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ON CIVIL AND
POLITICAL RIGHTS**



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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Initial reports of States Parties due in 1977

Addendum

ECUADOR

31 March 1977

The defence of the rights of the individual and of human dignity has formed, and continues to form, an integral part of the spirit of the Ecuadorian nation, and has been given substance and expression both in the constitutional guarantees established since the First Political Charter of the State of 1830 up to the Constitution of 1945, which is now in force, and in its international political activities.

The equality of all Ecuadorians before the law was established as far back as 1830, and in 1845 the Constitution of that year provided in article 108 that "no one is born a slave in the Republic or may be introduced into the Republic in that condition without being freed".

Moreover, the Constitution of 1851 provided that "the death penalty for purely political crimes shall be abolished", and several years later the 1878 Constitution provided that "The nation guarantees to Ecuadorians the inviolability of life", the death penalty thus being abolished for both political and non-political crimes, with the exception of parricide.

The 1906 Constitution, among the individual and political guarantees which it provided, established the inviolability of life on a definitive basis: capital punishment was abolished completely, without any exception.

A detailed analysis of the history of Ecuadorian constitutional law would be extremely long; suffice it to note for the purposes of this report that the development of the Fundamental Political Charters of the State has constantly accompanied the development of human rights and has consecrated those rights in a growing and lasting measure.

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The Political Constitution of the Republic of Ecuador now in force, promulgated in 1945, establishes in Title XIII the fundamental guarantees enjoyed by persons resident in Ecuadorian territory, whether nationals or aliens, and in this connexion establishes the following categories: (1) Individual rights; (2) The family; (3) Education and culture; (4) The economy; (5) Labour and social security; and (6) General provisions.

The complete text of Title XIII is reproduced below:

"Section I

Individual rights.

Article 141. The State guarantees:

1. The inviolability of life and personal integrity.

There is, therefore, no death penalty or torture.

Penal institutions shall be organized to effect the re-education and social rehabilitation of the criminal;

2. Equality before the law.

There is no slavery, serfdom, or forced labour.

Hereditary occupations and personal privileges or fora are not recognized.

No prerogatives may be granted or obligations imposed that place certain citizens in a better or worse condition than others.

Any discrimination prejudicial to human dignity because of class, sex, race or any other reason is declared punishable.

3. The right to be presumed innocent and to preserve honour and good name, so long as there is no declaration of guilt in conformity with the laws.

No one shall be forced to give testimony in criminal proceedings against his spouse or relatives within the fourth degree of consanguinity or second degree of affinity, nor compelled under oath or under duress to give testimony against himself in matters that may involve criminal guilt.

Infamous punishment is prohibited.

4. Personal freedom and security.

There is no imprisonment for debts, costs, fees, taxes, fines nor in general other obligations of a civil nature. Recruitment not carried out in accordance with military laws is prohibited.

Any statement that entails a loss or renunciation of inalienable rights shall not be valid.

No one may be detained, arrested or held prisoner except in the manner and for the length of time prescribed by law, or held incommunicado for more than twenty-four hours. Detention shall be by written order from the competent authority, except in the case of flagrans crimen. Within forty-eight hours of the arrest of an individual, at most, the judge or the authority who ordered the arrest shall issue a signed order in which he specifies the legal reasons for incarceration. Any authority who fails to meet this requirement and any guard who does not obtain the order within the stated period shall be punished as guilty of arbitrary arrest.

Once the prosecution has begun, the individual arrested shall remain at the disposition of the competent judge.

5. Habeas corpus

Any person who considers that his detention, indictment or incarceration violates his constitutional or legal rights may appeal, personally or through another person, to the President of the Council of the canton in which he is located, who must order the petitioner to be brought before him. This order shall be obeyed by the person in charge of the jail or the place of detention. After being informed of the background of the case, the President of the Council, in summary proceedings, shall order his immediate release, ensure correction of the legal defects or place him at the disposal of the competent judge;

6. The right not to be placed outside the law, taken from one's natural judges, judged by special commissions, or deprived of the right of defence.

No one may be punished without prior judgment or under a law enacted after the act for which he is being tried. However, should two penal laws be applicable, the less severe shall be applied even if it takes effect after the violation;

7. The freedom to reside in any place, to travel freely, to change residence, to leave Ecuador and to return to it, in compliance with the legal provisions.

