



# The Closure of Civic Space in Ecuador and the Need to Build a Favorable Environment for the Development of a Democratic Society

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*Translated into English from the original Spanish version.*

The Ecuadoran Constitution of 2008 emphasized the importance of citizen participation in the country's development. However, that year, the government of then-President Rafael Correa started to enact a series of decrees and secondary provisions that were restrictive and highly discretionary, aimed at civil society organizations (CSOs).<sup>1</sup>

Given this situation, the CSOs sector implemented a series of strategies to foster dialogue with the government and request the repeal of standards related to self-regulation in the sector. The dialogue process generated a lot of frustration because of the passive nature of the government and its poor capacity to understand the situation of civil society and its organizations.

Despite the multiple proposals made during recent years to resolve the situation of the civil society sector, on October 23, 2017, President Lenin Moreno enacted a new decree that includes unconstitutional regulations and upholds the same restrictions as the previous decrees.<sup>2</sup>

These regulations limited the rights to freedom of association, assembly, and expression, which are key for the operation and efficacy of our democratic system. Furthermore, the consequences of applying this regulation had direct repercussions on the work of CSOs, hindering compliance with their objectives and creating obstacles for their operation that even produced the shutdown of several organizations.

In addition, a lack of understanding of the nature of CSOs and the individual characteristics of this sector caused a series of difficulties in their organizational development, their relationship to other actors in the public sphere, and their sustainability and operations.

Both the regulations and the complicated political context that has defined the country for over a decade have weakened the civil society sector, evidencing the urgency of generating a clear and defined public policy that prevents regulation in the sector by executive decrees at the discretion of the incumbent leaders and that guarantees the right of citizens to associate freely and voluntarily to promote causes in the public interest.

Given the situation and considering that the COVID-19 pandemic demonstrated the key and efficient work that CSOs can offer in this type of emergency, and that it did not change their situation with the government, an environment authorizing the creation of necessary conditions for the development of the civil society sector is needed now more than ever. It is imperative to structure a legal environment that favors CSOs in which they can coexist with the political power without threat to their existence or being considered in opposition.



## Recommendations<sup>3</sup>

- Establish the policies and regulations that guarantee the right of citizens to associate freely and voluntarily and to promote causes in the public interest. This entails defining clear procedures that can be followed and broadly disseminated, which prevents discretion in their application.
- Produce a proposal for creating public policy that does not come solely from the government but through a participatory process involving all actors in the public sphere, especially civil society organizations.
- Strengthen the civil society sector by granting it autonomy and rights to participate in the design of a cross-disciplinary social organization development program.
- Prepare an organic law on CSOs that generates a regulatory framework based on constitutional and international principles, respectful of the broad and self-regulated rights of such organizations to associate, assemble, and participate.
- Foster a culture of solidarity through the organic law that will generate new models of collaboration between the CSOs and other sectors, allowing them to achieve their objectives and produce relevant social changes.
- Create a public-social alliance system aimed at such objectives as (1) providing social services, (2) opening grants for bidding that promote social innovation and initiatives aimed at resolving social, economic, and environmental challenges, (3) researching target design improvement, and (4) implementing and evaluating key public policies for the government to increase their effectiveness.

- Strengthen the civil society sector through organizational development programs—a vital tool for supporting institutional learning, the generation of knowledge, and measurement of results—that address and help mitigate financial, human, and time-resource shortages prevalent in CSOs.

Ecuador needs a strong, cohesive, strategic, and innovative civil society to face the political, economic, and social context before it. To achieve this objective, the rules of the game have to change: social and political agreements are needed so that the public policies and regulations that encourage and boost the role of civil society can be realized.

## Endnotes

- <sup>1</sup> Executive Decree No. 982, April 8, 2008; Executive Decree No. 1049, February 28, 2012; Executive Decree No. 812, July 20, 2011; Executive Decree No. 16, June 4, 2013; Executive Decree 739, August 3, 2015.
- <sup>2</sup> Executive Decree No. 193, Official Registry Supplement No. 109, October 23, 2017 (in force).
- <sup>3</sup> The analysis and recommendations of this document come from the work done in collaboration with the Legal Group of the Ecuadoran Confederation of Civil Society Organizations, the conclusions of which can be reviewed in the working paper “Strengthening Civil Society” (Grupo Faro, Quito, October 2016).



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