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Summary record (partial)* of the 35th meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 November 2012, at 10 a.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Third periodic report of Ecuador (continued) (E/C.12/ECU/3; E/C.12/ECU/Q/3; HRI/CORE/ECU/2009 and Add.1)

1. **Mr. Espinosa** (Ecuador), replying to questions asked at the previous meeting, said that the Government had devised five strategies to end chronic malnutrition and far exceed the relevant Millennium Development Goal by 2015. It had launched “Acción Nutrición”, a programme to combat chronic malnutrition, which defined a baseline to identify cases and organized data collection to produce statistics on the basic causes and consequences of malnutrition.

2. Between 1998 and 2010, the national malnutrition rate had dropped from 34 per cent to 22 per cent, while the rate in rural areas had fallen from 42 per cent to 33 per cent. Pilot programmes under way in nine of the provinces would be expanded to the entire country to reach more than 1,750,000 children and adolescents. The infant mortality rate had declined by two thirds between 2000 and 2010, thanks largely to a vaccination drive. The under-five mortality rate and the rate of diarrhoeal diseases had also decreased sharply. The State had launched a range of programmes to address maternal mortality, including a voucher scheme that gave underprivileged pregnant women a credit equivalent to 17 per cent of the standard minimum wage for each prenatal visit to a public health-care facility. Giving a series of statistics for the period 2009–2012, he said that 41,000 homes had gained access to basic services, 230,000 children under the age of 5 had been enrolled in early childhood development centres, 31,000 pregnant women had received treatment in the health-care system, and 4,000 families and 12,500 outreach officers had been trained in healthy nutrition.

3. Regarding prevention of teenage pregnancy, in 2013 the Ministry for the Coordination of Social Development would be allocating \$29 million to the National Intersectoral Strategy for Family Planning, which included clear protocols, training for health-care professionals, at-home training by 1,600 outreach staff, awareness-raising through the mass media, and a toll-free helpline. Contraceptives, including voluntary intrauterine devices, were available free of charge in all health centres. For example, in 2012, \$4 million had been allocated to providing condoms. In addition, more than 190,000 teachers had received training on educating children and adolescents about sex. Abortion on medical grounds and the morning-after pill were permitted, but the policy focus was on prevention. As to care for victims of rape and sexual assault, there were 15 reception centres offering psychological support and 13 full-service centres. In 2010, victims had received care in 99 per cent of reported cases. Under the Constitution, everyone was entitled to health care without discrimination, including members of the lesbian, gay, bisexual and transgender (LGBT) community. Nevertheless, a programme was under way which operated a toll-free helpline for individuals to report cases of discrimination.

4. Ecuador was in the midst of a vast revitalization and restructuring of its health-care system. In 2012–2013, 16 hospitals and 100 health centres would be built. The total investment in health had been US\$ 1.7 billion in 2012 and, in 2013, US\$ 41 million would be allocated to cancer treatment and research alone. Provisions regarding medical malpractice had been included in the draft revised Criminal Code, currently before the National Assembly, as had been changes to discriminatory language, such as “demented women”.

