



Preliminary report of the OAS Electoral Observation Mission in Ecuador for the second round of the early presidential elections and repeat of the legislative elections abroad

October 18, 2023

The Electoral Observation Mission of the Organization of American States (OAS/EOM), headed by the former Vice President and former Foreign Minister of Panama, Isabel de Saint Malo, congratulates the people of Ecuador for the holding of the second round of the early presidential elections and the repeat of the legislative elections abroad last Sunday, October 15. The Mission commends the elected authorities, highlights the civic commitment of Ecuadorian citizens who turned out to vote, en masse and peacefully, and recognizes the work of the polling station officers, electoral authority officials, and members of the armed forces and national police.

The OAS/EOM was composed of 83 experts¹ and observers of 19 nationalities, who observed the elections in 20 Ecuadorian provinces and in two cities abroad.² The Mission analyzed different aspects of the elections, such as electoral organization and voting abroad, electoral technology, electoral justice, and electoral violence. The Mission's specialists also followed up on the implementation of the recommendations issued by previous OAS Missions.

On this occasion, the Mission arrived in Ecuador on a staggered schedule starting on Thursday, October 5, 2023. Including both the Mission's teams for August 20 and October 15, the OAS deployed a total of 164 people, including the technical team that remained in the country in August to follow up on developments regarding digital voting and the vote counts at the Special Overseas Board (JEE) and the Provincial Electoral Boards (JPE).

The Mission met with political actors, electoral and government authorities, candidates, and representatives of civil society organizations to learn about preparations and their views on the elections. Based on these meetings, analysis of regulations and other documents, and direct observation, in both the first and the second round of early presidential elections, the Mission was able to carry out a comprehensive analysis of the electoral process.

I. BACKGROUND AND PRE-ELECTORAL STAGE

On May 17, 2023, the President of the Republic of Ecuador, Guillermo Lasso, invoked Article 148 of the Constitution to dissolve the National Assembly, also known as the "two-way death" (*muerte cruzada*) mechanism.³ Based on the same constitutional article, on May 18, 2023 the plenary of the National Electoral Council (CNE) initiated the electoral period⁴ and on May 23, 2023 approved the Call for Early

¹ 44 women and 39 men.

² In Washington D.C., United States and in Madrid, Spain.

³ Through Executive Decree No. 741.

⁴Resolution PLE-CNE-1-18-5-2023



Presidential and Legislative Elections in 2023, to be held on August 20 and on October 15 in the event that a second round is necessary.⁵

Given that in the August 20 elections none of the candidacies reached the minimum required to nominate the person who would occupy the Presidency of the Republic, on August 31⁶ the CNE officially declared the results and summoned the two most voted binomial tickets, that of Luisa González and Andrés Arauz of Revolución Ciudadana (33.61% of the votes), and that of Daniel Noboa and Verónica Abad of Acción Democrática Nacional (23.47%), to a second round of elections on October 15, 2023.

Repeat voting abroad

Due to the problems encountered with the digital voting system during the August 20 election day that prevented a large number of Ecuadorians abroad from voting, and that impaired the integrity of that system, on August 30 the CNE ordered⁷ a repeat of the legislative elections abroad. It did so after the Special Overseas Board (JEE) had resolved on August 25, 2023 to annul the votes in the special overseas constituencies of Europe, Asia, Oceania, Latin America, the Caribbean, Africa, Canada, and the United States.⁸

The decision of the Special Overseas Board (JEE) to annul the votes for national assembly members and of the special constituencies abroad caused discontent among some political groups, who filed challenges. The Mission observed that the Electoral Disputes Court (TCE) denied a subjective electoral dispute appeal⁹ and, due to non-compliance with procedural requirements, dismissed two other subjective electoral dispute appeals.¹⁰

Despite the challenges brought about by this decision and the discontent reported by some political groups, the Mission considers that the electoral body acted responsibly and in accordance with its main mandate, which is to guarantee the suffrage of Ecuadorians. In the same vein, the Mission highlights the fact that the CNE's decision was in line with the findings and recommendations presented by the EOM in its Preliminary Report of August.¹¹

The repetition of the elections abroad simultaneously with the presidential runoff on October 15, this time in person, entailed an additional burden for the electoral authorities. Logistically, the CNE had only 46 days to organize the vote abroad for 409,250 Ecuadorians¹², an even shorter period of time than the

⁵Resolution No. PLE-CNE-6-23-5-2023.

⁶Resolution PLE-CNE-1-31-8-2023

⁷ Through Resolution PLE-CNE-2-30-8-2023 of August 30, 2023.

⁸ Special Overseas Board Resolution PLE-JPEE-1-25-8-2023-APE.

⁹ Case No. 234-2023. Ruling adopted by a majority vote at 8:34 p.m. on September 10, 2023.

¹⁰ Processed under cases No. 41-2023 and No. 243-2023. Rulings of 3:05 p.m. of September 11, 2023 and 12:06 p.m. of September 13, 2023, respectively.

¹¹ OAS. *Preliminary Report of the OAS Electoral Observation Mission in Ecuador*. August 22, 2023.

<https://www.oas.org/fpdb/press/OAS-EOM-Preliminary-Report-2023-National-Elections.pdf>

¹² From August 30, 2023, the date on which the call for the repetition of the 2023 Early Presidential and Legislative Elections of Members of the Assembly living in Ecuador or abroad was approved, to October 15, 2023.



94 days it had to organize the early election of August 20.¹³ The change from digital voting to paper voting also resulted in the CNE having to carry out activities that were not budgeted or contemplated in the electoral calendar, such as the printing of ballots and other electoral material for the repetition of the election of assembly members living within Ecuador or abroad; the assembling of electoral packages; shipping of electoral packages and technical kits outside the country; selection, notification, and training of members of polling station teams (MJRV) from abroad; and leasing of real estate abroad for the holding of the election. Despite this additional burden, the Mission observed that these activities were carried out on time, except for the shipment of electoral packages to Russia and Nicaragua. Subsequently, the OAS/EOM learned that the CNE decided that elections would not be held in the electoral zones of Managua, Nicaragua; Tel Aviv, Israel; Moscow, Russian Federation; and Belarus, Republic of Belarus.¹⁴

Election campaign

The electoral campaign was characterized by the attempt by several political actors and citizens' groups to give the impression that fraud was being carried out. The Mission also learned of numerous cases of attacks on electoral authorities, including death threats. This type of behavior sought to undermine confidence in electoral institutions and discredit the electoral process. The OAS/EOM strongly condemns these unfounded claims of frauds, attacks, and threats, and calls on political and civil society organizations to exercise their right to denounce and to freely express themselves in a civic and responsible manner. The Mission reiterates the call it made after the first round of the presidential election that in a context of a high level of criminal, political, and electoral violence, it is essential that candidates and other actors in the electoral process seek to reduce the conflict rather than encourage it. Governability and the political stability of future governments begin with the electoral campaigns that give rise to them. Hence the importance of these activities being conducted with tolerance and respect.

The Mission also regrets that programmatic proposals have not been the focus of the discussions and exchanges between the competing political forces. On the other hand, as in the first round, the Mission appreciates the fact that, in compliance with the amendment to the Democracy Code in 2020,¹⁵ the CNE organized a presidential debate for the second round. This debate took place on October 1, 2023, was mandatory for the candidates, and was broadcast on a national network. Notwithstanding the fact that there is room to improve the format of the debates, the Mission considers them an important initiative, offering citizens the opportunity to exercise a more informed vote.

¹³ From May 18, 2023, the date on which the electoral process began, to August 20, 2023.

¹⁴ National Electoral Council, PLE-CNE-1-13-10-2023, October 13, 2023. In the case of Nicaragua, this was because said country does not recognize the presence of any Embassy of Ecuador, thus making it impossible to carry out the activities required for the elections; and in the case of Israel, this was because the State of Israel and the Hamas group have been engaged in an armed conflict since Saturday, October 7, 2023; for that reason the Ministry of Foreign Affairs and Human Mobility considered that it was not possible to hold the presidential elections since the voters registered in those areas faced difficulties with moving to the electoral precinct, and because the diplomatic mission in that country was not in a position to guarantee and preserve the lives of Ecuadorian voters. In the case of Russia and Belarus, the elections were canceled because, according to information from the contracted courier company, it would be impossible for the electoral packages to arrive at the Consular Office of Ecuador in Moscow by October 15, 2023.

¹⁵ Democracy Code, Article 202.2.



Production and distribution of electoral material

The Mission was informed that on September 28, 2023 the CNE began the distribution of the 40,141 electoral packages with ballots, voting records, and electoral materials to the 24 provinces, which ended on October 14 with the province of Pichincha.¹⁶ The Mission learned that the political organizations,¹⁷ through their accredited technicians and auditors, were able to verify the composition of the electoral packages.¹⁸ On October 13, the OAS/EOM also observed the departure of the electoral packages from the company putting them together to the Electoral Processing Center (CPE) in Pichincha. The Mission noted that the materials were transported and guarded by the Armed Forces until their arrival at the CPE, where they were also received, stored, and safeguarded by the same security force. Worth noting is the coordination between the National Electoral Council's Provincial Delegations and the security forces.

Testing and resetting of the Computerized Vote-Counting and Results System (SIER)

The Mission also learned that during the pre-electoral stage¹⁹ the CNE's Office for the Coordination of Information Security and Electoral Technology Projects (CNSIPTE) carried out several operational tests of the Computerized Vote-Counting and Results System (SIER) at the national level. On one of those opportunities, on September 28, the CNE tested 243 CDAs (Voting Records Digitization Centers) in Ecuadorian territory and 25 Electoral Processing Centers (CPE).²⁰ According to the information provided by the CNE, during the test there were problems with the scanning and signature modules of the CDAs. In this regard, the Mission was informed that these errors were corrected.

On October 1, a national simulation of the workings of the SIER was carried out. Unlike the tests conducted prior to August 20, this drill included the workings of CDAs overseas, as well as the overseas CPE. The CNE reported that the simulation complied with the proposed objectives, although while it was being carried out there were reports of slowness in the SIER modules and abrupt closures of user sessions. In order to verify that the incidents observed in the national simulation had been corrected, the CNE conducted an additional technical test on October 5, in which 39,232 minutes equivalent to 92.98% of the total were scanned and processed in two hours. The Mission learned that the previous problems had been resolved and there were no new incidents in the system.

