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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Ecuador\***

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\* The present document was not edited before being sent to the United Nations translation services.

## **INTRODUCTION**

1. The structure and content of the present report have been carefully designed to include the most complete and relevant information on the human rights situation in the Republic of Ecuador, in keeping with the guidelines and procedures established by the Human Rights Council.
2. It was decided that the clearest and most readily understandable way to achieve the report's objectives was for section I to include general background information on the country and its compliance with its international human rights obligations, including the commitments made by Ecuador when it was elected member of the Council in 2006.
3. Section II uses the human rights classification that is in line with international legal doctrine and includes information on the many rights whose promotion has led to improvements in the country. Included in the consideration of each right are essential components of the Human Rights Council guidelines, with each right containing references to the relevant international and domestic legislation, institutional framework, public policy, achievements and best practices of the State and civil society and the problems and challenges encountered.
4. Lastly, section III contains a general, non-exhaustive description of Ecuador's requirements in terms of international cooperation in the area of human rights.

## **I. GENERAL**

### **I.1 DESCRIPTION OF THE CONSULTATION PROCESS FOLLOWED FOR THE PREPARATION OF THE NATIONAL REPORT**

5. Since the end of 2007, the Ministry of Foreign Affairs, Trade and Integration, through the Office of the Human Rights Coordination Commission, has carried out a detailed strategy of consultation with government institutions, NGOs and relevant civil society actors involved in the promotion and protection of human rights in Ecuador.<sup>2</sup>
6. On the basis of the general guidelines adopted by the Human Rights Council for the preparation of information under the Universal Periodic Review, a questionnaire listing required information was transmitted through official channels to each of the institutions consulted. Subsequently, workshops were organized by the Ministry of Foreign Affairs in the cities of Quito and Guayaquil, in which some 100 institutions and actors from various provinces of Ecuador participated. At these workshops, detailed explanations were given concerning the background and objectives of the Universal Periodic Review, the structure of the national report and the methodology for compiling pertinent information. Commitments were obtained from all those present to participate extensively in this process.
7. The staff working on the consultation process in the Ministry of Foreign Affairs held personal interviews with approximately 40 key human rights actors from State institutions and civil society organizations.<sup>3</sup> The Ministry of Foreign Affairs received the replies to the questionnaires, processed the information provided and incorporated substantive data in the national report, a draft of which was transmitted to government departments prior to final publication. On 19 January, a meeting was held at the Ministry of Foreign Affairs to present the report to State representatives, at which time the remaining comments and observations were compiled and added to the final text. In addition, information concerning this process has been posted regularly on the Ministry of Foreign Affairs website, as well as in press releases distributed to the social communication media.<sup>4</sup>

## **I.2 BACKGROUND AND POLITICAL SITUATION OF THE COUNTRY**

### **I.2.1 Brief description of the current political process in Ecuador and its implications for human rights**

8. Ecuador is engaged in a pivotal process at this point in its history. The National Constituent Assembly is currently operating with full powers as dictated by the sovereign will of the overwhelming majority of Ecuadorians, who responded favourably in the April 2007 referendum and subsequently elected their representatives to the Assembly in elections that took place in September.

9. The chief mandate of the National Constituent Assembly, which has been active since 30 November 2007, is to transform the institutional framework of the State and to draft a new Constitution. By discharging this mandate, it is expected to lay the foundation for profound political and socio-economic change, as well as to ensure broad public participation in the process, which will determine the country's institutional environment.

10. The subject of human rights plays a fundamental role in this regard. In addition to taking over the positive conceptual and normative content of the 1998 Constitution, it is hoped that the new Constitution will address contemporary currents and trends in international human rights law, in order to generate suitable mechanisms that allow for its protection and effective exercise.

11. The process of transforming the State's institutional framework will also include redesigning the human rights structure in Ecuador in order to improve quality, coordinate efforts, improve operations and efficiency, and ensure the broadest possible participation of society in the design, formulation and execution of public policy in this area.

12. Given these circumstances, the Ecuadorian Government is determined to endow human rights with an overriding character so as to ensure that human rights promotion will constitute a cross-cutting component of all Ecuadorian social and development policies. This decision has been reflected in the National Development Plan 2007-2010, which was adopted following a process of broad national consultation.

### **I.2.2 Principal legal human rights norms: Constitution and subsidiary legislation**

13. The Constitution of Ecuador, which has been in force since August 1998, is a progressive instrument embodying the majority of the human rights recognized in international legal standards. Among its basic principles it establishes that the highest duty of the State is to respect and ensure respect for human rights.<sup>5</sup> This includes those laid down in the Constitution and in all international instruments and conventions in force, such as civil and political rights, economic, social and cultural rights, and collective and diffuse rights, which are recognized as universal, indivisible and interdependent and may be invoked directly and immediately by or before any judge, court or authority.<sup>6</sup> This is one of the reasons why Ecuador is recognized in the international community as one of the countries whose Constitution provides a complete set of legal rules for the protection of human rights.

14. Within this framework, domestic legislation has been implemented gradually, through the establishment of new laws addressing countless issues and incorporating principles such as non-discrimination in many areas, including gender (free maternity services, sexual and reproductive health), elderly persons and persons with disabilities. In addition, rules have been codified, such as those contained in the Labour Code, the Criminal Code (with new reforms relating to sexual offences) and laws on migration and foreigners.

15. Following the adoption of the new Constitution and in the light of the work of the National Constituent Assembly, the country will undertake to harmonize its subsidiary legislation with the Constitution in the area of human rights.

### **I.3 IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

#### **I.3.1 Charter of the United Nations, Universal Declaration of Human Rights and international instruments to which Ecuador is a party**

16. Ecuador has cooperated regularly with various United Nations bodies, the Organization of American States and regional integration organizations. For many years it has played a prominent role in the areas of human rights dealt with by these international bodies.<sup>7</sup>

17. Since joining the United Nations, Ecuador has upheld the purposes and principles of the 1945 Charter of the United Nations. For this reason its international policy includes, among other commitments, implementing the Charter's aim: "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small ...".<sup>8</sup>

18. Acceptance of the Charter's aims has been reflected in Ecuador's adoption of the majority of the international human rights instruments and the observance of the principles of the Universal Declaration of Human Rights.<sup>9</sup> By complying with international law, Ecuador has incorporated all human rights in its Constitution and is engaged continuously in harmonizing its domestic legislation with international instruments.

