



European Union  
Election Expert Mission

# ECUADOR 2021

## Final Report



General Elections  
7 February 2021  
and  
Presidential Run-Off  
11 April 2021

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Election Expert Mission

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*EU Election Expert Missions are independent from the institutions of the European Union. The views and opinions expressed in this report are those of the authors and do not necessarily reflect the official policy and position of the European Union.*

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## ACRONYMS

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- A-WEB – Association of World Election Bodies  
AME – Association of Municipalities of Ecuador  
CEDAW – Convention on the Elimination of Discrimination Against Women  
CERD – Convention on the Elimination of all Forms of Racial Discrimination  
CNE – National Election Council  
CONADIS – National Council on Disability Equality  
CONAICE – Confederation of Indigenous Nations of Ecuador  
CONAIE – National Confederation of Indigenous Peoples  
COPPPAL – Conference of Political Parties of Latin America and the Caribbean  
CORDICOM – Council for Information Regulation and Development  
COVID-19 – Corona Virus Disease 2019  
CPCCS-T – Transitional Council of Citizen Participation and Social Control  
CREO – *Movimiento Creando Oportunidades*  
CRPD – Convention on the Rights of Persons with Disabilities  
ECUARUNARI – Confederation of Peoples of the Kichwa Nationality of Ecuador  
ELN – Colombian National Liberation Army  
EU – European Union  
EU EEM – European Union Election Expert Mission  
FUT – *Frente Unitario de Trabajadores*  
ID – *Izquierda Democrática*  
ID number – Identity Document number  
IDEA– Democrática – Democratic Initiative of Spain and the Americas  
IFES – International Foundation for Electoral Systems  
INEC – *Instituto Nacional de Estadística y Censos*  
IT – Information Technology  
JPE – Provincial Electoral Boards  
LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex  
MERCOSUR – Southern Common Market  
NDI – National Democratic Institute  
OAS – Organisation of American States  
OCV – Out-of-country voting  
PAÍS – *Movimiento Alianza Patria Altiva i Soberana*  
PSC – Social Christian Party  
SETPAR – Transmission and Publication of Results System  
SUMA – *Partido Sociedad Unida Más Acción*  
TCE – Electoral Disputes Tribunal  
UN – United Nations  
UNDP – United Nations Development Programme  
UNES – *Unión por la Esperanza*  
UNIORE – Inter-American Union of Electoral Organisations  
USA – United States of America  
USD – United States Dollars

## 1. SUMMARY

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The 2021 general elections determined the president and vice-president as well as the 137-member National Assembly and the five members of the Andean Parliament for a four-year term. Despite some shortcomings and uncertainties due to pending decisions in the run-up to the elections, the electoral process was overall credible and transparent, and concluded successfully in the decisive verdict of Ecuadorian voters.

The National Election Council (CNE) organised the elections in the context of the pandemic, economic difficulties, and political fragmentation. The CNE announced presidential candidate Guillermo Lasso (*Movimiento Creando Oportunidades* and *Partido Social Cristiano* alliance – CREO-PSC) the winner with 52.36 per cent of the popular vote against Andrés Arauz's (*Unión por la Esperanza* alliance – UNES) 47.64 per cent. UNES obtained the highest number of seats in the National Assembly, but no contending political organisation reached a majority. The legitimacy of results was accepted by most contestants. The presidential results gave a comfortable victory to Lasso and Arauz conceded defeat on election night, although UNES later challenged these results.

Sixteen presidential tickets contested the elections, alongside 17 lists for the national constituency and dozens of regional political organisations for the provincial constituencies which competed for the 137 parliamentary seats. The main competition for the presidency was between Andrés Arauz (UNES), Guillermo Lasso (CREO-PSC), and Yaku Pérez (*Movimiento de Pluridad Nacional Pachakutik-Nuevo País*). A highly controversial political organisation and candidate registration process was not aligned with other key steps of the electoral process and there were also procedural shortcomings for withdrawals and substitutions. This led to uncertainty regarding which candidates would contest the elections, the cancellation of Andean Parliament elections in some countries, and the first instance dismissal of four of the five CNE members.

Contestants were generally free to campaign, and there were no incidents of violence. The campaign was distinguished by the positive introduction of mandatory presidential debates and the pandemic era tendency towards greater use of social media. The European Union Election Expert Mission (EU EEM) observed smear campaigns aimed at discrediting opponents. Hate speech was evidenced in the campaign, and the National Electoral Council (CNE) did not appear to react to derogatory remarks aimed at women, national minorities, and the LGBTI community. This may have been attributable in part to overly bureaucratic procedures hampering a timely and appropriate response to campaign breaches.

The campaign was marked by the predominant presence of Lasso's political advertisements in the digital environment and coverage on television. In the absence of a regulation on social media platforms, political organisations with greater resources multiplied their campaign messages and advertising through these channels. In the first round, Lasso also led in advertising expenditure on Facebook, and was followed to a much lesser extent by Javier Hervás (*Izquierda Democrática*) and Arauz. In the presidential run-off Lasso placed more political advertisements than Arauz in the digital environment. Space for editorial and news coverage in private newspapers was slightly more generous to Arauz, although with a negative tone half of the time, while coverage for Lasso was largely positive.

The CNE surmounted many challenges in organising the 2021 polls, including work starts and stoppages due to the pandemic. The CNE also faced a limited electoral budget, late receipt of funds and the need to apply recent electoral reforms. It suffered from low stakeholder confidence and legitimacy, which was somewhat recuperated with the success of the presidential run-off. The CNE acted with a high degree of transparency in decision-making. However, disagreements within its membership led to protracted internal debates that adversely affected election management. Some CNE members often made unilateral public declarations, which generated confusion, instead of lending certainty to the electoral process. The EU EEM observed that the CNE benefited from

technical assistance throughout the process and showed an improved and more consistent communication during the presidential run-off.

The CNE adopted positive measures to ensure a reliable and inclusive voter register. The CNE also instituted adequate biosecurity measures and made important efforts to bring the vote to special categories of voters. However, ill-advised decision-making was observed, particularly with respect to politically sensitive issues, such as its decision to disobey an Election Disputes Tribunal (TCE) order related to the registration of political organisations and candidates. After substantive reforms to financing rules, the CNE took steps to train political organisations and establish an anti-money laundering unit, but came up short on enforcing reporting on campaign financing.

The CNE met most operational deadlines, but electoral preparations were handled with last minute decisions and much improvisation. For example, ahead of the first round they had to reprint over six million ballot papers for the presidential ticket due to a technical error. Successful implementation of the run-off may have hidden some of the first round shortfalls that were not adequately addressed, and threaten to appear in future elections.

Early in their mandate, the CNE and TCE made a considerable effort to develop the 2020 electoral reform package, which introduced substantive and progressive improvements to the electoral legal framework. There were significant legislative advances to promote gender parity in elected office as well as to combat political violence against women. There were also other reforms related to the electoral system, political finance, and electoral justice. Other provisions promoted the political participation of national minorities. However, non-compliance with established norms was also observed. For example, the CNE took a first decision to accept an agreement between Lasso and Pérez to conduct massive recount, which was not based on legal criteria. The CNE also dealt with appeals against results in an inconsistent manner and at times before the legally provided time period.

Both election days had a high voter turnout and took place in a calm and organised environment. Voting procedures for those with disabilities, such as the ‘vote at home’ programme, were viewed positively. During the presidential run-off, the CNE resolved the long queues and the high number of results protocols with inconsistencies that were observed in the first round. It achieved this through updating biosecurity measures and strengthening poll worker training. A strong participation of over 2,000 national observers and some 300 international observers constituted a positive transparency measure. Civil society organisations were active and issued numerous qualitative reports throughout the electoral process and on election days.

In both elections, the transmission of results functioned optimally, with no blackouts affecting the system as in past elections. There was also a high of transparency in the publication of results. In the presidential run-off, 94 per cent of results were available on election night. The CNE’s quick count in the first round generated criticism from stakeholders, as it first announced that Pérez was in second place and soon after announced that Lasso had overtaken Pérez. Both results reflected a technical tie for second place. The reversal of results for second place generated public distrust and allegations of fraud by Pérez who called for massive recounts. In the wake of the post-first round political tensions, there was a prevailing calm in the run-off.

The final results for the National Assembly showed the emergence of five main forces: 49 UNES, 27 Pachakutik, 18 *Izquierda Democrática*, 18 PSC, 12 CREO, with the remaining 13 seats shared between 10 political organisations. There was a backsliding in women’s representation, with only 52 women (38 per cent) elected to the 137 seats in the National Assembly. Lasso will be sworn in as Ecuador’s next president on 24 May, and the National Assembly members on 14 May.

The EU EEM identified shortcomings which merit attention to improve future electoral processes in Ecuador. The following priority recommendations are offered for consideration and action to the National Assembly, the CNE and government. A detailed table of recommendations can be found in the final chapter of this report.

- 1. Ensure CNE Commissioners are transparently selected in line with established criteria of public competition and merits as provided by the Constitution and other legislation.*
- 2. Develop a coherent and solid communication strategy to improve the CNE's capacity to comprehensively share its collegial decisions with a unified voice to avoid misinformation and confusion. This might be achieved through incorporation of a communications team.*
- 3. Expand and strengthen the role of coordinators with their early selection and training to allow them to better orient poll workers. Bolster poll worker performance through timely and improved in person and/or virtual training that concentrates on accurate completion of the results protocols, and introduce a system of checks to ensure that training is undertaken.*
- 4. Review the system for election disputes to simplify the appeals process or extend the electoral calendar, so that all appeals can be resolved before addressing key tasks such as printing of ballots.*
- 5. Strengthen internal capacities of the various institutions and take measures to guarantee the implementation of electoral campaign regulations, including aspects relating to campaign expenditure and combatting hate speech and disinformation, and allow an appropriate and timely legal response by the CNE in case of infringement. This could be achieved through, inter alia, establishing a monitoring of traditional and social media, cooperation agreements between the CNE and social media platforms (as has been done in other countries in the region), adoption of Code of Conducts with political organisations and/or traditional media, etc.*

## **2. INTRODUCTION**

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At the invitation of the Government of Ecuador, the European Union deployed an Election Expert Mission (EU EEM) to monitor the 2021 general elections. The mandate of the EU EEM was to assess the conduct of the electoral process in accordance with Ecuador's national and international commitments for democratic elections. A team of three experts remained in the country from 16 January to 26 February and from 20 March to 6 May to follow the completion of the electoral process and present its final report. The EU observed the constituent assembly elections in 2007, the constitutional referendum in 2008, and the general elections in 2009.

This report presents a detailed assessment of the findings of the mission on the various stages of the electoral process. The mission's analysis was based on the team's own observations as well as reports from and meetings with other observer missions, civil society organisations, academics, the electoral authorities, political organisations, and the media. On the election days, the team deployed to the Department of Pichincha and visited a number of polling stations. This report includes a series of recommendations aimed at contributing to the improvement of future electoral processes.

## **3. POLITICAL CONTEXT**

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**The 2021 general elections were organised in the context of the pandemic, economic difficulties, political fragmentation, and numerous uncertainties. Tensions emerged after the first round, but the elections culminated peacefully with the decisive verdict of Ecuadorians.**

Some 13 million Ecuadorians were called to the polls amidst the COVID-19 pandemic, economic difficulties, and numerous uncertainties. This combined with a generalised apathy on the part of the

electorate. Confidence in the institutions, including the government and the electoral authorities, was at its lowest in years.

Incumbent President, Lenín Moreno, did not seek re-election and did not officially support any candidate. Former President Rafael Correa (2007 to 2017), who attempted a run at the vice-presidency, but was barred from the race due his conviction for corruption, maintained a constant political presence in the campaign from Belgium supporting the *Unión por la Esperanza* alliance (UNES). In these polls, the prevalent political discourse was divided between *correísmo* and *anti-correísmo*.

There was a high political fragmentation with an unprecedented number of presidential candidates. Sixteen presidential tickets contested the elections, alongside 17 lists for the national constituency and dozens of regional political organisations for the provincial constituencies which competed for the 137 parliamentary seats. The first round legal battle regarding the participation of *Justicia Social*, and therefore the candidature of Álvaro Noboa, generated a high level of uncertainty as to which candidates would contest the elections. These drawn out disputes led to *Justicia Social* and Álvaro Noboa's non-participation in the presidential election.

The main competition for the presidency was between Andrés Arauz (UNES), Guillermo Lasso (*Movimiento Creando Oportunidades* and *Partido Social Cristiano* alliance – CREO-PSC), and Yaku Pérez (*Movimiento de Pluridad Nacional Pachakutik-Nuevo País*). The leftist UNES alliance was associated with *correísmo*. The rightist CREO-PSC alliance was formed by two of the longest standing political organisations in Ecuador, and its candidate Lasso lost the 2017 presidency to Moreno by a narrow margin of two points. Pachakutik represented the leftist indigenous movement dedicated to promoting the interests of indigenous peoples, who comprise around seven per cent of the population.

The first round presidential results confirmed that Arauz would proceed to the presidential run-off. However, the distance between Lasso and Pérez for second place was 0.35 per cent (32,115 votes). The ensuing challenges and appeals processes confirmed Lasso would compete against Arauz in the presidential run-off. Political tensions emerged when Pachakutik disputed the results, alleging fraud, and called on its supporters to participate in a peaceful march. This call was supported by several indigenous organisations.

In the wake of the post-first round political tensions, there was a prevailing calm in the run-off election. The official campaign was somewhat affected by President Moreno's 2 April declaration of a state of exception in eight provinces due to the worsening of the pandemic, including the most populous provinces of Pichincha and Guayas. Despite restrictions to the freedom of movement and assembly, these measures were not questioned by stakeholders. The Constitutional Court only allowed the state of exception to continue until 9 April, partially to avoid holding the run-off in the situation of state of exception.

The most notable political issues in the lead up to the presidential run-off were the resignation of a number of high-ranking government officials, including several Ministers, and the political trials in the National Assembly involving the ex-Minister of Health for mishandling the vaccination programme and the Minister of Employment for political disagreements over labour policy.

Arauz and Lasso's search for support from the ex-presidential candidates and their political organisations concentrated media attention. Pachakutik and the National Confederation of Indigenous Peoples (CONAIE) called on their supporters to spoil their ballot. Arauz received the last-minute support of CONAIE president, Jaime Vargas, who unilaterally promised the indigenous vote without grassroots consensus. Xavier Hervás (*Izquierda Democrática*) put his individual if not party support behind Lasso. Most of the remaining ex-candidates supported Lasso, while Ximena Peña (*Alianza País*) indicated that voters should either support Arauz or spoil their ballot.

Preliminary results showed that Lasso won the presidential race with a difference of 4.7 per cent over Arauz. The distance between the two candidates was sufficient to remove tensions associated with a close result. Within four hours of the close of polls, and at the same time, Lasso declared his victory and Arauz conceded defeat and offered his congratulations to the winner. Preliminary results also showed that the National Assembly composition was fragmented and reflected five main forces: 49 UNES, 27 Pachakutik, 18 PSC, 18 *Izquierda Democrática*, 12 CREO, with the remaining 13 seats shared between 10 political organisations. At the time of reporting, there were still pending appeals and the CNE could not declare final results for the provincial constituency of Manabí.

At the time of reporting, political organisations were involved in consensus building to determine who would be the president of the National Assembly. Other issues included the handover of government, the formation of the new cabinet, debates in the National Assembly in defence of the dollarised economy and corruption scandals involving the Comptroller and Auditor General. Lasso will be sworn in as Ecuador's next president on 24 May, and the National Assembly members on 14 May.

## 4. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

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**A comprehensive 2020 legal reform introduced substantive and progressive improvements to electoral processes. However, there needs to be a greater strengthening of institutionalism to address non-compliance with established norms.**

### 4.1 Electoral system

The general elections determined the president and vice-president, the members of the National Assembly, and the representatives of the Andean Parliament. The presidential mandate is limited to two four-year terms, either consecutive or not. To be elected in the first round, a presidential candidate needs to obtain over 50 per cent of the valid votes or at least 40 per cent of the valid votes and a difference of at least 10 per cent with the second most voted candidate. As no candidate passed this threshold on 7 February, a presidential run-off between the two leading candidates was held on 11 April.

The unicameral National Assembly has 137 members. Fifteen representatives were elected in a nationwide constituency and six representatives for the three out-of-country constituencies. The remaining 116 members were elected in 24 in-country provincial constituencies on closed lists. The Webster method was used to allocate all seats. Previously the Webster method only applied to the national constituency. The members of the National Assembly are limited to two four-year terms, either consecutive or not. The five representatives to the Andean Parliament are elected in a single national and out-of-country constituency by a majoritarian vote.

### 4.2 Legal framework

A comprehensive electoral reform was introduced in February 2020, significantly altering the legal framework for these general elections. Many reforms were put forth by the CNE and the Electoral Disputes Tribunal (TCE).

One of the most significant reforms to the electoral system was replacing the D'Hondt system for allocation of seats for the provincial constituencies of the National Assembly with the Webster system. The purpose was to provide for improved representation of political minorities. While the new National Assembly is more pluralistic, it is unclear how these changes affected the new composition, especially when taking into consideration a spike in voter preference for other political options (Pachakutik, *Izquierda Democrática*). The reform also introduced a move from open lists with cross-voting, to a closed-party-list system. Closed lists promote the strengthening of political organisations.