On October 15, the Mission also observed the resetting to zero and generation of the corresponding report of the SIER results databases for the presidential ticket, national assembly members, and members of the assembly living abroad. The event took place before a notary public and no incidents were reported.

Early voting: persons deprived of their liberty and voting at home

¹⁶ National Electoral Council. *National distribution of electoral packages for the Second Round begins. September 28, 2023.* <https://www.cne.gob.ec/inicia-distribucion-de-paquetes-electorales-en-territorio-nacional-para-la-segunda-vuelta/>

¹⁷ Revolución Ciudadana and Alianza Democrática Nacional.

¹⁸ National Electoral Council. *Political organizations verify the composition of electoral packages for the Second Round. September 25, 2023.* <https://www.cne.gob.ec/organizaciones-politicas-verifican-integracion-de-paquetes-electorales-de-la-segunda-vuelta/>

¹⁹ The test was conducted on September 28, 2023.

²⁰ 24 Processing Centers installed in each of the provinces as well as the Overseas Processing Center.



Persons deprived of liberty (PDL) without an enforceable sentence were allowed to vote on October 12. The Mission was informed that out of 4,756 PDL registered in 61 polling stations (JRV) in 35 penitentiary centers in the 20 provinces of the country, only 903 people voted²¹ (18.98% of the total), which represents a low participation rate. The OAS/EOM also learned that, in the province of El Oro, the PDL of the Machala Men's Detention Center were unable to vote because the National Service for the Comprehensive Care of Adults Deprived of Liberty and Adolescent Offenders (SNAI) did not provide the Civil Registry and therefore the CNE with a list of inmates without an enforceable sentence.²²

The Mission states that this incident, although it was isolated, affected the political rights of the PDL in that penitentiary. The OAS/EOM recalls that, according to the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, adopted by the IACHR, "every person deprived of liberty shall be equal before the law and be entitled to equal protection of the law and the tribunals. They shall also have the right to maintain their guarantees and exercise their fundamental rights, except for those rights which exercise is temporarily limited or restricted by law and for reasons inherent to their condition as persons deprived of liberty."²³

With respect to the October 13 home voting program, the Mission learned that 526 people participated, of whom 236 were women and 290 men. The OAS/EOM observed several home voting routes in the 20 provinces in which it was present. In general, it was observed that the voters who benefited from this voting option were grateful for the possibility of exercising their right to vote and that other people present showed interest in the program. The OAS/EOM appreciates the fact that in these elections the problems identified in the first round that impaired vote secrecy were not observed.

The Mission welcomes the implementation of these voting options that allow the exercise of the political rights of people who cannot come to an electoral precinct and urges the electoral authorities to strengthen them.

Guarantees of freedom and security of election observation

The context of insecurity and high polarization that impaired the electoral process also impacted the work of the OAS/EOM. As described below, during this electoral process, OAS observers were victims of aggression²⁴ and acts of intimidation, as well as violations of the privacy of their meetings. It is important

²¹806 men and 97 women.

²² Diario Correo. *16 people registered to vote at home and 8 PDL will vote in El Oro*. October 11, 2023.

<https://diariocorreo.com.ec/89445/portada/16-personas-se-inscribieron-para-el-voto-en-casa-y-8-ppl-votaran-en-el-oro>

²³Inter-American Commission on Human Rights. (2008). Resolution 1/08. Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas. https://www.cidh.oas.org/pdf%20files/resolution%201_08%20-%20principles%20ppl%20final.pdf

²⁴ FUNDAMEDIOS. *Misión de la Organización de Estados Americanos sufre intimidación a las afueras del Consejo Nacional Electoral (Organization of American States mission suffers intimidation outside the National Electoral Council)* Thursday, October 12, 2023

<https://www.fundamedios.org.ec/alertas/mision-de-la-organizacion-de-estados-americanos-sufre-intimidacion-a-las-afueras-del-consejo-nacional-electoral/>



to note that, during OAS EOMs, meetings to hear the opinions of the different actors in the electoral process are held behind closed doors, in accordance with the principle of confidentiality and to guarantee the security of all participants.

In this electoral process, the OAS/EOM met, as usual, with a group of citizens in order to listen to their concerns in preparation for Election Day. The Mission found that, despite having asked the persons participating in the meeting not to record the meeting for the reasons mentioned above, they recorded the meeting without the consent of the OAS and released videos that violate the right to privacy of the identity of the international observers, which is even contrary to Ecuadorian law.

The OAS/EOM rejects any type of conduct that seeks to intimidate electoral observers and expresses its concern for these kinds of acts that are detrimental to the work done by the Electoral Observation Missions.

II. ELECTION DAY

On election day, OAS/EOM observers visited 372 electoral precincts and observed 1,676 polling stations (JRV). They found that on average the polling stations opened at 07:07 a.m., that all of them had the materials needed for the election, and that 62% of them were installed with their designated personnel.

At 10:00 a.m., the CNE reported through a television channel that 100% of the polling stations were operating throughout the national territory and that they had their respective electoral material and documents. The Mission also noted the presence of --mostly women-- delegates from the political organizations at the stations visited.

The Mission observed that the voting process went smoothly. In this regard, the CNE reported that the average voting time per citizen was 1 minute 39 seconds. The OAS/EOM observed that in some cases older adults took more time to exercise their right to vote. In 95% of the voting centers observed by the OAS, the observers noted that there was a Preferential Attention Table for the elderly and/or persons with disabilities. Likewise, 97% of the locations were found to be adequate for the voting process and most of them made it possible to guarantee the secrecy of the vote.

In addition to observing the electoral process in 20 provinces country-wide, the OAS/EOM followed the course of the elections in Madrid, Spain, and in Washington D.C., United States. In Madrid, long lines of voters were observed waiting outside the precinct until 10:00 a.m., among other reasons, because some voters were carefully reading the ballots and did not understand the voting process. In Washington D.C., the OAS/EOM observed that voters had difficulty identifying the polling station where they were to vote. This was due to a lack of signs at the site visited.

At the closing of the JRVs, the Mission observed that most of them had representatives of the two political organizations in the race (Alianza Acción Democrática Nacional 76% and Revolución Ciudadana 90%) and



that they received a copy of the tally sheet. The OAS/EOM also observed the withdrawal of electoral material in 17 provinces.²⁵

Throughout the day, the Mission learned of minor isolated incidents. From information received by the parties competing in the race, and confirmed by the OAS team in the field, it was learned that in the province of Sucumbios a person was found in an electoral precinct²⁶ with 14 ballots marked in favor of a candidate. In addition, another person was found in Quito with ballots marked in favor of the other presidential ticket. The electoral authorities subsequently informed the public that both persons had been brought before the courts and that the corresponding legal measures would be taken.²⁷

Likewise, the Mission was informed by political organizations that in Genoa, Italy, a citizen publicly denounced that ballots for the election of President and Vice President were not being delivered. The CNE corroborated the information and informed that it was an “involuntary omission”²⁸ on the part of the poll station members, that this was solved immediately, and that the voter was guaranteed the right to vote.

The Mission also monitored the course of the electoral process from the Integrated Security Service ECU 911 where the Unified Command Post was installed. From there, it learned that on election day there were at least five bomb threats made through anonymous calls. All threats were ruled out by security authorities. Subsequently, the Mission learned of the arrest by the National Police of a person allegedly responsible for making these threats through telephone calls.²⁹ The Mission strongly rejects the use of this method of intimidation. Not only do they generate fear among citizens; they also distract the attention of the security forces and competent authorities, using resources that could be better used during the electoral process.

It is important to highlight that none of the 213 incidents reported by the National Police had a noticeable impact on the electoral process, citizens, candidates, facilities, or electoral materials.

The OAS/EOM observed a significant presence of the security forces in the provinces where they were deployed and emphasizes that, despite the isolated incidents mentioned above, the election day took place in a peaceful environment. In this regard, it acknowledges the work done by the National Government and the country’s security forces to guarantee the proper course of the elections, which contributed to a high level of citizen participation in both the national territory and abroad.

²⁵ In the provinces of Esmeraldas, Manabí, and Los Ríos, as a security measure, observers did not observe the withdrawal of electoral material.

²⁶ Abdón Calderón de Palma Roja School of Basic Education.

²⁷ Diana Atamaint. October 15, 2003. <https://twitter.com/DianaAtamaint/status/1713642329767084446>

²⁸ TC Television. *CNE se pronuncia ante denuncia de una ecuatoriana en Italia: se debió a una omisión involuntaria (CNE reacts to a denunciation by an Ecuadorian woman in Italy: it was due to an involuntary omission)* October 15, 2023.

<https://www.tctelevisión.com/noticias/comunidad/cne-se-pronuncia-ante-denuncia-de-una-ecuatoriana-en-italia-se-debio-a-una-omision-involuntaria>

²⁹Cf. Announcement by the National Police of Ecuador on Social Networks. October 15, 2023.

<https://twitter.com/PoliciaEcuador/status/1713697510001115535>



At the national level, the participation rate in these elections was over 82%, a percentage similar to that of the first round. For its part, the participation abroad exceeded 30%, considerably more than the 12.6% in the first round when electronic voting was used.

As of 7:00 p.m., the scheduled time for the start of the processing of the overseas tallies, the Mission observed a delay due to failures in the configuration of the local communications network and problems with the assignment of roles among the operators of the overseas CPE. Once these problems were resolved, the Mission followed up on the processing of the tally sheets from abroad until it was suspended.³⁰

At 8:00 p.m. on Sunday, October 15, with about 90% of the tally sheets processed, the presidential tickets recognized the official results. This is a valuable and necessary gesture for democratic coexistence, especially in a context of high political polarization.

III. FINDINGS AND RECOMMENDATIONS

Taking into account the direct observations of technicians and observers, the meetings held with the various actors of the process, and the analysis of the current regulations, the OAS/EOM presents its findings and recommendations for the improvement of the Ecuadorian electoral system for future electoral processes. The above covers all the issues observed throughout the electoral cycle from the call for elections to the second round of the presidential election.

a. Organizational aspects

Electoral institutions

The OAS/EOM observed that responsibility for the various activities and technical areas of the CNE, as well as the provincial level offices, is split among the councilors that make up the plenary of the electoral body. During field interviews, a number of stakeholders told the Mission that they were unhappy with this practice and claimed that it generates suspicions. One of the specific cases that undermined confidence in the electoral process was the change of members of some Provincial Electoral Boards (PEB) between the first and second round.

