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REPORT OF THE OAS ELECTORAL OBSERVATION MISSION IN ECUADOR¹

THE Organization of American States (OAS) deployed an Electoral Observation Mission (EOM/OAS) for the general elections in the Republic of Ecuador, in response to an invitation from the National Electoral Council (CNE). The Secretary General of the OAS, José Miguel Insulza, appointed Dr. Rafael Albuquerque to lead the mission, which consisted of 68 international observers from 20 OAS member and observer countries. The Mission was present in 17 provinces, in the Metropolitan District of Quito, and in Spain and the United States.

The EOM/OAS would like to highlight the important participation of the citizens of Ecuador, who exercised their franchise peacefully and with great civic spirit. At the same time, the Mission would like to recognize in particular the work of the CNE, which made an important effort to ensure that the electoral process was carried out in conditions of normality. The observers of the Mission were able to witness that the citizens expressed their will at the polls in a free and unhindered manner.

I. ELECTORAL ORGANIZATION AND INFORMATION TECHNOLOGY

The OAS Mission held several meetings with electoral authorities to gather information about the organization of the electoral process and would like to emphasize the willingness of the CNE to work with the Mission.

Regarding the selection process for the members of polling stations, the Mission observed that selections were made according to the criteria of fairness and level of education. In this sense, it took note of the high participation of young people and citizens trained in both the polling stations and the Intermediate tabulation centers. However, the Mission was informed that one day before Election Day, some members of polling stations were still awaiting training.

Regarding the electoral roll, the Mission heard concerns from some political actors who demanded access to it in order to carry out campaign activities.

In order to carry out a transparent and technically sound process, the CNE engaged the services of renowned companies and experts to provide services related to various aspects of electoral mechanics, including secur-

1. Press Release, Report of the OAS Electoral Observation Mission in Ecuador, Organization of American States (Feb. 19, 2013), *available at* http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-052/13.

ity, the official count and the quick count. However, the Mission noted significant delays in implementing processes as established in the electoral calendar, in the scheduling of computing operations, and in the analysis of security conditions. Important tools for the security of the electoral process such as incident reports from simulations, documented contingency plans and efficacy trials were not available before the election.

II. VOTING PROCESS

The Mission would like to highlight the important efforts of the Ecuadorian authorities to ensure greater inclusiveness in this election by incorporating voters with disabilities, prisoners awaiting sentencing, and Ecuadorians abroad.

In terms of the accessibility of the vote, the Mission highlights the incorporation of preferential voting (voting without waiting in line) for senior citizens, women who are pregnant or people holding children in their arms. For voters with disabilities, assisted voting was implemented, whereby a trusted person helped the voter to mark or cast a ballot. In the city of Ambato a new pilot project called "Vote at Home" began, in which ballots were taken to the homes of 18 people with disabilities to enable them to cast their votes. In our view, this is a practice that other countries in the hemisphere would do well to emulate. The Mission acknowledges the search for alternatives to facilitate access to the vote for all citizens of Ecuador, regardless of their condition, in compliance with the Organic Law on Elections and Political Organizations, also known as the Code of Democracy, of Ecuador.

The OAS witnessed the election at the García Moreno men's prison. It should be noted that the voting process was held on Friday, February 15, in an orderly manner, with the inmates themselves serving as members of polling stations, and in the presence of representatives from the Ministry of Justice, Human Rights and Worship, delegates of the CNE and international observers.

The vote abroad is an important measure that allows citizens residing outside the country to elect their representatives. 93 polling stations were observed, which covered a total of 45,020 voters. While in Washington, DC, the elections were carried out in conditions of normality, in the case of voting in Madrid, a lack of organization was observed. Significantly, this was the first time the OAS observed the vote abroad, and the organization appreciates the willingness of the CNE to accredit observers for this purpose.

The Mission noted that disclosure of the quick count by the CNE generated confidence in the results.

III. MEDIA OBSERVATION

The reforms contained in the Code of Democracy, namely a ban on advertising by state institutions, the establishment of electoral advertising

spaces for campaigns of political subjects and the proscription of contracting and campaign advertising by private actors, created certain conditions of fairness among candidates when compared to past elections.

However, the new rules apply only during the campaign period (from January 4 to February 14), which resulted in the displacement of competition to the pre-campaign period (from October 18 to January 3). According to data collected by the EOM/OAS, the lack of regulation during the pre-campaign period resulted in differential access and exposure of the contenders in the media at this stage of the electoral process. The new rules govern publicity or advertising guidelines during the campaign, but not news coverage. The EOM noted that during the campaign period there was an unequal coverage between political parties or movements with presidential candidates depending on the type of ownership of the media.

