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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration
of the second periodic report of ECUADOR concerning the rights
covered by articles 1-15 of the International Covenant on Economic,
Social and Cultural Rights (E/1990/6/Add.36)**

I. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

1. Please provide information on the major changes in institutions for the protection of human rights since the submission of the previous report.
2. Have any cases relating to economic, social and cultural rights been referred to the courts, and do the courts recognize the applicability of the Covenant?

Information and publicity

3. Please indicate whether human rights education is provided for at all levels of the educational system. Please provide information on human rights training programmes intended for judges, the police, prison staff and other administrative officers.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

4. The Constitution establishes a “... multicultural and multi-ethnic” State. Please describe the measures taken to ensure that indigenous populations can practise their culture and to what extent they have access to all positions on an equal footing with other citizens. To what extent are the rights to natural resources in ancestral lands guaranteed?
5. It appears that there is still considerable inequality between men and women in spite of the various laws that have been enacted. Please state what specific measures have been taken by the National Women’s Council (CONAMU) to improve the situation of women.
6. Please clarify the role of the Ombudsman since the institution of this office in 1998, particularly with regard to protection of economic, social and cultural rights.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE CONVENTION (arts. 6-15)

Article 6. The right to work

7. Please indicate the ratio, expressed as a percentage, of those engaged in formal and informal work, as well as the current rate of unemployment and how it is calculated. In addition, please describe the measures that have been taken to tackle unemployment.
8. Please describe what specific steps have been taken to facilitate access to employment for persons with disabilities.

Article 7. The right to just and favourable conditions of work

9. According to the report, the cost of living has risen significantly in recent years. The minimum wage does not appear to have kept pace with this development. Are any remedial measures as to the minimum wage envisaged to enable workers to have an adequate standard of living for themselves and their families?

10. Is there a labour inspectorate, and if so what is its role in preventing accidents at work, and what powers does it have?

Article 8. Trade union rights

11. Please provide additional information about the right to establish trade unions, and on any limitations on the number of trade unions and their organization.

12. According to the report, trade unions are banned in the civil service and there are severe restrictions on the right to strike in the civil service. Please provide information on these two issues.

13. Please provide additional information on the Public Finance (Reform) Act of 30 April 1999. To what extent are trade union rights affected?

Article 9. The right to social security

14. According to paragraph 162 of the report, the number of persons protected by the Ecuadorian Social Security Institute (IESS) amounts to 17 per cent of the total population, but the protection is not extended to spouses or children. Please provide information on any measures taken to correct this situation.

Article 10. Protection of the family, mothers and children

15. The Constitution recognizes the equality of rights of “legally constituted families” and of de facto unions. What is the actual situation, especially with regard to inheritance matters? Do all children, whether born in or out of wedlock, really enjoy the same rights?

16. What measures does the State party intend to take to improve maternal protection, particularly for rural and indigenous women?

17. The report notes instances of children working at rubbish dumps, doing heavy work (at tile and brick works, in mines, etc.) or engaging in prostitution. There is also information concerning street children and trafficking of children who are sexually exploited abroad. Please describe a comprehensive plan of action, if any, to tackle these problems.

18. The report makes no mention of domestic and sexual violence, or violence against women and children. Please clarify these points.

Article 11. The right to an adequate standard of living

19. Given the very high level of poverty, is there a poverty eradication or reduction plan?

20. The Constitution recognizes the right to food. However, according to the report, some members of the population lack access to adequate food. How does the State party intend to ensure food security in the short, medium and long term? Please describe the consequences of the agrarian reform on the food situation in the country.

21. Please provide detailed information on the problem of homelessness, particularly as regards the situation in urban areas.

Article 12. The right to physical and mental health

22. Paragraph 377 of the report refers to negative growth in the development of the public health service, with persistently high rates of death and disease. Is it envisaged to develop a plan of action to slow this trend and, in particular, to increase the national budget allocation to health, which is currently inadequate?

23. Please provide information on what measures are envisaged to increase access to drinking water, in view of the fact that very few people in rural areas have such access (32.5 per cent of the rural population).

24. In general, according to the report, access to medical care or to qualified personnel for the treatment of common ailments is, on the whole, inadequate in rural areas. What have been the results of the National Health Plan so far?

25. In paragraphs 479-480 the report mentions the establishment of a decentralized system offering universal health coverage as well as a series of sexual and reproductive health programmes. Please provide a progress report on these programmes.

Articles 13 and 14. The right to education

26. In paragraph 484 the report mentions the implementation, starting in 1996, of the "Primary Education Curriculum Reform". Has this in fact become universally applicable, as envisaged in the draft?

27. Please provide detailed information on the extent of the problems of school non-attendance and dropout in general and for indigenous populations in particular.

28. According to the report, an education law is being drafted. Please provide information on its provisions and whether it has been enacted.

Article 15. The right to take part in cultural life and enjoy the benefits of scientific progress and to protection of intellectual property

29. Please provide detailed information about the "self-management project for ethnic cultures" described in paragraph 551 of the report.

30. How much of the budget is allocated to culture, particularly to that of indigenous peoples? Please provide information on the conditions and the modalities for the granting of subsidies to cultural projects put forward by non-governmental organizations.

31. To what extent can indigenous populations have access to administrative services, justice and all public services in their own language?
