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Draft report of the Working Group on the Universal Periodic Review*

Ecuador

* 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, held its twenty-seventh session from 1 to 12 May 2017. The review of Ecuador was held at the 2nd meeting on 1 May 2017. The delegation of Ecuador was headed by His Excellency Mr. Guillaume Long, Minister of Foreign Affairs and Human Mobility. At its 10th meeting held on 5 May 2017, the Working Group adopted the report on Ecuador.

2. On 13 February 2017, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Ecuador: Bolivia (Plurinational State of), Republic of Korea and Côte d'Ivoire.

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/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/27/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.6/27/ECU/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/ECU/3).

4. A list of questions prepared in advance by Belgium, Czechia, Germany, Mexico, Netherlands, Norway, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, was transmitted to Ecuador through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

[To be completed by 19 May 2017]

A. Presentation by the State under review

B. Interactive dialogue and responses by the State under review

5. During the interactive dialogue, 83 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

II. Conclusions and/or recommendations**

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

** The conclusions and recommendations have not been edited.

6.1 Update and continue implementing the National Plan for Good Living (Nicaragua);

6.2 Boost its recent ratification of the Treaty of Marrakech of June 27th of 2013 to benefit blind people, people with visual disability or with other difficulties to access printed texts (Panama).

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

7.1 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (El Salvador) (Georgia) (Montenegro) (Portugal); Ratify the Optional Protocol to the Convention on the Rights of the Child (Hungary); Ratify the Optional Protocol to the CRC (Ghana);

7.2 Ratify the Marrakesh Treaty to facilitate access to published works for visually impaired persons (Ghana);

7.3 Continue its constructive engagement with the Human Rights Council and its mechanisms (Myanmar);

7.4 Intensify cooperation with the Special Rapporteurs including by allowing them to visit the country (Ukraine);

7.5 Adopt an open, merit-based selection process when selecting national candidates for UN Treaty Body elections (United Kingdom of Great Britain and Northern Ireland);

7.6 Continue and strengthen its relation of cooperation with the Office of the United Nations High Commissioner for Human Rights in order to develop an instrument to follow-up the recommendations of the system's mechanisms (Honduras);

7.7 Ensure its legislation being in line with the International Covenant on Civil and Political Rights (Hungary);

7.8 Develop a comprehensive deinstitutionalisation plan for people with disabilities, that aims to support their life in their communities, and to ensure inclusive education for people with disabilities (Israel);

7.9 Take all necessary measures to ensure that the National Mechanism for the prevention against Torture has a solid legal basis and enough resources for the fulfilment of its mandate (Guatemala);

7.10 Continue implementing the computer platform SIDERECHOS, an important tool for the monitoring, follow up and implementation of the recommendations of the UPR (Paraguay);

7.11 Ensure the respect of human rights of vulnerable persons, notably women, older persons, children, as well as persons with disabilities and with reduced mobility (Côte d'Ivoire);

7.12 Make specific efforts to combat discrimination and to improve the levels of education and health of its people (Sri Lanka);

7.13 Further strengthen the work of national councils for equality to promote inclusive society (Malaysia);

7.14 Develop and implement a National Action Plan for the implementation of the activities of the Decade of Persons of African Descent (Sierra Leone);