19. In order to fulfil its international obligations, the Human Rights Coordination Commission was established<sup>10</sup> in 2002 as an inter-ministerial body charged with the formulation of and follow-up to national reports prepared in conformity with United Nations human rights treaties. It may be noted that Ecuador is up-to-date in the submission of its periodic reports to the United Nations treaty bodies.<sup>11</sup>

#### **I.3.2 Voluntary commitments made by Ecuador, particularly arising as a result of its membership in the Human Rights Council**

20. When Ecuador became a member of the Human Rights Council it pledged to strengthen this organ in order to achieve non-selectivity, objectivity and transparency - a position it has maintained, both as an active member during the period 2006-2007 and currently as an observer country.

21. One of the commitments it made was to address the topics included on the international human rights law agenda, which it has done by co-sponsoring some of the instruments that were adopted by the Council and approved by the General Assembly, such as the United Nations Declaration on the Rights of Indigenous Peoples.<sup>12</sup>

22. Since its participation in the Human Rights Council, Ecuador has maintained close ties with the Office of the United Nations High Commissioner for Human Rights, giving timely attention to the requests of special rapporteurs<sup>13</sup> concerning domestic matters, in addition to assisting them with their visits to Ecuador.

23. Another commitment that was duly met by Ecuador during its annual membership in the Council was to cooperate effectively with the working groups responsible for designing its new institutional structure. Accordingly, Ecuador helped to develop the Universal Periodic Review mechanism, special procedures, the new complaints procedure, the Advisory Committee and relations with the treaty bodies.

24. Regarding its follow-up to the commitments undertaken in the Vienna Declaration and Programme of Action, Ecuador will soon celebrate the first decade of its National Human Rights Plan. It is therefore organizing a national consultation for the evaluation, redesign and validation of the Plan and related operational plans for the period 2003-2006. This process involves the widest possible participation of government agencies and civil society organizations, which will make the Plan a totally participatory and inclusive exercise.

25. With regard to the progress made in following up the Durban Programme and Plan of Action, Ecuador participated actively in the Regional Conference of the Americas, which was held in Brasilia in July 2006, and will soon be convening a national meeting to review the progress made in relation to the programme.

26. In terms of its implementation of the objectives of the Beijing + 5 review and the Madrid Conference, Ecuador has made progress in protecting vulnerable groups, especially women, children, adolescents, young people and persons with disabilities. These topics will be described in more detail below.

### **I.3.3 Ecuador's National Human Rights Plan**

27. Ecuador was the first country in the Latin American region to draw up a National Human Rights Plan in 1998, in keeping with the recommendations of the World Conference on Human Rights held in Vienna in 1993. In the course of a broad consultation process in 17 national meetings, proposals were put forward for related operational plans. In the first stage (2003-2006) seven plans were established in the following areas: consumers; gay, lesbian, bisexual, transsexual and transgender (GLBTT) sexual diversity, Blacks or Afro-Ecuadorians, migrants, foreigners, refugees, displaced and stateless persons, the elderly, labour and education.

28. After one decade, the National Plan has succeeded in developing a broad educational and training strategy in nearly all provinces of the country, in such areas of human rights as: human trafficking, the Andean Charter for the Promotion and Protection of Human Rights, migration, refugee status, elimination of torture, sexual diversity, the Ibero-American Youth Conference and the rights of the elderly, among others.

29. In future, there are plans for a new phase to review and update the operational plans and the National Plan in order to bring them into line with the current requirements of international human rights law and national needs.<sup>14</sup>

### **I.3.4. Compliance with applicable international humanitarian law**

30. Ecuador is party to the majority of international instruments in the area of international humanitarian law.<sup>15</sup> In August 2006, following a process of consultation with stakeholders, the National Commission on Humanitarian Law was established.<sup>16</sup> Its main objectives are to publicize and give effect to the State's obligations and to bring the domestic legal system into line with the requirements of international humanitarian law. The National Commission has been carrying out

an action plan previously approved by the members, which includes following up the process of accession to international instruments, bringing legislation into line with the international legal system and providing information and training to government officials, professors, experts and civil society in general in the area of international humanitarian law.

31. Beginning with the establishment of the National Commission, particular importance has been given to training, through the organization of two seminars in 2006 and 2007 and the National encounter for the promotion of international humanitarian law for senior civil and military authorities, which was held in Quito in November 2007. The Ecuadorian armed forces have devoted special attention to the process of promoting instruction in human rights and international humanitarian law in military training academies and fostering an institutional culture based on the promotion and protection of human rights and international humanitarian law.

32. It should be noted that Ecuador has produced various publications, through which it has disseminated studies and research by national experts on international humanitarian law.

### **I.3.5 Cooperation with human rights mechanisms**

33. Ecuador has maintained an ongoing policy of cooperation with the various bodies dedicated to the universal protection of human rights. Thus in 1999, the country received a visit from the independent expert of the Commission on Human Rights on human rights and extreme poverty and from the Special Rapporteur of the Commission on Human Rights on the human rights of migrants in 2001.

34. In 2002, the Ecuadorian Government extended an open invitation to the United Nations human rights special procedures mechanisms to visit Ecuador and to take stock *in situ* of the prevailing human rights situation. Accordingly, the following special rapporteurs and working groups have visited the country:

- Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, Leandro Despouy (2005)
- Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen (2006)
- Working Group on Arbitrary Detention (2006)
- Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2006)
- Special Rapporteur of the Commission on Human Rights on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt (2007)

35. In the case of all visits to the country, the Government of Ecuador lent its utmost cooperation in terms of establishing a work agenda and in terms of the open and unreserved welcome extended by all the governmental authorities called upon by the special mechanisms. Similarly, visits to all the requested places were allowed without restriction, and the reports of the special rapporteurs and working groups were assured the widest possible dissemination. In addition, follow-up is being given to the recommendations and conclusions contained in those reports.