Finally, the Mission observed that media presence in terms of both time and space is markedly favorable to male candidates running for the National Assembly. This data reveals fewer opportunities for women to make their proposals heard which negatively impacts their real possibilities of reaching office. It is also worth noting that the presence of the candidates, in general, is slightly higher in the public media than in private.

IV. WOMEN'S POLITICAL PARTICIPATION

Ecuador has one of the most advanced legal frameworks in the region in terms of gender equality, derived mainly from the constitutional guarantee of equality in the exercise of public functions. The Code of Democracy establishes parity in the composition of multi-person candidatures and important measures to strengthen its effectiveness, such as gender alternation and non-registration of lists that do not comply with the regulation.

The Mission notes the commitment of the CNE to the inclusion of both women and other underrepresented groups in the electoral process.

It has been established that the parties complied with parity in their lists of nominees for the National Assembly and the Andean Parliament. However it was also found that 82% of the lists were headed by men, which - combined with the reduction in the size of constituencies - impedes the opportunities of women to be elected and to occupy a seat.

V. POLITICAL FINANCING

In terms of equity, the system of rules governing campaign financing is intended to enable political subjects to compete fairly, as it limits total campaign expenses, finances electoral campaigns from government resources and restricts private contributions. Similarly, although the Code of Democracy establishes explicit prohibitions on the use of public re-

sources, there is no regulation that defines clearly and sufficiently the scope and limitations of this practice.

On transparency, the existing regulations on accountability, government control and the sanctions regime are comprehensive, detailed and specific. Having established civil, criminal and personal accountability contributes to the rigorous nature of registration and financial reporting. Despite this, access to information on the flow of resources is partial or limited, as evidenced by the lack of access to timely information on the pre-campaign expenses of political subjects.

VI. RECOMMENDATIONS

One objective of the Electoral Observation Missions of the OAS is to make recommendations to authorities in order to improve the organization and administration of elections. To this end, the Mission proposes the following:

- It is recommended that the CNE continue its efforts to strengthen institutions and staff training in order to reinforce its direct control over the various stages of the electoral process.
- In terms of electoral organization and information, it is recommended that the planning and organization of the processes begin much earlier to provide enough time to carry out tests and simulations, and to implement the necessary adjustments in the organization of the process and comply with the electoral timetable. Additionally, it is recommended that the CNE develop policies, standards and procedures relating to information security.
- With regard to the training of the members of the polling stations and tabulation centers, it is recommended that such training should be concluded at least one week before Election Day.
- Regarding the electoral roll, it is recommended to allow political parties timely access to said instrument, keeping in mind the limits to the information set out in the existing regulatory framework.
- In terms of gender, it is important to mention that the National Electoral Council has created a Committee on Inclusion and Research that will evaluate the results of the elections from a gender perspective. This represents a great opportunity to consider certain reforms that would better ensure effective parity in decision-making positions and competition on equal terms as well as the institutionalization of gender equality in the internal structures of political organizations that generate candidate lists, the establishment of a rule of alternation for the heads of lists, and the allocation of public and media space to support female candidates.
- In terms of political finance, the EOM/OAS recommends reducing the risks associated with the use of public resources for electoral purposes by taking the measures needed to clarify actions and behaviors that undermine fairness in competition, and establishing a suitable sanctions regime. The media monitoring and expenditure control functions carried out by the CNE are key sources of information that would enable it to properly exercise

this control. The EOM recommends improving the quality and quantity of information by automating the presentation systems of financial accountability by political subjects to streamline verification and audit processes, as well as reporting to the public on the management of income and expenses of the election campaign.

The OAS has been observing elections for 50 years. The objective of these missions is to cooperate with member countries to strengthen their democratic systems. In this regard, now concluded the electoral process in Ecuador, the Mission reiterates its commitment to hold a post-electoral visit, in order to follow up on the recommendations with the relevant authorities, and offer the support of the OAS in the entire electoral cycle.

In the coming weeks, the Chief of Mission, Rafael Albuquerque, will be presenting a report to the OAS Permanent Council on the activities of the EOM/OAS in Ecuador.

Finally, it is necessary to acknowledge the generous financial contributions from the governments of Bolivia, Canada, Chile, Spain, France and the United States, which made possible the work of this Mission.

