poor. Prisoners often supplemented these rations by buying their own food. Prisoners had access to potable water.

While physical conditions were notably better in the Quito women's prison than in men's facilities, according to the CEDHU, male guards were responsible for guarding female inmates, and female inmates reported that male guards requested sexual favors in return for assistance. Detention centers provided day-care facilities for children younger than three who could not be separated from their mothers.

Although in most instances the government permitted prison visits by independent human rights observers, authorities occasionally did not permit observers to visit prisoners. The DNRS stated that all properly identified officials and representatives from NGOs were able to visit prisoners, yet observers and authorities frequently were unable to find prisoners because of poor recordkeeping and corruption of prison officials. Prisoners were free to practice a religion, although religious representatives were not always permitted to visit prisoners. According to a report by Prisoners Abroad, prisoners were allowed all-day visits three days a week and, in the men's prisons, women could stay overnight every other Saturday.

Prisoners reported that it was nearly impossible to raise complaints about their conditions to members of the prison staff. Prisoners often feared reprisal and believed that their requests would go unanswered. Authorities reportedly did not investigate allegations of inhumane conditions. There were no prison ombudsmen. However, prisoners had the right to appeal to local and national human rights ombudsmen, although the limited resources of these entities hampered their effectiveness in practice.

There were no developments in the government's 2010 pledge of \$40 million (the U.S. dollar is the official currency) to construct new prison facilities.

d. Arbitrary Arrest or Detention

While the constitution prohibits arbitrary arrest and detention, the law and some regulations adopted by central or provincial authorities undermine the guarantees offered.

Role of the Police and Security Apparatus

The National Police are responsible in law and practice for internal security and law enforcement and are under the authority of the Ministry of Interior. National Police effectiveness was impaired by corruption, poor hiring procedures, and insufficient training, supervision, and resources. In January Human Rights Watch reported that "impunity for police abuses, including extrajudicial executions, is widespread." A police internal affairs office investigates complaints against police officers and can refer cases to the courts. Civilian authorities maintained effective control over the police and armed forces.

Because of the critical crime situation, the president delegated some internal security duties to the armed forces.

NGOs provided human rights training for police officers at the request of the National Police. More than 10,000 members of the police force were trained through monthly courses. The government continued to improve the preparedness of police, including increasing funding and salaries and purchasing equipment.

When mob violence took place, police sometimes failed to intervene or respond in a timely fashion (see section 6, Societal Violence).

Following the September 2010 protest by the National Police, the Prosecutor General's Office opened several investigations into threats to internal security, murder, rebellion, sabotage, and attempts to assassinate the president. Approximately 40 police officers were sentenced on charges resulting from involvement in the protest, and the investigations and trials remained underway at year's end. The National Police also carried out internal investigations resulting in administrative sanctions for police who disobeyed orders.

Arrest Procedures and Treatment While in Detention

The law requires authorities to issue specific written arrest orders prior to detention and a judge must charge a suspect with a specific criminal offense within 24 hours of arrest. Authorities generally observed this time limit, although in some provinces immediate detention was often considerably longer. Defendants have the right to be informed of the charges against them. If the initial investigation report is detrimental, the judge, upon the prosecutor's request, may order pretrial detention.

Detained persons may challenge the legality of their detention through a habeas corpus petition submitted to any judge in the locality where the detention took place, and there is no time limit within which a habeas corpus petition must be filed. The detainee may also request bail or other alternatives to pretrial detention. Such alternatives (for example, house arrest or probation) are allowed only in the case of crimes punishable with prison terms of less than five years.

Authorities charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or because the accuser bribed them. The system frequently was used as a means of harassment in civil cases in which one party sought to have the other arrested on criminal charges.

According to the constitution, detainees have the right to an attorney or to request a court-appointed defense attorney. The autonomous Public Defense Office provided legal services to defendants. Civil society groups, lawyers' associations, and universities--some contracted by the Public Defense Office--continued to provide support for vulnerable groups that did not have access to legal defense.

Although the law prohibits incommunicado detention, human rights organizations continued to report occasional violations. The law entitles detainees prompt access to lawyers and family members, but there were delays depending on the

circumstances and officials' willingness to enforce the law. Alleged narcotics traffickers commonly waited 24 to 48 hours for these visits. Detainees with sufficient resources bribed prison officials to facilitate access. The CEDHU reported that Judicial Police facilities holding persons for preliminary investigation did not allow visits by family or counsel.

Arbitrary Arrest: The Regional Foundation for Human Rights Legal Services reported numerous complaints of arbitrary detention. However, most victims did not wish to pursue legal cases. Many victims chose not to do so due to fear of reprisal, lack of resources, or little hope for a fair trial due to judicial and police corruption.

Pretrial Detention: The government estimated that 44 percent of prisoners had not been sentenced. Trial delays were caused by lengthy and complicated judicial procedures; corruption and poor training of the police, prosecutors, public defenders, and judges; and general judicial inefficiency. Many cases were abandoned because the victims did not pursue a sentence, in part because of the cost of retaining counsel and of bribing the appropriate judicial authorities.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, in practice the judiciary was susceptible to outside pressure and corruption. The media reported on the susceptibility of the judiciary to bribes for favorable decisions and faster resolution of legal cases. Judges occasionally reached decisions based on media influence or political and economic pressures.

On May 13, Minister of the Interior Jose Serrano threatened to bring criminal charges against a judge for corruption and bias. Serrano's accusations stemmed from the judge's ruling in favor of Cesar Carrion, who was accused of attempting to assassinate the president during the police protest of September 2010.