## II. SITUATION OF HUMAN RIGHTS BY SECTOR

### II.1 CIVIL AND POLITICAL RIGHTS

#### II.1.1 Right to personal integrity

36. The State of Ecuador understands the right to personal integrity to include respect for the physical, psychological and moral integrity of every person. Consequently, it has adopted measures aimed at eliminating acts that endanger or harm the personal integrity of citizens. Among these may be found the inclusion in its domestic legislation since 1998 of new laws and organizational mechanisms that monitor compliance with fundamental rights and penalize non-compliance, including the Office of the Ombudsman, the Public Prosecutor's Office, the National Council of the Judiciary, and the various human rights departments, branches and commissions attached to the Ministry of the Interior and Justice, Ministry of Defence, Ministry of Foreign Affairs, Office of the State Procurator General and the National Congress. In 2007, the Ministry of Justice and Human Rights was established in order to serve as a coordinating body for all the mechanisms related to the promotion and protection of human rights.

37. Respect for and protection of the right to personal integrity of Ecuador's inhabitants has been a permanent feature of Ecuadorian constitutional law. In the 1998 Constitution, key rules were introduced for the prosecution of and prevention of impunity for acts that fall into the category of crimes against humanity, such as genocide, torture, forced disappearance of persons, abduction and murder for political or ideological reasons, with the added condition that the ensuing actions and penalties were imprescriptible.<sup>17</sup> Similarly, the Criminal Code sanctions offences committed by public officials who subject persons who have been deprived of their liberty to torture.<sup>18</sup> In 2003, in the area of prison rehabilitation, the proposed organizational act on enforcement and penalties was elaborated in order to establish the conditions for the rehabilitation and social reintegration of all prisoners in the country.

38. In their reports on Ecuador, the Committee against Torture and the United Nations Working Group on Arbitrary Detention drew up recommendations that were related to the protection of personal integrity, including the investigation of cases of torture and ill-treatment of persons in indigenous communities, sexual minorities, women and human rights defenders. In keeping with those recommendations, the Public Prosecutor's Office has introduced gender mainstreaming as an institutional policy in all its spheres of activity and has created specialized units dealing with domestic violence in some provinces. It should be mentioned that the Office of the Ombudsman has at its disposal national offices for the protection of the rights of women, children and indigenous persons, which are charged with the task of investigating allegations of torture. With regard to the supposed excesses involving groups of sexual minorities, it is important to mention that the State of Ecuador, through the Operative Plan on Sexual Diversity, has developed a project entitled "*Different bodies, same rights*", which seeks to foster the enforceability of rights using protection and complaints mechanisms in cases involving human rights violations of sexual minorities. With regard to human rights violations by peasants' defence groups (*Juritas del Campesinado*) belonging to indigenous communities, the Public Prosecutor's Office has established a prosecution service for indigenous persons in the Province of Tungurahua, and plans are under way to set up others in the Provinces of Cotopaxi, Chimborazo and Imbabura.

#### II.1.2 Prison rehabilitation

39. Taking into account the recommendations of the Committee against Torture, in 2006 and 2007, the Government declared a state of emergency in the prison system in order to resolve

structural inadequacies in the sector.<sup>19</sup> Noteworthy among the measures adopted were the allocation of additional financial resources for refurbishing and improving all rehabilitation centres; the construction of new centres in Esmeraldas, Guayaquil, Bahía de Caráquez and Archidona; and plans to build a municipal jail that the Municipality of Quito is in the process of carrying out. The Santo Domingo de los Colorados rehabilitation centre was opened in 2004.

40. Near the end of 2006, the Constitutional Court's ruling that "*detención en firme*" (firm detention) was unconstitutional contributed significantly towards relieving problems of overcrowding in prisons.<sup>20</sup>

41. Another important aspect has been the implementation of bilateral agreements for the repatriation and transfer of sentenced persons, which were concluded with Colombia, El Salvador, the Dominican Republic, Spain and Peru, and of persons subject to the Strasbourg Convention on the Transfer of Sentenced Persons (especially Europeans). In addition, a pre-release regime has been introduced that is currently being applied to 1,850 sentenced persons (around 10 per cent of the country's imprisoned population).

42. The National Human Rights Plan provides for the implementation of the Operational Plan to protect the human rights of prisoners through a subcommission composed of government agencies, human rights organizations and prisoners' associations in the country. The subcommission has been imparting human rights training to prison guards that incorporates the cross-cutting theme of the elimination of all forms of torture, and cruel, inhuman or degrading treatment. Furthermore, since 2006, it has disseminated handbooks on the subject of due process in prisons, models of visits to prisons and pamphlets on human rights, the aim of which is to eliminate practices that violate human rights.

43. The Office of the Vice-President of the Republic, together with the National Institute of Children and Adolescence (INNFA), has successfully implemented programmes to relocate the children of prisoners previously living in prison to welcome houses and enrol them in school. Similarly, there are plans to open specialized rehabilitation centres for older adult prisoners, where they can be rehabilitated in accordance with their particular needs. Provision has been made to open the first such centre in the city of Quevedo.

44. With regard to the provision of health care to persons deprived of their liberty, in 90 per cent of cases rehabilitation centres have been supplied with furnishings and medical teams. In addition, primary health-care programmes have been implemented, and some 11,000 inmates and 150 officials, including doctors, psychologists, social workers and dentists, have been trained in the prevention of HIV/AIDS and sexually transmitted diseases. In order to assist inmates with addictions to narcotics and psychotropic substances, a programme covering approximately 500 inmates based on the Daytop therapeutic community model has been made available and is being promoted by officials and inmates on a self-management basis. All these measures are being implemented despite the limitations affecting the prison infrastructure.

