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Ecuador

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and the Office of the High Commissioner for Human Rights (OHCHR) and other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

Universal human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1966) ICESCR (1969) ICCPR (1969) ICCPR-OP 2 (1993) CEDAW (1981) CAT (1988) CRC (1990) OP-CRC-SC (2004) OP-CRC-AC (2004) ICRMW (2002)	CRPD (2008) OP-CAT (2010) CED (2009)	
<i>Reservations, declarations and/or understandings</i>	CAT (on extradition)	-	
<i>Complaint procedures³</i>	ICERD, art. 14 (1977) ICCPR-OP 1 (1969) OP-CEDAW (2002) ICCPR, art. 41 (1984) CAT, art. 22 (1988)	OP-ICESCR (2010) OP-CRPD (2008) CED, art. 31 (2009)	ICRMW, arts. 76 and 77

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol ⁴ Refugees and stateless persons ⁵ 1949 Geneva Conventions and Additional Protocols thereto ⁶ ILO fundamental Conventions ⁷ ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries UNESCO Convention against Discrimination in Education		Convention on the Reduction of Statelessness (1961) Additional Protocol III to the 1949 Geneva Conventions (signed only, 8 December 2005) ⁸ ILO Convention No. 189 concerning Decent Work for Domestic Workers

1. In 2011, the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Ecuador accede to the 1961 Convention on the Reduction of Statelessness.⁹

2. In 2010, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) recommended that the Government consider making the declarations provided for in articles 76 and 77 of the Convention and ratify International Labour Organization (ILO) Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.¹⁰

B. Constitutional and legislative framework

3. In 2010, the Committee against Torture (CAT) welcomed the entry into force in 2008 of the new Constitution, which established the general framework for the protection of human rights.¹¹ Other committees made similar comments.¹²

4. In 2010, the Working Group of experts on people of African descent welcomed the new Constitution and took note of the provision according to which Afro-Ecuadorian people have collective rights.¹³

5. In 2011, the United Nations Country Team (UNCT) stated that, despite some initiatives, there was not yet a specific law to make the enjoyment of women's rights effective.¹⁴

6. In 2008, the Committee on the Elimination of Racial Discrimination (CERD) was concerned at obstacles in the National Assembly impeding the adoption of specific laws for the realization of the collective rights of indigenous peoples and Afro-Ecuadorians.¹⁵

7. The Committee on the Rights of the Child (CRC) recommended that Ecuador bring domestic law into compliance with the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography.¹⁶

C. Institutional and human rights infrastructure and policy measures

<i>National human rights institution</i> ^{17, 18}	<i>Status during previous cycle</i>	<i>Status during present cycle</i>
Defensoría del Pueblo	A (2008)	A (2009)

8. In 2009, the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights Sub-Committee on Accreditation recommended that amendments to the organic law of the Defensoría del Pueblo resolve discrepancies with the revised Constitution and that the Defensoría interact effectively with the United Nations human rights system.¹⁹ CRC recommended the creation of a specialized office on child rights within the Defensoría's Office.²⁰

9. The Human Rights Committee (HR Committee) noted the inclusion of a constitutional provision for the Public Defender's Office.²¹

10. UNCT reported that the Constitution created equality councils, including one for women and gender equality, but noted that the institutional and normative framework of those councils was not very clear and that the work they were implementing was limited.²²

11. CMW encouraged Ecuador to clarify the mandates of the public institutions dealing with migration and ensure that the Convention was integrated in the formulation of all policies concerning the rights of migrant workers.²³

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies²⁴

1. Status of reporting

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2003	2006	August 2008	Twentieth to twenty-second reports received in 2012
CESCR	May 2004	2009	-	Pending consideration
HR Committee	July 1998	2008	October 2009	Sixth report due in 2013
CEDAW	July 2003	2007	October 2008	Eighth and ninth reports due in 2012
CAT	November 2005	2009	November 2010	Seventh report due in 2014
CRC	June 2005	2008	January 2010	Fifth and sixth reports due in 2016 Initial OP-CRC-SC and OP-CRC-AC reports received in 2008
CMW	November 2007	2010	December 2010	Third report due in 2015
CRPD	-	2011	-	Pending consideration
CED	-	-	-	Initial report due in 2013

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2009	Legislation, multiple discrimination, Consultation and Participation Act (prior informed consent)	Overdue
CAT	2011	Forensic physicians and human rights defenders, non-refoulement, abuse against refugees, violence against children, detention conditions	Overdue

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2010	Violence against women, investigation of abuses in detention, discrimination against indigenous peoples	2011
CEDAW	2010	Mechanism for gender equality, Equal Opportunity Plan	2011

Views

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
-	-	-

12. The HR Committee and CERD invited Ecuador to submit its core document.²⁵

B. Cooperation with special procedures²⁶

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	Special Rapporteur on migrants (5–16 November 2001) Special Rapporteur on the independence of judges and lawyers (13–17 March 2005) and follow-up visit from 11 to 15 July 2005 Working Group on Arbitrary Detention (12–22 February 2006) Special Rapporteur on indigenous peoples (24 April–4 May 2006) Working Group on mercenaries (28 August–1 September 2006) Special Rapporteur on health (14–18 May 2007)	Independent Expert on extreme poverty (10–15 November 2008) ²⁷ Independent Expert on foreign debt (2–8 May 2009) ²⁸ Working Group on people of African descent (22–26 June 2009) ²⁹ Special Rapporteur on indigenous peoples (7–10 December 2009) ³⁰ Special Rapporteur on slavery (25 January–1 February 2010) ³¹ Special Rapporteur on summary executions (5–15 July 2010) ³²
<i>Visits agreed to in principle</i>	-	-
<i>Visits requested</i>	Special Rapporteur on freedom of expression, (requested on 29 June 2004)	Special Rapporteur on freedom of expression (requested on 29 June 2004, reiterated on 2 February 2012) Independent Expert on cultural rights (requested on June 2010)
<i>Responses to letters of allegation and urgent appeals</i>	-	During the period under review, 15 communications were sent. The Government replied to 11 of these communications.