In some cases the outcome of trials appeared predetermined, and there were credible allegations by defendants and the press that verdicts delivered by judges were not actually written by them. In the libel suit brought by President Correa against the newspaper *El Universo* (see section 2.a.), the presiding judge published a 156-page decision 25 hours after the hearing. In similar cases such decisions usually take at least two weeks (and often significantly longer) to produce. The defendants alleged that the decision was not written by the presiding judge, but rather copied onto the judge's computer from an external memory device. The

defendants filed a complaint against the judge that was under investigation by the Guayas attorney general at year's end.

Trial Procedures

Despite efforts to modernize the court system, the judiciary continued to operate slowly and inconsistently. There were lengthy delays before most cases came to trial. Judges reportedly rendered decisions more quickly or more slowly due to political pressure or, in some cases, the payment of bribes. The failures of the justice system contributed to cases in which communities took the law into their own hands, including mob violence against suspected criminals.

Defendants are presumed innocent until convicted in a trial. There are no juries in the justice system. All citizens have the right to a public trial, to consult with an attorney or to have one provided, and to appeal. Defendants may present evidence, invoke the privilege against self-incrimination, and confront and cross-examine witnesses. Defendants have the right to access evidence held by the police or public prosecutor. However, in practice this right was not consistently exercised because of many defendants' lack of knowledge of the right, lack of preparation, or lack of legal representation. Authorities generally failed to inform defendants of this right.

The regular court system tried most defendants, although some indigenous groups tried members independently for violations of tribal law. While the law and the constitution recognize indigenous communities' right to exercise their own systems of justice based on their traditions and customs, they do not specify how this right is to be implemented. This parallel system raised questions of both jurisdiction and conformity with the right to a fair trial, as well as the possibility of inconsistent results between systems.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Civilian courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or cessation of, human rights violations. However, civilian lawsuits seeking damages for alleged

wrongs by the state were rarely filed, since such suits were time-consuming and difficult to prosecute, with judges taking up to a decade to rule on the merits.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and the law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution provides for freedom of speech and press, but the government restricted these rights in practice.

Freedom of Speech: President Correa and his government continued verbal and legal attacks against the press during the year. The president regularly stated that the press was his “biggest enemy” and increasingly filed libel lawsuits against journalists. He also publicly encouraged government officials and private individuals to bring cases against the media.

Generally, individuals could criticize the government publicly or privately without reprisal. However, it is illegal to threaten or insult the president or executive branch, and violators can be reprimanded with six months’ to two years’ imprisonment or a fine of \$16 to \$77.

On February 26, the presidential guard briefly detained Marco Luis Sovenis after he shouted “fascist” at the president. In his weekly address on March 5, President Correa stated: “Like it or not, in this country it is a crime to shout ‘fascist’ at the president... We are going to bring the relevant criminal charges.” However, Sovenis was never formally charged.

Freedom of Press: The independent media remained active and expressed a wide variety of views, including those critical of the government. The government owned at least 19 media stations and used its extensive publicity to influence public debate. New laws also limited the ownership of media companies.

Violence and Harassment: The law mandates the broadcast of messages and reports by the president and his cabinet free of charge. The government regularly required media stations to broadcast statements by the president and other leaders, and this reduced the stations' paid programming. President Correa frequently used these broadcasts and his public appearances to make personal attacks on specific journalists, as well as to criticize the media, question its competence and professionalism, and accuse it of bias. Journalists and local press associations reported that the president's "systematic" verbal attacks against the media created "a hostile environment for journalists."

The press freedom NGO Fundamedios reported 156 cases of harassment (threats, attacks, or arrests) against journalists or other representatives of the press during the year.

On October 23, journalist Wilson Cabrera Riera was denied permission to leave the country due to an outstanding warrant for his arrest. Cabrera claimed that the warrant was baseless and had been issued in a region of the country that he had never visited. Cabrera was attempting to travel to the Inter-American Commission on Human Rights (IACHR) to participate in a hearing about press freedom in the country.

On November 9, Cesar Ricaurte, executive director of Fundamedios, stated in an interview that he had received death threats following his October 25 testimony at the IACHR regarding the situation of press freedom in the country.

Censorship or Content Restrictions: The relationship between the press and the government was poor, and journalists working at private media companies reported instances of indirect censorship and stated that President Correa's attacks caused them to practice self-censorship.

Private media companies reported that the government frequently used tax and labor inspections to harass those companies that published reports critical of the government. These investigations forced the companies to undertake time-consuming and costly legal defense.

The government was the largest single advertiser in the country and used advertising contracts to reward or punish media companies. Media companies critical of the government reported receiving no government advertising or having large contracts cancelled.

Journalists claimed that the broadcast frequency renewal process became a subjective political evaluation of the station rather than a technical review.

Libel Laws/National Security: The government increasingly used legal mechanisms against media companies, journalists, and private individuals, including use of libel laws. Fundamedios reported 26 lawsuits against journalists or media companies since 2006, six of which were filed during the year. Libel is a criminal offense under the law with penalties of up to three years in prison, fines, and damages.

The law includes criminal libel charges, which may be used to criminalize opinion. The reach of the law, however, including whether it applies to opinion articles and whether media owners are liable for statements made by reporters or others using their media platforms, remained unclear and was under scrutiny in the *El Universo* and *Hoy* cases.