### **II.1.3 Prevention and elimination of torture**

45. In 2007, the National Human Rights Plan and the Subcommission to protect the human rights of prisoners spearheaded various awareness-raising events for the elimination of torture in Ecuador. Thus, in June 2007, the World Campaign of the United Nations International Day in Support of Victims of Torture (26 June) was launched, in the context of which a seminar on the offence of

torture was organized for a large audience of some 500 persons at the Central University of Ecuador. This included speeches by experts who, in addition to exchanging information with national authorities, also granted interviews to various social communication media.

46. In the same year, education and training were provided to 60 independent experts in the fields of medicine, law and psychiatry, in connection with a project to implement the Istanbul Protocol. The aim of the project is to train independent staff charged with effectively investigating and documenting cases of torture, who in their capacity as qualified experts may intervene in cases of torture brought before domestic and international courts, apart from obtaining reparation for victims and ensuring the punishment of those responsible. This project, which is being promoted by the Subcommission for the protection of the human rights of prisoners, has the support of civil society organizations, universities and professional societies of psychologists and physicians. The second phase ends in March 2008.

47. In May 2007, Ecuador signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following its entry into force in 2006 and is currently engaged in the process of ratifying it. Furthermore, a bill on crimes against humanity has been submitted for second reading to the National Congress for approval in order to meet Ecuador's obligation, in its capacity as a member of the Human Rights Council, to strengthen the International Criminal Court.

48. In its report on the operation of private security companies in Ecuador, the Working Group on the use of mercenaries emphasized the need for legislation to oversee and regulate the activities of these companies. As indicated by the Working Group, the first step in that direction was the approval in 2003 of the Private Surveillance and Security Act. In 2007, the Municipality of Quito issued the Citizen Security and Coexistence Ordinance in an effort to regulate and limit the activities of private security companies.

#### **II.1.4 Access to justice and judicial reform**

49. In 2005, the Ecuadorian judiciary established a precedent in Latin America by implementing a system for the selection of judges that allows for the appointment of judicial personnel through merit competitions and civil society participation. The current Supreme Court of Justice is an example. Its composition was decided in 2005 through a public competition process that was supervised by national inspectorates, with the participation of the United Nations Organization, the Organization of American States and the Andean Community of Nations.

50. In order to strengthen the existing institutional framework, in November 2007, the Ministry of Justice and Human Rights (MJDH) was established as the coordinating body for the various institutions involved in the administration of justice. Its mandate is to ensure access by all persons to a prompt, independent and impartial hearing. The Ministry's tasks include: the adoption of laws concerning the public defence system; reforms of the Drugs Act, the Code of Criminal Procedure, the Sentences and Social Rehabilitation Code and the Amnesty Act; improving prisons; informing users of the justice system regarding their rights; coordinating the activities of judicial actors; and helping to generate projects aimed at modernizing the sector.

51. It should be mentioned that the Temporary Public Criminal Defence Unit (UTDPP), which is attached to the Ministry of Justice and Human Rights, has been established in order to provide cost-free public criminal defence services to all low-income persons who have been deprived of their liberty. The goal of this Unit is, in the medium term, to reach the point where there are no more detainees in the country's rehabilitation centres who have not been sentenced.<sup>21</sup>

52. The Unit has made significant achievements in the short period since its inception, which may be summarized as follows: by 21 January 2008, 277 cases had been closed, 76 foreigners had been repatriated and a total of 1,830 trials were pending. The State contracted the professional services of lawyers to work in 14 legal centres in the two cities with the largest prison populations in the country. In Quito, there were five centres with 67 lawyers, and in Guayaquil, there were nine legal centres with 116 lawyers. By December 2008, the Unit expects to provide services in 4,721 legal actions; to conduct a prison census, which is in the process of being carried out by the Public Prosecutor's Office; and to implement a national information system for monitoring trial processes.

53. In the area of justice administration, in keeping with the recommendations of the United Nations special procedures mechanisms, the Supreme Court issued a set of regulations in 2007 ordering compliance throughout the country with the principle of orality in criminal and labour cases so as to replicate the excellent results obtained in justice administration in Cuenca.<sup>22</sup> Moreover, there are new regulations that penalize judicial personnel for slowness in court proceedings. In addition, the Supreme Court has issued instructions to superior and inferior courts, including courts of first instance, to guarantee application of the constitutional norm establishing that the rights and guarantees provided for in the Constitution and in international instruments are to be directly and immediately applicable before any judge or authority.

54. In the same year, the Supreme Court formulated the Strategic Plan of the Judiciary to Improve Judicial Services for the period 2007-2012, which includes policies to streamline the functions of courts of first instance and the referral of court proceedings in cases of alimony to Mediation Centres to be processed in the country's juvenile courts. In addition, new courts and tribunals have been established in the country. Accordingly, the 2008 budget has been increased by US\$ 199,245,623, approximately 40 per cent more compared with the previous year's budget.

55. With regard to affirmative action in staffing for the administration of justice, the Supreme Court in 2007 issued general policy guidelines, one of which called for at least 20 per cent of staff in the judiciary to be women.

56. In order to ensure the rights of persons detained in the initial investigation phase, the Public Prosecutor's Office has established flagrante delicto units to ensure the principle of procedural immediacy between the detainee, the prosecutor, the judge and the defence attorney. Thus, in compliance with the Constitution, a detainee is not allowed into a detention centre if no warrant of commitment is presented.

57. Ecuador has made decisive progress in ensuring jurisdictional unity. With regard to military courts, in 2007, the National Congress passed the National Defence Act, which placed military judges and courts under the jurisdiction of the judiciary. Similarly, in respect of police jurisdictions, certain court rulings have created precedents by resolving jurisdictional conflicts in cases of human rights violations involving public security officers by assigning them to the regular courts, thus complying with the recommendation by the Committee against Torture that the special jurisdiction should be restricted to internal offences committed in the performance of official duties.

