

Universal Periodic Review 41st session – Ecuador

Human rights in the digital environment



Within the framework of the 41st cycle of the Universal Periodic Review of the United Nations (UPR), the Association for Progressive Communications (APC)¹ and Derechos Digitales² want to draw attention to some relevant aspects for the exercise of human rights in the digital environment in Ecuador. For this, we have prepared a detailed report (in Spanish)³ with recommendations that could be implemented by the Ecuadorian state in favour of the entire population. We present here a summary of the most relevant elements.

IN WHAT CONTEXT IS THIS CONTRIBUTION PRESENTED?

In recent years, Ecuador has limited the exercise of freedom of expression on the internet, restricting access to the network to prevent the population from being informed about the political situation in the country, especially in the context of social mobilisations in 2019. In addition, an increase in online violence against vulnerable groups based on xenophobia, homophobia and misogyny on social media platforms has been identified. The situation in the country has also been characterised by the criminalisation of digital security and the activists who promote it, as in the case of Ola Bini.

These situations have been documented by the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights in 2018 and 2019.⁴ In these reports, the Special Rapporteur has recommended that the Ecuadorian state respect and guarantee the full enjoyment of the rights to protest, freedom of expression, peaceful assembly, and political participation in accordance with Inter-American standards.

In our joint stakeholder report, we also followed up on recommendations from the previous UPR of Ecuador, regarding freedom of expression and its guarantee, specifically for journalists, communicators and human rights defenders, and we introduced additional recommendations.

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1. The Association for Progressive Communications (APC) is an organisation in consultative status with ECOSOC that advocates the strategic use of information and communications technologies to advance human rights and social, environmental and gender justice. The APC network has 62 organisational members and 29 individual members active in 74 countries. <https://www.apc.org>
 2. Derechos Digitales is a non-profit non-governmental organisation founded in 2005. It has consultative status to ECOSOC and its headquarters are in Santiago de Chile. Its work covers Latin America, and it is dedicated to the defence and promotion of human rights in the digital environment. <https://www.derechosdigitales.org>
 3. The full report in Spanish is available at: https://www.apc.org/sites/default/files/dd_apc_upr_ecuador_2022.pdf
 4. Some recommendations are available at: <https://www.oas.org/es/cidh/expresion/docs/informes/observaciones%20preliminares%20visita%20EC%202018.pdf>

RECOMMENDATIONS ON HUMAN RIGHTS IN THE DIGITAL ENVIRONMENT

I. Freedom of expression and opinion

Freedom of expression has not been guaranteed and respected in Ecuador. Journalists, communicators and rights defenders constantly receive attacks through social media platforms, while the legislation is not favourable for the media sector.

During the social mobilisations of 2019, violations of internet access were detected. In addition, temporary disruptions and interruptions of social media platforms, mobile communications and websites were detected and reported, which substantially interfered with the right of people to organise, communicate with their peers, receive information from independent and alternative sources, and gather and receive support.⁵

We recommend: That the Ecuadorian state refrain from interrupting internet access. Any measure that restricts people's ability to connect to the internet must be strictly justified through the principles of proportionality and necessity. In addition, we ask to revoke any attempt to criminalise or restrict the freedom of association and assembly and the right to protest online or offline.

II. Criminalisation of encryption and the work of experts in digital security

The work of experts in computer science and digital security is key to the protection of human rights in the digital environment. However, there is a dangerous trend towards the criminalisation of computer knowledge and the use of the criminal justice system to persecute those who defend digital rights and privacy. Such is the case of the Swedish activist Ola Bini, a renowned computer scientist and human rights activist, who was arrested in Ecuador in 2019, accused of cooperating with attempts to destabilise the government without convincing evidence and through a legal process with numerous irregularities.⁶

We recommend: Strengthening the protection of human rights defenders who are experts in information technology and digital security, as well as guaranteeing their rights in the framework of their activities. In addition, we recommend protecting and promoting the availability and use of encryption and anonymity technologies as tools for the defence of fundamental rights. Finally, we recommend evaluating and following up on the complaints of rights violations in the legal proceedings against digital security expert Ola Bini.

5. A report by APC, Digital Defenders Partnership, LaLibre.net, Tecnologías Comunitarias and Taller de Comunicación Mujer systematised the situation of digital rights in the context of the protests. It is available (in Spanish) at: Ecuador_Informe_bloqueos_e_interrupciones_red_octubre2019_CIDH_2.pdf (apc.org)

6. We appreciate the contributions of Rodrigo Adriel Iturriza for the documentation and systematisation of the Ola Bini case. Please also see Amnesty International's public statement on the case: <https://www.amnesty.org/es/documents/amr28/0871/2019/es>

III. Privacy, data protection and surveillance technologies

Despite the approval of the Personal Data Protection Law in 2021, Ecuador continues to implement actions that put the privacy of the population at risk. According to local investigations, the purchase of facial recognition equipment has increased in recent years. In October 2021, the acquisition of 353 cameras with facial recognition capacity was registered in just five municipalities in the country.⁷

We recommend: Ensuring the implementation of the Personal Data Protection Law and refraining from using facial or biometric recognition and surveillance technologies that do not comply with international standards and obligations, as well as regulating the sale, transfer, use and export of these technologies.

IV. Right to live a life free of violence

In Ecuador, online violence against women is a reflection of the systematic violence to which women are subjected offline. Violence is different according to the group at which it is directed. For example, women who exercise their political rights suffer attacks that encourage smear campaigns. Women journalists and human rights defenders experience attacks aimed at silencing them. Violence against girls, boys and adolescents is mostly oriented towards grooming – contact between adults and minors for the purpose of sexual exploitation.⁸

We recommend: That the state ensure access to justice in cases of gender-based violence, providing victims with appropriate resources and legal assistance and offering remedial measures.

V. Internet access and digital exclusion

In Ecuador there is a clear situation of digital exclusion, especially in rural areas compared to urban centres. In 2020, 61.7% of households in urban areas had internet access compared to 34.7% of rural households. This means that more than half of the households in rural areas do not have access to the internet and its potential as an enabler of human rights.

Although the gender gap is smaller, it still prevails: 72% of men accessed the internet in 2020, while among women, the percentage was 69.5%.⁹

We recommend: That the state guarantee access to the internet, promoting the elimination of the access gap for women, the population living in rural areas, Indigenous populations, Afro-Ecuadorian communities and other historically vulnerable groups.

7. Fundamedios produced a report on video surveillance that documents the purchase of facial recognition system equipment in the country. It is available (in Spanish) at: https://www.fundamedios.org.ec/wp-content/uploads/2021/12/Inf.-Videovigilancia_01-1.pdf

8. The organisation Taller Comunicación Mujer produced a report about digital gender-based violence in Ecuador that is available (in Spanish) at: https://navegandolibres.org/images/navegando/Diagnostico_navegando_libres_f.pdf

9. This data can be found in the Encuesta Nacional Multipropósito de Hogares, a national household survey, from 2021, which is available (in Spanish) at: https://www.ecuadorencifras.gob.ec/documentos/web-inec/Estadisticas_Sociales/TIC/2020/202012_Principales_resultados_Multiproposito_TIC.pdf