While legislation already provided for gender parity and alternation, men usually headed candidate lists and therefore had greater chances of being elected. The reform established a progressive plan for women to head half of the candidate lists and gender parity in the presidential ticket. The reform also defined specific acts that constitute the offence of political violence against women in the political sphere. The TCE undertook training with, *inter alia*, judges, candidates, political leaders on new gender violence norms. To guarantee and promote the participation of youth, 25 per cent of all multi-member lists must be comprised by 18 to 29 year olds. At the time of reporting, the National Assembly seat allocation was incomplete, as such the number of youth in the next National Assembly was not available.

In line with a recent tendency in Latin America, presidential candidates are now obliged to participate in national debates organised by the CNE, with the objective of creating the conditions for electors to make an informed decision. The reform also introduced important changes to political finance, especially regarding public financing, donation origins and limits, reporting requirements, control mechanisms, and sanctions. The reform provided for a three-year transition period to implement data interconnection between state bodies. The CNE engaged political organisations in training initiatives to raise awareness on details of these reforms.

There were also many reforms in the area of electoral justice, *inter alia*, the introduction of a second hearing in some cases, vesting the TCE with the ability to offer training and disseminate information related to electoral justice and appeal procedures, a general deadline to resolve appeals within 15 days, as well as reform to some procedural aspects. The system for sanctions was also reformed to include a graduation of electoral sanctions, and a specific sanction was defined for each type of violation in order to avoid subjectivity in the application of sanctions.

Reforms promoted community democracy for national minorities, introduced gender parity requirements within the electoral authority, the right for political organisations to present challenges to the voter register, and non-discrimination and affirmative action measures for indigenous, Afro-Ecuadorian and Montubio peoples. The electoral legal reform also included transitory provisions for the CNE to undertake internal independent audits ahead of the 2021 polls, including an audit of the voter register, the IT system for results, and the system for validating signatures for registration of political organisations and movements.

The CNE subsequently introduced numerous regulations and instructions, many of these towards implementation of the 2020 reforms, which detailed procedures governing internal democracy for political organisations or for candidate registration, adapting these to the circumstances of the pandemic and allowing for virtual pre-candidate registration. Tighter regulations governing the formation of electoral alliances and financial auditing of political organisations were introduced. In terms of the latter, the regulation introduced the integration of a general audit team composed of representatives from political organisations or movements, universities, polytechnic institutions, and civil servants designated by the CNE.

These legal reforms constitute improvements of the democratic legal framework in Ecuador. However, the EU EEM noted the lack of enforcement of newly established and previously existing norms on the part of the electoral authority and political actors. Moreover, interlocutors indicated that institutions and political organisations are not well prepared to effectively implement the reforms, particularly those relating to political organisation financing, implementation of gender parity, and political violence against women, as well as previously existing norms such as the prohibition of discriminatory language.

## 5. ELECTION ADMINISTRATION

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**Organising elections during a pandemic presented various challenges. The CNE's selection process, communication strategy and decision-making generated a low stakeholder confidence.**

**Institutional deficiencies persist and may adversely affect the management of future elections. At the same time, the CNE was resilient in its determination to continue its work, in spite of internal and external difficulties, and overall organised a credible electoral process.**

### **5.1 Structure and composition of the Election Administration**

The 2008 Constitution established the electoral authority as one of the five branches of state power, and created two bodies for election administration – the National Election Commission (CNE) responsible for organising electoral processes and regulating political organisations, and the Electoral Disputes Tribunal (TCE) charged with administering electoral justice and resolving internal conflicts of political organisations.

In order to strengthen their independence, the Constitution provided for a technical and non-partisan recruitment of electoral body members through public competition according to competition and merit. The current CNE members were appointed by the National Assembly in November 2018. The Transitional Council of Citizen Participation and Social Control (CPCCS-T) undertook the selection process. The CPCCS-T decided that the three of the five members would be put forward by the most-voted political organisations in the 2017 general elections, and the remaining two members would be put forward by civil society.<sup>1</sup> Oversight of the selection process by some constitutional experts and NGOs, including *Fundación Ciudadanía y Desarrollo*, warned that the selection process was not undertaken in line with established constitutional parameters and that it lacked transparency.<sup>2</sup> In May 2019, and following prior selection by the CPCCS-T, the National Assembly appointed three of the five TCE judges. Their selection was less controversial than that of CNE members.

This selection process was seen as a way of balancing the political forces within the CNE, as previous compositions were viewed as being aligned with the government. However, this brought about a selection in which political balance in the membership took priority over merit and qualifications. Many countries in the region have a similar election management composition and this works well when, once selected, all its members are viewed to perform impartially and efficiently. The CNE presented deficiencies in this respect.

The composition of Provincial Electoral Boards (JPE) reflected the CNE political power-sharing agreement, with CNE members selecting each of their representatives to the JPEs and polling centre coordinators. Regarding CNE high-ranking technical staff, interlocutors highlighted the same selection process. Frequent changes of national level directors tended to affect continuity and institutionalism. The lack of clarity with respect to the different responsibilities between the temporary JPEs and permanent provincial CNE delegations have persisted since the first elections under the new Constitution.

*Recommendation: Ensure CNE Commissioners are transparently selected in line with established criteria of public competition and merits as provided by the Constitution and other legislation.*

### **5.2 Decision-making and public Communication**

Disagreements within the CNE membership led to protracted internal debates that adversely affected election management, especially in situations where quick decisions needed to be made. In addition, some CNE members gave frequent unilateral public declarations which generated confusion, instead of lending certainty to the electoral process. For example, there were public and contradictory declarations between CNE members on the possibility of massive recounts during the first round, the implementation of a quick count, and some aspects of biosecurity measures. The CNE made little effort to keep internal disputes away from the public eye. While diverging opinions in within a collegial body can be enriching, the CNE needs to find a balance between transparency and unity of

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<sup>1</sup> The CNE members were put forth by the following political organisations: José Cabrera (PSC), Esthela Acero (*Alianza PAIS*), Enrique Pita (*CREO*). Diana Atamaint and Luis Verdesoto were put forth by different civil society organisations.

<sup>2</sup> See Fundacion Ciudadana y Desarrollo [report](#).

voice once the collegial body has taken a decision. This was particularly important as some stakeholders viewed internal differences in opinion between CNE members as a way of protecting the interests of those who had put them forth.

These deficiencies resulted in a low stakeholder confidence in the CNE throughout the process.<sup>3</sup> The EU EEM observed a more consistent communication and an improved electoral process management during the presidential run-off. Also, the confidence in the CNE was recuperated somewhat with the success of the presidential run-off elections.

*Recommendation: Develop a coherent and solid communication strategy to improve the CNE's capacity to comprehensively share its collegial decisions with a unified voice to avoid misinformation and confusion. This might be achieved through incorporation of a communications team.*

### 5.3 Administration of the elections

The CNE surmounted many challenges in organising the 2021 polls, including work starts and stoppages due to the pandemic. The CNE also faced a limited electoral budget, late receipt of funds and the need to apply recent electoral reforms. International support, including by the EU and some of its Member States, and UNDP technical assistance helped the CNE to mitigate challenges as they prepared for elections. The CNE signed numerous agreements with national organisations.<sup>4</sup>

Early in their mandate, the CNE and TCE made a considerable effort to develop the 2020 electoral reform package, advancing many improvements to the existing electoral legislation. The CNE also adopted positive measures to ensure a reliable and inclusive voter register. Many voters took advantage of the online information services developed by the CNE, as demonstrated by the fact that the CNE portal for voters to verify their polling location was visited over ten million times. The CNE also made important efforts to bring the vote to special categories of voters, including 8,307 non-convicted prisoners and 653 housebound persons with severe disabilities.

During the electoral process, the CNE met most operational deadlines. The CNE instituted adequate biosecurity measures, both for the campaign and election day, which were similar to those applied in other countries conducting elections during the pandemic. However, some decisions were taken late and much improvisation was observed. For example, the CNE discussed the possibility that party agents should present a negative COVID-19 test to supervise elections, despite the country's logistical difficulties to process such a large number of tests in a short timeframe. Many political organisations perceived this as a move to limit their oversight of polling and counting. Days before the polls, the CNE decided to not institute this measure. During the presidential run-off the CNE undertook last minute modifications to biosecurity measures, which corrected the long queues observed in the first round. The pandemic also brought other challenges, including organisation of out-of-country voting in 40 countries for the 410,239 out-of-country voters, which were satisfactorily overcome.

The pandemic, the limited budget, and the late receipt of funds posed numerous challenges to the recruitment and training of the approximately 300,000 poll workers, coordinators and other temporary staff. For example, the pandemic made many poll workers reticent to participate, and training was somewhat compromised as it had to be conducted mostly virtually. Apparently, many selected poll workers did not undertake the full training. Poor training of coordinators and poll workers resulted in a high number of results protocols with inconsistencies in the 7 February elections. The key role of coordinators may have been undervalued by the CNE, as they were not sufficiently equipped to adequately orient poll workers in the proper filling out of results protocols. On a positive note, for the presidential run-off the CNE undertook a fresh recruitment of coordinators in those polling stations

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<sup>3</sup> A September 2020 [Cedatos](#) poll gave the CNE a 15 per cent confidence rating. Ahead of the presidential run-off the same pollster reported that 87 per cent of the population disapproved of the CNE's management of the elections.

<sup>4</sup> Including with public universities for training student poll workers, and with the *Asociación Ecuatoriana de Radiodifusión Núcleo Pichincha* and the *Asociación Ecuatoriana de Canales de Televisión* to promote training for journalists and commentators.

that presented results protocols with inconsistencies and training was reinforced with a view to having coordinators better assist poll workers. Simplified results forms and simulations for voting and counting procedures were also introduced. All these factors, together with easier to organise elections contributed to fewer inconsistencies of result protocols in the presidential run-off.

*Recommendation: Expand and strengthen the role of coordinators with their early selection and training to allow them to better orient poll workers. Bolster poll worker performance through timely and improved in person and/or virtual training that concentrates on accurate completion of the results protocols, and introduce a system of checks to ensure that training is undertaken.*

The CNE also seemed careless in deciding about fundamental aspects relating to the elections which led to some difficulties. For example, ahead of the first round they had to reprint over six million ballot papers for the presidential ticket due to a technical error. This had the add-on effect of creating suspicions of potential electoral fraud. Some interlocutors highlighted that the CNE was overly occupied with internal quarrels and disputes with the TCE, up to the point that it failed to fully concentrated on some of its responsibilities.

One of the greatest successes of the CNE was the implementation of a transmission of results system that functioned optimally. The CNE overcame technical issues which in past elections had caused many difficulties, such as blackouts affecting the system. The CNE established a webpage to provide individual polling station results and scanned images of results protocols. Results were also shared on a mobile phone application and a live camera feed from the national results centre which were streamed on Facebook and YouTube. On the other hand, the decision to undertake a quick count in the first round generated criticism from stakeholders as it was considered to offer more risks than benefits if faced with the situation of a technical tie, as was eventually the case. A few days before the run-off, the CNE decided not to implement a second quick count as official results would have been available at practically the same time. In hindsight, this was the correct decision, as official results came in quickly and were communicated in real time.

The CNE's credibility suffered due to instances of ill-advised decision-making, particularly with respect to politically sensitive issues. For example, early in the electoral process the CNE took the decision to disobey a TCE order relating to political organisations and candidate registration. This resulted in, *inter alia*, uncertainty regarding which candidates would contest the elections and the cancellation of Andean Parliament elections in some countries. Although a final TCE decision on the matter was still pending at the time of reporting, this disobedience resulted in the TCE first instance dismissal of four CNE members. This decision was appealed to the TCE plenary. A case was also lodged in the Inter-American Commission of Human Rights for violation of political rights. The CNE also could have better managed election disputes. For example, it took a first decision to accept an agreement between Lasso and Pérez to conduct massive recounts. This decision was not based on legal criteria and was later reversed. The CNE also dealt with appeals against results in an inconsistent approach and before the legally provided time period for hearing appeals. For example, during the tabulation process of the first round presidential vote. The way in which the CNE handled result related disputes reflected its institutional weakness.

Logistical preparations for the presidential run-off were less complicated than for the first round as there were only two candidates, one ballot paper, a simplified results protocol to fill out, and the operational and IT solutions were tested in the first round. Moreover, in conformity with the Electoral Law, the same poll workers of the first round were deployed and the voter register was the same that was used in the first round. Successful implementation of the run-off may have hidden some of the first round shortfalls that were not adequately addressed and threaten to appear in future elections.

## **6. VOTER REGISTRATION**

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**The CNE adopted positive measures to ensure a reliable and inclusive voter register, and compared to previous elections stakeholders did not manifest concerns.**

### **6.1 The right to vote**

The 2008 Constitution grants the right to vote to citizens over 16 years of age, foreigners with more than five years of legal residence, and non-convicted prisoners. The 2008 Constitution also grants Ecuadorians abroad the right to vote for the presidential ticket, as well as their representatives in the National Assembly. Voting is mandatory for all resident citizens between 18 and 65 years of age, and is optional for those over 65 years of age, those between 16 and 18 years of age, illiterate individuals, persons with disabilities, and Ecuadorians registered for out-of-country voting.

### **6.2 Voter registration**

A total of 13,099,150 voters were eligible to participate in these elections. Ecuador uses a passive voter registration system with data drawn from the civil registry. This is complemented with the voluntary inscription of foreigners with at least five years residency and Ecuadorians residing abroad. To finalise the voter register, authorities took into consideration the changes in electoral residence that were registered between 6 November 2018 and the cut-off date of 7 August 2020, this resulted in 109,060 updates. The cut-off date for changes in electoral residence seems unreasonably distant away for the presidential run-off. On a positive note, the voter register included all those who would have turned 16 years of age by 7 February 2021. As provided by law, the same voter register was used in the presidential run-off.

Constant past criticisms from political organisations that the voter register was inflated prompted an effort to improve its quality and reliability. A parallel voter register was established to include those who were obliged to but did not vote in the last four elections. These 607,417 disqualified voters were presumed to be deceased or to have emigrated. A service for electors to verify if they had been included in the separate register resulted in the reintegration of 178 individuals.

As part of the 2020 electoral reform package, the CNE initiated an audit of the voter register that was not completed due to the pandemic. In keeping with a new legal provision, political organisations could request a copy of the voter register 90 days before elections were called; no political organisation presented comments on the register. EU EEM interlocutors indicated that, compared to previous elections, the voter register was not a concern in the 2021 polls.

## **7. REGISTRATION OF POLITICAL ORGANISATIONS AND CANDIDATES**

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**A highly controversial political organisation and candidate registration process, with complex appeals processes and procedural shortcomings led to uncertainty about which candidates would run, the first instance dismissal of four CNE members, and the cancellation of Andean Parliament elections in some countries.**

### **7.1 Registration of political organisations**

Weak political organisations are one of the most characteristic features of the Ecuadorian political system. According to EU EEM interlocutors, political organisations generally lack a clear ideological orientation and some function as mere electoral vehicles for personal leaderships.

The legal framework establishes onerous requirements for the registration of new national political organisations. Some political organisations, including UNES, referred to the difficulty in meeting the

tough requirements.<sup>5</sup> To maintain their legal status, political organisations must obtain at least one of the four representation thresholds in two consecutive elections.<sup>6</sup> Political organisations that do not participate in an election are exempt from this provision. Although twelve of the sixteen political organisations obtained less than four per cent of the valid votes in the presidential elections, the maintenance of the political organisation's legal status will depend on their performance in past or future elections. At the time of this report, it was undetermined if any political organisation would lose its legal status after these elections.

Interlocutors indicated that since 2013 there has prevailed the phenomena of creating political organisations for the clientelism of political participation, and the reconstitution of cancelled parties under a new name, but with the same representatives as the old party. The CNE confirmed there was no legal impediment to this latter practice. For the 2021 polls, 17 national political organisations and dozens of regional political organisations were registered. With an aim to address the proliferation of political organisations, the 2020 electoral reform introduced the possibility to cancel the legal status of political movements; previously this provision only applied to political parties.

There are voices pushing for the introduction of more restrictive requirements for political organisation registration and maintenance to avoid an excessive proliferation of political organisations. The current legal framework protects political pluralism and the right to conduct activities outside an election period. Interlocutors put forth the idea that this proliferation might be controlled by increasing requirements for participation in national elections. Further restrictions to political organisation formation and maintenance may be an impediment to political participation, particularly since independent candidatures are not permitted and only national-level political organisations receive permanent public funding.

## 7.2 Registration of candidates

The legal framework for candidate registration is generally adequate, however there are procedural shortcomings to ensure that all challenges and appeals are resolved in time to lend certainty to qualification of candidates (see *Challenges to Registration*).<sup>7</sup> In order to prevent party leaders taking unilateral decisions, political organisations must select candidates through their internal bodies or organise open or closed primaries. The CNE is responsible for supervising the transparency and legality of the selection process, and indicated that all political organisations contesting these elections complied with internal democracy processes.

There was some confusion surrounding procedures for withdrawal and replacement of candidatures. The law provides that candidates cannot withdraw after the qualification and final registration phase, which concluded one month before elections. The exception to this is in cases of *force majeure* where candidates may be replaced in accordance with established internal party procedures. However, there is no defined procedure for replacing candidates before the final registration phase. The CNE indicated that replacements are also made according to party statutes. As such there is no requirement to hold fresh party primaries, despite the fact that party primary results are binding.

