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## **Report of the Working Group on the Universal Periodic Review\***

### **Ecuador**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its thirteenth session from 21 May to 4 June 2012. The review of Ecuador was held at the 2nd meeting, on 21 May 2012. The delegation of Ecuador was headed by His Excellency Mr. Lenín Moreno Garcés, Vice-President of Ecuador. At its 10th meeting, held on 25 May 2012, the Working Group adopted the report on Ecuador.

2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Ecuador: Congo, Cuba, Switzerland.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Ecuador:

(a) A national report submitted and a written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/13/ECU/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/13/ECU/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/ECU/3).

4. A list of questions prepared in advance by Germany, Iceland, Netherlands, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Ecuador through the troika. These questions are available on the extranet of the universal periodic review (UPR).

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation noted that during the last four years, Ecuador had made efforts towards reaffirming its commitment towards human rights, peace and democratic stability. In 2008, a new Constitution gave rise to a new model of State and development. The nation had recovered its trust in the democratic system, a fundamental prerequisite for the enjoyment of human rights.

6. The Constitution established that, in addition to being a State of rights and justice, Ecuador was an intercultural and multi-ethnic State, in which different groups of people and ethnic nationalities lived in an environment of mutual respect and solidarity. It established the paradigm of “*sumak kawsay*”, or “good living”, a concept originating from the peoples of the Andean region, which was rooted in the comprehensive development of all the citizens, peoples and nationalities of Ecuador without any form of discrimination.

7. Ecuador considered that it could demonstrate that it had moved from theory to practice in the fulfilment of human rights. Ecuador referred in particular to its efforts to combat poverty through sovereign economic policies. In response to social movements, the Government had declared illegitimate part of its public external debt, which had made it possible to increase its investment in production, roads and energy. Ecuador had also made important efforts with regard to the culture of tax payments, which had resulted in the collection of more taxes. Those efforts had resulted in a significant reduction of

unemployment and underemployment; and increased investment for education, health, housing, social security, environment, social inclusion and other areas.

8. Ecuador was currently a pioneer in the implementation of public policies of new collective rights, such as the fundamental right to water and the recognition of the rights of nature in the Constitution. In that regard, Ecuador had taken preventive measures and had restricted activities which could lead to the extinction of species, the destruction of ecosystems or the permanent alteration of natural cycles.

9. Ecuador had also taken significant steps to securing the right to food. The Constitution established the principle of food sovereignty and the rights of all persons and groups to have access to healthy, sufficient and nutritious food. More than half a million children had thus benefited through child development services.

10. The incidence of child labour had also decreased and child labour in garbage areas had been eradicated.

11. With regard to the situation of economic, social and cultural rights, Ecuador noted that it had taken affirmative action to incorporate into the public sector persons who were part of priority groups, such as persons with disabilities, indigenous peoples, Afro-Ecuadorians and Montubio people, and women.

12. The Government had eliminated recruitment by hour, recruitment through intermediaries, and other forms of labour conditions that were considered a form of slavery. Ecuador was committed to decreasing the rate of unemployment and underemployment. The percentage of workers with social security affiliation had also grown in 2011.

13. As regards education, the Constitution established that education would be mandatory up to the secondary level and free up to the third university level. Ecuador had also significantly increased its spending on education.

14. With regard to the right to health, Ecuador had established it as right to be fulfilled by the State, closely linked with the enjoyment of other rights, such as the right to water, food, education, physical education, work, social security, a good environment and other rights that formed the basis of good living.

15. As regards the right to housing, Ecuador had also made significant efforts. As at June 2011, 70.4 per cent of families had their own house. Housing bonuses had also been provided between 2008 and 2010 to improve the population's living conditions.

16. On the subject of civil and political rights, Ecuador reported on initiatives to encourage a more active participation of the population in decision-making, and accountability mechanisms to combat corruption in all public and private sectors. For the first time, Ecuador had granted the right to vote to Ecuadorians living abroad, to persons deprived of their liberty and to members of the armed forces and police, and had lowered the minimum voting age to 16.

17. With regard to the right to freedom of expression, Ecuador guaranteed to its inhabitants the right to free, intercultural, inclusive, diverse and participative communication in all areas of social interaction. It also guaranteed the right to information of quality without any censorship. The right of access to and use of radio frequencies and public televisions, private or communal, was also guaranteed in the Constitution.

18. Ecuador made reference to reforms to the Criminal Code undertaken in 2009, such as the inclusion of the crime of genocide, in conformity with the Rome Statute of the International Criminal Court, as well as other reforms.

19. Ecuador further reported on progress made in the implementation of recommendations formulated during its first review in 2008 (A/HRC/8/20).

20. Concerning the penitentiary reform, improvement of conditions of persons deprived of their liberty and follow-up mechanisms (recommendations 1, 4 and 5), Ecuador made reference to provisions in the new Constitution establishing a comprehensive social rehabilitation system. Ecuador was receiving advisory services from the Centre of Excellence on Prison Reform and Drug Demand Reduction (launched by the United Nations Office on Drugs and Crime), as well as from the National School of Penitentiary Administration of France.
21. With regard to the provision of human rights training to police forces (recommendation 2), that had been established in the Constitution and was ongoing.
22. The Constitution established the implementation of policies for the progressive eradication of child labour and provided special protection against other types of labour or economic exploitation (recommendation 3).
23. Concerning the mainstreaming of gender (recommendation 6), Ecuador had established a policy of incorporating a gender perspective into all public policies, programmes and projects.
24. Regarding discrimination on the grounds of sexual and gender identity (recommendation 7), Ecuador implemented measures to combat violations of human rights in respect of the gay, lesbian, bisexual, transsexual, transgender and transvestite community.
25. With regard to the eradication of gender-based violence and domestic violence (recommendation 8), Ecuador referred to provisions in the Constitution, as well as the setting up of a specialized body of judges to tackle those issues.
26. Regarding the reform of the judiciary (recommendation 9), Ecuador reported on a consultation and referendum held in 2011, and the implementation of a permanent training programme for government officials.
27. On trafficking in persons (recommendation 10), Ecuador reported that the national plan had been updated in December 2010.
28. Information on the important efforts made by Ecuador with regard to groups in situations of vulnerability and in need of priority attention was also provided. Reference was made to national efforts to combat poverty and extreme poverty, the human development bonus and credit programmes and the attention to persons with disabilities, children and the elderly.
29. The delegation further noted that the Constitution recognized the rights of asylum seekers and refugees, establishing important principles for their protection. It noted that Ecuador had been recognized by the Office of the United Nations High Commissioner for Refugees (UNHCR) as the country in Latin America with the highest rate of acceptance of refugees.
30. To conclude, the delegation indicated that Ecuador saw itself as a plurinational and intercultural State and therefore had placed emphasis on the rights of indigenous peoples, Afro-Ecuadorians and Montubio people.
31. Within the framework of the intercultural bilingual education system, for the year 2010, 2,000 education centres, with 6,000 teachers from various nationalities and indigenous populations, had been established in 16 of the country's 24 provinces.

