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Ecuador

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. In 2017, the Committee on Enforced Disappearances welcomed the fact that Ecuador had ratified all the core United Nations human rights instruments and almost all the optional protocols thereto.² In 2020, the Working Group of Experts on People of African Descent noted that Ecuador had ratified all the major regional human rights treaties.³ The United Nations country team noted that Ecuador had ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).⁴

3. Two treaty bodies recommended that Ecuador ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.⁵

4. In 2017, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Ecuador consider ratifying the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) of the International Labour Organization (ILO).⁶

5. In 2018, the Independent Expert on the promotion of a democratic and equitable international order recommended that Ecuador continue its leadership in the campaign to negotiate and adopt a legally binding treaty on the social responsibility of transnational corporations.⁷

6. Ecuador is covered by the Regional Office for South America of the Office of the United Nations High Commissioner for Human Rights (OHCHR). Support is also provided by a Human Rights Adviser to the United Nations country team. OHCHR provided technical assistance to Ecuador, including on strengthening the national mechanism for implementation, reporting and follow-up, conducting rights-based macroeconomic analyses



of austerity and stimulus measures, and developing a new public policy on social rehabilitation.⁸

7. In 2021, Ecuador submitted its midterm report on implementation of the recommendations made during the third cycle of the universal periodic review in 2017.⁹

8. Ecuador contributed financially to OHCHR in 2017.¹⁰

III. National human rights framework

1. Constitutional and legislative framework

9. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families noted that, pursuant to article 424 of the Constitution, international human rights treaties formed part of national legislation.¹¹ In 2020, the Special Rapporteur on violence against women, its causes and consequences, welcomed the legal reforms undertaken by Ecuador to harmonize its national legal system with the new constitutional provisions and its international human rights commitments. Nevertheless, she noted considerable implementation gaps with respect to new laws relating to the rights of women and girls, particularly at the local level and in remote areas.¹²

2. Institutional infrastructure and policy measures

10. In 2021, the Committee on the Elimination of Discrimination against Women noted the establishment of the Secretariat for Human Rights and commended Ecuador on the establishment of the Gender Directorate in the Ministry of the Interior and the Directorate of Human Rights, Gender and Inclusion in the Ministry of Public Health.¹³

11. In 2017, the Committee on the Rights of the Child recommended that Ecuador ensure the independence of the Office of the Ombudsperson and that it had adequate human, technical and financial resources.¹⁴ The Working Group of Experts on People of African Descent welcomed the Organic Act on the Ombudsperson's Office, which had been in force since April 2019. It recommended that Ecuador strengthen the Ombudsperson's Office to create a subdivision dedicated to the protection and promotion of the rights of people of African descent.¹⁵

12. The Committee on the Rights of the Child recommended that Ecuador establish a national mechanism for reporting and follow-up as a standing government structure.¹⁶

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

13. In 2019, the Committee on Economic, Social and Cultural Rights was concerned about the absence of a general law establishing a comprehensive list of prohibited grounds of discrimination and about the persistence of de facto systemic discrimination against some population groups, in particular women, indigenous peoples, people of African descent, Montubio people, rural populations, migrants and lesbian, gay, bisexual, transgender and intersex persons.¹⁷

14. In 2017, the Committee on the Elimination of Racial Discrimination recommended that Ecuador intensify awareness-raising campaigns to combat all forms of discrimination and adopt measures to combat racial prejudice in the media.¹⁸ The Special Rapporteur on violence against women noted the persistence of gender discriminatory and stereotyped attitudes and behaviour, and deeply rooted patriarchal and "machista" social norms.¹⁹

15. In 2019, the Committee on the Rights of Persons with Disabilities recommended that Ecuador ensure that its laws, policies and strategies for eliminating discrimination included

an explicit prohibition of disability-based discrimination and incorporated a recognition of multiple and intersectional discrimination.²⁰

2. Right to life, liberty and security of person, and freedom from torture

16. In 2019, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression called upon Ecuador to ensure that the exercise of the right to peaceful assembly was ensured at all times during protests and to prevent, investigate and punish unnecessary and excessive use of force by law enforcement officers.²¹ In 2022, the Committee on the Rights of the Child expressed deep concern at the reported use of violence against children by the Ecuadorian security forces during the protests led by indigenous people. It demanded that the State cease the use of force and urged it to launch immediate investigations into reported incidents of excessive use of force and violence by security officers against children.²²