In addition, the Mission found that this system of distribution of responsibilities, which is sometimes interpreted as power quotas, may lead to local processes differing from one province to another, which undermines standardization of the electoral process. The Mission considers that this practice is a technical weakness that can trigger allegations of irregularities or fraud.

The OAS/EOM offers the following recommendations:

- Create a Professional Electoral Service to which all citizens may apply through periodic public competitions, in order to strengthen the technical capacity of the CNE, guarantee the objectivity

³⁰ It was suspended around 1:00a.m. on October 16.



and impartiality of electoral functions at all levels, and offer equal job opportunities in that field. In turn, this Service should offer continuous training and education programs, as well as a promotion and incentive system based on objective merit and performance indicators.

Training of polling station personnel (MJRV)

For the presidential runoff, the same polling station members (MJRV) were summoned as for August 20. As of election day, in the second round, 66.07% of all MJRV had been trained nation-wide. The provinces of Pichincha and Guayas had the lowest percentages of trained personnel, with 54.56% and 56.94% respectively, which is important because these provinces contain the largest number of voters. However, unlike the first round, for these elections the training of MJRV nationwide was not mandatory, except for those MJRV who had not previously been trained in person. In the first round, the CNE reported that the total percentage of MJRV trained was 93.39%.

The OAS/EOM was informed that, unlike the training given inside Ecuador, the training programs for MJRV abroad were not designed and implemented by the National Training Directorate, but by the National Directorate for Processes Abroad. The Mission learned that Ecuadorian consular staff abroad also conducted face-to-face training for MJRV. However, there are no official data on the scope of that training.

Once the processing of the reports from abroad began, the Mission observed that a significant number of them contained anomalies (*novedades*). At 1:00a.m. on October 16, the OAS/EOM observed that 33.3% of the tally sheets for national assembly members, and 26.69% of the tally sheets for assembly members from abroad contained anomalies. Likewise, 26.8% of the overseas voting tally sheets for president contained anomalies, compared to 2.16% of tally sheets inside the country. It is important to emphasize that, for the recount of the tally sheets with anomalies from abroad, the electoral authorities should wait until the electoral packages return to the country.

The Mission considers that the high number of tally sheets with anomalies registered abroad may be related to deficiencies and/or lack of training of the MJRV abroad.

Based on the above, the Mission offers the following recommendation.

- Establish mandatory training of MJRV for all electoral processes, including run-off elections, since the correct filling out of the tally sheets is essential for reliable and timely results.
- Increase the number of MJRV trained at the provincial level, using both face-to-face and virtual training programs, as recommended by the OAS/EOM in its preliminary report of August 2023.
- Ensure that the National Training Directorate of the CNE is the only area in charge of the elaboration of training material and has exclusive responsibility for all training of MJRV both within the national territory and abroad, in order to have standardized materials and processes.
- Keep a statistical record of MJRV trained abroad in order to be able to take corrective actions when necessary.



Recount of tally sheets at Provincial Electoral Boards (JPE)

In accordance with national legislation, if the tally sheets of the polling stations contain anomalies, a recount of votes is required in three cases: for lack of signatures, for numerical inconsistencies, or for differences with the tally sheets in the possession of the political organizations.³¹ The Mission found that, once the recount is carried out and a new tally sheet is issued, it is not possible to know the reason why a tally sheet was recounted; that is to say, which of the above-mentioned assumptions was the reason. This, on the one hand, does not permit identification of errors or deficiencies in the tallies and, in addition, limits the CNE's ability to take corrective measures to reduce the number of tally sheets to be recounted.

In order to increase confidence and reduce the time for the proclamation of official results, the Mission recommends:

- Classifying and quantifying the tally sheets that were recounted based on each of the assumptions established in the law.
- That the CNE generate publicly available statistics based on the classifications and quantification of the recounted tally sheets and, based on the analysis of those data, take corrective measures.

The OAS/EOM learned that the CNE issued the Operational Manual for Recounting Votes of the Provincial Electoral Boards and the Special Overseas Board (JEE). In most of the provinces where the EOM was present, the Provincial Electoral Boards (PEB) and the Special Overseas Board stated that this manual was mandatory for vote counts.

The Mission considers that the standardization of the recount process with a single manual at the national level is an important improvement that contributes to building confidence in the electoral process. The EOM welcomes this improvement, which is in line with recommendations made by the OAS in 2021.

However, in 2021, the OAS also recommended that whenever a vote-by-vote recount is conducted, the signatures on the polling station voter list should be verified³². The foregoing is relevant given that the Operational Manual for the Recounting of Votes of the Provincial Electoral Boards and the Special Overseas Board stresses that, if only one candidate (*dignidad*) is elected in the electoral process, and if there is no electoral register or electoral roll sheet (*padrón electoral o la hoja padrón*), the total number of voters (number of signatures and fingerprints) shall be the number of used ballots contained in the red P3 envelope (valid, invalid and blank), and that the anomaly shall be recorded on the final page of the tally sheet.

The OAS/EOM considers that, in the absence of the electoral register, the JPE are always able to access and print the electoral roll sheet, so the exception mentioned above does not constitute a good practice.

³¹ Democracy Code, Article 138.

³² Article 13.1.2.6.3. of the Operational Manual for the Recounting of Votes of the Provincial Electoral Boards and the Special Overseas Board, National Technical Coordination of Electoral Processes Directorate of Electoral Processes. Version 4. September 2023. CODE: MO-OE-SU-05.

In this regard, the Mission reiterates its previous recommendations:

- Establish that whenever a vote-by-vote recount is to be conducted, the signatures of voters in the electoral register (*padrón electoral*) must be verified. In the event that there are more votes than signatures, or vice versa, the procedures in the recount manual shall be followed.
- That the CNE shall provide, according to its records, the electoral roll sheet when it is not in the electoral package at the time of the recount.

Delegates of political organizations

Political organizations have the right to monitor the electoral processes in all their phases through their duly accredited delegates, including via their presence in the JRV. However, as was reported in the first round, the Mission observed and received information of cases in which the delegates of accredited political groups were not authorized to be present at the JRV. Of the 38 complaints received by the OAS/EOM in the second round, 15 were for obstruction of the oversight to be performed by political organizations.

In order to further increase confidence in the electoral process, the Mission reiterates the recommendation made during the August 20 elections:

- That the CNE issue clear guidelines that guarantee and encourage the presence of the delegates of the political groups in the JRV and in all the phases of the electoral process in which they may participate.

b. Electoral technology

Electronic voting for Ecuadorian citizens residing abroad

Although the electronic voting system for citizens abroad was not used for the October 15 vote, the Mission considers it relevant to report on some of its findings regarding the incidents associated with the system during the August 20 vote. The above is relevant in the context of the decisions that the electoral body will be called upon to make for the upcoming electoral processes, including the general elections of 2025.

The Mission was able to see the reports prepared by the company in charge of the electronic voting system regarding the cyber-attack and the tally sheets with anomalies. In this regard, the OAS/EOM considers that the information provided by the company is insufficient to determine the origin and impact of the cyber-attacks on the performance of the module and their impact on the accuracy of the information. The reports also do not provide a technical proposal for the implementation of an information review process for the validation of the tally sheets with anomalies.

In view of the above, the OAS/EOM considers that, as of the date of preparation of this report, the electronic voting system incidents have not been addressed in accordance with international norms and



standards. The loss of accuracy of the database (evidenced by the tally sheets with anomalies) is a serious event since it greatly impairs the reputation of the CNE and it has not been properly explained by the company providing this service.

Based on the above, the Mission offers the following recommendations.

- That the electoral authority perform a rigorous post-incident analysis to determine the root cause of the tally sheets with anomalies.
- That the electoral authority document and communicate the post-incident analysis results in accordance with good practice in incident management.

The Mission reiterates its recommendations made in August:

- That the origin, causes and impact of the attacks on the electronic voting system be investigated in a transparent manner that includes providing timely information to citizens and political forces.
- That the CNE carry out a serious and profound reflection on whether this voting option really guarantees the right of Ecuadorians abroad to vote, while at the same time providing the necessary levels of security, integrity, and transparency.

Overseas Tally Sheet Digitization Centers

For the October 15 election day, the CNE set up 84 Tally Sheet Digitalization Centers (CDA) abroad. The Mission learned that the operators of the CDAs abroad were not CNE personnel, but staff of the consular offices where voting took place. Likewise, it was informed that, despite the need for standardization, their training, technical support, and supervision was not provided by the technological area of the CNE, as was the case with the rest of the operators in the national territory.

Based on the above, the Mission recommends:

- That the CNE ensures that all processes for elections abroad, regardless of the voting mechanism, are fully integrated with the institutional processes applied in the national territory.
- Evaluating the possibility of having trained technical operators in the national territory provide support to the members of the JRV abroad in person, virtually, or in a hybrid manner during Election Day.
- Carrying out tests and simulations of the Computerized Vote-Counting and Results System (SIER) abroad, with a view to identifying deficiencies and taking corrective measures.

Security and contingency plans

As in August, and as reported in the preliminary report presented by the Mission, the CPE also lacked a documented contingency plan in the event of incidents on October 15. The Mission considers that the



CNE should prioritize actions in the area of security and contingency plans, given that these are critical aspects that in future electoral processes may have a high impact on the continuity of the information technology process.

The OAS/EOM found that the CNE has planned a contingency in the Azure cloud in the event of an outage of the Main Data Center. While this is adequate from a technological standpoint, the Mission noted that the CDA cannot connect to the cloud and have to be physically moved to the CPE in their region in order to operate. Despite the fact that for this second round a document was drawn up establishing that, in the event of an incident of this type, those responsible for deployment/redeployment must relocate the CDAs, which represents an improvement compared to the first round, there was no contingency plan defined and shared with those responsible for the CPE.

As previously described, the Mission observed an error message during the sealing procedure, verification of the SIER 2023 database and tally sheets repository. This error message indicated a lack of authorization to execute the sealing procedure. In addition, it was found that the risk matrix had not been updated to include the new software artifacts and components incorporated for overseas voting.