5. **Mr. Peñafiel** (Ecuador) said that there was a serious problem of sexual and gender violence in Ecuador and that a range of measures had been designed to address it. In September 2011, the Government had adopted a national plan for the eradication of sexual offences in the education system, with the following areas of focus: recognizing children and adolescents as rights holders, taking account of the varied traditional practices of the country's many cultures, guaranteeing social and gender equality and harmonizing communication on the topic. In 2011, 75 cases of sexual impropriety in school had been reported, 40 of which had been dealt with by the Ministry of Education, leading to dismissal of the perpetrator, 20 had been disallowed and 35 had led to criminal charges. Under the Organic Act on Intercultural Education, any adult who knew of an offence but did not report it was deemed an accessory. National efforts for training on the prevention of sexual offences in the education system included sex education modules and public information campaigns to encourage people, in particular children and adolescents, to speak openly about their sexuality.
6. **Mr. Espinosa** (Ecuador) said that providing access to drinking water was a matter for action by the decentralized autonomous governments, with financial support from the central Government. Information campaigns about the ill effects of tobacco consumption had been carried out, while legislation prohibited smoking in public places and all advertising of tobacco products at sports, cultural or artistic events and on television and other mass media. Dental care was part of the free public health-care system. Turning to forced evictions, he said that the State's urban planning scheme had mostly been well received, since many of the evicted persons had been illegally occupying dangerous areas without basic services or had been charged inflated rents by individuals with no legal title to the land. The process was more of a relocation effort than an eviction operation: individuals and families had been moved to safe areas where the State donated land or provided low-interest mortgages.
7. The quality of employment had increased considerably, mainly as a result of higher wages and expanded social protection coverage. Over the previous five years, the minimum wage had grown by an annual average of 10 per cent. In 2006, the purchasing power of a person earning the minimum wage had amounted to 76 per cent of the basic household food basket; the figure had risen to 96 per cent by 2012. In addition, workers were entitled to a thirteenth and fourteenth salary as well as reserve funds, all supplementing their aggregate annual income. Under the Organic Code of Production, Trade and Investment, adopted in 2011, any business that did not provide a decent wage — in other words, 100 per cent of the basic household food basket — was obliged to cover the shortfall. Sectoral commissions, which brought together social partners in various economic sectors, defined the minimum wage for each sector. The State intervened only when employers and workers could not reach agreement. To date, 20 out of the 22 sectoral commissions had reached consensus on a minimum wage. Protests were in no way against the law and the Government always preferred open dialogue to the use of force.
8. **Mr. Obando** (Ecuador) said that prior consultation was part and parcel of State policy. The Government had been working with the communities concerned in south-eastern Ecuador since August 2011, in the lead-up to the next round of oil bidding, scheduled shortly. The consultation process complied with both the Constitution and international standards and included a social and environmental impact assessment. The Government had made a concerted communication effort by providing information in the region's indigenous languages and launching the innovative initiative of mobile consultation units, enabling officials to reach remote communities. The process had involved 220 consultation mechanisms and had reached more than 16,000 people.
9. **Mr. Espinosa** (Ecuador) said that over the past six years the proportion of the population with access to broadband Internet had increased from 0.8 per cent to 48 per cent,

and that figure was expected to rise to 75 per cent by 2015. A total of 373 information centres had been set up with the aim of breaking down cultural barriers to Internet access.

10. **Ms. Vinueza** (Ecuador) said that the Ministry for Natural and Cultural Heritage had published dictionaries in several indigenous languages. A national literary competition was held annually, in which students from all over the country participated by writing poems and stories. A collection of literary works by indigenous women of Latin America, including Ecuadorian women, had been published in 2011. The Government had adopted the Plurinational Plan for the elimination of racial discrimination and ethnic and cultural exclusion, which focused on five main areas: justice and legislation; the universality of rights; education, communication and information; citizen participation and institution-building; and international relations.

11. **Mr. Espinosa** (Ecuador) said that the Government was working to combat piracy, especially in the music industry, and was encouraging vendors selling pirated copies in the informal sector to join the formal sector and begin selling legal copies. More than 70,000 legal copies of national films had already been sold by those vendors through agreements with the rights holders, and the Government was looking to sign similar agreements with international rights holders.

12. In answer to a question raised at the previous meeting, he said that no population group in Ecuador was referred to as the Turks, and that everyone was entitled to free cultural expression and freedom of movement throughout the country. While most refugees were to be found in the north of the country, they were not held in camps but were fully integrated into society, and were even allowed to join the labour market.

13. **Ms. Vinueza** (Ecuador) said that an application for protective remedies was a legal remedy intended to provide direct and effective protection for the rights set out in the Constitution and in international human rights instruments. It could be filed against any act or omission by a public entity or public official that violated fundamental rights or guarantees, or in certain circumstances against a similar act or omission by a private individual or entity. Any individual, community, people or nationality that believed their rights had been violated or were threatened could file such an application. Applications could also be made through the Ombudsman.

