

Academic Freedom and Civil Rights in Rafael Correa's Ecuador: Summary of Reports Solicited by the Executive Council of LASA

by CARMEN MARTÍNEZ NOVO | University of Kentucky | carmen.martinez@uky.edu

ICISS (International Commission on Intervention and State Sovereignty)

2001 *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Centre.

Lucci, Juan José

2012 "La responsabilidad de proteger y los intereses de los 5 miembros permanentes: Los casos de Darfur, Myanmar y Siria." *Pensamiento Propio* 35: 45–82.

Serbin, Andrés, and Andrei Serbin Pont

2015a "Latin America and the Responsibility to Protect: Divergent Views from the South?" *Pensamiento Propio* 41: 11–33.

2015b "Brazil's Responsibility while Protecting: A Failed Attempt of Global South Norm Innovation?" *Pensamiento Propio* 41: 171–192.

Toro Carnevali, Alfredo

2012 "El concepto de Responsabilidad de Proteger: La perspectiva de la República Bolivariana de Venezuela y otros países en desarrollo." *Pensamiento Propio* 35: 135–167.

United Nations

2004 *A More Secure World: Our Shared Responsibility; Report of the High-Level Panel on Threats, Challenges and Change*. New York: United Nations Department of Public Information.

United Nations: General Assembly

2011 A/66/551-S/2011/701. Letter dated 9 November 2012 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General.

Villagómez Reinel, Pablo

2013 "La responsabilidad de proteger y el problema de la paz." *Línea Sur* 4 (7): 32–67. ■

The arbitrary detention of Franco-Brazilian professor Manuela Picq on August 13, 2015, after being beaten by the police while she demonstrated peacefully and covered the protests, the revocation of her valid cultural exchange visa, and her internment in an undocumented immigrant shelter in Quito, led the Executive Council of LASA (EC) and LASA's past presidents to write a letter of concern to the Ecuadorian government. This event, as well as the repression of peaceful antigovernment protests that specifically targeted indigenous protestors, led the EC to request a report on the state of academic freedom and civil liberties in Ecuador by a group of experts. The EC solicited reports from Felipe Burbano de Lara (FLACSO-Ecuador), Catherine Conaghan (Queen's University, Canada), María Amelia Viteri (Universidad San Francisco de Quito), Rudi Colloredo-Mansfeld (University of North Carolina, Chapel Hill), and Carmen Martínez Novo (University of Kentucky). The reports indicate that there are serious threats to freedom of speech, academic freedom, and other civil rights in Ecuador. The threats discussed in the five reports are summarized here. The complete individual reports follow this summary.

Enactment of Laws That Limit Freedom of Expression and Academic Freedom

The laws analyzed in the reports are the Organic Law of Communications (Ley Orgánica de Comunicación, LOC), the Organic Law of Higher Education (Ley Orgánica de Educación Superior, LOES), and the Organic Law of Intercultural Education (Ley Orgánica de Educación Intercultural, LOEI). These laws centralize the control of communications and education in the executive and put an end to the relative autonomy that organizations of civil society previously enjoyed in

regulating their systems of cultural production.

The sector most severely affected is privately owned media that the regime portrays as controlled by power groups and as destabilizing of the current political process. The Organic Law of Communication gives the executive wide powers to control, regulate, and sanction communications through two institutions: the Superintendencia de Comunicación (SUPERCOM) and the Consejo de Regulación y Desarrollo de la Información y Comunicación (CORDICOM). SUPERCOM has initiated 269 processes against journalists and media outlets. From the processes that have been resolved, 82 percent have resulted in sanctions that include fines, written warnings, public apologies, and rectification of previous statements.

The Organic Law of Higher Education provides the executive ample powers to regulate and control higher education institutions. The LOES creates regulatory bodies appointed by the executive, without representatives directly selected by the universities, to regulate, evaluate, and sanction the institutions of higher education. Institutions of higher education are forced to register their teaching and research objectives within one of the development goals of the government. Everyday academic life has been affected by low-level administrative regulations with budgetary effects. The evaluation of universities has resulted in the closure of several of them.

The Organic Law of Intercultural Education puts an end to the autonomy that organized indigenous peoples enjoyed. This decision violates ILO Convention 169 as well as the 2007 United Nations Declaration of the Rights

of Indigenous Peoples, both of them signed by Ecuador. The result has been the virtual disappearance of education in indigenous languages, the standardization of the educational system, the closure of community schools, and the layoff of indigenous teachers who are not able to pass the government's standardized exams.

Enactment of Legislation That Regulates and Limits Freedom of Speech and Association

In June 2013, the Correa administration enacted Executive Decree 16, which laid out a complex process for registering organizations and required the re-registration of an estimated 50,000 existing organizations. This legislation requires organizations to provide extensive information to the executive and to demonstrate financial assets. The most problematic aspect of this Executive Decree is the government's right to dissolve organizations and deny registration to new ones should they "pursue partisan activities reserved for political movements." Civil society organizations have denounced Decree 16 to human rights groups as an infringement of their right to free speech and association.

Presidential Speeches Harassing Academics and Dismissing Branches of Academic Knowledge

President Correa has harassed and falsely accused numerous academics in his weekly presidential speeches. The majority of these academics are members or former members of LASA. Correa's harassment of individuals has to do most of the time, although not always, with their role as public intellectuals (i.e. writing in newspapers). In one of his speeches

Correa discredited gender studies, calling the field "a gender ideology that does not withstand academic analysis." In another speech he warned communities against environmentally minded researchers. Some academics and journalists who have been criticized or ridiculed in Correa's speeches have suffered harassment and violence in public spaces from government's followers.

Perceived Threat of Withdrawal of Public Funds to Punish Dissenters, Limiting Public Discussion

Potential dissenters fear the withdrawal of public funds or other benefits if they speak out. Some indigenous politicians, who previously participated in public debates and in the media, practice self-censorship. Local indigenous leaders report that indigenous people working within the Correa government have no voice or decision-making power. Reportedly, academics that are critical of the government do not have access to the information and resources necessary to conduct their work.

Use of Threats and Intimidation against Academics

Academics as well as environmentalists and other activists have received informal threats. In addition, a foreign environmental activist and a foreign academic have been forced to leave the country. Their cases have been examples discouraging other foreign researchers and activists from speaking up or conducting collaborations with social movements that could be perceived by the executive as "engaging in politics." In contrast, foreign academics brought by the government with lavish salaries and benefits under the

Prometeo Program are allowed to intervene in politics.

Repression of the Systems of Knowledge of Indigenous Peoples

The Intercultural University of Indigenous Peoples "Amawtay Wasi" was evaluated, lost its accreditation, and was forced to close. Smaller community schools have been consolidated and have been replaced by larger axis schools that impart standardized, urban-oriented education in Spanish. Many indigenous teachers cannot pass standardized government exams and are forced out of their jobs, creating a shortage of intercultural bilingual educators. Many indigenous students are not accepted into public institutions of higher education or in the careers of their choice because they cannot achieve high scores in standardized tests that do not take into account socioeconomic or cultural differences.

Climate of Intolerance

There is a general climate of intolerance in the country that affects the gains that civil society made in the last decades of the twentieth century. State policies regarding gender have become conservative, promoting "family values" (Catholic moral understandings of the family) instead of family planning. The president and other high officials of the state use sexist and homophobic language and concepts in their public speeches. The regime has ended the law to end violence against women and the law of paid maternity leave. Indigenous leaders are dismissed and ridiculed in public speeches, causing some citizens to think that open racism is acceptable again in the public sphere. ■