No condition shall be required of an Ecuadorian for his return to the Republic;

8. The inviolability of the home.

No one may enter a home against the will of its resident or without an order from the competent authority, issued in the manner and in the cases for which the law provides;

9. The secrecy and inviolability of all forms of correspondence, which shall not be admissible in trials for political crimes.

It is prohibited to intercept, open or search papers, business records, letters and other private documents, except in the cases and in the manner provided for by law. Privacy shall be respected in matters outside the subject of the search or examination;

10. Freedom of opinion, by whatever means expressed and disseminated.

Insults, calumny and all immoral expressions are subject to the liabilities imposed by law.

The law shall regulate the practice of journalism, taking into account that the primary object of journalism is the defence of the national interests and that it constitutes a social service entitled to the respect and support of the State. It shall also establish the means to enforce any liabilities that journalists incur.

No authority may suspend or close newspapers or, for press offences, seize printing presses or impound publications. Neither shall the editors, collaborators, dealers, writers and other workers of the press be prosecuted or imprisoned on the pretext of such crimes, unless their guilt is legally proven.

Any natural or juridical person has the right, as provided by law, to free redress for false or calumnious allegations or accusations made by the press, radio or any other public medium. This redress must be made through the same organ in which the allegations were made;

11. Freedom of conscience in all its manifestations, so long as they are not contrary to morality and the public order.

The State does not recognize any official religion. All may profess the faith that they prefer;

12. Freedom of business and industry, with the limitations necessary in the social interest, in accordance with the law.

Monopolies are prohibited. Only the State may establish monopolies by law, exclusively in the national interest, but it is not empowered to transfer them to private individuals or to national or foreign companies;

13. Freedom to practise professions.

The law shall determine those professions that require a licence and the manner in which such a licence may be obtained.

14. Freedom of contract, with the limitations that the law provides.

Usury is prohibited and clauses that make provision therefor, in any form, are null.

The State shall foster the establishment of pawnshops and other popular credit institutions;

15. Freedom of assembly and association for purposes not prohibited by law.

The formation and existence of political organizations is lawful and the State has an obligation to protect them.

Any act which prohibits or limits a citizen's participation in the political life of the State is punishable, with those exceptions specified in this Constitution.

No member of the public forces, minister of any religion, or members of any religious community may participate in the activities of political parties or in election campaigns and demonstrations, without prejudice to his individual right of suffrage. The law shall determine the penalties for persons who violate this provision;

16. The adjustment of taxes to the economic capacity of the taxpayer.

No one shall be obliged to pay taxes except by virtue of a law and in the manner that the law provides;

17. The right of petition.

An official or authority who receives a petition is obliged to take action within thirty days, except in those cases in which the law establishes special periods.

This right may be exercised individually or collectively, but never in the name of the people.

18. The right to accuse or denounce infractions of the Constitution and laws before the competent authority;

19. Freedom of suffrage;

20. Performance of public functions and holding of public positions, according to merit and ability, except for legal incompatibilities.

Public functions and positions must be exercised as social service.

The civil service career shall be established. Public employees may not be dismissed without legal cause.

Under equal conditions, the State shall give preference to heads of families with limited resources for public posts.

No one may occupy two or more public posts. Nevertheless, university professors and those who occupy unremunerated positions through popular election may occupy another public post.

Deputies who have another salaried public employment shall receive, during the session, only the allowances to which they are entitled as members of Congress.

Section II

The family

Article 142. The State protects the family, marriage and motherhood.

Marriage is based on the principle of equality of rights of both spouses. It may be dissolved by mutual consent or at the behest of one of the spouses, for the reasons and in the manner that the law provides.

Illegitimate children have the same rights as legitimate children with regard to upbringing, education and inheritance.

The law shall regulate all matters pertaining to filiation and its rights, and investigation as to paternity. In registering births, no statement shall be required regarding filiation.

Inalienable and unattachable family property rights shall be established, the amount and conditions of which shall be regulated by law.

The defence of the physical, mental and moral health of infants and the rights of the child to education and a home life are guaranteed.

The State shall create for minors who lack family or economic protection, suitable conditions for their growth.

In penal matters, minors shall be subject to special legislation, which shall be protective and non-punitive.

