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Committee on Economic, Social and Cultural Rights

Fourth periodic report submitted by Ecuador under articles 16 and 17 of the Covenant, due in 2017^{*}, ^{}**

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** The annexes to this document may be consulted in the secretariat files. They may also be accessed from the web page of the Committee.



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Acronyms

BDH	Human Development Bond Cash Transfer
BTP	Productive Technical Bachillerato
ICT	Information and communications technology
LGBTI	Lesbian, gay, bisexual, transgender and intersex
LOGJCC	Judicial Safeguards and Constitutional Oversight Act
MDG	Millennium Development Goal
NGO	Non-governmental organization
UNHCR	United Nations High Commissioner for Refugees

I. Introduction

1. The Republic of Ecuador hereby submits its fourth periodic report to the Committee on Economic, Social and Cultural Rights (hereinafter the Committee) in accordance with its obligation under article 16 of the International Covenant on Economic, Social and Cultural Rights.

2. In fulfilment of this obligation, and pursuant to Executive Decree No. 1317, the Ministry of Justice, Human Rights and Religious Affairs and the Ministry of Foreign Affairs and Human Mobility have collaborated on the preparation and validation of this report.¹ To that end, the Guidelines on specific documents to be submitted by States parties under articles 16 and 17 of the Covenant, and the Protocol for the Preparation of Periodic Reports to the International Human Rights Treaty Bodies, were considered.²⁻³ Within this framework, in order to provide information on the methodology used for drafting the report, two workshops were held with officials from public institutions whose responsibilities are related to the exercise of economic, social and cultural rights.⁴

II. Information on the articles of the Covenant

3. With regard to each of the rights recognized in the Covenant, information is provided on the measures taken in respect of the following articles.

Article 2

4. The expenditure guideline classifier for equality policies was created as a tool for the Ministry of Economic Affairs and Finance to report public resources earmarked for the implementation of public policies on gender, disabilities, multiculturalism, human mobility and generational mobility (children and adolescents, youth and older people). Each classifier created on the basis of national equality agendas links planning and public policies to the institutional budget and makes it possible to observe the allocation and transparency of fiscal resources with respect to fiscal equity and the reduction of socioeconomic gaps. A budget of US\$ 761,017,181.74 was implemented for equity-related work in 2014, and US\$ 945,352,869.29 in 2016.

5. With regard to specific anti-discrimination measures and progress towards equality, the Organic Act on National Equality Councils was adopted in 2014, establishing five Councils to deal with groups that have suffered historically from discrimination. The Councils concern the following: (1) gender, (2) intergenerational, (3) peoples and nationalities, (4) disabilities and (5) human mobility.

6. Under article 3 of the Act, the objectives of the Councils are to ensure the full enjoyment and exercise of rights; take steps to ensure that the right to equality and non-discrimination is respected, guaranteed and protected; and participate in the formulation, monitoring and evaluation of public policies. They produce the national agendas for equality, which are instruments for formulating policies to meet the Councils' objectives, indicators and goals.

7. The principles of universal citizenship, free movement of all inhabitants of the planet and the progressive abolition of the condition of foreigner with a view to redressing

¹ Executive Decree No. 1317 of 9 September 2008, published in Official Gazette No. 428 of 18 November 2008.

² Adopted by the Committee on Economic, Social and Cultural Rights at its forty-first session on 18 November 2008.

³ Ecuador, Ministry of Justice, Human Rights and Religious Affairs, *Protocol for the Preparation of Periodic Reports to the International Human Rights Treaty Monitoring Bodies* (Quito: Ministry of Justice, Human Rights and Religious Affairs, 2014).

⁴ The workshop for public institutions took place on 22 and 27 September 2017 at the Ministry of Foreign Affairs and Human Mobility.

unequal relations between countries are enshrined in the Constitution (art. 416 (6)). Ecuador has undertaken to respect human rights, in particular those of migrants, by fulfilling its obligations under the international conventions to which the country is a party (art. 416 (7) of the Constitution).

Article 3

8. Under the Constitution, all persons are equal and shall enjoy the same rights, duties and opportunities; no one may be discriminated against, inter alia, on the grounds of sex or gender identity.

9. The Organic Act on Public Service guarantees parity in candidacies and appointments of public servants. Unpaid work in the home, carried out mostly by women, was recognized by the Organic Act on Labour Justice and Recognition of Work in the Home, which also enshrined women's right to social security and benefits.⁵ In addition, the Organic Act on the Promotion of Youth Employment, Exceptional Regulation of the Working Day, Severance Pay and Unemployment Insurance was enacted in 2016.⁶

10. Regarding gender-based violence, on 5 February 2018, the Comprehensive Organic Act to Prevent and Eradicate Violence against Women came into force, whose purpose is "to prevent and eradicate violence against women, through the transformation of sociocultural patterns and stereotypes".⁷

11. Ecuador has had a national plan in place since 2014 to eradicate gender-based violence against women, children and adolescents, which targets the comprehensive and intersectoral eradication of gender-based violence. A national strategy to eradicate gender-based violence against children, adolescents and women was presented in March 2018 as the basis for the 2018–2021 plan.

Articles 6 and 7

12. Ecuador recognizes the right to decent work. Thus, the aim of public policy is to reduce structural underemployment and progressively increase the purchasing power of wages while strengthening the solidarity-based socioeconomic system.

13. During the reporting period the unemployment rate was, at 5.2 per cent, one of the lowest in South America.⁸ The Organic Code of Production, Commerce and Investment established the category of a decent wage, defined as one that allows a family to meet its minimum basic needs. As a result of this new definition, the unified basic wage rose from US\$ 160 in 2006 to US\$ 386 in 2018.

14. In 2006, family income covered only 68 per cent of the value of the basic food basket, while in 2016 it covered 101 per cent.⁹ This is also reflected in the variation in average household income, which increased in lower-income households between 2006 and 2015.

15. The "My First Job" Programme promotes the entry of university students into the labour market through internships, with 15,110 beneficiaries as of 2016; of these, 60 per cent have now entered the labour market.

16. The Ministry of Labour conducts regular workplace inspections to ensure decent working conditions. There were 116,700 such inspections between 2007 and 2016.

⁵ Official Gazette No. 483 of 20 April 2015.

⁶ Official Gazette No. 720 of 28 March 2016.

⁷ Official Gazette Supplement No. 175 of 5 February 2018.

⁸ National Survey of Employment, Unemployment and Underemployment (ENEMDU) 2016.

⁹ National Secretariat of Planning and Development, *Informe a la Nación 2007–2017* (Quito: SENPLADES, 2017), 105.

Articles 8 and 9

17. Ecuador ratified International Labour Organization (ILO) Convention No. 189 concerning Decent Work for Domestic Workers, the implementation of which is based on the Organic Act on the Defence of Labour Rights (2014) and the Organic Act on Labour Justice and Recognition of Work in the Home (2012), which regulate the conditions of domestic work. One of the results is that as of 2016, 208,140 people, of whom 94.5 per cent are women who work in this sector, received social security benefits.

18. The number of social security system members rose from 1,401,935 in 2006 to 3,176,433 in 2016, or a 226-per-cent increase. Unemployment insurance was introduced in 2016, as an economic benefit that protects members of the Ecuadorian Social Security Institute for five months if they are unemployed; as of December 2016, 25,000 people were enrolled in the scheme.

Article 10

19. The Civil Code Reform Act (2015) prohibited the marriage of persons under the age of 18 and allowed for the administration of conjugal property by either spouse.

20. The Maternal Alert Strategy was drawn up in 2016 to prevent maternal deaths. Reducing maternal mortality is a fundamental component of social policies for the national Government. Accordingly, the National Development Plan 2017–2021 set the goal of “reducing the maternal mortality rate from 44.6 to 36.2 deaths per 100,000 live births by 2021”.

21. The amendments to the Labour Code guaranteed paid paternity and maternity leave and made both parents jointly responsible for the care of children in the first year of life.

22. Child abuse is expressly prohibited in the Code on Children and Adolescents and is severely punished in the Comprehensive Criminal Code. The Government has committed itself to eradicating child labour, and as a result of coordinated efforts with local government, 2,160 children had been removed from work in slaughterhouses and rubbish dumps as of 2017, thereby guaranteeing their access to education, health care and recreational programmes. The Ministry of Labour conducts comprehensive inspections, especially in provinces with a high concentration of mining companies. In 2015, for example, there were 729 inspections.

23. The implementation since 2017 of the “Plan toda una vida” (Lifetime Plan) is intended to ensure that people can progressively enjoy their rights throughout their lives, thanks to public policies for the social and human development of the population.

Article 11

24. According to the Economic Commission for Latin America and the Caribbean (ECLAC), Ecuador is one of the three Latin American countries that most reduced income poverty in the period 2006–2014.¹⁰ Information from the National Statistics and Census Institute shows that during the period 2006–2016, income poverty fell from 37.6 per cent to 22.9 per cent, and for the first time in history extreme poverty dropped below the double-digit mark, from 16.9 per cent in 2006 to 8.7 per cent in 2016.¹¹ Similarly, between 2006 and 2014, poverty as measured by consumption fell by 32.6 per cent at the national level – i.e. by 12.5 percentage points – a larger reduction than between 1998 and 2006, when it declined by 14.5 per cent (6.5 percentage points).¹²

¹⁰ National Secretariat of Planning and Development, *Informe a la Nación 2007–2017*, p. 57.

¹¹ *Ibid.*

¹² *Ibid.*

25. From 2009 to 2016, the multidimensional poverty rate was reduced by 16.4 percentage points, which means that around 2 million Ecuadorians overcame this condition.¹³

26. The Government's flagship programmes, "Casa para todos" (Homes for everyone) and "Misión Ternura" (Tender loving care mission), are engendering progress towards the goals of the Covenant and towards Millennium Development Goals (MDGs) 2, 3 and 11. With their implementation, 325,000 new homes will be built and delivered in four years, the quantitative deficit in terms of households without adequate housing will be reduced from 12.3 per cent in 2016 to 9.9 per cent in 2021, and home ownership among poor households will rise from 75 per cent in December 2016 to 86.3 per cent in 2021. By 2021, chronic malnutrition will be reduced from 23.9 per cent to 14 per cent among children under 5 years of age, and chronic malnutrition eradicated in children under 2 (24.8 per cent).

27. The "Misión menos pobreza, más desarrollo" (Less poverty, more development mission) seeks to eradicate the incidence of extreme income poverty, reducing it from 8.7 per cent to 3.5 per cent by 2021.

Article 12

28. The comprehensive family, community and intercultural health model, which focuses on primary health care, community epidemiology, human rights, participation, multiculturalism and gender mainstreaming, has been in place since 2013. In addition, with a view to increasing the number of patients in rural areas that are difficult to reach, the "Médico del Barrio y su Equipo de Atención Integral" (Local doctors and their comprehensive health-care teams) initiative is being rolled out in 2017.

29. The health sector budget increased by US\$ 1,910.22 million in the period 2012–2016. In terms of the supply of hospital beds, an average of 1.52 beds per 1,000 inhabitants has been achieved. The number of doctors per 10,000 inhabitants increased from 9.0 in 2006 to 18.8 in 2015. More than 42 million outpatient appointments were reported in 2016.

Articles 13 and 14

30. The Ministry of Education has implemented a number of measures that have helped to strengthen the rights set out in article 13 of the Covenant, including the following:

- Social Agenda 2013–2017, sectoral policies 2 and 4: Universalize access to general basic education from the first to the tenth year and promote access to all the forms of secondary education (*bachillerato*)
- 10-year Education Plan 2006–2015, policies 2 and 3: Universalize general basic education from the first to the tenth year and increase enrolment in the *bachillerato* so as to cover at least 75 per cent of the population in the respective age group
- Programmes: free textbooks; school uniforms; school meals; physical infrastructure; professional development through the Integral System of Professional Development in Education

31. Between 2006 and 2016, the net primary school attendance rate rose by 3.4 percentage points, or to more than 95 per cent, starting in 2008. In urban areas the increase was 3.5 percentage points, and in rural areas, 3.2 percentage points. Between 2006 and 2016, the net secondary school attendance rate increased by 13.7 percentage points in urban areas and 29.3 percentage points in rural areas, or an average 19.5 percentage points for this period.¹⁴

¹³ Ibid.

