



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Ecuador and welcome your constructive engagement and that of your Government during the 27<sup>th</sup> session of the UPR Working Group in early May 2017.

As the final outcome report on the review of Ecuador was recently adopted by the Human Rights Council at its 36<sup>th</sup> session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation on Ecuador and the summary of stakeholders' submissions on Ecuador – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 83 countries, Ecuador's presentation and responses, and the action taken by the Government to implement the 64 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I welcome Ecuador's pledge to continue strengthening the SIDERECHOS electronic platform to ensure follow-up on recommendations from human rights mechanisms and encourage the Government to also consider establishing a national mechanism for comprehensive follow-up and reporting in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Ecuador the use of the practical guide that my Office released in 2016 on this topic and which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

I also encourage Ecuador to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Ecuador's preparations for the fourth cycle of the UPR. The development of the national human rights action plan should include consultations with all stakeholders, in particular national human rights institutions, civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the UN Resident Coordinator.

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H E. Ms. María Fernanda Espinosa Garcès  
Minister of Foreign Affairs and Human Mobility  
Ecuador



Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage Ecuador to submit such a report for the third cycle, by September 2019.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Ecuador to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein  
High Commissioner for Human Rights



## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratify the Optional Protocol to the Convention on the Rights of the Child on a communication procedure;
- Respond positively to pending visit requests by special procedures mandate holders of the Human Rights Council, in accordance with Ecuador's standing invitation.

### **National human rights framework**

- Strengthen the national normative framework by bringing legislation in line with Ecuador's international human rights obligations. This process could be facilitated by the expertise of all special procedures mandate holders as well as the concluding observations of various treaty bodies.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and Non discrimination*

- Adopt further measures to eliminate gender based and racial discrimination, by strengthening the National Councils for Equality, in particular those on nationalities and peoples, human mobility and gender; implementing a comprehensive antidiscrimination policy; and raising public awareness on all forms of discrimination.

#### **B. Civil and political rights**

##### *Right to life, liberty and security of person*

- Strengthen measures to prevent cases of excessive use of force, arbitrary detention, ill treatment and other abuses by law enforcement officials and prison personnel; investigate all allegations of such acts; and bring those found responsible to justice. OHCHR has manuals and other tools that could be used in the training of these professional groups to ensure that their action is in conformity with international human rights norms and standards;
- Investigate, prosecute and punish acts of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons and fully eliminate practices of forced placement in clinics to "cure" sexual orientation or gender identity, bringing those responsible to justice and ensuring full reparation for victims.



*Administration of justice, including impunity and the rule of law*

- Ensure the full independence and impartiality of the judiciary, by investigating any allegation of unfair dismissal of judges, revising relevant legislation and facilitating a broad and participatory dialogue on the challenges in the administration of justice;
- Expedite judicial investigations into cases of human rights violations set out in the 2010 report of the Truth Commission;
- Establish a legal and institutional framework to ensure coordination between the ordinary and the indigenous justice systems and provide training to judicial officials to adequately address cases of racial discrimination against indigenous, Afro-Ecuadorians and Montubios.

*Fundamental freedoms and the right to participate in public and political life*

- Guarantee the full enjoyment of freedoms of expression, assembly and association in accordance to international human rights standards, including by revising relevant legislation and ensuring the protection of human rights defenders and journalists against threats, harassment and intimidations. In this regard, Ecuador may also wish to consider establishing a specialized protection mechanism for human rights defenders.

*Prohibition of all forms of slavery*

- Continue efforts to combat trafficking in persons, including by adopting a comprehensive law against trafficking in persons and ensuring the full implementation of the National Plan to Combat Trafficking in Persons.

**C. Economic, Social and Cultural Rights**

*Right to work and to just and favourable conditions of work*

- Further promote women's access to formal employment and ensure equal remuneration for men and women for work of equal value;
- Develop employment programmes for persons with disabilities.

*Right to health*

- Improve health services in rural areas and ensure access of all women to comprehensive sexual and reproductive health education and care, including access to modern contraceptive methods and safe abortion services in all cases foreseen by international human rights standards.

*Right to education*

- Continue efforts to implement inclusive education policies, with special attention to children with disabilities, indigenous, Montubio and Afro-Ecuadorian children and children from rural areas, and enact legislation to prohibit corporal punishment of children in all settings.



## **D. Rights of specific persons or groups**

### *Women*

- Step up efforts to combat violence against women, including by ensuring that acts of violence against women are properly investigated, prosecuted and punished; strengthening protection mechanisms for victims; and fully implementing the National Plan for the Elimination of Gender Violence against Children, Adolescents and Women.

### *Persons with disabilities*

- Revise existing legislation to bring it fully in line with the Convention on the Rights of Persons with Disabilities and ensure access of persons with disabilities to education, health, and employment.

### *Indigenous peoples*

- Ensure effective consultation processes with indigenous peoples with regard to any project that may affect them in accordance to international standards; and take further measures to protect indigenous peoples living in voluntary isolation.

### *Migrants, refugees, asylum seekers and internally displaced persons*

- Intensify efforts to combat discrimination against migrants and refugees and ensure their integration into society and access to basic services.