Section III

Education and culture

Article 143. Education is a function of the State.

Private education is guaranteed; it must be adapted to the laws and to the regulations and official programmes.

The purpose of public and private education shall be to make students socially useful. They must be imbued with a democratic spirit of Ecuadorianism and of human solidarity.

Public education must have unity and cohesion in its overall process. To that end it shall be organized in such a way that there is appropriate co-ordination and continuity in all grades. It shall employ methods that are based on the activity of the student and that develop his aptitudes while respecting his personality.

Official education is secular and free of charge in all grades. Neither the State nor the municipalities may subsidize any other educational system; but social services shall be supplied without discrimination to all students who need them.

Elementary education is compulsory. The State shall provide the school materials necessary in public education, without cost to the student.

The State and the municipalities shall devote attention to the elimination of illiteracy and shall stimulate private initiative in this regard.

In schools established in areas of predominantly Indian populations, Quechua or the respective indigenous language shall be used in addition to Spanish.

The State shall devote special attention to the development of technical education, in accordance with agricultural and industrial needs.

The universities are autonomous, according to the law, and shall devote special attention to the study and solution of national problems and to the dissemination of culture throughout the working classes. To guarantee that autonomy, the State shall support the creation of a university endowment.

Freedom in respect of university teaching is guaranteed.

The law shall guarantee stability and fair remuneration to all categories of workers in education and shall regulate their appointment, promotion, transfer, separation and remuneration.

The State shall assist needy students in order to facilitate their complete education.

An item in the budget shall be allocated annually for scholarships for children of workers, artisans and peasants.

The freedom of student and faculty organizations is guaranteed.

The law shall determine the manner in which students shall intervene in the managerial and administrative affairs of educational institutions.

Article 144. Scientific research, artistic creation and the public expression of the results thereof are free. The State has an obligation to promote and disseminate them and shall support the work of associations devoted to cultural aims.

Article 145. All the artistic and historic wealth of the nation, whoever its owner, constitutes the cultural treasure of the nation and shall be under the safeguard of the State, which may prohibit or regulate its export and alienation, and may order the legal expropriations that it deems appropriate for its defence. The State shall organize a register of artistic and historic wealth, shall ensure its zealous custody and shall see to its perfect preservation.

The State shall also protect places known for their natural beauty, and flora and fauna native to the country.

Section IV

The economy

Article 146. The State guarantees the right of property, with the limitations required by social needs, in accordance with the law.

Confiscation is prohibited.

No expropriation shall take place, except for reasons of public benefit or social interest, with just indemnification, on the conditions and in accordance with the procedures and exceptions that the law provides.

The system of economic life must correspond to principles of social justice and seek to free all Ecuadorians from want, providing them with a decent existence. Property, therefore, creates social duties and, as a consequence, the use of the wealth of the country, whoever its owner, is subject to the interests of the whole.

The State shall regulate the activities of national economic life in order to secure maximum benefit from the wealth and its most just distribution. It shall seek to maintain the stimulus necessary to ensure the contribution of private initiative.

In order to direct the national economy, the State shall draw up appropriate plans, to which private activities shall be subject, without prejudice to the provisions governing property.

When the economic interests of the country so require, the State may nationalize, after legal expropriation, private businesses that provide public services, and regulate their management.

The cultivation and exploitation of land are the duty of its owner to society.

The maintenance of untilled lands is prohibited. The law shall establish the maximum amount of reserve land that each property-owner may possess, according to the type of exploitation (agricultural, forest, live-stock or industrial), to the peculiarities of the region, and to the natural and technical conditions of production, and it shall study the just and equitable manner of bringing into production the excess over the established limits.

The State shall give the economic and technical support necessary to develop a co-operative system of agricultural exploitation, more particularly by establishing this system on its own property and making the expropriations necessary for that purpose. It shall also protect small holdings and communal property.

Towns and villages that lack land or water or have these resources in insufficient quantities for satisfaction of their basic needs, shall have the right to avail themselves of these resources, even taking them from nearby property, so long as other economically available sources cannot be used. An effort will be made in these cases to harmonize the interests of the population with those of the property owners.

The State has direct domain over all minerals or substances which constitute deposits or concentrations, whether in veins, strata or deposits, of a nature distinct from that of the soil. This domain is inalienable and imprescriptible.

