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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1

### Ecuador

The present report is a compilation of the information contained in the reports of treaty bodies, special procedure, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most of the documents used as reference are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty, and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	22 Sept. 1966	None	Individual complaints (art. 14): Yes
ICESCR	6 Mar. 1969	None	-
ICCPR	6 Mar. 1969	None	Inter-State complaints (art. 41): Yes
ICCPR-OP1	6 Mar. 1969	None	-
ICCPR-OP2	23 Feb. 1993	None	-
CEDAW	9 Nov. 1981	None	
OP-CEDAW	5 Feb. 2002	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	30 Mar. 1988	Yes <sup>3</sup>	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC	23 Mar. 1990	Arts. 24 and 38	-
CRC-OP-AC	7 June 2004	None	-
CRC-OP-SC	30 Jan. 2004	None	-
ICRMW	5 Feb. 2002	None	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
<i>Core treaties to which Ecuador is not a party: OP-CAT (signature only, 2007), CPD (signature only, 2007), OP-CPD (signature only, 2007) and CED (signature only, 2007).</i>			
<i>Other main relevant international instruments<sup>4</sup></i>	<i>Ratification, accession or succession</i>		
Convention on the Prevention and Punishment of the Crime of Genocide	Yes		
Rome Statute of the International Criminal Court	Yes		
Palermo Protocol <sup>5</sup>	Yes		
Refugees and stateless persons <sup>6</sup>	Yes, except 1961 Convention		
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>7</sup>	Yes, except Protocol III		
ILO fundamental conventions <sup>8</sup>	Yes		
UNESCO Convention against Discrimination in Education	Yes		

### B. Constitutional and legislative framework

1. The Committee on Economic, Social and Cultural Rights (CESCR) noted with appreciation that the 1998 Constitution states that Ecuador is a multicultural and multi-ethnic State.<sup>9</sup> The Committee against Torture (CAT) noted with satisfaction the adoption of the Constitution and welcomed the adoption in 2003 of the Children's and Youth Code and in 2005 of the Criminal Code Reform Act, which defines the sexual exploitation of minors as an offence, as well as the introduction of children's judges within the judiciary.<sup>10</sup> The Working Group on Arbitrary Detention also noted the adoption of the Children's and Youth Code.<sup>11</sup> The Committee on the Protection of

the Rights of All Migrant Workers and Members of Their Families (CMW) noted with appreciation that international treaties ratified or acceded to, including ICRMW, have very high rank in the State's legal system, and are second only to the Constitution.<sup>12</sup>

2. In 2003, the Law on Monitoring and Private Security was adopted, which prohibits currently serving army and police personnel from owning or being recruited for private military and security companies, and sets forth a number of conditions for the registration of such companies.<sup>13</sup>

3. In 2005, the Law on Subcontracting was adopted, which aims at enhancing the protection of the labour conditions of subcontractors.<sup>14</sup> The Working Group on the question of the use of mercenaries noted the significant potential of this legislation.<sup>15</sup>

### **C. Institutional and human rights structure**

4. The Office of the Ombudsman (*Defensor del Pueblo*) was accredited with "A" status in 2002.<sup>16</sup>

5. The Committee on the Elimination of Racial Discrimination (CERD) welcomed the creation of the Ombudsman's Office with special units for indigenous and Afro-Ecuadorian affairs<sup>17</sup> and the Committee on the Rights of the Child (CRC) welcomed the establishment of the Office of the Ombudsman for Women and Children.<sup>18</sup> CESCR recommended that the State provide the *Defensoría* with the appropriate and adequate means to continue to carry out its mandate, including the protection of economic, social and cultural rights.<sup>19</sup>

### **D. Policy measures**

6. In 1998, Ecuador adopted the National Plan of Action for Human Rights (*Plan Nacional de Derechos Humanos*) as a legal and institutional framework for its human rights policies.<sup>20</sup>

7. Recent developments also include the establishment of the Department of Health for Indigenous Peoples, the Department of Bilingual Intercultural Education, the Ecuadorian Nationalities and Peoples Information and Research System, the Indigenous Peoples' Development Fund and the National Department for Indigenous Peoples, as part of the Office of the Ombudsman.<sup>21</sup>

8. CESCR noted with satisfaction the adoption of the *Plan de Igualdad de Oportunidades* and the establishment of the *Consejo Nacional de Mujeres* in 1997.<sup>22</sup> FAO mentioned that the Government had prepared a national plan for social development, which includes elements related to the right to food.<sup>23</sup>

9. CRC welcomed the establishment of the National Council for Childhood and Adolescence in 2004 as a coordinating body for official agencies entrusted with implementing public child development policies.<sup>24</sup>