17. In 2021, several United Nations human rights experts and bodies expressed alarm at the ongoing violence in the Ecuadorian prison system.²³ In May 2022, OHCHR highlighted the fact that between December 2020 and May 2022, at least 390 people had been killed in prisons in Ecuador. It encouraged the State to provide adequate resources to implement the public policy of social rehabilitation of prisoners, examine the recommendations aimed at reducing violence in detention contained in the High Commissioner's 2019 report on human rights in the administration of justice,²⁴ and consider the road map proposed by OHCHR and the United Nations Office on Drugs and Crime to guarantee security in prisons, improve prison conditions and management, and reduce the excessive use of incarceration.²⁵

18. The Committee on Economic, Social and Cultural Rights was concerned that there continued to be a predominantly punitive approach to addressing the problem of abuse of psychoactive substances, which had contributed to the disproportionate increase in the size of the population deprived of liberty. It recommended that Ecuador use alternatives to imprisonment for minor drug offences.²⁶ The Working Group of Experts on People of African Descent was concerned about racial profiling and the overrepresentation of people of African descent in detention.²⁷

19. The Committee on the Rights of the Child was concerned about the prevalence of measures for deprivation of liberty in rehabilitation centres from 12 years of age for grave criminal offences and from 14 years of age for other crimes, and the increase of the maximum term for deprivation of liberty from four to eight years.²⁸

3. Administration of justice, including impunity, and the rule of law

20. Several United Nations human rights mechanisms noted that international treaties ratified by Ecuador were directly applicable in national courts.²⁹ Two treaty bodies recommended that Ecuador promote the applicability of the rights protected under those treaties by organizing training courses, especially for judges, lawyers and law enforcement personnel, and by conducting awareness-raising campaigns for rights holders.³⁰

21. The Working Group of Experts on People of African Descent was concerned by the lack of access to justice for people of African descent. It recommended that the justice system take action to clear the backlog of cases, in particular cases filed by Afro-Ecuadorians in defence of their constitutional rights.³¹

22. In 2019, the Special Rapporteur on the rights of indigenous peoples recommended that Ecuador ensure adequate cooperation and coordination between the ordinary and indigenous justice systems, provide the indigenous justice system with the material means necessary for the effective exercise of their jurisdiction, and end the criminalization of indigenous authorities for performing their judicial duties.³²

23. The Committee on Economic, Social and Cultural Rights recommended that Ecuador clarify the roles and the coordination mechanism of the institutions responsible for anti-corruption efforts and implement the recommendations of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.³³

24. The Committee on Enforced Disappearances noted that the Truth Commission had identified a total of 17 victims of enforced disappearances during the period from 1984 to

2008. It recommended that Ecuador expedite the judicial proceedings for enforced disappearances that were under way and ensure that all the suspected perpetrators were prosecuted and, if found guilty, punished in accordance with the grave nature of their acts.³⁴

4. Fundamental freedoms and the right to participate in public and political life

25. Several United Nations human rights mechanisms and bodies expressed concern about the security conditions in which human rights defenders operated, particularly those defending economic, social, cultural and environmental rights and the rights to territory and natural resources.³⁵ The Committee on the Elimination of Racial Discrimination urged Ecuador to adopt measures to prevent acts of violence against human rights defenders, including leaders and defenders of the rights of Montubio, Afro-Ecuadorian and indigenous peoples, and to ensure the protection of their lives and personal safety. It also recommended conducting a thorough investigation into the persecution of and sanctions against human rights defenders.³⁶ The Special Rapporteur on freedom of expression recommended that Ecuador adopt measures to prevent undue judicial harassment of human rights defenders.³⁷

26. The Committee on the Elimination of Discrimination against Women recommended that Ecuador ensure full compliance with the temporary special measures provided for in the Organic Act on Elections and Political Organizations (Democracy Code), including those relating to ethnic and cultural diversity, and introduce a parity rule in single-member candidacies.³⁸

27. The Special Rapporteur on freedom of expression highlighted the importance of the process undertaken by the Secretary for Communication to ensure pluralism in the public media. He urged Ecuador to develop public broadcasting media protocols and measures to guarantee pluralism in coverage, especially in electoral contexts, as well as to guarantee the independence of journalists and analysts from government influence.³⁹ In addition, he called upon Ecuador to guarantee the right of journalists to protect their sources, support the development of a journalistic code of ethics, investigate crimes against journalists and put into operation the inter-institutional committee for the protection of journalists and other media workers.⁴⁰

28. According to the records of the United Nations Educational, Scientific and Cultural Organization (UNESCO), four journalists had been killed in Ecuador since 2006. Another two Ecuadorian journalists and their driver had been killed in a third country (in the El Comercio case).⁴¹