It shall likewise have domain over archaeological treasures, without prejudice to the right of private individuals to that part which is theirs according to the law, for having found it and reported it.

The State shall exploit, preferably directly, the wealth of the subsoil. It may make concessions for its exploitation to individuals or to corporations formed in accordance with Ecuadorian law, on condition that it shall be given just and equitable participation in the profits of the enterprise and that the concessionaires undertake to invest a reasonable part of their profits to benefit the national economy. The concessionaires may not transfer their rights to third persons without the express authorization of the State.

The President of the Republic shall make the concession or shall authorize its transfer. In the case of a major concession, the prior authorization of Congress or, if Congress is not in session, the Permanent Legislative Committee, as prescribed by law, shall be required.

Fishing in territorial waters shall be regulated by law and the participation of the State in earnings shall be established.

Foreign natural or juridical persons, concessionaires of the national wealth, must be resident in the country, and may not in any case allege exceptional circumstances or claim diplomatic privileges.

Foreign natural or juridical persons may not acquire or retain ownership of land or waters, establish industries or obtain mineral concessions, within a belt of 50 kilometres measured towards the interior from the borders and coasts, or on island territory, except in cases of special authorization in accordance with the law.

In areas which the National Defence Council or the equivalent body classifies as zones of territorial defence, foreign natural or juridical persons may under no circumstances acquire real property, have agricultural or industrial holdings, or establish residence.

Article 147. The State guarantees property rights for discoveries, inventions, and scientific, literary and artistic works, according to the terms prescribed by law.

Section V

Labour and social security

Article 148. Work in its different forms is a social duty and enjoys special protection under the law. The law shall ensure the labourer the minimum conditions of a decent existence.

The State shall utilize the resources it has at its disposal to provide work for those who lack it.

Labour legislation shall be organic and systematic.

The basic standards that regulate work in Ecuador are as follows:

- (a) No one shall be required to work except under contract, save only in those cases expressly stipulated in the law;
- (b) The fulfilment of a work contract is obligatory for employers and labourers, in the manner that the law provides.
- (c) Collective contracts are given special protection;
- (d) Any stipulation that implies the waiver, diminution or modification of any right of the worker is null;
- (e) All workers shall enjoy a minimum remuneration sufficient to cover personal and family needs, and it shall be unattachable, except for payment of alimony;
- (f) The State shall seek to establish the family wage, preferably using the system of child subsidy;
- (g) Equal remuneration shall be received for equal work, without discrimination as to sex, race, nationality or religion;
- (h) The worker's wages are protected from any reduction or discount not authorized by law; they may not be paid in kind, or with promissory notes, tokens or other means that are not legal currency, nor may they be paid for periods exceeding one month.
- (i) The maximum work period shall be eight hours, with rest on Saturday afternoons, so as not to exceed forty-four hours weekly, the only exceptions being those established by law. The night shift shall be shorter in length than the day shift and extra remuneration shall be paid therefor; neither women nor minors of less than eighteen years may be employed on night work. The maximum effective work period underground shall be six hours daily, and the total work period shall under no circumstances exceed seven hours;
- (j) All workers shall enjoy a minimum weekly rest of forty-two uninterrupted hours, as well as annual vacations. These, as well as the weekly days of rest and the holidays established by law, shall be remunerated;
- (k) The State recognizes and guarantees the right of employers and labourers to form unions for economic and social activity, and the right of organization of public employees;