*Recommendation Establish legal mechanisms and timelines for substituting pre-candidates who withdraw before the final registration deadline.*

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<sup>5</sup> Political organisations must submit supporting signatures equivalent to 1.5 per cent of the voter register, and must have a minimum provincial representation. They must abide by comprehensive democracy rules for the selection of directors and candidates, guaranteeing parity and non-discrimination.

<sup>6</sup> They must obtain four per cent of valid votes in two consecutive national multi-member constituency elections, at least three per cent of National Assembly members, at least eight per cent of mayors, or one member in at least 10 per cent of municipal councils.

<sup>7</sup> The Electoral Law establishes few deadlines in the candidate registration process, for example for internal party primaries and the nomination period. The remaining deadlines in the candidate registration process, such as the reviewing of documentation, corrections, challenges, and final registration were established by the CNE in accordance with the Electoral Law. The electoral calendar established 7 January 2021 as the deadline for final registration of candidates.

The Electoral Law provides for gender parity and alternation on candidate lists. For these elections, there was a 15 per cent quota for women to head candidate lists for the National Assembly. One list for the Andean Parliament was rejected for not conforming with the parity requirement.

### **7.3 Challenges to registration of political organisations and candidates**

Overall, the TCE managed election disputes with professionalism and enjoyed stakeholder confidence. However, this was tarnished by a rather chaotic appeals processes surrounding political organisations and candidate registration which somewhat discredited the institution.

Candidate registration was characterised by a proliferation of electoral disputes due to the suspension of *Justicia Social*, *Podemos*, *Fuerza Compromiso Social*, and *Libertad es Pueblo* for not fulfilling signature requirements at the time of acquiring their legal status. The most conspicuous case was that of *Justicia Social* and Álvaro Noboa's attempt to register as a presidential candidate. These disputes led to *Justicia Social* and Álvaro Noboa not contesting in the elections, the unconfirmed dismissal of four of the five CNE members, and recourse to national and international bodies, including the ordinary justice system, the Constitutional Court, the Inter-American Commission of Human Rights and the United Nations Human Rights Committee.<sup>8</sup> At the time of reporting, there were no TCE final decisions on these matters. At the same time, the delays in deciding on these disputes resulted in the cancellation of Andean Parliament elections in some countries as the CNE had insufficient time to print and distribute ballots.

These dispute processes also shed light on a series of underlying deficiencies in the dispute resolution framework:

First, although the Ecuadorian electoral system is protectionist in guaranteeing the rights of contestants, some legal experts hold that the system provides excessive opportunities for appeals that prolong processes, when timely decisions should be of the essence in electoral disputes.<sup>9</sup> The latter resulted in a bottleneck of appeals as they overlapped and slowed down the electoral justice system. Interlocutors indicated that some filed petitions for clarification or amplification or petitions for the recusal of judges, with the objective of prolongating a process since these procedures suspend the timeframes for the principal appeal.

*Recommendation: Review the system for election disputes to simplify the appeals process or extend the electoral calendar, so that all appeals can be resolved before addressing key tasks such as printing of ballots.*

Second, in disobeying TCE orders the CNE defied the maximum authority in electoral justice. This was made clear when the CNE ignored a TCE judgment with the explanation that it did not have sufficient time to comply with the order and at the same time fulfil constitutional timelines for swearing in of newly elected representatives. Moreover, the Constitutional Court ruled inadmissible a CNE petition regarding a conflict of competences with the TCE as the constitutional grounds of the petition were not well-founded.

Third, the intervention of state bodies with no electoral role only served to cause confusion. In a 2020 report, the Comptroller and Auditor General issued an order, based on an administrative procedure law and disregarding the Electoral Law, to suspend the legal status of these four political organisations. Non-compliance could have resulted in CNE member dismissals. The report was issued just one day before the election registration deadline and years after the organisations had

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<sup>8</sup> The United Nations Human Rights Committee decided to formally open a case against the state of Ecuador for violating Álvaro Noboa's political rights. On 17 December 2020, the Inter-American Human Rights Commission requested information from the state of Ecuador in relation to the non-registration of Noboa's candidature.

<sup>9</sup> There are three possibilities for administrative complaints to the CNE (*impugnación*, *objeción*, *corección*), two of these can also be filed with the JPE and later appealed to the CNE. There is also the possibility of two types of appeal to the TCE (*recurso subjetivo contencioso electoral*, *apelación contencioso electoral*). In some cases, there is also the possibility of double instance appeals to the TCE. Moreover, procedures include the possibility to recuse TCE judges.

obtained legal status. The EU EEM believes that the intervention of the Comptroller appears questionable in view of constitutional and legal provisions, as it might have acted beyond its limited remit in electoral matters.<sup>10</sup> The intervention of the Comptroller during the results disputes period was also highly questioned by stakeholders. The intervention of an ordinary judge, at the request of a CNE member, to order a temporary protective measure against the dismissal of CNE members while the electoral process was ongoing was also highly questionable.

*Recommendation: Limit interventions by other state bodies to those provided for in law. Intervention of the Comptroller and Auditor General should be limited to a technical role, and ordinary judges should limit their role to decide on electoral offences within their competence*

Four, the persisting lack of clarity regarding pre-candidate withdrawals and replacements directly impacted these disputes. This was reflected through the withdrawal of Fabricio Correa and Marcia Yazbek, after they were elected for the presidential ticket in *Justicia Social*'s primary elections. Both withdrew before formally registering with the CNE. There followed much confusion as to whether these candidates could be replaced and what were the timelines and the mechanisms to do so. This frustrated the replacement of *Justicia Social*'s presidential ticket.

Five, leaving aside legal arguments, this situation brought about distrust in the electoral institutions as there emerged a broadly held perception that these interventions were aimed at limiting certain candidatures. It is worth highlighting that one of the most important elements in an electoral process is stakeholder confidence in the electoral authority.

## 8. CAMPAIGN ENVIRONMENT

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**The campaign was distinguished by the positive introduction of mandatory presidential debates and the pandemic era tendency towards greater use of social media. Contestants were generally free to campaign, but discriminatory language and disinformation were used to discredit competitors. After substantive reforms to financing rules, the CNE took steps to train political organisations, and establish an anti-money laundering unit, but came up short on enforcing reporting on campaign financing.**

### 8.1 Electoral campaign – first round

The electoral campaign ran from 31 December to 4 February. The legal framework provides for freedom of speech, movement and assembly. There were minor incidents recorded during the campaign, but these did not reach the level of physical violence. However, the pandemic disrupted traditional campaigning strategies, obliging political organisations to comply with biosecurity protocols. Caravans and campaign walks were the only face-to-face activities permitted, with limited numbers of supporters and vehicles. The Association of Municipalities of Ecuador (AME) denounced breaches of biosecurity measures.

With restrictions to public gatherings, traditional media and social platforms were the major players in diffusing campaign messages, especially through candidate interviews. The Constitutional Court ruled in 2012 that social networks cannot be subject to regulation.<sup>11</sup> In the absence of a regulation on social media platforms, apart from expenditure reporting, political organisations with greater resources multiplied their campaign messages and advertising through these channels (see *EU EEM Media Monitoring*). Discriminatory remarks were identified on some candidates' Twitter accounts, mainly with the purpose of discrediting competitors. There was also an increase in disinformation during the last week of the campaign period (see *Civil Society Media Monitoring*).

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<sup>10</sup> The Constitution established that the CNE and the TCE are the maximum authority in electoral matters. Article 16 of the Electoral Law which establishes that, “*no authority outside of the electoral authority can intervene either directly or indirectly in electoral processes or the functioning of electoral bodies.*”

<sup>11</sup> See Constitutional Court sentence [here](#) (page 139).

The pandemic, unemployment, corruption, and the dollarisation of the economy were the main topics. Campaign promises included the distribution of USD 1,000 to a million families (Andrés Arauz), the exportation of water instead of oil (Yaku Pérez), the introduction of life imprisonment (Isidro Romero), and the right to bear arms (Guillermo Lasso). More sensitive topics such as abortion and LGBTI rights were absent in candidates' speeches during the first round. After analysing the 16 presidential candidates' plans for government, *Grupo Faro*'s initiative *Ecuador Decide* identified that only 55.5 per cent of these plans included concrete proposals for implementation.<sup>12</sup>

The introduction of mandatory presidential debates organised by the CNE was considered a major achievement as it provided a national platform for candidates to share their views with the electorate. As there were many candidates, they were divided into two groups which debated on 16 and 17 January. Nonetheless, the organisation was not exempt from criticism, mainly for poorly coordinated announcements, last-minute decisions and changes to formats and moderators. In addition, two debates were organised by the newspaper *El Comercio* and the Guayaquil Chamber of Commerce.

The Electoral Law prohibits advertising by state institutions during the election campaign, except to impart information of national interest. President Moreno did not run in these elections, and neither EU EEM interlocutors nor the media indicated that the use of state resources in campaigning was an issue. Nevertheless, the CNE pre-screened 3,645 institutional spots during the campaign period and denied broadcasting to 746 of these as they promoted government achievements.

The use of Rafael Correa's image in UNES's campaign was a cause of controversy. The Pichincha CNE delegation reversed its authorisation of UNES posters that included the former president's image. It considered that, since Correa had been stripped of his political rights, his image could not be used in political promotion. The legal basis for this decision was somewhat dubious as there is no specific provision that would have prohibited the use of Correa's image. Correa's image appeared on several UNES organic advertisements on Twitter.

The 48-hour electoral silence period applied to any campaign event or campaigning in traditional media. Print newspapers were observed to comply with the electoral silence regulation. The imposition of an electoral silence period is increasing questioned as some interpret this as an unnecessary limitation to the freedom of expression. It is also questioned for the difficulty in curtailing all kind of opinions in social platforms, although the official social accounts of political organisations and candidates could be monitored.<sup>13</sup> Political organisations and candidates benefited from the lack of regulation over social media platforms up to and including election day with a permanent political campaigning.

## 8.2 Electoral campaign – presidential run-off

The 20-day campaign period began on 20 March and ended on 8 April. In order to limit the spread of COVID-19, the same restrictions on meetings and caravans were in place as for the first round. Eight provinces were under a state of exception from 2 – 9 April with additional restrictions, including curfews as well as the prohibition of gatherings and marches. The campaigns of both contenders were aimed at obtaining the vote of the 5.7 million voters (53 per cent of the electorate) who voted for the other presidential candidates and those who voted in blank or spoiled their ballot in the first round.

Arauz tried to balance his campaign between distancing himself from Rafael Correa and maintaining support for *correísmo*. Perhaps to placate hardliner Correa supporters, during the presidential debate Arauz did not counter the constant criticism from Lasso who associated Arauz with Correa. Nevertheless, Correa had a strong presence in Arauz's electoral campaign through media interviews and social media platforms. Arauz's campaign closing event initiated with a video message from Correa to supporters. Arauz and Lasso both tried to detach themselves from Lenín Moreno's administration.

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<sup>12</sup> See *Ecuador Decide*.

<sup>13</sup> See [academic research study](#) and [media research lab article](#) on this issue.

The presidential debate took place three weeks before the run-off election. Although there were only two participants, the organisation of the debate was not devoid of problems. The journalist selected to moderate the debate dropped out at the last minute due to disagreements over the format. The journalist that replaced her limited herself to reading questions rather than directing the debate. Although the debate had a lively back and forth between the two candidates, commentators agreed that contenders focused on discrediting their opponent instead of promoting their proposals. Some stakeholders criticised the overly rigid structure, long introductory videos, and the fact that participants had little time for responses.

Both contenders ran smear campaigns. A repeated story was that Arauz collected a salary while on approved leave from the Central Bank of Ecuador, and that he “sold” his discharge from the Bank for USD 27,500. Arauz clarified that his leave was unpaid, and that his indemnity was in line with legal provisions. There were also some public allegations in relation to the legitimacy of Arauz’s campaign financing. Arauz denounced that he was being persecuted without foundation.<sup>14</sup> On the other hand, Arauz alleged that Lasso’s campaign was financed by the Bank of Guayaquil depositors’ money. The Bank, of which Lasso was executive president until 2012, denied involvement in any political campaign and denounced the “malicious content” of such allegations. This smear campaign took place mainly in the digital environment.

According to Lasso’s campaign manager, the first-round campaigning focussed on his strengths, while the presidential run-off opened up new perspectives to include vulnerable groups such as indigenous, women, youth, and LGBTI. Lasso carried out an effective campaign on social media platforms with broadcasting via Facebook Live, YouTube Live, and Twitter. Moreover, his campaign managed to create a young and dynamic personal brand with a pair of red shoes, which were used in the video of its campaign on the social network TikTok (albeit this was not well received by some women’s organisations as red represent the victims of femicide).<sup>15</sup> Lasso replaced his first-round slogan #CapacidadParaCambiar (Capacity for Change) with #EncontrémonosParaLograrlo (Let’s Meet to Make it Happen). Lasso also detached himself from PSC leader Jaime Nebot. The CREO-PSC logo was removed from Lasso’s political advertising during the last stage of the campaign to be replaced by the phrase ‘Vota Lasso Presidente 2021.’

Arauz conducted a grassroots campaign with door-to-door activities, creating an image of closeness with the electorate. Arauz criticised the ‘bullying’ of the banks while defending himself against accusations of corruption through videos published on his social media accounts, where he told the ‘truth’ about the smear campaign against him.<sup>16</sup> During the last stage of the campaign, he emphasised his proposals to stimulate the economy, with support to entrepreneurs under the hashtag #AlivioAhora (Relief Now), referring to a restructuration of debts and assured that he would never implement de-dollarisation. He also promised innovation in the mining sector as well as the promotion of national products. Arauz mostly used Facebook and TikTok to convey campaign messages. His TikTok account was mainly orientated to show his human side, with short videos in which he interacted with young people, athletes or influencers. Conversations with citizens, interviews with the media and meetings with political actors were broadcast in real-time via Facebook Live.

### 8.3 Campaign finance

National political organisations receive permanent public funding which is assigned by the CNE according to their performance in the previous elections. In an electoral year, political organisations have access to public funding for placing advertising in traditional media and on billboards through the Election Promotion Fund which amounted to USD 15.9 million. In the 2021 polls, 49 per cent of

<sup>14</sup> Arauz’s campaign was accused of receiving USD 80,000 from the Colombian terrorist organisation ELN. Arauz was also accused of non-compliance with fund raising restrictions when it was revealed that he had raised more than USD 1 million through crowdfunding.

<sup>15</sup> See TikTok video [here](#).

<sup>16</sup> See [link](#) to the video.

the total fund was used by political organisations for advertising on radio, 30 per cent on television, 11 per cent on billboards, and the remaining portion for print and digital media. Private publicity and advertising in print press, radio, television, and on billboards is prohibited.

In the context of pandemic austerity measures the Election Promotion Fund was reduced by 52 per cent, but still allowed political organisations and candidates to place advertisements in 682 qualified media.<sup>17</sup> The *Unión Ecuatoriana, Amigo, and Honestidad* formally renounced access to these public funds. Lasso publicly rejected the funds, although the CNE reported that he eventually accessed the funds. Political organisations could also benefit from private funding through donations from private persons with a maximum amount established for individual support and self-financing by candidates. For the first round, the spending limit for campaign events was capped at USD 5.2 million. For the run-off this was set at USD 2,095,864.

There were some legal lacunae that the 2020 reform package sought to address. Amendments established specific percentages for spending of state funding for the regular activities of political organisations.<sup>18</sup> There were also new mechanisms for monitoring campaign finance with the obligation for the CNE to create an accounting platform for political organisations to upload bi-weekly reports. The reform also introduced the requirement for public and private institutions to share political finance data with the CNE. The reformed Electoral Law provided the CNE until 2023 to operationalise this system for data inter-connection. Private entities, national and foreign, were prohibited from donating to political organisations, and new spending limits were established. In line with the reform, the CNE established an anti-money laundering unit.

Political organisations have to submit a comprehensive financial report, including spending on social media, within 120 days of election day. The CNE required contestants to submit a campaign budget, bi-weekly financial reports and to upload reports to a designated CNE webpage. However, the CNE did not enforce these requirements as they interpreted that the timing for implementing data inter-connection applied equally to reporting requirements.<sup>19</sup> As a result, not all political organisations complied with these requirements.

According to the CNE, only nine political organisations, including UNES, CREO-PSC, Alianza País, *Izquierda Democrática*, and Pachakutik presented their budget and the four bi-weekly reports for the presidential contest during the first round. Those who did comply uploaded incomplete and often illegible images of their reports. Moreover, the CNE did not require political organisations to identify the origin of funds. National organisations such as *Fundación Ciudadanía y Desarrollo* and the media outlet *Primicias* undertook investigations into campaign financing.

*Fundación Ciudadanía y Desarrollo* undertook monitoring of political financing during the first round and published a report. The monitoring indicated that only six political organisations submitted complete information on their income and expenditures for the presidential campaign. UNES declared USD 1,157,502 income and USD 1,152,982 expenditures; CREO-PSC USD 760,900 and USD 682,795; Alianza País USD 22,081 and USD 22,078; *Izquierda Democrática* USD 5,578 and USD 5,578; Movimiento Amigo USD 12,040 and USD 10,750; Alianza Honestidad USD 7,427 and USD 7,416.