¹⁴ Information submitted in matrix form by the Ministry of Education to the Ministry of Justice, Human Rights and Religious Affairs in response to a request for information for the submission of the report to the Committee.

32. As for completion of the bachillerato, between 2006 and 2016 the percentage of persons (aged 16 to 24 years) who completed general basic education rose by 19.4 percentage points, and the percentage of persons in the same age group who completed the bachillerato increased by 17.98 percentage points. There is also a large number of students enrolled in technical bachillerato studies: 34 per cent in 2016.¹⁵

33. Since 2014, 138,817 teachers have been trained in such fields as cross-cutting training, information and communications technologies (ICTs) and classroom tools, while 4,202 teachers received full scholarships for master's programmes, both in Ecuador and abroad.¹⁶

34. The Organic Act on Higher Education guarantees that higher education is accessible to all. The Higher Education Council approved the regulation guaranteeing free public higher education, the purpose of which is "to establish the general and mandatory rules and procedures for the effective fulfilment of free public higher education up to the tertiary level in all forms of study".¹⁷ Article 3 of the regulation guaranteeing equality for all actors in the higher education system sets forth the principles of equal opportunities, without discrimination. As of 2016 the State had granted 19,586 scholarships for higher education.

Article 15

35. The Culture Act establishes operational guarantees of cultural rights in the organizational and institutional spheres and at the functional level (regulating the underlying principles of cultural policy).¹⁸ The Act recognizes a range of cultural goods and forms of expression with the concept of collective memory. The aim of public policy in this field is to identify cultural goods that are of particular importance to society and to promote their study, appreciation and protection. The Act endorses the main recommendations contained in international treaties on the protection of cultural diversity and the development of cultural industries.

36. Among other festivals and funds, the competitive grant fund 2008–2017 for the "Ecuador, Land of the Arts" programme is one of the most important platforms for public support at the national level and a direct financing mechanism for artistic and cultural projects undertaken by Ecuadorian artists, arts administrators and actors. The total budget for this programme is US\$ 13,645,411.08. In addition, between 2007 and 2015, US\$ 9,252,108.65 was earmarked for film productions.

III. Information relating to the Committee's recommendations

Recommendation 9

37. Ecuador has given constitutional status to the right to prior, free and informed consultation (Constitution, art. 57 (7)). This right is also enshrined in the Organic Act on Citizen Participation, and it is reflected in the regulations on prior, free and informed consultation in bidding and award processes for hydrocarbon-bearing tracts and blocks.^{19, 20}

38. Consultations must precede the awarding of blocks or areas that constitute areas of influence of indigenous peoples and nationalities, and are to be conducted by the Hydrocarbons Secretariat and supervised by the Ministry of Hydrocarbons, in coordination with the Ministry of the Environment and the National Secretariat for Governance, as entities contributing respectively to environmental, social and citizen participation issues.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Official Gazette Special Edition No. 854 of 25 January 2017.

¹⁸ Official Gazette Supplement No. 913 of 30 December 2016.

¹⁹ Official Gazette Supplement No. 175 of 20 April 2010.

²⁰ Executive Decree No. 1247, published in Official Gazette No. 759 of 2 August 2012.

39. The main objective is to guarantee both collective rights and access to truthful and timely information about the plan or programme to be developed, taking into account the criteria and observations of indigenous communities, peoples and nationalities, to avoid a social, cultural or environmental impact being generated by the areas or blocks to be bid on.

40. In order to carry out a prior, free and informed consultation process in harmony with the situation on the ground of each of the peoples and nationalities, prior to the effective implementation of the process as stipulated in Decree No. 1247, the State carries out a socioenvironmental diagnosis on the basis of which an initial approach to the community is designed, making it possible to identify the social and environmental factors necessary to conduct the consultation properly.

41. A call to the meeting is sent out to the representatives of the communities and announced in local media, such as radio and the press, or through door-to-door invitations. All of these mechanisms are part of a community and political communication campaign, which includes information material produced in the language of the community and encompassing cultural elements specific to the region.

42. The prior consultation process incorporates technical information on the scope and implications of hydrocarbon investment and development projects relating to: (1) risks and opportunities of the sector's activities; (2) scope, nature and importance of the projects; duration of the activities; (3) georeferenced location of the areas to be covered; (4) applicable environmental regulations and nature protection policy that are deemed to be a subject of law in Ecuador; and (5) citizens' rights. Ample information is also provided on the regulations and State policies governing the distribution of wealth generated by the rational and sustainable use of hydrocarbon resources.

43. Prior assessment is also conducted regarding the likely positive and negative impacts on the economic, social, cultural and environmental characteristics of the area under study.

44. The above-mentioned regulations set out the different mechanisms used in the consultation process, which are: permanent consultation offices;²¹ public hearings; mobile consultation offices;²² public information centres;²³ civic dialogue forums;²⁴ and feedback assemblies.²⁵

45. A facilitator who is duly accredited by the Ministry of the Environment participates in the public hearings, civic dialogue forums and feedback assemblies, and manages the process and the dialogue between the community and State representatives.

46. The sustained process that has grown out of these activities has produced the following outcomes: intervention in 19 blocks; implementation of 302 mechanisms in 626 communities; participation of seven nationalities; and participation of approximately 22,450 community members. There is a file on each of the processes of prior, free and informed consultation, containing the calls for meetings and information on the communities that participated.

²¹ These are mechanisms for setting up consultation offices within the communities located in the area of direct influence. The offices are run by properly trained community residents responsible for dispensing information about the public policy of the sector, environmental and social management, and the benefits generated for the area by oil revenues.

²² These are mechanisms for setting up short-term consultation offices in remote communities. The offices are run by properly trained community residents who teach the community about public hydrocarbon policy, environmental and social management, and the benefits that oil revenues bring to the area, as stipulated in the Hydrocarbons Act.

²³ They provide citizens with more details about environmental and social issues related to the operation of the sector and are located in the provincial capitals closest to the hydrocarbon blocks.

²⁴ A mechanism used in a sector that is easily accessible to all communities and intended to provide more information to the communities that surround the blocks, in order to reinforce the information imparted during the prior consultation process. Through these forums, representatives of indigenous peoples and nationalities can express their views on the sector's activities.

²⁵ A participatory mechanism used after the public hearing to clarify and reinforce for citizens those issues demanding further elaboration and explanation by each of the entities concerned.

47. The country's consultation process is implemented in two stages. Once the blocks have been bid on or assigned to a public or private company, they go on to a second consultation, called an environmental consultation, which is convened by the implementing regulations governing the social participation mechanisms.²⁶ The second consultation is held prior to any activity due to be carried out in the blocks that have already been bid on or assigned, thereby establishing a double guarantee. Similarly, article 82 of the Organic Act on Citizen Participation, which concerns environmental consultation, stipulates that:

Any State decision or authorization that may affect the environment must be discussed with the community, for which ample and timely information will be provided. The discussion shall be initiated by the State. The State shall take into account the views of the community in keeping with the criteria established in the Constitution, international human rights instruments and legislation.

48. The National Development Plan 2017–2021: Lifetime includes a national territorial strategy used to identify the needs of the inhabitants of Ecuador in each part of the country in order to define what needed to be done, where, and who was responsible for each of the actions undertaken to improve living conditions for everyone. Section (d) of the plan's territorial guidelines on equitable access to infrastructure and knowledge calls for the promotion of productivity and systematic competitiveness by strengthening the roles and functionalities of the territory and developing special planning processes in areas of influence of projects of national importance and special economic development zones, with prior, free and informed consultation, citizens' oversight and social control.

49. With regard to the judgment of the Inter-American Court of Human Rights in the case of the *Kichwa Indigenous People of Sarayaku v. Ecuador*, the State coordinated the implementation of the measures ordered by the Court within the established deadlines. As a result, the Court declared the State's compliance with the following reparation measures: (1) performing a public act acknowledging international responsibility for the facts of the case; (2) publishing the official summary of the judgment in the Official Gazette, in a newspaper with wide national circulation and on an official website; (3) broadcasting the summary on a radio station with widespread coverage in Spanish, Kichwa and other indigenous languages of the subregion; (3) paying the amounts specified in paragraphs 317, 323 and 331 of the judgment as compensation for pecuniary and non-pecuniary damage, and as reimbursement of costs and expenses, in line with the aforementioned paragraphs and paragraphs 335–339 of the judgment; (4) repaying the amount established in paragraph 334 of the judgment to the victims' Legal Assistance Fund.

Recommendation 10

50. Article 163 of the Constitution provides that:

“The mission of the National Police is to ensure public safety and order, and to protect the free exercise of the rights and security of persons within the national territory. Members of the National Police shall have training based on human rights, specialized investigation, prevention, control and crime prevention as well as training on the use of methods of deterrence and conciliation as alternatives to the use of force.”

51. Pursuant to Ministerial Agreement No. 5233, the Ministry of the Interior laid down the general obligations and requirements of stay for National Police officers, including the obligation to use methods of deterrence and conciliation as alternatives to the use of force.²⁷ Similarly, Chapter III of the regulations on the legal, appropriate and proportionate use of force by the National Police, issued under Ministerial Agreement No. 4472, provides guidelines on the use of force by the National Police.²⁸ It also clearly establishes the duty to use force in a timely, necessary, proportionate, rational and legal manner. It further provides that no police officer may be punished for failing to comply with an unlawful and

²⁶ Executive Decree No. 1040, published in Official Gazette No. 332 of 8 May 2008.

²⁷ Official Gazette No. 488 of 27 April 2015.

²⁸ Official Gazette No. 314 of 19 August 2014.

unconstitutional order to use force. For this reason, police officers are governed by the instruments set forth herein and should only apply the use of force in the specific situations that fall within the established parameters, provided that the relevant order is not unconstitutional and that it does not violate a constitutional right, such as the right to peaceful demonstrations and related rights.

52. With regard to the offences of sabotage and terrorism, their definition makes it possible clearly to identify such elements as the protected legal right, wording, circumstance, perpetrator and sanction. The details of the circumstances comprising the objective element of the offence make it possible to limit its scope of application, as recommended by the Committee.

53. This is demonstrated in articles 345 (sabotage) and 366 (terrorism) of the Comprehensive Organic Criminal Code, which stipulate as follows:

Article 345: Any person who, for the purpose of disrupting the country's economic environment or public order, destroys industrial or manufacturing facilities, shopping centres, ports, canals, reservoirs, mines, powder kegs, vehicles or any other means of transportation, goods essential for the provision of public or private services, warehouses for goods, explosives, lubricants, fuels, raw materials destined for production or national consumption, or roads or works destined for communication, or who interrupts or obstructs the work of emergency teams shall be punished by a prison term of 5 to 7 years. The term shall be 7 to 10 years if the infrastructure of strategic sectors is destroyed (emphasis added).