- 7.15 Strengthen efforts in addressing racial discrimination including through implementing the Multinational Plan to Eliminate Racial Discrimination and Ethnic and Cultural Exclusion (South Africa);
- 7.16 Ensure adequate training for court officials handling cases of discrimination (Timor-Leste);
- 7.17 Progress efforts to end discrimination based on sexual orientation, gender identity and intersex status (Australia);
- 7.18 Continue to increase efforts to end discrimination against LGBTI persons (Uruguay);
- 7.19 Guarantee the protection of all people from discriminatory norms and practices on the grounds of sexual orientation and gender identity in all spheres of life (Spain);
- 7.20 Continue promoting the rights of LGBTI persons and protect them from violence and social and cultural discrimination (Chile);
- 7.21 Take all appropriate measures to prevent, investigate and punish manifestations of violence, intolerance and discrimination against LGBTI people (Israel); Investigate, prosecute and punish those responsible for acts of violence against lesbians, gays, bisexual, transgender and intersexual persons as part of its efforts to combat stereotypes and bias against them (Argentina);
- 7.22 Intensify efforts to raise public awareness to end all forms of discrimination by providing human rights education and training for government agencies, media and the public and implementing campaigns to combat gender stereotypes and violence (Thailand);
- 7.23 Fight against discrimination based on sexual orientation and gender identity, especially against children, carrying out public awareness programs and teacher trainings on this subject (France);
- 7.24 Continue efforts aimed at strengthening the measures necessary for the protection of the rights of older persons (Morocco);
- 7.25 Pursue its policy regarding protection of the rights of nature (Algeria);
- 7.26 Step up efforts to pursue policies and programs for healthy environment (Philippines);
- 7.27 Advance in the implementation of the guiding principles on business and human rights at the national level as a complement to Ecuador's efforts to establish a binding instrument on transnational corporations and human rights (Chile);
- 7.28 Pursue ongoing efforts to conclude an internationally binding instrument on transnational corporations and business and human rights (Egypt);
- 7.29 Maintain the leadership in the process for the elaboration of a legally binding instrument on transnationals companies and human rights (Cuba);
- 7.30 Continue your claims in light of the refusal of transnationals companies to repair the serious environmental damages in the Amazon (Cuba);
- 7.31 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);

- 7.32 Ensure the prevention and effective investigation of forced disappearances of and violence against women (Sweden);
- 7.33 Take necessary measures to eliminate the cases of torture in prisons (Iraq);
- 7.34 Acknowledge the existence of the so-called "rehabilitation clinics" and "sexual reorientation" therapies and take measures to eradicate them (Israel);
- 7.35 Eliminate practices of forced placement in clinics for treatment to allegedly "cure" sexual orientation or gender identity of LGBTI persons, and ensure due accountability for persons responsible, as well as the full reparation for victims (Portugal);
- 7.36 Ensure judicial independence and diversity in judicial appointments (Australia);
- 7.37 Take steps to ensure and protect the full independence and impartiality of the judiciary (Estonia);
- 7.38 Take all the necessary steps in order to ensure the independence of the judiciary (Greece);
- 7.39 Ensure and protect the full independence and impartiality of the judiciary and guarantee that it can carry out its judicial functions without any form of pressure or interference (Israel);
- 7.40 Continue its efforts for the judicial reforms to promote and protect the independence of judiciary (Pakistan);
- 7.41 Strengthen efforts to ensure and protect the full independence and impartiality of the judiciary, and facilitate a broad and participatory dialogue on the challenges in the administration of justice (Paraguay);
- 7.42 Comply with its commitments to guarantee and strengthen the independence of the judiciary (Slovakia);
- 7.43 Continue deepening the adoption of measures to guarantee the independence and professionalization of the judicial power (Spain);
- 7.44 Strive to ensure full separation of judiciary from the executive branch as far as appointment of senior judicial officials are concerned (Bangladesh);
- 7.45 Take measures including investigation of unfair dismissal of judges and ensure the independence and impartiality of the judicial system (Botswana);
- 7.46 Further continue ensuring equal access to justice and equal treatment by the courts of all Ecuadorians (Ethiopia); Continue its efforts to guarantee access of all to justice (Azerbaijan);
- 7.47 Continue efforts to ensure the independence and impartiality of the judiciary, especially with respect to the rights of the defense and the transparency in judicial procedures (France);
- 7.48 Establish mechanisms to ensure that investigations of allegations of grave human rights violations are conducted in a comprehensive, independent and impartial manner to expedite sanction and redress procedures (Mexico);
- 7.49 Take urgent measures to accelerate judicial investigations and punish perpetrators of human rights violations described in the report of the Truth Commission (Argentina);