The report also highlighted that Lasso spent USD 433,761 on Facebook, followed by Hervás and Arauz who spent USD 77,564 and USD 54,985, respectively. Yaku Pérez spent USD 18,937 and Ximena Peña USD 17,797. This data shows that in some cases the spending on Facebook alone came close to the reported total expenditure.

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<sup>17</sup> CNE's resolution PLE-CNE-9-29-12-2020. Link [here](#).

<sup>18</sup> Whereby 70 per cent must be destined for training, research and publishing, and 20 per cent of this amount must be earmarked for the participation of women and youth. No more than 30 per cent could contribute to institutional administration.

<sup>19</sup> See first and second transitory dispositions of the 2020 Law to Amend the Electoral Law.

For political organisations that failed to comply with the financial requirements, sanctions included heavy fines, suspension from party leadership, loss of elected office, as well as criminal sanctions. The TCE also has the broad power to cancel a party's legal status for violation of any financial regulations. However, CNE bureaucratic procedures and ineffectual deadlines resulted in protracted investigations that went beyond the statute of limitations for sanctioning.<sup>20</sup> At the time of reporting, the TCE informed that there had been no cases lodged in relation to campaign financing for the 2021 polls.

*Recommendation: Ensure adequate enforcement of reporting on campaign financing, and undertake timely investigations that would ideally be completed within the fiscal year.*

## **9. MEDIA AND ELECTION-RELATED CONTENT**

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Overly bureaucratic procedures impeded the CNE's timely and appropriate response to breaches of campaign rules. Media monitoring initiatives revealed the presence of discriminatory messages. The campaign was marked by the predominant presence of Lasso's political advertisements in the digital environment and coverage on television. Lasso also led in advertising expenditure on Facebook, and was followed to a much lesser extent by Hervás and Arauz. Lasso placed more political advertisements than Arauz in the digital environment. Space for editorial and news coverage in private newspapers was slightly more generous to Arauz, although with a negative tone half of the time, while coverage for Lasso was largely positive.

### **9.1 Legal framework**

The Communications Law, passed under former President Correa, institutionalised censorship mechanisms, such as state regulation of editorial content, the possibility of turning journalistic investigations into criminal acts, and it opened the possibility of the arbitrary application of sanctions. President Moreno's administration removed restrictions on press freedom, including the elimination of the Superintendence of Information and Communications, highly criticised for acting as a tool for political censorship. In January 2021, the National Assembly passed two amendments to the Communications Law. One embraced the principle of information as a human right, as opposed to a public service. The second excluded social networks from the sphere of traditional media regulation, as it could curtail freedom of expression.

In 2012, the Constitutional Court ruled against Electoral Law provisions regulating social media, as they could limit the freedom of expression, information, and communication.<sup>21</sup> The National Assembly later rejected draft bills on the regulation of hate speech and discrimination on the Internet (2017), and on the responsible use of social networks (2019). Promoters of the bills argued that control mechanisms in the digital environment should be established to strengthen democracy with a code of ethics, while those against maintained that the blocking of content directly undermined the freedom of expression and access to information. It is important to note that hate speech is criminalised by the Penal Code and punishable by imprisonment for a term of one to three years.

### **9.2 Media environment**

The pandemic impacted heavily on journalists as they were more exposed through their work. International media watchdogs highlighted increased violence against press workers.<sup>22</sup> *Fundamedios* denounced a lack of appropriate safeguard mechanisms to protect journalists against aggressions and unwarranted legal proceedings. *Fundamedios* reported that in 2020 there were 144 attacks on media

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<sup>20</sup> The CNE takes up to two years to complete an investigation, which is the timing of the statute of limitations.

<sup>21</sup> Constitutional Court Ruling number 28, published in the Official Gazette Supplement 811 of 17 October 2012.

<sup>22</sup> Reporters Without Borders (RSF) country's general [overview](#).

workers, and that nearly all of these went unpunished.<sup>23</sup> The last incident was the killing of a television presenter, who was shot on 27 January 2021 in Guayaquil. Journalists, media outlets, and civil society organisations denounced cyber-threats and harassment on social media and appealed for deeper reforms. Ahead of the first round, media stakeholders sent an open letter to presidential candidates requesting they commit themselves to a “2021-2025 roadmap to freedom of expression.”<sup>24</sup>

Radio plays a predominant role nationwide, while print media remains relevant amongst the middle class in urban areas. Television is a prominent source of information in the main cities, with private channels leading in terms of audience. The Communications Law guarantees antitrust rules with the allocation of 33 per cent of the radioelectric spectrum to public media, 33 per cent to private media, and 34 per cent to community media. Nevertheless, official data revealed that private media accounted for 86.8 per cent of the 1,187 media outlets registered in the country.<sup>25</sup>

The pandemic brought about a sharp decline in media advertising revenues, which led to a further deterioration in journalistic work conditions. Newspapers and state media were particularly affected with closures and mass layoffs. On a positive note, traditional media reported extensively on the electoral process, with special coverage of candidate’s programmes and information about electoral issues such as biosecurity measures.

Regarding the social media environment, official data indicated that 59 per cent of the population are Internet users,<sup>26</sup> while unofficial sources increase this figure to 69 per cent. According to Click Research, the five most popular social media are the instant messaging application WhatsApp (87.2 per cent of the respondents), Facebook (83.4 per cent), Instagram (43.9 per cent), Twitter (23.3 per cent) and TikTok (20.8 per cent).<sup>27</sup>

### 9.3 Media and elections

The Constitution and the Electoral Law foresee that the political campaign in traditional media is financed with the public Election Promotion Fund managed by the CNE (see *Campaign Finance*). The Election Promotion Fund excludes public financing of advertising in social media. The CNE supervises possible breaches to the campaign regulation regarding, *inter alia*, campaign financing and rules on institutional advertising, including the prohibition of the use of children or national symbols. To this end, the CNE contracted a private company to monitor 347 radio stations, 69 digital media, 61 television channels and 48 newspapers nationwide to provide daily reporting. This monitoring aimed at verifying if publicly financed political advertisements had the CNE’s authorisation logo. Social media platform monitoring was excluded, as advertising in the digital environment was not covered by the Election Promotion Fund.

The CNE may suspend broadcasting of advertisements that do not comply with the rules, while the TCE is responsible for judging and sanctioning violations. Sanctions included heavy fines of up to USD 100,000 and the suspension of the media outlet for up to six months. The CNE undertook a pre-screening of publicly funded advertising. This exercise was effective as it identified potential breaches of campaign regulations. According to the CNE, political organisations requested 2,577 political advertising spots from the Election Promotion Fund, the broadcasting of 345 of them (11.9 per cent) was not authorised. However, when infractions were reported, overly bureaucratic procedures impeded the CNE’s timely reaction to investigate the violation and submit a report to the TCE, the competent authority for ruling on campaign violations. At the time of reporting, the number of campaign violations had not yet been quantified by the CNE.

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<sup>23</sup> [Link to Fundamedios report](#).

<sup>24</sup> See [letter](#) and the 2021-2025 [roadmap](#) strategic plan.

<sup>25</sup> According to the Council for Information Regulation and Development (CORDICOM), there are 1,031 private media, 82 public media, and 74 community media houses in Ecuador.

<sup>26</sup> *Instituto Nacional de Estadística y Censos* (INEC) [2019 data](#).

<sup>27</sup> Click Research [report](#), January 2021.

Candidates and political organisations must also report their social media advertising expenditure. The CNE informed the EU EEM that social media expenditures should be included in the bi-weekly campaign financing reports. However, the online reporting template did not include a specific section for this. To crosscheck reported expenditures, the CNE plans to request an expenditure report from the five most popular social media platforms. Interlocutors reported that it is unlikely this information will be provided, as technology companies are not legally obliged to comply. An exception to this is Facebook, which since 2020 made available the Ad Library transparency tool. At the time of reporting, the CNE could not provide data on social media campaign expenditure.

There is no CNE monitoring of traditional or social media for campaign messages made by contenders that promote discrimination. In contrast, organisations including *Participación Ciudadana* highlighted that there were numerous instances of political violence against women.<sup>28</sup> Other organisations, including LGBTI groups reported on homophobic messages during the campaign. EU EEM monitoring confirmed these reports, in addition to others relating to racism and sexism.<sup>29</sup>

*Recommendation: Strengthen internal capacities of the various institutions and take measures to guarantee the implementation of electoral campaign regulations, including aspects relating to campaign expenditure and combatting hate speech and disinformation, and allow an appropriate and timely legal response by the CNE in case of infringement. This could be achieved through, inter alia, establishing a monitoring of traditional and social media, cooperation agreements between the CNE and social media platforms (as has been done in other countries in the region), adoption of Code of Conducts with political organisations and/or traditional media, etc.*

#### **9.4 EU EEM media monitoring – general elections, 7 February**

##### ***Traditional media monitoring***

EU EEM monitoring confirmed that no political advertising was placed in print media, except during the last week of the campaign, when *El Universo* and *Expreso* digital versions, the two main Guayaquil newspapers, ran advertising for presidential candidates' Arauz and Lasso.<sup>30</sup> Presidential candidates gave priority to the digital environment to place their advertisements. Lasso advertised extensively in digital native media *Primicias* and *La República* as did Pérez during the last week of the campaign.<sup>31</sup> SUMA's Mauricio Salem and UNES' Pamela Aguirre were the only National Assembly candidates with political publicity in digital media.

UNES had slightly more coverage than CREO-PSC in Guayaquil's main newspapers (UNES 30 per cent against 28 per cent for CREO-PSC in *Expreso* and 27 per cent against 23 per cent in *El Universo*), though half of editorial content for UNES was with negative tone (see Table 1 in Annex 1 for data). Pérez and Pachakutik received more media attention after election day, largely due to the request for a recount of votes.

Print newspapers were observed to comply with the regulation on electoral silence, while digital native media *Primicias* and *La República* ran Lasso's political advertising.<sup>32</sup> These advertisements

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<sup>28</sup> See [report](#).

<sup>29</sup> The CCPR General Comment number 18 obliges each State Party to entitle, "effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." In the [Joint Statement](#) on Racism and the Media adopted by the UN, OSCE and OAS in 2001, these international organisations embrace to promote, "an optimal role for the media in the fight against racism, discrimination, xenophobia and intolerance [that] requires a comprehensive approach which includes an appropriate civil, criminal and administrative law framework [in order to] promote tolerance, including through education, self-regulation and other positive measures."

<sup>30</sup> EU EEM data revealed that *El Universo* online version displayed Arauz's political ad "Trabajo, futuro, dignidad. 1 giga gratis. Todo Ecuador con Internet" on 3 February and Lassos' ad "Lasso presidente 2021. Raya todo 6" on 4 February.

<sup>31</sup> EU EEM monitoring shows that, during the campaign period, Lasso's advertisements appeared at least 118 times in *La República* and 117 in *Primicias*, while Yaku Pérez accounted for at least 54 in *La República*.

<sup>32</sup> On 5 February, *Primicias* showed on its home page a banner with Lasso's advertisement 'Vota por el cambio. Lasso presidente 2021', as well as Lasso's pop-up ads when clicking the tab on elections.

were not removed as the CNE lacked mechanisms for timely reaction to breaches to the electoral silence period, mainly due to complex administrative procedures.

### **Social media monitoring**

EU EEM monitoring revealed that Lasso was the presidential candidate with the most comprehensive social media campaign strategy. He also led in followers on Facebook, Instagram and Twitter. The two presidential candidates with the most interactions on Twitter were Arauz and Lasso (see Table 2 in Annex 1 for data).

Lasso led in advertising expenditure on Facebook with USD 147,191, followed by Hervás (USD 58,238) and Arauz (USD 37,649). However, Arauz's posts on this platform generated half a million more interactions (likes, comments and shares) than Lasso's (see Table 3 in Annex 1). During the two-day electoral silence period, Lasso's ticket purchased political publicity in the amount of USD 10,877. Pérez, Arauz and Hervás also purchased electoral publicity during the silence period in the respective amounts of USD 8,489, USD 6,388, and USD 5,794.

Candidates approached the TikTok social platform with the aim of targeting young voters, a group estimated at 45 per cent of the electorate. Hervás and Pérez proved to be the most popular on this social network. By the end of the monitoring period, Pérez's TikTok account had 370,600 followers and Hervás's had 273,600 followers. A TikTok post in which Pérez and Hervás danced together after a television interview, went viral with 63,800 likes, 2,765 comments and 2,501 shares.<sup>33</sup> Arauz had only 11,600 followers, while Lasso's account was created shortly before the elections and only had 327 followers.

EU EEM analysis of Twitter revealed that three per cent of tweets mentioning candidates contained verbal aggressions that showed some level of hostility. At least 15 per cent of these contained hate speech, distributed as follows: 55 per cent homophobic, 24 per cent racist and 21 per cent of a sexist nature against female candidates. The hashtag #Lelo (Idiot) was used in one per cent of tweets. Pérez was verbally harassed for his indigenous origin.

### **9.5 Civil society media monitoring – general elections, 7 February**

*Participación Ciudadana*'s media monitoring revealed that Lasso (337), Ximena Peña (253) and Arauz (192) were the presidential candidates with the most television spots, although Peña had more advertising minutes (122), than Lasso (112) and Arauz (67). Lasso's political publicity in the media was mainly concentrated in the last stage of the campaign. Regarding television news coverage, Lasso (217 minutes), César Montúfar (187), and Paúl Carrasco (181) were the presidential candidates with the most media exposure.<sup>34</sup>

*Ecuador Chequea* and *Ecuador Verifica* are the two fact-checking organisations operating in Ecuador. *Ecuador Verifica*'s disinformation findings from 5 January to 7 February pointed to three structured disinformation narratives permeating the political discourse.<sup>35</sup> The first focused on Arauz's candidature and his intention to de-dollarise the economy, the second aimed at undermining Lasso's candidature with the disinformation about lowering the minimum wage from USD 400 to USD 120, and the third revolved around the CNE's plan to use the six million incorrectly printed ballots to commit electoral fraud.

Disinformation during the last week of the campaign targeted presidential candidates leading the polls. Examples included: a fake video showing the Colombian National Liberation Army (ELN)

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<sup>33</sup> See [TiKTok post](#).

<sup>34</sup> *Participación Ciudadana* conducted media monitoring exercises on 11 television channels related to institutional publicity (on a permanent basis) and on the Election Promotion Fund publicly financed spots (first and second rounds of election campaign). In addition, this non-profit organisation conducted research on political violence on against women in public office on Twitter (on a permanent basis), and on political violence against presidential and vice-presidential candidates and candidates to the National Assembly on Twitter (first round of election campaign). See reports [here](#).

<sup>35</sup> See [Ecuador Verifica website](#).

providing financial support to Arauz's campaign; a manipulated image of Yaku Pérez being vaccinated against the COVID-19 virus during the period when only priority groups could receive the vaccine; a fake tweet attributed to Lasso referring to the death of TV presenter Efraín Ruales.

Misleading information circulated widely on election day, mainly on Facebook and via WhatsApp. False stories included that electors had to wear visors to vote, and that electors that did present themselves to vote within a time slot set according to their identity card number would not be allowed to vote. There were also false narratives about results from out-of-country voting. Throughout the post-electoral period, false narratives emerged around indigenous violent protests and support to candidates going to the presidential run-off.

## 9.6 EU EEM media monitoring - presidential run-off, 11 April

**Lasso placed more political advertisements than Arauz in the digital environment. Space for editorial and news coverage in private newspapers was slightly more generous to Arauz, although with a negative tone half of the time, while coverage for Lasso was largely positive.**

Media monitoring revealed that presidential candidates favoured digital over print press to place advertisements. Lasso placed more political advertisements than Arauz in the digital environment.<sup>36</sup> He also placed at least 84 advertisements in digital native media during the electoral silence period.<sup>37</sup> Candidates favoured the online versions of *Expreso* and *El Universo*, with Arauz's advertisements having a stronger presence during the last week of the campaign.<sup>38</sup> *La República* was the only native digital media to post political advertisements.<sup>39</sup> Space for editorial and news coverage in private newspapers was slightly more generous to Arauz, although with a negative tone half of the time, while coverage for Lasso was largely positive (see Table 4 in Annex 1).

For the run-off, both candidates made important changes to their campaign strategies, with a special emphasis on using social media. Both incorporated communication experts who had worked in former presidential candidate Hervás's successful social media campaign. The social platforms on which the two presidential candidates had the most significant number of followers were, in decreasing order, Facebook, TikTok, Twitter and Instagram. Lasso was late to create a TikTok account, but despite this he had more followers than Arauz.<sup>40</sup> It is worth remembering that the voting age in Ecuador is 16 and that TikTok is favoured by younger users.

The EU EEM monitoring of Facebook Ads showed that Lasso led in advertising spots on Facebook and Instagram, with a total expenditure of USD 167,251, against Arauz's USD 147,928. Arauz's Facebook promotion was much more aggressive during the last week of the campaign, spending USD 87,951 against Lasso's USD 19,480. However, Lasso's online campaign strategy on Facebook proved to be more effective even though he spent less<sup>41</sup> (see Table 6 in Annex 1). Lasso's Facebook publicity and organic content was mainly based on audiovisual material under the new hashtag #Encontrémonos (Let's meet), which was used to approach women, environmental groups, and youth. Arauz also used audiovisual material, with the messages of economic recovery and his closeness to the electorate with hashtag #ContigoConTodosAhora (With you, with everybody, now).