- (l) The State recognizes the right of labourers to strike and the right of employers to cease operations, according to regulations as to the exercise thereof;
- (m) Dismissal without just cause is prohibited. Violation of this precept shall be punished by the fines established in the law. Deprivation of the huasipungo shall be considered as undue dismissal.
- (n) The employer in industries and positions that require technical knowledge is obliged to establish an apprenticeship programme in the manner that the law provides.
- (ñ) The State provides special protection for working mothers. A pregnant woman may not be dismissed from her work, nor shall she be required during the period established by law to engage in activities that require considerable physical effort. The law shall specify the periods prior to and following birth during which she shall enjoy obligatory rest with pay, without the loss of any of the rights specified in her work contract. Mothers shall be granted the time necessary for normal nursing of the child during the nursing stage;
- (o) Labour by persons under fourteen years of age is prohibited save for the exceptions established by law, and labour by persons under eighteen years of age shall be regulated;
- (p) No one may hire minors up to twelve years of age as domestic servants;
- (q) The hygiene and safety of working conditions shall be regulated in order to safeguard the health and life of workers;
- (r) The institutions of the State shall promote the development of the technical standards of industrial and labour hygiene, in order to ensure protection against risk;
- (s) Labourers shall participate in the profits of the enterprises, in the manner and proportion that the law establishes;
- (t) The law shall establish the bonuses and indemnities for seniority, and the requirements for pension, to which workers are entitled;
- (u) Agricultural labour, particularly that of the indigenous population, shall be the subject of special regulations, especially as regards the work period. Other forms of labour, especially mining, domestic work, and that carried out at home, shall also be regulated;
- (v) The amounts which an employer owes to a worker in respect of wages, salaries, indemnities and pensions are first-class privileged claims, having preference even over mortgage payments;
- (x) The individual for whose benefit service is rendered is responsible for compliance with the social laws, even when the work contract is effected through an intermediary;

- (y) Collective labour disputes shall be submitted to conciliation and arbitration commissions, composed of employers and workers, presided over by a labour official. Individual conflicts shall be settled by the labour court, organized in such a way as to ensure expeditious proceedings and correct decisions, at absolutely no charge to the labourer; and
- (z) The urban and rural labour inspectorate shall ensure compliance with labour legislation.

Article 149. Social welfare and social assistance are indispensable services of the State. They include principally:

1. Social security, the purpose of which is to protect the insured and his family in cases of sickness, motherhood, disability, old age, widowhood, orphanhood, unemployment and other circumstances, and which shall be extended to the greatest possible number of inhabitants of the country. It shall be financed by equal contributions from the State, employers and insured persons.

Social security is the inalienable right of workers, including public employees.

Insurance against occupational hazards is obligatory, and shall be at the expense of the employer and under the financial control of the State.

Adoption of social security shall be effected through autonomous institutions, in the administrative entities of which the State, employers and insured persons shall be represented in the manner that the law provides.

The funds or reserves of social security cannot be allocated for a purpose other than that for which they were established;

2. Public health, as a guarantee of the right to health, which is a right of all the inhabitants of the country.

The State shall annually allocate the funds necessary so that the national health service may carry out progressive plans for health and preventive medicine;

3. Public welfare.

The State shall establish and regulate public welfare by means of special laws and provide funds sufficient for its efficient operation and improvement; and

4. The construction of hygienic and inexpensive housing for workers.

The State, the municipalities and social security institutions shall co-operate in this effort; to the extent of their means.

Agricultural and mining employers are obliged to provide for their workers, in accordance with the law, hygienic housing and the essential utilities.

Article 150. The public authority has an obligation to seek to reduce infant mortality and abolish alcoholism.

Article 151. Ecuador shall co-operate in the international regulation of labour and social welfare and social assistance. It regards as part of its legislation any international agreements and conventions on this subject which it signs and ratifies.

Section VI

General provisions

Article 152. Foreigners have an obligation to respect the Constitution and laws. They enjoy the same civil rights as Ecuadorians, and the guarantees established in this Title, with the limitations established therein, with the exception of those referred to in paragraphs 19 and 20 of article 141. However, they may, in accordance with the law, occupy ad honorem consular posts and, with a contract, technical positions that do not involve the exercise of authority.

The President of the Republic may contract foreign missions, with the prior authorization of the Permanent Legislative Committee.

Article 153. Contracts concluded by foreigners, whether natural or juridical persons, with the Government, with national corporations or with private individuals, include an implicit waiver of all diplomatic claims.

Contracts concluded in Ecuador between foreigners and the Government or public agencies may not provide for subjection to foreign jurisdiction.

Article 154. The law shall establish the restrictions upon the guarantees set out in this Title in the event of international conflict.

Article 155. When there exists a grave threat to public health, the President of the Republic, at the request of the technical health authorities and upon recommendation of the Tribunal of Constitutional Guarantees, may order limitation or temporary suspension, throughout the country or in part of it, of the guarantees set out in paragraphs 7 and 15 of article 141.

Article 156. Extradition for political crimes shall not be granted or requested. The extradition of foreigners for common crimes may be ordered only by virtue of a law or in compliance with treaties.