10. UNICEF noted that in 2005, Ecuador implemented the Plan for the Progressive Eradication of Child Labour. In 2006, the Government developed a national plan to combat kidnapping, smuggling of migrants, labour and sexual exploitation, prostitution and pornography, and other forms of exploitation of women and children. In 2006, the National Plan for the Eradication of Sexual Crimes in the Education System was developed.<sup>25</sup>

11. CMW welcomed the establishment, in September 2005, of the Round Table on Labour Migration, an inter-institutional framework which includes civil society organizations and specialized international agencies, with the aim of assisting in the formulation of public policies on migration.<sup>26</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body</i> <sup>27</sup>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2002	Mar. 2003	--	Seventeenth to nineteenth reports received in 2006, scheduled for consideration in 2008
CESCR	2002	May 2004	--	Third report due in 2009
HR Committee	1997	July 1998	--	Fifth report overdue since 2001
CEDAW	2002	July 2003	--	Sixth and seventh reports due in 2002 and 2006 respectively, received in 2007
CAT	2003	Nov. 2005	Feb. 2007	Fourth to sixth reports due in 2009
CRC	2003	June 2005	--	Fourth due in 2007
CRC-OP-AC	--	--	--	Initial report overdue since 2006
CRC-OP-SC	--	-	--	Initial report overdue since 2006
CMW	2006	Nov. 2007	--	Second report due in 2009

12. CESCR regretted the late submission of the written replies to the list of issues.<sup>28</sup> CERD noted that the constructive dialogue with the State had been resumed after 10 years of interruption, which could have been further enhanced had it taken place earlier.<sup>29</sup>

13. CMW welcomed the submission of the initial report as well as the replies to the list of issues and the additional written information provided by the delegation.<sup>30</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on the human rights of migrants (5 -16 November 2001); <sup>31</sup> Special Rapporteur on the independence of judges and lawyers (13-17 March 2005) <sup>32</sup> and follow-up visit from 11 to 15 July 2005. <sup>33</sup> Working Group on Arbitrary Detention (12- 22 February 2006); <sup>34</sup> Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (24 April-4 May 2006); <sup>35</sup> Working Group on mercenaries (28 August - 1 September 2006); <sup>36</sup> Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health (14-18 May 2007). <sup>37</sup>
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	The Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion made a request on 29 June 2004.
<i>Follow-up to visits</i>	The Government took into account recommendations of the Special Rapporteur on the independence of judges and lawyers following his first visit <sup>38</sup> and sent a letter indicating the measures taken to implement the recommendations made by the Special Rapporteur following his second visit. <sup>39</sup>

<i>Facilitation/cooperation during missions</i>	The Working Group on Arbitrary Detention noted that it benefited from full cooperation and complete transparency on the part of the authorities. <sup>40</sup> It stated that it was pleased that at the end of the visit, the Government had already considered some of the subjects of concern it had raised. <sup>41</sup> The Special Rapporteur on the independence of judges and lawyers noted, following his first visit, that he was grateful to the Government and to all officials who cooperated extensively with him during his visit. <sup>42</sup> The Working Group on mercenaries expressed appreciation to the Government for the speedy invitation and cooperation. <sup>43</sup> The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples expressed his gratitude to the Government. <sup>44</sup>
<i>Responses to letters of allegation and urgent appeals</i>	Between 1 January 2004 and 31 December 2007, 41 communications were sent to the Government. In addition to particular groups, these communications concerned 45 individuals, including six women. In the same period, Ecuador provided responses to 11 of the communications (24.4 per cent).
<i>Responses to questionnaires on thematic issues<sup>45</sup></i>	Ecuador responded to three questionnaires of the 12 sent by special procedures mandate holders <sup>46</sup> between 1 January 2004 and 31 December 2007, within the deadlines. <sup>47</sup>

14. CAT welcomed the open invitation extended to all special procedures of the Commission on Human Rights.<sup>48</sup>

### 3. Cooperation with the Office of the High Commissioner for Human Rights

15. During the first half of 2007, OHCHR deployed a human rights adviser to the United Nations Resident Coordinator and the United Nations Country Team (UNCT), with the aim of supporting UNCT on human rights-based programming<sup>49</sup> and working on reinforcing the country's administration of justice.<sup>50</sup>

16. As follow-up to the recommendation made by the Special Rapporteur on the independence of judges and lawyers<sup>51</sup> in 2005, OHCHR, jointly with UNDP-Ecuador, supported the United Nations observation and monitoring process (*veeduría*), which led to the instalment and appointment of the new Supreme Court of Justice.<sup>52</sup> Technical assistance was also provided to the Inter-Ministerial Committee for the preparation of periodic reports to the treaty bodies and the follow-up to their recommendations.<sup>53</sup>

