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Members of the Working Group
Universal Periodic Review (UPR)
Human Rights Council
Geneva

Reference: UNCT submission to the UPR second cycle – Ecuador review

To whom it may concern,

Attached please find the United Nations Country Team - Ecuador (UNCT) submission to the UPR for the thirteenth session of the UPR Working Group where Ecuador will be reviewed. The submission includes information sent by the following UN agencies, funds and programmes:

- International Organization for Migration-IOM
- Office of the High Commissioner for Human Rights (OHCHR)
- UNAIDS
- UN Women
- United Nations Children's Fund - UNICEF
- United Nations Educational, Scientific and Cultural Organization – UNESCO
- United Nations High Commissioner for Refugees - UNHCR
- United Nations Human Settlements Programme - UN-HABITAT
- World Food Programme - WFP
- World Health Organization and Pan-American Health Organization - WHO/PAHO

The UNCT in Ecuador considers this mechanism of relevance for human rights promotion and advance country wide and we will continue supporting the governmental efforts to follow up the recommendations both from the first and second cycle.

Please do not hesitate to contact us if you need further information.

Sincerely,

José Manuel Hermida
Resident Coordinator

I. INFORMATION RELATED TO RECOMMENDATIONS ISSUED DURING THE FIRST ROUND OF THE UNIVERSAL PERIODIC REVIEW

PENITENTIARY REFORM AND CONDITIONS OF DETAINEES IN PRISONS

RECOMMENDATIONS:

- 1. Provide information in the future on further advances regarding the penitentiary reform and combating discrimination (The Netherlands).**
- 4. Take appropriate measures to further improve the conditions of detainees in prisons, as recommended by the Committee against Torture in 2006 and 2007 (Italy).**
- 5. Establish a time frame and a follow-up mechanism regarding the improvements on the situation of detainees in prisons (Sweden).**

In 2010, Ecuador ratified the Optional Protocol of the CAT and under the leadership of the Ministry of Justice, Human Rights and Cults (MJHRC) started working on the establishment of a national mechanism to visit detention facilities. It should be recommended to the State to foster the establishment of a participatory and independent mechanism that considers the experience on this field already developed by the NHRI and CSOs.

The MJHRC, with the support of the OHCHR, developed a set of indicators related to the right to integrity (focused on torture) as part of the Human Rights Indicators System (SIDERECHOS), which aims at monitoring State compliance with its human rights obligations. Some of the information gathered revealed that despite advances registered in the rehabilitation system, there are several state obligations to be fulfilled on this area, for instance, the lack of information relating conditions of detention.

Articles 51, 77 and 175 of the Constitution provide for specific conditions of detention applicable to children, young offenders, pregnant women and on nursing period, and older people. According to them, these people are subject to a specialized justice, having competent professionals with knowledge on integral protection. It also defines socio-educative measures that must be implemented and that custodial measures should be the latest measure to be adopted, for a minimum period and in locations apart from the ones for adult people.

In Ecuador, it is necessary to regulate and formalize the new model of attention for young offenders, to introduce the background in the Project of Law of the Penal Code; and to make the existing preliminary regulations become a Law, with the purpose to put in place non-custodial programs oriented to young offenders, as a national priority.

There are also failures on the system of attention to adolescents in prisons, one of them is the unsuitability and lack of capacity of the facilities of these Centers (in many cases they are in very bad conditions), these conditions have a direct and negative impact on the physical, mental, hygienic, and security conditions of the adolescents. It should be recommended to the State to increase the investment on maintenance and replacement of furniture and facilities of these centers. This measure should be immediately applied, considering that there are 900 adolescents held in 11 Centers all over the country.

At the border region with Colombia in particular, there are no specialized centers. Persons detained are therefore kept in Provisional Detention Centers and in migration checkpoints, in precarious

conditions. Detained asylum seekers and refugees are often kept in the same cells with regular criminals. There are also few separate cells for women and children.

Regarding HIV prevention and treatment in detention facilities, the Ministry of Justice, Human Rights and Cults, with support of the UN, developed and promoted the application of the policy of HIV prevention and the control of sexually transmitted diseases and tuberculosis for prison inmates in the social rehabilitation system.

DISCRIMINATION

RECOMMENDATIONS:

1. Provide information in the future on further advances regarding the penitentiary reform and combating discrimination (The Netherlands).

7. Implement measures to combat discrimination on the ground of sexual orientation and gender identity, as well as other human rights violations against the gay, lesbian, bisexual, transsexual and transvestite community (Slovenia).

The Ecuadorian Constitution includes several and advanced regulations against discrimination. Art. 11.2 contain a detailed list of possible reasons of discrimination, which also includes the right to the non-criminalization of persons due to their migratory condition. The Constitution also provides for a change in the so called equality councils with legal attributions in the formulation, mainstreaming, compliance, monitoring and evaluation of public policies related to gender, ethnicity, generational, intercultural, human mobility and disabilities, however, there is not a clear definition of the mandate of these councils which to date remain in passive role.

Despite the constitutional guarantees, minority groups such as indigenous and Afro-Ecuadorian peoples, migrants, refugees as well as people with diverse sexual orientation still suffer social exclusion, racism and discrimination by some state officials and by the population. As part of the measures taken by the Government to address these social and protection gaps, authorities have developed two national plans: the 2009-2013 National Development Plan for Good Living and the National Plan against Racism and Discrimination. The development plan includes among its objectives 'to foster social and territorial equality, cohesion and integration within diversity' (obj. 1) and 'to affirm and strengthen national identity, diverse identities, plurinationalism and interculturalism (obj. 8)', which are meant to be pursued by the different ministries and secretariats; however, there is no clear data on to what extent this plan has mainly benefited vulnerable groups. The goal of the Plan against Racism and Discrimination is to eliminate the different forms of discrimination and ethnic-cultural exclusion. It should be recommended to the State to foster the implementation of this plan through the necessary funding, institutions and a clear monitoring framework.

Since 2008, Ecuador also developed significant regulatory changes and policies to prevent and eliminate discrimination for reasons of sexual orientation and gender identity, and other violations of human rights against homosexual, lesbian, bisexual and transgender communities. For example, the Ministry of Health has lead specific studies and programs to prevent discrimination of sex workers, and homosexual and transgender populations, and has progressively improved access to pertinent services for HIV prevention, treatment and protection.

Although the government has consistently demonstrated a strong political commitment to providing universal access to antiretroviral therapy and fighting stigma and discrimination, Ecuador still faces barriers in the effective uptake of the favorable legal and programmatic frameworks related to managerial weakness in public institutions and services. This has manifested itself in challenges in the

provision of regular, continuous access to antiretroviral drugs, and the enforcement through social protection and judiciary systems to effectively eliminate sporadic cases of stigma and discrimination for populations most exposed to HIV, and to people living with HIV from health, education, labor and human mobility settings.