## **B. Interactive dialogue and responses by the State under review**

32. During the interactive dialogue, 73 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

33. Venezuela (Bolivarian Republic of) noted the measures taken to eliminate child labour. It congratulated Ecuador for its work in favour of the most vulnerable groups, particularly persons with disabilities. It requested Ecuador to elaborate on the Manuela Espejo solidarity mission. Venezuela made recommendations.

34. Belgium referred to the number of journalists who had been prosecuted since 2007, as well as to an increase in criminal prosecutions against protesters. Belgium further asked whether an evaluation of the policy to combat child labour had been conducted. Belgium made recommendations.

35. Bolivia (Plurinational State of) highlighted progress made in areas such as the recognition of intercultural, ethnic, gender and religious diversity. It acknowledged the creation of a collective consciousness about Mother Earth. Bolivia asked about policies and actions regarding social inclusion and poverty reduction. Bolivia made a recommendation.

36. Brazil welcomed progress made in the field of poverty reduction and for the protection of public social spending. It congratulated Ecuador for its policy in support of persons with disabilities. Brazil encouraged Ecuador to continue to combat domestic violence. Brazil made a recommendation.

37. Cambodia praised the efforts made by Ecuador to combat poverty through social policies, and to mainstream gender perspectives into policies. Cambodia noted the State's efforts to carry out a judiciary reform and steps taken to protect children. Cambodia made a recommendation.

38. Canada asked about measures taken by Ecuador to ensure that judges, when adjudicating cases, were protected from undue influence. It commended Ecuador on its recent efforts to address weaknesses in the justice system and introduce reforms to the judiciary and the police. Canada made recommendations.

39. Chile noted the poverty reduction in Ecuador during the previous five years. It welcomed the Manuela Espejo solidarity mission aimed at promoting the rights of persons with disabilities and asked about the background to the initiative. Chile made recommendations.

40. China appreciated the national Plan for Good Living, the reduction in poverty and the increase in social expenditure. It noted with appreciation measures taken by Ecuador regarding economic social and cultural rights, and the rights of women and persons with disabilities. China called for continuing international assistance to Ecuador. China made a recommendation.

41. Colombia praised the progress made by Ecuador in the implementation of the recommendations of the universal periodic review and its voluntary pledges. It highlighted progress made in reducing poverty and the fight against discrimination and violence. Colombia appreciated the protection provided to migrants. Colombia made a recommendation.

42. The Congo referred to international human rights instruments ratified by Ecuador; the strengthening of its constitutional framework and national mechanisms to protect human rights; the incorporation of a system of social rehabilitation for persons deprived of liberty and the improvement of the penitentiary system.

43. Costa Rica commended Ecuador for the adoption of the new Constitution establishing a normative human rights framework. It highlighted the creation of the national

mechanism for the prevention of torture and efforts to guarantee the rights of persons with disabilities. Costa Rica made recommendations.

44. Cuba praised Ecuador for its progress in the implementation of the recommendations from their first universal periodic review and asked Ecuador to provide more information on programmes to implement the principle of food sovereignty included in the Constitution. Cuba made a recommendation.

45. The Democratic People's Republic of Korea welcomed initiatives to include human rights programmes and training in the strategic plan for the modernization of the police forces. It recognized that the Constitution of Ecuador stipulated attention to persons with disabilities. Democratic People's Republic of Korea made recommendations.

46. Djibouti commended Ecuador for its reform of the education system. It appreciated the spirit of the National Plan for Good Living 2009-2013 and that it was enshrined in the Constitution. Djibouti made recommendations.

47. The Dominican Republic commended efforts to address poverty. It praised Ecuador for its Child Development Programme to protect the rights of children between 0 and 5 years. It wished to know more about efforts to improve the penitentiary conditions. The Dominican Republic made recommendations.

48. Egypt noted the consultations conducted by Ecuador for the preparation of the national report. It noted with interest the changes in the new Constitution, which is focused on the people. Egypt expressed its belief that Ecuador had been a responsible member of the Human Rights Council. Egypt made recommendations.

49. El Salvador took note of the efforts made in establishing democratic institutions and achievements in public policies. It congratulated Ecuador for the changes in the Constitution and legislation, such as the inclusion of African-descendent collective rights, as well as programmes to address discrimination based on sexual orientation.

50. Estonia noted positive changes since 2008 and welcomed legal provisions to prevent discrimination based on sexual orientation and gender identity. Estonia observed that the independence of the judiciary still remained a challenge and expressed concern about some policies in the area of freedom of the press. Estonia made a recommendation.

51. Ethiopia praised Ecuador for its engagement with the universal periodic review mechanism. It highlighted efforts made by Ecuador to promote the rights of indigenous, Afro-descendent and Montubio people. Ethiopia appreciated the progress made in the implementation of humanitarian law at different levels and asked Ecuador to explain more about the legal reforms.

52. Finland appreciated the measures taken by Ecuador to improve the protection of children, in particular in its Constitution, and programmes implemented on birth registration. It noted, however, that many children remained unregistered and asked about efforts to address this situation. Finland made recommendations.

53. Ecuador thanked delegations for the generous comments made. It noted that the definition of a policy for the promotion and protection of human rights was the vital pillar that shaped the new Constitution. Ecuador was currently focused on generating conditions for "good living".

54. The delegation indicated that persons deprived of their liberty were considered a priority group for State action. The budget had been increased and new detention centres to address overcrowding had been built. In addition, priority attention had been given to children who were living in the prisons with their mothers. Ecuador was also investing in the training of prison staff and wardens.

55. Ecuador noted that as a result of a referendum, a restructuring programme of the judiciary was under way. Ecuador noted that there was absolute independence of the judiciary.

56. Regarding comments made by Belgium, Canada and Costa Rica on the freedom of expression and the press, the delegation wished to clarify that in Ecuador there was currently not a single journalist detained. Public official media and private agencies were not stigmatized verbally or physically, nor had any equipment been confiscated. Ecuador was indeed trying to develop the work of journalists, guaranteeing the freedom of the press and the freedom of expression.

57. On the law on contempt, Ecuador noted that the current Criminal Code dated back to 1938. For that reason, it had presented to the Assembly a new integral code. The code not only included new crimes, in accordance with the current needs of Ecuadorian society, but also established more efficient processes. With regard to the law on contempt in the new Criminal Code, Ecuador indicated that it had eliminated that law in the new legislation that was being promulgated.

58. On the issue of children of refugees, Ecuador noted that it was a pioneer and a model in terms of refugee status. Refugees did not live in Ecuador in tents or camps, and were fully integrated in the economy and the society. The country provided significant resources for the refugee population and was grateful for the assistance of the international community to UNHCR. Ecuador had been publicly recognized by UNHCR for its support and assistance to the refugee population.

59. With regard to the visit by the Special Rapporteur on the promotion and protection of the right to freedom of expression, Ecuador reiterated that it had a standing and open invitation to all international and regional special procedures mechanisms to visit the country. Ecuador had already agreed with the Special Rapporteur on the right to freedom of opinion and expression to visit Ecuador this year.

60. Ecuador further thanked delegations for comments made on the sovereign participation of Ecuador in the work of the Human Rights Council.