14. **Mr. Espinosa** (Ecuador) said that 9,338 workplace accidents had been reported in 2011, all of which had been fully covered by the social security scheme.

15. **Ms. Shin** Heisoo asked to what extent employers in both the public and private sectors were complying with the quota for hiring persons with disabilities. She commended the Government's efforts to combat sexual violence in schools but, noting that the number of registered complaints was very low, enquired whether a survey had been conducted to ascertain the true scope of the problem. Given that teachers and school administrators were often the perpetrators, reporting systems should not rely on them to report incidents of sexual violence. She therefore wished to know if a hotline or any other reporting system was in place. She requested further information about measures to prevent sexual violence in schools.

16. **Mr. Sadi** asked if the great strides made in combating poverty had also resulted in decreased malnutrition, and requested information about any specific efforts to combat malnutrition, such as providing free meals in schools. He suggested that the root causes of teenage pregnancy might go beyond a lack of family planning and access to contraception and asked the delegation to comment on that matter. He asked why regulations on abortion were so restrictive and why cancer rates were so high in the State party. He wished to know how environmental protection was taken into consideration in the context of economic development and whether Ecuador could be said to have a green economy. Did indigenous

peoples have the power to veto proposed projects to extract natural resources from areas where they lived, or were the consultations held with them merely an academic exercise?

17. **Mr. Tirado Mejía** said that, while abortion should always be viewed as a last resort, limiting access to abortion posed very serious health risks and could even lead to the death of the mother. In fact, unsafe illegal abortions were the second leading cause of maternal death in the country. Ecuador should keep up with other countries in the region that were progressing in that area by broadening the circumstances in which abortion was allowed.

18. **Mr. Kerdoun** said it was clear that education was a high priority for the Government and that real progress had been made through the Education Plan for 2006–2015. That being said, he asked why the school enrolment rate was only 10 per cent in rural areas when education was free of charge. How much progress had been made towards reaching the target of 75 per cent enrolment in secondary schools, and had any midterm review of the Education Plan been conducted? He also asked what the country's current illiteracy rate was and to what extent the Government's literacy campaign had been successful.

19. **Mr. Texier** said that the information from the Government on consultations with indigenous peoples seemed to contradict that provided by civil society organizations, according to which the Government had said that five strategic large-scale mining projects would be carried out with or without the agreement of the peoples affected, and that those peoples believed that they had not been appropriately consulted. It was very difficult to reconcile those opposing views of the situation, and he requested further information on the matter.

20. **Mr. Espinosa** (Ecuador) said that about 50,000 persons with disabilities had been integrated into the labour market thanks to the new employment regulations. The most recent inspections conducted had identified 829 private companies and 501 public establishments that were not complying with the regulations. While the law on the employment of persons with disabilities in the private sector had been adopted in 2004, the most recent regulations on their employment in the public sector were only a few months old. The Government was therefore in a transition period and had established an implementing mechanism involving several public entities. Under that mechanism, the National Council for Persons with Disabilities communicated with each establishment to find out how many persons with disabilities it needed to employ in order to comply with the regulations. The Council then provided the names of qualified individuals with disabilities if the establishment had been unable to find any on its own. If no qualified individuals were available, then the vocational training system would train a disabled person to perform the job. If a private company still refused to comply with the regulations, it was required to pay a fine equal to the salary for each position that should have been filled by a disabled person. In the case of public establishments, the fine was equal to the salary of the highest authority in that establishment.

21. **Mr. Peñafiel** (Ecuador) said that it was precisely because of the lack of complaints and lack of transparency that a protocol on sexual violence in schools had been established. The protocol included a training programme whereby all teachers conducted a series of activities with students and their parents and also received training themselves on gender-based violence and sexual violence. Also as part of the protocol, an agreement had been signed with the Attorney-General's Office under which complaints lodged regarding the education system were automatically transferred to the criminal justice system without the need for the victim to resubmit the complaint. An anonymous hotline was staffed 24 hours a day by specialized counsellors so that children and young adults could ask questions about sexual behaviour or file complaints. While much remained to be done, great efforts were being made to combat sexual violence against minors.