Over the last few years, discrimination against people of other nationalities, including the refugee population, has increased in Ecuador. The latent insecurity along the northern border zone, as well as the presence of refugees, asylum-seekers, the expansion of the Colombian conflict itself into Ecuador, and a stream of persistent negative messages in some media local media outlets, have spawned anti-Colombian feeling among part of the local population. While such feelings are not the norm, it is a cause for concern to UNHCR since the situation could persist if not exacerbate in the near future.

The large presence of asylum-seekers and refugees in Ecuador coupled with the spillover of the Colombian conflict in Ecuador has contributed to the increase of xenophobic reactions and discriminatory treatment towards Colombian refugees. There has also been an increase of anti-refugee statements in several media outlets at the local and national level.

While refugees are officially allowed to work, one of the main obstacles they have in accessing the labor market is the non recognition of the refugee visa by administrative authorities such as the civil registry or the social security system. Coupled with the systematic discrimination that refugees face when looking for work, they are therefore forced to accept exploitive labor conditions, are paid lower or sometimes no wages generally do not have access to social security benefits, despite their entitlement. In the 2007 CEPAR Survey, 46% of unregistered and 39% of registered refugees indicated that they received lower remuneration than Ecuadorians doing similar work. Similarly, 35% of registered and 28% of unregistered refugees indicated that they did not receive the same social security benefits as nationals. Other rights commonly disregarded include those concerning family allowances, working hours, overtime arrangements, paid holidays, and minimum age of employment. Finally, when refugees lose their job, employers frequently ignore their obligations to provide notice and dismissal pay.

Discrimination is not only limited to accessing the labor market, but can be felt in all walks of life. There are some reports that teachers, classmates, and school authorities routinely harass Colombian refugee children or entertain it. Landlords are reluctant to rent to Colombians, particularly large families, who are thus forced to live in overcrowded rooms. Additionally, refugees are regularly charged higher prices or have to pay a higher deposit than locals.

In the light of increasing discriminatory attitudes against refugees, UNHCR designed in 2011 a campaign called "Living together in Solidarity" which is supported by the UNCT. This has had a positive impact involving wide support from 300 municipalities, civil society organizations and the Ecuadorian government. Importantly, the President of Ecuador has issued instructions to the media staff in MFA to liaise closely with UNHCR on this campaign in order to change the negative image of refugees as criminals that widely lives among the public.

POLICÍA NACIONAL (NATIONAL POLICE)

RECOMMENDATIONS:

2. Continue human rights training of police forces (United Kingdom of Great Britain and Northern Ireland).

According to 2011 Report of Latinbarometro, insecurity has become the main citizen's concern in Ecuador, over and above poverty and unemployment. According to the SR on extrajudicial, summary or arbitrary executions (2011) Ecuador's national homicide rate has nearly doubled in the past 20 years, mainly due to greater organized crime activity, expanded drug trafficking, high drug and alcohol abuse rates and economic insecurity. In addition, the security situation in the northern border with Colombia has become more complex and pressing. Ecuadorians in rural areas, indigenous peoples and displaced Colombians are particularly affected by violence

The 2008 Constitution contains several provisions designed to guarantee and advance a culture of peace and integral security. The constitution reaffirms the Ecuadorian State as the main duty bearer regarding security through the Coordinator Ministry of Security and the Ministry of Interior. The National Police, defined as an institution of citizen rights, freedoms and guarantee, is responsible for maintaining the public order and protecting the security of Ecuadorians. However, in situations of 'state of emergency' the President can have the military at his disposal to take care of citizen security, which according to some NGOs has led to abuses on the use of force. Important developments on this field include the elaboration of mandatory guidelines on use of force, firearms and detention procedures for the police with the technical support, among others, of OHCHR. It should be recommended to the State the implementation of these guidelines through effective training, equipment and a monitoring system.

According to article 8 of the Executive Decree 3301, the police and migration officials are empowered to receive asylum requests and to channel them to the Refugee Directorate (RD). This however rarely happens. In addition, the law stipulates that once a person of concern is detained, the detaining authority is required to check the status of the person with the RD. In practice, nonetheless, this often is not the case and a person may be kept in detention for prolonged periods of time in poor detention conditions, in the same cells with ordinary criminals, or even deported.

Persons in need of international protection that have been unable to access the asylum procedure or that find themselves in the initial admissibility stage are particularly vulnerable to such abuses, given that they do not hold any residence permits that are recognized by the law enforcing authorities.

Ecuador, with support of international cooperation, has continued training to Police Force in HIV prevention issues. This included workshops to understand and to respect human rights of most at risk populations (men who have sex with men, bisexual, transgender population, sexual workers and prison inmates), as a mean for HIV prevention.

It should be recommended to the State to continue the police reform within the framework of a comprehensive policy on citizen security aligned with international human rights standards and taking into account the conclusions and recommendations from the Report on Citizen Security and Human Rights issued by the Inter American Human Rights Commission in 2009.

CHILD LABOUR

RECOMMENDATIONS

3. Apply and provide follow-up to plans to eradicate child labour (Italy).

Due to increased access and school retention, significant progress has been made in Ecuador related to the eradication of child labor. Other initiatives have been implemented, such as cash transfers and social protection programs. Despite all these efforts, in 2010, around 280.000 children and adolescents were still working.

It is important to strengthen the specific programs of child labor eradication and/or apply controls to its legal framework. It is necessary to focus the intervention of those programs on indigenous children belonging to the poorest quintile, on those living in rural areas; and, on those working on activities identified as extremely risky, which eradication becomes immediate (tanneries, mining, construction, agribusiness, slaughterhouses, markets, etc.). Based on the 2010 census, the integral strategy of child labor eradication must be updated, in order to obtain a better institutional coordination of the governmental actors involved on this subject. A key action would be to define the roles and competencies of every actor involved and to foster inter institutional coordination to address this issue.

GENDER PERSPECTIVE AND GENDER-BASED VIOLENCE

RECOMMENDATIONS:

6. Include a gender-perspective in the follow-up process to the UPR review (Slovenia).

8. Adopt appropriate measures to eradicate gender-based violence, particularly domestic violence (Italy, Mexico).

The new Constitution of 2008 guarantees women's rights and the principle of equality and no discrimination. However, there is not a specific law to make the enjoyment of these rights effective. Currently, there are two legislative initiatives to elaborate a Law of Gender Equality; one is supported by the Commission of Transition towards the National Council of Women and Gender Equality and another one is being debated and drafted by an important group of women organizations with support of a German NGO (FES-ILDIS).