58. The Office of the State Procurator General has tabled two bills in the National Constituent Assembly with the aim of securing the right of restitution and of incorporating the enforcement of rulings handed down by international human rights protection bodies. The State thus can recover amounts paid out for the compensation of victims of human rights violations or their families, and can institute proceedings against the perpetrators of such violations, as stipulated in the resolutions and decisions handed down by the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights.

#### **II.1.4.1 Truth Commission**

59. Ecuador, as a social State based on the rule of law, defends the individual and upholds respect for personal dignity. The Constitution sets out the obligation for the State to defend all rights, including the right of access to justice, which implicitly includes the right to truth, a collective and inalienable legal right with an individual dimension, whose beneficiaries are the victims, their families and relatives. In May 2007, the establishment of the Truth Commission reflected the will to investigate, to clarify and to combat impunity in relation to acts qualified as human rights violations.

60. The Truth Commission, which is composed of representatives of the State, human rights organizations and victims' families, is responsible for investigating cases of human rights violations reportedly perpetrated by State officials between 1984 and 1988 affecting fundamental human rights, such as life, liberty and personal integrity and security. The Commission is currently compiling information, using a multidisciplinary team. The team's work is aimed at adopting measures to compensate and eradicate impunity, in order to put an end in the future to all acts that jeopardize human dignity and respect for State institutions.

### **II.2 ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

61. Ecuador has done a great deal for marginalized social groups, in order to overcome imbalances, to promote social and economic integration and to establish the conditions for the full exercise of social rights. It has invested considerable resources for this purpose and has adopted multisectoral, cross-cutting policies. This political will has been reflected in the level of investment in the social sector, which in 2007 came to some US\$ 3 billion, significantly higher than the US\$ 2.2 billion for the year before. For the first time in many years, the percentage of the budget earmarked for the social sector exceeded the percentage needed for external debt servicing. One of the most relevant steps in this field was the increase of the human development voucher (*Bono de Desarrollo Humano*), which is paid to 1.2 million low-income families (the poorest 40 per cent), as well as to mothers, the elderly and persons with disabilities.

62. Economic and social integration has been given priority in public social policy. A National Plan has been launched in favour of traditionally marginalized groups, which includes programmes such as Development and Strengthening of Microenterprises and Small Producers (MYPES), the aim of which is to include such producers in public procurement and public-private partnership programmes by providing them with financial and other services. The Plan also encompasses the "Feeding Development" programme involving small dairy farmers, that covers 98 per cent of public milk purchases, thereby increasing income levels for 1,130 small-scale dairy producers and improving their family revenues.

63. The Rural Development Programme (PRODER), another example of progress in this field, promotes the participatory management of local development, with coordination among the regional, municipal and parish authorities, grass-roots organizations and NGOs. There is also a public procurement programme called "Spinning for Development" that involves artisans and small enterprises in the garment industry. In 2007, this programme provided 94,793 children in rural schools with school uniforms, free of charge.

#### **II.2.1 The right to health**

64. The State of Ecuador sees health as one of the mainstays of social rights, and accords it maximum priority in its social equity and development policies. This human right is guaranteed by

providing free outpatient care, as part of a process that will lead eventually to a national health system that is fully free of charge. In addition, attempts are being made to ensure universal access to social security benefits, especially sickness and maternity insurance, and to substantially improve the quality of public health establishments.

65. Health care has traditionally been one of the fields where the State has recorded the largest deficit. In response, the State is carrying out a comprehensive reform of the national health system, providing all the necessary resources to compensate in the short- and medium-term for this historic debt.

66. There was a visible increase in public investment in health starting in 2007, when it reached US\$ 757 million, or 31.42 per cent more than in 2006. A state of health emergency was declared, which made it possible to improve infrastructure and equipment, to hire more medical staff and to make medicines more available to the population. In all the provinces of the country, health establishments (hospitals, health centres and sub-centres) are being readapted and re-equipped. An additional 5,000 health professionals are to be recruited nationally, of which 2,900 professionals with extremely varied specializations are already under contract, thus allowing for the implementation of the health-care and community protection model.

67. In addition, health brigades have been formed at the national level to provide services, including surgery, in areas with the worst social marginalization. There are plans to step up this campaign in 2008, along with others in which the Government has spared no effort, such as: the National Plan to Reduce Neonatal Mortality, the National HIV/AIDS Programme, the Tuberculosis Control Programme, the Expanded Immunization Programme, the Timely Breast Cancer Detection Campaign and free maternity services.

68. Responding to an official invitation from the Government, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Paul Hunt, visited Ecuador in May 2007 in order to verify the effects of glyphosate spraying by Colombia in the border region with Ecuador, which has an impact on the health of persons and the environment in the northern border area of Ecuador. In the course of his visit he also learned about the general state of health in the country. In January 2008 the Government received the report issued by the Special Rapporteur with the greatest interest, and has returned its comments and observations.

## **II.2.2 Right to education. Human rights education and awareness**

69. The main comprehensive public policies are contained in the 2006-2015 10-year education plan, adopted as State policy in 2006 by national referendum. The Plan aims to ensure universal initial and basic education, to eliminate illiteracy, and to enhance the status of the teaching profession by improving initial and further training. Much progress has been made, and it is estimated that these objectives will be achieved by 2010. This plan also calls for better infrastructure and equipment at educational institutions, improved quality of education and higher investment in the education sector, until it reaches 6 per cent of Gross Domestic Product in 2012.

70. Under the present Government, additional funding has been set aside for education (in 2007, funding amounted to US\$ 1,460 million, approximately 20 per cent more than in 2006). This has made it possible to substantially increase teacher remuneration, to create 12,000 new teaching posts, to provide better student coverage, and to supply free textbooks and uniforms at public schools. This policy goes hand in hand with the establishment of strict criteria for the selection of new teachers and for staff promotions, with the aim of substantially improving the quality of education.

71. In the field of education for democracy and human rights, there are various noteworthy activities, including the Education for Democracy Programme, which was instituted by law and is aimed at instilling values. This programme establishes a cross-cutting theme concerning values, democracy, integration, equality, justice and human rights, with future emphasis on social integration, intercultural values, environmental education, sexual education and road safety.