17. Within the framework of a joint UNDP-OHCHR HURIST project, OHCHR has also been implementing a pilot regional project on indigenous and Afro-descendent peoples' rights in Bolivia, Ecuador and Peru, in partnership with national institutions/actors, including the Council for the Development of Ecuadorian Nationalities and Peoples (CODENPE) and other indigenous and Afro-descendents groups.<sup>54</sup> In the past four years, Ecuador has also hosted several regional OHCHR activities.<sup>55</sup>

## B. Implementation of human rights obligations

### 1. Equality and non-discrimination

18. CERD noted that despite constitutional and legal guarantees, there is still de facto discrimination against indigenous and Afro-Ecuadorian people, as well as members of other ethnic minorities.<sup>56</sup> CMW was concerned at the information that migrant workers and members of their families may suffer from discriminatory attitudes and social stigmatization,<sup>57</sup> as also noted with concern by the Special Rapporteur on migrants.<sup>58</sup> According to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the situation of indigenous women migrants was particularly distressing,<sup>59</sup> with an increasing number of women

involved in international migration and more specifically, in indigenous migration.<sup>60</sup> Because of the discrimination from which they suffer, indigenous migrant women can easily fall prey to traffickers and slavery networks, in addition to numerous abuses in the workplace.<sup>61</sup>

19. In 2003, CERD stated that Ecuador should address the problem of double discrimination against women belonging to ethnic minorities as well as their lack of political representation, in line with the Committee's general recommendation XXV.<sup>62</sup> CEDAW noted that while the Constitution guarantees women equality of opportunity in access to the labour market, women's unemployment and underemployment rates were significantly higher than those of men.<sup>63</sup>

20. CRC expressed concern about discrimination against girls, children living in poverty and refugee children. It urged Ecuador to effectively implement its national strategies to eliminate discrimination on any grounds and against all vulnerable groups.<sup>64</sup>

21. Most of the communications sent by the Special Representative of the Secretary-General on the situation of human rights defenders dealt with cases of alleged harassment and death threats against defenders and lawyers who defend the rights of indigenous peoples<sup>65</sup> and against members and leaders of the gay, lesbian, bisexual, transsexual and transvestite community.<sup>66</sup>

## **2. Right to life, liberty and security of the person**

22. In 2005, CAT expressed concern that the State had not brought the definition of torture in the Criminal Code fully into line with articles 1 to 4 of the Convention against Torture.<sup>67</sup> It also noted the allegations that a large number of prisoners had been tortured while being held *incommunicado*<sup>68</sup> and stated that Ecuador should ensure that the allegations of the excessive use of force during criminal investigations are thoroughly investigated and those responsible brought to trial.<sup>69</sup> According to the Working Group on Arbitrary Detention, ill-treatment by officers of the judicial police, including torture, is apparently common during the initial stages of detention.<sup>70</sup>

23. CERD recommended that Ecuador ensure that excessive use of force by the police and armed forces against indigenous people, particularly in the context of political demonstrations and civil unrest, is avoided.<sup>71</sup> CAT stated that the State should improve the quality of and enhance the human rights training of State security forces and bodies, and should rapidly put into effect the national human rights plan for the armed forces.<sup>72</sup> CAT also expressed concern about allegations of torture and ill-treatment of members of vulnerable groups, especially indigenous communities, sexual minorities and women, even though domestic law protects these groups.<sup>73</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions also raised issues linked to alleged excessive use of force by State security forces, which had resulted in the death of one person.<sup>74</sup> Issues related to the use of force have also been highlighted by the Working Group on mercenaries.<sup>75</sup>

24. In 2004, CESCR expressed concern that domestic violence is widespread and does not constitute a criminal offence. In this connection, it strongly urged the State to amend its Criminal Code with a view to redefining the crime of rape to reflect international standards and to protect women and children.<sup>76</sup> The HR Committee stressed that all reported acts of violence against women should be investigated and appropriate judicial proceedings instituted.<sup>77</sup> It also expressed concern about the very high number of suicides among young females, which appears in part to be related to the prohibition of abortion. In this regard, the Committee regretted the failure to address the resulting problems faced by adolescent girls, in particular rape victims, who suffer the consequences for the rest of their lives.<sup>78</sup> CESCR urged the State to take all effective measures to ensure that the Family Code is adopted and implemented without any further delay.<sup>79</sup>

25. The Special Rapporteur on the right to health noted the high incidence of gender-based violence.<sup>80</sup>

26. CESCR was deeply concerned about the high incidence of sexual abuse and prostitution of girls and boys under the age of 18 in urban areas.<sup>81</sup> CRC recommended that Ecuador, inter alia, take appropriate legislative measures, including the revision of the Penal Code, aimed at criminalizing sexual exploitation, pornography and sex tourism<sup>82</sup> and CMW recommended that efforts be intensified to tackle commercial sexual exploitation of migrant children.<sup>83</sup>