On March 22, President Correa filed criminal libel charges against the newspaper *El Universo*; its directors Carlos, Cesar, and Nicolas Perez; and former opinion editor Emilio Palacio for an editorial published on February 6. On July 20, a judge found the four defendants guilty of libel and sentenced them to three years in jail and a combined \$30 million damages payment. The newspaper was assessed an additional \$10 million in damages. In late August Palacio fled the country, reportedly because he feared he was in danger. In September the Guayas Provincial Court upheld the initial verdict after the defendants appealed. The defendants filed a second appeal with the National Court of Justice. On December 28, the national court upheld Palacio's conviction. A hearing for the separate appeal filed by *El Universo* and its directors was pending at year's end.

On December 21, the Pichincha Criminal Court sentenced *Hoy* newspaper director Jaime Mantilla Anderson to three months in prison and a \$25 fine based on a libel lawsuit filed by then Central Bank chairman Pedro Delgado Campana. According to press reports, the case was filed in 2009 on the claim that several articles published in the newspaper harmed Delgado's reputation. Mantilla was sentenced after he refused to disclose the names of the journalist or the sources. After the ruling Delgado told the press that he would withdraw the charges, but at the end of the year he had not formally submitted a request to do so. Mantilla appealed the sentence.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of peaceful assembly. The government generally respected this right in practice, although some exceptions occurred. Public rallies required prior government permits, which were generally granted with some exceptions. The government often deployed a large security presence at demonstrations. Security forces generally respected the rights of participants, but some exceptions occurred.

The government increasingly filed legal charges or opened investigations against protesters who blocked roads or impeded public services, charging demonstrators with “terrorism and sabotage” or similar charges that effectively criminalized protest. NGOs estimated that 100 to 200 persons faced criminal charges for their participation in protests.

On August 8, indigenous leaders Carlos Perez, Federico Guzman, and Efren Arpi were sentenced to eight days in jail for illegally obstructing roads and interrupting public services during an April 2010 protest.

On October 25, indigenous leader Marco Guatemal was arrested on misdemeanor charges for illegally obstructing roads during an April 2010 protest. Guatemal was initially charged with terrorism, but the charges were later reduced. A judge dismissed the case on November 10 due to lack of evidence after Guatemal spent 17 days in pretrial detention.

In September 2010 indigenous leaders Pepe Acacho, Fidel Kaniras, and Pedro Mashiant Chamik were charged with terrorism and sabotage for allegedly inciting an indigenous protest that led to the death of Bosco Wisuma in 2009. On February 1, the defendants were detained and transferred to a jail in Quito. On February 8, a

judge ruled the detention “illegal and arbitrary” and released the defendants, who had been fulfilling the terms of their probation. The defendants remained on probation, and the case was pending at year’s end.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice. The government continued mandatory re-registration of domestic organizations based on a 2008 decree. The government implemented new regulations for international NGOs that also included re-registration.

The law provides the government discretion to dissolve organizations (including civil society, foundations, and churches) on multiple grounds, including compromising the interests of the state, not posting the names of all of their members on a public Web site, or not providing access to information requested by the government. NGOs expressed concern that the government could use the collected information to selectively prosecute NGOs that supported groups critical of the government. NGOs also reported harassment with tax and labor inspections.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations, such as the International Organization for Migration, in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Applicants rejected in the refugee process have a legal right to appeal. After appeals are exhausted, they have 30 days to leave the country.

On January 11, the Directorate for Refugees (DR) of the Foreign Ministry added a step in its refugee application process to determine the admissibility of a potential refugee's application. The new step consists of a brief interview of the potential asylum seeker by a DR staff member, after which the DR makes a preliminary determination as to whether the applicant is eligible to apply. Only after admissibility is determined can an applicant be given official status as an asylum seeker.

The registration process frequently took more than a year, particularly in areas outside of Quito. During the application process an applicant does not have the right to work, leaving many asylum seekers vulnerable to labor exploitation and sex trafficking.

Nonrefoulement: The UNHCR reported six confirmed cases of refoulement during the year.

Refugee Abuse: The government reported that as of November there were more than 55,000 recognized refugees in the country, the vast majority of whom were Colombian. Refugees were vulnerable to crime, social violence, and gender-based violence. Refugees reported discrimination in employment and housing. Societal stereotypes cast refugees as criminals and prostitutes, and this discrimination affected refugees' ability to assimilate into the local population.

Access to Basic Services: The law provides recognized refugees and asylum seekers the same access to public health services as citizens. The presentation of any identity document is sufficient to provide access to public educational institutions. However, numerous NGOs asserted that some local school authorities prohibited noncitizen children from enrolling in school. Various NGOs reported that the Civil Registry did not always cooperate in registering refugee children or registering children of refugees born in the country, despite legal requirements to do so.

Durable Solutions: A small number of refugees in the country were resettled to third countries during the year. Few refugees were able to naturalize as citizens or

gain permanent resident status due to the expensive and lengthy legal process required.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees and did so for more than 13,000 persons during the year. The government and NGOs provided humanitarian aid and additional services, such as legal, health, education, and psychological assistance, to Colombians recorded as having crossed the border during the year. Most government assistance ended if official refugee status was denied.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: On May 7, citizens voted in a national referendum on constitutional changes including reform of the judiciary and ownership and regulation of financial and media institutions, as well as regulatory changes on gambling, animal cruelty, and social security. The referendum was considered free and fair by a small team of observers from the Organization of American States (OAS), but there were delays and irregularities in the vote-counting process. Local observers expressed concern over violations of campaign spending rules.

Elections for offices at all levels of government, including the presidency and the multiparty National Assembly, were held in 2009. OAS and EU observers concluded that the elections were generally free and fair, with local irregularities. Domestic observers also observed elections throughout the country. Although the international and domestic observation teams reported no major fraud, there were some reports of missing or marked ballots, counting and vote-calculation irregularities, and incidents of violence.