61. France welcomed the ratification by Ecuador of core international human rights instruments and its standing invitation to the special procedure mechanisms. France expressed concerns regarding freedom of expression and the persistence of child labour and violence against children in Ecuador. France made recommendations.

62. Germany was pleased to note that the Ecuadorian Constitution recognized the rights of indigenous peoples. However, it noted that no mechanism had been adopted yet to ensure their right to be consulted. Germany also referred to issues relating to freedom of expression. Germany made recommendations.

63. Guatemala recognized steps made to reduce poverty, unemployment and malnutrition. Guatemala praised Ecuador for its programmes for persons with disabilities, including an assistance programme on which it had a bilateral cooperation agreement with Ecuador. Guatemala thanked Ecuador for sharing good practices in this area. Guatemala further asked how the principle of universal citizenship was defined.

64. The Holy See noted the measures taken by Ecuador to protect the environment and indigenous and Afro-descendants' rights; and to combat poverty and illiteracy. It encouraged Ecuador to continue its efforts to prevent violent groups from establishing themselves in its territory. The Holy See made recommendations.

65. Honduras noted the programmes to protect the rights of migrants and the initiatives to eliminate child labour and ill-treatment. It asked what practical measures Ecuador had

taken to prevent children from working in mines and plantations. Honduras made a recommendation.

66. Hungary appreciated efforts to fight poverty and expressed interest in knowing more about the practical implementation of the National Plan for Good Living. It also asked to receive more information about the exact competences of the Constitutional Court. Hungary made recommendations.

67. India applauded efforts and achievements in poverty reduction and welcomed the commitment made by Ecuador in that regard. It encouraged Ecuador to take measures to further the enjoyment of the freedom of expression, including with regard to the media. India made recommendations.

68. Indonesia expressed its appreciation for measures to implement the recommendations from the 2008 universal periodic review process. It welcomed the enactment of the National Plan for Good Living and applauded efforts in the field of the right to education. Indonesia made recommendations.

69. Iran (Islamic Republic of) congratulated Ecuador for adopting an independent economic policy. It recognized the efforts made by Ecuador towards improving its citizens' quality of life by increasing its public investment in health, education and housing. Iran made recommendations.

70. Iraq appreciated the efforts made by Ecuador to strengthen concepts of democracy and human rights and basic freedoms. It referred to human rights instruments ratified by Ecuador and the establishment of the Defensoría del Pueblo. Iraq made recommendations.

71. Latvia, while noting the standing invitation by Ecuador to the special procedures mechanisms, noted that several requests from them to visit Ecuador had not yet been accepted. Latvia made recommendations.

72. Lebanon praised Ecuador for increasing access to health and education services and for efforts to reduce poverty. It commended the policy to promote a multicultural society and to guarantee cultural rights. Lebanon made recommendations.

73. Liechtenstein welcomed the adoption of the Crimes against Humanity Act. Liechtenstein noted that corporal punishment was still not prohibited at home. It noted that Ecuador was setting up a specialized body of judges to tackle violence against women, however it expressed concerns regarding access to justice for victims. Liechtenstein made recommendations.

74. Luxembourg welcomed the programmes to combat poverty, efforts to combat child malnutrition and to guarantee the right to food. It was concerned about allegations of intimidation against journalists and human rights defenders. It noted that progress should be made regarding the situation of women. Luxembourg made recommendations.

75. Malaysia noted the 2008 Constitution, the establishment of the National Plan for Good Living, and progress regarding women's rights. Malaysia asked Ecuador to share information on the progress made regarding the judiciary and violence against women. Malaysia made recommendations.

76. Mexico recognized that Ecuador had made constitutional progress, such as the approval of the use of referendums and in making registration in the social security system compulsory. It commended Ecuador for the adoption of the law to tackle violence against women and domestic violence. Mexico made recommendations.

77. Morocco noted the human rights instruments ratified by Ecuador and its cooperation with special procedures. It welcomed the new Constitution, which recognized that Ecuador was a multicultural State. Morocco made recommendations.

78. Myanmar welcomed the efforts made by Ecuador to improve the rights of women and children; to address violence against women, and to eliminate child labour and ill-treatment. Myanmar made recommendations.

79. Nicaragua commended Ecuador for its National Plan for Good Living, and its shared vision to recognize the citizen as a subject of rights and centre of human development. It wished to be informed about actions being taken to address inequalities in the society. Nicaragua made a recommendation.

80. In response to comments made by various delegations, Ecuador recalled that it considered the right to human development to be one of the key human rights guaranteed under government policies, at the heart of which was its successful *buen vivir* (good living) plan. Its poverty-reduction policy had been successful, leading to a sharp decrease in poverty between 2006 and 2011.

81. Regarding the comments made by Nicaragua, Ecuador emphasized that the inequality gap had narrowed, as recognized by the Economic Commission for Latin America and the Caribbean. Child labour had also been reduced and was no longer dependent on the economic cycle. Ecuador had grown accustomed to inequality, poverty and exclusion in the past, but the Plan for Good Living was helping to bring a previously ignored sector of the population to the forefront of public policy.

82. Turning to universal citizenship and migration policies, the delegation noted that the 2008 Constitution recognized and protected the rights of migrants and their families. The right to migration had been established, and a person with migrant status could not be deemed illegal. Less restrictive policies on human mobility had been introduced, such as allowing foreign nationals to enter the country without a visa for 90 days, with their full rights guaranteed during their stay. The State had a duty to ensure that Ecuadorians living abroad enjoyed their rights. Those living abroad for economic reasons had been a Government priority, with special institutions established to cater for the needs of Ecuadorian migrants abroad, including ensuring they received social security benefits while overseas. Meanwhile, many Ecuadorians had returned home since the economic upturn.

83. With regard to comments on prior consultation with indigenous peoples, Ecuador had ratified International Labour Organization Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries, and the 2008 Constitution included prior consultation with indigenous peoples. The Constitution provided for indigenous communities to receive a share of development project profits and compensation where appropriate. Furthermore, the courts had stipulated how prior consultations should take place, requiring the participation of and dialogue with indigenous authorities, and the conducting of cultural, environmental and social impact studies prior to oil or mining projects.

84. With respect to the comment on preventing organized violent groups from establishing themselves in Ecuador, the delegation recalled that when violent situations had arisen in neighbouring countries, Ecuador had helped those countries while taking steps to prevent such problems occurring in its country. No organized groups were carrying out violent activities in Ecuador, but when they had occasionally entered Ecuador, the Government had detained, prosecuted or returned those responsible to their countries of origin.

85. There was a misperception that many people were currently held in prison for violent social protests, but the delegation stressed that only one person, an alleged student leader, had been prosecuted, convicted and imprisoned for a violent attack on the Vice-Rector of the country's main university. The delegation said that the 1938 Criminal Code was under review, since the crime of "sabotage", as such violent acts were known under the Code, referred solely to paralysis of public services.

86. With regard to the issue raised by Hungary relating to the treatment of persons deprived of their liberty, the delegation clarified that convicted persons were always held separate from those awaiting trial.