27. The situation of Colombians who may be at risk of trafficking in Ecuador was raised by the Special Rapporteur on the human rights of migrants, including during her visit,<sup>84</sup> the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on violence against women and the Special Rapporteur on the sale of children<sup>85</sup> to which the Government provided a detailed reply.<sup>86</sup> CERD noted that the State had adopted legislation that criminalizes the illegal smuggling of people across the country's borders under often inhumane conditions ("*coyoterismo*").<sup>87</sup>

### **3. Administration of justice and the rule of law**

28. The Special Rapporteur on the independence of judges and lawyers highlighted the urgency of reforming the whole judicial system, including by enacting a new law on the organization of the judiciary and giving practical effect to the principle that only judicial bodies may perform judicial functions.<sup>88</sup> CAT reiterated its concern at the existence of military and police courts, and stated that Ecuador should ensure that the ordinary courts fully exercise their competence.<sup>89</sup> CESCR urged Ecuador to take immediate and appropriate measures to ensure the independence and integrity of the judiciary.<sup>90</sup>

29. The Working Group on Arbitrary Detention highlighted the discrepancy between the norms enshrined in the Constitution, the laws in force and the practices it observed.<sup>91</sup> Another concern underlined by the Working Group was the lack of appropriate implementation of the adversarial system introduced in 2001.<sup>92</sup>

30. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people noted that one of Ecuador's main challenges is to give full effect to the constitutional principles concerning indigenous rights through secondary legislation and regulations on various constitutional rights.<sup>93</sup>

### **4. Freedom of movement**

31. CMW noted that in accordance with article 37 (d) of the Migration Law, Ecuadorians wishing to leave the country need an "exit permit" issued by the Migration Service of the National Police, even if the country of destination does not require visas for Ecuadorian citizens.<sup>94</sup>

### **5. Freedom of expression**

32. A number of communications sent by the Special Rapporteur on freedom of opinion and expression related to alleged limitations of freedom of expression of journalists, death threats and other acts of intimidation<sup>95</sup> and the Special Representative of the Secretary-General on Human Rights Defenders reported the case of a journalist being sentenced for "injurious calumny".<sup>96</sup>

## **6. Right to work and to just and favourable conditions of work**

33. CESCR was concerned about the high rate of unemployment and the size of the country's informal economy.<sup>97</sup> It urged the State to ensure that its existing legislation in respect of the occupational health and safety of workers is fully implemented and that the labour inspections system is strengthened.<sup>98</sup>

34. In 2005 CRC urged Ecuador to continue to strengthen legislative and other measures<sup>99</sup> and in 2004 CESCR strongly urged it to take all possible measures, legislative and otherwise, to address effectively the persistent problem of child labour, particularly in agriculture and domestic work.<sup>100</sup>

## **7. Right to social security and to an adequate standard of living**

35. CESCR encouraged Ecuador to intensify its efforts and activities to combat poverty, including setting up an anti-poverty strategy to improve the living conditions of disadvantaged and marginalized groups.<sup>101</sup>

36. The Special Rapporteur on the right to health noted, *inter alia*, the absence of an inclusive health system that is accessible to all. In relation to specific problems in the northern zone, he noted the completely inadequate health system, which failed to respond to the health needs arising from the aerial spraying of glyphosate.<sup>102</sup> CESCR expressed concern about the low coverage and quality of the health system and the insufficient financial resources available to it.<sup>103</sup>

## **8. Right to education**

37. CRC acknowledged the improvements made in the field of education, including the forthcoming implementation of bilingual education, and made several recommendations concerning increasing expenditure on education; enrolment in primary and secondary education; prevention of school dropouts; strengthening vocational training; access to education by children living and working in the street; enhancing the quality of teaching and seeking technical cooperation with, *inter alia*, UNICEF and UNESCO.<sup>104</sup> With regard to the problem of illiteracy among indigenous and Afro-Ecuadorian people, CERD recommended that measures be taken to increase the number of bilingual teaching personnel, in particular from among these communities.<sup>105</sup>

38. CESCR was particularly concerned about the situation of young girls and of indigenous and Afro-Ecuadorian children. It urged Ecuador to take all possible measures to combat illiteracy, in particular among the most disadvantaged and marginalized groups.<sup>106</sup>

39. CMW recommended that appropriate measures be taken to ensure that access to education is guaranteed to all migrant children, in accordance with article 30 of ICRMW. Furthermore, Ecuador should intensify its efforts to guarantee that all children of migrant workers have the right to a name and to registration of their birth throughout the country, in accordance with article 29 of the Convention.<sup>107</sup>