Participation of Women and Minorities: The constitution provides for state-promoted, gender-balanced representation in the public sector, including in the lists of political parties' candidates for the National Assembly and other representative institutions. The law mandates that electoral lists be gender-balanced and

structured in an alternating male-female (or vice versa) pattern, both for primary and stand-in candidates.

There were 42 women in the 124-seat National Assembly, 11 women in the 28-member cabinet, and two female secretaries of state with the rank of minister. There were seven Afro-Ecuadorians and indigenous persons in the National Assembly but no Asian-Ecuadorians. There were no Afro-Ecuadorians, Asian-Ecuadorians, or indigenous persons in the cabinet.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity.

The government recognized extensive corruption in the judicial branch and began a process to reform the judiciary. Academics and think tank analysts said that legal cases were not processed unless the police and judicial officials were bribed. There were media reports alleging police corruption and extensive corruption in public contracts and procurement. In June public officials accused the Ministry of Public Health of paying dramatically inflated prices for the purchase of mobile hospitals.

Labor leaders and business owners reported corruption among inspectors (see section 7.d.).

The National Secretariat for Management Transparency is tasked with investigating and reporting public complaints of corruption and with promoting transparent practices in the public administration. The Technical Secretariat for Transparency and the Fight Against Corruption is also responsible for investigating cases of corruption.

On February 1, oil company Chevron filed a Racketeer Influenced and Corrupt Organizations Act lawsuit in a U.S. court against plaintiffs in a multibillion dollar environmental lawsuit then pending against the company in Ecuador. The lawsuit alleged that plaintiffs, lawyers, and consultants in the environmental case manufactured evidence and conspired with judges to obtain a favorable ruling (see section 6, Indigenous People).

On June 9, the First Criminal Court of the National Court of Justice annulled proceedings against two attorneys representing Chevron and seven former government officials related to allegations of fraud in an environmental remediation release agreement between Chevron and the government.

On August 22 and September 20, hearings were held in the case of Juan Xavier Aguinaga, former undersecretary of foreign affairs for the Ministry of the Coast Region, and several notary publics for alleged involvement in the illegal naturalization of Cuban citizens. The case remained pending at year's end.

Government officials are required to declare their financial holdings upon taking office and if requested in an investigation, and all agencies must disclose salary information annually.

The constitution states that all persons have the right to access information about public or private organizations receiving state funds. The law requires all organizations (public and private) that receive public funds to respond to written requests for information, publish specific information on their Web site, and submit an annual report to the Ombudsman's Office that details their compliance with the transparency law. As a result government agencies increasingly put budget information, functions, organizational information, lists of government officers, and official notices on the Internet in addition to responding to written requests. However, requests for information were not always granted in practice, and the government made exceptions, stating that the requested information was not available. Judges did not enforce the legislation requiring the government to release information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials cooperated with the groups but often did not act on their recommendations.

The government began a process to standardize requirements for international NGOs to register and operate in the country, including human rights groups. International NGOs were required to re-register with the government under the new regulations. Some NGOs initially expressed concern that the process would

be used to shut down NGOs perceived to oppose the government, but to date no NGO has reported politically motivated sanctions based on the new regulation.

The government used public statements to criticize and attack the credibility of specific international and local NGOs, as well as NGO findings. Government officials, including the president, publicly rejected findings published by the Inter American Press Association (IAPA) and the IACHR's special rapporteur on freedom of expression. The government also refused to meet with IAPA. On June 25, President Correa stated that some NGOs undermine national security.

Government Human Rights Bodies: The Ombudsman's Office, which the constitution describes as an administratively and financially independent body under the Transparency and Social Control branch of government, focused on human rights problems. As of December the office had 75 lawyers and regularly presented cases to the Prosecutor's Office. The public perceived the Ombudsman's Office as independent, but the office's effectiveness was limited by a lack of resources and personnel.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status. However, the government did not fully enforce these prohibitions. Women; persons with disabilities; indigenous persons; Afro-Ecuadorians; and lesbian, gay, bisexual, and transgender (LGBT) persons continued to face discrimination.

Women

Rape and Domestic Violence: Although the law prohibits violence against women, including within marriage, abuses were widespread. In March 2010 the Ombudsman's Office released a report stating that approximately 83,000 women annually suffered some sort of violence or abuse. The report also noted that 7,000 women were assaulted monthly and that more than 200 women were victims of some sort of violence on a daily basis. According to the government's campaign to stop violence against women, React Ecuador, Sexism is Violence, eight out of 10 women are victims of physical, psychological, or sexual violence at some time in their lives.

The law criminalizes rape and provides penalties of up to 25 years in prison. Under family law spousal rape is considered a type of violence and may be

prosecuted under the criminal code. The penalty for rape where death occurred is 12 to 15 years' imprisonment. The Office of the Prosecutor received 5,036 reports of sexual crimes between January and June. The National Police detained 1,285 individuals accused of rape and filed 552 complaints. The Office of the Prosecutor convicted 346 persons of rape between January and October. Many instances of rape and sexual assault were not reported due to the victim's reluctance to confront the perpetrator due to fear of retribution or further violence and social stigma.

The most pervasive violations of women's rights involved domestic and sexual violence. Although prohibited by law, both were widespread and vastly underreported, again due to for fear of retribution, social stigma, and further violence. Although authorities referred many women who reported domestic abuse or sexual crimes to the judicial system, cultural prejudices, financial dependence or lack of financial resources, family pressure, and the victim's fear of testifying at a trial contributed to a large number of charges against perpetrators being dropped. Between January and June, 2,437 domestic violence complaints were filed.

