

CIVICUS joint UPR submission Ecuador, Annex: Assessment of implementation of civic space recommendations under the 3rd cycle

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Freedom of Association			
<p>118.67 Ensure that it grants the right to freedom of association and the possibility for associations to carry out their work without undue restrictions (Sweden); Source of position: A/HRC/36/4 - Para. 118</p>	Supported	<p>D45 Freedom of association S16 SDG 16 - peace, justice and strong institutions Affected persons:</p>	Partially implemented
<p>118.57 Guarantee a favourable environment for the work of all civil society actors active in the field of the protection and promotion of human rights (Hungary); Source of position: A/HRC/36/4 - Para. 118</p>	Supported	<p>H1 Human rights defenders Affected persons: - human rights defenders</p>	Partially implemented
Protection of HRDs and journalists			
<p>118.64 Strengthen prevention of and protection against intimidation, threats and violence against civil society, including human rights defenders and trade unions critical of the Government, and fully guarantee freedom of expression, both offline and online (Czechia); Source of position: A/HRC/36/4 - Para. 118</p>	Supported	<p>D43 Freedom of opinion and expression E33 Trade union rights H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders</p>	Not implemented
<p>118.55 Guarantee a safe and enabling environment to all human rights defenders, investigate all allegations of attacks, harassment and intimidation against them, and ensure that the legislation on freedom of expression, including online, is fully in compliance with article 19 of the International Covenant on Civil and Political Rights (Estonia); Source of position: A/HRC/36/4 - Para. 118</p>	Supported	<p>D43 Freedom of opinion and expression H1 Human rights defenders A41 Constitutional and legislative framework B52 Impunity D1 Civil & political rights - general measures of implementation S16 SDG 16 - peace, justice and strong</p>	Not implemented

		institutions Affected persons: - human rights defenders	
118.58 Establish specialized protection mechanisms to ensure the safe and independent work of civil society and human rights defenders (Mexico); Source of position: A/HRC/36/4 - Para. 118	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
118.66 Consolidate an environment suitable for human rights defenders and establish a mechanism for their protection (Republic of Korea); Further consolidate an environment suitable for the work of human rights defenders (Ukraine); Source of position: A/HRC/36/4 - Para. 118	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
118.53 Protect journalists, human rights defenders and other representatives of civil society against acts of intimidation and violence to which their activities may expose them (Belgium); Take measures to ensure the protection of journalists and human rights defenders (Costa Rica); Source of position: A/HRC/36/4 - Para. 118	Supported	H1 Human rights defenders D43 Freedom of opinion and expression Affected persons: - media - human rights defenders	Not implemented
120.4 Develop and adopt a national action plan on business and human rights, including measures on access to remedy, paying special attention to the position of human rights defenders (Netherlands); Source of position: A/HRC/36/4 - Para. 120	Noted	B6 Business & Human Rights A46 National Plans of Action on Human Rights (or specific areas) B51 Right to an effective remedy H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions Affected persons:	Not implemented

		- general - human rights defenders	
120.12 Create and maintain in law and in practice a safe and enabling environment for civil society and human rights defenders, including by amending its laws to ensure compliance with the International Covenant on Civil and Political Rights and full independence of the judiciary in line with international standards (Ireland); Source of position: A/HRC/36/4 - Para. 120	Noted	D43 Freedom of opinion and expression H1 Human rights defenders A41 Constitutional and legislative framework D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders - judges, lawyers and prosecutors	Not implemented
Freedom of Expression			
118.52 Take additional steps to ensure that national laws and regulations are fully aligned with international standards, with a view to safeguarding freedom of expression and the right to peaceful assembly (Brazil); Source of position: A/HRC/36/4 - Para. 118	Supported	A41 Constitutional and legislative framework D43 Freedom of opinion and expression D44 Right to peaceful assembly S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Partially implemented
118.60 Make efforts to review existing relevant legislation to secure the full exercise of the freedom of expression and association (Republic of Korea); Source of position: A/HRC/36/4 - Para. 118	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework D45 Freedom of association S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Partially implemented
118.74 Bring all legislation concerning communication surveillance into line with international human rights standards and especially require a test of necessity and	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework	Not implemented

<p>proportionality for all communications surveillance (Liechtenstein); Source of position: A/HRC/36/4 - Para. 118</p>		<p>D46 Right to private life, privacy Affected persons: - general</p>	
<p>118.51 Align national laws and regulations on freedom of expression with international human rights standards (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/36/4 - Para. 118</p>	<p>Supported</p>	<p>D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	<p>Partially implemented</p>
<p>118.61 Promote, protect and respect the right to freedom of expression, assembly and association in compliance with the country's international human rights obligations (Slovakia); Take concrete measures to 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); Source of position: A/HRC/36/4 - Para. 118</p>	<p>Supported</p>	<p>D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	<p>Partially implemented</p>
<p>118.65 Fully guarantee freedom of expression and freedom of assembly and protect journalists and human rights defenders against threats and aggression (France); Source of position: A/HRC/36/4 - Para. 118</p>	<p>Supported</p>	<p>D43 Freedom of opinion and expression D44 Right to peaceful assembly H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions Affected persons: - media - human rights defenders</p>	<p>Not implemented</p>
<p>118.54 Analyse the adoption of legal provisions and administrative actions to strengthen the free enjoyment of the rights of freedom of expression and association, as</p>	<p>Supported</p>	<p>D43 Freedom of opinion and expression D45 Freedom of association D51 Administration</p>	<p>Implemented</p>