13. Ecuador extended invitations, in the absence of a request by the special procedure, to the Special Rapporteur on the right to education (2011) and to the Working Group on Enforced or Involuntary Disappearances (2008 and 2009).

14. In 2012, the Working Group on Enforced or Involuntary Disappearances noted that the Government had transmitted two communications during 2011, concerning one outstanding case. The information provided was not considered sufficient to lead to the clarification of the case. The Working Group also noted that, since its establishment, it had transmitted 26 cases to the Government; of those, four cases had been clarified on the basis of information provided by the source, and 18 on the basis of information provided by the Government. Four remained outstanding.³³

C. Cooperation with the Office of the High Commissioner for Human Rights

15. The human rights adviser with UNCT provided technical advice for drafting legislation,³⁴ implementing reforms in the judiciary,³⁵ incorporating a human rights-based approach into national planning and establishing a human rights indicators system, as recommended during the previous UPR session,³⁶ and promoting international human rights standards among national actors and United Nations agencies.³⁷

16. In 2011, Ecuador contributed to the Voluntary Fund for Indigenous Populations.³⁸

III. Implementation of international human rights obligations

A. Equality and non-discrimination

17. In 2008, the Committee on the Elimination of Discrimination against Women (CEDAW) remained concerned at the disparity between the de jure and de facto situation regarding the legal protection of women and gender equality. It recommended that Ecuador fully implement existing legislation in a manner that does not discriminate against women.³⁹

18. CERD was further concerned that indigenous women continued to experience double discrimination based on their ethnic origin and sex.⁴⁰

19. UNCT reported that, despite constitutional guarantees, indigenous peoples and minority groups such as Afro-Ecuadorian peoples, migrants and refugees still suffered social exclusion and discrimination. While indicating that the Government had developed the 2009–2013 National Development Plan for Good Living and the National Plan against Racism and Discrimination to address these gaps, UNCT noted that there was no clear data as to what extent those plans had benefited vulnerable groups.⁴¹

20. CERD remained concerned that a high proportion of persons belonging to the indigenous peoples and Afro-Ecuadorian communities continued to suffer from racial discrimination in Ecuador.⁴² In 2010, the Working Group of experts on people of African descent called on the Government to adopt a specific law to combat ethnic, racial and gender discrimination.⁴³

21. CMW reiterated its concern about the discriminatory attitudes and social stigmatization towards migrants, and encouraged Ecuador to ensure that all migrants subject to its jurisdiction enjoy the rights provided for in the Convention.⁴⁴

22. UNCT acknowledged that Ecuador had developed significant constitutional changes and programmes to prevent and eliminate discrimination for reasons of sexual orientation and gender identity.⁴⁵

23. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that the Constitution included new grounds on which

discrimination was prohibited, including migration and being HIV-positive. The Constitution also provided for a non-discrimination clause to protect pregnant women in education and at work; and a clause recognizing equal opportunities for persons with disabilities.⁴⁶

B. Right to life, liberty and security of the person

24. In 2011, the Special Rapporteur on extrajudicial, summary or arbitrary executions reported that the national homicide rate had skyrocketed in the previous 20 years, almost doubling between 1990 and 2009. The increase was attributed to various factors, including greater organized-crime activity, expanded drug trafficking, high drug and alcohol abuse rates and economic insecurity.⁴⁷

25. The Special Rapporteur also noted that the extent of organized crime, and guerrilla and State violence at the northern border was not widely understood. The conflict in a third country had spilled into Ecuador, with extremely negative consequence.⁴⁸ CAT recommended that Ecuador adopt measures to guarantee the physical integrity of the civilian population in the provinces along the northern border; and ensure that investigations be carried out into the murders and abuses committed in that region and that the perpetrators be brought to justice.⁴⁹

26. The Special Rapporteur on extrajudicial, summary or arbitrary executions noted that lynching was a major problem, generally involving community members attacking suspects accused of crimes such as stealing, violence or murder.⁵⁰ He recommended that the Government develop a strategy to address the issue, in consultation with experts, civil society and indigenous and rural organizations.⁵¹

27. The HR Committee was concerned about allegations that members of the armed and police forces had been responsible for excessive use of force against people participating in public demonstrations, leading to some deaths. It called on Ecuador to investigate and sanction those responsible for such acts and compensate the victims.⁵²

28. CAT reiterated its recommendation that Ecuador ensure that torture be considered an offence in domestic law and adopt a definition consistent with the Convention.⁵³

29. The HR Committee noted with concern the continued occurrence of cases of ill-treatment during police detention, without those responsible being brought to justice in most cases.⁵⁴ CAT recommended that Ecuador ensure a prompt and impartial investigation into all complaints of torture or ill-treatment.⁵⁵