29. UNESCO noted that defamation remained a punishable crime in the Comprehensive Organic Criminal Code, which had been amended in February 2021. It also noted that in July 2021, the National Assembly had approved the law on preventing digital sexual violence, which provided that so-called honour crimes were punishable by imprisonment of 15 to 30 days.⁴²

30. While noting the progress Ecuador had made, the Committee on Economic, Social and Cultural Rights was concerned about the persistence of the digital divide, which disproportionately affected indigenous peoples, people of African descent and Montubio people.⁴³

5. Right to marriage and family life

31. The Committee on the Elimination of Discrimination against Women noted with concern that, despite the minimum age for marriage having been set at 18 years, the practice of child marriage persisted in the form of de facto unions, particularly in rural areas and among indigenous communities.⁴⁴

32. The Committee on the Rights of Persons with Disabilities recommended that Ecuador explicitly recognize the right of persons with disabilities to marry and found a family.⁴⁵

6. Prohibition of all forms of slavery, including trafficking in persons

33. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Human Mobility Act, which strengthened inter-agency coordination in the prevention, investigation and punishment of human trafficking and in the protection of

victims of trafficking. It recommended that Ecuador reinforce cooperation with countries of origin, transit and destination to prevent trafficking and that it allocate adequate resources to the Directorate for the Prevention of Trafficking in Persons and Migrant Smuggling and for the implementation of the 2019–2030 National Action Plan for the elimination of trafficking. The Committee also recommended that Ecuador ensure adequate protection and support services for victims of trafficking.⁴⁶

34. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Ecuador develop standard operating procedures to facilitate the prompt identification and referral to the asylum system of victims of trafficking who might be in need of international protection.⁴⁷

7. Right to work and to just and favourable conditions of work

35. The Committee on Economic, Social and Cultural Rights was concerned that the unemployment rate had not fallen since 2014 and that unemployment disproportionately affected the most disadvantaged groups. It recommended that Ecuador take measures to reduce unemployment and continue to evaluate the impact of structural adjustment measures on employment.⁴⁸

36. The Committee on the Elimination of Discrimination against Women noted with concern that the unemployment rate among women was 1.5 times higher than among men. It recommended that Ecuador strengthen measures to eliminate occupational segregation, enhance women's access to formal employment, prioritize the transition of women from part-time to full-time work, strictly enforce the principle of equal pay for work of equal value, and establish mechanisms for the implementation of the ILO Domestic Workers Convention, 2011 (No. 189).⁴⁹

37. The Committee on the Elimination of Racial Discrimination was concerned at reports of the sexual and labour exploitation of domestic workers and of workers on plantain, banana and palm plantations, in floriculture and in other areas of the informal economy.⁵⁰

38. The Committee on the Rights of Persons with Disabilities was concerned at the reduction in the number of persons with disabilities engaged in regular employment, the scant enforcement and lack of legislative measures for penalizing companies that were not hiring a sufficient number of persons with disabilities, and the failure to promote opportunities for self-employment for persons with disabilities.⁵¹

39. The Committee on the Rights of the Child recommended that Ecuador intensify its efforts to eliminate child labour, including by strengthening its partnerships with the private sector and establishing programmes at the local and cantonal levels to implement the national strategy against child labour.⁵²

8. Right to social security

40. The United Nations country team noted that nearly 7 out of 10 people in the economically active population did not have access to a contributory social security scheme, in part due to high levels of informal labour. It also noted that, although more people were now covered by non-contributory social protection schemes, the process for determining eligibility for the unconditional transfer mechanism was still prone to errors. It stressed that the existing fiscal conditions required Ecuador to seek out the fiscal space to progressively implement a national social protection floor. It recommended developing a comprehensive vision of social protection that would address people's vulnerabilities throughout their lives.⁵³

9. Right to an adequate standard of living

41. The Committee on Economic, Social and Cultural Rights was concerned about the impact of the austerity measures under the Prosperity Plan 2018–2021 and the Extended Fund Facility of the International Monetary Fund on the enjoyment of economic, social and cultural rights. It was also concerned about the continuing gap between rural and urban areas and the significant proportion of indigenous people, people of African descent and Montubio people who were living below the poverty line.⁵⁴ The Committee on the Elimination of Discrimination against Women noted that the economic crisis in Ecuador had been

exacerbated by the coronavirus disease (COVID-19) pandemic and that the austerity measures that had been adopted had had a disproportionate impact on women.⁵⁵

42. The Committee on the Elimination of Racial Discrimination urged Ecuador to continue to implement social inclusion and identity-sensitive development policies designed to reduce inequality and poverty.⁵⁶ The Committee on Economic, Social and Cultural Rights recommended that Ecuador adopt a progressive tax policy.⁵⁷