87. As regards the comments made by Mexico on police abuse, Ecuador noted that all cases of alleged violations of human rights had been brought before the Truth Commission. The police and armed forces nationwide underwent human rights training, which was a core element of police training programmes. Ecuador was also one of the first Latin American countries to regulate detention, the use of force and weapons and support for police officers.

88. Regarding the views expressed by Liechtenstein, Malaysia, Luxembourg and Morocco on the role of specialized judges in cases of violence against women and domestic violence, the Judiciary Act of 2009 had provided for judges specializing in the family, women and youth, and child-friendly facilities were currently being installed in family courts.

89. Measures to transform the judiciary included a gender-based approach, and parity was a consideration in the selection of judges. Moreover, the Public Defender's Office ensured that women, children and victims of violence would be equally and fairly represented and defended. The draft bill presented in 2011 to reform the Criminal Code criminalized domestic violence.

90. Turning to the comments made by Djibouti, the delegation highlighted that increased rights among Afro-Ecuadorians was reflected in higher school attendance rates and greater enrolment in higher education.

91. Norway recognized the commitment of Ecuador to strengthen its national system for the protection of human rights. It commended progress with regard to ensuring social and economic rights for marginalized groups and for reducing poverty. Norway made recommendations.

92. Pakistan noted the renewed commitment made by Ecuador for the promotion and protection of human rights as reflected in its constitutional provisions. It appreciated the State's emphasis on social and economic development for the realization of the fundamental rights of its people. Pakistan made a recommendation.

93. Palestine referred to new social and economic policies to reduce poverty. It praised Ecuador for its efforts to introduce a national plan to progressively eradicate child labour. It asked about procedures taken by Ecuador in fighting poverty. Palestine made recommendations.

94. Paraguay saluted the results of public policies to address poverty, as well as to eradicate child labour. It commended Ecuador for the implementation of recommendations from its first review, highlighting in particular efforts to reform the penitentiary system. Paraguay made a recommendation.

95. Peru welcomed the different measures that Ecuador had taken to comply fully and appropriately with the 10 recommendations made during the first cycle of the universal periodic review. Peru made recommendations.

96. Philippines congratulated Ecuador for its new Constitution focused on its people and the environment. It welcomed the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Philippines wished Ecuador success in its efforts to create a more just and rights-based society. The Philippines made a recommendation.

97. Qatar welcomed the seriousness with which Ecuador had dealt with the recommendations from the universal periodic review. It welcomed the adoption of the new

Constitution, which guaranteed democratic processes, as well as progress made in promoting women's participation in public life. Qatar made a recommendation.

98. Romania commended Ecuador for the implementation of the recommendations from its review in 2008. It noted progress made with respect to protecting economic, social and cultural rights as well as civil and political rights. It asked how Ecuador addressed the high rate of women's underemployment and unemployment, especially in the rural areas.

99. The Russian Federation noted progress on protecting human rights, including the right to water, healthy food and cultural diversity. It noted the adoption of the Constitution, which paid attention to the rights of vulnerable groups. The Russian Federation made a recommendation.

100. Saudi Arabia recognized the measures taken by Ecuador to reduce poverty, to ensure a comprehensive social development and to increase public spending. Saudi Arabia made a recommendation.

101. Singapore noted significant changes in Ecuador under the 2008 Constitution, and policies focused on people-centred development and better enjoyment of human rights. It also noted progress in combating poverty, in education and in the reduction of child labour. Singapore made recommendations.

102. Slovakia acknowledged the adoption of the 2008 Constitution and commended Ecuador for its ratification of many human rights instruments. Slovakia made recommendations.

103. Slovenia commended Ecuador for steps taken to improve the education system and increase enrolment rate. However, it noted discrepancies in access to education and the persistence of discrimination faced by indigenous and Afro-descendent women. Slovenia made recommendations.

104. South Africa commended the progress made by Ecuador in poverty eradication and efforts to create a just and equal society. It encouraged Ecuador to strengthen its institutions of governance and the protection regime for the most vulnerable groups. South Africa made recommendations.

105. Spain commended Ecuador for recent efforts, such as the adoption of the new Constitution establishing a broad human rights framework. It noted that Ecuador had ratified the Rome Statute and had extended a standing invitation to the Human Rights Council special procedures. Spain made recommendations.

106. Sri Lanka commended the efforts made by Ecuador to protect human rights, including the innovative approach to protect the environment and to combat climate change. It welcomed efforts to combat violence against women, to eradicate child labour and to reduce poverty. Sri Lanka made a recommendation.

107. Sweden referred to the situation regarding freedom of opinion and expression, and freedom of the press. While making reference to a number of reported measures, it noted that domestic violence and sexual violence against women continue to be widespread. Sweden made recommendations.

108. Switzerland commended Ecuador for the adoption of a new constitutional framework. It referred to efforts to reform the judiciary and raised concerns regarding the regulation to control and limit the activities of non-governmental organizations (NGOs). Switzerland made recommendations.

109. The Syrian Arab Republic congratulated Ecuador on its achievements in reducing the income gap, particularly in the areas of education, public health and social services. It appreciated the increased investment in education. It made recommendations.

110. Thailand welcomed the people- and environment-centred Constitution, particularly the recognition of the rights of nature. It appreciated efforts to promote a multinational and multicultural society and all rights relating to good living. Thailand noted the State's rights-based approach to improvement of prisons conditions and offered to share its experience in the treatment of women prisoners. Thailand made recommendations.

111. Turkey appreciated the economic achievements accompanied with social, inclusive and redistributive policies. It noted that the Constitution upheld children's rights, as well as steps taken to address violence against women. Turkey made a recommendation.

112. The United Kingdom stated that the social policies had led to improvements in areas such as education, health and the rights of ethnic and sexual minorities and the elderly. It recognized efforts made in the prosecution of past human rights violations. It noted concerns raised by NGOs regarding potential restrictions on freedom of expression. The United Kingdom made a recommendation.

113. The United States of America viewed as positive the Act Prohibiting Violence against Women and the Family. It was concerned at the attacks on journalists in Ecuador and actions taken to limit freedom of expression. It expressed concerns regarding the judicial system and corruption. It made recommendations.

114. Uruguay expressed its hope that the follow-up to the second cycle of the universal periodic review would strengthen cooperation with the United Nations system and improve the quality of the State's policies. It congratulated Ecuador for its achievements in eradicating poverty as well as for the growth in public spending in the areas of economic, social and cultural rights. Uruguay made recommendations.

115. Belarus noted the measures adopted to improve the legal framework and the necessity of ensuring the social rights for its citizens and encouraging cultural diversity. It welcomed policies guaranteeing social protection for vulnerable groups and persons with disabilities, as well as those aimed at combating trafficking in persons. Belarus made a recommendation.

116. Viet Nam noted the efforts made by Ecuador to eradicate child labour and trafficking in persons. It also noted that the enjoyment of human rights has improved thanks to policies under the new Constitution, such as the Zero Malnutrition programme. It made a recommendation.