Further, in 2011, various women organizations, with support of Un Women and the Commission of Transition towards the National Council of Women and Gender Equality, have proposed several legislative initiatives to reform secondary law in order to advance a gender and intercultural perspective. These diverse actors are supporting the incorporation of a gender perspective in legislation regarding land, water and other natural resources as well as labor rights. At the same time the Ecuadorian Government supported the Joint Resolution on ending acts of violence and related human rights violations based on sexual orientation and gender identity.

A positive evolution is that the Government has developed several public policies in order to combat high rates of gender-based violence. There are two National Plans: one to eradicate gender-based violence against women, children and adolescents and one to eradicate human trafficking and sexual exploitation against children, women and adolescents. There exists also a national policy regarding health, sex rights and reproductive rights.

As mentioned, the new Constitution creates equality councils and there is one for women and gender equality, however, the institutional and normative framework of these councils are not very clear and the work they are implementing at this stage is limited comparing to the role they should perform related to ensuring that ministries and secretariats include gender in their mandate and activities and developing public policies to address discrimination. At the beginning of 2011, the Commission of Transition towards the National Council of Women and Gender Equality published "The Plan of Equality and Non-discrimination and *Buen Vivir* for Ecuadorian Women 2010-2014" which includes several strategic actions, yet the Plan lacks a planning instrument and budget.

Further, the Group of Parliamentarians pro Women's Rights of the National Assembly promotes a package of legal reforms such as of the Penal Code. They propose several reforms regarding gender based violence and feminicide.

Despite these legal and public policies advances, in Ecuador the right to a life free of violence remains problematic and wide impunity exists. Particularly vulnerable in having legal redress are asylum seekers and refugees that are victim of SGBV by law enforcement agencies or private persons. Female sex workers that are arrested in police raids on nightclubs; many of whom are Colombian refugees and asylum seekers have allegedly been physically assaulted in detention. Unfortunately such acts are not properly investigated nor are offenders persecuted or brought to justice. Many of the victims chose not to denounce the incidents out of concern for their personal security as well as fear for reprisals.

Gender violence is still a public health problem and occurs in a very complex and profound manner among excluded groups and vulnerable people such as indigenous women, women with HIV/AIDS and women with diverse sexual orientation. In the northern border with Colombia for example, many girls and women, including displaced persons and refugees, are caught in prostitution rings.

Yet an important step has been the creation by the Ministry of Public Health of reception rooms where specialized attention is offered to victims of sexual and domestic violence by delivering quality medical, psychological and social services. The goal of these reception rooms is to ensure the exercise of the right to lead a violence-free life. People can receive medical, psychological and social attention as well as information about human rights. The creation of these spaces was possible through the adherence of the Ministry of Public Health to the national plan for eradicating violence, which entered into force in September 2007.

Since 2008, Ecuador has developed and promoted the application of a favorable constitutional, legal and normative framework to respond to the HIV/AIDS epidemic. Ecuador has also updated the 2007 – 2015 National Strategic Multi sectoral Plan for HIV/AIDS. These instruments are centered in guaranteeing broad access to multi sectoral policies, programs and services for HIV/AIDS. Plans to prevent gender-based violence and HIV/AIDS are included in these programs

Regarding economic, social and cultural rights it is important to note fundamental advances regarding gender responsive planning and budgeting thanks to the coordination between UNWomen, Ministry of Finance and several local governments. Currently, it is possible to obtain disaggregated information about budget allocations and expenditures thanks to the implementation of classifier K the Ministry of Finance warned, for example, that the MIES did not register inversions of gender equality in its projects or programmes and that the MJHR realized reforms without assigns financial resources to the eradication of violence.

JUDICIAL REFORM

RECOMMENDATION

9. Continue the reform of the judicial system (Canada, United Kingdom of Great Britain and Northern Ireland).

The judicial system in Ecuador faces deeply rooted problems that have not been solved despite several attempts by various governments to improve the system with support of international cooperation. Its reform has not been approached in a comprehensive and coherent way. The 2008 Constitution and the new Organic Code on the Judiciary provide a strong framework for substantive changes and create a new and better-coordinated judicial sector.

According to the 2011 Latinbarometro Report only 29% of the people trusts in the judiciary. The judiciary system is traditionally perceived as politicized, non-independent and corrupt. It has a passive prosecutorial body and limited legal defence for the most vulnerable with limited resources and knowledge about their rights. The judiciary is also confronted to increasing insecurity and violence and has under-qualified professionals and outdated technology that explain its low quality and inefficiency.

An important development in the area of justice and human rights was the establishment of the Truth Commission (TC) in May 2007 to investigate human rights abuses occurred between 1984 and 1988 and other periods. The commission presented its report and the SR on extrajudicial executions (2010) and the CAT (2010) recommended the government to follow up the recommendations issued by the TC and investigate denounces mentioned therein. It should be recommended to the State to ensure proper and independent investigations on these cases.

After the national referendum held in May 2011, a structural reform of the judiciary was launched and the National Council of the Judiciary was replaced by a new transitory council conformed by representatives of the Executive, Legislative and the Transparency and Social Control branches. The transitory National Council of the Judiciary took office in July 2011 and started drafting a work plan with a roadmap for the next 18 months (term of their office). The judicial reform plan elaborated by this council includes comprehensive reforms on infrastructure, human talent, inter institutional coordination, among others. It should be recommended to the State to foster the judicial reform in compliance with human rights standards and to strengthening the judiciary as one of the key element of the national human rights protection system.

As for juvenile justice, Ecuador is working on the new Integral Penal Code that will include norms related to young offenders. It is important to create specialized courts for young offenders, as well as specialized prosecutors and Public Defense, including the following principles:

- a) The interest of children and adolescents must prevail
- b) Integral protection System and a justice system specialized in young offenders.
- c) Priority on the social-educative measures; and on the development of a progressive local program of custodial measures for young offenders.
- d) Custodial measures should be the latest measure in serious cases.
- e) Not to reduce the age of criminal accountability, currently 12 years old.
- f) Not to increase the maximum period of institutional custody (currently 4 years)

Article 175 of the Constitution of 2008 extends the protection scope to all the children and adolescents up to 18 years old and provides for specialized system and judges to guarantee the right of the children in conflict with the law. The minimum and the maximum age of penal accountability is 12 and 18 based on biological-chronological criteria. This means that children under the age of 12 are not considered penal accountable. It is of concern initiatives addressed to reduce the penal accountability age to 16 years old, against international law and the constitution.

It should be recommended to the State to take into account the recommendations to Ecuador issued by the Committee on the Rights of the Child which urged the State party to ensure the full compliance of the norms of youth justice

TRAFFICKING IN PERSONS

RECOMMENDATIONS

10. Take further steps in combating trafficking in persons (Canada).

It should be recognized that the existing laws on trafficking provide a reasonable legal framework to prevent, protect from and prosecute this crime. However, as the Watch List country in the 2011 of the U.S. Department of State TIP Report has stated: “The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however it is making significant efforts to do so”.