In an effort to combat inauthentic behaviour on its platforms, in March 2021 Facebook removed 390 accounts, six pages and 17 Instagram accounts. Facebook identified fake profiles of users that posed

<sup>36</sup> *Expreso* displayed 230 advertisements promoting Lasso's campaign, against Arauz's 185, while in *El Universo* displayed 140 advertisements from Lasso's, against Arauz's 145.

<sup>37</sup> See screenshots [here](#).

<sup>38</sup> Arauz's campaign strategy during the last week of the campaign focused on increasing political ads in traditional media online versions (*Expreso*: 65 Arauz, 50 Lasso; *El Universo*: 65 Arauz, 40 Lasso).

<sup>39</sup> This included 501 advertisements from Lasso's campaign, against Arauz's 117.

<sup>40</sup> Lasso created the account on 25 February and by 15 April had 593,900 followers, whereas Arauz created the account on 14 December 2020 and had 231,300 followers by 15 April.

<sup>41</sup> Arauz led in Facebook posts interactions (likes, comments, and shares), but the gap between both candidates narrowed as the election day approached: 3.52 million for Arauz against 3.18 million for Lasso.

as locals in Ecuador to post comments against Arauz and redirected users to fake news sites. These new accounts used profile photos likely generated using machine learning techniques.<sup>42</sup>

Both candidates had a similar level of interactions on Twitter, with Arauz at 50.6 per cent and Lasso 49.3 per cent. The number of tweets with verbal aggressions was lower than in the first round, as only two per cent of tweets that mentioned candidates also contained verbal aggressions. Of these, homophobic tweets accounted 62 per cent of verbal aggressions, sexist tweets 20 per cent, and racist 18 per cent.<sup>43</sup> (see Table 5 in Annex 1 for examples).

## 9.7 Civil society media monitoring - presidential run-off, 11 April

*Participación Ciudadana*'s media monitoring identified 400 television spots for Lasso against 276 for Arauz. Regarding television news and editorial content, both presidential candidates received similar coverage, with 148 minutes for Lasso and 145 minutes for Arauz. Political advertising on television was entirely concentrated in the last week of the campaign.<sup>44</sup>

Disinformation aimed at discrediting both presidential candidates multiplied as the campaign drew to a close. *Ecuador Verifica* identified around 30 false news items circulating mainly on Facebook, Twitter and WhatsApp. Lasso was the target of nearly 53 per cent of the false narratives, which focused on linking the candidate with the image of a hard-hearted banker who engaged in corrupt activities related to COVID-19 vaccines and money laundering. A strongly viralised video portrayed Lasso pushing Lenín Moreno's wheelchair, linking the candidate with the current president under the hashtag #EILassoQueLosUne (The bond that unites them). Meanwhile Arauz's campaign suffered from 30 per cent of the false narratives, these were in relation to his alleged connection to Venezuela, de-dollarisation, and his career at the Central Bank of Ecuador.

Misleading information circulated widely on election day via WhatsApp and the most popular social media networks, especially Facebook. False stories included, *inter alia*, that explosives were found in a Guayaquil polling centre, and a story circulated on Facebook in which President Moreno committed to go into exile if Arauz won. In the face of false narrative in relation to exit poll results, both Eureknow and Cedatos denied publicly that they had shared information with the media and political organisations.

## 10. PARTICIPATION OF WOMEN

**There have been significant legislative advances to promote gender parity in elected office, however political violence is still the main obstacle to women's political participation.**

Ecuador ratified the relevant international treaties protecting women's rights.<sup>45</sup> The 2008 Constitution established extensive protection for women's political rights, providing for gender parity and alternation on candidates lists and equal representation in state administration. The 2020 electoral reform included important advances towards improving women's representation in elected office by introducing progressive affirmative action measures,<sup>46</sup> and it classified political violence against

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<sup>42</sup> See Facebook March 2021 Coordinated Inauthentic Behaviour [Report](#), page 13.

<sup>43</sup> For example, Arauz was referred to as a 'mariposa del sur' (Southern butterfly), a 'perra' (bitch), and Correa's 'zorra sumisa' (compliant bitch). There were verbal aggressions of a racist nature against former presidential candidate Ximena Peña, who was labeled as an 'india cojuda' (stupid Indian), and former presidential candidate Pérez as an 'indio de mierda' (Fucking Indian).

<sup>44</sup> See *Participación Ciudadana*'s report [here](#).

<sup>45</sup> Ecuador ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Political Rights of Women, and the Inter-American Convention on the granting of Political Rights to Women.

<sup>46</sup> For the 2021 polls, women must head 15 per cent of candidates lists for the National Assembly, and by 2025 women must head 50 per cent. By 2025, the presidential ticket must also reflect gender parity.

women as an electoral infraction and established severe sanctions.<sup>47</sup> However, women's organisations indicated that little has been done to effectively implement these legal reforms. The introduction of quotas in the candidate lists, closed party lists, and the Webster method for seat allocation was supposed to favour the representation of women. Despite the changes in the electoral system and the women's quota in candidates lists for the National Assembly, only 52 women (38 per cent) were elected out of 137 deputies. This was a slight decrease over 2017 when there were 56 deputies (41 per cent). Women's organisations reported that once elected, women experienced pressure from their male reserve to resign so as to relinquish them their seat, particularly at local level.

*Recommendation: Reinforce the gender parity requirement by reforming the Electoral Law to specify that reserve candidates must be of the same sex as the main candidate and by developing awareness campaigns on gender parity.*

According to a study undertaken by UN Women, political violence is still the main obstacle to women's political participation.<sup>48</sup> The *Observatorio Nacional de la Participación Política de la Mujer* undertook an analysis of attacks and harassment against women leaders on social networks and provided examples of the same.<sup>49</sup> The TCE reported that since the reforms there had only been four cases brought before them. Publication of CNE interventions would have given an indication of the impact of the reform against political violence. UN Women plans to undertake a monitoring of political violence.

Women candidates were subjected to more political violence than men during the campaign period. For example, *Participación Ciudadana*'s Twitter monitoring conclusions pointed to political violence as one of the most serious elements discouraging participation of women.<sup>50</sup> Organisations working with women also indicated that there were many cases of women candidates who faced discrimination from their own party, and often were provided with no financial support for campaigning. Overall, there was much less promotional material and access to media and campaign activities for women. On a positive note, the CNE, together with UN Women, the National Democratic Institute (NDI), CARE, World Vision, *Instituto de la Democracia*, and *Ayuda en Acción*, worked in training initiatives with women candidates and elected women.

*Recommendation: Ensure adequate enforcement of the provisions in the Electoral Law against harassment and gender-based political violence.*

The law on Council of Citizen Participation and Social Control (CPCCS) established gender parity for collegial bodies. The 2020 reforms introduced gender parity as a requirement for CNE members and TCE judges. Women were well-represented within the election administration: two out of five CNE members were women and gender parity was observed at lower levels of the election administration. However, only one of the five TCE judges was a woman.

The newly elected president and vice-president were both men. There was only one female presidential candidate, Ximena Peña (*Alianza País*), and seven vice-presidential candidates. In outgoing President Lenin's cabinet only 4 of the 17 ministers were women. It remains to be seen if Lasso's commitment to women's rights will be reflected in the composition of his cabinet. Despite legislation establishing that political organisations must have gender parity on their board of directors, these provisions have been applied at the discretion of political organisations and the directing bodies continue to be dominated by men, apart from exceptional cases such as *Izquierda Democrática*. The UN Women report indicates that, at the time of reporting, the CNE accepts that parity has been achieved even if this is only the case at lower structures of the political organisation and continues to register political

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<sup>47</sup> Sanctions include heavy fines, the loss of office, and/or the suspension of participation rights for a period of up to four years.

<sup>48</sup> [Estudio Violencia Política Contra Las Mujeres en el Ecuador](#) (2019).

<sup>49</sup> Observatorio Nacional de la Participación Política de la Mujer (2021). Available in this [link](#).

<sup>50</sup> Link to report [here](#).

organisations that do not comply with gender parity requirements, including most recently *Unidad Popular* and *Partido Socialista*.

## 11. PARTICIPATION OF NATIONAL MINORITIES

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**Legislative reforms were introduced to promote the political participation of national minorities, but greater efforts still need to be made towards their inclusion in state bodies. Issues affecting minorities were largely absent from the political agenda in the first round.**

Ecuador ratified the relevant international treaties on non-discrimination.<sup>51</sup> The Constitution contains number of provisions dedicated to the collective rights of indigenous, Afro-Ecuadorian, and Montubio peoples. The 2020 reform of the Electoral Law provides that the state must take affirmative action to promote participation in community democracy for indigenous, Afro-Ecuadorian, and Montubio peoples, and that the CNE will establish mechanisms to put into practice community democracy within internal democracy and candidate registration processes.<sup>52</sup>

While CREO-PSC, UNES, and *Izquierda Democrática* included indigenous and Afro-Ecuadorians on their candidate lists, the indigenous representation in elected positions is mostly attributed to Pachakutik, which obtained an unprecedented result in the National Assembly elections. According to CONAIE, nine new parliamentarians self-identify as indigenous, including one from the Andean Parliament. Conversely, there are no Afro-Ecuadorian or Montubio political organisations and no parliamentarians that self-identify with this community.

During the first round campaign period candidates hardly touched on issues concerning national minorities. During the presidential run-off, and in the wake of Pachakutik's call on supporters to spoil their ballot, both candidates campaigned in indigenous communities. Days before the presidential run-off, the leadership of the Sarayaku community in Pastaza (1,200 voters) declared they would not allow the CNE to organise elections in their territory in protest of the alleged electoral fraud committed against Pachakutik. The CNE accepted this position and moved polling stations to a nearby community for security reasons. According to the CNE, 400 voters took advantage of this measure.

The law on CPCCS establishes affirmative action measures for collegial bodies, including the inclusion of one member from Indigenous, Afro-Ecuadorian, or Montubio peoples. Two CNE members, including the President, are women of indigenous nationalities. Indigenous organisations viewed this representation as an advance towards inclusion in decision-making positions. Conversely, the *Confederación Nacional Afroecuatoriana* and *Pueblo Montubio del Ecuador* claimed that no advances were made in terms of their participation in any level of election administration.

Indigenous organisations complained that voter education materials were not produced in their own languages. The CNE claimed this was a result of a reduced budget due to pandemic austerity measures. In its 2019 report, the United Nation's Committee on Economic, Social and Cultural Rights recommended promotion of the use of all indigenous languages in the public sphere. On a positive note, some efforts were observed at provincial levels where, for example in Pastaza, the CNE delegation hired temporarily staff with indigenous languages skills to help the electoral authority liaise with seven indigenous communities.

*Recommendation: Take concrete actions to involve Afro-Ecuadorians and Montubios in the election administration, and voter education materials and activities should include indigenous languages.*

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<sup>51</sup> Among others, the 1966 Convention on the Elimination of all Forms of Racial Discrimination (CERD), and the 1989 Indigenous and Tribal Peoples Convention.

<sup>52</sup> The 2010 census indicates that the population that self-identified as indigenous accounts for 7 per cent, Afro-Ecuadorians 7.2 per cent, and Montubios 7.5 per cent.

## **12. PARTICIPATION OF PERSONS WITH DISABILITIES**

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**Voting procedures for those with disabilities, such as the ‘vote at home’ programme, are positive, but greater efforts are required to promote the effective and independent participation of persons with disabilities in decision-making processes concerning matters that directly affect them.**

Ecuador is a State Party to the Convention on the Rights of Persons with Disabilities (CRPD) and the Constitution and the Electoral Law provides for affirmative action measures to ensure the effective integration of persons with disabilities into political and electoral life. According to the state agency, the National Council on Disability Equality (CONADIS), there are 426,738 persons with disabilities registered in Ecuador.<sup>53</sup> The United Nations Committee on the Rights of Persons with Disabilities concluded, the State Party’s disability classification system is not in accordance with the principles enshrined in the Convention, and greatly under captures the real numbers.

In 2019, the United Nations Committee recommended that Ecuador take steps to ensure that persons with disabilities have access to elected office in order to increase and reinforce their effective and independent participation through their representative organisations in all of the country’s political processes. However, national organisations representing persons with disabilities argue that the state has done little to promote the effective and independent participation of persons with disabilities in decision-making processes concerning matters that directly affect them. For example, the Disability and Rights Collective reported that persons with disabilities had not been consulted during the last three revisions of the Disabilities Law. With respect to their visibility in the campaign period, political organisations have not been active in including persons with disabilities. Some candidates referred to them during the campaign period, but only in a superficial way and without specifying any policy.

While voting is obligatory in Ecuador, this is not binding for persons with disabilities. The Disability and Rights Collective estimates a 75 per cent participation rate of persons with disabilities. Positive steps were taken over the past years to ensure that voters with disabilities can exercise their electoral rights on equal terms with other voters. In collaboration with CONADIS and the National Taxi Federation, the CNE launched the ‘right to vote’ campaign, which provided free transportation service. Polling centres were equipped with preferential attention stands for persons with disabilities and they were also given queuing priority, and if they so desired they could be accompanied in the voting booth by someone of their choosing. For blind persons who are literate, there was the possibility to vote using a Braille option.

The CNE organised a ‘vote at home’ programme to include those who otherwise would not have been able to vote. However, this otherwise positive programme was criticised by some disabilities organisations as it was limited to those over 50 years of age with over 75 per cent disability. It was also viewed as an invasion of privacy since it implied a group of officials coming into their home. Only 653 voters signed up for this modality, this low number may have been due to the pandemic. Ahead of the presidential run-off, the national federations for the hearing and vision impaired requested more sign language interpreters and subtitles in CNE links and political publicity spots, as well as improved information regarding Braille ballots and other voting protocols.

*Recommendation: Work further on improving the conditions to vote for persons with disabilities, and involve disabilities organisations in decision-making processes.*

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<sup>53</sup> See official statistics [here](#).

## **13. PARTICIPATION OF THE LGBTI COMMUNITY**

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**A positive reform of the civil registry law allowed a person to change their gender on the personal ID card. The EU EEM observed few actions to address homophobic comments by candidates during the campaign.**

The legal framework appears adequate to protect the political participation of the LGBTI community. The 2008 Constitution provides that nobody can be discriminated against for their sexual orientation or gender identity, and that the state shall take affirmative actions to promote real equality of rights. The Electoral Law prohibits discrimination and promotes equality, but without making specific reference to the LGBTI community. In its 2019 report, the United Nation's Committee on Economic, Social and Cultural Rights expressed concern about the persistence of *de facto* systemic discrimination and acts of violence against the LGBTI community.

Some progressive initiatives were introduced to promote equality, inclusion and the political participation of the LGBTI community. The 2016 reform of the civil registry law allowed a person to change their gender at the civil registry and to have their new gender identity reflected on their ID card. This reform was pushed by transgender activists to ensure that the voter registry, which reflects the information contained in the civil registry, had the appropriate gender of the voter. This was especially welcomed on the election days as the polling stations in Ecuador are either male or female.

Despite progressive reforms, including the introduction of same sex marriage in 2018, discrimination towards LGBTI individuals continues in Ecuador. The EU EEM considered that the CNE could have provided a clear and unambiguous response to hate speech, since the Election Law expressly forbids campaign messages that promote discrimination. For example, presidential candidate Gerson Almeida (*Ecuatorianos Unidos*) made derogatory remarks during a media interview and at a press conference against the LGBTI community. Two private citizens lodged an unsuccessful complaint with the TCE.<sup>54</sup>

There were also examples of hate speech by some candidates that circulated on social media. For example, National Assembly candidate Universi Mejía (*Honestidad*) posted on Facebook derogatory remarks aimed at the LGBTI community during the campaign period. In reaction, the *Asociación Silueta X* lodged an unsuccessful complaint with the TCE due to procedural and substantiation issues. It is noteworthy that the legal provision on political violence only refers to women, and as such does not apply to transgender people who have not changed their gender on the ID card. On 6 February, a video went viral on social networks in which vice-presidential candidate Alfredo Borrero (CREO-PSC) defended conversion therapy for sexual orientation and gender identity.

There has been a backsliding in terms of the representation of LGBTI individuals in elected office. Interlocutors indicated that in the 2017 polls, there were 23 openly LGBTI candidates, in contrast there were much fewer in the 2021 polls. The most visible openly LGBTI candidate was Pamela Troya, promoter of equal marriage in Ecuador, who ran for the National Assembly with *Unidad Popular*. According to the Ecuadorian Federation of LGBTI Organisations, three other openly LGBTI candidates ran with UNES, PSC, and Pachakutik. At the time of writing, no openly LGBTI candidate had won a seat in the National Assembly.

## **14. CIVIL SOCIETY AND INTERNATIONAL OBSERVATION**

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**A strong participation of national observers and international observers constituted a positive transparency measure. Civil society organisations were active and issued numerous qualitative reports throughout the electoral process and on the election days.**

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<sup>54</sup> In an interview with the digital news outlet La Posta, broadcast on 22 December 2020, the candidate assured that homosexuals like thieves were sinners must “repent to go to heaven.”