Article 157. The enumeration of guarantees and rights of this Constitution does not exclude others inherent in the human personality.

Article 158. Public officials and employees who violate any of the guarantees established in the Constitution shall be responsible, with their property, for the damages or injuries that they cause. The following provisions shall be observed regarding crimes committed in violation of those guarantees:

1. Sentences imposed on the guilty official or employee shall not be commuted or pardoned in the presidential term during which the offence was committed, or subsequently if at least half of the sentence has not been served; and
2. The statute of limitations for these crimes and the sentences imposed upon those responsible shall not begin until after that presidential term."

The determination not to restrict the rights and guarantees inherent in the human person is so deeply rooted in the conscience of the Ecuadorian people that their supreme law gives broad and unambiguous recognition to those rights and guarantees when it stipulates that the list contained in the articles reproduced above does not limit or exclude others which are inherent in the human personality or, of course, those which the State, by a deliberate and spontaneous act, has consecrated by becoming a party to the following international conventions, instruments or declarations relating to human rights.

1. Convention relating to the Status of Stateless Persons, adopted and signed by Ecuador in New York on 28 September 1954, and ratified by the National Government by Executive Decree No. 641 of 19 June 1970; instrument of ratification deposited on 2 October 1970.
2. Universal Declaration of Human Rights, adopted and signed by Ecuador in Paris on 10 December 1948.
3. International Convention on the Elimination of All Forms of Racial Discrimination, adopted in New York on 7 March 1966; Ecuador acceded thereto by means of Executive Decree No. 1,073 of 15 September 1966 and deposited the instrument of accession on 22 September 1966. By a Special Declaration on 21 March 1977, Ecuador recognized the competence of the Committee on the Elimination of Racial Discrimination to examine any allegation concerning a violation of the provisions of the International Convention.
4. International Covenant on Economic, Social and Cultural Rights, adopted in New York on 19 December 1966; signed by Ecuador on 29 September 1967 and ratified by Executive Decree No. 37 on 9 January 1969; instrument of ratification deposited on 6 March 1969.
5. International Covenant on Civil and Political Rights, adopted in New York on 19 December 1966; signed by Ecuador on 4 April 1968 and ratified by Executive Decree No. 37 on 9 January 1969; instrument of ratification deposited on 6 March 1969.

6. Optional Protocol to the International Covenant on Civil and Political Rights, adopted in New York on 19 December 1966; signed by Ecuador on 4 April 1968 and ratified by Executive Decree No. 37 on 9 March 1969; instrument of ratification deposited on 6 March 1969.
7. International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted in New York on 30 November 1973; signed by Ecuador on 12 March 1975 and ratified by Supreme Decree No. 298 on 15 April 1975; instrument of ratification deposited on 12 May 1975.
8. International convention on the abolition of slavery, adopted at Geneva on 25 September 1926; Ecuador acceded thereto by means of Executive Decree No. 30 on 15 February 1928 and deposited the instrument of accession on 26 March 1928.
9. Protocol amending the Slavery Convention of 1926, adopted in New York on 7 December 1953; signed by Ecuador on 7 September 1954 and ratified by the Executive Decree of 22 December 1954; instrument of ratification deposited on 17 August 1955.
10. Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, adopted at Geneva on 7 September 1956; Ecuador acceded to the Convention by means of Executive Decree No. 275 on 9 February 1960 and deposited the instrument of accession on 29 March 1960.
11. Convention on the Prevention and Punishment of the Crime of Genocide, adopted in New York on 9 December 1948; signed by Ecuador on 11 December 1948 and ratified by Executive Decree No. 2,180 on 18 November 1949; instrument of ratification deposited on 21 December 1949.
12. Inter-American convention on the granting of civil rights to women, adopted and signed by Ecuador at Bogotá on 2 May 1948 and ratified by Executive Decree No. 557 on 30 December 1948; instrument of ratification deposited on 17 March 1949.
13. Inter-American convention on the granting of political rights to women, adopted and signed by Ecuador at Bogotá on 2 May 1948 and ratified by Executive Decree No. 557 on 30 December 1948; instrument of ratification deposited on 17 March 1949.
14. Convention on the Political Rights of Women, adopted and signed in New York on 31 March 1953 and ratified by Executive Decree No. 304 on 3 March 1954; instrument of ratification deposited on 23 April 1954.
15. Convention relating to the Status of Refugees, adopted at Geneva on 28 July 1951; Ecuador acceded to the Convention by means of Executive Decree No. 251-a on 3 February 1955; instrument of ratification deposited on 17 August 1955.
16. Convention on the nationality of women, adopted and signed by Ecuador at Montevideo on 26 December 1933 (Seventh International Conference of American States); ratified by Ecuador by Executive Decree No. 57 on 19 June 1936; instrument of ratification deposited on 3 October 1936.