43. The United Nations country team noted that chronic child malnutrition was the biggest public health issue affecting young children in Ecuador and that the problem was particularly prevalent among indigenous peoples and rural populations. It acknowledged the Government's willingness to implement an intersectoral and inter-institutional response to the problem. It recommended that Ecuador establish funding mechanisms that guarantee the sustainability of any actions taken and that it make adaptations at the local level to provide culturally appropriate support to the population.⁵⁸

44. The Committee on Economic, Social and Cultural Rights recommended that Ecuador take measures to prevent forced evictions and acts of violence against campesino and indigenous peoples relating to access to and use of land, to punish those responsible and take steps to ensure the redistribution of land in favour of the most disadvantaged groups.⁵⁹ It also recommended that Ecuador protect the intellectual property rights of campesino people and indigenous peoples to native and campesino seeds, including their rights to save, use, exchange and sell their seeds.⁶⁰

45. The Working Group of Experts on People of African Descent noted that the Government estimated that 56 per cent of Afro-Ecuadorian households had a housing deficit.⁶¹

10. Right to health

46. In 2020, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health noted that there had been important investments in health infrastructure in Ecuador. Nevertheless, certain key populations faced serious challenges in realizing their right to health, and indigenous populations and persons of African descent had worse health indicators than the rest of the population.⁶² The Special Rapporteur was also concerned about the impact of austerity measures on the health-care system and urged Ecuador to ensure the necessary resources to maintain levels of access to health services and to remedy the imbalances that affected the most disadvantaged groups.⁶³

47. The Committee on the Elimination of Discrimination against Women commended Ecuador on the adoption of the National Sexual and Reproductive Health Plan, 2017–2021, and its Intersectoral Policy for the Prevention of Pregnancy in Girls and Adolescents, 2018–2025. It recommended that Ecuador intensify inclusive awareness-raising programmes to ensure that women and girls had confidential access to modern forms of contraceptives and information on sexual and reproductive health and rights.⁶⁴

48. The same Committee noted that in April 2021, the Constitutional Court had ruled to decriminalize abortion in cases of rape. It recommended that Ecuador legalize abortion in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment, decriminalize it in all other cases and provide women with access to safe abortion and post-abortion services.⁶⁵

49. The Special Rapporteur on indigenous peoples noted that, while the National Directorate for Intercultural Health of the Ministry of Public Health had programmes in the area of ancestral medicine, the participation of indigenous peoples was inadequate and there was a lack of coordination and integration between traditional systems of medicine and the national health system.⁶⁶

50. The Committee on the Rights of the Child recommended that Ecuador adopt a nationwide strategy aimed at preventing and combating drug abuse and alcoholism among adolescents.⁶⁷ Two treaty bodies were concerned about the high suicide rates, particularly among adolescents and in the northern border area.⁶⁸

51. The Committee on the Rights of Persons with Disabilities recommended that Ecuador amend the Organic Act on the Health System to incorporate a human rights approach to

disability, design specific health-care protocols for persons with disabilities and ensure the accessibility of the physical environment, information and communications in all places where health-care services were provided.⁶⁹

52. The Special Rapporteur on health was concerned to find that the mental health-care system in Ecuador remained underdeveloped and that it had not yet transitioned from a model based around hospitals to a community care model.⁷⁰

11. Right to education

53. While noting the increased access to and quality of education, the Committee on Economic, Social and Cultural Rights was concerned at the persistence of disparities between rural and urban areas and the higher dropout rate among low-income groups, indigenous peoples, people of African descent and Montubio people. It recommended that Ecuador increase social spending on education to ensure universal and equal access to quality education and strengthen policies to prevent students from dropping out of school.⁷¹

54. The Committee on the Elimination of Discrimination against Women welcomed the efforts of Ecuador to eliminate discrimination against women and girls and gender-based stereotyping in the education system, including through awareness-raising campaigns targeting young people, including girls and young women, on harassment in educational settings. The Committee recommended that Ecuador strictly apply the 2018 Organic Act Reforming the Organic Act on Higher Education and ensure that a zero-tolerance policy on gender-based violence and harassment was effectively implemented in schools and universities.⁷²

55. The Special Rapporteur on indigenous peoples welcomed the steps taken in the area of bilingual intercultural education and recommended that Ecuador guarantee full autonomy for the Secretariat for Intercultural Bilingual Education and allocate the resources it needed to fulfil its mission.⁷³