The CNE adopted a transparent and adequate policy towards observation. There was a national observation organised by the CNE, and supported by the EU (training and biosecurity equipment), which mostly included observers from state bodies but also from universities and NGOs, with up to 2,000 observers. Throughout the campaign periods, *Participación Ciudadana* issued numerous comprehensive reports on its monitoring of political violence against women candidates on Twitter and usage of the Election Promotion Fund. *Fundación Ciudadanía y Desarrollo* (a partner of Transparency International) published a detailed analysis of the political financing of the presidential candidates' campaigns. *Fundamedios* monitored attacks on press freedom, freedom of expression and access to information in the context of the electoral campaign, while *Grupo Faro* implemented the initiative *Ecuador Decide*, which promoted an informed vote and raised citizens' awareness on campaign proposals and electoral issues.

With 500 observers, *Participación Ciudadana* reported that the 7 February polls were calm, but with overcrowding outside polling centres that did not respect social distancing. After the CNE announced quick count results, *Participación Ciudadana* called on stakeholders to remain calm until the official announcement of results. In relation to the 11 April polls, *Participación Ciudadana* highlighted that biosecurity measures were adhered to, the count was well organised, and the CNE results publication was quick and efficient.

Along with the three-member EU EEM, several other international groups deployed observers: the Organisation of American States (OAS), headed by former Panamanian Vice-President Isabel de Saint Malo García, the MERCOSUR Parliament, the Inter-American Union of Electoral Organisations (UNIORE), the Association of World Election Bodies (A-WEB), the Conference of Political Parties of Latin America and the Caribbean (COPPPAL), the Andean Parliament, and the *Acuerdo de Lima*. Several diplomatic missions including the European Union undertook a diplomwatch. For the presidential run-off, the same international and national groups that deployed in the first round were present. Also present was the Democratic Initiative of Spain and the Americas (IDEA-Democrática), headed by former Colombian President Pastrana.

Election day reports from international observers were mostly positive. The OAS statement on the elections noted that Ecuador made a qualitative leap in the quality of its electoral processes, and congratulated the CNE for its organisation of the elections within the challenges posed by the pandemic. The report emphasised that presidential run-off results were published in real time. The MERCOSUR Parliament commended the CNE's overall performance and evaluated positively the electoral authority's decision to not under a quick count in the presidential run-off. COPPPAL highlighted the CNE's success in organising safe elections despite the pandemic difficulties. The report also qualified positively the special attention booths for persons with disabilities.

## **15. POLLING, COUNTING AND TABULATION OF RESULTS**

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### **15.1 General elections, 7 February**

**A calm and organised election day, with a strong participation, but long voter queues, inadequately trained poll workers, and a significant number of results protocols with inconsistencies. The quick count revealed a technical tie for second place between Pérez and Lasso, and this was followed by public distrust and allegations of fraud by Pérez who called for massive recount of votes. Final results confirmed a run-off between Arauz and Lasso.**

#### **Voting**

There were 13,099,150 Ecuadorians registered to vote in the 2021 general elections. This number included 410,239 Ecuadorians resident overseas who were registered to vote in the 40 countries with out-of-country voting facilities. Voting did not take place in Nicaragua due to non-existing diplomatic relations.

According to observers, voting went smoothly and only a few minor incidents were reported. The CNE was well-prepared for polling day, with timely distribution of election materials to the 38,979 polling stations in-country. The CNE managed to deliver ballots for the Andean Parliament to all polling stations in the country, however these ballots were not available for out-of-country voting (OCV) in Bolivia, Brazil, Colombia, and Cuba, as well as all the countries of the out-of-country constituency of Europe, Asia, and Oceania.

The CNE informed that all polling stations eventually opened. *Participación Ciudadana* reported that 91 per cent of polling stations were open within one hour of the scheduled time. In some polling stations poll workers did not turn up, rather opting to pay a fine. As such, there was a delay in opening while trained poll workers assigned to other polling stations or voters in the queue were incorporated as polling staff.

While biosecurity measures were generally adequate, access restrictions reduced the flow of electors into voting centres which resulted in long queues throughout the morning. Interlocutors voiced concern that in some locations social distancing measures were not being adhered to. At the same time, queues inside voting centres were relatively short. Mid-morning the CNE requested security services to ease entrance restrictions to ensure all electors could vote before the closing of polls. This measure had a positive effect on facilitating voter access to polling stations.

Poll workers generally demonstrated a good knowledge of voting procedures and CNE officials were on hand to advise when questions arose. Between voting centres some differences in application of established procedures were observed. For example, in some locations voters were not requested to remove their masks for identification purposes.

Observers noted a low presence of party agents during voting. Where there were party agents, these were mostly from UNES and CREO-PSC. In many locations access to polling stations was not granted to party agents, rather they were permitted to stand at the polling station entrance and observe procedures from a considerable distance. The justification was social distancing requirements; however, the polling stations were large enough to safely accommodate the presence of party agents and observers, and at the same time ensure the secrecy of the vote. An improved layout of the polling station would have provided improved possibility for party agents to be present.

Priority access to polling centres was given to persons with disabilities, the elderly, and pregnant women. The polling stations were generally not accessible to persons with reduced mobility due to flights of stairs. To address this issue, polling centres had special attention booths to attend to voters with special needs. The voting procedure for such people was to bring the polling station materials down to them, including the ballot box. Persons with disabilities were allowed to be assisted by someone of their choice.

### ***Counting***

Against good international practice, voters still queuing at closing were not allowed to vote. Some candidates, including Arauz and Hervás, requested the CNE to extend the hours of polling operations in order to not disenfranchise voters who were queuing. However, polling stations closed at 17h00, as established by law.

Counting at polling stations took place in the presence of party agents and observers. Despite a maximum of 350 voters per polling station and the introduction of a closed list system for the National Assembly, there were four ballot papers for each elector and counting was extended over several hours. Poll workers had difficulties in filling out the results protocols, this was due to insufficient training and fatigue (many were on duty for 16 hours). There was also a diminished commitment which might have been related to the substantive decrease in pay. Coordinators were on hand to assist poll workers, but this effort was hampered as they were hired late and inadequately training. The EU EEM observed that the majority of annulled presidential ballots were intentionally spoiled.

### ***Transmission of results and quick count***

The Transmission and Publication of Results System (SETPAR) functioned well and results were published on election night by province and electoral constituency. Individual polling station results and scanned images of results protocols were available to political contenders on election night and to the general public one week later. Results were shared on a dedicated website, as well as a mobile phone application, and were live streamed on Facebook and YouTube. To avoid interruption in results publication, two separate database centres were established, one in Quito and a second in Guayaquil. By 23h50 on election night, 60 per cent of results protocols had been processed.

The CNE undertook a quick count with a sample of 2,425 polling station results (6.25 per cent of all polling stations) and with a one per cent margin of error. At 21h00, without results from the full sample, the CNE shared the results of its quick count, which confirmed a presidential run-off, the quick count attributed Arauz 31.50 per cent, Pérez 20.04 per cent, Lasso 19.97 per cent, and Hervás 16.28 per cent. This scenario pointed to a technical tie for second place between Pérez and Lasso. The CNE subsequently made another announcement of its quick count with the full sample in which the position for second place passed to Lasso with 20.05 per cent against Pérez's 19.85 per cent.

Candidates reactions were diverse, Arauz recognised the veracity of the CNE quick count, but suggested the CNE did not take a responsible approach in publishing a quick count in which the result for second place was uncertain. Pérez called on his supporters to be vigilant over the coming days to protect his vote. Lasso insisted that he would not recognise advance results until all results protocols had been tabulated.

### ***Tabulation of results***

The 24 Provincial Electoral Boards (JPE) and the Out-of-Country Board established permanent sessions to decide on the validity of the results protocols. This review process included the presence of party agents and observers. There was a high number of results protocols with inconsistencies (13.69 per cent, 5,466 protocols). Guayas had the highest number of results protocols requiring review (1,880).

The CNE determined that there was no intentional manipulation of results. It also undertook an analysis that indicated that inconsistencies could be explained by poll worker absence due to fears of contracting COVID-19, which necessitated the integration of untrained poll workers. It was also found that poll workers had been insufficiently trained. This in fact evidenced that polling centre coordinators lacked sufficient training to orient poll workers. As a consequence of the inconsistencies and the complaints lodged by party agents, a total of 5,282 ballot boxes pertaining to all levels of elections were re-opened. More than 1.4 million ballots were re-counted. This did not result in any significant modification of the results.

### ***Controversies over the recount of votes***

After the CNE's quick count announcements on 7 February, which showed that there was a technical tie for second place between Lasso and Pérez, an atmosphere of uncertainty was created in relation to the results. With the progress of the official tabulation in the most populous provinces, the voting tendencies reflected Lasso eventually displacing Pérez for second place.

Pérez reacted with public statements claiming that a fraud to rob him of the second place was underway. He called for public mobilisations and eventually for the CNE to undertake a full recount of the presidential election. The CNE held a public meeting between Lasso and Pérez to discuss the possibility of recounts. However, discussions were not based on any substantive criteria, and deteriorated into essentially a negotiation between the two candidates. The CNE plenary acted almost as mere spectators, without intervening to focus the discussion on the possibilities that the Electoral Law provides for lending transparency to the results process. An agreement was reached between the

two candidates and the CNE to undertake a massive recount of more than half of the ballots cast in the presidential election. A few days later, the CNE and Lasso back stepped from this agreement.

The law does not allow for such indiscriminate recounts.<sup>55</sup> A recount on this scale would have required substantive financial and human resources and would last for several days. The EU EEM believes that any agreement should have been taken within the confines of the Electoral Law. It is noteworthy that Pachakutik presented little evidence to substantiate its request.

Once the agreement to undertake massive recounts was abandoned, there was announcement of a peaceful indigenous march under the banner of “peace and democracy,” called by ECUARUNARI (the central organisation of Kichwa speakers from the Sierra) and CONAICE (Confederation of Indigenous Nations of Ecuador). The peaceful march initiated in Loja, in the south of Ecuador, and arrived at the CNE in Quito on 23 February. The demands were for a 100 per cent recount in Guayas and a 50 per cent recount in 16 provinces. Several labour organisations, including *Frente Unitario de Trabajadores* (FUT) joined the march at the CNE.

### ***Interventions in the process by the Comptroller and the Prosecutor***

After the announcement of results, the Comptroller and Auditor General asked the CNE to adopt a resolution ordering an audit of the IT system for results. On the very same day, the Public Prosecutor requested the registration and retention of information from the results data base, with a particular interest in Guayas, as well as other information pertaining to users and security logs. Both requests were in response to earlier complaints by Pérez in relation to supposed anomalies in the results protocols database.

The Comptroller based its reasoning for the request on its authority for overseeing public spending and its 2020 recommendation to audit CNE internal systems. On the other hand, the Public Prosecutor sought to retain this information for future investigation. The CNE decided to undertake an audit once the electoral process had officially concluded as it required more preparatory time to comply with the Comptroller’s request. The CNE indicated that the Public Prosecutor’s request for information could not be fulfilled until definitive results were available following the challenges period.

Arauz lodged a complaint with the TCE against the Comptroller’s request for an audit. Stakeholders and international observers manifested concern that institutions outside the electoral authority may be obstructing the proper functioning of the electoral process. Stakeholders highlighted that both requests were opened for investigation based upon presentation of little evidence by Pachakutik. The EU EEM believes that the basis of these official and public requests was groundless. Many interlocutors viewed these requests as a direct attempt to interfere in the electoral process. As suggested earlier in this report, the intervention of the Comptroller in the electoral process is questionable, and the role of the Public Prosecutor to establish penal responsibility could be enhanced through greater cooperation with the TCE in order to protect all evidence that could be used for ulterior criminal purposes.

### ***Preliminary results***

On 21 February, the CNE announced preliminary results for the presidential election: Arauz 32.72 per cent, Lasso 19.74 per cent, Pérez 19.39 per cent, Hervás 15.68 per cent. There was a final margin of only 32,600 votes between Lasso and Pérez.

The announcement of results for the presidential election was delayed by four days as 34 out-of-country results protocols had not arrived in Ecuador. Results for the National Assembly and the Andean Parliament were further delayed by three days as one results protocol had not arrived. The EU EEM believes these were unnecessary delays, particularly given the tight deadlines in the electoral

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<sup>55</sup> The Electoral Law provides for recounts by the JPE if the results protocols reveal numerical inconsistencies, the signatures of the president and secretary are missing, or when a party agent presents proof that a results protocol was manipulated.

calendar and the fact that the CNE had other mechanisms available, including scanned images of results protocols, to expedite the inclusion of these results protocols in the count.

### ***Challenges to preliminary results***

Pachakutik appealed to the CNE regarding 27,767 results protocols of the presidential vote. It requested an analysis to address the reasons for varying electoral outcomes within the same polling station between the presidential, National Assembly and Andean Parliament elections (20,534 protocols). It also appealed against numerical inconsistencies and missing signatures (7,233 protocols). The CNE rejected an analysis of varying electoral outcomes, as it is not contemplated in the Electoral Law and these protocols had already been reviewed during the tabulation process in the presence of party agents. Upon reviewing the 7,233 results protocols, the CNE found that 1,453 were repeated, 5,409 contained no inconsistencies, and 340 had already been subjected to recounts. The CNE recounted the 31 results protocols that contained numerical inconsistencies or lacked signatures.

Pachakutik appealed the CNE decision before the TCE, using the same arguments. On 19 March, the TCE rejected Pachakutik's appeal due to a lack of legal substantiation. This rejection reaffirmed the CNE's 21 February announcement of results. The TCE plenary judgement was final and was taken by a unanimous decision. The judgement came out three days after the scheduled beginning of the campaign period for the presidential run-off. The TCE justified its decision on Pachakutik's appeal as it had not indicated the legal criteria for the appeal, the nature of inconsistencies, or the reasons for not accepting the CNE's decisions. In this way, the TCE reaffirmed that CNE resolutions are valid unless proven otherwise. Pachakutik continued to claim that there was electoral fraud, but its public protests subsided.

Since the agreement between Lasso and Pérez, and before the notification of results, the CNE already began to deal with appeals in an inconsistent approach and before the legally provided time period for hearing appeals. This inconsistent approach, combined with contradictory unilateral media statements made by some CNE members regarding the appeals process, caused much confusion among stakeholders about the legal basis, criteria, competent authority, and timelines for appeals. This confusion was also clearly reflected during CNE plenary sessions, which dealt with the same appeals repeatedly. As a consequence, stakeholders' confidence in the legal certainty of CNE decisions decreased substantively.

### ***Final results***

On 20 March, the CNE announced the first round final results for the presidential ticket. The results showed that a presidential run-off would take place between the two most voted candidates, Arauz who obtained 3,033,791 votes (32.72 per cent) and Lasso who obtained 1,830,172 votes (19.74 per cent). The participation rate for the presidential election was 80.99 per cent, blank ballots 3.10 per cent, and invalid ballots 9.55 per cent. The number of blank ballots was close to that of 2017, while the number of invalid ballots was slightly higher.

At the time of reporting, there were still various pending appeals with the TCE in relation to numerical inconsistencies affecting a number of results protocols for the National Assembly results in Manabí. As such, the CNE had not undertaken the seat allocation for nine seats in the provincial constituency of Manabí. The reason for the delay was the overlapping of appeals lodged by various political organisations at the JPE, CNE, and TCE, as well as the recusal of judges. It was expected that the handover of outstanding credentials to the newly elected would take place at a date close to the time of swearing in. The preliminary results for the National Assembly, which were open to change due to the pending appeals, were the following (see Annex 2):

The seat allocation of the 137-member National Assembly reflected five main forces: 49 UNES, 27 Pachakutik, 18 *Izquierda Democrática*, 1 PSC, 12 CREO, with the remaining 13 seats shared between 10 political organisations. Only 13 members were re-elected, as such the National Assembly is composed of mostly new members. Women composed 38 per cent of the National Assembly with 52

seats. The Andean Parliament has two representatives from UNES, one from Pachakutik, one from *Izquierda Democrática*, and one from PSC. For the National Assembly election, blank ballots amounted to 10.27 per cent, and invalid ballots 14.13 per cent. Observer groups reported that the majority of annulled presidential and National Assembly ballots were intentionally invalidated.

Arauz won eight provinces, Pérez thirteen, Lasso two, and Hervás one. Arauz won in seven coastal provinces and only one in the Sierra. Lasso took Pichincha and the Galápagos. Pérez won seven provinces in the Sierra, and all six provinces of the Amazon. The fourth place in the presidential vote went to Xavier Hervás, who won Carchi and polled second in six provinces (Santo Domingo de los Tsáchilas, El Oro, Pichincha, Tungurahua, Loja y Pastaza). In the capital province of Pichincha, the vote was more evenly distributed between the four leading candidates, with Arauz attaining 22.53 per cent, Lasso 25.86, Hervás 23.25, and Pérez 16.71.

Out-of-country voting took place in three constituencies: 1) Europe, Asia, Oceania, 2) USA and Canada, 3) Latin America, the Caribbean, Africa. Arauz won in the first two constituencies, and Lasso in the third. UNES took 47.97 per cent of the vote in Europe, Pérez 18.32 per cent, and Lasso 12.06 per cent. In the USA and Canada, Arauz polled 36.09 per cent, Lasso 27.23 per cent, and Pérez 24.05 per cent. In Latin American, the Caribbean, and Africa, Lasso attained 36.18 per cent of the vote, Arauz 35.41 per cent, and Pérez 10.03 per cent. As is historically the case, participation for out-of-country voting was low and revealed a turnout of between 33.65 per cent and 19.53 per cent.