Article 366: Any person who, individually or by creating armed groups, provokes or maintains a state of terror in a population or a sector thereof through acts that endanger the life, physical integrity or freedom of persons or buildings, means of communication or transportation, through means capable of causing damage, shall be punished by a prison term of 10 to 13 years, especially if (emphasis added):

1. Any person who, in respect of a means of transportation by land, sea or air, or of fixed marine platforms, seizes such means, exerts control over it by violent technological means or by threat or intimidation; knocks down, destroys, damages, places or causes to be placed a device or substance capable of destroying it or causing damage that incapacitates it for purposes of transportation;
2. Any person who destroys by any means a public or private building, a fixed marine platform, installations of strategic areas, essential basic services, or installations or services of land transportation or air or sea navigation, if such acts, by their nature, constitute a danger to the safety of transportation by land, air or sea, or the safety of platforms and other buildings;
3. Any person who engages in acts of violence that, by their nature, cause or are likely to cause injury or that constitute a danger to the safety of such premises or facilities or their occupants, in land transport, on board an aircraft or a ship, a fixed marine platform, in ports, airports, installations in strategic areas, essential basic services or the environment;
4. Any person who communicates, disseminates or transmits false reports, thereby endangering the safety of a means of transportation by land, sea or air;
5. Any person who breaks into official premises, private residences or a means of transportation used by internationally protected persons;
6. Any person who, on his/her own or through third parties, carries out economic or financial operations and transactions in order to give an appearance of lawfulness to terrorist activities as defined in this Code;
7. Any person who steals, robs or embezzles nuclear material, obtains it by fraud or extracts it by threat, the use of violence or intimidation;
8. Any person who receives, possesses, uses, transfers, alters, evacuates or disperses nuclear material without lawful authority, if such action causes serious injury to a person or group of persons, or substantial property damage;

9. Any person who delivers, places, throws or detonates an explosive device or substance or other lethal device at or against a place of public use, a public or government facility, a public transportation network or infrastructure facilities for the purpose of causing death or serious bodily injury to persons, or for the purpose of causing significant material destruction;

10. If such an offence causes the death of one or more persons, it shall be punishable by imprisonment for a term of 22 to 26 years.

54. Justice officials are expected to apply criminal law in accordance with the fundamental rights established in the Constitution and in the international human rights instruments ratified by Ecuador, as provided for in article 427 of the Constitution. In addition, the Comprehensive Organic Criminal Code follows a model of rights-based criminal law, and embraces a set of principles that should govern the administration of criminal justice and that are intended to limit arbitrariness in the exercise of State *ius puniendi*.

55. The above-mentioned criminal offences are clearly defined. However, the Constitution and the Judicial Safeguards and Constitutional Oversight Act (LOGJCC) provide for mechanisms to ensure the compatibility of the rules of the legal system with the Constitution and the international human rights instruments ratified by Ecuador. Such is the case of the concrete control of constitutionality (LOGJCC, art. 141), which allows the parties to a litigation to consult the Constitutional Court of Ecuador on the constitutionality of the application of a rule (in this case a substantive criminal rule), taking due account of both the Constitution and the corpus of constitutional law. Thus, when there is reasoned doubt about the compatibility of an unconstitutional rule, it is up to the judge to suspend the hearing while its applicability is being resolved (LOGJCC, 2009, art. 142).

Recommendation 11

56. The objective of the National Agenda for Equality of Nationality and Peoples 2013–2017 is to reduce socioeconomic gaps and asymmetries, combat poverty, promote political and social inclusion based on greater participation and respect for difference, and foster progress in combating discrimination and racism. The Agenda contains a diagnosis of the situation of nationalities and peoples and proposes thematic pillars, policies and guidelines to be taken into account in intersectoral and sectoral agendas.

57. The Agenda has established the following action lines: (1) lands and territories; (2) collective rights; (3) administration of and access to justice; (4) rights related to *el Buen Vivir* (the good way of living); (5) economic rights; (6) rights of participation, communication and information; (7) plurinationality and multiculturalism, based on the plurinational and multicultural nature of Ecuador, in order to facilitate the incorporation of these notions into planning and to focus the central objectives on the achievement of the *Sumak Kawsay* or good way of living for everyone in the country.

58. Considering the need for disaggregated information, the former Ministry for the Coordination of Social Development, now the Technical Secretariat of the Lifetime Plan, developed a digital platform known as the Integrated System of Knowledge and Social Statistics, which provides information that is disaggregated by ethnic groups. The options offered by this platform are the following: statistics;²⁹ social programmes;³⁰ geosocial;³¹

²⁹ Statistical information is available through an integrated database of social indicators that is regularly updated. These indicators can be consulted by population groups, thematic sectors or territories, along with the respective disaggregations available. The user will see tables, graphs and maps, as well as technical descriptions of each indicator.

³⁰ This includes information on the social programmes under way in the country, making it possible to visualize the evolution, coverage and investment of social policy implemented through specific programmes by either institution or population group.

³¹ It contains georeferenced information on the institutional supply related to infrastructure and public and private social services. It also presents a population mapping of particular issues, such as poverty or the location of different peoples and nationalities.

observatory;³² knowledge;³³ forum;³⁴ library.³⁵ They comprise a system for monitoring actions that have been completed, which makes it possible to identify inequalities that are being overcome. The system is also a mechanism for citizen oversight with respect to the proposed objectives.

59. Figures disaggregated in Annex 1.

Recommendation 12

60. Under the Disabilities Act, persons with disabilities must comprise at least 4 per cent of the staff of all public or private companies with more than 25 employees.³⁶ This has led to a significant increase in the employment of persons with disabilities, whose numbers rose from 9,911 (public and private sector) in 2011 to 580,161 in 2017. With regard to self-employment, 24,719 persons with disabilities who are covered by social security are registered as being self-employed, i.e., they receive monthly income as own-account workers.³⁷

61. The current government policy, through the Lifetime Plan, which is implementing the project to support Ecuadorian citizens in conditions of extreme poverty throughout their life cycle, is intended to strengthen the productive capacity of persons with disabilities in situations of poverty and extreme poverty for the period 2017–2021, by means of microenterprises belonging to persons receiving the Joaquín Gallegos Lara vouchers, which consist of a monthly cash transfer issued by the national Government to persons with disabilities.³⁸

62. The sixth action line of the National Agenda for Persons with Disabilities 2013–2017 (National Disabilities Plan) is work, in line with the following policy: “To safeguard and promote the right to work of persons with disabilities, without discrimination, based on equal employment rights and taking into account the specific circumstances of persons with disabilities”. Thus, in executing this action line, labour inspections have been conducted by the Ministry of Labour to ensure the employment of persons with disabilities as established in the Act.

63. In addition, on 4 December 2017, the President of the Republic, Lenín Moreno, presented the National Disabilities Plan 2017–2021 and the National Agenda for Persons with Disabilities 2017–2021. This Agenda establishes “work and employment” as the core of public policy, the objective of which is to promote the employment of persons with disabilities and encourage entrepreneurship, taking into account the percentage of institutions that meet the employment quota; the percentage of specific funds for persons with disabilities; the number of projects for productive entrepreneurship; and the job satisfaction rate of persons with disabilities.

³² This presents statistical information in a descriptive and contextualized way. The subject matter and contents correspond to indicators that are noteworthy because of their impact in the field of social development or their pride of place on the national or international agenda. The user will have access to information for the follow-up of national goals related to the Good Way of Living Plan and the Social Agenda.

³³ This is an experimental forum for the generation of social knowledge through a set of infographics that attempt to explain, in simple terms, concepts or complex issues of the social sector.

³⁴ This is a forum for expression and promotion of debate on social development issues and on institutional practices of programmes, public policies and social statistics.

³⁵ This is a repository of knowledge that is related fundamentally to social development, its policies, programmes and services; it democratizes the contributions, findings, analysis and research undertaken in the country over the past 20 years. It contains relevant historical and current information included in: articles, bulletins, working documents, files, reports, books and consultancies, among others.

³⁶ Official Gazette Supplement No. 796 of 25 September 2012.

³⁷ Official data of the National Council for Persons with Disabilities.

³⁸ With regard to financial support from the State, in 2015, 36.95 per cent of persons with disabilities received funds. Overall, 22,815 persons received Joaquín Gallegos Lara vouchers, worth a total of US\$ 61,734,655, while 127,800 persons received disability allowances amounting to US\$ 67,194,000.

64. The Ministry of Industry and Productivity engaged in work on productive innovation as part of public policies for social inclusion, with an investment that, by 2017, exceeded US\$ 7,000,000, creating 2,116 jobs for persons with disabilities and their families.³⁹

Recommendation 13

65. The Organic Act on Human Mobility was enacted in 2017, marking a turning point in legislation enabling the effective enjoyment of the rights of refugees and asylum seekers in Ecuador (Annex 2).⁴⁰

66. The Ministry of Foreign Affairs and Human Mobility has been drafting agreements or conventions on this issue for several years. They include: (1) a letter of understanding between the Ministry and the Office of the United Nations High Commissioner for Refugees (UNHCR);⁴¹ (2) a cooperation project, in conjunction with UNHCR, to strengthen the Ministry's Directorate for Refugees in 2017; and (3) an inter-agency cooperation agreement between the General Directorate for Civil Registration and the Ministry.

67. Government policies and actions on asylum undertaken at the national level include the following:⁴²

(a) Organization of the Ecuador-Colombia lateral meetings, which have dealt with the issue of Colombian refugees in Ecuador and a Return Plan. The most recent such meeting (the eleventh) was held in Quito on 25 September 2017;

(b) Organization of the annual meetings on the tripartite mechanism between Ecuador, Colombia, the International Organization for Migration (IOM) and UNHCR. The most recent such meeting (the sixth) took place in Quito on 25 September 2017;

(c) Opening, renovation and outfitting of offices for asylum units around the country, particularly in border areas with the largest numbers of asylum seekers, such as Lago Agrio, Esmeraldas, San Lorenzo and Ibarra, in addition to the offices in Quito, Guayaquil, Azogues and Santo Domingo;

(d) Training for public servants involved in determining the status of refugees in Ecuador and in improving the assistance provided to them by means of automation;

(e) Referral of cases to non-governmental organizations (NGOs) for the provision of humanitarian, legal or educational assistance;

(f) Dissemination both to public institutions and to private entities of information on procedures for determining refugee status and on the rights of asylum seekers and recognized refugees, in order to ensure that all persons receiving international protection in Ecuador can be appropriately integrated into Ecuadorian society;

(g) Attendance at international meetings to discuss the topic of asylum in Ecuador, in different countries of the region and, in some cases, at United Nations Headquarters in New York and Geneva;

(h) Organization of events and exhibitions to mark World Refugee Day (20 June of each year) in various cities across Ecuador;

³⁹ Official data of the National Council for Persons with Disabilities.

⁴⁰ Official Gazette Supplement No. 938 of 6 February 2017.

⁴¹ Updating of the cooperation agreement between the Ministry and UNHCR, 2016.

⁴² A number of projects are currently being implemented by the Ministry, such as the project for strengthening the Directorate, through an agreement between the Ministry and UNHCR, and the project on biometric (electronic) passports for refugees, asylum seekers and stateless persons, as applicable, which are considered to be special travel documents to be issued by the authority responsible for human mobility, as set forth in article 156 of the Organic Act on Human Mobility. To that end, the corresponding secondary legislation of the Act and of its implementing regulations must be approved and issued.

(i) Production and widespread dissemination of information leaflets and brochures on asylum-seeking procedures, informing non-nationals of their right to request asylum, as called for by the Organic Act on Human Mobility and its implementing regulations.

68. With regard to housing, the Ministry of Urban Development and Housing has formulated and implemented regulations to ensure that all persons, whether Ecuadorian or foreign, have access to social housing, provided that they comply with the requirements of article 7 of Ministerial Agreement No. 027-15 of 24 August 2015, Regulations for the Operation of the Housing Incentives System, which stipulate that applicants who are not citizens of Ecuador must either have been legal residents for at least five years or have refugee status.

69. With regard to access to public education, the State guarantees universal access, continued attendance, mobility and completion of school without discrimination of any kind, and compulsory attendance at the initial, basic and bachillerato level or equivalent. In addition, public education shall be free of charge up to the third level of higher education.