72. Beginning in 2006, national education campaigns were launched on the dissemination of constitutional rights and duties, alongside the production of Coexistence Handbooks at schools and colleges, in conformity with international human rights standards.

73. In the specific field of human rights, several public and private universities have initiated graduate and postgraduate studies with a specialization in this area.

74. For its part, the Office of the State Procurator General in 2007 presented a human rights training plan specially for law enforcement officials. A plan is currently under consideration to set up an inter-institutional committee to hold training programmes in human rights and the treatment of prisoners for police, prison and judicial staff.

#### **II.2.3 Right to culture**

75. In January 2007, the Government established the Ministry of Culture and declared the country's cultural development to be a State objective. These measures are designed to involve the public in the cultural production process for the design and implementation of cultural projects and for the promotion of the arts and research.

76. The Ministry of Culture drafted a basic proposal for policy and activities under the name "National Dialogue for Culture", which recognizes the people as the creator and the depositary of culture in all its various forms. Technical staff from the Ministry and the United Nations Educational, Scientific and Cultural Organization (UNESCO), together with people active in the field of culture, are currently engaged in developing a National Culture Plan containing the long-range cultural policies that the country requires.

77. In addition, in February 2007 the State of Ecuador opened a Secretariat for the Coordination of the Cultural and Natural Heritage, which is in charge of coordinating policies and actions in the area of intangible wealth for implementation by the Ministries of Culture, Sport, the Environment, Tourism, Education and Health.

#### **II.2.4 Right to work**

78. The public policies implemented since 2007 are aimed at creating inclusive and non-discriminatory employment that promotes greater individual and social welfare, personal abilities and productivity, in conditions of equality, security and dignity.

79. In the past year an effort has been made to eliminate middlemen in the job market and subcontracted employment, and to restore the direct employment relationship between employers and workers. Progress has been made in eliminating wage disparities between groups of workers by raising remuneration for traditionally underpaid groups, such as domestic workers, who have received a pay rise of 50 per cent of basic remuneration, and workers in general, whose minimum wage has risen by 20 per cent.

80. In 2007 work continued for the prevention and gradual eradication of child labour; 215 children were able to leave their workplaces, and the situation of over 200 working teenagers between 15 and 18 years of age was legalized. For this, it was necessary to train a team of inspectors in labour-related human rights.

81. Technical measures were adopted for the planning and implementation of preventive programmes within enterprises and construction works so as to give effect to the National Labour Health and Safety Plan, through occupational health and safety training and awareness campaigns.

82. Young people benefited from the “My First Job” programme. Between August and December 2007, 581 young people took part in a programme that provided paid internships at public and private institutions in the country.

83. In 2007 job creation programmes were launched, with the promotion of State purchasing from small and medium-sized enterprises and from craftsmen’s associations, benefiting 19,162 people nationwide. Additionally, an effort was made to integrate persons with disabilities into the job market, offering work to 602 such people.

#### **II.2.5 Right to housing**

84. Access to housing and to proper basic services has been recognized by Ecuador as a social priority. Beginning in 2007, the Ecuadorian Government significantly raised the State subsidy for house purchases, doubling the housing allowance for each family to US\$ 3,600, while at the same time doubling the allocation for urban housing improvements and quadrupling the allocation in rural areas. So far, 60,000 aid packages have been distributed, representing an investment of some US\$ 180 million. The Ecuadorian Housing Bank (Banco Ecuatoriano de la Vivienda) funds numerous social housing plans and programmes in all the country’s provinces, with an emphasis on meeting the housing demands of the 5,571 families affected by the eruption of the Tungurahua volcano. In addition, action has been taken to legalize land tenure for 220,000 low-income families, with the issuance of deeds for housing plots.

85. In 2007 US\$ 246 million was invested in this sector, or 95.2 per cent more than in 2006. For urban development, social investment by the central and provincial governments increased for urban road renewal, market construction and comprehensive neighbourhood improvements. This process was complemented with the implementation of programmes for the provision of drinking water, sanitation and solid waste management in a great variety of traditionally marginalized sectors of the country.

#### **II.2.6 Right to food**

86. In 1998 Ecuador declared food security to be a public policy priority. In 2002 a Coordination Bureau for Food Security and Rural Development was set up, consisting of 25 national and international bodies.

87. In 2006 the Food and Nutritional Security Act of Ecuador was adopted, and was understood to ensure a human right guaranteeing all the country’s inhabitants access to sufficient food of a high enough quality for a healthy and active life, in accordance with the right to food established by article 12, paragraph 1, of the Protocol of San Salvador.<sup>23</sup> In addition, a national food security system was set up, in which public, private and community institutions and organizations work with each other, with a focus on intercultural and gender aspects. To implement it, a National Food and

Nutritional Security Council (CONASAN) was established, comprising the five main ministries dealing with social issues (“Frente Social”), public, provincial and autonomous bodies and private institutions.

88. Since 1999 malnutrition has receded as a result of such public policies as free maternal health care and the promotion of breastfeeding and proper nutrition for children. In addition, programmes are being run to teach the population about nutrition and for the distribution of fortified foods. They include: the National Food and Nutrition Programme (PANN 2000); the Ecuador *Aliméntate* Programme (PAE), which provided 777,977 rations for 259,326 beneficiaries, including children between the ages of 2 and 5, elderly people over 65 and people with disabilities of all ages; the School Meals Programme, the Micronutrients Programme and the NUTRINNFA Programme.

89. In budgetary terms, the allocation for the School Meals Programme was increased from US\$ 19.2 million in 2006 to US\$ 30 million in 2007. A recent evaluation of PANN 2000 highlighted the significant contribution it has made to combating overall malnutrition and anaemia in the country. These programmes cover children under the age of 15.

90. One of the main challenges in this field involves strengthening programmes to eradicate malnutrition by extending coverage of the poorest groups, such as minors living in rural areas.