- 7.50 Continue upholding the high standards in ensuring the right to vote also in the future (Russian Federation);
- 7.51 Align national laws and regulations on freedom of expression with international human rights standards (United Kingdom of Great Britain and Northern Ireland);
- 7.52 Take additional steps to ensure that national laws and regulations are fully aligned to international standards, with a view to safeguarding freedom of expression and the right to peaceful assembly (Brazil);
- 7.53 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);
- 7.54 Analyse the adoption of legal provisions and administrative actions to strengthen the free enjoyment of the rights of freedom of expression and association, as well as the independence and impartiality of the judiciary (Costa Rica);
- 7.55 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 the article 19 of the ICCPR (Estonia);
- 7.56 Further enhance the freedom of expression, especially of journalists and social media users (Greece);
- 7.57 Guarantee a favourable environment for the work of all civil society actors, active in the field of protection and promotion of human rights (Hungary);
- 7.58 Establish specialized protection mechanisms to ensure the safe and independent work of civil society and human rights defenders (Mexico);
- 7.59 Develop all the possible efforts to preserve freedom of expression in the media and social networks, in accordance with the recommendations of the universal and the regional human rights' systems (Peru);
- 7.60 Make efforts to review existing relevant legislation to secure the full exercise of the freedom of expression and association (Republic of Korea);
- 7.61 Promote, protect and respect the right to freedom of expression, assembly and association in compliance with 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);
- 7.62 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);
- 7.63 Adopt the necessary measures to ensure that the implementation of the *Ley Orgánica de Comunicación* is in conformity with the right to freedom of expression and the relevant international standards (Switzerland);
- 7.64 Strengthen prevention and protection against intimidation, threats and violence against civil society, including human rights defenders and trade unions critical of the government, and fully guarantee the freedom of expression, both offline and online (Czechia);

- 7.65 Fully guarantee freedom of expression and freedom of assembly and protect journalists and human rights defenders against threats and aggressions (France);
- 7.66 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);
- 7.67 Ensure that it grants the right to freedom of association and the possibility for associations to carry out their work without undue restrictions (Sweden);
- 7.68 Strengthen legislation to combat trafficking, sexual and labour exploitation and other types of exploitation of persons, in particular women and children (Botswana);
- 7.69 Adopt a comprehensive law against trafficking in persons (Sierra Leone); Adopt a comprehensive law against trafficking in persons (Ukraine); Draw up and implement a comprehensive law on trafficking in persons. (Armenia); Consider the possibility of adopting a separate law combating trafficking in persons (Belarus);
- 7.70 Further intensify its efforts to combat human trafficking in line with implementing the National Plan and address properly protection of victims of human trafficking (Islamic Republic of Iran);
- 7.71 Consider updating the National Plan on combating human trafficking (Iraq);
- 7.72 Ensure the effective implementation of policies and operations aimed at dismantling trafficking networks and smuggling of migrants (Philippines);
- 7.73 Increase its efforts to implement the National Plan to Combat Trafficking in Persons (Timor-Leste); Increase efforts to implement the National Plan to Combat Trafficking in Persons (Turkey); Increase efforts to implement the National Plan to Combat Trafficking in Persons and the National Agenda on Equality for Human Mobility (Uganda);
- 7.74 Bring all legislation concerning communication surveillance in line with international human rights standards and especially require a test of necessity and proportionality for all communications surveillance (Liechtenstein);
- 7.75 Continue strengthening efforts to ensure economic, social and cultural rights of citizens (Russian Federation);
- 7.76 Continue to promote economic-socio- development so as to improve living standards of people (China);
- 7.77 Further advance in pursuing the fair distribution of national wealth (Bolivarian Republic of Venezuela);
- 7.78 Strengthen measures to further reduce the gap in the redistribution of wealth as part of its ongoing efforts toward poverty eradication (Indonesia);
- 7.79 Continue its efforts in the fight against poverty and in favor of people in vulnerable situation (Paraguay);
- 7.80 Continue developing programmes to fight against poverty of Afro-Ecuadorian families and facilitate their full participation in public life (Djibouti);
- 7.81 Continue with its programs for improving the living standards of its citizens, including the indigenous peoples, Afro-Ecuadorians and Montubios (Namibia);