70. Specifically, the State has provided for the protection of persons who are doubly vulnerable, including refugees and displaced persons, under article 234 of the Intercultural Education Act regulations, which specifies that: “Migrants, i.e. refugees and displaced persons ... are considered vulnerable”. Pursuant to article 58 of the Code on Children and Adolescents, which establishes the rights of child and adolescent refugees, “children and adolescents who apply for or who have been granted refugee status are entitled to humanitarian protection and the assistance necessary for the full enjoyment of their rights”.⁴³

71. Accordingly, the Ministry of Education has issued “regulations to regularize and ensure the entry into, continued attendance at and completion of education in the national education system for people in vulnerable situations who have dropped out of school”. These regulations are intended to regulate the mechanisms for integrating persons living in vulnerable situations into the national education system, as defined in the Intercultural Education Act regulations.^{44, 45}

72. With respect to the registration of information on access to public services for persons in situations of human mobility, the Ministry of Education, by virtue of the Intercultural Education Act and its implementing regulations, establishes two important processes:

(a) Enrolment in the State education system through the system of enrolment and quota allocation for State schools, which calls for a “migration” type of enrolment and that registers the country of origin and the highest grade completed. Some 5,544 candidates for migration enrolment have been registered. in the past two academic years (2016–2017 and 2017–2018).

(b) Recognition and certification of studies completed abroad, both by foreigners and by returning Ecuadorians (Annex 3).

73. In conflict-affected areas that are likely to generate the migration of persons as refugees or asylum seekers, such as Esmeraldas, Carchi and Sucumbíos, schools are fully empowered to develop specific skills to address those problems (by adding new curriculums) or to prioritize, reconfigure, redesign and/or organize existing skills (through curricular flexibility), so that the problems can be dealt with in a relevant, rigorous and complex manner.

74. With respect to access to health care, it is provided free of charge, and without requesting certificates of immigration status, to all persons, both in health centres and in general and specialized State hospitals.

⁴³ Official Gazette No. 737 of 3 January 2003.

⁴⁴ Ministerial Agreement No. MINEDUC-MINEDUC-2017-00042-A of 12 May 2017.

⁴⁵ Article 236 of the Intercultural Education Act regulations.

75. Some 183,838 foreigners received care from the State health system in 2014, and in 2015, 194,437. The number declined to 181,002 in 2016, while between January and July 2017 alone, 95,691 foreign nationals received care.⁴⁶

76. With regard to the country's investment in the health care of foreigners, it amounted to US\$ 13.76 million in 2016.

Recommendation 14

77. As previously mentioned, on 8 March 2018 the President of the Republic, Lenín Moreno, presented a report on the National Strategy for the Eradication of Gender-Based Violence against Children, Adolescents and Women, intended to defeminize poverty and enable women to ensure their autonomy. Based on this strategy, the National Plan to Eradicate Gender-based Violence against Children, Adolescents and Women is expected to be presented in November 2018. It will include different action lines for mainstreaming the principle of equality with respect to economic, social and cultural rights.

78. Also on 8 March 2018, the National Statistics and Census Institute presented the Gender Atlas 2018, which compiles a number of indicators to highlight possible gender gaps and provide an analytical tool for achieving adequate living standards.⁴⁷

79. The Central Bank of Ecuador, through BanEcuador, has made available a US\$ 10-million fund to finance loans for women's entrepreneurship, giving priority to women in situations of violence. This pioneering strategy has been in existence since early 2018 and is intended to promote and incentivize the country's public and private banks to come up with products that contribute to equitable access to credit and promote economic equity.

80. In addition, the Plan for Women is being implemented as part of the Lifetime Plan, which is intended to improve the quality of life of Ecuadorian women, especially those in vulnerable situations, and to promote the empowerment of women and the enforceability of their rights.

81. The Family Support Strategy has been implemented as part of the delivery of the Human Development Bond Cash Transfer (BDH), identifying the strengths and capacities of BDH beneficiary families in order to improve their basic family development conditions. The budget allocation for family support was US\$ 17,028,417.41 in 2015, covering 1,103 beneficiaries (351 men and 752 women).

82. In 2016 the Council on the Regulation and Development of Information and Communication published a book entitled *Communicating without discriminating: communication and journalism for equality*, to guide the media on addressing gender issues, intergenerational issues, disabilities, peoples and nationalities, as well as human mobility, with a view to communicating from a rights-based perspective.

83. A book entitled *Perceptions of the image of women in social media in Ecuador* was also published, which presents the findings of research conducted among focus groups of men and women from various sectors, age groups and socioeconomic classes. A review of current policy and academic discussions on the topic of gender and communication is under way. In addition, there is a publication entitled *Discrimination against women and their depiction in the media*, which comprises historical research on this topic up to the present and offers recommendations on how to eliminate stereotypes, discrimination and gender-based violence.

84. The National Council for Gender Equality is devising institutional policies on gender equality and non-discrimination for all public bodies responsible for fulfilling the constitutional mandate.

⁴⁶ Official data of the Ministry of Public Health.

⁴⁷ National Statistics and Census Institute, *Gender Atlas*, 2018. Available at: <http://esri-soluciones.maps.arcgis.com/apps/MapSeries/index.html?appid=6fd6d1e5c83d42129e25a064f8b76d5d>.

Recommendation 15

85. The labour policy is based on the realization of workers' rights and on job protection. Recent labour reforms protect employment, facilitate the adaptability of working hours to revive production, establish types of contracts that ensure job stability, including youth employment, and foster economic recovery, particularly in the areas where an emergency was declared as a result of the earthquake of 16 April 2016.^{48, 49}

86. There was a marked decline in the national unemployment rate for 2017: at 4.4 per cent in March 2017, it was the steepest decline in five years, compared to 5.7 per cent in March 2016, or a drop of 1.3 percentage points. This is equivalent to a decrease in unemployment of some 94,000 people, according to the latest national survey of the National Statistics and Census Institute on employment, unemployment and underemployment. Ecuador has one of the lowest unemployment rates in the region.

87. Disaggregating these data by area, the urban unemployment rate stood at 5.8 per cent in December 2017, compared to 6.5 per cent in December 2016. In rural areas, the unemployment rate was 2.1 per cent, compared to 2.5 per cent in December 2016.⁵⁰

88. Another aspect of the right to employment is the ability to absorb employment, as measured by the gross employment rate, which rose from 63.8 per cent in December 2016 to 64.6 per cent in December 2017.⁵¹

89. The Labour Rights Protection Act was published in Official Gazette No. 797 of 26 September 2012 and was last amended on 18 April 2017.

Recommendation 16

90. Ecuador does not engage in the practice of dismissing people without cause. On the contrary, it guarantees job stability and has a policy framework that specifically establishes the grounds for termination and final dismissal, as determined by an administrative process guaranteeing the right to a defence of the civil servant concerned, and recognizes the right to challenge.

91. The definition of cases warranting termination are addressed in article 47 of the Organic Act on Public Service and its implementing regulations, which enumerate the cases warranting permanent removal from functions as well as the grounds for final dismissal.^{52, 53}

Recommendation 17

92. Ecuador has promoted a wage policy designed to eliminate social inequity and offer decent wages as a vehicle for social and labour justice. It has consistently increased the minimum wage to allow people to meet their basic needs.⁵⁴ This adjustment was based on

⁴⁸ These reforms include the Organic Act on the Promotion of Youth Employment, exceptional regulations of working hours, unemployment and unemployment insurance, published in Official Gazette Supplement No. 720 of 28 March 2016. Ministerial Agreement No. MDT-2016-0158, published in Official Gazette Supplement No. 820 of 17 August 2016, through which the Ministry of Labour agrees to issue regulations for the implementation of the Organic Act on the Promotion of Youth Employment, exceptional regulations of working hours, unemployment and unemployment insurance.

⁴⁹ Ministerial Agreement No. MDT-2016-0121, published in Official Gazette No. 802 of 21 July 2016, through which the Ministry of Labour agrees to regulate labour relations in economic activities affected by the earthquake of 16 April 2016.

⁵⁰ National Statistics and Census Institute, National Survey of Employment, Unemployment and Underemployment.

⁵¹ Ibid.

⁵² Official Gazette Supplement No. 294 of 6 October 2010.

⁵³ Official Gazette Supplement No. 418 of 1 April 2011.

⁵⁴ Basic wage is defined as the minimum compensation that individuals should receive for their work from their employer, which is a part of compensation and does not include any income in Kichwa,

inflation, the rate of productivity growth and equity to bring it into line with a decent wage.⁵⁵

93. The Ministry of Labour sets the decent wage every year in accordance with the Organic Code of Production, Trade and Investment, which determines its components and how its value should be calculated. In 2015 it was US\$ 415.59, and in 2016, US\$ 429.57.

94. The gender wage gap has fallen significantly over the past decade, from 34.3 per cent to 20.9 per cent at the national level.⁵⁶ The Organic Act on Labour Justice and the Recognition of Work in the Home calls for the provision of social security coverage to ensure the social well-being of women who work in the home, as well as mechanisms for the control and regulation of wages and salaries, through the National Council on Labour and Wages, which was established by the Labour Code Reform Act of 2015. This policy was implemented alongside the campaign for decent work in the home.

Recommendation 18

95. Pursuant to article 435 of the Labour Code, with regard to managing the prevention, identification, measurement, evaluation and monitoring of occupational hazards, the Ministry of Labour issued guidelines on the registration of regulations and committees on health and safety in the workplace in 2015.⁵⁷

96. In addition, regulations were drawn up for the general insurance system on occupational hazards in order to protect both beneficiaries and employers alike, through programmes to prevent occupational hazards and compensate for damages arising from industrial accidents and occupational diseases, including physical and mental rehabilitation and reintegration into the labour market.⁵⁸

97. The Ministry conducts regular workplace inspections to ensure decent working conditions. There were 116,700 such inspections between 2007 and 2016.

98. In addition, there is an information system that registers violations of labour rights and helps strengthen inspection, monitoring and supervisory functions. This is the national system for inspecting the inspectors, and it registers such procedures as single registry forms, comprehensive and focused inspections, clearance, and lists of demands. There is also a comprehensive inspection system, INSPECTOR INTEGRAL 2.0, which registers upcoming comprehensive inspections of businesses on their compliance with labour obligations and sets out the conditions for the completion of each procedure. Among the results achieved by Ministry products and services that are part of the government-by-results system are sanctions imposed on businesses for breaches of their labour obligations that were exposed by labour inspections.

Recommendation 19

99. Article 440 of the Labour Code recognizes the right of workers and employers to establish professional associations or trade unions, and sets the minimum age for belonging to them at 14 years. The Ministry of Labour promotes, evaluates and monitors the processes for the registration and operation of trade unions.

kind or service that is owed for extraordinary additional work, commissions, profit-sharing, reserve funds or the legal percentage of profits.

⁵⁵ Under article 8 of the Organic Code of Production, Trade and Investment, the monthly living wage should cover at least the basic needs of a worker and his/her family and is equivalent to the cost of the basic family food basket divided by the number of wage earners in the household. In addition, such data is to be compiled annually by the National Statistics and Census Institute.

⁵⁶ National Council for Gender Equality, gender-related achievements of the citizens' revolution. Ecuador, 2014.

⁵⁷ Official Gazette No. 540 of 10 July 2015.

⁵⁸ Resolution No. CD 513 of 4 March 2016.