117. Zimbabwe noted the State's promotion of the welfare of its people through its prioritization of the fight against poverty. It also noted measures regarding drinking water, food security, a healthy environment, education, housing, prison reform, police training, gender-based violence, judicial reform and trafficking in persons. Zimbabwe made a recommendation.

118. Algeria noted that Ecuador adopted in 2008 a Constitution establishing innovative human rights mechanisms and promoting a culturally adapted health system. It also noted the 2011 law on intercultural education. Algeria called on the international community to accompany Ecuador in its efforts.

119. Argentina commended Ecuador for its National Plan for Good Living, as well as for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. Argentina made recommendations.

120. Australia commended Ecuador on advancements under its new Constitution, on achievements in the promotion of the rights of persons with disabilities and on refugee policies. It welcomed the continued strengthening of the Public Defender's Office. It looked forward to further efforts to ensure press freedoms. Australia made recommendations.

121. Austria remained concerned about restrictions on and regulations of the media and civil society, including “*desacato*” laws and a series of criminal proceedings. It asked for information on the steps Ecuador intended to take to ensure the safety of journalists. Austria made recommendations.

122. Azerbaijan referred to recommendations made during the first cycle of the universal periodic review, especially those concerning the judicial reforms. It welcomed efforts to combat poverty and asked about cooperation with the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, and the dynamics of due reporting processes. Azerbaijan made recommendations.

123. Bahrain paid tribute to Ecuador for its programmes to protect human rights, including the right to development, with a view to achieve the Millennium Development Goals. It further commended efforts to promote access to education and health care for all, gender equality and non-discrimination, as well as the promotion of the rights of persons with disabilities.

124. Bangladesh appreciated the efforts made by Ecuador to guarantee economic, social and cultural rights, as well as civil and political rights for its people. Bangladesh commended progress in the areas of education, health, housing and poverty reduction. It noted efforts for the protection of Mother Earth and for according priority to persons with disabilities, the elderly and migrants.

125. On the issue of unemployment, the delegation stated that government efforts had resulted in a significant reduction; indeed, Ecuador currently had an overall unemployment rate of 4.2 per cent, the lowest ever recorded and at a time of global financial crisis.

126. Ecuador had launched a national plan to combat racial discrimination and for the first time in its history, in March 2012 21 indigenous persons (11 Afro-Ecuadorians and 10 Montubios), out of a total of 70 persons, had been selected through a competitive exam and affirmative action, to enter the diplomatic service.

127. Concerning comments on gender equality and women’s rights, specifically on eliminating gender-based domestic violence, the delegation reiterated that a specialized court had been established to deal with such issues and noted that measures, such as special hospital units, had been adopted to provide victims with protection and care. Furthermore, the Government had introduced policies to improve women’s rights and opportunities at work, including the appointment of a significant number of women to decision-making positions at the ministerial level and the National Court of Justice.

128. The delegation stated that no journalists were subject to harassment or assault by the Government or other groups. Moreover, Ecuador respected the work undertaken by NGOs, provided that they abided by the law.

129. With regard to the comments of the United States, the delegation emphasized that Ecuador not only fully respected but promoted freedom of expression, and reiterated the open invitation to all to visit the country and see for themselves. Moreover, Ecuador respected the right to dignity and honour as enshrined in the Constitution and the American Convention on Human Rights, which Ecuador had ratified, together with some countries of the region, while others had not.

130. Referring to questions and comments on the development of education in a plurinational, intercultural State, the delegation drew attention to a new organizational act on intercultural education, which extended educational rights and introduced regulations to ensure that education adhered to the principles of universality, freedom, participation, equality and non-discrimination. In 2010, a new organizational act on higher education had also been passed, stipulating that higher education should be free for all, in order to increase enrolment.

131. Turning to the positive comments made by Sri Lanka, the delegation added that the new Constitution adopted in 2008 had been categorized as the greenest on the planet, setting forth principles such as the rights of nature, a precautionary approach ensuring the avoidance of any action the impact of which might be uncertain, and avoiding acting purely on grounds of economic growth. Ecuador was committed to safeguarding its extensive national park areas and had decided not to exploit its oil reserves as its contribution to ensure shared responsibility for tackling the climate crisis.

132. The delegation reiterated its invitation for independent experts and special rapporteurs to visit Ecuador to see how human rights were implemented and the extent to which facilities had been made available to all human rights defenders, for which Ecuador had been congratulated by the Special Rapporteur on the situation of human rights defenders.

133. Ecuador extended an invitation, open to all, to visit Ecuador to experience its hospitality and to see all its achievements.

## **II. Conclusions and/or recommendations\*\***

134. **The recommendations formulated during the interactive dialogue and listed below have been examined and enjoy the support of Ecuador:**

134.1. **Ratify the Optional Protocol to the Convention on the Rights of the Child related to individual complaints (Chile); Consider an early ratification of the newest international HR instrument –the third OP to CRC on a communication procedure (Slovakia);**

134.2. **Ratify the Kampala amendments to the Rome Statute (Liechtenstein);**

134.3. **Consider ratifying ILO Convention 189 concerning Decent Work for Domestic Workers (Philippines).**

135. **The following recommendations enjoy the support of Ecuador, which considers that they are already implemented or in the process of implementation:**

135.1. **Accede to the Convention on the Reduction of Statelessness (Iraq);**

135.2. **Maintain its positive efforts in the current process of reviewing its national laws with a view to bringing them in line with its international human rights obligations (Egypt);**

135.3. **Promptly take the necessary measures to incorporate in the domestic law the provisions of the Convention against Torture and the Convention for the Protection of All Persons from Enforced Disappearances, in order to ensure its effective implementation (France);**

135.4. **Fully align its national legislation with all obligations under the Rome Statute of the International Criminal Court, including incorporating the Rome Statute definition of crimes and general principles, as well as adopting provisions enabling cooperation with the Court (Latvia); Fully cooperate with the International Criminal Court and fully align its national legislation with the obligations under the Rome Statute and definitions of crimes and principles**

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\*\* Conclusions and recommendations have not been edited.

(Liechtenstein); Fully align Ecuador's national legislation with all obligations arising out of the Rome Statute of the ICC (Slovakia);

135.5. Continue increasing the public budget on health, education and social well-being (Brazil);

135.6. Continue with all its endeavours to ensure further success in the implementation of the recently established programmes/instruments, including the national plan against human trafficking, for the benefit of all people in the country irrespective of their ethnic origin, or any other social background/status (Cambodia);

135.7. Address the recommendation made in 2009 by the then Independent Expert on Extreme Poverty and Human Rights, regarding the major efforts to be undertaken to incorporate and coordinate social programmes with a cultural approach and a gender perspective (Chile);

135.8. Continue its plan for social and economic development further to protect the rights of women and children so as to achieve comprehensive social and economic development (China); Continue the full implementation of the National Plan for Good Living 2009-2013 (Indonesia); Continue its economic and social policies, and to pay more attention and efforts on improving the quality of life of people living in rural areas and suffering from social exclusion (Iran); Continue efforts to guarantee a life with dignity for its citizens (Lebanon); Continue implementing national policies to ensure socio-political and economic transformation with a human rights perspective (Syria);