- 7.82 Improve access for Afro-Ecuadorians to decent housing, education and good living (Uganda);
- 7.83 For the follow-up of recommendations 135.8, 135.9, 135.15 and 135.16 of the second cycle, increase economic and social investment to improve equality of access, opportunities and needs under the “Sumak Kawsay” programs for Afro-Ecuadorian families and to facilitate their full participation in public life (Haiti);
- 7.84 Continue to take effective measures to fully implement its Sig Tierras programme in order to ensure that rural women have equal access to land titles (Namibia);
- 7.85 Carry out the necessary measures to protect the environment and adopt specific measures to protect the enjoyment of the right to water (State of Palestine);
- 7.86 Expand social security coverage and ensure equal access for ethnic minorities. (China);
- 7.87 Continue efforts to recognize decent work, to reduce structural underemployment and gradually expand the purchasing power of the labor income, in the context of strengthening the social and solidarity-based economic system (Nicaragua);
- 7.88 Continue to implement such policies that increase access to employment, in particular for youths and in the rural areas (Singapore);
- 7.89 Introduce targeted strategies and labour market reforms to promote women’s increased participation in formal sector employment, including by alleviating barriers to such participation (Bahamas);
- 7.90 Continue efforts allowing access of women to formal employment (Algeria);
- 7.91 Continue efforts to end child labour through the establishment of an interagency coordination mechanism at national and subnational level in order to implement the National Plan for the Prevention and Eradication of Child Labour (Maldives);
- 7.92 Reinforce legislative provisions applicable to reduce child labor and to punish those who contravene them (Panama);
- 7.93 Continue efforts to further reduce child labor and to punish those who employ children, in clear violation of the legislative provisions relating to child labor (Uruguay);
- 7.94 Continue efforts to promote health care facilities, particularly in rural areas with the focus on tackling malnutrition (Malaysia);
- 7.95 Continue its efforts on improving health through expanding its "Zero Malnutrition Program" to cover as much of its population as is possible (Maldives);
- 7.96 Continue to develop, implement, monitor and strengthen policies to reduce rates of obesity and the incidence of non-communicable diseases (NCDs) (Bahamas);
- 7.97 Continue to strengthen measures to deal with teenage pregnancies, by promoting access to reproductive health services for all, including sexual and reproductive health education, as well as counselling services and health care adapted to the young people, in accordance with the commitments in the Montevideo Consensus (Uruguay);

- 7.98 Ensure that all girls and women have access to comprehensive sexual and reproductive health promotion and care, including access to modern contraceptive methods (Estonia); Ensure that all women and girls have access to affordable and modern contraceptive methods (Iceland);
- 7.99 Implement its comprehensive health promotion policy and its policy framework for the elimination of discrimination against women (South Africa);
- 7.100 In line with ongoing efforts in the field of sexual and reproductive health, take measures to combat violence against women and promote gender equality (France);
- 7.101 Continue efforts to reform the education system because it is an important element to reduce poverty (Morocco);
- 7.102 Continue to increase investment in education and strengthen infrastructure for education (China);
- 7.103 Continue to reduce the gap between urban and rural areas in the field of education (Democratic People's Republic of Korea);
- 7.104 Step up efforts in ensuring access to quality education for all children, including those from minority groups and rural areas (Thailand);
- 7.105 Continue increasing public investment in education and continue its efforts to implement the strategies of educational inclusion, with special attention to the areas with difficult access and to children (State of Palestine);
- 7.106 Further continue efforts in eliminating the gap in accessing education between rural and urban areas and the dropout rates among indigenous and Afro descendant students (Ethiopia);
- 7.107 In efforts to tackle the problem of illiteracy, continue to promote access to quality education in rural areas, which would bring long term benefits to women, youth and indigenous groups in rural areas (Malaysia);
- 7.108 Continue the policy of inclusive education, especially in rural areas (Libya);
- 7.109 Pursue and scale up the implementation of inclusive education policies (Slovenia);
- 7.110 Continue its efforts towards implementation of inclusive education policies it has developed (Azerbaijan);
- 7.111 Scale up the implementation of inclusive education policies with special attention to vulnerable groups (Ukraine);
- 7.112 Improve educational system particularly by enhancing wider access to marginalised groups and those living in remote areas (Indonesia);
- 7.113 Continue strengthening Ecuador's excellent education policy (Bolivarian Republic of Venezuela);
- 7.114 Take the necessary measures to ensure full participation of all citizens, in particular vulnerable groups, in the education system and in the administration of public affairs (Angola);
- 7.115 Continue to ensure access to quality education for all Ecuadorians through continuous improvements in the training of educators (Singapore);