In April 2010 the government initiated the React Ecuador campaign, which sought to eradicate gender violence by improving the justice system, protecting victims of violence, and raising awareness of violence against women as a human rights violation. A study published by the campaign indicated that in 2009 approximately 64 percent of deaths of women were due to gender-based violence. The second phase of the campaign began in July 2010 and focused on the consequences of domestic violence on children and adolescents.

Governmental joint service centers provided assistance on legal issues, social and medical assistance, and police protection free of charge to victims of domestic and gender violence. According to family law, domestic violence may be punished with a fine for "damages, pain and suffering" ranging in value from \$264 to \$3,960, depending on the severity of the crime. The law also gives family courts the power to remove an abusive spouse from the home if continued cohabitation creates a risk to the victim of abuse.

Sexual Harassment: Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in the workplace as common. Between January and June 2010, the national police received 325 reports and complaints of sexual harassment.

Reproductive Rights: The law acknowledges the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of

their children. The law protects the sexual and reproductive rights of women and calls for free prenatal care, family planning services, and cancer screening. According to statistics from UN Population Fund (UNFPA), 99 percent of women had skilled attendants present during childbirth in 2009. However, the Ministry of Public Health stated that approximately 62 percent of births to self-identified indigenous mothers took place at home without professional attendants in 2010. According to the UNFPA, the country's maternal mortality rate was 140 deaths per 100,000 live births. Most deaths during pregnancy or childbirth were due to obstetric complications, high blood pressure, eclampsia, infections, or other abnormalities during labor. Additionally, limited access to maternal health care for women residing in rural and remote areas contributed to the high maternal mortality rate.

The Maternal and Child Health Survey reported contraceptive prevalence rates of 39 percent among women and 59 percent among married women. The Population Reference Bureau reported in 2009 that more than 36 percent of modern contraceptive method users received these services through government-sponsored programs. However, the government's Bureau of Standards required special certification on imports of contraceptives, which occasionally resulted in shortages and higher prices.

Discrimination: The constitution affords women an array of economic, political, and social rights. The law stipulates that the government should formulate and implement policies to achieve gender equality, incorporate a gender focus into plans and programs, and provide technical assistance to implement the law in the public sector.

Although women enjoyed the same legal status as men, women often did not have equal rights in practice. Societal discrimination against women was pervasive, particularly with respect to educational and economic opportunities for older women and for those in the lower economic strata. Women on average earned 39 percent less than men for comparable work. They tended to be employed in the informal sector or as domestic workers and thus enjoyed less stability and earned lower wages. There were fewer women than men employed in professional work and skilled trades. Women's advocates alleged that culture and tradition inhibited achievement of full equality for women. Indigenous women faced triple discrimination on the basis of gender, ethnicity, and reduced economic status.

Children

Birth Registration: Citizenship is acquired through birth in the country, birth to an Ecuadorian mother or father abroad, or by naturalization. The Social Registry, the Ministry of Social and Economic Inclusion, and the Child and Family Institute promoted a campaign, Put Your Name Down, that registered approximately 60,000 children throughout the country in 2010. In 2009, according to the Observatory of the Rights of Children and Adolescents, there were 300,000 unregistered children in the country. UNICEF estimated that during the year 15 percent of children under age five in the country were unregistered.

While the law prohibits schools from requesting civil registration documents for children to enroll, some schools, mostly public schools, continued to require these documents. Other government services, including welfare payments and free primary health care, require some form of identification.

Education: According to the constitution, education is obligatory through ninth grade and free through 12th grade. However, costs associated with school, such as for uniforms and books, and a lack of space in public schools prevented many adolescents from attending school. In some provinces public schools denied entry to students due to a lack of space.

Child Abuse: According to the government, 21 percent of children suffered some form of sexual abuse in 2009. Projects sponsored by local NGOs reported that children living in the streets, many of whom came from poor indigenous families, suffered from exploitative conditions.

Sexual Exploitation of Children: The law prohibits child pornography, with penalties of six to 16 years' imprisonment. The age of consent is 14, and the penalty is 16 to 25 years' imprisonment. Commercial sexual exploitation of minors remained a problem. While adult prostitution was legal, brothel owners did not check ages of their employees. As a result, some children worked in prostitution.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were no reports of anti-Semitic acts. There was a small Jewish community, including an estimated 250 families in Quito, according to the local synagogue.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and grants them priority and specialized care in the public and private sectors. The interagency National Council on Disabilities oversees government policies regarding persons with disabilities. Although the law mandates access to buildings and promotes equal access to health, education, social security, employment, transport, and communications for persons with disabilities, the government did not fully enforce it. The law requires that 4 percent of employees in all public and private enterprises with more than 25 employees be persons with disabilities. In 2010, according to government information, only 35 percent of the 1,532 audited companies complied with this law.

An initiative called Ecuador without Barriers, led by the vice president of the country, sought to create jobs for persons with disabilities, provided funding to more than 200 municipalities to improve access to public buildings, and opened training and rehabilitation centers. The initiative also monitored the degree of compliance by companies that hire persons with disabilities. In addition to this program, the government was building centers for those considered intellectually disabled. The caregivers of persons with severe disabilities received a government monthly subsidy of \$240.

The law directs the electoral authorities to provide access and facilitate voting to persons with disabilities, and international observers commended the government's accommodations for persons with disabilities in the May 7 national referendum.