## 15.2 Presidential run-off, 11 April

**CNE updates to biosecurity measures resolved the long queues of the first round. There were fewer inconsistencies in results protocols due to reinforced training and simplified procedures. The transmission of results functioned optimally, with no blackouts affecting the system as in past elections, and 94 per cent of results were available on election night. Results gave a comfortable victory to Lasso and Arauz conceded defeat on election night.**

### Voting

The presidential run-off was between Andrés Arauz and Guillermo Lasso. Voting did not take place in Chile due to pandemic austerity measures. According to interlocutors and media reports, voting was conducted in a calm and organised manner. No significant incidents were reported. In some polling stations poll workers did not turn up and there were delays in opening. However, all polling stations opened within one hour of the official opening time.

The CNE's updated bio-security measures were evaluated mostly positively by observers. The flow of electors into voting centres was improved from the first round, with shorter queues. Long queues in a few locations were due to delays in establishing polling stations. As during the first round, there was a special attention booth for those with special needs, and priority access to polling centres was given to persons with disabilities, the elderly, and pregnant women.

As this was a run-off election with only one ballot, voting proceeded smoothly and quickly. Poll workers generally demonstrated a good knowledge of voting procedures, but as in the first round between voting centres some differences in application of established procedures were observed. *Participación Ciudadana*, with 500 observers in 9 provinces, reported that party agents for UNES were present in 67 per cent of polling stations, CREO in 66 per cent, and PSC in 22 per cent. However, as in the first round they were only permitted to stand at the polling station entrance and observe procedures from a considerable distance.

Both candidates made declarations to the press from polling stations. Arauz did not vote as he is resident in Mexico, but he did appear in media promoting his candidature. His binomial, Carlos Rabascall, called on supporters to protect the polls from attempts at fraud. After voting, Lasso made declarations to the press and promoted his platform.

Throughout election day, social media was abuzz with videos and photos posted by candidates and other stakeholders. Both candidates posted videos to social media, with messages encouraging Ecuadorians to vote and to protect the integrity of the polls. On election day, Lasso came out strongly with a campaign promoting improved inclusivity of vulnerable groups. In line with calls to spoil the ballot, Yaku Pérez and several indigenous organisations posted photos of spoiled ballots that had writings purporting fraud or support for Pérez.

### ***Counting***

The nature of the election translated into a simplified counting and ease in filling out results protocols. Counting took place in the presence of party agents and observers who were this time allowed to observe from inside the polling station. Observers noted that the majority of spoiled ballots were voided purposely. Hours before the polls closed in Ecuador, social media users posted results protocols from out-of-country voting.

### ***Transmission of Results***

The transmission of results system worked optimally and provided quick results on election night. Contrary to past elections, there were no blackouts affecting the system. This permitted both candidates to make public statements by 21h00, with Lasso declaring his victory and Arauz accepting his defeat. The CNE established a webpage to provide individual polling station results and scanned images of results protocols. Results were also shared on a mobile phone application and a live camera feed from the national results centre which were streamed on Facebook and YouTube. By 22h00 on election night, almost 94 per cent of results protocols had been processed. The CNE did not undertake a quick count in the presidential run-off.

### ***Tabulation and announcement of preliminary results***

The tabulation process for the presidential run-off at the JPEs was much easier given the much lower number of results protocols with inconsistencies than in the first round (4 per cent, 1,623 protocols). On 18 April, the CNE proclaimed preliminary results of the presidential election. Lasso won with 52.36 per cent against Arauz's 47.64 per cent. The difference between the two candidates was 4.72 per cent (419,911 votes). The distance between the two candidates was sufficient to remove tensions associated with a closed result. Nevertheless, UNES filed an appeal with the CNE in relation to numerical inconsistencies in some 1,900 results protocols. The CNE considered 510 of these valid, a further 1,357 were also considered valid as the number of votes cast was same as the number of voters, and 28 results protocols were repeated. As such, the appeal was mostly rejected. UNES appealed this decision to the TCE.

Preliminary results indicated that voter participation in the presidential run-off (82.62 per cent) was greater than in the first round (80.99 per cent). The percentage of blank ballots was 1.61 per cent, and invalid ballots amounted to 16.2 per cent, which represented a significant rise since the first round (9.52 per cent). The sum of blank and spoiled ballots was 17.81, as compared to 12.65 per cent in the first round.

Provinces of majority indigenous populations and provinces where Pérez polled well in the first round had a higher incidence of spoiled ballots.<sup>56</sup> In five provinces (Cotopaxi, Tungurahua, Bolívar, Chimborazo, and Azuay) the number of spoiled ballots surpassed the number of votes for Arauz. Coastal provinces did not have a significant number of spoiled ballots.

The overall vote for Lasso in the presidential run-off increased by 32.62 points relative to the first round, while Arauz increased his share by 14.92 points. Lasso won in 17 of the 24 provinces, while Arauz won in the remaining 7. Arauz won in six coastal provinces and one in the Amazon region. Arauz had stronger wins in Manabí and Los Ríos. Lasso won in one coastal province (Santo Domingo

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<sup>56</sup> In Azuay spoiled ballots reached 30.49 per cent. As a point of comparison, in Pichincha spoiled ballots reached 15.79 per cent, and in Guayas 11.02 per cent.

de los Tsáchilas), in Galapagos, 10 in the Sierra, and in 5 of the 6 Amazon provinces (all except Sucumbíos). In the Sierra and Amazon provinces, Lasso won by wide margins. Lasso obtained 65.59 per cent of the vote in Quito, 52.39 per cent in Guayaquil, and 61.15 per cent in Cuenca.

In the out-of-country constituency of Europe, Asia, and Oceania, Arauz obtained 63.59 per cent of the votes and Lasso 36.41 per cent. In the USA and Canada, Lasso obtained 53.27 per cent against Arauz's 46.73 per cent. In the Latin America, Caribbean, and Africa constituency, Lasso obtained 53.35 per cent against Arauz's 46.65 per cent. Voter participation was much lower in these out-of-country constituencies (between 24.31 per cent and 37.71 per cent).

#### ***Post-election environment***

Within four hours of the close of polls, and at the same time, Lasso declared his victory and Arauz conceded defeat and offered his congratulations to the winner. Lasso gave a conciliatory speech in which he emphasised that his future administration would ensure the rights of minority groups. Arauz gave an optimistic speech in which he indicated his willingness to cooperate with the next government for the benefit of Ecuadorians. Arauz called for peace and reconciliation and an absolute respect for human rights. He tweeted a message to the effect that political persecution had to stop.

Over the following days, Lasso said he would govern for all Ecuadorians and the country needed a government of unity. He made particular reference to independence of functions, political persecution, freedom of the press and his intention to repeal the Communications Law. When questioned on gender equality, Lasso replied that the eligibility requirements for his cabinet would be based on ability and honesty.

There were recent unsuccessful legal initiatives in the National Assembly to amend the Constitution to, *inter alia*, eliminate the Council for Citizen's Participation and Social Control. One of Lasso's campaign promises was to call a referendum to decide whether to eliminate this Council, as he viewed it as an instrument of the past government. In the weeks following the elections, President-Elect Lasso was involved in planning for the handover of government and discussions related of the formation of his cabinet. He also initiated contact with foreign governments to define Ecuador's future international relations. The National Assembly continued to debate a draft bill in defence of the dollarised economy. Arauz called for popular mobilisations against this bill as it would transfer decision-making powers from the president of the republic to the Ecuadorian Central Bank. Corruption scandals culminated in the arrest of the Comptroller. The post-election environment was also characterised by the worsening of the pandemic and a new decree of a state of exception.

## **16. INTERNATIONAL COMMUNITY SUPPORT TO THE ELECTION PROCESS**

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International support helped the CNE to mitigate challenges as they prepared for elections. The CNE was aided through the EU (EUR 400,000), Spain (EUR 350,000), and Switzerland financed technical assistance implemented by the United Nations Development Programme (UNDP). The UNDP assisted the CNE IT department, planning and evaluation, and developing and broadcasting electoral messages. The EU also assisted through an on-line expert mission on best practices for election observation. The goal of the training was to provide training for independent citizen election observers coming from the civil society in Ecuador. The seminar participants were selected from universities, civil society organisations, and accredited observers from the CNE. The EU also donated biosecurity material to the CNE. The Organisation of American States (OAS) and the International

Foundation for Electoral Systems (IFES) also provided technical assistance. The CNE signed numerous agreements with national organisations.<sup>57</sup>

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<sup>57</sup> Including with public universities for training student poll workers, and with the *Asociación Ecuatoriana de Radiodifusión Núcleo Pichincha* and the *Asociación Ecuatoriana de Canales de Televisión* to promote training for journalists and commentators.

## 17. RECOMMENDATIONS (priority recommendations in bold)

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
ELECTION ADMINISTRATION					
1	<p><i>“...the [CNE] selection process was not undertaken in line with established constitutional parameters and that it lacked transparency.”</i></p> <p><i>(Final report, page 7)</i></p>	<b>Ensure CNE Commissioners are transparently selected in line with established criteria of public competition and merits as provided by the Constitution and other legislation.</b>	No change in legislation required	Council of Citizen Participation and Social Control.	<p>State must take the necessary steps to give effect to rights</p> <p><i>ICCPR, Art. 2(2): “Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.”</i></p> <p><i>ICCPR, Article 25: “Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections [...] guaranteeing the free expression of the will of the electors.”</i></p>
2	<p><i>“...some CNE members gave frequent unilateral public declarations which generated confusion, instead of lending certainty to the electoral process.”</i></p> <p><i>(Final report, page 8)</i></p>	<b>Develop a coherent and solid communication strategy to improve the CNE’s capacity to comprehensively share its collegial decisions with a unified voice to avoid misinformation and confusion. This might be achieved through incorporation of a communications team.</b>	No change in legislation required.	CNE	<p>Transparency and access to information</p> <p><i>ICCPR article 19 (2): “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds”.</i></p> <p><i>UNCAC Art. 10: “Taking into account the need to combat corruption, each State Party shall [...] take such measures as may be necessary to enhance transparency in its public administration.”</i></p> <p><i>CCPR GC 34 para 18: Art 19(2) ICCPR embraces a right of access to information held by public bodies [...] taken together with Art 25, the right of access to information includes a right whereby the media has access to information on public affairs and the right of the general public to receive media output...”.</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
					<i>CCPR GC 34 para 19: "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information".</i>
3	<p><i>"Poor training of coordinators and poll workers resulted in a high number of results protocols with inconsistencies in the 7 February elections. The key role of coordinators may have been undervalued by the CNE, as they were not sufficiently equipped to adequately orient poll workers in the proper filling out of results protocols."</i></p> <p><i>(Final report, page 9)</i></p>	<b>Expand and strengthen the role of coordinators with their early selection and training to allow them to better orient poll workers. Bolster poll worker performance through timely and improved in person and/or virtual training that concentrates on accurate completion of the results protocols, and introduce a system of checks to ensure that training is undertaken.</b>	No change in legislation required.	CNE	<p>Genuine elections that reflect the free expression of the will of voters</p> <p><i>ICCPR, Article 25: "Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections [...] guaranteeing the free expression of the will of the electors."</i></p>
<b>REGISTRATION OF POLITICAL ORGANISATIONS AND CANDIDATES</b>					
4	<p><i>"...there is no defined procedure for replacing candidates before the final registration phase."</i></p> <p><i>(Final report, page 11)</i></p>	Establish legal mechanisms and timelines for substituting pre-candidates who withdraw before the final registration deadline.	Amendments to the Election Law  In the interim, the CNE could amend the Regulation on Candidate Registration for Popular Elections.	National Assembly  CNE	<p>Right and opportunity to participate in public affairs and hold office</p> <p><i>ICCPR, article 25 "Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections ... guaranteeing the free expression of the will of the electors."</i></p> <p><i>CCPR GC 25 para 16: "Conditions relating to nomination dates [...] should be reasonable and not discriminatory."</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
5	<p><i>“...the system provides excessive opportunities for appeals that prolong processes, when timely decisions should be of the essence in electoral disputes.”</i></p> <p><i>(Final report, page 12)</i></p>	<b>Review the system for election disputes to simplify the appeals process or extend the electoral calendar, so that all appeals can be resolved before addressing key tasks such as printing of ballots.</b>	Change in primary legislation required.	National Assembly	<p>Right to an effective remedy</p> <p><i>ICCPR Art.2(3): “Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy [...].”</i></p> <p><i>CCPR GC 31 para 15: “States Parties must ensure that individuals also have accessible and effective remedies”.</i></p>
6	<p><i>“...the intervention of state bodies with no electoral role only served to cause confusion.”</i></p> <p><i>(Final report, page 12)</i></p>	Limit interventions by other state bodies to those provided for in law. Intervention of the Comptroller and Auditor General should be limited to a technical role, and ordinary judges should limit their role to decide on electoral offences within their competence.	No change in legislation required.	Comptroller and Auditor General Ordinary Justice	<p>State must take the necessary steps to give effect to rights</p> <p><i>ICCPR, Art. 2(2): “Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.”</i></p> <p><i>ICCPR, Article 25: “Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections [...] guaranteeing the free expression of the will of the electors.”</i></p> <p><i>UNCAC Art.5(1): “Each State Party shall, [...], develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.”</i></p> <p><i>Constitution, Article 217: The Electoral Function will be formed by the National Election Commission and the Electoral Disputes Tribunal [...] They will be governed by the principles of autonomy, independence [...].</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
					<i>Electoral Law, Article 16: “no authority outside of the electoral authority can intervene either directly or indirectly in electoral processes or the functioning of electoral bodies.”</i>
CAMPAIGN ENVIRONMENT					
7	<p>“CNE bureaucratic procedures and ineffectual deadlines resulted in protracted investigations that went beyond the statute of limitations for sanctioning.” <i>(Final report, page 17)</i></p>	Ensure adequate enforcement of reporting on campaign financing, and undertake timely investigations that would ideally be completed within the fiscal year.	No change in legislation required.	CNE	<p>Fairness in the electoral campaign; State must take necessary steps to give effect to rights</p> <p><i>UNCAC Art.5(1): “Each State Party shall, [...], develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.”</i></p> <p><i>UNCAC Art.5(2): “Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.”</i></p>
MEDIA AND ELECTION-RELATED CONTENT					
8	<p>“Media monitoring initiatives revealed the presence of discriminatory messages”. <i>(Final report, page 17)</i></p> <p>“... when infractions were reported, overly bureaucratic procedures impeded the CNE’s timely reaction to investigate the violation and submit a report to the TCE, the competent authority for ruling on campaign violations”. <i>(Final report, page 18)</i></p>	<b>Strengthen internal capacities of the various institutions and take measures to guarantee the implementation of electoral campaign regulations, including aspects relating to campaign expenditure and combatting hate speech and disinformation, and allow an appropriate and timely legal response by the CNE in case of infringement. This could be achieved through, <i>inter alia</i>, establishing a monitoring of traditional and social media, cooperation agreements between the CNE and social media platforms (as has been done in other countries in the region), adoption of Code of Conducts</b>	No change in legislation required.	CNE Political parties Tech companies Media	<p>Fairness in the election campaign</p> <p><i>ICCPR, GC 25, para. 20: An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.</i></p> <p>Freedom from discrimination</p> <p><i>ICCPR Art. 26: “[...] the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
	<p><i>"To crosscheck reported expenditures, the CNE plans to request an expenditure report from the five most popular social media platforms. Interlocutors reported that it is unlikely this information will be provided, as technology companies are not legally obliged to comply".</i></p> <p><i>(Final report, page 19)</i></p>	<b>with political organisations and/or traditional media, etc.</b>			<p><i>ICCPR Art.9(1): "Everyone has the right to liberty and security of person."</i></p> <p><i>CCPR GC 34 para 21: "[Regarding Art 19(3)] the exercise of the right to freedom of expression carries with it special duties and responsibilities. For this reason two limitative areas of restrictions on the right are permitted, which may relate either to respect of the rights or reputations of others [...]."</i></p>
<b>PARTICIPATION OF WOMEN</b>					
9	<p><i>"Women's organisations reported that once elected, women experienced pressure from their male reserve to resign so as to relinquish them their seat, particularly at local level."</i></p> <p><i>(Final report, page 23)</i></p>	Reinforce the gender parity requirement by reforming the Electoral Law to specify that reserve candidates must be of the same sex as the main candidate and by developing awareness campaigns on gender parity.	<p>Amendment to Election Law</p> <p>In the interim, the CNE could amend the Regulation on Candidate Registration for Popular Elections.</p>	<p>National Assembly</p> <p>CNE</p> <p>Political parties</p>	<p>Women's participation in public affairs; State must take necessary steps to give effect to rights</p> <p><i>CEDAW Art. 7: "State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country [...]."</i></p> <p><i>ICCPR art.3: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant".</i></p> <p><i>ICCPR Art.2(1): "[...] Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
10	<p><i>“...political violence is still the main obstacle to women’s political participation.”</i></p> <p><i>(Final report, page 23)</i></p>	Ensure adequate enforcement of the provisions in the Electoral Law against harassment and gender-based political violence.	No change in legislation required.	CNE TCE Public Prosecutor Political organisations	<p>Women’s participation in public affairs; State must take necessary steps to give effect to rights</p> <p><i>CEDAW Art. 7: “State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country [...]”.</i></p> <p><i>ICCPR art.3: “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant”.</i></p> <p><i>ICCPR Art.2(1): “[...] Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</i></p>