Regarding operational continuity and contingency plans for CNE's facilities, the Mission observed that, two days before Election Day, some generators were short on fuel.

Finally, the OAS/EOM noted that although the CNE carries out security tests and contracts third parties to conduct penetration tests, it lacks threat modeling.

Regarding these critical security aspects, the Mission recommends that the CNE:

- Prepare a formal contingency plan that contemplates the movement of electoral documentation, human resources, technological equipment, user management, access authorizations, and cybersecurity in the event of any incident in the CPEs.
- Establish a formal plan in the event of an outage at the Main Data Center and share it with stakeholders involved in the electoral process.
- Adapt the SIER software risk matrix and prepare test plans aligned with international standards.
- Design technological continuity and contingency plans in accordance with international norms and standards and have them tested regularly. This should be combined with a test of the restoration procedures and checked against the required restoration time.
- Include threat modeling as a means to detect weaknesses at the software design and technology environment stage and apply suitable security controls at the appropriate stage and location.
- Formalize the continuity and contingency plans for the CNE's facilities and have the security area carry out exhaustive and periodic reviews.

Computerized Vote-Counting and Results System (SIER) and overseas voting



In the second round, the Mission observed that around 7:00 p.m., the scheduled time for the start of the processing of the tally sheets from abroad, there were failures in the configuration of the local communications network and problems in the assignment of roles to the operators of the Electoral Voting Center (CPE) from abroad. The above caused delays in the processing of the overseas tally sheets.

On the other hand, the OAS/EOM observed that the overseas CPE installed in the CNE auditorium had been dismantled to carry out various official acts and reassembled during the days prior to the election. For that reason, configuration tests were not performed, which caused problems in the operation of the overseas CPE, among other reasons, due to failures in the local telecommunications network.

In this regard, the OAS/EOM offers the following recommendations:

- Install the overseas CPE well in advance of polling day, as is done with other provincial CPE.
- Perform extensive testing of the configuration and operation of the overseas CPE to avoid operational problems.
- Avoid changes and/or temporary installation and subsequent dismantling of network equipment and components.

c. Electoral justice

Electoral calendar and legal certainty

The Mission observed that the current regulations do not establish the deadlines for the various stages that apply during an extraordinary election process.³³ In view of the above, the CNE had to establish an ad hoc calendar to regulate several aspects, among them, the times allowed for internal processes and the registration of candidates. In addition, several stakeholders told the OAS/EOM that there was no certainty regarding the deadline for the electoral authorities to take office.

The Political Constitution of Ecuador establishes that the candidate elected to the Presidency of the Republic must be sworn in before the National Assembly within 10 days after that body is installed.³⁴ In this context, the OAS/EOM noted that the re-run of the elections in the special constituencies abroad caused uncertainty, given that the provincial assembly members elected on August 20 could not be sworn in until the results of the re-run were known.

The Mission was informed of the tentative dates³⁵ that the CNE programmed for the inauguration of the authorities of both the legislative and executive branches, and that include the time for the presentation of possible administrative and contentious challenges after the disclosure of the results. However, various

³³ Such as: early elections arising from the two-way death mechanism or repeat elections.

³⁴ Constitution, pp. 120.1 and 144.

³⁵ According to version 4 of the electoral calendar approved on August 30, 2023, the delivery of credentials for the National Assembly would be on December 8 and on December 11 for the presidential ticket.

stakeholders with whom the Mission met stated that there is no certainty as to when the official declaration of results will be made and, therefore, when the new elected authorities will be sworn in.

Given the uncertainty generated by the electoral calendar and its possible consequences, the OAS/EOM recommends:

- Issuing the necessary normative provisions to clearly regulate the stages in which the extraordinary electoral processes are carried out and established, taking into consideration the deadlines for the electoral bodies, individuals, and political groups.

Equity during the elections

The Mission noted that for the repeat of the legislative elections abroad, the CNE's arrangements did not contemplate a stage for electoral campaigning. Likewise, the OAS/EOM was informed that political organizations did not receive a formal communication in this regard, but rather learned of this decision through the press, with the sole exception of the Movimiento Revolución Ciudadana, which formally consulted the CNE and was told that a new electoral campaign period was not contemplated for the rerun.³⁶

Several candidates outside the country declared to the Mission that the decision to repeat the legislative election abroad simultaneously with the second round of the presidential election inside Ecuador, created inequality among those contending for seats in the national assembly, depending on whether they were based in the national territory or abroad. This is due to the fact that the campaigns in the national territory of the presidential candidates were able to influence the voters abroad, while the political groups that were still competing for the vote of Ecuadorians outside the country were not able to campaign officially.

Even so, the Mission learned that political organizations continued to campaign through unregulated media, mainly through social networks and digital platforms.

In addition, several candidates abroad voiced their dissatisfaction with the lack of information to voters residing outside the country about the change from electronic voting to paper voting and about changes in the voting precincts.

The Mission understands that the act of repeating an election is limited to a specific stage of the electoral calendar, without necessarily repeating all of its stages. However, the OAS/EOM recommends:

- Guaranteeing fair conditions for candidates at all stages of the electoral cycle, both ordinary and extraordinary.

Registration and the definitive nature of candidacies

As discussed in the August Preliminary Report, the Ecuadorian legal system provides for a multiplicity of mechanisms and tools that can be used at different times and before different bodies to object to,

³⁶ See in this regard memorandums No. CNE-DNPE-2023-1449-M of September 22, 2023, signed by the National Director of Electoral Processes; No. CNE-DNAJ-2023-2036-M of September 23, 2023, signed by the National Director of Legal Counsel; and No. CNE-SG-2023-5190-OF of September 26, 2023, signed by the Secretary General of the CNE.



challenge, and appeal the registration of candidates for elected office, which can be used in both administrative and judicial venues to slow, delay, hinder, or completely prevent the political participation of a person or even a political organization.

On that occasion, the Mission emphasized that this regulatory framework encourages abuse or tactics by political organizations to delay or veto the candidacies of their opponents, which undermines the fundamental right to political participation. Although political organizations have a legitimate interest in checking the legality of the candidacies proposed by their adversaries, the Mission reiterates that this task should only be performed in coordination with the CNE, which is the authority responsible for qualifying candidacies based on legal requirements. Thus, in order for the law to ensure definitive resolution of requests for registration of candidacies before the election is held, the OAS/EOM recommends:

- Streamlining the mechanisms that allow political organizations to intervene in the candidate qualification process, taking the following parameters into account: prioritization of the right to political participation, respect for already consolidated legal positions, and definition of those mechanisms in accordance with the standards of the inter-American system.

d. Electoral violence³⁷

In its preliminary report of August 22, the Mission described at length how the climate of violence and insecurity continued to deteriorate between the February 2023 sectional elections and the first round of the early presidential elections.

Similarly, in the run-up to the October 15 elections, the Mission learned of the discovery of the lifeless body of Durán councilman Bolívar Vera,³⁸ who had previously been kidnapped; the detonation of two car bombs in Quito³⁹ only weeks before the elections; the complaint filed by presidential candidate Luisa González before the Attorney General's Office about an alleged plan to kill her,⁴⁰ and the death, in the penitentiary centers where they were being held, of six of those accused of the murder of presidential candidate Fernando Villavicencio on October 6 or 7.⁴¹ According to data from the Attorney General's Office published in the press, only two people have been sentenced for two of at least 15 criminal attacks

³⁷The OAS/EOM defines electoral violence as any form of intimidation or physical violence directed at stakeholders in the electoral process, the interruption of the electoral process, or damage to electoral materials, which affect the free and transparent conduct of the electoral process and/or influence its results. Electoral violence is part of political violence, which encompasses different forms of aggression that impair the fundamental right to political participation.

³⁸ El Universo. *Hallan muerto a concejal de Durán Bolívar Vera, quien fue secuestrado este jueves.* (Duran councilman Bolivar Vera, who was kidnapped on Thursday, was found dead.) September 8, 2023.

<https://www.eluniverso.com/noticias/seguridad/asesinan-a-concejal-de-duran-bolivar-vera-nota/>

³⁹ El País. *El estallido de dos coches bomba pone en alerta a Quito a semanas de las elecciones en Ecuador.* (The explosion of two car bombs puts Quito on alert weeks before the elections in Ecuador.) August 31, 2023. <https://elpais.com/america/2023-08-31/el-estallido-de-dos-coches-bomba-ponen-en-alerta-a-quito.html>

⁴⁰ EFE news agency. *Luisa González presenta ante la Fiscalía una denuncia por presunto plan para atentar contra ella.* (Luisa González files a complaint with the Attorney General's Office for an alleged plot to assassinate her.) September 18, 2023 <https://es-us.noticias.yahoo.com/luisa-gonz%C3%A1lez-presenta-fiscal%C3%ADa-denuncia-192705302.html>

⁴¹ El Universo. *Todo lo que se sabe de las investigaciones del crimen del político Fernando Villavicencio.* (Everything that is known about the investigations into the crime committed against politician Fernando Villavicencio.) October 9, 2023.

<https://www.eluniverso.com/noticias/Política/fernando-villavicencio-sicarios-asesinato-investigacion-fiscalia-policia-nota/>



against elected politicians, candidates, and pre-candidates between August 2022 and September 7, 2023.⁴²

On October 6, 2023, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures to the mayor of Durán, Luis Chonillo, his wife and son, considering that they are in a serious and urgent situation of risk to their rights in Ecuador. The Commission also took into account that the situation of violence in the country has limited Chonillo's ability to act as a public official elected by the people.⁴³ The granting of these precautionary measures is in addition to those granted on August 20 to the candidate of the Construye Movement, Cristian Zurita, so that he can carry out his activities as part of the political party he is a member of without being subjected to acts of intimidation, threats, or other acts of violence.⁴⁴

Seven days before the election, the Executive Branch renewed the state of emergency for 30 days due to "serious internal commotion" throughout the national territory, excluding limitations on freedom of assembly.⁴⁵ The Mission stresses that conducting electoral processes under states of emergency hinders their normal organization and the way they proceed. However, in addition to the concrete consequences of the declaration of a state of emergency on the electoral process, the OAS/EOM observed, once again, that the context of insecurity and violence directly impacts the freedom and safety of the electoral campaign, limiting the fundamental rights of opinion, expression, transit, and movement that are essential to ensure conditions of fairness and transparency, as well as for citizens to exercise an informed vote.