<p>well as the independence and impartiality of the judiciary (Costa Rica); Source of position: A/HRC/36/4 - Para. 118</p>		<p>of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - judges, lawyers and prosecutors</p>	
<p>118.56 Further enhance the freedom of expression, especially of journalists and social media users (Greece); Source of position: A/HRC/36/4 - Para. 118</p>	Supported	<p>D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - media</p>	Implemented
<p>118.59 Develop all possible efforts to preserve freedom of expression in the media and social networks, in accordance with the recommendations of the universal and regional human rights systems (Peru); Source of position: A/HRC/36/4 - Para. 118</p>	Supported	<p>D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - media</p>	Partially implemented
<p>118.63 Adopt the necessary measures to ensure that the implementation of the Organic Act on Communication is in conformity with the right to freedom of expression and the relevant international standards (Switzerland); Source of position: A/HRC/36/4 - Para. 118</p>	Supported	<p>D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	Partially implemented

<p>120.15 Eliminate all forms of discrimination and criminalization of civil society organizations, human rights defenders and the media, inter alia by repealing Executive Decrees Nos. 16, 739 and 691 and the Organic Act on Communication and by ending criminal proceedings against persons participating in social protests based on broadly worded offences contained in the Criminal Code, such as sabotage and terrorism (Germany); Consider revising Executive Decree No. 739 on the regulation of social organizations and the Organic Act on Communication in the light of international commitments on human rights (Costa Rica); Revise Presidential Decrees Nos. 16 and 739, the Criminal Code, as well as the Organic Act on Communication to bring them into line with international human rights norms (Belgium); Reform Presidential Decrees Nos. 16 and 739 and any draft law in this field to ensure the protection of human rights defenders and to ensure the independence and functioning of civil society organizations, notably by accepting the offer of technical assistance from the United Nations special rapporteurs to reform the current legislation (Switzerland); Ensure civil society organizations are able to operate freely, including groups that may be critical of the Government, by amending or repealing Presidential Decrees Nos. 16 and 739 (United States of America); Source of position: A/HRC/36/4 - Para. 120</p>	<p>Noted</p>	<p>D42 Freedom of thought, conscience and religion H1 Human rights defenders A24 Cooperation with special procedures A41 Constitutional and legislative framework B8 Human rights & counter-terrorism S16 SDG 16 - peace, justice and strong institutions Affected persons: - media - human rights defenders</p>	<p>Not implemented</p>
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<p>120.14 Review the Organic Act on Communication and relevant executive decrees so that media outlets, civil society organizations and trade unions can operate freely, cannot be arbitrarily sanctioned or disbanded and have access to effective remedy (Czechia); Address concerns arising under the Organic Act on Communication (2013) which impose an increased level of self-censorship on media outlets (Australia); Promote the exercise of freedom of expression without undue restrictions, by amending or repealing the 2013 Organic Act on Communication (United States of America); Source of position: A/HRC/36/4 - Para. 120</p>	<p>Noted</p>	<p>D43 Freedom of opinion and expression A41 Constitutional and legislative framework B51 Right to an effective remedy E33 Trade union rights S16 SDG 16 - peace, justice and strong institutions Affected persons: - media</p>	<p>Partially implemented</p>
<p>120.13 Guarantee freedom of expression and peaceful association and safeguard the activities of journalists and human rights defenders, also by amending relevant legislation in order to align it with best practices and international standards in the area of freedom of expression (Italy); Adopt the necessary legislative measures to ensure the full enjoyment of the right to freedom of opinion and expression in all its forms, through the elimination of excessive restrictions on its exercise (Mexico); Source of position: A/HRC/36/4 - Para. 120</p>	<p>Noted</p>	<p>D43 Freedom of opinion and expression A41 Constitutional and legislative framework D45 Freedom of association H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions Affected persons: - media - human rights defenders</p>	<p>Partially implemented</p>
<p>120.11 Fully respect the right to freedom of expression, association and peaceful assembly by reviewing the laws, policies and programmes that regulate civil society and by amending or repealing any laws that allow the State to use force against peaceful demonstrators, arbitrarily detain protestors, restrict civil space and arbitrarily shut down the activities of civil society organizations. Such laws include articles 336, 339, 345, 346 of the Comprehensive</p>	<p>Noted</p>	<p>D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - human rights</p>	<p>Not implemented</p>

<p>Criminal Code as well as articles 22, 23, 24 of Presidential Decree No. 739 (Canada); Source of position: A/HRC/36/4 - Para. 120</p>		<p>defenders</p>	
Freedom of Peaceful Assembly			
<p>118.31 Ensure training for law enforcement and security forces in relation to human rights standards in management of peaceful assemblies, ensure all allegations of excessive use of force and arbitrary detention are investigated and that perpetrators are prosecuted (Ireland); Source of position: A/HRC/36/4 - Para. 118</p>	<p>Supported</p>	<p>A53 Professional training in human rights B52 Impunity D25 Prohibition of torture and cruel, inhuman or degrading treatment D33 Arbitrary arrest and detention D31 Liberty and security - general D44 Right to peaceful assembly S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - law enforcement / police officials</p>	<p>Not implemented</p>
<p>118.62 Adopt the appropriate measures to guarantee the free exercise of the rights of assembly and association without unjustified restrictions and to respect the legitimate space of civil society, journalists and human rights defenders (Spain); Source of position: A/HRC/36/4 - Para. 118</p>	<p>Supported</p>	<p>D44 Right to peaceful assembly D45 Freedom of association H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions Affected persons: - media - human rights defenders</p>	<p>Not implemented</p>