100. Associations or trade unions have the right to form federations, confederations or any other trade union groupings, and to join or to withdraw from them or from international organizations of workers or of employers. The Labour Code stipulates that such groupings may be suspended or dissolved only as a result of oral proceedings established by the Code. According to data provided by the Ministry of Labour Directorate of Labour Organizations, there are 947 such organizations, with 47,047 members.⁵⁹

Recommendation 20

101. The percentage of the economically active population covered by contributory social security (Ecuadorian Social Security Institute, Armed Forces Social Security Institute, Police Social Security Institute) increased substantially between 2007 and 2016, from 26.3 per cent in 2007 to 42.1 per cent in 2016; in rural areas, it rose from 20.4 per cent in 2007 to 37.9 per cent in 2015.^{60, 61}

102. Under Ministerial Agreement No. 012 of 10 August 2017, the Ministry of Economic and Social Inclusion must provide cash transfers to persons living in conditions of vulnerability who are not covered by a State social security system. A protection mechanism is established through the BDH and pensions, preferably targeting women heads of household who are below the poverty line, on the basis of data obtained from the Social Register.

103. The same agreement also calls for pensions for older persons who have reached the age of 65 years or more, are living in conditions of vulnerability and are not covered by a State social security system. It also grants pensions to persons with disabilities, targeting persons with a disability level of or above 40 per cent, as determined by the National Health Authority, who are living in conditions of vulnerability and who are not covered by a public social security system.

104. The programme “The Joaquinas” calls for the enrolment in social security of care-giving mothers. An increase is also expected in the Joaquín Gallegos Lara vouchers, currently worth US\$ 240, so that they can continue not only to assist persons with disabilities but also to enable them to support their households and lead a life of dignity.

105. Under the inter-agency cooperation agreement between the Ministry of Economic and Social Inclusion and the Ecuadorian Social Security Institute, the beneficiaries of the Ministry’s cash transfers are eligible for social security coverage. The agreement applies to BDH beneficiaries who engage in unpaid work in the home. As long as the beneficiaries are receiving BDH transfers, they must meet the conditions for affiliation, i.e. they must contribute the amount of US\$ 2.12, which is deducted from their voucher. In 2017, approximately 200,000 BDH beneficiaries were affiliated as unpaid workers in the home.

106. Article 244 of the Comprehensive Criminal Code provides as follows: “or employers who do not provide their workers with compulsory social security coverage within 30 days of the first day of work shall be punishable by imprisonment for a term of 3 to 7 days”.

Recommendation 21

107. In line with the current national legal framework, aspects related to the eradication of violence against women were covered in planning and macro policy instruments. Policy 6.7 of the Good Way of Living Plan 2013–2017 addresses violence against women; its objective is to “prevent and eradicate gender-based violence in all its forms”. The plan calls

⁵⁹ Ecuador, Ministry of Foreign Affairs and Human Mobility, *National Report on the Protocol of San Salvador. Second grouping of rights (cultural, labour, trade unions, environment, adequate food)*. October 2017.

⁶⁰ Ecuador, National Secretariat of Planning and Development, *Plan Nacional de Desarrollo 2017–2021* (Quito: SENPLADES, 2017), 50.

⁶¹ National Secretariat of Planning and Development, *Informe a la Nación 2007–2017*, 100.

for reforming and developing the legal frameworks for gender-based violence in all its forms. The result was the National Agenda on Women and Gender Equality for the period 2014–2017, action line 2 of which envisages a policy to guarantee women and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons a life free of violence, with guidelines for its implementation by the public-policy governing and implementing bodies.

108. The Ministry of Justice has been leading the implementation of the National Plan for the Eradication of Gender Violence against Children, Youth and Women since 2014. Participating in the Plan are the Ministry of the Interior, the Ministry of Economic and Social Inclusion, the Ministry of Education and the National Council for Gender Equality. The Plan was updated in 2015 and an action plan formulated for 2015–2017, which contains five strategic action lines aligned with the Good Way of Living Plan, focusing in particular on “promoting equality, cohesion, inclusion and social and territorial equity in diversity”. It calls for activities to be planned in line with the competencies of its member institutions.

109. Public policies have been developed as part of the Plan, including:

- Seminar on women’s human rights (2013), for public servants; “Act now, Ecuador: No more gender-based violence” (2013), focused on combating violence against children and adolescents, including physical and sexual violence, violence in general and peer violence. A radio campaign was also conducted in Spanish, Kichwa and Shuar.
- The Justice Ministry spearheaded the campaign “Learn about it, speak out and act” in 2014 and 2015, using outreach material that was disseminated at the various public events in observance of the International Day for the Elimination of Violence against Women (25 November) and International Human Rights Day (10 December).
- After the earthquake of April 2016, emergency campaigns were conducted for the affected population. Noteworthy in this regard is the solidarity and equality campaign implemented by the National Council for Gender Equality in coordination with the Central University of Ecuador and the Latin American Social Science Faculty (FLACSO), which produced radio spots and plays, print material and communications caravans to raise awareness about the prevention of gender-based violence in disaster situations.
- In order to advise and assist victims of violence, safe houses for women victims of violence have been opened at the national level along with comprehensive care centres, through cooperation agreements with 23 civil society organizations. There are now 18 care centres, 4 shelters and a joint shelter and care centre in 14 provinces. Two specialized centres have also been opened for victims of human trafficking for purposes of sexual exploitation and sexual violence. In addition, there are rights protection centres, which were set up by the Specialized Special Protection Service to address cases of violation of the rights of women, children and adolescents.
- Toll-free telephone lines have been put into service for victims of violence. The Public Defender Service manages Line 151, which provides legal counselling services, while the Justice Ministry runs Line 182, for the prevention of gender-based violence. The Comprehensive Public Safety Service – ECU 911 hotline helps victims of violence, registering them in the system under the following subcategories of violence: domestic violence, verbal abuse, physical assault, assault, intimidation, rape, sexual abuse, injuries, attempted rape, sexual harassment, sexual assault, statutory rape, sexual exploitation of persons, and femicide.
- On 12 June 2017, President Lenín Moreno called for a “National Crusade against Gender-based Violence”. Working meetings, led by the Justice Ministry, began on 11 July 2017, demonstrating the commitment of State institutions to developing useful tools and instruments for strengthening the fight against violence.

110. In the same vein, in order to strengthen prevention and reparation to victims of gender-based violence, on 26 November 2017 the National Assembly adopted the Comprehensive Organic Act on the Prevention and Eradication of Violence against Women, in observance of the International Day for the Elimination of Violence against Women. The Act entered into force on 5 February 2018.

111. The Act grew out of the efforts of women and NGOs. On 22 August 2017, the Justice Ministry held a workshop and organized civic dialogues at the national level. The National Council for People with Disabilities conducted 23 workshops between 13 September and 19 September 2017 in 23 provinces, in which 543 persons with disabilities – 306 women, and 237 men – participated.

112. The Act recognizes the different forms of violence – physical, sexual, psychological, material and symbolic – that can arise in political, labour, educational, institutional or judicial, family, gynaecological-obstetrical, judicial, media and community settings.

113. Furthermore, in order to coordinate efforts in pursuance of the Act, the comprehensive national system for the prevention and eradication of violence against women was instituted, comprising the various institutions, norms, policies, plans, programmes, mechanisms and activities working together to prevent and eradicate violence against women, through comprehensive prevention, assistance, protection and reparation of the rights of victims.⁶² Article 19 of the Act lays out the public-policy instruments that are part of the system.

114. One of the system's components is the "single registry on violence against women", which will include the variables used to analyse the information generated by the system's members.⁶³ Another component is the National Observatory on Violence against Women.⁶⁴

115. The campaign "Dating without violence", targeting secondary school students in the cities of Ambato (11 schools), Gualaceo (6 schools), Loja (5 schools) and Nueva Loja (6 schools), involving approximately 1,500 adolescents, was conducted in 2018.

116. On 8 March 2018, on the occasion of International Women's Day, the Justice Ministry launched its campaign "Be yourself without violence", aimed at preventing gender-based violence by raising public awareness.

117. On 3 December 2012, a framework agreement was signed between the Attorney General's Office, the Ministry of Education and the Council of the Judiciary on promoting action lines for the effective investigation and punishment of sexual offences against children and adolescents in an educational setting. One outcome of the agreement was the formulation in 2013 of the first reporting and protection procedures for victims of sexual offences in an educational setting, with the support of specialized prosecutors and technical staff from both the Attorney General's Office and the Council of the Judiciary.

118. With regard to the student counselling departments, in 2014 the Ministry of Education published a new care model for the departments' counselling staff. The departments' operating model was subsequently updated and Ministerial Agreement No. 00046-A issued, in May 2016. The model and the agreement stipulate that every school with at least 450 students must have a professional student counselling department. An estimated 54.49 per cent of students in State schools are covered by the Student Counselling Department Service.

119. In 2015, with the entry into force of the Comprehensive Organic Criminal Code, reporting procedures were updated and the departments established as focal points. Training was provided to 433 staff members of the education system, including the departments' counselling staff, district authorities and legal staff, to ensure the proper functioning of the procedures.

120. In June 2017, a manual on the care of child and adolescent victims of sexual violence perpetrated or detected in State schools and on the procedures for investigation and punishment was issued to regulate the procedures for prevention, care and support in cases of abuse and sexual violence. The manual offers guidance on the appropriate administrative and judicial response to such offences and makes it compulsory both to report and to take action in the administrative and judicial spheres in response to offences

⁶² Comprehensive Organic Act on the Prevention and Eradication of Violence against Women, art. 13.

⁶³ Comprehensive Organic Act on the Prevention and Eradication of Violence against Women, art. 16 (1).

⁶⁴ Comprehensive Organic Act on the Prevention and Eradication of Violence against Women, art. 16 (2).

of a sexual nature that are explicitly criminalized under articles 151–175 of the Comprehensive Organic Criminal Code.

121. On 17 August 2017, the Ministry of Education, the Justice Ministry, the Council of the Judiciary and the Attorney General's Office signed a new framework agreement on inter-agency cooperation to ensure that educational settings are free of violence. The objective is to prevent, identify and prosecute cases of physical, psychological or sexual violence in schools throughout the country. The agreement establishes the use of procedures designed to ensure the protection of children and adolescents whose integrity has been violated or threatened, prioritizing assistance for the victims of sexual offences. The Attorney General's Office and the Council of the Judiciary are required to prepare reports of offences against the physical or sexual integrity of students, to provide immediate assistance and support and to ensure the comprehensive restitution of the victims' rights and the provision of appropriate remedies.

122. In order to implement the new framework agreement, the following main actions have been taken: (1) the creation of technical coordination bodies to ensure continuous monitoring of cases of violence identified in schools; (2) the development and implementation of joint workplans and activities designed to prevent any form of physical, psychological or sexual violence that violates the rights of children and adolescents in schools; (3) the creation of appropriate investigation mechanisms so that such offences can be identified and legal and administrative actions can be taken against offenders; and (4) the implementation of public awareness-raising campaigns. These actions are aimed at promoting social mobilization around the issue, and at developing awareness-raising and training campaigns for school administrators, teachers and administrative staff with a view to preventing, identifying and combating all forms of violence, especially sexual violence originating within the educational community.

123. The creation of a special commission on statistics relating to violence against children and adolescents in an educational setting is planned within the National Statistics and Census Institute. Inter-agency meetings of the technical committee were held during the last quarter of 2017 under the direction of the Justice Ministry. The meetings were intended to create a standardized information system for dealing with cases, statistics and figures on violence against children and adolescents in an educational setting. In addition, a proposal on restitution to victims of sexual violence is being put together by the Justice Ministry.

124. In 2015, 8,769 members of the educational community were trained on pathways to prevent violence. Also that year, 1,753 counselling staff from the student counselling departments in 1,051 State schools were trained on the protocol for the prevention of bullying in school, and 433 district authorities, legal practitioners and support staff were trained on pathways to prevent violence at the national level.

125. Under the cooperation agreement between the United Nations Children's Fund (UNICEF), and with the support of the Foundation for Children and Community, in 2016 the first course on "Strengthening human capacities and skills" was designed and administered, training 3,097 counselling staff.