In the same vein, the Mission emphasizes that this context of insecurity and violence also had an impact on the work of the Electoral Observation Missions, since it jeopardizes the free and safe work of their observers. For example, on Tuesday, October 10, in the vicinity of the CNE headquarters, a group of demonstrators verbally assaulted a member of the OAS Mission as he left the CNE, yelling at the vehicle in which he was traveling.⁴⁶

The OAS/EOM condemns this aggression and echoes the call of the United Nations Special Rapporteur on the Situation of Human Rights Defenders to recognize national and international election observers as

⁴²Primicias. 14 ataques criminales a políticos todavía siguen sin responsables. (*14 criminal attacks on politicians still remain unaccountable.*) October 3, 2023

<https://www.primicias.ec/noticias/seguridad/ataques-politicos-sentencias-procesos/>

⁴³ OAS. *CIDH otorga medidas cautelares al alcalde Luis Esteban Chonillo Breilh y familia, en Ecuador.* (IACHR Grants Precautionary Measures in Favor of Mayor Luis Esteban Chonillo Breilh and His Family in Ecuador) October 6, 2023.

https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/242.asp#:~:text=E2%80%93%20The%20Inter%2DAmerican%20Commission%20on,they%20face%20a%20serious%2C%20urgent

⁴⁴ IACHR. *CIDH otorga medidas cautelares a Christian Zurita periodista y candidato presidencial, en Ecuador.* (IACHR Grants Precautionary Measures to Christian Zurita, Journalist and Presidential Candidate in Ecuador.) August 20, 2023.

https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/188.asp#:~:text=Washington%2C%20D.C.%E2%80%94%20August%2020,Ram%C3%B3n%20Antonio%20L%C3%B3pez%20Cob%C3%B3rquez%20and

⁴⁵ Comunicación Ecuador [@ComunicacionEc]. Executive Order 890. October 9, 2023 [Image] [Post]. X.

⁴⁶ FUNDAMEDIOS. *Misión de la Organización de Estados Americanos sufre intimidación a las afueras del Consejo Nacional Electoral* (Organization of American States mission suffers intimidation outside the National Electoral Council) October 12, 2023 <https://www.fundamedios.org.ec/alertas/mision-de-la-organizacion-de-estados-americanos-sufre-intimidacion-a-las-afueras-del-consejo-nacional-electoral/>



human rights defenders. Thus, States have the obligation to provide the necessary conditions for national and international electoral observation groups to carry out their work freely and safely. At the same time, the Mission states that this type of aggression is not only a direct reminder of the importance of Electoral Observation Missions as such, but also reinforces the need for their valuable work to be highlighted, respected, and strengthened.

The Mission learned that for October 15 the National Police and the CNE decided to continue with the same security mechanisms and plans that were implemented in August. The measures adopted included the prohibition of loitering in the surroundings of the voting precincts, the revision of backpacks and packages for entry into the voting precincts, the control and custody of the voting centers four days in advance by the State security forces, as well as the establishment of security perimeters. Interagency coordination was also maintained through the National and State Public Security Secretariat (SENASEG), the State Public Security Council (COSEPE), and the Security Cabinet.

In the sectional elections of February 2023, the OAS/EOM emphasized the importance of properly understanding the problem of electoral violence and urged that rigorous studies be conducted to analyze the origin and impact of violence on the democratic process. With the worsening of the context of insecurity and violence in the run-up to the early elections in August, when unprecedented political and electoral violence was recorded during the pre-electoral stage, the Mission again recommended in its Preliminary Report of the first round that such studies be carried out. Due to the importance of this recommendation given the current situation in the country, the OAS/EOM reiterates its call to:

- Conduct rigorous studies on the origin and impact of political and electoral violence on the democratic process and its differential effects on national and local government authorities, political organizations, candidates, and the public in general.

Protection of candidates and political actors

The Mission learned that the presidential tickets, electoral authorities, and some promoters of the “Yes” option in the Yasuní referendum received death threats during this electoral cycle. Presidential candidates had to change their campaign plans and routes, opt for the use of bulletproof vests, and reinforce their security measures and equipment. Candidates had private, police, or armed forces protection, or a combination of all three.⁴⁷

In general terms, political and electoral insecurity and violence in Ecuador has become an additional – almost routine – cost for political groups, which not only implies that they must redirect financial resources that could be used for electoral promotion activities towards the protection of their candidates and members, but also introduces inequities in the electoral process, since not all political organizations have the same financial capacity.

Although the number of candidates in the second round of presidential elections was considerably lower compared to the August elections, the OAS/EOM again found that the demand for protection by

⁴⁷ Press Conference: Security Early elections 2023. Second round. October 5, 2023 YouTube



candidates, political actors, officials, and politicians exceeded the capacities of the National Police in terms of material, human, technical, and financial resources.

For future elections, the Mission recommends:

- Continuing with the candidate protection program even after the elections, when requested by the candidates and required by the risks they face.
- Extending protection to political leaders who are visible promoters of any of the options related to the exercise of direct democracy.
- Training security forces and candidates in handling critical situations to prevent attacks against them and address threats effectively, without resorting to unnecessary violence.
- Establishing a mechanism for the allocation of resources by the State to guarantee minimum security standards for all candidates registered on the electoral lists.
- Strengthening collaboration between State security forces and other relevant institutions to ensure a coordinated response to threats.
- Resorting to cooperation, international technical assistance, and advice from international organizations with expertise in electoral security to enhance effective strategies for future elections.
- Entering into agreements between the electoral authorities, political groups, and security agencies forming part of the various coordination bodies at all stages of the electoral process (pre-electoral stage, Election Day, and post-electoral stage) to establish and standardize protection costs, so that the protection of candidates does not depend exclusively on the resources available to each political organization.

Violence against journalists

The Mission was concerned to learn of reports of attacks against members of the press, including the notorious murder of candidate and journalist Fernando Villavicencio, as well as threats, stigmatization, and discrediting of journalists and media outlets. According to figures from civil society organizations, between May 18, 2023, when the early elections were called and August 20, when the first round was held, 39 media workers, journalists, and candidates were assaulted, as were 27 more in September, in the run-up to the second round.⁴⁸ Various stakeholders with whom the OAS/EOM met also stated that this

⁴⁸ Fundamedios. *Una fiesta democrática que se manchó de sangre*. (A democratic party that was stained with blood.) *Informe elecciones primera vuelta* (s/f). (First round election report) (n/d). <https://www.fundamedios.org.ec/informe-elecciones-primera-vuelta-una-fiesta-democratica-que-se-mancho-de-sangre/>; *Septiembre: la amenaza es la agresión más frecuente contra la libertad de prensa* (September: Threats are the most frequent aggression against press freedom) (October 3, 2023). <https://www.fundamedios.org.ec/septiembre-la-amenaza-es-la-agresion-mas-frecuente-contra-la-libertad-de-prensa/>



context of violence and insecurity has a chilling effect on journalists investigating issues of public interest, discouraging coverage of political activity, encouraging self-censorship, and limiting the free circulation of ideas and political information.

In this context, the precautionary measures granted by the IACHR in favor of Christian Zurita included the need for the State to adopt the necessary measures so that he can carry out his journalistic activities in the exercise of his right to freedom of expression, without being subjected to acts of intimidation, threats, or other acts of violence.⁴⁹ The OAS/EOM also recommended regulating the Mechanism for the Prevention and Protection of Journalistic Work, as provided for in the Organic Law on Communication.

In line with the recommendations of the OAS/EOM and the IACHR, on August 23 the Executive Branch issued complementary regulations to the Organic Law on Communication that establish security measures to safeguard the integrity of journalists.⁵⁰ The Mission welcomes the fact that this mechanism was regulated before the second round of the presidential election, given that it constitutes a fundamental protection for the freedom and security of journalists and communicators in an environment where their work is increasingly hampered by attacks and threats to their lives and integrity.

The Mission welcomes the regulation of the Mechanism for the Prevention and Protection of Journalistic Work and recommends:

- Guaranteeing interagency coordination and the financial resources needed for all agencies involved in its implementation.
- When implementing the Mechanism for the Prevention and Protection of Journalistic Work, considering early warning initiatives and State responses to particular contexts, such as electoral periods, in line with inter-American standards.

e. Electoral financing

A mixed system of political-electoral financing was in place for the early general elections, based mainly on indirect public financing and restricted private financing. This financing system was strengthened in 2020 through the enactment of the Organic Reform Law and, in the same year, by the new Regulations for the Supervision and Auditing of Electoral Expenditures.

⁴⁹ IACHR. *CIDH otorga medidas cautelares a Christian Zurita periodista y candidato presidencial, en Ecuador*. (IACHR Grants Precautionary Measures to Christian Zurita, Journalist and Presidential Candidate in Ecuador.) August 20, 2023. https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/188.asp#:~:text=Washington%2C%20D.C.%E2%80%94On%20August%202020,Ram%C3%B3n%20Antonio%20L%C3%B3pez%20Cobec%C3%B1a%2C%20and

⁵⁰ Government of Ecuador. *El reglamento a la ley de comunicación viabiliza el funcionamiento del mecanismo de protección a los periodistas*. (The regulation of the communication law makes operation of the mechanism for the protection of journalists viable.) August 23, 2023 <https://www.comunicacion.gob.ec/el-reglamento-a-la-ley-de-comunicacion-viabiliza-el-funcionamiento-del-mecanismo-de-proteccion-a-los-periodistas/>

The Mission commends the existence of a robust regulatory framework for political financing, which includes provisions aimed at promoting fairness and transparency in electoral contests by encouraging public financing; prohibiting the improper use of state resources -to the benefit or detriment of political groups, electoral alliances, or specific candidacies-; the existence of restrictions and limits on private financing; and the establishment of campaign spending ceilings.

Likewise, the current regulatory framework establishes accountability through the presentation of a campaign budget and biweekly reports on income and expenses; the exercise of governmental control – rooted in the CNE – to verify the flow of resources that circulate through political organizations and to political stakeholders in the course of their campaign activities; the establishment of a set of sanctions, in which the TCE participates; and provisions that allow access to the information presented by political organizations and political subjects. This is a positive development since it facilitates access to information on the flow of economic resources for the campaigns run by political organizations and political stakeholders.