135.9. Continue with the social investment focusing on the most vulnerable sectors of the population, particularly the elderly, women, children and other groups in situation of vulnerability (Dominican Republic);

135.10. Continue the policies that made the progress in terms of special protection of children incorporated in the Code of Children and Adolescents (Iran);

135.11. Continue implementing programmes and policies in the area of training aiming at strengthening and developing individual capacities (Qatar);

135.12. Continue efforts to strengthen necessary measures for the protection of the rights of the elderly (Argentina);

135.13. Accept the request of the Special Rapporteur on freedom of expression to visit the country which had been requested in 2004 (Belgium); Accept the request made by the Special Rapporteur on freedom of opinion and expression, which has been awaiting a response since 2004 (Latvia);

135.14. Continue promoting the active and effective participation of women at all decision levels (Morocco); Continue to combat all forms of discrimination against women (Djibouti); Strengthen legal protection for women and ensure gender equality and non-discrimination (Iraq); Continue efforts to tackle gender discrimination, particularly in the areas of education and employment (Myanmar); Increase public awareness about the prohibition of gender discrimination, in particular in the areas of education and employment (Slovenia);

135.15. Continue to implement programmes aimed at alleviating the poverty of Afro-Ecuadorian families and facilitate their full participation in public life (Djibouti);

- 135.16. Step up its efforts in favour of gender equality and racial equality (Lebanon);
- 135.17. Redouble its efforts to firmly combat discriminatory practices (Luxembourg);
- 135.18. Continue the enhancement of equal access to opportunities and services by the vulnerable communities (Myanmar);
- 135.19. Strengthen its policies focused on vulnerable groups such as children, women, older people and its fight against any form of discrimination and violation of their human rights (Vietnam);
- 135.20. Reduce maternal and child mortality in rural and urban areas, through specific plans on sanitary assistance to pregnant women and during the post-natal period (Holy See);
- 135.21. Increase measures to prevent the “loan or rental of children” for sexual exploitation, carrying out forced labour activities and begging, as recommended by the Committee on the Rights of the Child (Uruguay); Introduce legislation to prohibit corporal punishment in all areas, including in the family, school and all places of deprivation of liberty, taking into account general comment No. 8 of the Committee (Uruguay);
- 135.22. Take steps to prohibit corporal punishment of children in all settings (Slovenia); Pursue their policies to combat child labour and ill-treatment of children in all its forms (Djibouti); Take appropriate legislative measures to ban violence against children, including corporal punishment (France); Introduce and enforce legislation prohibiting corporal punishment of children in all settings, including in the family, schools and all places of deprivation of liberty (Liechtenstein);
- 135.23. Continue efforts to eliminate child labour to attain an harmonic development of children in a spirit of sociocultural and an environment of protection and well-being. (Dominican Republic); Continue its efforts to eradicate child labour and further enhance the protection of the rights of the child (Singapore); Exert its utmost efforts to eradicate the persistent widespread phenomenon of child labour (Slovakia); Redouble efforts to eliminate child labour (Slovenia); Further strategies in cooperation with the International Labour Organisation (ILO) to eradicate child labour (Australia); Continue its efforts aimed at eliminating child labour and ensuring an education with dignity and of quality for Ecuadorian children and adolescents (Venezuela);
- 135.24. Continue these efforts to guarantee the respect of all human rights by members of the National Police (Democratic People’s Republic of Korea); Continue its efforts to improve detention conditions, especially those that aim at addressing the problem of overcrowding (India);
- 135.25. In the area of penitentiary reform, continue making efforts to implement the new social rehabilitation system; to build new prisons as well as to train the security and penitentiary personnel working in the prison centres, which would result in the well-fare of persons deprived of their liberty (Peru); Continue advancing in the modernization and improvement of the penitentiary system, with special attention to the conditions of persons deprived of their liberty (Spain); Adopt appropriate legislation to separate persons deprived of their liberty on trial and facing charges from those already serving a sentence (Hungary); Continue reform and further training to ensure the end of ill-treatment during police detention (Australia); Further promote prisoners’ well-

being and communication, particularly of those non-Spanish speaking, to equally gain access to relevant rights such as medical treatment and occupational courses (Thailand);

135.26. Strengthen its efforts to promote and protect the rights of women prisoners, pregnant women prisoners and children born in prison, especially in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the “Bangkok Rules” (Thailand);

135.27. Strengthening efforts to address trafficking in persons, especially women and children, and sexual violence (South Africa); Further reinforce efforts to combat human trafficking and to protect victims of such crime, especially women and children (Sri Lanka); Step up its further efforts to combat trafficking in persons including continue the practice of developing national plans of actions and other strategies in this area (Belarus);

135.28. Ensure prompt, impartial and timely investigation of all police abuses in order to bring perpetrators to justice and put an end to impunity and the lack of accountability for police abuses (Latvia); Conduct thorough, impartial, and timely investigations into all allegations of police and judicial misconduct of corruption (United States of America);

135.29. Ensure that cases of excessive use of force and violence by security forces and prison authorities are immediately stopped and investigated by an independent and impartial authority (Austria);

135.30. Continue advancing in the implementation of the specialized body of judges to tackle violence against women and the family (Colombia); Continue its efforts to alleviate violence against women, by establishing courts specialized in women’s issues and family violence (Iran);

135.31. Continue its efforts to guarantee access to justice and the provision of timely, efficient, effective and high-quality services (Azerbaijan); Continue with the processes of review and reform of the judiciary so as to guarantee an independent and effective system for all (Costa Rica); Step up efforts to expedite the judicial reform process to ensure guaranteed access to justice and the provision of timely, efficient, effective and high-quality services for the people of Ecuador (Malaysia); Ensure that the Transitional Judicial Council appointed to reform the justice system operates independently of the government (United States of America); Share an evaluation on progress in the implementation of the Programme to Restructure the Justice system by the Transition Council of the Judiciary (Mexico); In the field of the judicial reform system, continue implementing and taking further the Programme to Restructure the Justice system, through on-going training for public officials in the judiciary aiming at materializing a management model to guarantee access to justice in a timely, efficient, effective and quality manner (Peru); Continue to adopt measures aiming at further refining its judicial system, reforming law enforcement bodies and curbing crime and corruptions levels (Russian Federation); Continue its efforts at reforming the judicial system, and the rehabilitation of the prison community with a view to reintegration into society (South Africa); Continue the reform of the judicial system to guarantee and strengthen the independence of the judiciary, and to ensure a higher degree in solving cases and in the implementation of judicial decisions. Especially convenient would be the establishment of a training plan in the area of human rights for its application among officials of the Judiciary (Spain); Guarantee

the independence of the judicial system, ensuring transparency and a democratic character in the process in the selection of judges (Switzerland); Guarantee the Independence of the judiciary and continue the fight against corruption (Austria); 13. Continue with the country's decision to restructure its justice and legal system and ensure that measures taken in this regard are in compliance with human rights instruments (India);<sup>1</sup>

135.32. Strengthen attention to recommendations from the Truth Commission concerning mechanisms for reparation, restitution, rehabilitation and guarantees that such violations do not occur again, received in 2010 by the Prosecutor-General's Office (Mexico);

