



Promoting and strengthening
the Universal Periodic Review

Recommendations & Pledges

ECUADOR

Second Review Session 13

Review in the Working Group: 21 May 2012
Adoption in the Plenary: 19 September 2012

Ecuador’s responses to recommendations (as of 19.09.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
64 recs. accepted (61 of which were considered as having already been implemented or being in the process of implementation) and 3 rejected	No addendum	No additional information provided	Accepted: 64 Rejected: 3 No clear position: 0 Pending: 0 Total: 67

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/21/4:

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

A - 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);

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

A - 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:

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

A - 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);

A - 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);

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

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

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

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

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

A - 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);

A - 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);

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

A - 135.16. Step up its efforts in favour of gender equality and racial equality (Lebanon);

A - 135.17. Redouble its efforts to firmly combat discriminatory practices (Luxembourg);

A - 135.18. Continue the enhancement of equal access to opportunities and services by the vulnerable communities (Myanmar);

A - 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);

A - 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);

A - 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);

A - 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);

A - 135.23. Continue efforts to eliminate child labour to attain an harmonic development of children in a spirit of socio-cultural 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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); 1

A - 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);

A - 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);

A - 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);

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

A - 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);

A - 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);

A - 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 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);

A - 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);

A - 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);

A - 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);

A - 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);

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

A - 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);

A - 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);

A - 135.46. Continue the application of the rights related to good living including food sovereignty and healthy environment (Palestine); 2

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

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

A - 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);

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

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

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

A - 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);

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

A - 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);

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

A - 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);

A - 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);

A - 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);

A - 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);

A - 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:

R - 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.

R - 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.

R - 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.

Voluntary Pledges & Commitments Made By Ecuador in the Framework of the UPR

Document A/HRC/21/14:

- To continue its efforts to implement a human rights information system with support from OHCHR.
- To share with the public sector and with civil society the recommendations and voluntary commitments from the second universal periodic review.

- To share the Ecuadorian experience and provide interested countries with assistance relating to its programmes in the field of inclusion of persons with disabilities.
- To develop monitoring mechanisms for following up the implementation of recommendations from the universal periodic review.
- To ratify communication procedures relating to human rights treaties.

Document A/HRC/WG.6/13/ECU/1:

- Ecuador will continue to contribute to the international protection of human rights on the basis of its national experience and will continue working to further the Human Rights Council's mandate and to promote peace and development.

Endnotes

1 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).

2 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).

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