30. CERD expressed concern at alleged ill-treatment and violence against some indigenous peoples by the Armed Forces to secure the interests of oil, mining and logging companies operating in indigenous territories.⁵⁶

31. CAT was concerned at the high levels of occupancy at most detention facilities and at reports of poor health and hygiene conditions.⁵⁷ UNCT reported on the failures of the detention system for adolescents.⁵⁸

32. In 2011, UNHCR stated that detention of asylum-seekers and refugees was not widespread but reported that, at the northern border, detained persons were kept in provisional detention centres and at migration checkpoints, together with alleged criminals, sometimes under uncertain legal grounds. UNHCR added that the number of separate cells for women should be increased.⁵⁹

33. CEDAW remained concerned at the high incidence of violence against women and girls in Ecuador, including domestic and sexual violence. Despite specific legislation and plans, sexual violence and harassment of girls in schools remained rampant.⁶⁰ UNCT

reported that gender violence was still a public health problem and occurred in a very complex and profound manner among excluded groups and vulnerable people such as indigenous women, women with HIV/AIDS and women with diverse sexual orientation.⁶¹ UNHCR stated that refugee women and children were more vulnerable to gender-based violence, particularly in border areas.⁶²

34. CRC was concerned that the National Armed Forces Compulsory Military Service Act did not expressly prohibit the recruitment of children.⁶³

35. UNCT stated that, despite the efforts made by Ecuador, around 280,000 children and adolescents were still working in 2010. It recommended that the integral strategy of child labour eradication be updated, with a view to a better institutional coordination of the governmental actors involved on that subject.⁶⁴

36. In 2010, the Special Rapporteur on contemporary forms of slavery reported that she had received information about the lending or renting of children for small amounts of money. Children would be “used” as street vendors and farm workers; in other cases they would be placed in domestic servitude or smuggled to neighbouring countries for forced labour activities, sexual exploitation and mendicity.⁶⁵ CRC was concerned that many young children performed harmful work, including forced labour, and that many of them did not attend school.⁶⁶

37. The Special Rapporteur on contemporary forms of slavery encouraged the State to consider child work in the streets as one of the worst forms of child labour.⁶⁷

38. CRC recommended that Ecuador introduce legislation prohibiting corporal punishment in all settings, including in the family, schools and all places of deprivation of liberty.⁶⁸

39. CRC remained concerned at the high number of children trafficked internationally as well as within the country, from border and Central Highland areas to urban centres, for commercial sexual exploitation and for domestic servitude, forced begging, and forced labour in mines and other hazardous work.⁶⁹

40. UNCT indicated that the prosecution of traffickers in general was still underachieved.⁷⁰ For instance, in the case of foreign victims, trafficking was considered a migration law violation by the victim more than a crime by the traffickers.⁷¹

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

41. UNCT reported that the judicial system in Ecuador faced deeply rooted problems. After the May 2011 referendum, a structural judicial reform was launched and the National Council of the Judiciary was replaced by a new transitory council. UNCT recommended that Ecuador foster the judicial reform in compliance with human rights standards.⁷²

42. The Special Rapporteur on the rights of indigenous peoples welcomed the preparation of a bill on coordination and cooperation between the indigenous and ordinary courts. He added that indigenous peoples needed to be involved in the initiative.⁷³

43. UNCT recommended that Ecuador continue the police reform aligned with international human rights standards and taking into account the *Report on Citizen Security and Human Rights* issued by the Inter-American Commission on Human Rights.⁷⁴

44. In 2011, the Special Rapporteur on extrajudicial, summary or arbitrary executions recommended that the Government establish a high-level expert commission to evaluate the performance of the police force to, inter alia, study the effectiveness of police investigations, the causes of inadequacies and the role of the police force in sustaining high

impunity rates; propose structural and operational reforms; and study ways to ensure stronger civilian oversight of the police.⁷⁵

45. In 2010, the Working Group of experts on people of African descent urged the Government to strengthen the ongoing development of free legal aid as a measure to combat the overrepresentation of Afro-Ecuadorian people in detention centres.⁷⁶

46. The Special Rapporteur on extrajudicial, summary or arbitrary executions stated that the Truth Commission had been an important Government initiative to address endemic impunity.⁷⁷ He recommended that the Government and the National Assembly follow up on the work of the Commission, including by ensuring that relevant cases be re-opened; providing appropriate information, legal assistance and compensation to victims and families; and creating an archive of the Commission's documentation.⁷⁸ The Special Rapporteur also urged the Government to establish an effective witness protection programme to fight impunity.⁷⁹

47. CRC welcomed that the 2008 Constitution introduced a specialized system of justice for children that established that deprivation of liberty was exceptional and that children would be detained separately from adults. However, CRC was concerned that the drafting of the Code on Criminal Guarantees was moving away from a specialized system of justice for children; that an appropriate system for juvenile justice was still not in place; and that there were reports that children were still held in detention together with adults.⁸⁰ UNCT was concerned by initiatives to reduce the age of criminal accountability to 16 years, against international law and the constitution.⁸¹

D. Right to marriage and family life

48. CRC was concerned at the continuation of the legal minimum age for contracting marriage for girls at 12 and for boys at 14. It recommended setting the minimum age for girls and for boys at 18 years.⁸²

49. CRC recommended that Ecuador ensure compliance with the principle of the best interests of the child and the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption at all stages of the adoption procedure.⁸³