Indeed, there is still room for improvement; national practices have strengthened the prosecution of trafficking centered on sexual exploitation, and protection of minors, as opposed to other forms of exploitation and/or other groups such as adult men. The prosecution of traffickers in general is still underachieved. For example, even though there is a witness and victim protection program in the National Prosecutor’s office, procedures still require a visible and close participation by the victims and witnesses, thus discouraging their active involvement in prosecuting and conviction of traffickers.

Advances are expected regarding criminal laws and procedures, as the draft of “Integral Penal Code” developed by the Ministry of Justice, Human Rights and Cults contemplates a 12 year prison term for traffickers and up to 14 years if trafficking involves children and minors.

Ecuador has undertaken relevant efforts in updating of the National Plan against Trafficking yet the plan does not have financial funding for its implementation. There are few assignments of intelligence service to investigate and to punish trafficking of children and adolescents; the situation is particularly serious in the provinces of northern border with Colombia (Sucumbios and Esmeraldas).

At the political level there seems to be a growing level of understanding of the phenomenon, possible causes and consequences. Nevertheless, there is still a strong confusion between sex trafficking, prostitution, and forced prostitution as well as victims of trafficking and illegal migrants at the operative levels. Government personnel often consider it is the victim’s responsibility to be involved; it is also usual considers a migration law violation by the victim (in foreign victim’s cases) more than a crime by the traffickers themselves. Strong attention must be paid to governmental interest in achieving full understanding of this issue.

In addition, it seems that governmental initiatives are not paying attention to labor trafficking although it is also considered in penal legislation. Sex trafficking still has a tangible head start on labor trafficking. Research conducted by members of the civil society points to the widespread practice of trafficking of women for sexual exploitation by nightclubs and brothels. A large percentage of these women are Colombian migrants including asylum seekers and refugees, who given their economic vulnerability frequently fall victims to trafficking networks. A number of these trafficking networks are linked to illegal armed groups that operate at the border with Colombia. The current asylum procedure does not allow for the possible identification of victims of trafficking, nor is it the practice of the Ecuadorian Refugee Department to factor the implication of being a victim of trafficking into the Refugee Status Determination Procedure

In November 2010, the Government launched the fourth edition of a campaign with the support from the International Labor Organization. The campaign called: “Give Dignity for Ecuador without mendicity”, aims at reducing progressively the existence of mendicity practiced by children, teenagers and the elderly. It is known that mobs take advantage of vulnerable groups to force them into begging.

Further, Ecuador had waived visa requirements for all nationalities. Nonetheless, last year the Government revised this waiver resulting in the reimplementación of visas to nationals from nine

countries from Africa and Asia due to an increase in the irregular migration flow from those countries. According to official sources, this new requirement was implemented to avoid the use of Ecuadorian territory by international organized crime involved in human trafficking and smuggling of nationals from those countries as a bridge to transit to third countries. Yet, UNHCR continues insisting on the need to develop an asylum procedure at international airports and ports, which includes fundamental protection safeguards, and which until now has been an ad hoc procedure.

II. EVOLUTION OF THE HUMAN RIGHTS SITUATION

CHILDREN AND ADOLESCENTS

Early childhood: IDN-1 shows three essential rights to ensure children development during their first five years of age: the right to live, the right to a healthy growth and the right to develop intelligence. The rate of the country is low (4.3/10) and decreases in the case of indigenous children (2.2/10): Mortality rate of indigenous children is 20 points higher than that of non-indigenous populations. The percentage of indigenous children that sustain chronic malnutrition is twice higher than non-indigenous. The gap related to lack of cognitive stimulation is likewise alarming: almost five out of ten indigenous children have their right to develop intelligence limited, whereas non-indigenous children's rate is only two out of each ten.

Indigenous children and adolescents do not have the same level of access to health care than their non-indigenous peers; this begins from the womb; according to the last maternal health survey (ENDEMAIN: 2004) only 61% of indigenous mothers had pre-natal control during their pregnancy.

The risk for indigenous new born is also present at birth since labor care by qualified personnel in the case of indigenous women is only 49%, lower to the national average of 83%. The percentage of vaccinated children is also lower than the country average. Only 32% of indigenous children under five years of age have received all the relevant vaccines, whereas the average for *mestizo* children with all the relevant vaccines exceeds 50%.

School Age: IDN-2 shows the fulfillment of three basic rights for children from 6 to 11 years of age: intellectual development, healthy life free of fears and threats, and play and spend time with their parents. The country rate for this index was 4.2/10. It is slightly better for non-indigenous children, 4.4/10, whereas the figure for indigenous children drops to almost half 2.7/10. The rights of indigenous children are also not fulfilled in this stage of their life. Physical punishment in indigenous households (66%) exceeds non-indigenous households (50%). The proportion of indigenous children that do not play or enjoy time with their parents (38%) is higher than non-indigenous (33%). Half of the indigenous children finished primary school and did not keep on studying further; on the contrary, the ratio of non-indigenous children in this case is one out of each five. The last household survey shows that 91% of both indigenous and non-indigenous children attend to primary school.

Children maltreatment occurs in educational centers. According to the last national survey on children and adolescents, school age children are maltreated by their teachers when they do not make their home works or commit a fault (SIEH, 2004). However, more indigenous children are maltreated in schools (47%) than non-indigenous (34%). The voice of children in indigenous households is not always respected.

However, in Ecuador only 18% of children between 6 and 11 years old that attend to educational centers have access to Internet; 52 to a computer and 46% to a library. In the case of indigenous

children, access to these information means is even more limited; only 6% have access to Internet, 33% to a computer and 27% to a library.

Adolescence: IDN-3 shows three rights needed for the adolescents to prepare for an adult life: the right to live free of dangers and threats, the right to a full secondary education and the right to finish their physical and emotional growth in a healthy way.

Non-fulfillment of adolescents' rights is similar to the other stages of life: 4.4/10. Same as IDN-1 and IDN-2, fulfillment is better regarding non-indigenous adolescents 4.7/10 than indigenous 2.8/10.

Different from other ages, the fulfillment of the rights of indigenous adolescents is mixed for both of the population. Incidence of births from adolescent mothers is slightly lower between indigenous groups (5%) that between non-indigenous (7%). The risk of death due to accidents, homicides and suicides has no major differences between indigenous and non-indigenous (55% and 48%, respectively). However, inequality is shown in the proportion of indigenous adolescents that are excluded from secondary education, that is 50% whereas for non-indigenous it is 33%.