56. The Working Group of Experts on People of African Descent recommended that Ecuador introduce “ethno-education” into the national school curriculum and ensure that educational materials accurately reflected historical facts as they related to past tragedies and atrocities, in particular slavery.⁷⁴

57. The Special Rapporteur on health noted that in 2019, the Ministry of Education had developed comprehensive sexual education curriculum proposals. He recommended that age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health should be a compulsory element of the school curriculum.⁷⁵

58. The Committee on the Rights of Persons with Disabilities noted with concern that Ecuador retained the use of a special education model. It recommended that Ecuador establish an inclusive education system for all persons with disabilities.⁷⁶

12. Cultural rights

59. The Committee on Economic, Social and Cultural Rights was concerned about the preservation of indigenous languages in Ecuador, in particular the Sápara and Shiwiar languages, which were at risk of extinction. It recommended that Ecuador increase measures for the protection of the Sápara language, among others, through the UNESCO Intangible Cultural Heritage Fund, and resume work with Peru in that area.⁷⁷

13. Development, the environment, and business and human rights

60. The United Nations country team recommended that Ecuador take a coordinated and differentiated approach to tackling climate change in order to reduce the vulnerability of people, ecosystems and productive systems, increase the ambitiousness of the targets established in national climate change policy and prioritize investments in order to decarbonize the national economy by 2050.⁷⁸ The Committee on Economic, Social and Cultural Rights was concerned that the increase in extractive activities announced under the Prosperity Plan ran counter to the commitments made by Ecuador under the Paris Agreement.⁷⁹

61. The United Nations country team noted that environmental regulations had been developed but challenges relating to institutions, capacities and funding continued to hinder their effective implementation.⁸⁰ The Working Group of Experts on People of African Descent was deeply concerned by the activities of extractive industries, the lack of monitoring and sanctions imposed on those industries, and the indifference of the State to the grave human rights violations committed by them.⁸¹

B. Rights of specific persons or groups

1. Women

62. The Committee on the Elimination of Discrimination against Women commended Ecuador on its comprehensive legislative and policy framework for the elimination of discrimination against women. Nevertheless, it remained concerned about challenges to the effective implementation of such legislation and policies, and about intersecting forms of discrimination faced by indigenous, Ecuadorian women of African descent and Montubio women, women with disabilities, migrant women, women asylum-seekers and refugee women.⁸² It recommended that Ecuador strengthen the authority, mandate and coordination and monitoring role of the National Council for Gender Equality and provide it with sufficient resources to effectively carry out its mandate.⁸³

63. The same Committee noted the adoption of the 2020 reform of the Democracy Code, which required that 50 per cent of candidates be women by the 2025 elections. It recommended that Ecuador adopt programmes to prevent gender-based violence against women politicians and candidates in public discourse, and provide capacity-building on political campaigning and leadership skills and ensure access to adequate campaign financing for women candidates.⁸⁴

64. The Special Rapporteur on health noted that violence against women and girls was endemic in Ecuador.⁸⁵ The Committee on the Elimination of Discrimination against Women recommended that Ecuador ensure the effective implementation of the Comprehensive Organic Act to Prevent and Eradicate Violence against Women by allocating the resources necessary and providing systematic training to judges, prosecutors, the police and other law enforcement officers on the strict enforcement of the Act, and that Ecuador strengthen measures to combat all forms of gender-based violence against women.⁸⁶

65. The Special Rapporteur on indigenous peoples recommended that Ecuador adopt and implement intercultural policies to prevent and address the specific challenges of violence against indigenous women and girls.⁸⁷

2. Children

66. While acknowledging the steps Ecuador had taken to improve birth registration, the Committee on the Rights of the Child noted that there were persistent gaps in the birth registration of children in various areas, as well as for refugee children. It recommended that Ecuador adopt a plan of action targeting rural, coastal and border areas in the provinces of Guayas, Manabí and Esmeraldas to ensure birth registration of children.⁸⁸

67. The same Committee recommended that Ecuador adopt a comprehensive national policy and strategy aimed at implementing the rights of the child in line with the Convention on the Rights of the Child. It also recommended establishing a high-level interministerial body to coordinate all policies and programmes relating to the implementation of the Convention, and local systems for the protection of children.⁸⁹

68. The Committee recommended that Ecuador adopt strategies to address disparities in access to education, health services and a minimum standard of living by indigenous, Montubio and Afro-Ecuadorian children, children with disabilities and children of families living in poverty.⁹⁰

69. The Committee on the Rights of Persons with Disabilities was concerned that Ecuadorian law did not explicitly prohibit the corporal punishment of children in all settings.⁹¹