## **9. Minorities and indigenous peoples**

40. In 2003, CERD emphasized that a high percentage of persons belonging to ethnic minority groups often do not enjoy equal access to the labour market, land and means of agricultural production, health services, education and other facilities and, accordingly, a disproportionately high percentage of members of these groups live in poverty.<sup>108</sup> CESCR made similar remarks and recommendations in 2004.<sup>109</sup> The Special Rapporteur on the situation of human rights and

fundamental freedoms of indigenous people stated that according to available data, as a rule, more indigenous people live in poverty and extreme poverty and meet fewer social and human development indicators than sectors of the population.<sup>110</sup>

41. The Special Rapporteur also noted that oil exploration has had a considerable impact on the indigenous environment and living conditions and has provoked tension and conflict between some indigenous communities, oil companies and the Government.<sup>111</sup> CESCR particularly requested Ecuador to consult and seek the consent of the indigenous peoples concerned prior to the implementation of natural resources extraction projects and on public policy affecting them, in accordance with ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.<sup>112</sup> CERD recommended that the prior informed consent of these communities be sought and that the equitable sharing of benefits to be derived from such exploitation be ensured.<sup>113</sup>

### **10. Migrants, refugees and asylum-seekers**

42. In 2005, CAT stated that Ecuador should adopt administrative measures in all the country's police stations to guarantee respect for due process during deportation, especially the right to a defence, the presence of a diplomatic agent from the detainee's country and, in the case of refugees, the mandatory presence of UNHCR personnel.<sup>114</sup> The Working Group on Arbitrary Detention expressed concern about the situation of detained immigrants awaiting deportation, who have neither the necessary resources nor the opportunity to appeal against deportation orders.<sup>115</sup>

43. CMW recommended that necessary measures be taken to establish a legal framework to regulate expulsion/deportation procedures, in accordance with articles 22 and 23 of the Convention.<sup>116</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

44. The Working Group on Arbitrary Detention emphasized efforts made since 1997 to incorporate international human rights principles and standards in domestic law. These efforts are most evident in the Constitution, the national human rights plan and the laws governing the criminal justice system.<sup>117</sup>

45. CESCR noted with appreciation Ecuador's cooperation with the UNCT in Ecuador and the OHCHR Latin American regional office, in particular the working group of the Inter-Ministerial Public Committee on Human Rights in charge of the elaboration of reports to the human rights treaty bodies.<sup>118</sup>

46. CAT noted with satisfaction that Ecuador had taken part in amicable international settlement processes, particularly within the inter-American system, with a view to resolving complaints of human rights violations, including torture. The State should ensure that in cases of amicable settlement, in addition to compensation, investigations are undertaken to determine the responsibility of those who may have violated human rights.<sup>119</sup>

47. Both the Special Rapporteur on the independence of judges and lawyers<sup>120</sup> and the Working Group on Arbitrary Detention referred to the constitutional crisis resulting from the dismissal of judges from the Supreme Court, the Constitutional Court and the Supreme Electoral Court, which started in 2004, and noted the efforts made to resolve it.<sup>121</sup>

48. CRC noted with appreciation the efforts made to host an increasing number of asylum-seekers, a significant number of whom are children, and recommended that Ecuador continue to strengthen its asylum policy and in particular that it adopt legislative measures governing the treatment of unaccompanied and separated children.<sup>122</sup>
49. CERD welcomed the introduction of a bilingual education system in Ecuador for teaching some 94,000 indigenous children in both Spanish and their own languages.<sup>123</sup>
50. CMW noted that, in the context of the National Plan for Human Rights, training activities for civil society organizations and relevant public officials on the Convention and its promotion have been introduced. It also appreciated the introduction by the national police of a mandatory course for police officers on the subject of the human rights of migrants.<sup>124</sup>
51. The Special Rapporteur on the right to health noted that the Government deserved great credit for having recognized the gravity of the situation in the area along the northern border and for adopting Plan Ecuador, a multisectoral plan.<sup>125</sup> A specific challenge raised by the Special Rapporteur was the aerial spraying of glyphosate along the Colombia-Ecuador border, which should cease until it is clear that it does not damage human health.<sup>126</sup>
52. The Working Group on mercenaries noted the high crime rate, with one robbery committed every 21 minutes, widespread kidnapping, robberies of banks and thefts of public and private property.<sup>127</sup>
53. UNDP noted that Ecuador has made important progress in providing women with access to political offices and affirmative action through the 1998 quota law, with the number of female parliamentarians increasing from 4 per cent in the 1996 elections to 18 per cent in 2002.<sup>128</sup>

#### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

##### **A. Pledges by the State**

54. The Government sent a letter to the President of the General Assembly on 1 May 2006 regarding Ecuador voluntary pledges and commitments in the field of human rights, to support Ecuador's candidature for the Human Rights Council.<sup>129</sup>
55. According to the 2004-2008 United Nations Development Assistance Framework (UNDAF), the five major pillars of the Government's priorities and commitments include: (i) the fight against corruption – institutional strengthening particularly of Legal and Justice System, transparency in political processes, promotion of citizenship values through education and ending of impunity; (ii) the fight against poverty and exclusion – human rights-based social policies; participatory policies and accountability; (iii) international policy – regional agreements, policies on immigration, and recognition of values and diversity; (iv) security – food security; citizenship security and culture of peace; sustainable environment; legal and social security and the protection of rights and predictability in public action; social security - the development of an efficient universal system.<sup>130</sup>

##### **B. Specific recommendations for follow-up**

56. In 2005, CAT requested Ecuador to provide information, within one year of the adoption of its recommendations, on the practical steps taken to follow up on its recommendations relating to allegations of torture and ill-treatment of members of vulnerable groups, especially indigenous communities, sexual minorities and women; the institution of training programmes in human rights

in respect of the treatment of prisoners; the physical conditions in detention centres; and the independence of the judiciary.<sup>131</sup> In February 2007, the Government submitted a follow-up response to the Committee containing information from relevant State institutions and agencies on specific measures taken on these issues.<sup>132</sup>

57. The Working Group on Arbitrary Detention made several recommendations on the administration of justice, including funding,<sup>133</sup> conditions of detention,<sup>134</sup> treatment of detainees,<sup>135</sup> and the judicial safeguards available to them.<sup>136</sup> The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people made recommendations relating to, inter alia, the enactment of legislation on indigenous peoples,<sup>137</sup> issues relating to the northern border,<sup>138</sup> the environment,<sup>139</sup> the consultation, participation and recognition of indigenous communities,<sup>140</sup> security, social protest and justice-related activities,<sup>141</sup> and to peoples in voluntary isolation.<sup>142</sup> Finally, the Special Rapporteur on the right to health made specific recommendations relating to the implementation of Plan Ecuador.<sup>143</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of the instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Protection of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Protection of Persons with Disabilities
CED	Convention on the Protection of Persons from Enforced Disappearance

<sup>3</sup> Ecuador declares that, in accordance with the provision of article 42 of its Political Constitution, it will not permit extradition of its nationals, see *Multilateral Treaties* ....

<sup>4</sup> Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Ecuador before the Human Rights Council, as contained in the note verbale dated 1 May 2006 sent by the Permanent Mission of Ecuador to the United Nations addressed to the President of the General Assembly.

<sup>5</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>6</sup> Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>7</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of

War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). Source: Switzerland Federal Department of Foreign Affairs of Switzerland, at: <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

<sup>8</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>9</sup> E/C.12/1/Add.100, para. 4.

<sup>10</sup> CAT/C/ECU/CO/3, para. 4.

<sup>11</sup> A/HRC/4/40/Add.2, para. 59.

<sup>12</sup> CMW/C/ECU/CO/1, para. 8.

<sup>13</sup> A/HRC/4/42/Add.2, para. 12.

<sup>14</sup> *Ibid.*, para. 13.

<sup>15</sup> *Ibid.*, para. 13.

<sup>16</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

<sup>17</sup> CERD/C/62/CO/2, para. 5.

<sup>18</sup> CRC/C/15/Add.262, para. 18.

<sup>19</sup> E/C.12/1/Add.100, para. 60.

<sup>20</sup> Ecuador letter.

<sup>21</sup> A/HRC/4/32/Add.2, para. 17.

<sup>22</sup> E/C.12/1/Add.100, para. 6.

<sup>23</sup> FAO submission to UPR on Ecuador, p. 1. Full text available at: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/EC/FAO\\_ECU\\_UPR\\_S1\\_2008\\_FoodandAgricultureOrganization\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/EC/FAO_ECU_UPR_S1_2008_FoodandAgricultureOrganization_uprsubmission.pdf).

<sup>24</sup> CRC/C/15/Add.262, para. 4.

<sup>25</sup> UNICEF submission to UPR on Ecuador, p. 3. Full text available at: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/EC/UNICEF\\_ECU\\_UPR\\_S1\\_2008\\_UnitedNationsChildrensFunds\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/EC/UNICEF_ECU_UPR_S1_2008_UnitedNationsChildrensFunds_uprsubmission.pdf).

<sup>26</sup> CMW/C/ECU/CO/1, para. 6 (b).