17. Convention on the Nationality of Married Women, adopted in New York on 20 February 1957 and signed by Ecuador on 16 January 1958; ratified by Executive Decree No. 275 on 9 February 1960; instrument of ratification deposited on 29 March 1960.

18. Protocol relating to the Status of Refugees, adopted in New York on 31 January 1967; Ecuador acceded to the Protocol by means of Executive Decree No. 31 on 9 January 1969.

At the international level, ever since the establishment of the United Nations, the representatives of Ecuador in the various bodies of the Organization have firmly and consistently maintained a clear anti-colonialist and anti-racist policy and have constantly defended universal respect for the fundamental rights and freedoms of every person.

In conformity with the solemn commitment undertaken by Ecuador when it signed and ratified the Charter of the United Nations, which in Article 62 establishes the duty of the Organization to promote the observance of the rights and freedoms inherent in the human person, Ecuador considers that the promotion and effective existence of human rights do not constitute a matter which lies exclusively within the sovereign competence of each State, but that, on the contrary, this is a question of fundamental interest to the organized international community, which is represented at a high level by the United Nations and whose procedures must be constantly improved and strengthened.

Man is a subject of law and the international community cannot disregard cases of violations of human rights, but it does not follow from this, nor is it acceptable, that any single State should arrogate to itself the role of judge or policeman in respect of the acts of other States or should even adopt, on its own initiative, sanctions and coercive measures opening the door to new forms of intervention, which should be eradicated for ever from relations between civilized peoples.

Ecuador believes and maintains that it is the responsibility of the United Nations and other international and regional organizations, as well as States themselves, to ensure the full attainment of human rights, which in its opinion constitutes an effective impediment to violence, torture and unnecessary bloodshed and terror.

In this connexion, reference should be made to the relevant part of the statement made by the Chancellor of the Republic in the general debate at the thirty-first session of the General Assembly:

"The United Nations must make itself heard wherever human rights are violated; wherever acts of genocide or torture are committed or human lives are sacrificed; wherever populations are displaced; wherever it is sought to interpose curtains of silence and oppression. I wish to reiterate that the Government of Ecuador will lend its support to the exercise of human rights in every country, without any selective criteria. With regard to this matter there can be no preferential policies under which some cases are deliberately ignored and attention is drawn only to violations of human rights in others."

It is undoubtedly in honour of Ecuador's position in the field of human rights that a number of distinguished Ecuadorians have been elected to perform high and important functions in international fora during recent years.

Ambassador Leopoldo Benites Vinuesa, former President of the General Assembly of the United Nations and former Permanent Representative to the United Nations, has been a member and Chairman of the Commission on Human Rights.

Ambassador Luis Valencia Rodríguez, former Minister for Foreign Affairs, has acted as Chairman of the Committee on the Elimination of Racial Discrimination and is at present a member of that Committee.

Ambassador José Ricardo Martínez Cobo, former representative of Ecuador to the United Nations Office at Geneva, is a member and Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Lastly, Ambassador Julio Prado Vallejo, former Minister of Foreign Affairs, has been elected a member of the Human Rights Committee established under the International Covenant on Civil and Political Rights.

These distinguished officials have endeavoured to reflect in the international sphere the firm and unvarying position adopted in their country in favour of human rights and dignity.

The overriding concern of the Supreme Council of Government, which today controls the destinies of Ecuador, has been to ensure observance of all the principles embodied in the Universal Declaration of Human Rights and other international instruments, without distinction as to race, sex, language, ideology, religion or social or national origin.

The life and security of all the inhabitants of Ecuador have been fully protected by the State and personal freedom is guaranteed, the only restrictions being those required for the maintenance of public order and peaceful association.