22. **Mr. Espinosa** (Ecuador) said that, under a new procedure, all State programmes aimed at eradicating chronic malnutrition were coordinated, with the participation of several ministries. A school meals programme provided free breakfast to all schoolchildren in rural areas, and had attracted interest from various Latin American countries. Five strategies had been developed under the nutrition programme. Results-based management aimed to improve and monitor the quality of spending, and impact assessments were conducted. Children under 5 and pregnant and breastfeeding mothers were given access to health and nutrition services, including comprehensive antenatal check-ups, hospital deliveries, nutritional supplements, vaccinations, monitoring of growth and development, and nutritional advice. Special units visited the homes of children under 5 nationwide to ensure access to and consumption of micronutrients and healthy food. In order to ensure that families had access to and consumed healthy food, a policy of food security and sovereignty was pursued, which promoted the diversification of crops, as well as hygiene control of the production, import, distribution, storage, transport and sale of processed foods. Another strategy focused on communication and training programmes for primary health-care technical assistants, paediatricians and educators, and a nutrition module had been incorporated into literacy and post-literacy programmes. Finally, a cross-cutting policy was being implemented to provide housing solutions and safe drinking water, with a particular focus on families with children under 5, pregnant women and women of childbearing age. The State would invest \$65 million in 2013, \$68 million in 2014, and \$72 million in 2015 with the aim of eradicating chronic malnutrition by 2015, amply exceeding the target set by the Millennium Development Goals.

23. With regard to the issue of teenage pregnancy, great strides had been made, as for the first time more than 5 million free contraceptives had been distributed nationwide in 2012. In addition, 244,000 contraceptive implants and 76,000 contraceptive patches had been distributed for application in primary and secondary health-care centres. The State now had a real prevention policy. If a woman risked pregnancy as the result of rape, the use of the morning-after pill was approved. The figure of 10 per cent of women who died as a result of illegal abortions was accurate, but was well below the Latin American average of 37 per cent.

24. The country's cancer rate was within international levels, but there was an important national strategy to combat cancer, particularly breast and prostate cancer. More than \$41 million was being invested in the fight against cancer, in both infrastructure and services, in order to provide 100 per cent coverage.

25. Ecuador did indeed have a green economy. Various programmes had been launched, including Yasuní ITT, which was well known internationally. Under that programme, compensation was paid to make up for potential lost revenue in exchange for abstaining from extracting underground oil.

26. As to the consultation of indigenous peoples, the national policy on natural resources was firstly to serve the communities who lived in the area, although it was understood the resources did not belong to a particular community but rather to all Ecuadorians. The income generated from any mining or oil exploration projects must first be used to fully meet the needs of the local communities, in areas such as education, health and housing, before being used in the rest of the country. Consultations had been held, and the proposals had been well received by the communities. It had been pointed out to the indigenous communities that, although their cultural identity was fully supported, poverty should not be part of their traditions. The discussion should focus on the fact that the exploitation of natural resources must be responsible and have minimum environmental impact.

27. **Mr. Obando** (Ecuador) said that the 2008 Constitution provided for the collective right of indigenous communities to be consulted prior to the implementation of plans for

the mining of non-renewable natural resources. There were two basic principles in that regard: the restitution of collective rights and the rights of nature, and the equitable redistribution of income generated by the extraction of natural resources. Under an executive decree promulgated in August 2012, the State guaranteed the exercise of the right of citizens to take part in decision-making on oil exploration extraction in south-eastern Ecuador. Prior consultations had been held concerning the 13 blocks that would go out for tender at the end of November 2012. The State complied with international standards in that regard, and ensured that consultations were held in a timely fashion, and not just when a contract was about to be signed. The communities had participated in the process since August 2011. In the decision-making process, the compatibility of the oil activities with the promotion and strengthening of the cultural heritage of the indigenous peoples would be taken into account. The communities concerned had recognized that it was a historic moment, as their voices were being heard, and they saw the consultation process as an instrument that strengthened democracy. The areas in question had often been overlooked by previous Governments, but now every effort had been made to reach even the most remote communities to ensure their right to prior consultation. Throughout the process, the customs and traditions of the indigenous peoples had been respected. The process had not been merely cosmetic, and the opinions gathered would be reflected in the future oil contracts. The process had strengthened citizen participation in the elaboration of plans and public policy. To date, agreements had been reached with the Shuar, Quechua, Zápara and Waorani peoples, taking account of their levels of organization and the principles of legitimacy and representativeness. The entire process had been documented.