National/Racial/Ethnic Minorities

Afro-Ecuadorian citizens, who account for approximately 7 percent of the population according to the 2010 census, suffered pervasive discrimination, particularly with regard to educational and economic opportunity. The constitution

declares the state to be plurinational and affirms the principle of nondiscrimination by recognizing the rights of indigenous, Afro-Ecuadorian, and Montubio (a rural, farming population recognized as an independent ethnic group) communities. It also mandates affirmative action policies to provide for the representation of minorities. A 2009 executive decree calls for all public sector bodies to ensure that “access to labor” reflects the percentage of the population of indigenous persons, Afro-Ecuadorians, and Montubios.

Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination and stereotyping continued to affect them and resulted in barriers to employment, education, and housing. For instance, Afro-Ecuadorians continued to assert that police stopped them for document checks more frequently than they stopped other citizens and that employers often would not interview persons whose job applications carried Afro-Ecuadorian photos.

The Corporation for the Development of Afro-Ecuadorians noted that Afro-Ecuadorians still lacked access to basic education and that the school registration rate for Afro-Ecuadorian children was below the national average.

Indigenous People

According to the 2010 census, 7 percent of the population self-identified as indigenous. Indigenous organizations estimated that up to 30 percent of the population maintained their indigenous cultural identity and lived in indigenous communities. The vast majority of indigenous citizens resided in rural areas, including the highlands and Amazonian provinces. Indigenous persons continued to suffer discrimination at many levels of society and, with few exceptions, were at the bottom of the socioeconomic scale.

The law recognizes the rights of indigenous communities to hold property communally. Land in many cases is titled to the indigenous community. In other cases indigenous groups managed a reserve that the government set aside for biodiversity protection. The government worked with indigenous communities to help them gain titles to their lands.

The constitution grants indigenous persons and communities the right to be consulted and participate in decisions about the exploitation of nonrenewable resources that are located in their lands and that could affect their culture or environment. Indigenous groups claimed that newly passed or proposed laws

covering mining, water resources, and hydrocarbon resources did not take indigenous viewpoints sufficiently into account and furthermore intruded upon indigenous autonomy over their lands and resources. Although an April 2010 ruling by the Constitutional Court requires the National Assembly to consult with affected communities on water issues before the legislature can vote on the draft laws, there was no mechanism for consultation.

The constitution allows indigenous persons to participate in the benefits that natural resource extraction projects may bring and to receive compensation for any damages that result. In the case of environmental damage, the law mandates immediate corrective government action and full restitution from the responsible company, although some indigenous organizations asserted a lack of consultation and remedial action.

Indigenous groups lobbied the government and mounted protests in attempts to win a greater share of oil revenues and a greater voice in natural resource and development decisions. Some indigenous leaders faced criminal charges for participating in social protests (see section 2.b.).

Although indigenous persons have the same civil and political rights as other citizens, some of their leaders reported discrimination and prosecution, including discrimination in access to higher education and employment. The constitution strengthens the rights of indigenous persons; it declares the state plurinational, recognizing Kichwa and Shuar as “official languages of intercultural relations,” and specifically recognizes indigenous justice. However, the lack of a clearly defined relationship between indigenous justice and the regular justice system led to legal conflicts between the government and indigenous leaders.

Widespread environmental damage, in part due to deforestation and petroleum production, constituted another serious problem. Settlers, including those from other indigenous groups, drug traffickers, and loggers, illegally encroached into indigenous territory. Corrupt local officials, a lack of political will, and divisions among and within indigenous communities undermined indigenous efforts to stop the flow of illegally harvested timber. Small-scale mining, often on the part of indigenous communities themselves, also contributed to serious environmental damage.

On February 14, the Sucumbios Provincial Court ruled against Chevron in a long-standing environmental case brought forward by a number of indigenous communities. The court ordered the company to pay a \$9.5 billion award, which

was subsequently raised to more than \$18 billion. Both parties appealed the ruling. The plaintiffs, representing 30,000 indigenous persons, claimed that their health, welfare, and livelihoods were affected by environmental damage caused by Texaco (later purchased by Chevron).

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The constitution includes the principle of nondiscrimination and establishes choice of sexual orientation as a right. Although the law prohibits discrimination based on sexual orientation, gay, lesbian, and transgender persons continued to suffer discrimination from both public and private bodies. LGBT organizations reported that transgender persons suffered more discrimination because they were more visible. LGBT groups claimed that police and prosecutors did not thoroughly investigate deaths of LGBT individuals, including when there was suspicion that the killing was because of sexual orientation or gender identity.

LGBT organizations and credible media sources reported that LGBT persons were interned against their will in private treatment centers to “cure” or “dehomosexualize” them, although such treatment is illegal. The clinics reportedly used cruel treatments, including rape, in an attempt to change LGBT persons’ sexual orientation. In August the government reported that it closed 30 such centers, but LGBT organizations reported that other illegal clinics continued to operate.

Members of the LGBT community continued to report that their right of equal access to formal education was frequently violated. The LGBT population involved in the commercial sex trade reported abusive situations, extortion, and mistreatment by security forces.

Other Societal Violence or Discrimination

The constitution specifically prohibits discrimination directed at persons with HIV/AIDS. There was no societal violence against persons with HIV/AIDS. However, NGOs reported that individuals with HIV/AIDS believed they were discriminated against, including on issues such as equal employment opportunities and access to appropriate health care.