3. Persons with disabilities

70. The Committee on the Rights of Persons with Disabilities noted that the Organic Act on Disabilities was based on a medical model of disability.⁹² The Committee was concerned at the dissolution in 2016 of the Technical Secretariat for Disabilities and at the fact that Ecuador had not designated an independent monitoring mechanism for the follow-up and evaluation of the implementation of the Convention on the Rights of Persons with Disabilities.⁹³

71. The same Committee recommended that Ecuador establish a comprehensive policy for ensuring the accessibility of the physical environment and transportation services and of information and communications in facilities open to the public and in the media.⁹⁴ It also recommended that Ecuador incorporate an explicit provision in its national legislation under which the denial of reasonable accommodation was defined as a form of discrimination on the basis of disability.⁹⁵

72. The Committee also recommended that Ecuador amend its laws to incorporate the right of persons with disabilities to live independently and be included in their communities and that it establish a strategic deinstitutionalization plan and replace substitute decision-making systems with supported decision-making systems.⁹⁶

4. Indigenous peoples and minorities

73. The Special Rapporteur on indigenous peoples noted that, owing to the lack of disaggregated and culturally appropriate indicators of the socioeconomic situation of indigenous peoples, the multidimensional impoverishment of many indigenous communities had been ignored.⁹⁷ The Working Group of Experts on People of African Descent noted that there had not been effective implementation and enforcement of laws and policies to protect the rights of people of African descent. Afro-Ecuadorians continued to suffer racial discrimination, particularly with regard to their access to justice, security, land, clean water, education, health care, housing and economic opportunity.⁹⁸

74. The Special Rapporteur on indigenous peoples recommended that Ecuador adopt an accessible and effective system for awarding land that allowed for the full enjoyment of the territorial rights of indigenous peoples in accordance with international human rights standards. He also recommended that Ecuador harmonize requirements for the establishment of indigenous territorial districts with those standards.⁹⁹

75. The Committee on the Elimination of Racial Discrimination noted with concern the negative impact of projects involving the exploitation of natural resources, including illegal mining and logging, on the territories of indigenous and Afro-Ecuadorian peoples. The Committee was also concerned at the tensions between outsiders and the indigenous and Afro-Ecuadorian peoples living in those territories.¹⁰⁰

76. Several United Nations bodies and mechanisms were concerned about the lack of effective implementation of the right to consultation of indigenous peoples and Afro-Ecuadorians.¹⁰¹ The Committee on the Elimination of Racial Discrimination urged Ecuador to ensure consultation, with a view to obtaining the free, prior and informed consent of indigenous and Afro-Ecuadorian peoples, as a means of effective participation in any activities relating to legislative or administrative provisions that could affect their rights, particularly their right to the land and natural resources that they owned or had traditionally used. It also urged Ecuador to adopt legislation on prior, free and informed consultation in line with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).¹⁰²

77. The Committee on Economic, Social and Cultural Rights was concerned about the relaxation of the rules governing extractive activities in the buffer zone of the Yasuní National Park protected area, which was home to the Tagaeri and Taromenane indigenous peoples, who lived in voluntary isolation.¹⁰³ The Special Rapporteur on indigenous peoples recommended that Ecuador recognize and protect the integrity of their territories and resolve the underlying causes of violence in the area, including as a result of legal and illegal extraction activities.¹⁰⁴

5. Lesbian, gay, bisexual, transgender and intersex persons

78. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the National Equality Agenda for Women and Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons, 2018–2021, in 2018, and of the LGBTI Inter-institutional Round Table, in 2019.¹⁰⁵

79. The Committee on Economic, Social and Cultural Rights encouraged Ecuador to give effect to the decision of the Constitutional Court of Ecuador on equal civil marriage rights.¹⁰⁶

80. The Special Rapporteur on violence against women was deeply concerned at reports suggesting that clinics for “de-homosexualization” continued to exist. She recommended that Ecuador take steps to prevent and sanction any such practice.¹⁰⁷

6. Migrants, refugees and asylum-seekers

81. UNHCR noted that Ecuador was hosting the largest recognized refugee population in Latin America and the Caribbean. It was one of the top three countries hosting refugees and migrants from a country in the region. The Government was developing the institutional capacity to implement the Human Mobility Act and a new regularization process announced in mid-2021 was a promising development. Nevertheless, several proposed amendments to the Act submitted to the National Assembly between 2018 and 2020 reflected a strong control and security approach, which would have a negative impact on the legal protection framework.¹⁰⁸

82. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Ecuador take all necessary measures to ensure the effective implementation of guarantees concerning due process and access to justice, to ensure that deportation measures were reviewed by an independent and impartial authority and that administrative and judicial appeals against such measures had suspensive effect.¹⁰⁹ It also recommended that Ecuador ensure that judges, prosecutors and public defenders received training regarding the rights protected under the Convention.¹¹⁰

83. The same Committee recommended that Ecuador strengthen the work of the National Council on Equality in Human Mobility and make express provision for mechanisms to coordinate the Council’s work with that of the lead agency for migration control.¹¹¹ The Committee on the Elimination of Racial Discrimination was concerned about discrimination, stigmatization, prejudice and stereotypes in relation to migrants.¹¹²

84. UNHCR recommended that Ecuador ensure that unaccompanied and separated children, women and girls who were victims of gender-based violence, victims of trafficking and smuggling and persons in a situation of human mobility and extreme vulnerability could maintain their regular migratory status through humanitarian visas or flexible and accessible migratory alternatives.¹¹³

85. UNHCR also recommended that Ecuador ensure that victims or potential victims of trafficking in persons, forced recruitment or situations of generalized violence who were at risk of persecution if returned to their countries of origin were able to qualify as refugees, pursuant to the definitions in the Convention relating to the Status of Refugees and the Cartagena Declaration on Refugees.¹¹⁴

7. Stateless persons

86. UNHCR noted that the new regulations Ecuador had issued on the Human Mobility Act established a procedure for the determination of statelessness.¹¹⁵

Notes

¹ [A/HRC/36/4](#), [A/HRC/36/4/Add.1](#) and [A/HRC/36/2](#).

² [CED/C/ECU/CO/1](#), para. 3. See also [A/HRC/44/48/Add.1](#), para. 12, and [A/HRC/44/52/Add.2](#), para. 13.

³ [A/HRC/45/44/Add.1](#), para. 11. See also [A/HRC/44/52/Add.2](#), para. 13.

⁴ United Nations country team submission for the universal periodic review of Ecuador, p. 5.

⁵ [CRC/C/ECU/CO/5-6](#), para. 47, and [CMW/C/ECU/CO/3](#), para. 11.