Ecuador should develop national policies regarding special protection issues. Special attention, national capacities and resources must be developed in aspects like attention to sexual abuse, violence, juvenile offenders and the national judiciary system for children and adolescents. Rights Protection Centers must form a network to cover all Ecuadorian cantons. These services must be articulated to the municipal Rights Protection Councils. Quality of service should be a priority. Special attention should be mainly given to indigenous and afro-Ecuadorian cantons. Special emphasis should be given to the correct functioning of the system of justice regarding adolescent offenders. Problems of children left behind, because of parent's migration should be an issue of national concern. The migration issue must be mainstreamed in the public policy debate and must be understood as integrant component of the country's economic policies.

INDIGENOUS PEOPLE AND PEOPLE OF AFRICAN DESCENT

The 2008 Constitution marks a fundamental paradigm shift as it declares Ecuador an intercultural and plurinational State. These new constitutional notions recognize the indigenous peoples, afro-Ecuadorians and Montubio people as holders of collective rights such as cultural identity, prior free and informed consultation, intercultural bilingual education, own forms of organizations, own practices to handle biodiversity and their natural environment, etc.

The different collective groups still suffer historical and structural discrimination at the diverse societal levels and also exclusion from decision-making spaces. Social statistical indicators reveal that they are the most vulnerable groups in the Ecuadorian society. Data from the National Survey on Urban and Rural Employment and Unemployment from 2009 show for example that regarding income poverty, 68,2% of indigenous peoples and 42,9% of afro-Ecuadorians live in poverty, while the national number is 36%. The results of this survey expose also that these groups face huge problems in having access to basic services such as education, health care and adequate housing. According to the WG of Experts on People of African Descent (2010), afro-Ecuadorians are also overrepresented in detentions centres as compared with the general population and are subject to stereotypes and prejudices in the media. Likewise, most UN protection mechanisms have expressed concern over discrimination against indigenous peoples and afro-Ecuadorians, particularly women, migrants and other vulnerable groups.



The main challenge of Ecuador is to identify and elaborate the appropriate legal and institutional instruments and mechanisms to build this plurinational and intercultural State and to reach Good Living for all its citizens without any kind of discrimination.

Article 171 of the Constitution provides for the right of indigenous peoples to administer justice respecting the Constitution and human rights standards and in accordance with their own traditions. The MJHRC started in a participatory process to elaborate a draft law on coordination/cooperation between indigenous and ordinary justice systems; other bills regulating this matter and the legislative prior consultation with indigenous people are under discussion in the National Assembly. The OHCHR has followed up and provided technical assistance to these processes.

Further, the Government advanced in promoting in revalorization of culture, inclusion, intercultural dialogue and bridging the gap of discrimination and social exclusion affecting minorities and disadvantaged groups whose rights and opportunities for education, health, and agricultural production are severely neglected through the Joint Programme (MDG-Fund) 'Development and Cultural Diversity to reduce Poverty and Promote Social Inclusion (2008-2011)'. The programme promotes strengthening alliances with public, national and local organizations in three priority provinces in the country. The main support areas are: the adaptation of legal and political frame, productive entrepreneurship and the creation of disaggregated statistical information. The main achievements are: production of an MDG report for indigenous peoples and nationalities of Ecuador which is being used for national advocacy, participatory elaboration of the Anti-Racism and Discrimination Plan and its approval by decree number 60 and 28 cultural and creative micro-companies carrying it out in 3 provinces with the participation of approx. 2,000 families.

Within this framework the Ministry of Heritage and the MJHRC, with the support of the OHCHR, produced training modules on collective rights of indigenous peoples and afro-Ecuadorians addressed to key public institutions: the judiciary, military, police and the NHRI.

MIGRANTS

The Ecuadorian Constitution recognizes the fundamental right to migration and establishes that any person can be identified or considered illegal due to the migratory condition. According to the Constitution the prohibition to leave the country is permitted when authorized by competent judge and the collective deportation of foreign citizens is prohibited. In this context special attention has been drawn to the deportation processes established in the Migration Law, which do not fully meet the terms of the constitution and international human rights standards.

In 2007 the National Secretary for Migrants (SENAMI) was created in order to define and implement the migratory policies. It is of concern that SENAMI pays great attention to emigrants and less to immigrant population due to the lack of a specific policy for them.

Regarding mixed migration flows, Ecuador had waived visa requirements for all nationalities. Nonetheless, in 2010 visas to nationals from nine countries from Africa and Asia were reestablished due to an increase in the irregular migration flow from those countries.

The magnitude and scope of the migration phenomena requires the creation of legal mechanisms to protect the rights of children and the strengthening of public institutions' capacity to support children in need, especially when parents stop sending remittances to the children they left behind. In-depth investigation (by public and academic institutions) of the emigration phenomenon, in order to visualize children as important actors of the process and understand how their rights are affected, in order to establish the way to restore them. The general public must be informed and oriented about



migration and its social, cultural and economic effects, and on the rights of children affected by emigration.

The migration issue must be mainstreamed in the public policy debate and must be understood as integrant component of the country's economic policies. Problems of children left behind, because of parent's migration, should be an issue of national concern.

REFUGEES

The Constitution of 2008 recognizes the right to asylum and refuge according to the law and the international instruments of human rights. People in condition of asylum or refuge will enjoy special protection that guarantees the fully exercise of its rights. The State will respect and guarantee the principle of non return, besides the humanitarian and legal emergency assistance.

Ecuador has the largest refugee population in Latin America, mostly fleeing the internal armed conflict in Colombia. Official statistics, as of June 2011, reveal a number of 54.467 recognized refugees and 38.637 asylum-seekers, including pending applications.

Ecuador is a State Party to the 1951 Geneva Convention relating to the Status of Refugees (since 17 August 1955); the 1967 Protocol to the 1951 Geneva Convention (since 6 March 1969); and the 1954 Convention relating to the Status of Stateless Persons (since 2 October 1970); among other key human rights instruments. The Presidential Decree 3301/92 that regulates the Application of the Norms contained in the 1951 Geneva Convention relating to the status of Refugees and its 1967 Protocol in Ecuador and contains an extended definition of the 1984 Convention is currently being revised.

Ecuador issued in 2008 a comprehensive and generous asylum policy. After the issuance of this policy, from March 2009 to March 2010, the Government implemented a protection mechanism called the Enhanced Registration (ER), which aimed at registering and documenting invisible Colombian population in need of international protection who lived in the northern border provinces. As a result of this exercise, 27.740 refugees of Colombian origin were recognized.