The portals of justice, which constitutes a totally independent authority, remain open to all persons who seek and endeavour to defend their interests.

The freedoms of movement, work, expression, petition, assembly and association, and all the other guarantees that are covered by the Constitution are diligently protected by the State.

Particular attention has been given to the rights of workers, with the purpose of consolidating the labour achievements already gained, the most significant of which are the principle that remuneration shall be paid for all labour, that the rights of the worker may not be relinquished, that in case of doubt concerning the scope of the provisions of the Labour Code, judges shall apply them in the manner most favourable to workers, that equal remuneration shall be paid for equal work without distinction as to sex, race, nationality or religion, that the amounts owed by an employer to a worker in respect of wages, salaries, indemnities and pensions constitute first-class privileged claims having preference even over mortgage payments, and that an employer shall be obliged to pay to his workers 15 per cent of annual net profits.

As regards education, the Government of Ecuador has scrupulously respected the principle of university autonomy and has undertaken a number of programmes intended to promote literacy and to improve all levels of education; for this purpose the Ministry of Public Education now receives the highest percentage of the General Budget of the State.

Attention should be drawn to the activity of the Ecuadorian Government in two other sectors of outstanding importance in relation to the protection of the individual by the State: social security and public health.

In the first sector, the Ecuadorian Social Security Institute is of outstanding significance; it originated in the promulgation of the Retirement, Civil Charitable Fund, Savings and Co-operative Act of 13 March 1928. There is copious legislation concerning the benefits payable by Ecuadorian social security under insurance in respect of sickness, maternity, disability, old age, occupational hazards, widowhood, orphanhood and unemployment. Its sphere of application covers any person above the age of 14 years, without distinction as to sex, marital status or profession, who is performing work or providing his services under a labour contract or by appointment.

With regard to public health, not only is treatment free for the working people of the country who are compulsorily affiliated to the Ecuadorian Social Security Institute, but it is a constant concern of the Government to establish and maintain health services accessible to all the inhabitants of the country, and for this purpose, in the legislative sphere, it has promulgated the Health Code.

In the political sphere, the Supreme Council of Government has taken fundamental steps towards a return to the constitutional régime - a process which will culminate late in 1977 with the holding of a referendum, in which the Ecuadorian people will have an opportunity to take a sovereign decision on the Political Charter of the State and subsequently to choose, in free and open elections, the President of the Republic and members of the legislative authority. The Supreme Referendum Tribunal has recently been established and Mr. Galo Plaza Lasso, the distinguished former president, has been appointed President of the Tribunal.

The Supreme Council of Government has undertaken to hand over power early in 1978 to the person elected by the people.

The defence of human rights assumes particular form in the right of asylum, a juridical characteristic of international American law, in respect of which Ecuadorian international policy has been one of unconditional observance. Ecuador has recognized in the right of asylum an institution inspired by outstanding humanistic principles which has become, on more than one occasion, a veritable bulwark of the fundamental rights of the individual when they were seriously threatened by extreme political circumstances. In conformity with its position on this question, Ecuador is a signatory of a number of international conventions such as the Havana Convention on Asylum of 20 February 1928 and the Caracas Convention on Diplomatic Asylum of 28 March 1954.

In the eventful political life of Latin America, the right of asylum has played a predominant role in the protection of the individual and his very existence, and Ecuador, within the conceptual context of article 14 of the Universal Declaration of Human Rights, has given effect to the principle of the right of asylum and has put it into practice on many occasions.

The Government of Ecuador will be happy to expand and supplement this report by describing the positive provisions of the Civil, Penal and Labour Codes and of other legislation which is directly related to the promotion and effective existence of human rights in the country whenever it is requested to do so by the Human Rights Committee, whose work enjoys its complete confidence and to which it offers its support and constructive co-operation.

In conclusion, it should simply be added that the image of the existence of the basic human rights and fundamental freedoms in Ecuador is quite favourable, as is apparent from the reports considered by the Inter-American Commission on Human Rights. Other institutions and bodies which deal with these questions, such as Amnesty International, have sent messages of appreciation to the Ecuadorian Government for its recognition of, and respect for, human rights and for the active role which it played in the adoption of the resolution on the problem of torture during the thirty-first session of the General Assembly of the United Nations.