126. In the most recent period, 11,480 State school teachers were trained on the prevention of violence; dealing with violence committed or detected in the education system; and the promotion of preventive skills and strategies, such as personal development, human rights, inclusiveness and diversity, a culture of peace, emotional needs, gender relations and sexuality. Workshops were held on the prevention of bullying in school, based on the practical guide to tackling bullying in schools, in the provinces of Pichincha, Cotopaxi, Tungurahua, Chimborazo, Imbabura, Santo Domingo de los Tsachilas, Santa Elena and Bolívar, as well as in the city of Quito.

127. In 2015, 1,395 counsellors from the student counselling departments of 799 State schools received this training and in turn trained 563,789 students and 35,401 teachers nationwide. The Ministry of Education printed 14,000 copies of the guide, which were distributed to the counsellors who took part in the training workshops.

128. In 2016, as part of the implementation of the inter-agency cooperation agreement (2012) between the Ministry of Education, the Council of the Judiciary and the Attorney General's Office, the Ministry's database – i.e. information obtained by the school districts' Citizen Services Office – was merged with crime reports from the Attorney General's Office from February 2015 to June 2016. This resulted in the identification of 382 cases of sexual violence, which were inputted using the Ministry's Citizen Services management module.

129. The National Council for Persons with Disability in August 2017 ran a training course on "general principles and rights in the field of disabilities" for 580 counsellors from the student counselling departments and the inclusion support units at the national level; the course dealt with the protocols to be followed in case of violence.

130. The National Council for Intergenerational Equality has developed and implemented a methodology for an inter-agency response to cases of sexual violence against children and adolescents, called "pathways for the restitution of rights in cases of sexual violence against children and adolescents", which includes four distinct processes: care, protection, punishment and restitution. In a joint effort with the Ministry of Tourism, as of 2013 processes involving "pathways to follow in cases of sexual exploitation in the tourism sector" were implemented in 178 cantons.

Recommendation 22

131. As part of the action line on protection of the Agenda on Intergenerational Equality 2013–2017, a policy was developed, along with seven guidelines directly related to the protection and restitution of the rights of children and adolescents involved in child labour.

132. Progress towards the elimination of child labour includes the establishment of the National Committee for the Progressive Elimination of Child Labour, which coordinates awareness-raising, monitoring and follow-up, and the project on the elimination of child labour, the implementing body for activities to eliminate child labour, which was executed from 2007 to 2017.

133. Throughout the 10 years of the project's life, technical assistance was provided to 99 municipalities, through 38 ordinances and 40 road maps for the elimination of child labour at the local level. With the establishment of the Business Network for a Child Labour-Free Ecuador, strategic partnerships have been developed among more than 37 public and private entities with the goal of contributing to the elimination of child labour throughout the value chain of the entities concerned.

134. The project uses the single registry system on child labour, through which every child or adolescent who is engaged in child labour can be identified and matched with the services needed to protect and restore their rights and promote their comprehensive development.

135. The Ministry of Labour has updated its list of hazardous activities for young workers, monitoring and punishing non-compliance with the law. The project for the protection of adolescent labour is currently being put forward as a mechanism to ensure the protection and fulfilment of rights of this population group.

136. According to data provided by the Ministry on child and adolescent labour, there were 522,656 such workers as of March 2017 (Annex 4).

137. With a view to expanding the learning modalities that can be drawn on for full implementation of the right to education, the Ministry of Education has created flexible learning modalities and the territorial teaching support programme, which are intended to benefit children and adolescents in a vulnerable situation.

138. Accordingly, the Ecuadorian Vocational Training Department trained the technical staff of the Ministry's 140 inclusion support units on the elimination of child labour during the first months of 2017.

139. The Ministry of Economic and Social Inclusion has a new management model, focused on providing high-quality comprehensive care for children and adolescents between 5 and 14 years of age who are engaged in child labour, with a view to restoring their rights. In 2017 it signed 76 agreements with civil society organizations, faith-based organizations and decentralized autonomous governments, covering 8,724 children and adolescents for a budget of US\$ 5,021,227.11.

140. The Ministry of Education, in turn, has devised the General Unified Bachillerato curriculum to provide better education for all young people who have completed Basic General Education. The curriculum has a threefold objective: to prepare students for (a) life and participation in a democratic society; (b) employment or entrepreneurship; and (c) continuing their university studies.

141. It also created the Productive Technical Bachillerato (BTP) as a new training programme pursuant to article 44 (b) of the Intercultural Education Act. The BTP is optional, adding one more year to the Science or Technical Bachillerato, and develops specific skills and competencies in addition to those imparted by the Technical Bachillerato.

142. The BTP was first offered in the academic year 2016–2017, with 329 students enrolled. The first class of 272 students has now graduated, with another 57 graduates expected by the end of October 2017.

143. The BTP is offered in conjunction with public and private enterprises. To date, 39 agreements have been signed with 30 small and large public and private enterprises. There were 588 students enrolled in the BTP programme of the Sierra/Amazonía system for the academic year 2017–2018.

144. Currently there are 3,849 schools offering bachilleratos, of which 1,493 offer the Technical Bachillerato at the national level. According to data from the Ministry of Education, 815,712 students were enrolled in either the Science Bachillerato or the Technical Bachillerato for the academic year 2016–2017; an additional 233,642 students graduated in 2016–2017.

Recommendation 23

145. At the national level, with a view to guaranteeing full respect for and comprehensive protection of human rights, by late 2015 Ecuador had met 20 of the 21 targets of the MDGs.

146. Ecuador presented the atlas of socioeconomic inequalities of Ecuador in 2013. It contains a historical analysis and mapping of the different types of inequalities that have existed in the country from the standpoint of the exercise of rights.⁶⁵ The National Strategy for Equality and the Eradication of Poverty was formulated in 2014 based on the atlas. It contained a set of action lines, policies and guidelines for public action with the following objective: “eradicating poverty on a sustained and sustainable basis, by revolutionizing production, labour and employment; fully exercising the rights to the good way of living; strengthening capacities and opportunities; and strengthening citizen participation and the power of the people”,⁶⁶ based on criteria of cultural and gender relevance, non-discrimination, the social cohesion of communities, and living harmoniously with nature.⁶⁷

147. The figures on poverty reduction are shown in paragraph 25.

148. The BDH is noteworthy among the programmes implemented in Ecuador for the reduction of income poverty. The national Government has invested more than US\$ 2.3 billion in it over the past five years, in order to avoid the persistence of poverty and to

⁶⁵ National Secretariat of Planning and Development, Atlas de las Desigualdades Socioeconómicas del Ecuador (Quito, SENPLADES: 2013). <http://documentos.senplades.gob.ec/Atlas%20de%20las%20Desigualdades.pdf>.

⁶⁶ National Strategy for Equality and the Eradication of Poverty, <http://www.planificacion.gob.ec/wp-content/uploads/downloads/2015/05/Estrategia-Nacional-para-la-Igualdad-y-Eradicaci%C3%B3n-de-la-Pobreza-Libro.pdf>.

⁶⁷ Ibid.

ensure the rights to education and health of minors from the programme's beneficiary families.

149. The beneficiaries have gradually been separated from the programme during its implementation, first in 2013 and then in 2014. The eligibility threshold was revised downwards to concentrate on families who would be living in extreme poverty were it not for the cash transfer. For this reason, the number of families participating in the programme fell from 1.2 million in January 2013 to 1 million in January 2014 and 444,000 in January 2015, or 63 per cent of the beneficiaries who had been separated from the programme between 2013 and 2015.⁶⁸

150. The provinces with the greatest number of accredited BDH and pension recipients are Guayas, Manabí, Los Ríos and Esmeraldas, where a large part of the population lives in rural areas (Annex 5). The Ministry of Economic and Social Inclusion is currently updating contact details, location and official residence at the national level of BDH and pension recipients who are older and who are also persons with disabilities.

151. In the three geographical regions (Sierra, Costa and Amazonía), the distribution of BDH recipients in rural areas has increased significantly, with the proportion rising by 6, 10.1 and 11 percentage points in Sierra, Costa and Amazonía, respectively, between 2013 and 2016.

152. During the period 2013–2017, the Ministry of Economic and Social Inclusion funded Cash transfers known as human development loans, which are designed to promote credit lines for support mechanisms and incentives for productive programmes that can contribute to the poverty reduction strategy for individual and family BDH and pension recipients. A total of 7,950 beneficiaries with disabilities have been covered by loans totalling US\$ 5,281,180.34.⁶⁹

Recommendation 24

153. One of the objectives of the Good Way of Living Plan 2013–2017 is “to improve people's quality of life”, with the following more specific goal: “To combat malnutrition and promote healthy living habits and practices, creating mechanisms for the sharing of responsibilities between all levels of government, the public, the private sector and the agents of the grassroots economy and solidarity.”

154. The comprehensive nationwide nutritional intervention project and the nutrition action programme (Annex 6) are being implemented to reach that goal.

155. As part of the project, the former Ministry for the Coordination of Social Development, now the Technical Secretariat of the Lifetime Plan, with support from the World Bank and the decentralized autonomous government of Chimborazo Province, implemented a pilot project called “Growing with our *guaguas*”.⁷⁰ The objective was to reduce, by 5 per cent, chronic malnutrition in children under 5 years of age in 10 cantons of Chimborazo Province.

156. The public policy on nutrition was further institutionalized in 2015 by means of the Emblematic Nutrition Action Strategy, which aims to prevent and combat malnutrition in children under 5 years of age and pregnant women. Progress on implementing the strategy includes: (i) The implementation and follow-up of intersectoral care models; (ii) Education and communication to change eating and nutritional behaviour and habits. Communications activities and products have been designed to encourage practices that are instrumental in the prevention of chronic child malnutrition; (iii) Interconnection and dialogue between information systems for informed decision-making (Annex 7).

157. In addition to the Food Sovereignty Act, the Organic Act on Agrobiodiversity, Seeds and Promotion of Sustainable Agricultural Development was promulgated to protect,

⁶⁸ Official data of the Technical Secretariat of the Lifetime Plan.

⁶⁹ Information provided by the Ministry of Economic and Social Inclusion.

⁷⁰ The Kichwa word *guagua* means “child”.

revitalize, expand and energize agrobiodiversity with respect to plant genetic resources for food and agriculture. It is also intended to ensure the production of, and ongoing free access to, seed of high quality and variety through promotion, scientific research and regulation of sustainable agriculture models.

Recommendation 25

158. The Organic Act on Water Resources, Management and Use was adopted in 2014. It calls for coordination between the National Environmental Authority and the National Health Authority on the formulation of policies on water quality and control of water pollution,⁷¹ and for designating the Single Water Authority, which is responsible for the governance, planning and management of water resources, to lead the National Strategic Water System.

159. Interministerial Agreement No. 2016-001 of 3 May 2016 established the Inter-Agency Committee on Water Quality, the coordinating body in charge of policymaking on water quality and pollution control for the protection, conservation and integrated management of water.⁷²

160. There is also the National Strategy for Water Quality 2016–2030, adopted in September 2017, the objective of which is to improve and protect the quality of water for proper management and use, using protected water sources and controlling water pollution. The strategy is being implemented nationwide through inter-agency coordination and comprises thematic areas, operational strategies and action lines (Annex 8).

161. Other activities include the establishment of regional technical committees on water quality. This is the starting point for implementing the strategy at the national level.

162. Some 70.1 per cent of the Ecuadorian population (percentage of the population with safe water, by area of residence) has access to an enhanced source of drinking water (pipe, well or protected spring or bottled water), either in or near their home, in sufficient quantity and free from faecal contamination; 79.3 per cent of the population consumes water that is free from the *E. coli* bacteria.