However, and in contrast to this robust regulatory framework, the OAS/EOM found that there is very little actual control of financing, with little investigative initiative on the part of the CNE's National Directorate of Electoral Expenditure Control and Auditing, as discussed below.

Delivery of the Permanent Party Fund (Fondo Partidario Permanente - FPP)

The Mission observed that the Ecuadorian State delivered FPP resources corresponding to 2021 to three political groups, while the transfer of these funds to four other parties that have complied with the regulatory requirements to receive these funds is still pending. In addition, the CNE pointed out that the 2022 FPP has not been disbursed to any political group, due to procedural barriers that have prevented the issuance of the requisite electoral resolutions. The above limitations and the unequal delivery of FPP resources to political parties from 2021 until now strike this Mission as odd, since some political actors have benefited from resources, while others have not, for the purpose of covering their permanent organizational expenses and investing in training, education, and research, thus creating inequality in electoral conditions.

The OAS/EOM offers the following recommendations:

- Disburse the pending resources of the Permanent Party Fund for the year 2021 to all political groups, movements, and electoral alliances entitled to them.
- Take corrective measures so that the necessary electoral resolutions are issued to disburse the resources of the Permanent Party Fund for 2022.

Effective control and oversight of political-electoral financing



The CNE, through the National Directorate of Audit and Control of Electoral Expenditure, is the institution in charge of the control⁵¹ and auditing⁵² of income and expenditure, including, in particular, the control and auditing of electoral expenditure and the control and accountability of ordinary financing. In this context, the Mission highlights the publication of biweekly reports on the CNE's website. Although there is room for improvement, this represents an important exercise in transparency that allows political and civil organizations, as well as citizens, to access information related to the financing of electoral campaigns.⁵³

However, according to statements made by a number of actors interviewed by the Mission, the robust regulations are not reflected in the weak results achieved in practice by the control and oversight exercises assigned to the CNE by law. Given the growing climate of violence and insecurity in the country, this also hints at the possible existence of illicit money in the electoral contest, without the CNE producing, within the framework of its competencies, at the very least, indications or alerts regarding such situations.⁵⁴

The Mission is concerned that the possible presence of cash flows of unknown origin and not reported to the electoral authority in this campaign will continue to erode the reliability of the formal control mechanisms that fall within the sphere of competence of the electoral authority. In addition, political stakeholders and political groups submit reports with partial information and, in some cases, with no information at all, which shows significant underreporting, as can be seen in the electoral propaganda on social networks. Thus, as indicated during the 2023 sectional elections, the Mission understands that the penetration of organized crime and drug trafficking is not confined solely to the electoral framework. However, it points out that they have direct repercussions on the democratic process and must be addressed with the utmost urgency by all public institutions, including—in matters concerning it—the electoral authority.

Given the magnitude of this challenge and the need to strengthen the CNE's capacity to oversee political financing, especially private political financing, the OAS/EOM followed up on the reform aimed at implementing the Political Financing Accounting System and the Data Interconnection System provided for in the latest regulatory reform. In this regard, both are being implemented and are progressing gradually, according to the "Project Management Plan" and the "Operational and Executive Plan of the Data Interconnection System for Political Financing Control."⁵⁵ In this regard, the National Directorate of

⁵¹ Rules of Procedure for the Control and Auditing of Electoral Expenditures, article 5, paragraph c.

⁵² Rules of Procedure for the Control and Auditing of Electoral Expenditures, article 5, paragraph d.

⁵³ It should be noted that the National Directorate of Electoral Expenditure Control and Auditing and the Provincial Electoral Delegations, both of which are bodies pertaining to the CNE, are in charge of publishing, during the electoral process, the information related to the financing of political stakeholders for each candidate and jurisdiction (*por dignidad y jurisdicción*), on the institutional website.

⁵⁴ *Última hora. "La narcopolítica está destruyendo la democracia", señala presidenciable ecuatoriano.* ("Narco-politics is destroying democracy", says Ecuadorian presidential candidate.) August 11, 2023 <https://www.ultimahora.com/la-narcoPolítica-esta-destruyendo-la-democracia-senala-presidenciable-ecuatoriano>

⁵⁵ Consider the schedules contained in the "Project Management Plan" of the political Financing Accounting System and in the "Operational and Executive Plan of the Data Interconnection System for political Financing Control", developed by the National Directorate for Auditing and Control of Electoral Expenditure, both dated December 2022.



Electoral Expenditure Control and Auditing informed the Mission⁵⁶ that the ordinary module of the first of the above-mentioned technological tools will be delivered to the political organizations by the end of October 2023, while the electoral module will be delivered in time for the 2025 process. The second technological tool mentioned above is 89.50% complete.⁵⁷

Likewise, the CNE had the Public Routes Monitoring System (*Sistema de Monitoreo de Vías Públicas*),⁵⁸ in which the evidence of the promotional items detected by the personnel in the provinces is uploaded. It is used to identify unreported expenses and to determine amounts in excess of the electoral expenses ceiling. For this electoral process, the CNE also had a mechanism for monitoring electoral propaganda in digital and social communication media, which included the monitoring of written press, radio, and television during the early campaign stage, the electoral campaign stage, the electoral silence stage, and voting day.⁵⁹ This contract allowed the National Directorate for the Control of Electoral Expenditure to control electoral advertising and publicity, as well as to supervise electoral expenditure in terms of the amount, origin, and destination of the resources used by the candidates registered in the electoral process.⁶⁰

The OAS/EOM acknowledges that this monitoring represents an exercise in transparency, as it constitutes a valuable tool to provide information and inputs for examining electoral spending on propaganda and determining possible breaches of the rules related to non-observance of the prohibitions in force, which mainly have to do with the ban on the dissemination of political or electoral propaganda, paid or cost-free, ordered by persons other than the CNE during the electoral campaign.⁶¹

Despite these advances, the presence of illicit resources, the use of significant amounts of cash in the electoral campaign, and the insufficient control and oversight work by the electoral authority contravene the robust aspirations contained in the Ecuadorian regulations, thereby detracting from the fairness and transparency of the electoral contest. Unbanked resources are not usually made visible and, moreover, are difficult to trace for the control and auditing body, especially if it limits its oversight to a documentary analysis lacking sufficient elements of comparison, such as field work, except for the above-mentioned contracted monitoring. In such a context, electoral contests risk becoming economically advantageous for some and disadvantageous for others, which translates into inequity and a weakening of transparency, with dangerous consequences for democracy, institutions, and the rule of law.

⁵⁶ By means of a letter dated October 10, 2023, sent by the attorney specializing in Audit and Control of Electoral Expenditure, with a copy to the National Director of Audit and Control of Electoral Expenditure.

⁵⁷ In principle, it is in line with the deadline provided for in the second transitory provision of the Democracy Code.

⁵⁸ Public Procurement. Public Procurement portal,

<https://www.compraspublicas.gob.ec/ProcesoContratacion/compras/PC/informacionProcesoContratacion2.cpe?idSoliCompra=f4FxBE7WwjEYDAIU0dE9VFsC9xrhFIGFZe3AySOYjQ>, documents corresponding to the public procurement process, including the contract for the media monitoring service.

⁵⁹ Procedure No. SIE-CNE-006-2023. Public Procurement. Public procurement portal,

<https://www.compraspublicas.gob.ec/ProcesoContratacion/compras/PC/informacionProcesoContratacion2.cpe?idSoliCompra=f4FxBE7WwjEYDAIU0dE9VFsC9xrhFIGFZe3AySOYjQ> and the resolution initiating the contracting procedure was Resolution No. CNE-CNAFTH-2023-0045-RS, June 12, 2023,

⁶⁰ Democracy Code, paragraphs 1, 5 and 10, and articles 202, 203, 207, 208, and 211. Rules of Procedure for the Control and Audit of Electoral Expenditures, articles 1 to 18.

⁶¹ Democracy Code, Articles 211, 278, and 282.



Although technological tools help to strengthen control and oversight capacities to provide transparency and fairness to electoral campaigns, especially as regards private financing,⁶² the OAS/EOM also notes that, in general, the CNE only plays a passive role in the Ecuadorian political financing oversight system. This is the case even though it is empowered to conduct special audits,⁶³ investigations of an administrative nature,⁶⁴ and contrasts with information that social networks are required to provide.⁶⁵ Various political and social actors with whom the OAS/EOM met stated that there are few research initiatives and a lack of field work aimed at developing robust compare and contrast exercises using the information reported by organizations and political stakeholders.

This last additional oversight and control task has become necessary, mainly because the Mission identified recurrent non-compliance in the presentation of biweekly reports, both with regard to presidential tickets and national and overseas assembly members. Likewise, it transpired that there are no administrative or legal sanctions in cases of non-filing, late filing, or incomplete filing of biweekly reports, or for filing inaccurate data in the reports on income and expenses, for both presidential and legislative campaigns, as well as for direct democracy processes.

Additionally, as reported by political and social organizations, as well as by the National Directorate for the Control of Electoral Expenditure of the CNE, private banks make it difficult for political organizations and candidates to obtain bank accounts. Although there is a legal obligation to open the accounts, there is no penalty for those institutions of the national banking system that refuse to do so.

With a view to strengthening the mechanisms for control and oversight of political-electoral financing, the OAS/EOM reiterates the recommendation it made in 2021:

- That the CNE, under the powers assigned by the electoral regulations, implement more in-depth and timely auditing procedures and mechanisms, based on field work and compare and contrast data embodied in a work program and schedule, aimed at detecting the possible underreporting of income and expenses in the periodic reports submitted by the candidates during the electoral process.

It also recommends:

- Guaranteeing compliance with the schedules established for implementing the Political Financing Accounting System and the Data Interconnection System within the time allowed by the regulations in force.

⁶² Democracy Code, Article 360.

⁶³ Democracy Code, Article 236.

⁶⁴ Rules of Procedure for the Control and Audit of Electoral Expenditures, Article 47, final paragraph.

⁶⁵ Rules of Procedure for the Control and Audit of Electoral Expenditures, Article 25, final paragraph.



- Criminalizing cases of non-filing, untimely filing, or incomplete filing of biweekly reports, or filing of inaccurate data, in reports on income and expenses for presidential and legislative campaigns as well as for direct democracy processes, and establishing a sanction to deter such behavior.
- Criminalizing actions and omissions in relation to the difficulties created by banks, especially private banks, for political organizations and candidates seeking to obtain bank accounts, and establishing a sanction to deter such behavior.