Vigilante justice remained a problem. Such violence occurred particularly in indigenous communities and poor neighborhoods of major cities where there was

little police presence. On August 1, a so-called community protection group in Azuay Province attacked Jose Belisario R., accusing him of stealing cattle. The mob beat Jose and set him on fire. After police intervened, an ambulance transported Jose to a hospital for treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides most private sector workers with the rights to form and join trade unions of their choice, conduct legal strikes, and bargain collectively. The constitution terms worker rights “irrevocable,” provides for the right to unionize and strike (except in strategic sectors), and commits state support for democratic unions. Members of the police, the military, and most public sector employees (those who fall under the civil service law) were not free to form trade unions. Most public employees maintained membership in a labor sector association, but such associations are not allowed to strike or bargain collectively. The law requires workers in state enterprises to be represented by a single labor union.

The law requires a minimum of 30 workers for the creation of associations, work committees, or assemblies to organize work committees and does not allow foreign citizens to serve as trade union officers. The International Labor Organization (ILO) considered these requirements impediments to the right to organize. The law prohibits antiunion discrimination and protects strikers and their leaders from retaliation. The law does not require reinstatement of workers fired for union activity but requires compensation and fines. The law prohibits the dismissal of workers from the moment a union notifies the labor inspector of its general assembly until the formation of its first executive board, the legal first steps in forming a union.

All private employers with 30 or more workers belonging to a union are required to negotiate collectively when the union so requests. The large union federations have traditionally been allied with specific political parties, but there is no requirement to do so. The law prohibits the use of discriminatory criteria in hiring. The law prohibits the use of outsourcing, including subcontracting, third party, and hourly contracts, but grants an exemption for outsourcing services that are not an integral part of the company’s productive processes.

There were few restrictions on the right of private sector workers to strike, although a 10-day period is required before a strike can be declared. The law

allows solidarity strikes or boycotts of three days if the Ministry of Labor Relations approves them. In some industries, during a legal strike workers may take possession of a factory or workplace (thus ending production at the site) and receive police protection during the takeover. In other industries, such as agriculture and hospitality, where workers are needed for “permanent care,” the law requires a 20-day waiting period from the day the strike is called, and workers cannot take possession of a workplace. During this time workers and employers must agree on how many workers are needed to ensure a minimum level of service, and at least 20 percent of the workforce must continue to work in order to provide essential services. The law provides that “the employer may contract substitute personnel” only when striking workers refuse to send the number of workers required to provide the minimum necessary services, although in practice this law was not enforced.

The law does not allow the majority of public workers the right to strike. The constitution designates health, environmental sanitation, education, justice, fire fighting, social security, electrical energy, drinking water and sewerage, hydrocarbon production, fuel processing, transport and distribution, public transportation, and post and telecommunications as strategic sectors in which strikes are prohibited. Some of the sectors defined as strategic exceed the ILO standard for essential services. The law includes a provision that striking workers in these sectors are subject to between two and five years’ imprisonment. The ILO has repeatedly noted that this law could lead to compulsory labor as punishment for participation in peaceful strikes, a violation of international labor standards.

Government efforts to enforce legal protections of worker rights were often inadequate and inconsistent, sometimes failing to deter employers from retaliating against workers for organizing. The process to register a union, which used to take only a few days, now takes weeks or longer and is much more complicated, inhibiting union registration. Individual workers may take complaints against employers to the Labor Inspection Office if they are still employed by the firm or to courts charged with protecting labor rights if they are no longer employed by the organization. Unions may also take complaints to a tripartite (union, employer, government) arbitration board established to hear these complaints. Procedures were generally subject to lengthy delays and appeals.

In practice freedom of association and the right to collective bargaining were frequently not respected. There were a number of cases reported in which workers were fired for union activities. There were no reports of physical violence or threats against union leaders or members. However, there were many reports of

legal harassment, including charges of terrorism filed by the government against labor leaders for their involvement in strikes or other protest activity.

Outsourcing was common, with union leaders and government employees stating that the government was the most frequent user. Outsourcing was used by the government and private companies to avoid hiring workers with the rights to organize or to bargain even though outsourcing is generally illegal. For instance, banana plantations often outsourced harvesting to short-term companies. When workers there attempted to organize or bargain collectively, the companies employing them dissolved while leaving the original company protected.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law in all cases. Forced labor of children and adults persisted, with migrants, refugees, and the indigenous being particularly vulnerable, especially women who are members of these groups. There were reports that indigenous children and adolescents were subjected to forced begging and forced labor as domestic servants, and in mining (see section 7.c.). Adult men were victims of forced labor in the agricultural industry. In June 2010 the UN special rapporteur on contemporary forms of slavery reported adult forced labor in the palm oil industry and among domestic workers.

The government created a specialized antitrafficking police unit in July. There was no data available on the number of victims removed from forced labor during the year.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum working age for minors at 15 for all types of labor and the maximum hours a minor may work at six hours per day, five days per week. The law lists jobs that are not suitable for children and prohibits minors from working in hazardous conditions, including in agriculture, mines, domestic work, garbage dumps, slaughterhouses, or in jobs requiring exposure to toxic or dangerous substances or loud noises. The law requires employers to pay minors the same wages received by adults for the same type of employment. Penalties for violations of the child labor laws include fines of \$50 to \$300 for parents or

guardians and fines of \$200 to \$1,000 for employers hiring children younger than 15. An employer's business is subject to closure for repeated infractions.

The Ministries of Labor and of Economic and Social Inclusion and the Minors' Tribunal enforce child labor laws, but enforcement, while improving, remained inadequate. From January to July, the National Directorate of Police for Children and Adolescents received 66 reports of child labor.

In March 2010 the government combined the child labor inspectors with the regular labor inspections force. The Ministry of Labor's Social Service Directorate monitored child labor in factories, but enforcement in most sectors of the economy remained limited. In addition, the Ministry of Mines and Energy had an agreement with the Ministry of Labor Relations that allowed Ministry of Mines' inspectors to enforce child labor laws and impose sanctions for violations found in mines.