Despite the aforementioned generous asylum policy and the constitutional provisions promoting the principle of human mobility, recognizing the right to migrate and establishing the concept of universal citizenship, as well as the commitment to refugee protection stated by the highest governmental authorities, the situation has substantially deteriorated in practice. The Government started implementing in 2011 restrictive measures in order to prevent the abuse of the asylum system. Moreover, negative stereotypes against Colombian nationals have been associated to the deteriorating security conditions in the country, which is undoubtedly affecting the refugee population in regards to accessing the asylum procedure as well as basic rights and services, hence, integrating locally.

Given the increased insecurity in Ecuador during the last year, the Government's opposition has blamed the Ecuadorian Government for showing flexibility and solidarity in abiding to international refugee instruments and recognizing a large number of refugees. Conservative sectors of the Government and the Armed Forces have questioned the validity of the Enhanced Registration procedure, claiming that the Government was lax in the recognition of refugee status to many Colombians.

Admissibility procedure: In January 2011, the Refugee Directorate (RD), which is part of the Ministry of Foreign Affairs, began applying an admissibility procedure nationwide. This procedure lacks fundamental protection safeguards, such as a complete personal interview by a fully qualified official; the decision is not taken by the competent authority who determines refugee status; and, even worse,



the uncertainty to have a negative decision reviewed. This procedure is being also applied to unaccompanied children, leaving them totally out of the protection system. According to the RD, 70% of the asylum applications are being admitted to the eligibility procedure. UNHCR has shared its concerns about this new procedure with the authorities, showing with concrete cases some serious gaps, and suggesting to considerate the Conclusion N. 30 issued by UNHCR's Executive Committee in 1983.

The current documentation issued to asylum-seekers and refugees is not generally recognized as a valid document to access and exercise certain basic rights, such as employment, health, education, housing and financial services. On the other hand, this documentation causes stigmatization against refugees, who are seen as criminals by holding a refugee card. UNHCR suggests the issuing of IDs by the Civil Registry, whose mandate is to document and identify the inhabitants in the country. It is also fundamental to extend the refugee visa validity from 1 year to at least 3 years. After 3 years of holding a refugee visa, the Law provides the right to accede to the Ecuadorian nationality by a naturalization process. However, the current naturalization process is not accessible for refugees due to the high fees it implies.

From 2009 to 2011, the Refugee Directorate (RD) has been decentralized within 4 new provinces, where it did not have presence before: Guayas, Carchi, Esmeraldas and Sucumbios. By doing this, the main objective is, to facilitate the access to asylum-seekers and refugees into asylum procedures. Unfortunately, the processing capacity in the offices of the DR remains limited. Registration brigades to the frontier area by the RD are currently suspended, which has exposed asylum seekers and refugees to additional obstacles in seeking and enjoying protection. Many of them are unable to approach the RD offices for the high economic costs that such trips would entail, and due to the threat of detention at military and police checkpoints because of lack of documentation. More recently, UNHCR and its partners have also received information about the arbitrary revocation of the status of Colombian Refugees that have been accepted as refugees under the Enhanced Registration Procedure of 2009.

Due to deteriorating protection climate and as part of a global strategy to overcome protection gaps, UNHCR has developed several initiatives to strengthen NGO's which provide legal counseling and orientation. On the other hand, as part of the promotional and advocacy efforts for the ratification of the 1961 Convention on the Reduction of Statelessness, working meetings were organized with the Congress, the Constitutional Court, the Ministry of the Interior, Ministry of Foreign Affairs (MFA), and the Civil Registry. The authorities were quite receptive about statelessness issues and the importance for Ecuador to ratify the 1961 Convention in the coming months. Additionally, at the meeting with the MFA, it was announced that the Refugee Directorate would be the competent authority regarding stateless status determination. A Ministerial Agreement providing this competency shall be issued soon, according to the MFA.

RIGHT TO FREEDOM OF EXPRESSION AND OPINION

The Ecuadorian Constitution recognizes and guarantees the right to freedom of opinion and the freely expression of thoughts in all forms and manifestations. According to the Constitution everybody have the right to look for, to receive, interchange, produce and spread truthful, verified, opportune, contextualized and plural information without previous censorship about the facts, events and processes of general interest and with later responsibility as well as the right to have free access to the information generated in public organizations. In case of human rights violations no public organization can deny the information.

In recent years, Ecuador has experienced an increased confrontation between the Government and the media. For the Government the problem comes from irresponsible journalism exercised by a small, elite group of media owners to further their economic interests; on the other hand, media and journalist organizations and several national and international NGOs denounce governmental actions undermining freedom of expression.

The national referendum held in May 2011 included a question related to the creation of a council to regulate media content. The main concerns raised by different international human rights mechanisms are connected to prior censorship and the establishment of a council to regulate the media. UN and OAS SRs and international/local organizations also expressed their concerns on the use of criminal provisions and the disproportionate judicial compensations that can prevent journalists from freely exercising their right to freedom of expression.

During the drafting process of the new communications law in the National Assembly, UNESCO has provided technical assistance by analyzing the official drafts in order to verify whether the proposed legislation meets relevant international standards. Furthermore, has carried out a complete study about the Ecuadorian media landscape, resulting from the application of UNESCO's Media Development Indicators (MDI) in Ecuador, entitled Assessment of Media Development in Ecuador 2011, which offers a diagnosis of the state of media development in the country.

Key challenges: ensuring that the legal framework and especially the communication law fully comply with freedom of expression standards enshrined in the constitution and international covenants; update the criminal code in terms of decriminalizing defamation laws; the judiciary have to deal with the criminal cases on this matter applying international standards and through independent and effective procedures.

RIGHT TO EDUCATION

According to the Ecuadorian Constitution to guarantee the right to education is an inexcusable duty of the State. It constitutes a high-priority area of the public policy and the state investment; the education guarantees the equality and social inclusion and is an indispensable condition for the Good Living (*Buen Vivir*). Education should be focused in the human being and will guarantee its holistic development, within the framework of respect to human rights, the sustainable environment and democracy; it should be participatory, obligatory, intercultural, democratic and diverse; it will foster the gender equality, justice, solidarity and peace. The State guarantees the right of the people to learn in their own language and cultural scope.

As a contribution to strengthening public policies in education and monitoring of Education for All (EFA) goals, led national and Andean studies, among these: a) the international study on transition from primary to secondary; b) mainstreaming Education for Sustainable Development (ESD) in teacher education; c) methodological orientations for harm reduction of stigma and discrimination related to HIV and AIDS; d) gender approach in basic education curriculum and textbooks; e) use and management of ICT in teacher education; f) systematization of methods of literacy programs as a contribution to the countries of the region; and g) educational experiences with afro-Ecuadorian populations.

Some projects and events addressed to the integration and dialogue of Ecuador were carried out with other countries in the sub region, particularly in the fields of quality of education, education for sexuality and HIV prevention, peace culture, gender, sustainable development, and risk reduction management, technical support to universities for postgraduate programs and also for the creation of UNESCO Chairs Programs.