E. Freedom of expression, association and right to participate in public and political life

50. In 2011, the United Nations Educational, Scientific and Cultural Organization (UNESCO) reported that several areas of the Constitution and the draft communication law could restrict freedom of expression, including through the preconditioning of information to be truthful, verified, timely, contextualized and plural.⁸⁴ It also noted that libel and defamation were still part of the criminal code.⁸⁵ UNESCO recommended bringing Ecuadorian legislation in line with international and Inter-American standards for freedom of expression.⁸⁶

51. UNESCO also reported that the regulation of radio and television did not favour diversity of the media because of, inter alia, the concentration of media ownership in one single sector; the subordination of the regulatory body to the Ministry of Telecommunications; and widespread discrimination against community media.⁸⁷ It also noted that there was no law establishing specific guarantees of editorial independence or appropriate secure funding for public media.⁸⁸

52. UNCT reported that confrontation between the Government and the media had increased. For the Government, the problem came from irresponsible journalism exercised

by an elite group of media owners to further their economic interests, while journalist organizations and NGOs had denounced governmental actions undermining freedom of expression.⁸⁹ UNCT considered that the judiciary should deal with such cases by applying international standards and through independent and effective procedures.⁹⁰

53. UNESCO stated that the safety of journalists in Ecuador was limited, noting that they were at risk of physical violence, intimidation and murder. The UNESCO Director General had condemned two killings of media professionals between 2008 and 2011.⁹¹

54. In May 2011, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression drew the Government's attention to a series of criminal proceedings brought against *El Universo* journalists by public officials. The proceedings were apparently a reaction to the publication of an opinion column which had questioned some presidential decisions.⁹² The Special Rapporteur also noted that 17 journalists and media directors had been put on trial since 2007 and that four of the trials had allegedly been instigated directly or indirectly by the President.⁹³ In August 2011, the Special Rapporteur reported on the sentence handed down to a journalist and the directors of *El Universo*. The Special Rapporteur expressed grave concern over the severity of the sentences. The Government replied to both communications in October 2011.⁹⁴

55. On 16 February 2012, the Special Rapporteur expressed further concern over the decision of the National Court of Justice affirming the criminal and civil judgment against executives and a journalist from *El Universo* and recalled that, in accordance with article 19 of ICCPR, public officials must be subject to a higher level of scrutiny and criticism in the light of the public nature of their position.⁹⁵

56. Between 2008 and 2011, the Special Rapporteur on the situation of human rights defenders sent several joint and individual communications on the situation of human rights defenders who had allegedly received threats or were attacked or murdered by private or unidentified persons, or who had been arrested and prosecuted.⁹⁶ Ecuador sent replies.⁹⁷

57. While welcoming the adoption of the Political Participation Act as well as progress in the representation of women in all spheres of public life, CEDAW remained concerned at the persistence of structural, political, cultural and socio-economic obstacles to the participation of women in public life, especially indigenous women and women of African descent.⁹⁸

58. CERD noted with concern the low level of participation of indigenous peoples and Afro-Ecuadorian communities in political life.⁹⁹

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

59. CEDAW was concerned about the high rate of women's underemployment and unemployment, especially in the rural areas.¹⁰⁰

60. CEDAW was also concerned at cases of gender discrimination in the workplace, including dismissals related to maternity, and at discriminatory labour practices against women, especially indigenous and migrant women and those of African descent.¹⁰¹

61. In 2010 the Special Rapporteur on contemporary forms of slavery noted reports of a wide range of abuses encountered by domestic workers in their workplaces, including poor working and living conditions, psychological and physical abuse, forced labour and sexual aggression. In connection with migrant domestic workers, she was also informed about instances of the withholding of identity and travel documents, low or no wages and excessive working hours, sometimes without meal or rest breaks.¹⁰²

62. CMW reiterated its concern over the discrimination, exclusion and exploitation affecting women migrants in Ecuador, and their lack of access to labour rights and social benefits, especially in the case of those working in domestic service. It urged Ecuador to continue its efforts to promote the enhancement and empowerment of migrant women in vulnerable situations.¹⁰³

63. UNHCR reported that refugees and asylum-seekers faced discrimination in accessing the labour market and were sometimes forced to accept exploitative conditions, such as lower payment and/or no social security benefits.¹⁰⁴

64. CMW was concerned that the provision in the Labour Code prohibiting foreign nationals from becoming members of a workers' association or trade union had been maintained. It reiterated its previous recommendation and encouraged Ecuador to take the necessary measures to guarantee to migrant workers and members of their families the right to form, and to be part of the executive bodies of, associations and unions.¹⁰⁵

65. In 2010, the ILO Committee of Experts regretted that the Constitution prohibited strikes in services that were not essential in the strict sense of the term.¹⁰⁶

G. Right to social security and to an adequate standard of living

66. CRC welcomed the constitutional provision to allocate at least 5 and 6 per cent of the gross domestic product to health and education, respectively. It also welcomed the increase in public social investment, while noting that it was still insufficient.¹⁰⁷

67. In 2009, the independent expert on the question of human rights and extreme poverty said that in order to ensure that the Human Development Bond cash transfer programme had a positive impact, greater efforts had to be made to integrate and coordinate the programme with social policies that had a cultural and gender dimension. He also said that the design, implementation and evaluation of the programme should take human rights standards into account.¹⁰⁸