163. The proportion of the population with basic sanitation by area of residence is 85.9 per cent, which means that they have adequate sanitation (sewage system, health battery, septic tank/cesspit, pit latrine with slab) for exclusive use by household members, while 85.5 per cent have facilities inside the home for washing their hands with soap and water.⁷³

Recommendation 26

164. With a view to addressing land use and its impact on property, and particularly on the most vulnerable population, in a comprehensive and decentralized fashion, article 458 of the Organic Code of Land Management, Autonomy and Decentralization stipulates that the decentralized autonomous governments shall take all necessary legal and administrative measures to prevent invasions or settlements, following up with any appropriate legal actions to punish those responsible for land trafficking.

165. Article 596 provides for the effective regularization of human settlements that have been turned into urban lands and expanded urban areas, stating that metropolitan or municipal governments, by resolution of the legislature, may declare such lots to be of

⁷¹ Official Gazette No. 305, second supplement, 6 August 2014.

⁷² The Inter-Agency Committee on Water Quality is made up of the following institutions: Secretariat for Water, which presides it; Ministry of Public Health; Ministry of the Environment; Water Regulation and Control Agency; Agency for Sanitation Regulation, Control and Monitoring; and actors involved in water resources management, which are invited to participate in regional technical committees on water quality at the national level.

⁷³ National Statistics and Census Institute, *Medición de los indicadores ODS de Agua, Saneamiento e Higiene (ASH) en el Ecuador* (Quito, INEC: 2017).

public utility in order to provide basic services to the lots occupied by settlements and to define the legal status of the inhabitants by awarding them the relevant lots.

166. As part of the safe and decent housing policies (Ministerial Agreement No. 027-15 of 24 August 2015), the State has sought to ensure that housing programmes are accessible to the entire population.

167. On 28 June 2012, pursuant to Executive Decree No. 1227, the Inter-Agency Committee for the Prevention of Irregular Human Settlements was created to identify and monitor irregular settlements and prevent the illegal occupation of land, proposing public policies to prevent, manage and control such settlements.⁷⁴

168. There is also a national risk management project for housing and habitat, which serves the population living in poverty in areas of unmitigated high risk that have been or are likely to be affected by natural or human-made disasters, through resettlement projects that will improve their quality of life.

169. Furthermore, in order to align housing policies with urban development and land management policies, in 2015 it was established that incentives for land ownership should not be limited solely to the regularization of lots, but should also cover or supplement the costs of formalizing ownership of residential property.

170. The Organic Act on Land Management, Land Use and Soil Management, which lays out the mechanisms and tools for land management at the different levels of government, was adopted in 2016. It provides for the distribution of urbanized land in such a way as to ensure access to adequate and decent housing, and calls for an institutional system to regulate, monitor and mete out punishment relating to land management, urbanization and soil management.

171. State investments have been used to remedy the shortage of public services in small towns, where US\$ 164.9 million was invested in 2013–2015, along with a US\$ 210.2 million investment in drinking water and sewage systems.

172. According to data from the Ministry of Urban Development and Housing on land tenure security, 710 families received incentives for land ownership in 2013; in 2014, 253 families; in 2015, 316 families; and in 2016, 70 families. As of 2013, the Comprehensive Information System on Urban Development and Housing had been completely reinforced, through the implementation of tracking module V and the acquisition of technical equipment.

173. Between 2013 and 2015, the national risk management project for housing and habitat improved the lives of 3,071 families in risk zones in Galápagos, as well as in Riveras del Salado and Nueva Prosperina in the city of Guayaquil.

174. As part of the reconstruction process following the earthquake of 16 April 2016, assistance in the form of adequate housing was provided to 34,213 families, 70 per cent of whom were located in risk zones and 30 per cent of whom did not own their own homes.

175. In addition, the Risk Management Secretariat provides technical assistance to the decentralized autonomous governments to identify risk zones, produce risk and vulnerability maps and analyse information. The Secretariat drafts reports with recommendations and generates georeferenced information on such threats as floods, tsunamis and movements of land masses on a scale of 1:50,000, enabling risks to be visualized at the provincial level.

Recommendation 27

176. The comprehensive public health network was established in 2012 with linkages at the district, zone and national level.

177. Two strategies were introduced in 2016 to reach rural areas and ethnic minorities: the “Door-to-door” strategy, which calls for house-to-house brigades to seek out pregnant

⁷⁴ Published in Official Gazette No. 4741 of 17 July 2012.

women and new mothers in order to better understand the situation of the population on the ground, provide timely care and prevent maternal deaths; and the “Local doctors” strategy, in which professionals from various sectors are actively involved in improving the identification of pregnant patients.⁷⁵

178. There are currently 134 secondary-and tertiary-level hospitals nationwide, 120 of which perform deliveries.⁷⁶

179. In addition, health personnel have received training on emergencies and a protocol has been developed on obstetric emergency management, along with the Score MAMA early warning system for predicting maternal morbidity (2017).

Recommendation 28

180. The National Sexual and Reproductive Health Plan 2017–2021 has been implemented since 2017, with a broad and comprehensive perspective on sexuality that covers women, men and LGBTI persons, with their different needs.

181. The plan is based on an approach that places gender equality, comprehensive sexuality, social inclusion, an intergenerational and intercultural perspective, participation and citizenship in a human rights framework, ensuring comprehensive, high-quality care through the full exercise of sexual and reproductive rights, by expanding the coverage of sexual and reproductive health care to include the national health system.

182. The following instruments are part of this policy: clinical practice guidelines on therapeutic abortions; clinical practice guidelines on the diagnosis and care of pregnancy (before and during childbirth); guidelines on the supervision of adolescent health; clinical practice guidelines on the diagnosis and care of spontaneous, incomplete, missed and recurrent miscarriages; guidelines on the comprehensive care of gender-based violence; advisory manual on sexual and reproductive health (forthcoming); and guidelines on the comprehensive care of sexually transmitted infections. In addition, the following actions have been taken: implementation of regulations on sexual and reproductive health; use of an educational communications tool for the promotion of sexual and reproductive health; guidelines for work on sexual and reproductive health at the national level; and specific guidelines on working with adolescents on sexual and reproductive health.

183. The Ministry of Public Health, through the comprehensive model on family, community and intercultural health care, is involved in the care of adolescents, including adolescent pregnancies. Among the most important of these actions are Ministerial Agreement No. 2490 on the regulation of and access to contraception for the national health system (2013) and guidelines for the Ministry of Public Health on its implementation (2015);⁷⁷ supervisory manual on comprehensive care for adolescents (2014); advisory manual on sexual and reproductive health (2017); and guidelines on comprehensive care of sexual and reproductive health for persons with disabilities (2017).

184. The following should also be noted:

- Technical analysis of the campaign “Ponle los 6 sentidos al abuso sexual” (Use your 6 senses to combat sexual abuse) of the NGO Plan International and of the outcome of its implementation in Colombia and Central America, with a view to its implementation at the national level

⁷⁵ This is being implemented in Guaranda, Sta. Elena, Alausí and, currently, in one district in each province.

⁷⁶ In order to supplement this list, three general hospitals will be opened in 2018 with obstetrics/gynaecology services and related staff, equipment and infrastructure for comprehensive maternal and newborn health care.

⁷⁷ Emergency oral contraception has been distributed for several years in Ecuador; however, with the issuance of the regulation, their use has been regulated, opening the barriers to access.

- Implementation of the project “Let’s decide: adolescents and young people with disabilities”⁷⁸
- Creation of a national technical team on sexual and reproductive health, focusing on care for adolescents and young people; teams were trained on the advisory manual on sexual and reproductive health and on the supervisory manual on adolescents
- Inter-agency coordination during the second half of 2017 between the Ministry of Public Health and the Ministry of Education to prepare the proposed draft “National Intersectoral Strategy for the Promotion of Sexual and Reproductive Rights, and the Prevention of Adolescent Pregnancy”
- Research on “costs of omission in sexual and reproductive health”, presented in 2017, which provides guidance to the State on investment policies on sexual and reproductive health.

Recommendation 29

185. The Comprehensive Organic Criminal Code entered into force in 2014. Under its terms, the following two situations giving rise to abortions are considered non-punishable: (1) Abortions performed to avert danger to the life or health of the mother, provided that such danger cannot be avoided through other means; and (2) Abortions of pregnancies that are the result of rape in the case of a woman with mental disabilities. In either case, the abortion must be performed by a physician or other trained health professional and must have the consent of the woman or her spouse, intimate partner, relatives or legal representative, if she is unable to provide such consent herself.

186. With regard to the terms “idiot” and “insane”, when referring to women with mental and/or psychosocial disabilities, they have been barred from use and replaced by the term “person with disabilities”.

187. The draft Organic Act amending the Comprehensive Organic Criminal Code, submitted by the Public Defender Service, proposes an amendment to article 150 of the Code, calling for lawful acquittal in the following circumstance: “where the pregnancy results from rape, statutory rape, incest or non-consensual insemination”.⁷⁹

188. The issue of abortion has also been addressed in other forums and from other perspectives. Thus, in the area of comprehensive sexual and reproductive health care, the Ministry of Public Health, under Ministerial Agreement No. 5195, approved the clinical practice guidelines on “therapeutic abortion care”,⁸⁰ which are implemented by the health services to provide and guarantee adequate care, diagnosis, assessment and timely treatment in therapeutic abortion cases.

189. Similarly, under Ministerial Agreement No. 5198, the Ministry approved the issuance of technical standards for comprehensive care in cases of gender-based violence, which are being implemented by health professionals and which contain mandatory provisions for securing the administration of emergency oral contraception in cases of sexual violence in order to prevent pregnancies which result from such violence.⁸¹

190. The Ministry of Health has reminded health professionals of their duty to care for women who go to health units for problems related to termination of pregnancy, and to ensure that their care is founded on respect, dignity, confidentiality and the rights of

⁷⁸ The technical toolbox for implementation of the manual on sexual and reproductive health for persons with disabilities, including adolescents, is under development, as is a mapping of organizations for young people with disabilities. A proposal for strengthening the youth clubs created by the Ministry of Public Health and other young people’s organizations on sexual health and gender-based violence is under development. Educational communications material on sexual and reproductive health for young persons with disabilities is under development.

⁷⁹ Bill submitted by Dr. Ernesto Willimper Pazmiño Granizo, State Public Defender, in Note No. DP-DPG-2016-0192-O of 6 July 2016.

⁸⁰ Official Gazette Supplement No. 395 of 12 December 2014.

⁸¹ Official Gazette, Special Issue No. 321 of 20 May 2015.

individuals. Moreover, they are “obliged to protect the confidentiality of patient care through the application of professional secrecy”.⁸²

Recommendation 30

191. The Ministry of Public Health project on the creation and implementation of services of the network of community mental health and State centres for addiction recovery seeks to expand the inclusion of persons with severe mental disorders in the social, family and community environment by ensuring the treatment and follow-up of their mental illness in health facilities close to their home, and to provide family support as called for in the country’s current mental health-care model.

192. The model is designed to avoid the institutionalization of persons with moderate mental illness in Ministry psychiatric hospitals, proposing strategies for social reintegration.

193. As proposed in the manual on the comprehensive health-care model, a holistic (biopsychosocial and family) approach should be taken to health care, with an emphasis on health promotion and disease prevention, recognizing the particular needs of the LGBTI population while also providing comprehensive services such as are offered to any other user of the national health system.

Recommendation 31

194. There were 838,254 illiterate persons (8.2 per cent of the population) in Ecuador in 2010. In response, the National Secretariat for Planning and Development approved the basic education project for young people and adults in 2011. In the five years that followed, the project succeeded in meeting the educational needs of 414,000 persons over 15 years of age. As of December 2016, the number of illiterate persons fell to 660,797, or 5.6 per cent of the population.⁸³ Since 2014, the national illiteracy rate has fallen steadily among the country’s self-identified ethnic groups.