- 7.116 Increase access to quality education by indigenous and Afro-Ecuadorian women and those in rural areas (Bahamas);
- 7.117 For the follow-up of recommendations 135.8, 135.48 and 135.55 of the second cycle, continue to improve the quality of public education, particularly for those living below the poverty line, with emphasis on psychological health and the psychosocial elements of a quality learning environment (Haiti);
- 7.118 Continue promoting access to education and the design of public policies oriented to increase the education coverage for girls living in rural areas, in particular indigenous and Afro-Ecuadorian girls (Chile);
- 7.119 Continue combatting all forms of discrimination against women (Djibouti);
- 7.120 Step up efforts for eliminating all forms of discrimination against women (Greece);
- 7.121 Address social and cultural stereotypes underpinning discrimination and violence against women and ensure women's participation in decision-making (Ukraine);
- 7.122 Strengthen efforts to prevent and combat all forms of discrimination and violence against women and children and other vulnerable groups (Italy);
- 7.123 Intensify measures, including human rights training, to raise awareness of gender equality (Turkey);
- 7.124 Continue efforts to eradicate gender-based violence (Georgia);
- 7.125 Continue its efforts to reduce and eradicate gender-based violence, ensuring due diligence in the pursuit and prosecution of acts of this nature and providing relevant training to the competent authorities on the protection and prevention of violence against women and girls (Nicaragua);
- 7.126 Continue to improve the procedures for prosecuting and sanctioning those responsible for acts of violence against women, as well as guaranteeing a constant supervision of the implementation of the National Plan for the Eradication of Gender Violence against children (El Salvador);
- 7.127 Further strengthen mechanisms fostering prosecution of all perpetrators of gender-based violence (Slovakia);
- 7.128 Constantly monitor the implementation of the National Plan for the Elimination of Gender Violence against Children, Adolescents and Women, in order to ensure the proper investigation, prosecution and punishment of the persons responsible for acts of violence. Against women (Portugal);
- 7.129 Intensify efforts in the fight against violence against women and child abuse, to guarantee that normative and institutional measures adopted are effective to address the problem (Spain);
- 7.130 Systematically collect data on violence against women, sexual violence, and trafficking (Sweden);
- 7.131 Ensure that women victims of violence receive appropriate help and perpetrators are brought to justice (Italy);
- 7.132 Grant all the necessary resources for the establishment of the judicial units specialized on legal provisions related to violence against women (Panama);