<sup>27</sup> The following abbreviations have been used in this document: CERD - Committee on the Elimination of Racial Discrimination; CESCR - Committee on Economic, Social and Cultural Rights; HR Committee - Human Rights Committee; CEDAW - Committee on the Elimination of Discrimination against Women; CAT - Committee against Torture, CRC - Committee on the Rights of the Child, CMW - Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

<sup>28</sup> E/C.12/1/Add.100, para. 2.

<sup>29</sup> CERD/C/62/CO/2, para. 2.

<sup>30</sup> CMW/C/ECU/CO/1, para. 2.

<sup>31</sup> See E/CN.4/2002/94/Add.1.

<sup>32</sup> See E/CN.4/2005/60/Add.4.

<sup>33</sup> See E/CN.4/2006/52/Add.2.

<sup>34</sup> A/HRC/4/40/Add.2.

<sup>35</sup> A/HRC/4/32/Add.2.

<sup>36</sup> A/HRC/4/42/Add.2.

<sup>37</sup> See the press release issued on 18 May 2007 following the visit (hereafter “press release on visit”), available at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/42D1F65F4D223B17C12572E4003313EB?opendocument>.

<sup>38</sup> E/CN.4/2006/52/Add.2, para. 4.

<sup>39</sup> A/HRC/4/25/Add.1, para. 126.

<sup>40</sup> A/HRC/4/40/Add.2, para. 5.

<sup>41</sup> A/HRC/4/40/Add.2, para. 100.

<sup>42</sup> E/CN.4/2005/60/Add.4, para. 1.

<sup>43</sup> A/HRC/4/42/Add.2, para. 1.

<sup>44</sup> A/HRC/4/32/Add.2, para. 3.

<sup>45</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>46</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in September 2006;

(iii) report of the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, sent in July 2006;

(iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous peoples sent in August 2007;

(vi) report of the Special Rapporteur on trafficking in persons, especially women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006;

(x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprise (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>47</sup> Questionnaire on the right to education of persons with disabilities (see A/HRC/4/29) para. 47.

Questionnaire on the impact of certain laws and administrative measures on migrants (see A/HRC/4/24) para. 9.

Questionnaire on human rights policies and management practices (see A/HRC/4/35/Add.3) para. 7.

<sup>48</sup> CAT/C/ECU/CO/3, para. 8.

<sup>49</sup> OHCHR, *High Commissioner's Strategic Management Plan, 2008-2009*, p. 46.

<sup>50</sup> OHCHR, *High Commissioner's Strategic Management Plan, 2008-2009*, p. 42.

<sup>51</sup> E/CN.4/2005/60/Add.4, para. 5.

<sup>52</sup> OHCHR, *Annual Report 2005*, p. ....

<sup>53</sup> *Annual Report 2004*, p. 122.

<sup>54</sup> *Ibid.*, p. 214.

<sup>55</sup> *Annual Reports 2007, 2006, 2005, 2004*.

<sup>56</sup> CERD/C/62/CO/2, para. 11.

<sup>57</sup> CMW/C/ECU/CO/1, para. 19.

<sup>58</sup> E/CN.4/2002/94/Add.1, para. 81.

<sup>59</sup> A/HRC/4/32/Add.2, para. 44.

<sup>60</sup> *Ibid.*, para. 45.

<sup>61</sup> *Ibid.*, para. 45.

<sup>62</sup> CERD/C/62/CO/2, para. 15.

<sup>63</sup> A/58/38, para. 291.

<sup>64</sup> CRC/C/15/Add.262, paras. 28-29.

<sup>65</sup> E/CN.4/2006/95/Add.5, para. 493. See also A/HRC/4/25/Add.1, para. 123.

<sup>66</sup> E/CN.4/2006/95/Add.5, para. 495. See also E/CN.4/2005/7/Add.1, para. 222.

<sup>67</sup> CAT/C/ECU/CO/3, para. 14.

<sup>68</sup> *Ibid.*, para. 21.

<sup>69</sup> *Ibid.*, para. 23.

<sup>70</sup> A/HRC/4/40/Add.2, para 91.

<sup>71</sup> CERD/C/62/CO/2, para. 12.

<sup>72</sup> CAT/C/ECU/CO/3, para. 22.

<sup>73</sup> *Ibid.*, para. 17.

<sup>74</sup> A/HRC/4/20/Add.1, page 115.

<sup>75</sup> A/HRC/4/42/Add.2, para. 18.

<sup>76</sup> E/C.12/1/Add.100, paras. 25 and 50.

<sup>77</sup> CCPR/C/79/Add.2, para. 10.

<sup>78</sup> *Ibid.*, para. 11.

<sup>79</sup> E/C.12/1/Add.100, para. 46.

<sup>80</sup> Press release on visit.

