



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of Ecuador*

I. General information

1. Please indicate how and to what extent all sectors of society, including indigenous peoples, were involved in the preparation of the National Development Plan 2017–2021 (“Lifetime Plan”) and explain how the plan has contributed to the progressive realization of the economic, social and cultural rights enshrined in the Covenant.
2. Please provide information on the justiciability of economic, social and cultural rights in accordance with the guarantees set forth in the Constitution and the obligations arising from the Covenant. Please provide examples of cases in which the domestic courts have invoked or applied the Covenant or have made reference to the Committee’s general comments.
3. Please provide information on the steps taken to prevent the criminalization of and violence against defenders of human rights and the environment, including the leaders and defenders of the rights of indigenous peoples, Afro-Ecuadorians and Montubio groups, in order to effectively protect their lives and ensure their personal safety. Please also provide information on the steps taken to bring the perpetrators of such acts to justice.
4. Please provide information on climate change adaptation measures and measures to mitigate the adverse effects of climate change on the enjoyment of economic, social and cultural rights, in particular for disadvantaged groups. Please also indicate how the State party reconciles its policies on energy production and the extractive industries with its commitments under the Paris Agreement on climate change.
5. Please provide information on the measures taken in relation to the loan arrangement under the Extended Fund Facility of the International Monetary Fund, in particular in the areas of fiscal, wage and social policy; information on the impact of these measures and of the Prosperity Plan 2018–2021 on economic, social and cultural rights; and information on any mitigation measures to ensure the progressive realization of these rights.
6. Please provide information on the measures adopted to promote transparency in public affairs and combat corruption and the impunity associated with it, including information on cases involving high-level officials and cases leading to convictions.

* Adopted by the pre-sessional working group at its sixty-fourth session (11–15 March 2019).



II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Right to freely dispose of natural wealth and resources (art. 1 (2))

7. Please provide information on the measures taken to recognize the right to free, prior and informed consent in the regulation of indigenous peoples' right to consultation and on the effective implementation of those rights. Please include information on specific cases, in particular the Mirador, San Carlos Panantza and Rio Blanco projects and the auctioning of blocks 79 and 83. Please also provide information on the steps taken to protect the rights of the Tagaeri and Taromenani indigenous peoples living in voluntary isolation, including measures to ensure the recognition and protection of their ancestral lands, in particular from extractive activities.

Maximum available resources (art. 2 (1))

8. In order to make it possible to determine whether the State party is using the maximum available resources to achieve the realization of the rights recognized in the Covenant, please provide information on the trends observed over the past decade with regard to:

(a) The percentage of the population living below the national poverty line and the levels of inequality;

(b) The State party's fiscal policy, in particular how it promotes economic, social and cultural rights and ensures that the maximum amount of available resources is devoted to this purpose;

(c) Public expenditure as a percentage of gross domestic product and the proportion of total public expenditure allocated to social priorities (education, food, health, water, sanitation and housing) and, in the event of a decrease in social investment, the mitigation measures adopted to ensure the progressive realization of economic, social and cultural rights.

Non-discrimination (art. 2 (2))

9. Please provide information, including statistics, on the impact of the measures described in paragraphs 4 to 7 and 56 to 64 of the State party report (E/C.12/ECU/4) in eliminating all forms of discrimination, particularly structural discrimination, that impede the enjoyment of economic, social and cultural rights by disadvantaged persons and groups, in particular indigenous peoples, Afro-Ecuadorians and Montubio groups, migrants, asylum seekers and refugees.

10. Please provide information on the measures adopted to combat discrimination and violence against persons because of their sexual orientation or gender identity and on the impact of those measures.

Equal rights of men and women (art. 3)

11. Please provide information on the impact in terms of equality of rights of men and women of the measures taken by the State party, including the Comprehensive Organic Act on the Prevention and Eradication of Violence against Women, the National Plan for the Eradication of Gender-based Violence against Children, Adolescents and Women, the National Agenda on Women and Gender Equality and the Comprehensive National System for the Prevention and Eradication of Violence against Women (paragraphs 10, 11 and 107 to 114 of the State party report).

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

12. Please indicate how and to what extent the measures described in paragraphs 85 to 89 of the State party report have been effective in reducing unemployment among disadvantaged groups. To that end, please provide information on the national unemployment rate during the past decade, including data disaggregated by gender, age, membership of an indigenous group and disability status, among other variables.

Right to just and favourable conditions of work (art. 7)

13. With reference to paragraphs 92 and 93 of the State party report, please provide updated financial statistics on the steady increase in the minimum wage during the past decade.

14. Please provide information, including disaggregated statistics for the past decade, on informal employment and the impact of measures taken to promote the regularization of such employment and to ensure protection for all persons working in the informal sector of the economy. Please also supply information on the impact of the measures adopted, including the labour inspection measures mentioned in paragraphs 97 and 98 of the State party report, to protect labour rights.