- 7.133 Strengthen protection mechanisms for women victims of violence, since the first moment of the complaint (Paraguay);
- 7.134 Further strengthen the human rights institutions for ensuring better protection of rights of children, women and indigenous people (Pakistan);
- 7.135 Continue to implement administrative and judicial measures for the effective protection of women and girls against sexual violence and abuse and for the punishment of perpetrators (Brazil);
- 7.136 Continue strengthening universal birth registration services in the country, ensuring that it is free and accessible to all (Slovakia);
- 7.137 Prohibit corporal punishment of children in all settings (Iceland);
- 7.138 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);
- 7.139 Enact legislation to explicitly prohibit corporal punishment of children in all settings (Montenegro);
- 7.140 Continue combatting all forms of child abuse (Djibouti);
- 7.141 Ensure that all ill-treatment and sexual violence against children in educational settings is promptly, efficiently and impartially investigated, that perpetrators are brought to justice and that the victims receive reparation and are provided with the protection and support they require (Belgium);
- 7.142 Implement, consistently, norms and public policies to promote the rights of people with disabilities (Cuba);
- 7.143 Make further efforts for the protection of rights of persons with disabilities and share good experiences in this regard (Democratic People's Republic of Korea);
- 7.144 Continue taking measures in order to protect the rights of persons with disabilities and develop programs to ensure their enjoyment of their rights to education, health, housing and labour (Egypt);
- 7.145 Continue to address the promotion and protection of the rights of persons with disabilities by developing specific employment programs (Islamic Republic of Iran);
- 7.146 Continue efforts to ensure that persons with disabilities can find employment and to provide them with medical assistance in rural areas (Libya);
- 7.147 Strengthen measures to enhance the welfare of vulnerable groups including person with disabilities (Myanmar);
- 7.148 Strengthen suitable mechanisms for the identification of situations of violence against people with disability (Paraguay);
- 7.149 Continue with the policies promoting the human rights of vulnerable groups, in particular indigenous peoples, peasants and other persons working in rural areas ([Plurinational State of Bolivia](#));
- 7.150 Strengthen the measures Ecuador has taken in favour of the needs of indigenous peoples (Côte d'Ivoire);
- 7.151 Continue efforts to establish effective consultation processes with communities in accordance with international standards with regard to any project

that affects the territory or livelihoods of indigenous people (El Salvador); Further strengthen consultations with indigenous population to fulfil their economic, social and cultural rights (Republic of Korea); Develop transparent procedures for prior consultations with indigenous peoples on the use of indigenous lands (Sierra Leone); Establish effective consultation process with the indigenous peoples and communities concerned for any project that might affect their territory or livelihoods (Estonia); Institutionalise the right to consultation of indigenous peoples and involve civil society and indigenous groups in the elaboration of a functioning consultation mechanism according to the country's commitments under ILO-Convention no. 169 (Norway);

~~7.152~~ Promote the active participation of indigenous people in the decisions-making process on issues concerning them, especially regarding land and territories (Peru);

~~7.1523~~ Ensure the effective holding of prior, free and informed consultations with indigenous groups on policies that affect their way of life or culture (Mexico);

~~7.1534~~ With the participation of Indigenous persons, communities, and their respective organizations, adopt a legal framework that ensures respect for the principles in the UN Declaration on the Rights of Indigenous Peoples (Canada);

~~7.1545~~ Strengthen its human rights protection mechanisms for vulnerable groups and the indigenous peoples (Greece);

~~7.1556~~ Take adequate measures to guarantee the protection of isolated indigenous peoples, including the respect for intangible zones (Norway);

~~7.1567~~ Redouble its efforts to obtain, in law and in practice, the inclusion of migrants in all spheres, in particular of women in the labour market (Honduras);

~~7.1578~~ Expedite the introduction of a statelessness determination procedure and ensure that it is in line with international standards and UNHCR guidance (Slovakia).

8. The following recommendations will be examined by Ecuador which will provide responses in due time, but no later than the thirty-sixth session of the Human Rights Council in September 2017.

8.1 Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (Armenia);

8.2. Fully cooperate with the International Criminal Court and fully align its national legislation with the Rome Statute's obligations and definitions of crimes and principles and ratify the Kampala amendments to the Rome Statute (Liechtenstein);

8.3 Adhere to and adapt its national legislation to the Arms Trade Treaty (Guatemala);

8.4. Develop a national strategy to tackle modern slavery and contribute towards the realisation of SDG 8.7, and, as part of this, to ratify the 2014 ILO protocol to the Forced Labour Convention, 1930, and build law enforcement capability to further facilitate the investigation, prosecution and conviction of human traffickers (United Kingdom of Great Britain and Northern Ireland).