28. **Mr. Peñafiel** (Ecuador) said that, since 2010, there had been a policy to increase the coverage of basic and secondary education services. School fees and all charges had been abolished in the State education system, whereas before parents had had to pay \$25. Instead, the State now provided institutions with an enrolment voucher (*bono matrícula*) for the equivalent amount to compensate for the lost fees. Free textbooks were distributed in all primary and secondary State schools. Free uniforms, which were locally produced, were also provided for rural and marginalized urban schools.

29. As to attendance, the net enrolment rate for all children aged 5–14 had increased from 91.2 per cent in 2006 to 95.4 per cent in 2011. Among indigenous children, the rate had risen over the same period from 88.9 per cent to 95.5 per cent, while for Afro-Ecuadorian children it had grown from 87.4 per cent to 93.6 per cent.

30. A reform was under way at secondary level; its objectives included increasing the enrolment rate and achieving the targets set in the national education plan. The net enrolment rate in secondary school had increased from 47.9 per cent in 2006 to 62.1 per cent in 2011. If that trend continued, it was expected that a target of 75 per cent would be reached by 2015. With regard to the increase in the enrolment rate in correlation with level of income, it was interesting to note that, between 2006 and 2011, there had been a 7 per cent increase among the highest income bracket, while among the lowest income bracket the increase had been 17 per cent.

31. According to the 2010 census, the illiteracy rate stood at 6.8 per cent. Since then, a project had been launched with the aim of reducing that rate to 4 per cent. Ecuador's literacy policy was based on three methods, one of which was the Cuban model, while another was used for ancestral languages. In addition to attending literacy classes, students had to pass a final examination. Particular attention was also being paid to the post-literacy process, to ensure that students retained what they had learned.

32. **Mr. Espinosa** (Ecuador) said that the budget allocated to the social sector, including health, housing and education, had increased massively between 2007 and 2012. That had been made possible by the fact that, although the income tax rate had not been raised, more tax was now being collected, with an increase from some \$4 billion in 2007 to

approximately \$10 billion in tax revenue. In addition, oil contracts had been successfully renegotiated, and whereas previously 80 per cent of the income had gone abroad and 20 per cent had remained in the country, those figures had now been reversed. The external debt had also been well renegotiated, resulting in savings of \$7 billion. A transparent public procurement system involving the use of an electronic tool had been introduced with a view to eradicating corruption, which had resulted in \$1 billion being saved. Finally, there had been improved public administration overall. The Government considered that Ecuador was now on the right track to ensuring that, in a few years' time, it would achieve the level of development to which all Ecuadorians aspired.

33. In closing, he thanked the Committee members for their time and patience. He reiterated that the Government's policies centred on the individual, and not a single measure was taken without first considering the individual. The process of responsible, sustainable development was supported by the Ecuadorian people. The Government was aware that, although much had been achieved, more still remained to be done.

34. **The Chairperson** said that the Committee appreciated the delegation's cooperation and all the information provided. The members had noted the improvements made in the area of economic, social and cultural rights, but Ecuador still faced many challenges, which would be addressed in the Committee's concluding observations. Some of the principal concerns mentioned in the Committee's concluding observations of 2004 were still valid. In order to better fulfil its obligations under the Covenant, the State party should take into account all of the Committee's recommendations and act on them.

The discussion covered in the summary record ended at 12.10 p.m.