15. With reference to paragraph 94 of the State party report, please supplement the information provided on the gender wage gap with annual financial statistics for the past 10 years, up to 2018. Also please provide information, including statistics, on the impact of the Organic Act on Labour Justice and Recognition of Work in the Home on working conditions for women in the State party.

Trade union rights (art. 8)

16. With reference to paragraphs 99 and 100 of the State party report, kindly furnish information on any cases in which the exercise of trade union rights has been impeded. Please also report on the steps taken to prevent and punish discriminatory acts and dismissals in reprisal for trade union activities and on measures to ensure the registration of trade union organizations and safeguard trade union pluralism, particularly in the public sector.

Right to social security (art. 9)

17. With reference to paragraphs 18 and 101 to 106 of the State party report, please provide additional updated information, including disaggregated statistics, on measures to achieve universal social security coverage, including coverage for migrants, asylum seekers, refugees and persons who perform unpaid domestic work in the home, and on non-contributory pensions for older women.

Protection of the family and children (art. 10)

18. Kindly supply information, including statistical data, on the impact of the measures taken, as outlined in paragraphs 107 to 130 of the State party report, to eradicate gender-based violence. Please describe, in particular, the impact of the Comprehensive Organic Act on the Prevention and Eradication of Violence against Women and the impact of the establishment of the Comprehensive National System for the Prevention and Eradication of Violence against Women. In addition, please provide information on the impact of the measures taken to ensure that early marriage is prohibited in practice. Finally, kindly provide information on the impact of the measures aimed at eradicating child labour, as discussed in paragraphs 131 to 144 of the State party report.

Right to an adequate standard of living (art. 11)

19. Please provide updated statistics for the last five years on poverty and extreme poverty levels, disaggregated by membership of disadvantaged groups, and in particular by

gender, age, membership of a given people or nation, including the Montubio community, and by migrant, asylum seeker and disability status. In addition, please report on the steps taken to combat poverty and extreme poverty in rural areas and on the impact of those efforts.

20. Please provide statistics on the impact of the measures mentioned in paragraphs 153 to 157 of the State party report in upholding the right to adequate food, in particular as that impact relates to child malnutrition and obesity in the State party. Include data disaggregated by gender, membership of indigenous, Afro-Ecuadorian or Montubio populations, and membership of migrant, asylum seeker or refugee groups.

21. Please supply information on the measures discussed in paragraphs 158 to 163 of the State party report and their impact in upholding the right to health, water and sanitation, particularly in the face of polluting economic activities such as extractive projects, large-scale agriculture and fumigation in the northern part of the country.

22. Please provide additional information on the titling of land for rural and indigenous populations, including information on the steps taken to prevent the forced sale of land in rural and indigenous areas, particularly in connection with the Mirador and San Carlos Panantza projects, and on the effectiveness of those efforts.

Right to physical and mental health (art. 12)

23. Kindly provide information on the implementation and impact of measures mentioned in paragraphs 180 to 184 of the State party report, such as the National Sexual and Reproductive Health Plan 2017–2021, and on their impact in terms of ensuring access to sexual and reproductive health services, including emergency contraception. In addition, please provide information, including disaggregated statistical data, on the impact of the measures adopted in the area of maternal and child health, mentioned in paragraphs 176 to 179 of the State party report. Please also supply information on measures taken, in particular relating to the draft organic law amending the Comprehensive Organic Criminal Code mentioned in paragraph 187 of the State party report, to pave the way for the adoption of a legislative framework to regulate abortion in a manner that would be in accordance with other fundamental rights, such as women’s right to health and to life.

24. Finally, please provide information, including statistical data, on the impact of the measures relating to psychosocial and mental health mentioned in paragraphs 191 to 193 of the State party report. In addition, please describe the extent to which these measures give priority to mental health within the framework of national health policies and indicate whether they include regular and independent monitoring mechanisms.

Right to education (arts. 13–14)

25. Please provide updated information on the impact of the Basic Education for Young People and Adults project and the ABCs for All: Monsignor Leonidas Proaño Literacy and Basic Education project in reducing illiteracy and school dropout rates during the past decade. Please include statistics disaggregated by gender, membership of indigenous, Afro-Ecuadorian or Montubio peoples or nations and by migrant, asylum seeker or refugee status. Also kindly explain what steps the State party is taking to improve the quality of teaching in the nation’s schools, foster mutual respect and prevent violence in school settings. Finally, please provide specific information on access to education for children from indigenous peoples and nations and for children with disabilities, in particular access to intercultural bilingual education and inclusive education.

Cultural rights (art. 15)

26. Please provide information on the steps taken to promote indigenous languages and cultures in social, cultural, labour-related and educational settings and on the impact of those efforts. Include information on emergency measures adopted to protect indigenous cultures and languages at risk of disappearing, particularly in the case of the Sapara and Shiwiar peoples and their languages.

27. Please provide disaggregated statistics on the impact of the Telecommunications Act, community infocentres and the National Telecommunications and Information and Communications Technologies Plan 2016–2021 in reducing inequality and narrowing the digital divide, particularly in the case of disadvantaged groups, especially those living in rural and remote areas.