9. The recommendations formulated during the interactive dialogue/listed below have been examined by Ecuador and have been noted by Ecuador:

- 9.1 End the policy of providing two different types of identity documents for trans and cisgender people (Israel);
- 9.2 Implement a national strategy to improve the situation and social integration of the Roma population (Hungary);
- 9.3 Take steps to recognize the Roma people as its own citizens and to protect them against racial discrimination (Bangladesh);
- 9.4 Develop and adopt a National Action Plan on Business and Human Rights, including measures on access to remedy, with special attention to the position of human rights defenders (Netherlands);
- 9.5 Review and amend the relevant legislation and practice in order to strengthen the independence of justice, ensure merit-based appointment of judges and protect their work against political interference (Czechia);
- 9.6 Guarantee the independence of the judiciary by reforming article 109 number 7 of the Organic Code of the Judiciary in order to clearly delimit, in accordance with international law, the figure of "inexcusable error", which is now insufficiently safeguarded against misuse for targeting judges (Netherlands);
- 9.7 Consider the adaptation of its legislation, especially the figure of the "inexcusable error", in order to fully guarantee the independence of the justice's administration (Peru);
- 9.8 Remove or alter the broad definition and arbitrary application of "inexcusable error" used by the Judicial Council to punish judges (United States of America);
- 9.9 Eliminate the catch-all clause "inexcusable error" in Article 109 of the Organic Code of the Judiciary and create a legal framework to ensure the full independence and impartiality of the judiciary in compliance with the UN Basic Principles on the Independence of Judiciary (Germany);
- 9.10 Review Article 109.7 of the Organic Code for the Judiciary with a view towards guaranteeing judicial independence, including through the independent selection of judicial authorities (Canada);
- 9.11 Fully respect the right to freedom of expression, association and peaceful assembly by reviewing the laws, policies and programs 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 Organic Penal Code as well as Articles 22, 23, 24 of Presidential Decree 739 (Canada);
- 9.12 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 ICCPR and full independence of the judiciary in line with international standards (Ireland);
- 9.13 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 the 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);

9.14 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 Law 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 Communications Law (United States of America);

9.15 Eliminate all forms of discrimination and criminalization of civil society organizations, human rights defenders and the media inter alia by repealing the Executive Decrees No. 16, 739 and 691 and the Organic Law of 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 the executive decree number 739 on the regulation of social organizations and the organic law of communication in the light of international commitments on human rights (Costa Rica); Revise the Presidential Decrees No. 16 and 739, the Criminal Code, as well as the Law on Communication to bring them in conformity 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 16 and 739 (United States of America);

9.16 Take the necessary steps to ensure that all operations of intelligence agencies are monitored by an independent oversight mechanism (Liechtenstein);

9.17 Advance in reforming the Criminal Code to decriminalise abortion (Norway); Repeal laws criminalising abortion in cases of rape, incest and severe foetal impairment and eliminate all punitive measures (Iceland); Reform Organic Integral Criminal Code in relation to the legal extension of abortion and to decriminalize abortion in cases of rape, incest and sever foetal impairment (Slovenia);

9.18 Repeal the provision of the Civil Code that designates the husband as the administrator of the marital property (Iceland); Repeal the legal provision that designates the husband as the administrator of marital property (Portugal);

9.19 Repeal Decree No. 1247 and establish clear procedures in secondary legislation in order to implement the right to free, prior and informed consent of indigenous peoples, regarding legislative or administrative measures affecting their territories and livelihood, as contained in the Constitution of Ecuador and in ILO Convention No. 169 (Germany).

10. Ecuador could not support the recommendations in paragraphs 9.1, 9.2, 9.3 and 9.17 as it considers that they contain factually incorrect information.