## **II.3 RIGHTS OF VULNERABLE GROUPS**

### **II.3.1 Rights of women**

91. In order to advance the promotion and protection of human rights for women, Ecuador is fulfilling its obligations under regional and universal instruments<sup>24</sup> in order to eliminate gender inequality in primary and secondary education, promote the independence of women and reduce maternal mortality. Similarly, as a member of the Human Rights Council, it has undertaken to meet the objectives of the Beijing + 5 world conference.

92. The Ecuadorian Constitution ensures equality of access and opportunity for the participation of men and women in the various spheres of public and private life, in electoral processes, in managerial bodies, the administration of justice and State bodies. There are also standards of various kinds governing the enjoyment of rights by Ecuadorian women.

93. To ensure the enjoyment of those rights and to formulate and promote public policies focusing on gender, in 1997 the National Council for Women (CONAMU) was established, reconciling women’s demands and government policies, with a board of directors composed of government representatives and national women’s organizations, according to a model of shared responsibility between the State and civil society.

94. In order to meet women’s demands, CONAMU has been making gender a cross-cutting issue throughout government bodies, in order to institute mechanisms ensuring gender equality in sectoral ministries and other public sector bodies, such as the Gender Department in the Ministry of the Interior, the Youth and Gender Unit in the Ministry of Labour, Gender Offices in the Ministries of Education and Health, and Women’s Commissions in various cantonal governments, in compliance with CEDAW recommendations.

95. In 2006, the Equal Opportunities Plan 2005-2009 was declared State policy after a broad-ranging social consultation and participation process, involving thousands of women from the country’s various regions. The Plan is structured along four themes: social participation and

political rights; the right to a life free of violence and to peace and health; enjoyment of sexual and reproductive rights<sup>25</sup> and access to justice; enjoyment of cultural rights and intercultural rights to education; the right to a quality of life and to autonomy; the enjoyment of economic, environmental and labour rights and the right of access to financial and non-financial resources.

96. In the area of health, regulations must be added to the Organizational Act on Health that was passed in 2006, so as to better promote sexual and reproductive rights and to prevent HIV/AIDS and violence, while ensuring a gender perspective, as stipulated in the law. There is also a need to better disseminate and apply the National Plan of Action on Sexual Health and Reproductive Rights, and to adapt the corresponding technical standards, for which the State has undertaken to work with the institutions involved.

97. The State has moreover been actively engaged in promoting the equal participation of women in political and civic processes. To that end, and in application of the resolutions of the Constitutional Court and the Supreme Electoral Tribunal, participation in multiperson electoral lists has been regulated so that the lists alternate sequentially between men and women. However, there still remains the challenge of encouraging women to play a greater role in the electoral process and to assume decision-making and executive responsibilities.

98. Through the implementation of national plans, efforts are being made to eliminate violence against women, in particular human trafficking, illegal smuggling of migrants, sexual exploitation at work and other forms of exploitation and prostitution of women, children and adolescents. The National Plan for the Prevention and Elimination of Sexual Offences at School is also being implemented. In addition, in order to combat the extreme poverty that affects mainly women, a PROMUJERES credit fund has been established and is operating in five of the country's cantons. Gender indicators have been introduced in the Social and Productive Development Plan launched in 2007. There are also plans for CONAMU to develop the participative aspect of the Rural Women's Policy, using funding from the Food and Agriculture Organization to strengthen and guarantee the rights of women in all sectors of the population.

99. Ecuador's society is aware of the need to move towards the full integration of women in social, economic and cultural life. Efforts are thus being made to incorporate a trans-sectoral approach in gender-equity policies, programmes and project formulation and implementation, and to effectively include women, with their ethnic and cultural diversity, sexual preferences and geographic locations, in all State decision-making processes at central and local level. It is also a State development objective to ensure effective access to social service and protection networks for women living in poverty and extreme poverty, and to extend coverage of the Free Maternity and Childcare Act. The Government has further planned to set up a Women's Bank to promote greater participation by women in the country's economic development.

### **II.3.2 Rights of children and adolescents**

100. The State of Ecuador has made considerable comprehensive efforts to promote the rights of children and adolescents. Ecuador is a party to the Convention on the Rights of the Child and to other international instruments within the United Nations system.<sup>26</sup>

101. In the domestic legal system, the Constitution contains standards that represent children and adolescents as citizens holding rights. Since 2003 there has been a Childhood and Adolescence Code, which takes up and incorporates the doctrine and articles of the Convention on the Rights of the Child. In order to ensure respect for the rights of children and adolescents, legislation has been

brought into line with that Code.<sup>27</sup> In addition, 112 ordinances have been issued setting up local units of the National Decentralized Comprehensive Protection System for Children and Adolescents in the country's 219 cantons.

102. With regard to institutions, the Constitution has established a National Decentralized Comprehensive Protection System for Children and Adolescents that is responsible for ensuring the exercise and guarantee of children's and adolescents' rights. This system is built on three levels:

(a) The National Council for Children and Adolescents (CNNA), whose main function is to define and monitor public policy for the comprehensive protection of children and adolescents;

(b) The Cantonal Councils for Children and Adolescents, which are cantonal bodies responsible for drawing up local policies and proposing them to the corresponding Cantonal Councils;

(c) Bodies working with the Cantonal Rights Protection Boards for the protection, defence and enforcement of rights, the Specialized Juvenile Justice Administration, and other bodies, such as Community Children's and Adolescents' Defenders, and the Special Police Department for Children and Young Persons (DINAPEN).

103. As part of the 10-year National Comprehensive Protection Plan for Children and Adolescents, the State is implementing national plans to ensure the fulfilment of comprehensive policies for children and adolescents. These include: the Plan for the Gradual Eradication of Child Labour; the National Health and Sexual and Reproductive Rights Policy; the 10-year Education Plan; the National Plan for the Eradication of Sex Crimes in the Education System; the National Plan to Combat Human Trafficking, Smuggling of Migrants, Sexual and Labour Exploitation and Other Forms of Exploitation and Prostitution of Women, Children and Adolescents, Child Pornography and Corruption of Minors (2006); the Multisectoral Strategic Plan for a National Response to HIV/AIDS 2007-2015; the National Plan to Reduce Neonatal Mortality; and the National Plan for the Prevention of Teenage Pregnancies (2007).