#### PARTICIPATION OF NATIONAL MINORITIES

11	<p><i>“...the Confederación Nacional Afroecuatoriana and Pueblo Montubio del Ecuador claimed that no advances were made in terms of their participation in any level of election administration.</i></p> <p><i>Indigenous organisations complained that voter education materials were not produced in their own languages.”</i></p> <p><i>(Final report, page 24)</i></p>	Take concrete actions to involve Afro-Ecuadorians and Montubios in the election administration, and voter education materials and activities should include indigenous languages.	No change in legislation required. Give effect to the Law on Council of Citizen Participation and Social Control.	CNE Political Parties Civil Society	Freedom from discrimination <p><i>ICCPR Art. 26: “[...] the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</i></p> <p><i>ICCPR Art.9(1): “Everyone has the right to liberty and security of person.”</i></p>
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N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
					<p><i>CCPR GC 34 para 21:</i> “[Regarding Art 19(3)] the exercise of the right to freedom of expression carries with it special duties and responsibilities. For this reason two limitative areas of restrictions on the right are permitted, which may relate either to respect of the rights or reputations of others [...].”</p> <p>Right and opportunity to vote; Transparency and access to information</p> <p><i>ICCPR Art. 19(2):</i> “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds“.</p> <p><i>CCPR GC 25 para 11:</i> “Voter education [...] is necessary to ensure the effective exercise [...] by an informed community”.</p> <p><i>CCPR GC25 para 19 and 20:</i> “Persons entitled to vote must be free to vote for any candidate for election [...] without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will” [...] voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process.”</p> <p><i>ACHR Art. 13 (1):</i> “Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds.”</p> <p><i>United Nation's Committee on Economic, Social and Cultural Rights (2019) recommended,</i> “to ensure the promotion of the use of all indigenous languages in the public sphere.”</p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
<b>PARTICIPATION OF PERSONS WITH DISABILITIES</b>					
12	<p><i>“...national organisations representing persons with disabilities argue that the state has done little to promote the effective and independent participation of persons with disabilities in decision-making processes concerning matters that directly affect them.”</i></p> <p><i>(Final report, page 25)</i></p>	Work further on improving the conditions to vote for persons with disabilities, and involve disabilities organisations in decision-making processes.	No change in legislation required.	CNE	<p>Freedom from discrimination; State must take necessary steps to give effect to rights</p> <p><i>CRPD Art. 29(a)(i): “States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others [...] (a) [...] by (i) ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”.</i></p> <p><i>ICCPR Art.2(1): “[...] Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.</i></p> <p><i>CCPR GC 25 para 12: “positive measures should be taken to overcome specific difficulties [...] which prevent persons entitled to vote from exercising their rights effectively.</i></p>

American Convention on Human Rights (ACHR)

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

Convention on the Rights of Persons with Disabilities (CPRD)

International Covenant on Civil and Political Rights (ICCPR)

The *United Nations Convention against Corruption* (UNCAC)

## **18. ANNEX 1 – EU EEM TRADITIONAL AND SOCIAL MEDIA MONITORING RESULTS**

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The EU EEM conducted a qualitative and quantitative monitoring exercise of the election campaign in the print media.

The EU EEM monitored the following three private newspapers with national coverage during the periods from 19 January to 26 February, and 16 March to 8 April: *El Comercio* (Quito), *El Universo* and *Expreso* (both based in Guayaquil). Monitoring involved measuring political advertisement and editorial space –in square centimetres– allocated to political actors, including candidates and political organisations, as well as the tone of the editorial content (positive, neutral or negative):

The EU EEM monitored political advertising in the following newspapers online versions during the periods from 25 January to 7 February, and 22 March to 11 April: *El Comercio* (Quito), *El Universo* and *Expreso*.

The EU EEM monitored political advertising in two digital native media during the period from 25 January to 7 February, and 22 March to 11 April: *Primicias* and *La República*.

The EU EEM monitored the number of presidential candidates' posts interactions (likes, comments, and shares) using Facebook's *CrowdTangle* tool during the periods from 31 December 2020 to 4 February 2021, and from 16 March to 8 April.

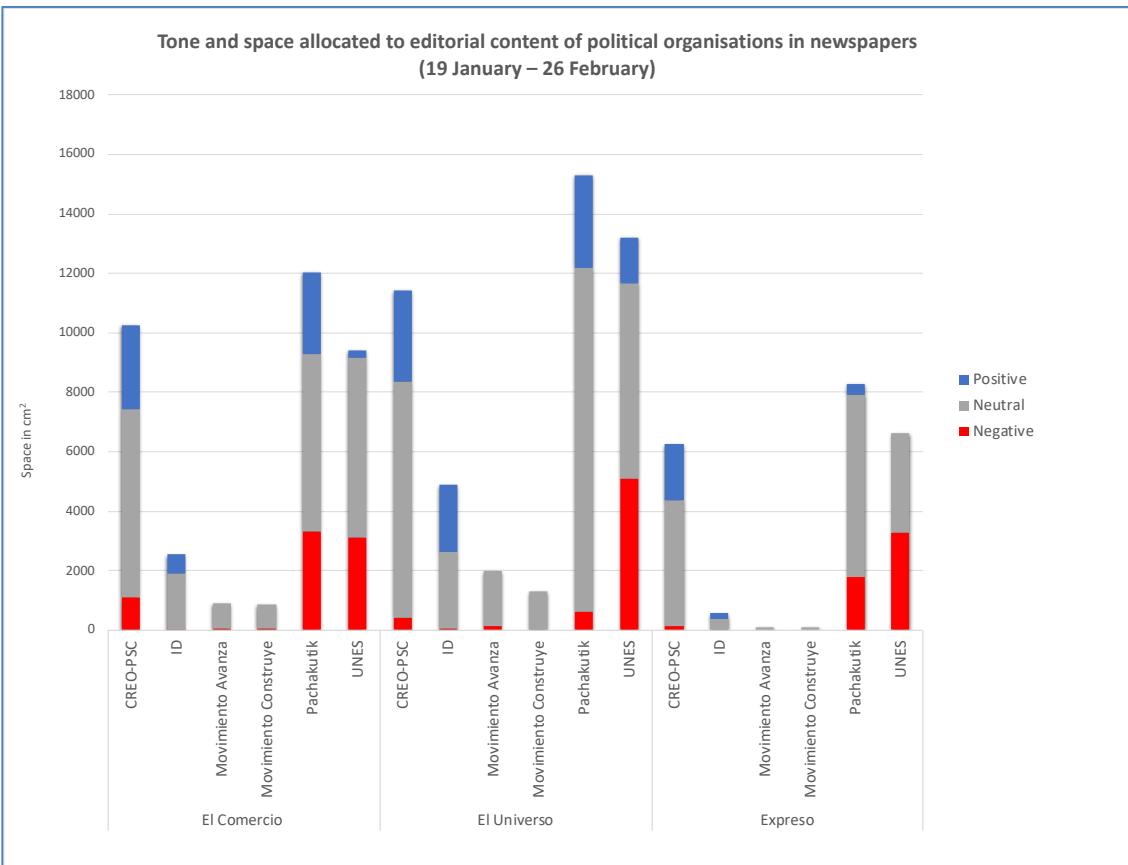
The EU EEM monitored candidates' expenditures in Facebook and Instagram using the Facebook Ad Library tool during the periods from 31 December 2020 to 7 February 2021, and from 16 March to 11 April 2021.

The EU EEM analysed a sample of 458,000 tweets and one million other interactions (likes, retweets and quotes) to identify verbal aggressions on Twitter during the period from 31 December 2020 to 4 February 2021. The EU EEM analysed a sample of 316,000 tweets and one million other interactions to identify verbal aggressions on Twitter during the period from 16 March to 8 April 2021. The research included 81 candidates' verified Twitter accounts at presidential and parliamentary levels. The data was provided by Twitter through its Application Programming Interface (API). Twitter interactions per presidential and parliamentary candidates was also provided by Twitter through its API.

The EU EEM monitored the fact-checking platform *Ecuador Verifica* to identify false narratives published during the periods from 5 January to 7 February, and from 16 March to 11 April.

The EU EEM monitored the official TikTok accounts of National Assembly and presidential candidates in order to analyse campaign strategies from 19 January to 9 February, and from 16 March to 13 April.

*Table 1: Tone and space allocated to editorial content of the six most voted candidates and their political organisations. First round – Election campaign period from 19 January to 26 February 2021.*



*Table 2: Twitter interactions per presidential and parliamentary candidates. First round – Election campaign period from 31 December 2020 to 4 February 2021.*

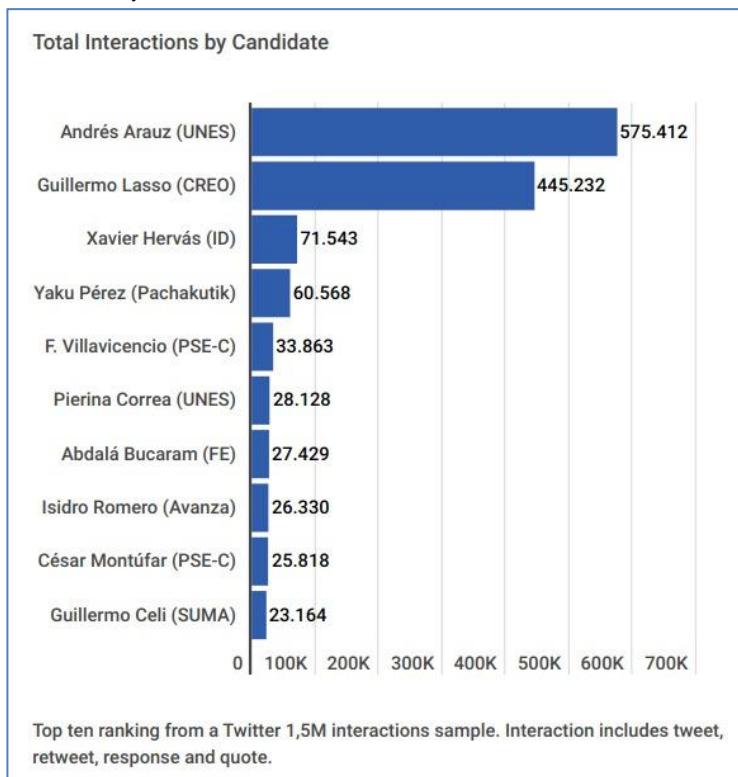
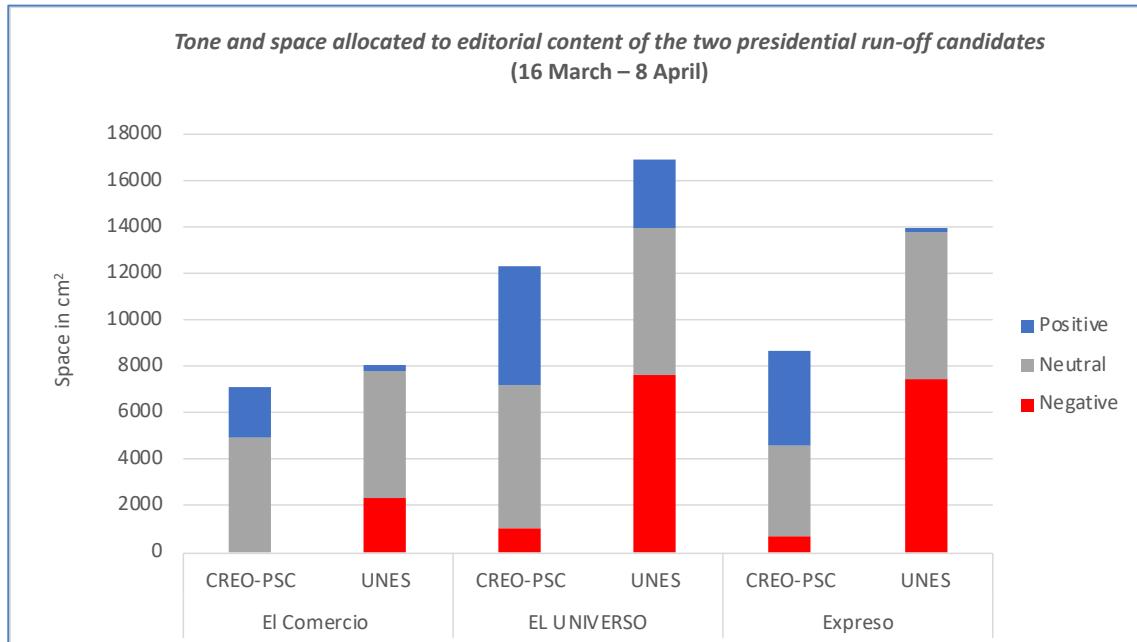


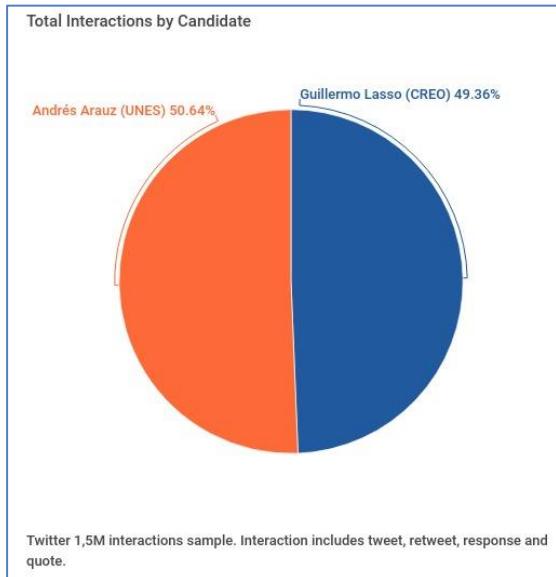
Table 3: CrowdTangle data on the nine presidential and vice-presidential candidates' most dynamic Facebook pages. First round – Election campaign period from 31 December 2020 to 4 February 2021.

Name	Total Interactions	Interaction Rate	Avg. Posts Per Day	Views on Owned Videos	Page Followers	Growth % and #
Average Total	1.03M	4.456%	6.22	7.83M	201,995.11	+134.29%
 <b>Andrés Arauz</b> ✅	3.16M	8.356%	8.31	17.11M	165,482	+75.64% +71,267
 <b>Guillermo Lasso</b> ✅	2.58M	0.636%	11.03	16.64M	1,054,084	+0.54% +5,681
 <b>Xavier Hervas</b> ✅	1.74M	10.613%	7.34	24.21M	115,110	+829.73% +102,729
 <b>Yaku Perez Guartambel</b> ✅	1.33M	1.314%	7.8	10.51M	383,674	+6.70% +24,101
 <b>Carlos Rabascall</b> ✅	389,370	6.25%	3.51	1.24M	55,155	+19.58% +9,032
 <b>Virna Cedeño Escobar</b> ✅	57,051	3.887%	5.34	297,377	9,952	+73.35% +4,211
 <b>Alfredo Borrero</b>	33,816	5.423%	4.23	295,173	5,813	+124.01% +3,218
 <b>Gerson Almeida</b>	15,471	1.407%	1.2	185,314	26,504	+2.68% +693
 <b>Maria-Sara Jijon</b>	9,644	2.223%	7.23	15,415	2,182	+76.39% +945

Table 4: Tone and space allocated to editorial content of the two presidential run-off candidates – Election campaign period from 16 March to 8 April 2021.



*Table 5: Twitter interactions per presidential and parliamentary candidates. Presidential run-off – Election campaign period from 16 March to 8 April 2021.*



*Table 6: CrowdTangle data on the two presidential candidates Facebook pages. Presidential run-off – Election campaign period from 16 March to 8 April 2021.*

Page Name	Total Interactions	Interaction Rate	Avg. Posts Per Day	Views on Owned Videos	Page Followers	Growth % and #
Average Total	3.35M	3.426%	9.26	16.84M	706,091	+11.84%
1 <b>Andrés Arauz</b> ✅	3.52M	5.321%	10.26	20.06M	306,942	+21.13% +53,537
2 <b>Guillermo Lasso</b> ✅	3.18M	1.531%	8.26	13.62M	1,105,240	+2.54% +27,415

## 19. ANNEX 2 – NATIONAL ASSEMBLY PRELIMINARY RESULTS

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<b>Political Organisation / Movement</b>	<b>National seats</b>	<b>Provincial seats</b>	<b>Out-of-country seats</b>	<b>Total seats</b>
<i>UNES</i>	5	39	4	49
<i>Pachakutik</i>	3	23	1	27
<i>ID</i>	2	16	-	18
<i>CREO</i>	2	9	1	12
<i>PSC</i>	2	17	-	18
<i>Alianza Honestidad</i>	1	1	-	2
<i>Avanza</i>	-	2	-	2
<i>Democracia Sí</i>	-	1	-	1
<i>Contruye</i>	-	1	-	1
<i>Ecuatoriano Unido</i>	-	2	-	2
<i>PSP</i>	-	1	-	1
<i>Unión Ecuatoriana</i>	-	1	-	1
<i>Azuay Primero</i>	-	1	-	1
<i>MINGA</i>	-	1	-	1
<i>Acuerdo Ciudadano</i>	-	1	-	1
<b>TOTAL</b>	<b>15</b>	<b>116</b>	<b>6</b>	<b>137</b>