135.33. Strengthen its efforts to achieve universal birth registration, including by establishing permanent and automated birth registration services in all pre-and post natal healthcare institutions. These services should be accessible to all people throughout the whole country, including in rural areas (Finland); Take actions to achieve universal birth registration (Mexico); Take targeted measures to address the situation of girls and the challenge of ensuring the accessibility to registration for indigenous peoples and people of African descent as well as for migrant families. The right of every child to a name and nationality should be guaranteed (Finland);

135.34. Safeguard the family institution and matrimony as the conjugal union between a man and a woman, based on the free consent as requested by the human nature and idiosyncrasy of the Ecuadorian people (Holy See);

135.35. Set the minimum age for contracting marriage at 18 years for girls and boys (Turkey);

135.36. Continue making efforts to guarantee all Ecuadorians the right to free intercultural, diverse and participative communication in all environments and media and the right to search, receive, exchange produce and circulate truthful, verified, timely, contextualized and plural information (Peru);

135.37. Ensure that community activists and indigenous leaders can exercise their right to peaceful assembly and protest and that anti-terrorist legislation is not misused to inappropriately censure such activities (Canada);

135.38. Undertake a review of existing and proposed legislation relating to freedom of expression and media freedom to ensure its alignment with international standards, and more specifically, eliminate any existing criminal defamation provisions, also known as desacato laws (Canada); Decriminalize defamation and make the necessary amendments in this regard, in line with Inter-American and international standards (Norway); Repeal all legal provisions that contravene international norms on freedom of expression, especially all insult laws and all norms that criminalize defamation of public officials and institutions (Latvia); Align criminal legislation on insult and defamation with international standards governing freedom of expression. It hoped that these important elements would be taken into account in the ongoing reform of the Penal Code (Belgium); Guarantee in all circumstances the independence of the media and take the necessary measures in order that domestic legislation on the offense against honour and defamation does not

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<sup>1</sup> The recommendation as read during the interactive dialogue: Continue with this effort and ensure that measures taken in this regard are in compliance with human rights standards (India).

undermine the freedom of expression (France); Respect the right to freedom of expression and peaceful demonstration, and restrict to the absolute minimum the use of criminal prosecutions against people who exercise these rights (Belgium); Consider taking measures to guarantee freedom of expression, particularly the freedom of the press and to harmonize national legislation in this area with international norms (Costa Rica); Stick to its international commitments, particularly to article 19 of the International Covenant on Civil and Political Rights (Estonia);

135.39. Create an enabling legal environment for civil society organizations to contribute to democratic governance by creating entry points for dialogue and refraining from restricting their freedom to operate independently and freely (Canada); Ensure that criminal provisions are not misused to curb the ability of human rights defenders or other protesters to exercise their rights to freedom of expression, assembly and association and that appropriate authorities reconsider the cases of those arrested and prosecuted (Germany); Facilitate that different civil society actors express their views and opinions with responsibility and objectivity (Holy See);

135.40. Protect human rights defenders and journalists against harassment and attacks and to fully ensure freedom of assembly (Latvia); Guarantee to everyone, including journalists and human rights defenders, enjoyment of freedom of expression (Luxembourg); Protect the right to freedom of expression for journalists (Australia); Develop mechanisms to improve the safety of journalists and ensure that all cases of attacks are investigated by independent and impartial bodies (Austria);

135.41. Continue incorporating effective forms of participation of its citizens in the process of decision-making, specially through the mechanisms of a representative, direct and community democracy aiming at the development of the country in all issues of public interest with a special emphasis on the needs of persons that require priority attention (Nicaragua);

135.42. Allow national and international human rights organisations the space to undertake their non-violent advocacy, campaigning, reporting and investigative work and that the Government of Ecuador engage constructively with human rights defenders in seeking solutions to address Ecuador's human rights challenges (Norway);

135.43. Continue its efforts to promote diversity in the society by using mass media (Pakistan);

135.44. Promote, protect and respect the right to freedom of expression, assembly and association in compliance with country's international HR obligations (Slovakia); Ensure that all human rights activists operating in the country, including individuals cooperating with United Nations human rights mechanisms, are spared from any criminalisation, harassment or intimidation and can perform freely their legitimate duties (Slovakia); Examine recent restrictive legislation on NGOs with a view to prevent that legitimate demonstrations and protests by civil society can be taken to Court or criminalized under the penal definition of "terrorism" or "sabotage" (Spain); Engage in a constructive dialogue with the media, NGOs and international bodies to promote freedom of expression in Ecuador (United Kingdom of Great Britain and Northern Ireland); Promote and protect the right to freedom of opinion and expression, in accordance with what is stated in article 19 of the Universal Declaration of Human Rights (Sweden); Ensure that Decrees No. 982

and No. 812, with regard to the freedom of association, freedom of assembly and freedom of expression, are not applied to block the legitimate work of NGOs (Switzerland); Make sure that the Presidential Decree No. 982 is not applied as a way to impede the work of human rights defenders (Austria);

135.45. **Keep combating discrimination in respect of employment and occupation for this important group of people, in accordance with Ecuador's Constitution and law (Democratic People's Republic of Korea);**

135.46. **Continue the application of the rights related to good living including food sovereignty and healthy environment (Palestine);<sup>2</sup>**

135.47. **Continue its efforts to promote and protect human rights in general and particularly, combat poverty (Saudi Arabia);**

135.48. **Continue its efforts in combating poverty, and in improving the levels of education and health of its people (Singapore);**

135.49. **Continue to consolidate its economic and social programmes for the betterment of its people and the full realisation of their human rights (Zimbabwe);**

135.50. **Continue efforts to fight poverty and consider including in the programmes persons with disabilities (Argentina);**

135.51. **Further its measures aimed at reduction of poverty and dealing with food insecurity and access to water resources (Azerbaijan);**

135.52. **Continue implementing solidarity programmes and initiatives aimed at guaranteeing the enjoyment of the right to quality health services by the people (Cuba);**

135.53. **Strengthen measures to address teenage pregnancy, promoting access to reproductive health services including sexual and reproductive health education, as well as counselling services and health care adapted to young people (Uruguay);**

135.54. **Ensure that all women have easy access to good quality health services, taking into account cultural differences (Uruguay);**

135.55. **Take further steps to improve the quality of education and take all measures to ensure that children complete primary and secondary school by addressing the reasons behind the non-completion of schooling (Egypt); Ensure continuous progress in addressing the right to education (Indonesia); Continue adopting measures to strength intercultural education and human rights education (Mexico); Pursue its efforts reforming the education system as it is an important element in minimizing poverty (Palestine); Develop a mechanism to gather statistics on education of indigenous groups (Slovenia); Further elaborate and integrate a gender perspective in the national education system (Sweden);**

135.56. **Continue to work on the implementation of policies that guarantee respect of the rights of persons with disabilities (Venezuela); Keep on efforts, both on legal and procedural grounds, to ensure full respect and protection for**