11. Ecuador could not support the recommendations in paragraphs 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, 9.12, 9.13, 9.14, 9.15, 9.17, 9.19 as it considers that the referred legislations are already in line with international standards.

12. Ecuador could not support the recommendations in paragraph 9.16 as it considers that the existing National System of Public Security, including the National

Secretariat of Intelligence, is regulated by the Public Security Laws, which provides for civil and democratic control.

13. Ecuador could not support the recommendations in paragraph 9.4 ~~as it considers~~ as it considers that there is no need for a National Action Plan since Ecuador has already in place binding legislative and policy framework, including the Constitution of the Republic, the Code of Production, Trade and Investment, the Monetary Organic Code and the Organic Criminal Code, among others, that provides for the full protection and promotion of human rights in the context of business operations. This framework is complemented by other norms, plans and programs in different areas related to business and health, nature, agriculture, fair trade and intellectual property, violence and child labour, and the security in public and private entities, inter alia.

14. 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

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

(a) Through cooperation with the United Nations System, Ecuador commits to continue strengthening the SIDERECHOS electronic platform, in order to maintain its permanent operation and ensure the follow up of the fulfillment of human rights recommendations and commitments adopted within the framework of the UN system;

(b) Ecuador pledges to continue leading the implementation of Resolution A/HRC/Res/26/9 of the Human Rights Council on the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights; including through sharing best practices in legislation and policy making;

(c) Share with the international community the Ecuadorian experience on the protection and promotion of the human rights of people in human mobility situation;

(d) Share with the international community the Ecuadorian experience on the protection and promotion of the human rights related to the judiciary reform.

Annex

Composition of the delegation

The delegation of Ecuador was headed by His Excellency Mr. Guillaume Long, Minister of Foreign Affairs and Human Mobility, and composed of the following members:

- Guillaume Long, Ministro de Relaciones Exteriores y Movilidad Humana;
- Ledy Zuñiga, Ministra de Justicia, Derechos Humanos y Cultos;
- Rosana Alvarado, Vicepresidenta de la Asamblea Nacional;
- Verónica Espinosa, Ministra de Salud Pública;
- César Navas, Ministro Coordinador de Seguridad;
- Patricio Barriga, Secretario Nacional de Comunicación;
- María Carola Iñiguez Zambrano, Subsecretaría de Organismos Internacionales Supraregionales del Ministerio de Relaciones Exteriores y Movilidad Humana;
- Natalia Bolaños, Subsecretaria de Adolescentes Infractores del Ministerio de Justicia, Derechos Humanos y Culto;
- Tammy Lorena Vallejo Silva, Subsecretaría Nacional de Comunicación – SECOM;
- Carlos Andrade, Subsecretario de Pueblos y Nacionalidades;
- Karina Peralta, Vocal Principal del Consejo de la Judicatura;
- Ricardo Velasco, Director de Derechos Humanos de la Procuraduría General del Estado;
- María Amelia Espinosa, Directora de Derechos Humanos del Ministerio de Justicia, Derechos Humanos y Cultos;
- Lee Brown, Asesor Despacho Ministerial;
- David Tellez, Asesor del Ministerio Coordinador de Seguridad;
- Daniela Saa, Funcionaria de la Subsecretaría de Organismos Internacionales y Supraregionales;
- María Fernanda Espinosa, Embajadora, Representante Permanente ante la ONU Ginebra;
- Arturo Cabrera, Embajador, Representante Permanente Alterno ante la ONU Ginebra;
- Luis Espinosa, Ministro, Misión Permanente ante la ONU Ginebra;
- Walter Schuldt, Primer Secretario, Misión Permanente ante la ONU Ginebra;
- Juan Pablo Cadena, Primer Secretario, Misión Permanente ante la ONU Ginebra;
- Analucía Jácome, Analista en Derechos Humanos, CDH, Misión Permanente ante la ONU Ginebra.