- <sup>81</sup> E/C.12/1/Add.100, para. 23.
- <sup>82</sup> CRC/C/15/Add.262, para. 70.
- <sup>83</sup> CMW/C/ECU/CO/1, para. 33 (a).
- <sup>84</sup> E/CN.4/2002/94/Add.1, para. 54.
- <sup>85</sup> A/HRC/4/31/Add.1, paras. 64-71.
- <sup>86</sup> Ibid., para. 72.
- <sup>87</sup> CERD/C/62/CO/2, para. 3.
- <sup>88</sup> E/CN.4/2006/52/Add.2, para. 36.
- <sup>89</sup> CAT/C/ECU/CO/3, para. 25.
- <sup>90</sup> E/C.12/1/Add.100, para. 33.
- <sup>91</sup> A/HRC/4/40/Add.2, page 2 and para. 64.
- <sup>92</sup> A/HRC/4/40/Add.2, fifth paragraph of the summary.
- <sup>93</sup> A/HRC/4/32/Add.2, para. 72.
- <sup>94</sup> CMW/C/ECU/CO/1, para. 21.
- <sup>95</sup> E/CN.4/2005/64/Add.1, paras. 321, 325 and 329.
- <sup>96</sup> E/CN.4/2004/62/Add.1, para. 263.
- <sup>97</sup> E/C.12/1/Add.100, para. 16.
- <sup>98</sup> Ibid., para. 41.
- <sup>99</sup> CRC/C/15/Add.262, para. 68.
- <sup>100</sup> E/C.12/1/Add.100, para. 47.
- <sup>101</sup> Ibid., para. 51.
- <sup>102</sup> Press release on visit.
- <sup>103</sup> E/C.12/1/Add.100, para. 29.
- <sup>104</sup> CRC/C/15/Add.262, para. 59-60.
- <sup>105</sup> CERD/C/62/CO/2, para. 14.
- <sup>106</sup> E/C.12/1/Add.100, paras. 31 and 57.
- <sup>107</sup> CMW/C/ECU/CO/1, para. 36.
- <sup>108</sup> CERD/C/62/CO/2, para. 13.
- <sup>109</sup> E/C.12/1/Add.100, paras. 13 and 35.
- <sup>110</sup> A/HRC/4/32/Add.2, para. 75.
- <sup>111</sup> Ibid., para. 18.
- <sup>112</sup> E/C.12/1/Add.100, para. 35.
- <sup>113</sup> CERD/C/62/CO/2, para. 16.
- <sup>114</sup> CAT/C/ECU/CO/3, para. 20.
- <sup>115</sup> A/HRC/4/40/Add.2, 6<sup>th</sup> paragraph of the summary.
- <sup>116</sup> CMW/C/ECU/CO/1, para. 26.
- <sup>117</sup> A/HRC/4/40/Add.2, para. 57.
- <sup>118</sup> E/C.12/1/Add.100, para. 7. See also *Annual Report 2004*, p. 122.

<sup>119</sup> CAT/C/ECU/CO/3, para. 27.

<sup>120</sup> E/CN.4/2006/52/Add.2, para. 1.

<sup>121</sup> A/HRC/4/40/Add.2, para. 56.

<sup>122</sup> CRC/C/15/Add.262, paras. 63 and 64.

<sup>123</sup> CERD/C/62/CO/, para. 6.

<sup>124</sup> CMW/C/ECU/CO/1, para. 16.

<sup>125</sup> Press release on visit.

<sup>126</sup> Ibid.

<sup>127</sup> A/HRC/4/42/Add.2, para. 21.

<sup>128</sup> UNDP, Country programme outline for Ecuador (2004-2008) (DP/CPO/ECU/1), para. 6, available at <http://www.undp.org/latinamerica/country-docs/Ecuador-cpo0408.pdf>.

<sup>129</sup> Ecuador letter.

<sup>130</sup> UNDAF 2004-2008, p. 10, at <http://www.undp.org/execbrd/pdf/UNDAF%20for%20Ecuador.pdf>.

<sup>131</sup> CAT/C/ECU/CO/3, para. 30.

<sup>132</sup> CAT/C/ECU/CO/3/Add.1.

<sup>133</sup> A/HRC/4/40/Add.2, para. 101 (a).

<sup>134</sup> Ibid., para. 101 (a), (f), (g).

<sup>135</sup> Ibid., para. 101 (a), (d).

<sup>136</sup> Ibid., para. 101 (a), (c), (e), (g).

<sup>137</sup> A/HRC/4/32/Add.2, paras. 81-84.

<sup>138</sup> Ibid., paras. 85-87.

<sup>139</sup> Ibid., para. 88.

<sup>140</sup> Ibid., paras. 89-90.

<sup>141</sup> Ibid., paras. 91-93.

<sup>142</sup> Ibid., paras. 94-97.

<sup>143</sup> See press release on visit.

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