Financing of political and electoral advocacy groups

The OAS/EOM learned of the existence of groups known in Ecuador as *colectivos*, which, in many cases, issued political pronouncements, including allegations of fraud, and issued public calls to participate in demonstrations to express discontent or voice electoral demands that were often directly aligned with certain political groups. The Mission laments the fact that, on occasion, these demonstrations turned violent and promoted disinformation. These actions received significant media coverage, positioning their instigators as active political-electoral advocacy groups.

The prolonged activity of these groups and their high level of coordination suggest that they have sustained funding. However, there is no control over their constitution or financing, despite the fact that they aim to influence electoral processes. The Mission respects and is committed to defense of the right to association and freedom of expression of citizens, principles protected by the inter-American system. However, the OAS/EOM is concerned that, given that these groups fall through the cracks in regulations governing political-electoral financing, they encourage organized crime groups to inject funds and exert political influence through them.

This situation is linked to weaknesses detected by the Mission in the area of electoral political financing that could be encouraging the formation of collectives, such as: a) cash payments to delegates for oversight functions without the need for any report, b) the possibility afforded legal entities to make contributions and/or donations to political organizations, c) the absence of periodic audits and analysis of the economic solvency of donors to electoral campaigns, and d) the lack of control of spending on digital platforms and social networks.

Additionally, the OAS/EOM noted that the Democracy Code contains confusing provisions on whether or not legal entities can contribute money to political organizations. While Article 219 establishes that private legal entities with national, foreign, or mixed capital cannot contribute to electoral campaigns, Article 359 indirectly contemplates some cases in which legal entities - without excluding foreign legal entities - can contribute financially to political organizations, which opens a door for a legal entity to donate to a political organization which, in turn, donates to an electoral campaign, thereby circumventing the existing ban on legal entities donating to campaigns.

In view of the above, the OAS/EOM recommends:

- Initiating a serious and in-depth dialogue on the risks posed by the possibility of organized crime injecting funds through groups whose financing is not supervised.



- Harmonizing, correcting, and clarifying the rules regarding donations by private legal entities to political groups and electoral campaigns.

Electoral propaganda on digital platforms and social networks

In general terms, the Ecuadorian legal system provides for equitable electoral arrangements that create reasonable advertising options for the various contending political groups/parties. However, the objectives pursued by these arrangements in the electoral processes could be reduced by the exclusion of control of electoral propaganda through social networks -even when it is paid for by the candidates or political groups- and the absence of resources from the Electoral Promotion Fund (FPE) for this type of propaganda. The Mission observed that this generates differences that could lead to an undesired dependence by parties on private financing and thus lead to underreporting of expenditure or contributions from third parties. That underreporting and the fact that it draws attention away from private resources of unknown origin that enter the electoral contest could even undermine, in practice, the intention of the law to establish restrictions on private financing and limits to spending, which would also detract from the goal of ensuring fairness in the contest.

In this regard, the Mission deployed for the 2021 general elections had already recommended including electoral propaganda on social networks in the reporting and supervision of expenses. It therefore reiterates its recommendation to:

- promote regulatory reforms that include electoral propaganda on digital platforms (including social networks) as paid propaganda subject to control and oversight by the CNE and that apply regulations on private sources of financing and spending limits to such propaganda.

f. Women's political participation

Ecuador has been a pioneer in Latin America in the recognition of women's political rights and in the issuance of legislation to promote parity and punish gender-based political violence. The Mission reiterates, as it did in its Preliminary Report of August 22, that the application in these elections of full horizontal parity, which required that 50% of the heads of multi-person lists are women, as well as parity in presidential tickets,⁶⁶ represents a great step forward for women's political participation. Indeed, compared to the 2021 presidential elections, the number of women heading the lists for the national assembly increased by 17% (from 29% in 2021⁶⁷ to 46% in 2023⁶⁸). However, the OAS/EOM also observed resistance on the part of the political groups to apply full horizontal parity, which was achieved in the end due to a ruling by the TCE⁶⁹ after an action filed by women political activists.

⁶⁶ As a result of the amendments introduced to the Democracy Code in 2020.

⁶⁷ OAS. Final Report of the Electoral Observation Mission for the General Elections in Ecuador 2021.

<https://scm.oas.org/pdfs/2022/CP45439SCP.pdf>

⁶⁸ National Electoral Council. National Statistics Directorate. (2023). Leading candidates at the top of the list. Presidential Elections, Early Legislative Elections 2023, and popular consultations: Yasuní and Chocó Andino.

⁶⁹ The reform of the Democracy Code in 2020 established gradual application of horizontal parity in terms of the heads of multi-person lists, as well as parity for presidential tickets, until reaching parity in the elections scheduled for 2025. However, for the early elections of 2023, following an action filed by organized women political activists in the country and the respective ruling of the TCE (No. 159-2023-TCE), the CNE ordered the application of parity for these early elections. See:



Likewise, the Mission notes that, despite the requirement of horizontal parity in multi-person lists, the data disaggregated by candidacy (*dignidad*) shows that men headed a significant part of the candidacies: 66.7% of the candidacies for national assembly members and 55.7% of the lists for provincial assembly members were headed by men. Considering all the candidates to the National Assembly, 58% of the lists were headed by men.

In part, this is due to a series of legally established exceptions to horizontal parity, such as the fact that if a political group presents lists for various offices, it must only place a woman at the head of one of the lists,⁷⁰ or that the political alliances established for the elections are considered “new” political groupings and, therefore, must only present lists with women as the head if they present more than one list. In practice, these formal exceptions end up undermining the spirit of mandatory full parity, in addition to sexist practices and prejudices within party structures that limit the participation of women as candidates.

In order to ensure that progress on the legal front brings about the transformations sought, the Mission recommends:

- That the CNE, in coordination with the political organizations, analyze the regulatory and political conditions that in practice undermine the application of horizontal parity and take corrective measures.

The Mission also observed that there are few processed and sex-disaggregated public data on the electoral process. Related to this, the Mission was unable to discern a cross-cutting institutional policy for the promotion of women’s political participation, although valuable ad hoc initiatives were identified, such as the Political Training School for Women, implemented jointly by the CNE, civil society organizations, and international cooperation.⁷¹ Although 48 women were elected as provincial assembly members in these early legislative elections, occupying 42.1% of the total number of seats in this assembly, the OAS/EOM observed that no women were elected in the provinces of El Oro, Galapagos, Pastaza, and Sucumbios.

Additionally, according to preliminary results of the CNE, 58 women were elected in these elections⁷² (42.33%) out of a total of 137 seats for the National Assembly. These results reflect an increase of four more seats won by women compared to the year 2021.

<https://inredh.org/organizaciones-de-mujeres-presentaron-un-reclamo-administrativo-ante-el-consejo-nacional-electoral-para-que-cumpla-con-la-paridad-de-genero-en-las-elecciones-nacionales-de-agosto/>.

⁷⁰Official Registry. Third Supplement No. 61 (2022, May). Codification of the Regulations for the registration and qualification of candidacies to elective office. https://www.edicioneslegales-informacionadical.com/webmaster/directorio/3SU61_2022.pdf, pp. 3-4.

⁷¹ Fundación Haciendo Ecuador; National Observatory of Women’s political Participation; Hanns Seidel Foundation; National Endowment for Democracy (NED); Volunteers of the Electoral Cycle Support Project: Diplomatic Missions of the European Union, the Kingdom of Spain, the Swiss Confederation, and the United Nations Development Program (UNDP); UN Women.

⁷² Six women were elected as overseas members of the assembly (50% of the total); 7 as national members (46.66% of the total); and 48 as provincial assembly members.



In order to identify and address the reasons why in some provinces women assembly members were not elected, or how to further increase the percentage of women elected to the National Assembly, the Mission reiterates the following recommendation made by the 2019, 2021, and 2023 OAS Electoral Observation Missions, and calls for its implementation to be considered before the next electoral process:

- Create a specialized gender unit within the CNE responsible for designing and implementing gender policy in the electoral field and producing data/analysis in relation to the political participation of women in Ecuador and gender-based political violence, coordinating with other offices in the Council.

The OAS Department of Electoral Cooperation and Observation offers the support of its High-level Group for the Strengthening of Women's Political Participation to contribute to the implementation of recommendations in this area in Ecuador and to collaborate with the CNE to advance in the progressive incorporation of a cross-cutting gender policy in the institution.

Gender-based political violence

The Mission commends the fact that the criminalization of gender-based political violence is regulated by law and that sanctions are established. The Mission learned that between 2020 and August 2023, the TCE received 22 complaints of gender-based political violence. Of these, 6 were archived, 6 were rejected, 4 were being processed at the time of preparation of this report, and 6 had resulted in sanctions. The above data point to progress in the speed with which these complaints are being dealt with, as well as improvements in the mechanism for presenting this type of complaint to the TCE. It also recognizes the advocacy work carried out by the TCE through workshops and information slots to guide citizens on the causes of this type of violence and mechanisms for reporting it.⁷³

However, in its preliminary report published in August, the Mission stated that gender-based political violence persists within political groups and on social networks, and pointed to the difficulties with punishing these acts, because of both the authorities' limited ability to monitor the networks and the low percentage of complaints. In just one month of the political campaign for the early elections (July 13 to August 13, 2023), the monitoring by a civil society organization of gender-based political violence on social networks identified 626 violent phrases against female candidates of the presidential tickets on the social network X (Twitter),⁷⁴ while another monitoring, also by civil society, identified 3,348 violent phrases against female candidates of different lists (*dignidades*) on Facebook, Instagram, Youtube, Tiktok, and X.⁷⁵

In contrast to aggressions against candidates on social networks, monitoring by civil society organizations regularly pointed out that messages towards women tend to belittle, minimize, or question the capacity they would have in their positions, as well as to objectify or sexualize them. According to reports from these civil society organizations, disinformation or replication of gender stereotypes such as women's

⁷³ TCE Ecuador. Twitter post. https://twitter.com/TCE_Ecuador/status/1708961548192862625?s=20

⁷⁴ *Corporación Participación Ciudadana*. Consolidated report. Summary of the monitoring of political violence on Twitter against candidates for the Presidency, Vice-Presidency, and main Assembly member positions, early elections 2023. August 16, 2023

⁷⁵ *Fundación Haciendo Ecuador*. National Observatory of Women's political Participation. Informative Report. August 24, 2023



alleged lack of rationality, the insistence that women's capacity is limited to the home, and the importance of physical appearance for women account for 41% of all cross-cutting violent messages against female candidates in different lists. In second place (28%) are intimidating messages or insults.⁷⁶ Indeed, the OAS/EOM noted that the only presidential candidate, Luisa González, was questioned about her ability to govern because she was a single mother and had finished high school late.⁷⁷ She was also attacked with sexist comments, in addition to being treated like a sexual object (*sexualizada*).⁷⁸ Other female candidates, including vice-presidential candidates, were also victims of aggressions on social networks.⁷⁹ Cases were also identified where the partner of a presidential candidate was "sexualized" and compared to another female candidate.⁸⁰

Although Ecuadorian legislation recognizes gender-based political violence in digital media,⁸¹ cases of anonymized political marketing with violent messages and disinformation campaigns about female candidates where sexist messages are used, are still not being addressed by the electoral authorities, which makes it difficult to punish them. The Mission also stresses that guaranteeing the rights of women political activists in the digital space also implies joint work of the State with digital platforms, which are the internet intermediaries⁸² and those that allow and regulate the environment where communications and messages affecting women political activists in the cases analyzed take place.