68. CEDAW urged Ecuador to ensure that economic and social policies and public investment take into specific account the situation of women.¹⁰⁹

69. CEDAW was concerned that indigenous women and women of African descent were disproportionately affected by poverty, faced a lower level of access to higher education, higher school drop-out rates, higher rates of maternal mortality and early pregnancies, higher rates of unemployment and underemployment, lower wages and a lower level of participation in public life than the rest of the population.¹¹⁰

70. The Working Group of experts on people of African descent stressed that, of all issues negatively affecting Ecuadorians of African descent, poverty was one of the most pernicious. The experts encouraged the Government to continue implementing programmes to alleviate the poverty endured by Afro-Ecuadorian families and to explore new, innovative income-generating projects.¹¹¹

71. In 2011, the Food and Agriculture Organization of the United Nations reported that the Constitution recognized the rights to food, to food sovereignty and to water.¹¹²

72. With regard to the right to housing, UNCT reported, inter alia, that there were illegal settlements to relocate and legalize; there was a housing deficit to address; and one out of three dwellings did not have access to safe drinking water or adequate sanitation.¹¹³

H. Right to health

73. UNCT reported that malnutrition was higher among rural indigenous communities. Obesity and chronic diseases were becoming a health issue among poor populations.¹¹⁴ It recommended that special consideration be given to populations who were geographically, socially and economically excluded.¹¹⁵

74. CEDAW remained concerned at the high rate of pregnancy among teenage and young women, particularly in rural areas, as well as at the high incidence of maternal mortality. It welcomed the Free Maternity Care Act, though resources were lacking for its full implementation.¹¹⁶ CRC recommended that Ecuador strengthen its measures to promote access to reproductive health services for adolescents.¹¹⁷

75. UNCT reported that since 2008, Ecuador had developed favourable legislation to respond to the HIV/AIDS epidemic.¹¹⁸ It noted that Ecuador had a concentrated HIV/AIDS epidemic — less than 1 per cent of the general population — and that the main challenge was the development and application of a national policy of prevention.¹¹⁹

I. Right to education

76. CRC recommended that Ecuador improve the quality of education and take all measures to ensure that children complete primary and secondary school by addressing the reasons behind the non-completion of schooling.¹²⁰ CEDAW encouraged Ecuador to strengthen its efforts to eradicate illiteracy, in particular among rural women speaking indigenous languages.¹²¹ It further called upon Ecuador to strengthen its efforts to provide an educational environment free from discrimination and violence.¹²²

77. CERD was concerned at the poor application of the intercultural bilingual system, and recommended that the Department of Bilingual Intercultural Education, the Department for Intercultural Health and the Council of Nationalities (CODENPE) be given legal status and allocated the necessary resources to perform their functions effectively.¹²³

78. In 2010, the Working Group of experts on people of African descent urged the Government to reduce the educational gap between Afro-Ecuadorians and the wider population.¹²⁴

79. In 2011, UNESCO recommended that Ecuador submit a report in the framework of the eight consultations of UNESCO member States on the implementation of the Convention and the Recommendation against Discrimination in Education.¹²⁵

J. Persons with disabilities

80. CRC recommended that Ecuador take all necessary measures to protect the rights of children with disabilities, including access to education and providing resources for parents to be able to care for their children.¹²⁶

K. Indigenous peoples

81. In 2010, the ILO Committee of Experts noted that the new Constitution established rights laid down by ILO Convention No. 169, including rights regarding lands, consultation, participation, cross-border cooperation, and protection and preservation of the environment.¹²⁷

82. In 2010, the Special Rapporteur on the rights of indigenous peoples acknowledged the steps taken to set up mechanisms for consultations with indigenous peoples regarding the extraction of natural resources, although major difficulties still needed to be resolved in relation to both current and future projects. The Special Rapporteur recommended that the State refrain from promoting any investment, infrastructure, natural-resource extraction or development projects until broad-based, legitimate consultations had been held with the indigenous peoples concerned at every stage of the process, as established by the Constitutional Court.¹²⁸ CERD urged Ecuador to enforce the Consultation and Participation Act and obtain the consent of the indigenous population in advance of the implementation of projects for the extraction of natural resources.¹²⁹

83. CERD was concerned that, despite the constitutional guarantees of the right of the indigenous population to communal ownership of property, Ecuador did not grant effective protection against forcible eviction from indigenous ancestral lands. It urged Ecuador to ensure that the indigenous peoples enjoy effective legal protection against forcible eviction from their ancestral lands, and receive proper compensation.¹³⁰

84. The Special Rapporteur on the rights of indigenous peoples considered that the State should devote particular attention to the Tagaeri and Taromenane peoples who were living in isolation. Steps must be taken to avoid forced contact of any kind, including contact through petroleum development or logging activities.¹³¹

L. Migrants, refugees and asylum-seekers

85. CMW noted that the current procedures to regulate the migrant population were difficult to access because, *inter alia*, they were aimed at migrant workers involved in entrepreneurial activities. It encouraged Ecuador to establish a comprehensive migration regularization policy.¹³² CMW recognized that Ecuador had made progress in protecting the rights of its nationals abroad.¹³³

86. CMW was concerned that expulsion and deportation procedures continued to be essentially criminal procedures.¹³⁴ UNHCR recommended that Ecuador adopt a protocol to ensure that law enforcement authorities verify the status of all foreign detainees so that no person in need of international protection is deported. It also recommended reducing the use of detention with regard to persons in need of international protection.¹³⁵