In March 2010 the government announced a program, Ecuador without Child Labor, aimed at eliminating all forms of illegal child labor; the program involved multiyear campaigns specifically targeting child labor in garbage dumps, the flower industry, and begging. By December 2010 the government announced that it had practically eradicated child labor in garbage dumps, which the ILO confirmed was largely accurate. The program not only removed children from the dumps but also worked with families to enroll the children in school and provided assistance to families. The program also removed children from the streets and worked to increase awareness of child begging. While begging was reduced through the program, it was still common.

Child labor remained a severe problem in the informal sector. Children were most likely to be found working on banana plantations or as street vendors. Children also worked in the production of broccoli, sugarcane, and strawberries and were involved in brick making and small-scale gold mining. Forced child labor took the form of involuntary domestic work, forced begging, and forced labor in mines. Some children were forced to engage in criminal activity, such as drug trafficking, and were recruited by Colombian terrorist groups along the northern border.

In urban areas many children under the age of 15 worked in family-owned businesses in the informal sector, shining shoes, or as street peddlers. Other children were employed in messenger services, domestic services, and begging. Children as young as five or six often sold newspapers or candy on the street to support themselves or augment family income.

The National Institute of Statistics and Census found that in 2009, 374,000 children were engaged in labor not permitted by law, primarily working in rural areas or in the informal sector. In 2010 UNICEF estimated the number of child laborers at approximately 340,000.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum monthly wage was \$264. The official estimate of the poverty level was \$72.87 per month. The law limits the standard work period to 40 hours a week, eight hours a day, with two consecutive days of rest per week. Underground workers, such as miners, are limited to six hours a day and may only work one additional hour a day with premium pay. Premium pay is 1.5 times the basic salary for work done from 6:00 a.m. to 12:00 a.m. Work done from 12:00 a.m. to 6:00 a.m. receives twice the basic salary, although workers whose standard shift is at night receive a premium of 25 percent instead. Premium pay also applies to work done on weekends and holidays. Overtime is limited to no more than four hours a day and a total of 12 hours a week. Mandatory overtime is prohibited. Workers are entitled to a continuous 15-day annual vacation, including weekends, plus one extra day per year after five years of service. Different regulations regarding schedule and vacations apply to live-in domestic workers.

The law provides for the health and safety of workers. Health and safety standards are outlined in the labor code. Workers do not have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment. Foreign and migrant workers are subject to the same labor standards.

The Ministry of Labor Relations worked to improve enforcement of labor laws, although violations were common. Enforcement is the responsibility of the Ministry of Labor Relations and the Social Security Department of Hazards. The government had approximately 250 inspectors, who were in charge of enforcing all labor laws, including those for child labor. The Ministry of Labor greatly increased its inspections for labor violations during the year, from 10,000 inspections in 2010 to more than 26,000 in 2011. Enforcement efforts were sometimes hampered by the inexperience of newly hired inspectors and the lower priority placed on child labor by the inspectors.

Labor inspections may be conducted by appointment, although this was uncommon, or after a worker complaint. If a worker requests an inspection and a Ministry of Labor Relations inspector confirms a workplace hazard, the inspector then may close down the workplace. Labor inspections generally occurred because of complaints, not as a preventive measure, and inspectors could not make unannounced visits. In some cases violations were remedied, but other cases were subject to legal challenges that delayed changes for months. In practice penalties were not sufficient to deter violations and were often not enforced.

Various NGOs claimed that complaints by migrants and refugees were rarely investigated. Labor leaders and business owners also claimed corruption was common among the inspectors. In 2010 the Ministry of Labor Relations began implementing reforms aimed at improving labor rights enforcement, including in labor inspections, and it worked to increase the number of workers who are protected by contracts, receiving minimum wage, and registered for social security benefits. A law passed by national referendum in May made it mandatory for employers to register their employees with Social Security and established criminal penalties for noncompliance. The government ran an active campaign to register workers and labor inspectors focused on ensuring that workers had contracts and were registered with Social Security. The campaign included some house-to-house visits by inspectors to interview domestic workers and called employers to hearings if inspectors found a discrepancy with the law. While there were still many people who needed to be registered, there was a dramatic increase in the total number registered since the law's passage in May.

Most workers worked in the large informal sector and in rural areas and were not subject to the minimum wage laws or legally mandated benefits. There were no specific regulations governing health and safety standards in the small-scale agricultural sector. Occupational health and safety issues were more prevalent in the large informal sector. The labor code singles out the health and safety of miners; however, there was no enforcement of safety rules in the small mines that made up the vast majority of enterprises in the mining sector. Migrants were particularly vulnerable to hazardous and exploitative working conditions.

The government acknowledged that the number of on-the-job injuries was seriously underreported. According to the Social Security Institute, Ministry of Labor Relations, and Ministry of Health, approximately 15,000 on-the-job injuries were reported each year. The ILO estimated the true number at approximately 160,000. Safety violations were reportedly common in the banana, palm oil, flower, and gold-mining industries, particularly involving exposure to toxic

chemicals. Several intercity bus accidents that resulted in numerous fatalities were partially attributed to a lack of enforcement of limits for drivers' work hours.

In 2010 the UN special rapporteur on contemporary forms of slavery reported severe abuses and little government oversight in the palm oil industry, where many workers were Colombian migrants. The abuses included excessive work hours, very low or no wages, and inhumane living conditions. Additional abuses were found in the banana, flower, and small-scale gold-mining industries.