It should be recommended to the State to strengthen the coordination and harmonization of standards in education with international commitments and reaching the EFA goals and the enhancement of dialogue spaces for the fulfillment of the right to education.

As far as the access of children of asylum seekers and refugees to schools is concerned, the Ministry of Education has decreed that they should have free access to all public schools. Furthermore, they are officially exempted from any fees or legalization requirements of schools certificates issued in their country of origin. In reality, children of persons of concern suffer discrimination in accessing schools. They are at time denied entry or entry is made conditional on the presentation of Colombian education certificates or paying extra fees. In the border areas, their access is hampered by limited secondary education places. Discriminatory attitudes by teachers are also reportedly common, prompting the RD to launch an anti discrimination campaign this year targeting schools, which is a welcomed initiative.

RIGHT TO FOOD

The Ecuadorian Constitution (Art. 13) establishes that people and collectivities have right to safe and permanent access to healthy, sufficient and nutritious foods; preferably produced at local level and in correspondence with its diverse identities and cultural traditions.

In studying the Ecuadorian situation, we find not only a health problem, but one that also affects human rights. The consequences can also be measured in economic terms and, ultimately, in less opportunities for development in the country.

Despite the lack of updated information, we can conclude that the country epidemiological nutritional profile is characterized by:

- A slow decrease in chronic malnutrition
- Specific nutrients' deficiencies and infectious diseases
- A general increase in overweight and obesity
- Increased prevalence of chronic diseases related to poor nutrition.

The trend in reducing stunting is evident. The results of the DANS Survey (1988), the National Life Standards Survey (1999), ENDEMAIN (2004) and the National Life Standards Survey (2006) reveal the decreasing prevalence. Some socio-economic groups have high levels of malnutrition, similar to or greater than those from 1999. This is the case of children with stunting problems belonging to households in the lowest quintile (28.42%), children from indigenous households (40.1%), from households in rural areas (26.1%), and from households in rural areas from the highlands (33.47%).

Malnutrition is higher among the rural indigenous communities, and obesity and chronic diseases are beginning to become a health issue among poor populations. Research studies reveal that micronutrients deficiencies are increasing.

Until 2009, response consisted in the implementation of food distribution programmes with significant allocation of financial resources. However, the programmes suffered from lack operational coordination, weak targeting systems, services unrelated to education, health and welfare, lack of counseling and no impact measuring mechanisms.

There is evidence, increasingly supported, that uterus malnutrition and malnutrition during the first two years have an impact on the physical, mental, motor, and learning capacity in children. These

consequences are spread throughout the life-cycle and transcend generations, affecting thousands of Ecuadorians.

Attention should also be given to nutritional problems in the other population segments. Surprising figures could be found if we studied pre-school children, children in school age, teenagers, and adults over 65, on whom there is little or no nutrition-related information.

Malnutrition eradication and reduction strategies should focus in ensuring adequate and nutritious food access for pregnant and lactating women, particularly aimed at teenage women, as well as children under two. Special consideration should be given to rural highland areas and to the poorest households.

Since 2008, with the new Ecuadorian Constitution, reforms were introduced to the legal framework and public policies on food sovereignty and nutrition were reformulated. The political instrument of the government is the National Plan of Good Living 2009 - 2013, where from the 12 strategic objectives four of them relate to food sovereignty and nutrition policies and goals:

STRATEGIC OBJECTIVE	POLICIES	GOALS
(1) To foster social and territorial equality, cohesion, and integration with diversity	To guarantee the rights of Good Living to overcome all inequalities (particularly in health, education, nutrition, water and housing.)	To double the participation of peasant family agriculture in agricultural exports by 2013.
(2) To improve the citizens' capabilities and potential	To assure healthy, nutritious and natural foods made with local products in order to drastically reduce nutritional deficiencies.	To reduce chronic malnutrition by 45% by 2013.
(5) To guarantee sovereignty and peace; to promote Ecuador's strategic insertion in the world, and Latin American integration	To reduce the vulnerability caused by dependence on external sources of food and energy.	To substitute imports of corn, soy paste, wheat and barley, and reduce foreign participation in domestic consumption to 40% by 2013.
(11) To establish a sustainable socio-economic system based on solidarity	To promote the productive conditions required to achieve food sovereignty.	To deconcentrate the food commercialization market by 2013. To increase the participation of national food production in relation to total supply to 98% by 2013.

Source: National Plan of Good Living, 2009 - 2013

The current Government (2007-2013) developed a strategy called Territorial Integrated Nutritional Intervention, INTI. This initiative, articulated by the Coordinating Ministry of Social Development is now called "Accion Nutricion" and involves several ministries. The Government committed 187 million US dollars, the highest investment in social protection ever. The strategy combats child malnutrition and seeks to improve the nutritional condition of the population. It emphasizes on children under five years, through a multi sectoral intervention articulated and addressed to prevent malnutrition from conception, infancy, pre-school and school age. Specific objectives and targets are the following:

- Decrease by 1.7 percentage points per year the prevalence of chronic malnutrition in children under five in the INTI territories until 2013
- Decrease by 1.7 percentage points severe chronic malnutrition in children under age of five
- Reduce in a 50% until 2013 the prevalence of anemia in children under 5 and pregnant women.
- Control the prevalence of overweight and obesity in the population under five years until 2013.
- Reduce by 1% per year until 2012, the food insecurity in households
- Other policy strategies are designed to consolidate the effort to eradicate hunger and malnutrition, those most evident are: a new law on popular and solidarity-oriented economy, strategies for land redistribution, assistance and social and economic integration of people with disabilities, and relief and recovery of Colombian refugees.

Zero Malnutrition¹, launched in early 2011, is a MOH programme of conditional cash transfers that will assist financially 98,000 pregnant women. The objective of the Zero Malnutrition is to improve the nutritional status of children under five years, pregnant women and lactating mothers across the country. The Government will deliver a \$10 grant for every pre-natal visit to the Health Centre and \$60 additional if the delivery takes place in the health centre. In addition, the mother will receive \$10 every from pediatric control up to six months. These incentives will target 303 parishes, its budget reaching \$13 million.

The implementation of Accion Nutricion (INTI strategy) aims to deal with nutritional problems with a territorial and cross sectoral approach. As an example, the case of Sigchos canton, province of Cotopaxi, has reported a prevalence of anemia among children under 5 years of 77%, a serious public health problem, according to WHO standards. One of the parishes of the Sigchos canton, Chugchilan of Moreta, shows the highest prevalence of malnutrition among children under five years (65.24%) and an even higher prevalence of anemia (80.93%). 43% of children under five years living in the canton, live in Chugchilán de Moreta parish; out of them, 72% belong to an indigenous group. Chugchilan presents the highest numbers of children with nutritional problems: 685 have chronic malnutrition and 662 have anemia.