87. CMW regretted that Ecuador continued to require a certificate of criminal record for entry into the country exclusively for migrants of a neighbouring country, as this might contribute to their stigmatization and was inconsistent with the Constitution.¹³⁶

88. CEDAW was concerned about the situation of migrant, refugee and asylum-seeking women, as they were exposed to abusive work and living conditions and gender-based violence. It was also concerned that many unregistered and undocumented refugee women remained vulnerable to refoulement.¹³⁷ CAT recommended that Ecuador ensure that thorough investigations be carried out into abuses committed against refugees and asylum-seekers, in particular women and girls.¹³⁸

89. UNCT reported that the magnitude and scope of the migration phenomena required the creation of legal and institutional mechanisms to protect children in need, especially when parents stopped sending remittances to children left behind.¹³⁹

90. CMW was concerned by cases of children of Ecuadorians residing abroad who had not obtained Ecuadorian identity documents or who were not registered and had been denied entry to Ecuador.¹⁴⁰

91. UNHCR reported that refugees and asylum-seekers continued to face problems with regard to the birth registration of their children born in Ecuador.¹⁴¹

92. UNHCR acknowledged that Ecuador hosted the largest number of refugees in Latin America¹⁴² and recommended that it consider the adoption of an asylum law in order to enhance the protection of asylum-seekers and refugees.¹⁴³

93. UNHCR reported that in September 2008 Ecuador had adopted a comprehensive refugee policy, including the Enhanced Registration Project, which had provided refugee status to some 27,740 refugees. That exercise, which applied the refugee definition contained in the Cartagena Declaration, was considered a landmark contribution to the protection of refugees.¹⁴⁴

94. CRC recommended that Ecuador adopt legislative or other measures to protect asylum-seeking and refugee children, in particular those who were unaccompanied or separated.¹⁴⁵

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009 (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also see the United Nations compilation of information on Ecuador from the previous cycle, (A/HRC/WG.6/1/ECU/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ In the previous compilation a table contained information on the recognition of specific competences of treaty bodies, namely, Individual complaints: ICERD, art. 14, CAT, art. 22, ICRMW, art. 77, and CED, art. 31; Inquiry procedure: OP-CEDAW, arts. 8 and 9, CAT, art. 20, OP-CRPD, arts. 6 and 7; Inter-State complaints: ICCPR, art. 41, ICRMW, art. 76, and CED, art. 32.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol and 1954 Convention relating to the Status of Stateless Persons.

- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).
- ⁹ UNHCR submission to the UPR on Ecuador, p. 6.
- ¹⁰ Concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW/C/ECU/CO/2), paras. 12 and 14.
- ¹¹ Concluding observations of the Committee against Torture (CAT/C/ECU/CO/4-6), para. 6.
- ¹² Concluding observations of the Committee on the Rights of the Child (CRC/C/ECU/CO/4), para. 4, Concluding observations of the Human Rights Committee (CCPR/C/ECU/CO/5), para. 3 and CMW/C/ECU/CO/2, para. 15.
- ¹³ A/HRC/13/59, para. 53. See also CCPR/C/ECU/CO/5, para. 19.
- ¹⁴ UNCT submission to the UPR on Ecuador, fifth page.
- ¹⁵ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/ECU/CO/19), para. 10.
- ¹⁶ Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/ECU/CO/1), paras. 10 and 23.
- ¹⁷ According to article 5 of the rules of procedure for the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (Fully in compliance with each of the Paris Principles), B: Non-Voting Member (Not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (Not in compliance with the Paris Principles).
- ¹⁸ For the list of national human rights institutions with accreditation status granted by the ICC, see A/HRC/16/77, annex.
- ¹⁹ Report of the ICC Sub-Committee on Accreditation (March 2009), p. 9. Available from http://nhri.ohchr.org/EN/Documents/2009_March%20SCA%20REPORT.pdf.
- ²⁰ CRC/C/ECU/CO/4, paras. 19 and 20.
- ²¹ CCPR/C/ECU/CO/5, para. 4.
- ²² UNCT submission to the UPR on Ecuador, fifth page. See also the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/ECU/CO/7), para. 13.
- ²³ CMW/C/ECU/CO/2, para. 44.
- ²⁴ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |

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| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities |
| CED | Committee on Enforced Disappearance |
- 25 CCPR/C/ECU/CO/5, para. 22 and CERD/C/ECU/CO/19, para. 25.
- 26 Abbreviations used follow those contained in the communications report of special procedures (A/HRC/18/51 and Corr.1).
- 27 A/HRC/11/9/Add.1.
- 28 A/HRC/14/21/Add.1.
- 29 A/HRC/13/59.
- 30 A/HRC/15/37/Add.7.
- 31 A/HRC/15/20/Add.3.
- 32 A/HRC/17/28/Add.2.
- 33 A/HRC/19/58/Rev.1, paras. 152–153.
- 34 OHCHR, *2009 Report: Activities and Results*, p. 121.
- 35 *Ibid.*, p. 122. See also OHCHR, *Report 2010*, p. 169.
- 36 OHCHR, *2010 Report*, p. 169.
- 37 OHCHR, *2009 Report*, p. 121.
- 38 OHCHR, *2011 Annual Report: Activities and Results* (forthcoming).
- 39 CEDAW/C/ECU/CO/7, paras. 16 and 17. See also CCPR/C/ECU/CO/5, para. 8.
- 40 CERD/C/ECU/CO/19, para. 13.
- 41 UNCT submission to the UPR on Ecuador, second page.
- 42 CERD/C/ECU/CO/19, para. 8. See also CCPR/C/ECU/CO/5, para. 19 and CRC/C/ECU/CO/4, para. 34.
- 43 A/HRC/13/59, para. 70.
- 44 CMW/C/ECU/CO/2, paras. 23 and 24. See also UNHCR submission to the UPR on Ecuador, p. 2.
- 45 UNCT submission to the UPR on Ecuador, second page.
- 46 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 062010ECU111, first paragraph.
- 47 A/HRC/17/28/Add.2, para. 19.
- 48 *Ibid.*, para. 1.
- 49 CAT/C/ECU/CO/4-6, para. 14. See also CRC/C/ECU/CO/4, paras. 68 and 69.
- 50 A/HRC/17/28/Add.2, paras. 53–54.
- 51 *Ibid.*, para. 108. See also CAT/C/ECU/CO/4-6, para. 19.
- 52 CCPR/C/ECU/CO/5, paras. 10 and 16.
- 53 CAT/C/ECU/CO/4-6, para. 10.
- 54 CCPR/C/ECU/CO/5, para. 13.
- 55 CAT/C/ECU/CO/4-6, para. 16.
- 56 CERD/C/ECU/CO/19, para. 14.
- 57 CAT/C/ECU/CO/4-6, para. 22. See also CCPR/C/ECU/CO/5, para. 17.
- 58 UNCT submission to the UPR on Ecuador, first page.
- 59 UNHCR submission to the UPR on Ecuador, p. 4.
- 60 CEDAW/C/ECU/CO/7, para. 20. See also CCPR/C/ECU/CO/5, para. 9; CRC/C/ECU/CO/4, paras. 69 and 74; CRC/C/OPSC/ECU/CO/1, para. 22; and CAT/C/ECU/CO/4-6, para. 18.
- 61 UNCT submission to the UPR on Ecuador, sixth page.
- 62 UNHCR submission to the UPR on Ecuador, p. 4–5.
- 63 CRC/C/OPAC/ECU/CO/1, para. 13.
- 64 UNCT submission to the UPR on Ecuador, fourth and fifth pages.
- 65 A/HRC/15/20/Add.3, para. 49.
- 66 CRC/C/ECU/CO/4, para. 70.
- 67 A/HRC/15/20/Add.3, para. 89. See also CRC/C/ECU/CO/4, para. 73.
- 68 CRC/C/ECU/CO/4, para. 46. See also CCPR/C/ECU/CO/5, para. 14; CEDAW/C/ECU/CO/7, para. 20.

- ⁶⁹ CRC/C/ECU/CO/4, para. 76. See also CEDAW/C/ECU/CO/7, para. 22 and CMW/C/ECU/CO/2, para. 50.
- ⁷⁰ UNCT submission to the UPR on Ecuador, eighth page.
- ⁷¹ Ibid.
- ⁷² Ibid., sixth and seventh pages.
- ⁷³ A/HRC/15/37/Add.7, para. 48 (a). See also CERD/C/ECU/CO/19, para. 12; CAT/C/ECU/CO/4-6, para. 20 and A/HRC/17/28/Add.2, paras. 106–107.
- ⁷⁴ UNCT submission to the UPR on Ecuador, fourth page.
- ⁷⁵ A/HRC/17/28/Add.2, para. 91 (a)–(d).
- ⁷⁶ A/HRC/13/59, para. 79.
- ⁷⁷ A/HRC/17/28/Add.2, para. 85. See also CAT/C/ECU/CO/4-6, para. 17.
- ⁷⁸ A/HRC/17/28/Add.2, para. 104 (a)–(e).
- ⁷⁹ Ibid., paras. 78 and 96.
- ⁸⁰ CRC/C/ECU/CO/4, paras. 78 and 79. See also UNCT submission to the UPR on Ecuador, seventh page.
- ⁸¹ UNCT submission to the UPR on Ecuador, seventh page.
- ⁸² CRC/C/ECU/CO/4, paras. 32 and 33.
- ⁸³ Ibid., para. 53.
- ⁸⁴ UNESCO submission to the UPR on Ecuador, para. 29.
- ⁸⁵ Ibid., para. 30.
- ⁸⁶ Ibid., para. 44 (a).
- ⁸⁷ Ibid., para. 33.
- ⁸⁸ Ibid., para. 31.
- ⁸⁹ UNCT submission to the UPR on Ecuador, fourteenth page.
- ⁹⁰ Ibid.
- ⁹¹ UNESCO submission to the UPR on Ecuador, para. 36.
- ⁹² A/HRC/18/51 and Corr.1, p. 109.
- ⁹³ A/HRC/19/44, p. 158
- ⁹⁴ Ibid., p. 66.
- ⁹⁵ See “UN and IACHR Special Rapporteur for freedom of expression state deep concern over decision to affirm judgment against journalists in Ecuador”, joint press release. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11852&LangID=E.
- ⁹⁶ A/HRC/18/51 and Corr.1, pp. 122 and 123, A/HRC/16/44/Add.1, paras. 749–754; A/HRC/13/22/Add.1, paras. 723–728, 737–749, and 760–765; A/HRC/10/12/Add.1, paras. 913–921; A/HRC/10/12/Add.1, paras. 913–921 and 927–936.
- ⁹⁷ A/HRC/18/51 and Corr.1, pp. 122 and 123, A/HRC/16/44/Add.1, paras. 755–767; A/HRC/13/22/Add.1, paras. 729–736, and 750–759; A/HRC/10/12/Add.1, paras. 922–926 and 937–938.
- ⁹⁸ CEDAW/C/ECU/CO/7, para. 42.
- ⁹⁹ CERD/C/ECU/CO/19, para. 15.
- ¹⁰⁰ CEDAW/C/ECU/CO/7, para. 34. See also CCPR/C/ECU/CO/5, para. 8.
- ¹⁰¹ CEDAW/C/ECU/CO/7, paras. 36 and 37.
- ¹⁰² A/HRC/15/20/Add.3, para. 51.
- ¹⁰³ CMW/C/ECU/CO/2, paras. 27 and 28.
- ¹⁰⁴ UNHCR submission to the UPR on Ecuador, p. 4.
- ¹⁰⁵ CMW/C/ECU/CO/2, paras. 41 and 42.
- ¹⁰⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105), 2010, Geneva, doc. No. (ILOLEX) 062010ECU105, seventh paragraph.
- ¹⁰⁷ CRC/C/ECU/CO/4, paras. 21 and 22.
- ¹⁰⁸ A/HRC/11/9/Add.1, paras. 125–126.
- ¹⁰⁹ CEDAW/C/ECU/CO/7, para. 19.
- ¹¹⁰ Ibid., paras. 24 and 25. See also A/HRC/13/59, para. 50.
- ¹¹¹ A/HRC/13/59, para. 60. See also CERD/C/ECU/CO/19, para. 18.
- ¹¹² FAO submission to the UPR on Ecuador.
- ¹¹³ UNCT submission to the UPR on Ecuador, eighteenth and nineteenth pages.

