



Inter-Parliamentary Union
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Ecuador

*Decision adopted unanimously by the IPU Governing Council at its 209th session
(Nusa Dua, 24 March 2022)*



Pandora Papers logo © LOIC VENANCE/AFP

- ECU-93 – Mónica Estefanía Palacios Zambrano (Ms.)
- ECU-94 – Fausto Jarrin
- ECU-95 – Paola Cabezas (Ms.)
- ECU-96 – Maria Fernanda Astudillo (Ms.)
- ECU-97 – Victoria Desintonio (Ms.)
- ECU-98 – Pabel Christian Muñoz López
- ECU-99 – Rebeca Viviana Veloz Ramírez (Ms.)

Allegations of human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Other acts obstructing the exercise of the parliamentary mandate

A. Summary of the case

This case concerns allegations of political persecution and harassment against seven Ecuadorian members of parliament from the Union for Hope Movement (*Movimiento Unión por la Esperanza* – UNES), the main opposition force¹ in parliament.

According to the complainant, these parliamentarians have suffered political violence as a result of the investigation carried out by some of them, as members of the Permanent Special

Case ECU-COLL-03

Ecuador: Parliament affiliated to the IPU

Victims: Seven opposition members of parliament (two men and five women)

Qualified complainant(s): Section I.(1)(a) of the Committee Procedure (Annex I)

Date of complaints: November 2021 and January 2022

Latest IPU decision(s): - - -

IPU mission(s): - - -

Last Committee hearing: Hearing with the Ecuadorian delegation at the 144th IPU Assembly (March 2022)

Recent follow-up:

- Communication(s) from the authorities:
- - -
- Communication from the complainant:
March 2022
- Communication to the authorities: Letter to the Speaker of the National Assembly (February 2022)
- Communication to the complainant:
January 2022

¹ For the purposes of this decision, the term "opposition" refers to members of parliament belonging to political groups or parties with limited decision-making power and who are opposed to the ruling power.

Commission on Constitutional Guarantees, Human Rights, Collective Rights and Interculturality of the National Assembly of Ecuador (the parliamentary commission), into the so-called Pandora Papers,² for having expressed their opinions on the matter and as a direct consequence of their work as members of the opposition.

These acts of persecution are allegedly aimed at intimidating the seven parliamentarians and are being carried out mainly through stigmatizing public statements made by members of the national government or the ruling party Creating Opportunities Movement (CREO) on social networks, television, radio, in the print media and through a variety of legal and administrative actions.

Examples of messages provided by the complainant include several messages received by members of parliament Ms. Mónica Palacios, Ms. Rebeca Veloz, Ms. María Fernanda Astudillo and Ms. Victoria Desintonio, in which they are called “thieves”, “tax evaders” and “coup plotters”, among other disparaging adjectives. According to the complainant, several social media accounts have been used to justify sexist, political and racist violence against member of parliament Ms. Paola Cabezas, the main argument being that she is a woman of African descent.

With regard to the situation of member of parliament Mr. Fausto Jarrin, the complainant submits that on 10 January 2022 he was notified of Resolution No. CAL-2021-2023-287, which set forth the administrative sanction of a 10-day suspension from the exercise his parliamentary mandate. The complainant considers that this sanction was applied arbitrarily, without respecting the rights of the defence, and that it was adopted in retaliation for him being one of the main spokespersons in the so-called Pandora Papers affair before parliament and domestic public opinion.

With regard to the situation of member of parliament Mr. Pabel Muñoz, the complainant states that the member of parliament has been subjected to persecution and harassment since the previous legislature because of his political opinions and his work as a member of the opposition. One of the most recent examples of legal harassment is that Mr Muñoz has been the subject of proceedings initiated by the Comptroller General's Office relating to accusations of corruption, which the complainant claims are unfounded.

The complainant also points out that, on 16 November 2021, the Attorney General's Office sent an official letter to the National Assembly, addressed to the parliamentary commission, indicating that preliminary investigation No. 137-2021 had been opened into the alleged offence of "ideological falsehood" through the submission of the report on the Pandora Papers case. According to the complainant, the Attorney General's Office opened this investigation against the members of the special commission in retaliation for the actions of these parliamentarians in the exercise of their mandate.

At the hearing held during the 144th IPU Assembly, the Ecuadorian delegation stated that the National Assembly did not have the legal capacity to monitor the communications of state officials or messages published on social networks, and that the administrative proceedings against Mr. Jarrin and those initiated by the Comptroller General's Office concerning Mr. Muñoz were in accordance with the applicable domestic rules. The delegation also stated that the preliminary investigation opened into the alleged offence of "ideological falsehood" was being conducted before the relevant courts and came about because some members of the parliamentary commission had allegedly amended the commission's final report without informing all members.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning this case is admissible, considering that the communication: (i) was submitted in due form by a qualified complainant under section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules

² Investigation into tax haven documents revealing the names of more than 300 politicians, public officials and billionaires from more than 90 countries, 35 of whom are heads of State. Among the Latin American political leaders involved was the President of the Republic of Ecuador, Mr. Guillermo Lasso.

and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns seven incumbent members of parliament at the time of the initial allegations; and (iii) concerns allegations of threats and acts of intimidation, violation of freedom of opinion and expression, violation of freedom of assembly and association, and other acts obstructing the exercise of the parliamentary mandate, which are allegations that fall under the Committee's mandate;

2. *Thanks* the Ecuadorian delegation for the information received and for meeting with the members of the Committee on the Human Rights of Parliamentarians at the 144th IPU Assembly to discuss the cases examined and the concerns raised;
3. *Notes with concern* that court proceedings are under way against Ms. Desintonio, Ms. Cabezas and Ms. Astudillo, members of the opposition, in connection with their work in a parliamentary commission dealing with a highly sensitive issue that could be detrimental to the President of the Republic; and *wishes to* receive official and detailed information on the facts underlying the charges against these three parliamentarians and to be kept regularly informed of progress in the proceedings;
4. *Is concerned* at the discriminatory and sexist nature of the disparaging messages and comments received by Ms. Palacios, Ms. Veloz, Ms. Desintonio, Ms. Cabezas and Ms. Astudillo; *considers* that they are particularly susceptible to multiple forms of discrimination and violence because they are women and members of the opposition; and *affirms* that the National Assembly, by virtue of its legislative, budgetary and oversight powers, has the opportunity to make a decisive contribution to the prevention of all forms of violence against women and to create conditions conducive to the effective and timely investigation into such acts and to the punishment of the perpetrators under the applicable rules;
5. *Recalls* that sexism and gender-based violence against women parliamentarians, including online, violate their dignity, create an intimidating, hostile, degrading, humiliating or offensive environment and perpetuate gender inequalities and stereotypes; and further *recalls* that these detrimental effects may be all the more damaging for women parliamentarians from underrepresented or marginalized groups, such as women of African descent;
6. *Wishes to* receive official and detailed information and copies of the relevant documents concerning the administrative proceedings against Mr. Jarrin, and which led to a temporary suspension of his parliamentary mandate; and *wishes to* receive official and detailed information concerning the proceedings initiated by the Comptroller General's Office against Mr. Muñoz and the facts justifying the charges laid against him;
7. *Requests* the Secretary General to convey this decision to the Speaker of the National Assembly, the complainant and any third party likely to be in a position to supply relevant information;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.