<sup>2</sup> The recommendation as read during the interactive dialogue: Accelerate the application of the rights related to good living including food sovereignty and healthy environment (Palestine).

the rights of persons with disabilities, including access to education and providing resources in that regard (Egypt);

135.57. **Adopt special measures for the realisation of collective rights of indigenous peoples and the adoption of mechanisms to ensure their right to be consulted (Hungary); Undertake effective measures to further strengthen the existing mechanisms for consultation with the indigenous population on issues which have an impact on the economic and social aspects of the indigenous population (Malaysia); Continue to improve the promotion and protection of the rights of indigenous peoples, in particular the respect of their cultural and linguistic diversity, and further think about programmes and policies for indigenous peoples, particularly focusing on women and children (Morocco); Institutionalize the right to consultation of the indigenous population and involve civil society and indigenous groups in the elaboration of a functioning consultation mechanism in line with Ecuador's commitments under ILO-Convention 169 (Norway);**

135.58. **Adopt legislation to guarantee the fulfilment of the collective rights of the indigenous population and Afro-Ecuadoreans, so as to increase affirmative actions in favours of racial and gender equality (Paraguay);**

135.59. **Establish clearly defined programmes to ensure improvement of the labour situation of migrant women in situations of vulnerability (Honduras); Provide basic guarantees for migrant workers in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Iraq);**

135.60. **Take necessary measures to eradicate the tendency and/or dissemination, through mass media, of stereotypes that could lead to the discrimination of migrants and refugees (Argentina);**

135.61. **Continue with its policy of recognition and promotion of the rights of nature, the promotion of the use of non-pollutant or of low impact technology and alternative energies (Bolivia); Continue to take measures in positive aspects of the State's approach to the environment (Iran).**

136. **The recommendations below did not enjoy the support of Ecuador which provided comments:**

136.1. **Reform legislation regarding freedom of expression with a view to bringing it in conformity with international standards and those of the Inter-American Commission on Human Rights (Switzerland);**

The Ecuadorian State has signed and ratified the American Convention on Human Rights (Pact of San José), which clearly establishes the mandatory compliance of the Inter-American Court of Human Rights' decisions, granting the latter the possibility to interpret and apply the norms of the previously mentioned Convention. For that reason, respectful as we are of our international obligations, we cannot accept to reform our legal framework in accordance with standards from the Inter-American Commission of Human Rights, when it is the Court, not the Commission, which has judicial competency over this matter.

136.2. **Eliminate laws that criminalize opinion and accept visit requests from the OAS and the United Nations Special Rapporteurs on Freedom of Expression (United States of America);**

In Ecuador, there are no laws that "criminalize opinion". As a consequence, we cannot eliminate inexistent laws. It is important to mention that no requests from

Special Rapporteurs have been denied, both from the UN and the OAS. On the contrary, Ecuador maintains standing invitations for all Special Rapporteurs.

**136.3. Establish clear consultation procedures in order to implement the right to free, prior and informed consent of indigenous peoples as contained in the Constitution (Germany);**

The Constitution of the Ecuadorian State establishes consultation as a right of all Ecuadorians, but particularly for communities, peoples and nationalities, a previous, free and informed consultation, but not their consent. Additionally, it is necessary to indicate that Ecuador recognizes the existence of indigenous peoples living in voluntary isolation, with the consequent obligation of guaranteeing their lives, of respecting and making others respect their self-determination and will to remain in isolation, and defend the validity of their rights, which turns unviable obtaining their consent.

**137. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

### **III. Voluntary pledges and commitments**

138. The State of Ecuador assumed the following voluntary commitments:

- (a) To continue its efforts to implement a human rights information system with support from OHCHR;
- (b) To share with the public sector and with civil society the recommendations and voluntary commitments from the second universal periodic review;
- (c) To share the Ecuadorian experience and provide interested countries with assistance relating to its programmes in the field of inclusion of persons with disabilities;
- (d) To develop monitoring mechanisms for following up the implementation of recommendations from the universal periodic review;
- (e) To ratify communication procedures relating to human rights treaties.

## Annex

*[English/Spanish only]*

### Composition of the delegation

The delegation of Ecuador was headed by His Excellency Mr. Lenin Moreno Garcés, Vice-president of Ecuador and composed of the following members:

- Lenin Moreno Garcés, Vicepresidente del Ecuador, Jefe de Delegación;
- Ricardo Patiño Aroca, Ministro de Relaciones Exteriores, Comercio e Integración;
- Johana Pesantez Benítez, Ministra de Justicia, Derechos Humanos y Cultos;
- Fander Falconí Benítez, Secretario Nacional de Planificación y Desarrollo;
- Fernando Alvarado, Secretario Nacional de Comunicación;
- Luis Benigno Gallegos, Embajador, Representante Permanente del Ecuador ONU-Ginebra;
- Alfonso Morales Suárez, Embajador Representante Permanente alterno del Ecuador ONU-Ginebra;
- Hugo Arias Palacios, Coordinador General de Derechos y Garantías de l Ministerio de Relaciones Exteriores, Comercio e Integración;
- María del Carmen Jácome, Subsecretaria de Derechos Humanos del Ministerio de Justicia, Derechos Humanos y Cultos;
- Andrés Michelena, Subsecretario de Comunicación Social de la Vicepresidencia;
- Giovanni Rivadeneira, Procurador del Consejo de Discapacidades;
- Alexis Ponce, Director de Derechos Humanos y Asuntos Sociales;
- Juan Pablo Cadena, Director de Análisis Político del Ministerio de Relaciones Exteriores, Comercio e Integración;
- Luis Enrique Mueckay Arcos, Director de Promoción Cultural e Intercultural del Ministerio de Relaciones Exteriores, Comercio e Integración;
- Xavier Torres, Asesor de la Vicepresidencia de la República;
- Eduardo Mangas, Asesor del Ministro de Relaciones Exteriores, Comercio e Integración;
- Cecilia Ortiz Yépez, Asesora de la Ministra de Justicia, Derechos Humanos y Cultos;
- Ana Lucía Torres, Asesora del Secretario Nacional de Planificación y Desarrollo;
- Adrián López, Asesor de la Subsecretaría de Derechos Humanos del Ministerio de Justicia, Derechos Humanos y Cultos;
- Verónica Aguilar, Consejera, Misión Permanente del Ecuador ONU-Ginebra;
- Luis Espinosa, Consejero, Misión Permanente del Ecuador ONU-Ginebra;
- Juan Carlos Sánchez, Primer Secretario, Misión Permanente del Ecuador ONU-Ginebra;

- Névil Montenegro Delgado, Primer Secretario, Dirección de Derechos Humanos y Asuntos Sociales del Ministerio de Relaciones Exteriores, Comercio e Integración;
  - Analucía Jácome Quelal, Canciller 2, Dirección de Derechos Humanos y Asuntos Sociales del Ministerio de Relaciones Exteriores, Comercio e Integración;
  - Diana Lucía Dávila Gordillo, Funcionaria de la Dirección de Análisis Político del Ministerio de Relaciones Exteriores, Comercio e Integración;
  - Alonso Fonseca, Funcionario de la Procuraduría General del Estado.
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