- ¹¹⁴ Ibid., fifteenth page.
- ¹¹⁵ Ibid., seventeenth page.
- ¹¹⁶ CEDAW/C/ECU/CO/7, para. 38. See also CRC/C/ECU/CO/4, para. 59.
- ¹¹⁷ CRC/C/ECU/CO/4, para. 61.
- ¹¹⁸ UNCT submission to the UPR on Ecuador, sixth page.
- ¹¹⁹ Ibid., eighteenth page.
- ¹²⁰ CRC/C/ECU/CO/4, para. 65. See also CEDAW/C/ECU/CO/7, para. 31; CCPR/C/ECU/CO/5, para. 11; CERD/C/ECU/CO/19, para. 19; ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Minimum Age Convention, 1973 (No. 138), 2009, Geneva, doc. No. (ILOLEX) 062009ECU138, fifth paragraph.
- ¹²¹ CEDAW/C/ECU/CO/7, para. 31.
- ¹²² Ibid., para. 33.
- ¹²³ CERD/C/ECU/CO/19, para. 20. See also UNESCO submission to the UPR on Ecuador, paras. 14 and 42.
- ¹²⁴ A/HRC/13/59, para. 72.
- ¹²⁵ UNESCO submission to the UPR on Ecuador, para. 41.
- ¹²⁶ CRC/C/ECU/CO/4, para. 57.
- ¹²⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Indigenous and Tribal Peoples Convention, 1989 (No. 169), 2010, Geneva, doc. No. (ILOLEX) 062010ECU169, second paragraph. See also UNESCO submission to the UPR on Ecuador, para. 13; “Activities of Secretary-General in Ecuador, 13-14 February”, press release, available from www.un.org/News/Press/docs/2011/sgt2767.doc.htm, and CRC/C/ECU/CO/4, para. 82.
- ¹²⁸ A/HRC/15/37/Add.7, p. 2. See also CRC/C/ECU/CO/4, para. 30 and CERD/C/ECU/CO/19, para. 16.
- ¹²⁹ CERD/C/ECU/CO/19, para. 16.
- ¹³⁰ Ibid., para. 17.
- ¹³¹ A/HRC/15/37/Add.7, para. 56.
- ¹³² CMW/C/ECU/CO/2, paras. 33 and 34.
- ¹³³ Ibid., para. 3.
- ¹³⁴ Ibid., para. 29.
- ¹³⁵ UNHCR submission to the UPR on Ecuador, p. 6.
- ¹³⁶ CMW/C/ECU/CO/2, paras. 25 and 26. See also CAT/C/ECU/CO/4-6, para. 13 and CCPR/C/ECU/CO/5, para. 18.
- ¹³⁷ CEDAW/C/ECU/CO/7, para. 26. See also CAT/C/ECU/CO/4-6, para. 15.
- ¹³⁸ CAT/C/ECU/CO/4-6, para. 15.
- ¹³⁹ UNCT submission to the UPR on Ecuador, eleventh page.
- ¹⁴⁰ CMW/C/ECU/CO/2, paras. 35 and 36.
- ¹⁴¹ UNHCR submission to the UPR on Ecuador, p. 5. See also CRC/C/ECU/CO/4, paras. 43 and 44.
- ¹⁴² UNHCR submission to the UPR on Ecuador, p. 1. See also CAT/C/ECU/CO/4-6, para. 8.
- ¹⁴³ UNHCR submission to the UPR on Ecuador, p. 5.
- ¹⁴⁴ Ibid., pp. 1–2
- ¹⁴⁵ CRC/C/ECU/CO/4, para. 67.
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