195. From 2006 to 2015, there was clear growth in enrolment in basic education, primarily among the indigenous and Afro-Ecuadorian population, whose net enrolment rate increased by more than seven percentage points. In the indigenous population, it rose from 89.2 per cent to 96.2 per cent, and in the Afro-Ecuadorian population, from 88.3 per cent to 95.6 per cent in the period 2006–2016.⁸⁴ These data demonstrate the effectiveness of the implementation mechanisms of the policy for equitable access to education.

196. Access to the bachillerato at the national level increased by five percentage points between 2013 and 2016. Access of the indigenous population was about two percentage points in the same period. Access of the Afro-Ecuadorian population has held steady, at about 56.0 per cent over the past three years.⁸⁵

197. On the basis of these data, the Ministry of Education has launched the campaign “ALL ABC: Literacy and Monseñor Leonidas Proaño basic education”, with the desire and the duty to proclaim the country free from illiteracy by 2019. The campaign combines part-time classes, homework and distance classes which assist and guide students through stories and characters involving problems in their daily lives.

198. The literacy target for the period 2017–2019 is 200,000 persons. To that end, the Ministry has developed two macro policies: (1) the strengthening of the bilingual intercultural education system, and (2) the interculturalization of the national education system.

199. The basic education project for young people and adults also offers post-literacy services to members of the 15-and-over population who, for economic, geographic or social

⁸² Memorandum No. MSP-2017-0790-M of 4 August 2017.

⁸³ Official data of the Ministry of Education.

⁸⁴ National Secretariat of Planning and Development, *Informe a la Nación 2007–2017*, 150.

⁸⁵ Official data of the Technical Secretariat of the Lifetime Plan.

reasons, did not complete their basic secondary education. Thus, until 2015, priority was placed on the literacy component, and since 2017 on post-literacy, basic higher education and bachillerato education for persons who have not completed their schooling (Annex 9).

200. The Ministry has implemented measures, such as the new educational infrastructure project under way since 2010, to complement, adapt and rehabilitate the educational infrastructure. This makes it possible to meet minimum standards of comfort, to provide furnishings and technological support and to establish a physical resource accreditation system to ensure minimum standardized conditions. The project has four components: new building, upgrading, mobile classrooms and Millennium-type interim educational units.

201. The new educational infrastructure project has resulted to date in the construction of 290 educational units for 241,399 students, with an investment of US\$ 494,081,115.18.

202. Following the earthquake of 2016, in response to the damage to educational infrastructure, it was decided to build interim educational units for several teachers in the affected areas, to ensure the right to education.

203. Moreover, the construction of twenty-first-century educational units made it possible to meet the need for more schools in less time. These units comply with the standards of the Millennium educational units but with prefabricated materials, which is why they take only 45 days to build. There are currently 89 Millennium units and another 46 under construction,⁸⁶ along with nine renovated educational units.

204. With regard to the population with a history of falling behind in school, the Ministry of Education campaign “ALL ABC: Monseñor Leonidas Proaño literacy, primary and continuing education” promotes inclusive education; in April 2018, in addition to Spanish, the programme is being offered in the Kichwa and Shuar languages. To that end, the Office of the Under-Secretary for Bilingual Intercultural Education prioritizes the production of educational materials in both languages.

Recommendation 32

205. The operating model of the student counselling departments includes protocols for action in situations of violence detected or committed in the education system, in accordance with article 58 of the Intercultural Education Act.

206. The departments engage in preventive actions, which entail the support of all members of the educational community (parents and/or legal representatives, teaching staff, authorities, administrative and support staff). The sharing of family and institutional responsibilities makes it possible to strengthen mechanisms for responding immediately to anything that undermines the comprehensive development of children and adolescents.

207. In 2013, a tripartite agreement was signed between the Ministry of Education, the Attorney General’s Office and the Council of the Judiciary to ensure educational settings that are free from violence and to reduce impunity through care, protection and immediate and timely restitution of rights, avoiding the revictimization of children and adolescents.

208. Workshops were held in 2014 on the prevention of bullying in schools in order to implement the practical guide to tackling bullying in schools. The workshops were held in the provinces of Pichincha, Cotopaxi, Tungurahua, Chimborazo, Imbabura, Santo Domingo de los Tsáchilas, Santa Elena and Bolívar.

209. Training continued during 2015 in the provinces of Azuay, Orellana, Carchi, Napo, Zamora Chinchipe, Loja, Pastaza, Sucumbíos, Morona Santiago, Cañar, Manabí, El Oro, Guayas and Los Ríos, covering a total of 1,395 student counselling department staff in 799 State schools nationwide. Replica workshops were also organized by counselling staff who attended the workshops on bullying in schools; 563,789 students and 35,401 teachers nationwide took part in the replica workshops. The Ministry of Education printed 14,000 copies of the practical guide to tackling bullying in schools for these occasions.

⁸⁶ For the complete list of operational Millennium educational units as of 30 October 2017, see: <https://educacion.gob.ec/uem-en-funcionamiento/>.

210. The guidelines for the participatory drafting of a code of institutional coexistence were issued under Ministerial Agreement No. 0332-13 of September 2013 to make schools into forums for the exercise of rights promoting a culture of peace.

211. The Ministry of Education has a technical cooperation process under way with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to work on adjusting the methodology for the design and implementation of school coexistence codes.

Recommendation 33

212. The Ecuador Institute of Ancestral Languages, Sciences and Knowledge produced bibliographic entries on the status of ancestral languages and knowledge; produced educational materials for the Sapara nationality; and published Kichwa-Spanish and illustrated Shuar-Chicham dictionaries to promote the preservation, development and appreciation of the languages and knowledge of the peoples and nationalities of Ecuador.

213. In order to revitalize ancestral languages, sciences and knowledge, the process of standardizing the ancestral languages was begun, making it possible to determine their current status. In addition, databases were created of publications on ancestral languages and knowledge and of experts on the Kichwa and Shuar nationalities.

214. Proposed guidelines were also drawn up on the implementation of the national assessment model for educational management in bilingual intercultural education and on supporting the debate on creating a bilingual intercultural curriculum and educational standards set for bilingual intercultural education.

215. Thus, to disseminate ancestral knowledge, training and awareness-raising events were held for students, teachers in the bilingual intercultural education system, academics, university professors, authorities, embassy officials, education authorities, social and ethnic group leaders, and the staff of other public institutions. In addition, an introductory course on the Kichwa language and world view was organized for civil officials of the Institute of Ancestral Languages, Sciences and Knowledge. All the activities and topics were publicized via the Institute's digital communications media, reaching national and international audiences (Annex 10).

216. The Council of the Judiciary, as the governing body of the judiciary in Ecuador, by Resolution No. CJ-DG-2016 of 13 April 2016 approved the guidelines for mainstreaming the intercultural perspective into the ordinary courts. The guidelines offer practical advice on removing cultural barriers to access to justice and improving the judiciary through the recognition of and respect for the rights of indigenous individuals, peoples and nationalities in ordinary court procedures.

217. In December 2016, at United Nations Headquarters in New York, the resolution on the rights of indigenous peoples was adopted by consensus, following negotiations that were coordinated and facilitated by Ecuador and Bolivia. Under its terms, 2019 was proclaimed as the International Year of Indigenous Languages to draw attention to the critical loss of these languages and to call for urgent measures at the national and international levels to preserve, revitalize and promote them.

218. Thanks to the coordination and facilitation of Ecuador and Bolivia, and with the support of the Secretariat of the Permanent Forum on Indigenous Issues, real progress has been made on behalf of these peoples and nationalities within the United Nations system in following up on the commitment made by States in the final document adopted at the World Conference on Indigenous Peoples.

Recommendation 34

219. One of the objectives of the Telecommunications Act promulgated by Ecuador in February 2015 was "to ensure that the country has high-speed telecommunications networks and capacity, distributed throughout the country, that will provide the population

with access to broadband Internet service, among other services”. The Act was drafted from a human rights perspective, in order to facilitate and expand access to the Internet.

220. The connection to the new “Pacific Caribbean Cable Systems” submarine cable was established in 2015, and the cable began operating in September 2015 in order to increase Internet capacity and broadband access in Ecuador by improving users’ browsing and connection speeds. The Telecommunications Regulation and Control Agency conducted technical verification of the submarine cable mooring station located in the city of Manta, Manabí, in July 2015.

221. Internet access has expanded through the implementation of new community infocentres, mainly in rural and marginal urban areas, with 854 infocentres operating as of October 2017. The infocentres have individual computers, a printer, projector, air conditioning, electrical wiring, network cables and Internet access through such technologies as ADSL, fibre optics, radio and very small aperture terminals (VSAT), depending on the technical feasibility in each area.

222. From 2011 to 2017, the infocentres reported 12,302,289 visitors and 509,985 persons trained. The infocentre network expansion project will remain a priority until 2021.

223. The Ministry of Telecommunications drew up the National Telecommunications and Information and Communication Technologies Plan 2016–2021. One of the initiatives now being implemented involves the provision of connectivity and infrastructure in schools to ensure that ICTs are put to the service of the country’s economic and social development. The objective is to increase the percentage of schools connected to the Internet to 100 per cent by 2021.

224. The project “Connectivity and equipment for State schools and social development agencies at the national level” was initiated in November 2010 and implemented until the end of 2016, significantly enhancing the ability of State schools to provide Internet access and equipment and thus facilitate the efficient use of ICTs by students, teachers, families and communities in rural and marginal urban areas. The project helped to reduce the digital divide and provided equal opportunities to communities in areas lacking Internet infrastructure and access.

Recommendation 35

225. The Ecuadorian Institute of Intellectual Property is running the campaign “Don’t undermine your own industry” in order to obtain licences for marketing audiovisual material and the music produced by national and international artists, lawfully and in their original format, including for nearly 50,000 shops engaged in this activity in Ecuador.

226. Counterfeiting and piracy that violate copyright are criminalized under the Comprehensive Organic Criminal Code in order to be consistent with intellectual property rights and various decisions of the Andean Community of Nations and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

227. The Organic Code of the Social Economy of Knowledge, Creativity and Innovation entered into force in December 2016. It allows for the regularization of audiovisual products, encouraging audiovisual product vendors to be part of the process of regularization, legalization and control of the sale of audiovisual products in Ecuador.

228. One of the main objectives of the Ecuadorian Institute of Intellectual Property is to involve the vendors and distributors of audiovisual products in the regulatory, legalization and control process, through the granting of licences by those who own the rights to artistic creations, so that Ecuador can legally market national and international products and the consumer can demand the distribution of original material in order to boost domestic industry.

229. This entails a process of transition towards the National Intellectual Property Department, which presupposes not just a shift in the institutional paradigm but also the incorporation of new values at the service of the user, such as non-discrimination, inclusiveness, respect, diversity and participation.

230. The entry into force of the Organic Code of the Social Economy of Knowledge, Creativity and Innovation, whose objective is to regulate the national system for ancestral science, technology, innovation and knowledge, given that the Intellectual Property Act promulgated in 1998 is not aligned with the rights and guarantees established in the Constitution and provides for a legal regime centred around private rights and an essentially mercantilist approach to intellectual property rights.

231. Under article 3 of the Code, its objectives are as follows:

- To develop tools to promote an economic model that democratizes the production, transmission and appropriation of knowledge as a public good, thus ensuring the accumulation and redistribution of wealth in a fair, sustainable manner that is in harmony with nature.
 - To provide incentives for the generation of knowledge in a democratic, collaborative manner, in a spirit of solidarity.
 - To create a pluralistic and inclusive vision for harnessing knowledge, giving greater priority to use value than to exchange value.
 - To develop forms of ownership of knowledge compatible with the good way of living, namely: public, private, community, State, associative and mixed.
 - To foster the protection of biodiversity as State property, based on the rules that guarantee their sovereign and sustainable use; to protect and preserve the rights of communities, peoples and nationalities over their traditional and ancestral knowledge relating to biodiversity; and to prevent the misappropriation of biodiversity and related traditional knowledge.
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