The OAS/EOM highlights the importance of combating gender-based political violence in all spheres, including the digital sphere, which affects women's political rights and corrodes their participation in the public life of the country. It therefore recommends:

⁷⁶*Ibid.* They classify the types of violent messages into a) threats of physical harm, b) harassment, c) intimidation and abuse, d) defamation, and e) disinformation/stereotyping.

⁷⁷ *Corporación Participación Ciudadana* (2023, August 16). Consolidated report. Summary of the monitoring of political violence on Twitter against candidates for the Presidency, Vice-Presidency, and main Assembly member positions, early elections 2023. *Fundación Haciendo Ecuador* (2023, August 24). National Observatory of Women's political Participation. Informative Report.

⁷⁸ "Correa's candidate" or "Correa's Barbie", Diana Rodríguez [@DianeRodriguezZ]. (2023, August 27). Replication of sexist propaganda message. Twitter: <https://twitter.com/dianerodriguez/status/1695570864446607495>

⁷⁹ Diana Jacome Silva, Andrea González Nader, and Noly Pinela Durán. See: *Observatorio Participación Política de la Mujer* [@Obs_MujeresEc] (2023, August 20) #AlertaFeminista [Video]. Twitter:

https://twitter.com/Obs_MujeresEc/status/1693371342496616767; *Observatorio Participación Política de la Mujer* [@Obs_MujeresEc] (2023, August 14) #AlertaFeminista [Video]. Twitter:

https://twitter.com/Obs_MujeresEc/status/1691081226629599232; *Observatorio Participación Política de la Mujer* [@Obs_MujeresEc] (2023, August 20) *Continúa la #ViolenciaPolíticaDeGenero* [Video]. Twitter:

https://twitter.com/Obs_MujeresEc/status/1693362551575212513

⁸⁰ Lavinia Valbonesi, wife of Daniel Noboa, compared to Luisa González. See: *Mega Mujeres* [@MEGA_MujeresEC] (2023, August 28) #ViolenciaPolítica [Image]. Twitter. https://twitter.com/MEGA_MujeresEC/status/1696277690620190877/photo/1

⁸¹ Democracy Code, Article 280.7.

⁸² "Private entities involved in the operation of the Internet include those that: facilitate connectivity; design and maintain the hardware and operating systems that enable information processing; assign web domains; host information; facilitate the aggregation, repair, and search for information; produce and regulate access to user-created content; connect users and communities; sell goods and services and facilitate transactions; and collect and sell data." UN Women/OAS (2021), Report: Cyber-violence and cyber-bullying against women and girls in the framework of the Belém Do Pará Convention. OAS/CIM/MECSEVI, p. 96. Available at: https://lac.unwomen.org/sites/default/files/2022-11/MUESTRA%20Informe%20Violencia%20en%20linea%202.1%20%282%29_Aprobado%20%28Abril%202022%29_0.pdf



- Establishing alliances between the CNE and digital platforms to ensure effective systems for prevention, monitoring, reporting, and elimination of messages that constitute gender-based political violence.
- Creating opportunities for collaboration between electoral authorities and internet intermediaries to address cases of sexist messages produced and incorporated into (*pautados*) political marketing campaigns.
- That the CNE organize training courses on gender equality and gender-based political violence for political organizations, for both women and men.

In addition, the Mission reiterates the recommendation made in its preliminary report of August 2023:

- That candidacies and political groups use the formal mechanisms for reporting acts of gender-based political violence, so that existing legal sanctions can be applied and this type of violence is discouraged.

g. Political participation of indigenous peoples and people of African descent

Ecuadorian legislation is one of the most advanced in the region in recognizing the collective rights of indigenous, Afro-Ecuadorian, and Montubio peoples and nationalities.⁸³ Among other mandates, the State has the obligation to promote the inclusion and political participation of persons belonging to these peoples and nationalities, as well as to adopt affirmative action measures in this area.

In compliance with these mandates, the Mission commends the fact that for these early elections the CNE included a special box on the candidate registration forms that allowed candidates to specify their ethnic self-identification, following a recommendation made by previous OAS Missions. Although some candidates may have chosen not to self-identify, the figures allow for a more accurate approximation of the political participation of people belonging to peoples and nationalities as candidates. Of 2,666 qualified candidates, 292 (11%) self-identified as Afro-descendants (82), Montubio (82), and indigenous (128), which shows a still low number of participation of these historically underrepresented groups in the political arena. With these figures, it was possible to determine that out of 194 candidacies for provincial assembly members that were ethnically identified, 12 obtained seats: 7 indigenous, 4 Montubios, and 1 Afro-descendant.⁸⁴

Here, the OAS/EOM offers the following recommendations:

- Maintain the self-identification box on the candidate registration form in future electoral processes.

⁸³ Constitution of the Republic of Ecuador, Articles 1, 2, 56-60; ILO Convention No. 169; Democracy Code, Article 3.

⁸⁴ According to official data provided by the CNE.



- That the CNE, in coordination with the political organizations and based on the figures obtained on candidacies of indigenous, Afro-descendant, and Montubio people, design and implement public policies to increase their political participation as candidates.

The Mission learned that out of a total of 4,390 voting precincts, 275 were identified as difficult-to-access precincts that required river or air access to deliver voting materials. These precincts are located in the Amazon and in rural areas inhabited by indigenous communities. The OAS/EOM highlights the efforts made by the electoral authorities to make it possible for people living in remote regions, particularly indigenous peoples, to exercise their right to vote. However, representatives of civil society and indigenous groups with whom the Mission met stated that despite current efforts to bring voting centers closer to the electorate, there are still localities where indigenous communities live without access to voting centers.

It recommends:

- Continuing to draw up studies on the location of polling places and their distance from rural indigenous communities, and to reinforce those efforts, in order to minimize travel times and facilitate the exercise of the right to vote.

Finally, the Mission observed that the various initiatives underway to promote the electoral participation of indigenous peoples and nationalities, Afro-descendants, and Montubios are conducted in administrative directorates of the CNE, which makes it difficult to follow up on those initiatives or to learn about new ones. At the same time, these initiatives are not part of a transversal and sustained institutional policy.

In order to continue promoting the political participation of peoples and nationalities, the Mission deployed for the 2021 general elections had recommended generating geo-referenced statistics on the political participation of indigenous, Montubio, and Afro-Ecuadorian people. For future elections, the OAS/EOM makes the following recommendations:

- Create within the CNE a specialized directorate to design and implement a transversal and sustained institutional policy, including the organization and systematization of data and initiatives on the political participation of indigenous, Afro-descendant, and Montubio people.

FINAL CONSIDERATIONS

In the last seven years, Ecuadorian citizens have had to go to the polls on at least nine occasions.⁸⁵ From the various meetings that the Mission held with civil society organizations, academics, candidates, and representatives of political groups, as well as from direct observation, it was evident that there is widespread fatigue among the electorate, electoral officials, and the MJRV due to the holding of so many electoral processes, including popular consultations, in a short period of time.

⁸⁵ There were nationwide electoral processes with two election days in 2017, one in 2018, one in 2019, two in 2021, and three in 2023.



In a context of high polarization such as the one experienced by Ecuador, the Mission considers it positive that political conflicts are handled through the institutional channels established in the current constitutional framework. The holding of elections provides opportunities for an orderly exit from a crisis of governance and ensures the peaceful transition of power to new representatives. However, the OAS/EOM also stresses that the exercise of an informed vote by the citizenry requires electoral processes that are organized in a timely manner and with due separation between them. The latter is also necessary to hold electoral processes that guarantee conditions of equity among the various competing political groups.

It is also important to emphasize that holding elections is only one part, albeit an essential part, of a larger equation to reduce polarization and enhance governance. This also requires that the political forces and their leaders seek as a priority to generate long-term agreements and consensus, as well as to make prudent and responsible use of the tools at their disposal, including popular consultations and political trials.

In the current context of Ecuador, it is also necessary to urgently address the problem of general violence and insecurity, including political and electoral violence, which requires, among other actions, investigating all the events that have occurred to date and bringing those responsible to justice. Impunity fuels violence and silences the voices on which plural, integral, and free societies are built.

As a final reflection, the Mission emphasizes that the fear that overwhelmed citizens in the first round and the visible fatigue in this second election day were overcome thanks to the resilience and civic commitment of the Ecuadorian people, their main strengths. In the end, democracy triumphed over fear and violence.

ACKNOWLEDGMENTS

The Mission is grateful for the openness and cooperation provided by the officials and staff of the National Electoral Council (CNE) and the Electoral Disputes Court (TCE) which enabled the Mission to carry out its work. It also thanks the Ministry of Foreign Affairs and Human Mobility and the various institutions of the Ecuadorian State for their support, in particular the National Police for the protection provided. This is the twenty-sixth Mission that the OAS has deployed to Ecuador and, on this occasion, it wishes to thank Brazil, Canada, France, the Netherlands, Panama, Peru, Spain, and the United States, for their financial contributions, without which this deployment would not have been possible.