- ⁶ CMW/C/ECU/CO/3, para. 11.
- ⁷ A/HRC/39/47/Add.1, para. 66 (d).
- ⁸ OHCHR, United Nations Human Rights Report 2021, pp. 68, 293, 295–297 and 300; United Nations Human Rights Report 2020, pp. 330 and 332; United Nations Human Rights Report 2019, pp. 262, 293 and 295–296; and United Nations Human Rights Report 2017, p. 238.
- ⁹ See www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session27/EC/Ecuador3rdCycle_SP.doc.
- ¹⁰ OHCHR, United Nations Human Rights Report 2017, pp. 79, 89 and 126.
- ¹¹ CMW/C/ECU/CO/3, para. 8.
- ¹² A/HRC/44/52/Add.2, para. 17.
- ¹³ CEDAW/C/ECU/CO/10, para. 15.
- ¹⁴ CRC/C/ECU/CO/5-6, para. 12 (b).
- ¹⁵ A/HRC/45/44/Add.1, paras. 31 and 80 (w).
- ¹⁶ CRC/C/ECU/CO/5-6, para. 50.
- ¹⁷ E/C.12/ECU/CO/4, para. 25. See also CRC/C/ECU/CO/5-6, para. 16, and CRPD/C/ECU/CO/2-3, para. 13 (a).
- ¹⁸ CERD/C/ECU/CO/23-24, paras. 9 and 31. See also A/HRC/45/44/Add.1, paras. 54 and 80 (a).
- ¹⁹ A/HRC/44/52/Add.2, para. 8. See also CEDAW/C/ECU/CO/10, paras. 19–20 (a), CERD/C/ECU/CO/23-24, paras. 24–25, and CRC/C/ECU/CO/5-6, para. 16 (b).
- ²⁰ CRPD/C/ECU/CO/2-3, para. 14 (a).
- ²¹ A/HRC/41/35/Add.1, para. 84 (a) and (c). See also CRC/C/ECU/CO/5-6, para. 21, E/C.12/ECU/CO/4, para. 8 (a); <https://www.ohchr.org/en/press-releases/2019/11/ecuador-bachelet-calls-dialogue-prevent-conflict-and-create-inclusive>; and <https://www.ohchr.org/en/press-briefing-notes/2019/11/press-briefing-ecuador>.
- ²² See <https://www.ohchr.org/en/statements/2022/06/ecuador-un-committee-urges-end-violence-against-children-during-protests>.
- ²³ See <https://www.ohchr.org/en/press-releases/2021/12/ecuador-un-experts-call-urgent-action-stop-prison-violence#:~:text=UN%20human%20rights%20experts%20today,and%20hundreds%20injured%20this%20year>; and <https://www.ohchr.org/en/press-releases/2021/12/ecuador-has-obligation-ensure-security-inside-prisons-un-experts>. See also CED/C/ECU/CO/1, para. 18.
- ²⁴ A/HRC/42/20.
- ²⁵ See <https://www.ohchr.org/en/press-releases/2022/05/ecuador-prison-violence>. See also E/C.12/ECU/CO/4, para. 48 (c).
- ²⁶ E/C.12/ECU/CO/4, paras. 47 and 48 (b). See also A/HRC/44/52/Add.2, para. 75.
- ²⁷ A/HRC/45/44/Add.1, para. 53.
- ²⁸ CRC/C/ECU/CO/5-6, para. 43.
- ²⁹ A/HRC/44/52/Add.2, para. 14, CMW/C/ECU/CO/3, para. 8, A/HRC/42/37/Add.1, para. 15, CEDAW/C/ECU/CO/10, para. 11, and E/C.12/ECU/CO/4, para. 9.
- ³⁰ E/C.12/ECU/CO/4, para. 10, and CEDAW/C/ECU/CO/10, para. 12 (c).
- ³¹ A/HRC/45/44/Add.1, paras. 51 and 81.
- ³² A/HRC/42/37/Add.1, paras. 93 and 96.
- ³³ E/C.12/ECU/CO/4, para. 24.
- ³⁴ CED/C/ECU/CO/1, paras. 9–10 (a).
- ³⁵ E/C.12/ECU/CO/4, para. 13, A/HRC/45/44/Add.1, paras. 42 and 73, and A/HRC/42/37/Add.1, paras. 56 and 97.
- ³⁶ CERD/C/ECU/CO/23-24, para. 21 (a)–(b). See also E/C.12/ECU/CO/4, para. 14, and A/HRC/45/44/Add.1, para. 80 (j) and (gg).
- ³⁷ A/HRC/41/35/Add.1, para. 84 (d).
- ³⁸ CEDAW/C/ECU/CO/10, para. 18 (a). See also CRPD/C/ECU/CO/2-3, para. 52.
- ³⁹ A/HRC/41/35/Add.1, para. 45.
- ⁴⁰ Ibid., paras. 74 (c) and (f) and 76 (a)–(b).
- ⁴¹ UNESCO submission for the universal periodic review of Ecuador, para. 10. See also A/HRC/41/35/Add.1, para. 33.
- ⁴² UNESCO submission, para. 5. See also A/HRC/41/35/Add.1, para. 73 (a).
- ⁴³ E/C.12/ECU/CO/4, para. 63. See also A/HRC/41/35/Add.1, para. 82 (a).
- ⁴⁴ CEDAW/C/ECU/CO/10, para. 49 (a). See also E/C.12/ECU/CO/4, paras. 51 and 52 (b), and CRC/C/ECU/CO/5-6, para. 29.
- ⁴⁵ CRPD/C/ECU/CO/2-3, para. 42.
- ⁴⁶ CEDAW/C/ECU/CO/10, paras. 4 (b) and 24. See also CMW/C/ECU/CO/3, paras. 46–47; A/HRC/44/52/Add.2, para. 100 (b), CERD/C/ECU/CO/23-24, para. 35, and https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3956590:NO.

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- 48 [E/C.12/ECU/CO/4](#), paras. 29–30 (a)–(b).
- 49 [CEDAW/C/ECU/CO/10](#), paras. 31 (c) and 32 (b) and (d)–(f). See also [E/C.12/ECU/CO/4](#), para. 29.
- 50 [CERD/C/ECU/CO/23-24](#), para. 34. See also [A/HRC/45/44/Add.1](#), paras. 48–50, and [A/HRC/44/48/Add.1](#), para. 73.
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- 53 United Nations country team submission, pp. 2–3. See also [E/C.12/ECU/CO/4](#), para. 37, and [CRPD/C/ECU/CO/2-3](#), para. 50 (a).
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- 57 [E/C.12/ECU/CO/4](#), para. 22.
- 58 United Nations country team submission, pp. 1–2. See also [A/HRC/44/48/Add.1](#), paras. 54–55 and 77 (n), and [E/C.12/ECU/CO/4](#), paras. 43 and 44 (d).
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- 78 United Nations country team submission, p. 4. See also [E/C.12/ECU/CO/4](#), para. 54.
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- 80 United Nations country team submission, p. 5. See also [CRC/C/ECU/CO/5-6](#), para. 15 (a)–(b).
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