Best practices in delivery care are being introduced, such as delayed clamping of the umbilical cord of the newborn. The programme aims to highlight the malnutrition among children and to work together with the communities to propose solutions.

Special consideration should be given to populations who are geographically, socially and economically excluded. Nutritional components such as the school lunch should be revisited for these isolated parishes, as it represents a substantial contribution to meet the nutritional requirements of children.

RIGHT TO HEALTH

According to Article 32 of the Constitution of 2008 the State guarantees the right to health whose accomplishment is tied to the exercise of other rights, among them the right to the water, the feeding, the education, the physical culture, the work, the social security, the healthy environment and other that sustain the good living (*Buen Vivir*). The State should guarantee this right by economic, social, cultural, educative and environmental policies; and the permanent and opportune access without exclusion to programs, actions and services of promotion and integral attention of health, sexual health and reproductive health. The benefit of health services should be in force by the principles of

¹ <http://www.msp.gob.ec/index.php/Accion-Nutricion/proyecto-desnutricion-cero.html>.

fairness, universality, solidarity, interculturality, quality, efficiency, effectiveness, precaution and bioethics, with gender and generational approaches.

This constitutional right is addressed in the National Welfare Plan 2009 – 2013, this plan's 3rd objective outlines the goals that should be achieved during this period of time. In the wake of this plan, the government announced a health policy that would guarantee universal and unrestricted access to the health care system based on the Primary Care to health, this would be achieved through the creation of an integral public network designed to guarantee the goals set in the constitution in terms of gratuity, universality and equality.

To set this health care reform in motion, across-the-sector measures would be needed in terms of jurisdiction, programming and financing, all of this oriented towards diminishing the fragmentation and disparity that characterize the nation's health system. In this light, the Ministry of Public Health, acting as the head of the national health system, has proposed several actions that would generate the means to guarantee the health care right. Among this are: a proposed organic health care system law in keeping with the 2008 constitution, the proposal to create an integrated public health care services network, the application of a single tariff among the cross-payment providers, among others. However, the advances haven't been as quick as everyone would hope for, this has caused an overflow and a subsequent crash in health care services which people demand be free, the need to answer this demands has caused the Government to issue emergency measures which are being executed currently. Agreements are being required in order to bring forward initiatives that favor the functional integration of health care providers and to progressively guarantee free and sustainable health care rights through the necessary health care reforms.

Ecuador has a concentrated HIV/AIDS epidemic, that means less than 1% of the general population and more than 5% of a most exposed group (men who have sex with men), are infected with HIV. Ecuador increased allocation of public funds for the HIV response. The Ministry of Health funds more than 80% of anti-retroviral therapy. The main achievements of Ecuador in response to HIV include access to HIV/AIDS treatment to all persons who seek healthcare in free, public services. Other achievements include access to prevention of mother-to-child transmission of HIV, and prevention of transmission of HIV through blood transfusions.

The main challenge for the HIV response in Ecuador is the development and application of a national policy of prevention. This includes prevention of the sexual transmission of HIV, through policies and programs in the most exposed populations, adolescents, youth, and women. An effort must also be made to consistently adhere to international agreements and UN Reporter recommendations for Ecuador regarding the strengthening of sexual education programs for adolescents and youth. This also includes increase governmental capacity to lead productive multi sectoral participatory processes for HIV response.

RIGHT TO HOUSING

The new Ecuadorian Constitution is the highest legal framework to continue working towards the fully enjoyment of economic, social and cultural rights. According to Article 30 of the Constitution every person has the right to a safe and healthy habitat, and to a suitable and worthy house, regardless of its social and economic situation. The goal for 2013, according to the National Development Plan, is increase up to 71% the percentage of homes living in their own house.

With regard the right to housing the main achievements, best practices, challenges and constraints are:

- Illegal settlements to relocate and to legalize



- There is both a quantitative and qualitative housing deficit to attend.
- One out of three dwellings in Ecuador does not have access to safe drinking water or adequate sanitation, necessary for basic health and hygiene.
- Revision of the building codes in order to have better conditions for managing risk specially for housing the poor.
- Local authorities do not have the capacity to provide urban dwellers with basic services at an adequate scale.

In order to overcome above challenges and constraints and to improve the housing rights situation on the ground the Government is developing the legal instruments to facilitate the development of local policies as well as to train the local authorities on alternative to develop and promote housing.

Ongoing and planned capacity building and technical assistance activities that contribute to the progressive realization of the right to adequate housing, by various actors and UN-HABITAT:

- Development of a regional survey on indigenous people in cities.
- Under development the Housing Profile Sector, that will enlighten the different scenarios and strategies to develop as to reduce the housing deficit, both quantitative and qualitative.
- Technical support for the development of the secondary normative for urbanism, that will lead the local governments to a better management of their cities as well as give the legal framework for implementing different urban planning tools for housing programs as well as the infrastructure provision.
- UN-HABITAT has been spearheading the network/social movement/campaign “Contrato Social por la Vivienda (CSV)” that advocates for the promotion of the right to adequate housing.

According to the Law of Participation, the Ministry of Urban Development and Housing (MIDUVI) has organized and enacted by a ministerial regulation the constitution of the Citizens Council for Habitat, Human Settlements and Housing.

RIGHT TO CULTURE

The Constitution of 2008 recognizes people’s right to build and to maintain their own cultural identity, to decide their ownership to several cultural communities and to express these decisions; to know the historical memory of their cultures and to have access to their cultural heritage; to spread their own cultural expressions and to have access to diverse cultural expressions. Culture cannot be invoked when it is attempted against the rights recognized in the Constitution.

Three governmental institutions support the implementation of the UNESCO Conventions and the right to take part in cultural life: the Ministry of Culture, the Ministry of Coordination for Heritage (which is responsible for coordinating activities and actions executed by the Ministries of Culture, Environment, Education Health and Sports) and the National Institute for Cultural Heritage.

Capacity building activities were promoted in order to strengthen the implementation of the UNESCO cultural conventions. Thanks to this assistance, the involvement of different civil society actors, such as art students, artists and journalists specialized in the cultural field in the implementation of the principles of the 2003 and 2005 Conventions has progressed. UNESCO has encouraged their active participation in the elaboration of cultural initiatives that have integrated the protection and promotion of intangible cultural heritage and the diversity of cultural expressions, thereby enhancing the role of the civil society in supporting the principles of these two instruments.

NACIONES UNIDAS



UNITED NATIONS

UNESCO encourages its Ecuadorian counterparts to apply for technical assistance in the cultural field through the Funds established under the three cultural conventions, and by proposing national projects requiring technical assistance to UNESCO's donors.