104. In 2007 the National Council for Children and Young Persons established the Social Agenda for Children and Young Persons, which set out six policies addressing specific needs in the country's regions, and a set of commitments that were coordinated and agreed with the Council's institutions.

105. Among the public policies, in 2004 the National Council adopted the 10-year National Comprehensive Protection Plan for Children and Adolescents, the first rights-based planning document, which contains 29 policies for 3 age groups: newborns to 5 years (9 policies); 6 to 11 years (10 policies) and 12 to 18 years (10 policies).

106. The State has increased investment in comprehensive support programmes for children at risk. Through the Children's Development Fund (FODI), it finances care and comprehensive development services for children in the poorest population groups from birth to the age of 5. In 2007, this covered 251,578 children, with programmes meeting a minimum of 90 per cent of quality standards. In addition, the Children's Rescue Programme (ORI) provided care for 49,233 children in 1,465 nationally approved community child development centres.

107. The main achievements in the promotion of children's and adolescents' rights include: the establishment of the National Decentralized Comprehensive Protection System for Children and Adolescents; the Children's and Adolescents' Proposal for the Constituent Assembly;

the 2007-2010 Social Agenda for Children and Young Persons; and the Agreement with the National Council of the Judiciary for the training of officials in children's and adolescents' rights. Civil society, through the Children's and Adolescents' Observatory, has introduced indicators to measure compliance with children's and adolescents' rights. In addition, the eradication of gender violence against children, adolescents and women has been declared State policy.

108. There are more challenges that Ecuador would like to meet, such as: establishing agencies working for the National Decentralized Comprehensive Protection System for Children and Adolescents; ensuring greater social participation and fostering civic attitudes among adults, children and adolescents in the implementation of public policies; ensuring the participation of local governments and public bodies to promote the quick and effective application of public policies, with an emphasis on the Social Agenda for Children and Young Persons; and above all securing sufficient resources for the implementation of public policies for this population group.

### **II.3.3 Rights of young people**

109. In 2001 Ecuador adopted the Youth Act, which set up leading national and local policy bodies, with a target population ranging from 18 to 29 years inclusive. As from 2006 Ecuador has been a party to the Ibero-American Convention on the Rights of Youth.

110. In 1998 institutions were established with the aim of identifying youth as a population group with special needs and problems. Among these was the Subcommittee on Youth of the National Congress, and the National Directorate for Youth of the Ministry of Economic and Social Inclusion, a national body that is responsible for creating and promoting the implementation of public policies benefiting children.

111. In 2006 the Social Development Agenda included lines of action aimed at establishing the National Youth Promotion System, the organizational structure of which included institutions such as the National Youth Policies Council, the National Youth Institute and local councils. It also undertook joint tasks with youth organizations with the aim of implementing a Minimum Agenda for Youth. This led to research being carried out into the situation of young people in Ecuador and the establishment of a Comprehensive System of Youth Indicators (SIJoven), making it possible in practice to recognize young people as a specific group and to study their situation in the areas of health, employment, education, migration and access to services, among others.

112. In 2007 the Constitutional Court recognized the right of conscientious objection for young people called up for mandatory military service. The Municipality of Quito and the National Directorate for Youth, working with the country's youth organizations, also promoted campaigns targeting young people against violence and in favour of a culture of peace, education in sexual and reproductive rights and HIV prevention. This year, the State, with support from the United Nations Population Fund (UNFPA) and over 100 youth organizations, drew up an annual strategic proposals plan, under a process known as the National Agreement.

113. As part of the National Human Rights Plan, the Subcommission on the Human Rights of Young People drew up an operational plan on human rights for youth. The plan's lines of action emphasize the follow-up and implementation of the Ibero-American Convention. Work was also carried out on the training of human rights promoters in the city of Quito in 2006, and for the positioning of young people as rights holders. In 2007 various State institutions undertook to disseminate the contents of the Convention, a task undertaken by several Government departments.

#### **II.3.4 Rights of the elderly**

114. According to the 2001 census, there were over 1 million elderly people in Ecuador. According to projections for the year 2025, with an accelerating trend, the proportion of the elderly will reach 13 per cent. While no really significant progress has been achieved for this important group, the State has made an effort to implement activities for their benefit, in particular through the Operational Plan for the Rights of the Elderly under the National Human Rights Plan, including in the past decade a one-off project known as “Papel Nonos”, an international initiative designed to involve elderly people in recreational and artistic activities.

115. In 2007 the human development voucher for the elderly was increased, as were the retirement pensions paid by the Ecuadorian Social Security Institute (IESS), in an effort to improve living conditions and health care for this group. Efforts still need to be made to assist the elderly, and the State hopes to undertake this task through its institutions, in particular the Ministry of Economic and Social Inclusion.

#### **II.3.5 Rights of persons with disabilities**

116. Ecuador in 2007 signed the Convention on the Rights of Persons with Disabilities, and is in the process of ratifying it. Ecuadorian ambassador Luis Gallegos made a significant contribution by co-chairing the working group that drafted the Convention. The country is also a party to the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

117. The National Council on Disabilities (CONADIS) is the Ecuadorian body that since 1992 has consistently carried out work to protect and promote the rights of persons with disabilities at the national level. It has promoted the development of institutions internally by establishing the Office of the Procurator for the Defence of the Rights of Persons with Disabilities, and by creating rights promotion networks with other institutions.

118. In the domestic legal system, standards have been incorporated in the Constitution on prevention, comprehensive rehabilitation, social integration and equal opportunities, as well as guaranteed access for persons with disabilities to health services, education and employment among others. The Disability Act, currently in force, establishes a system of prevention, care and integration for persons with disabilities, and the Labour Code Reform Act calls for a mandatory system for increased recruitment of disabled people in the staff of public and private institutions, which currently stands at 4 per cent.

119. In May 2007 the President of Ecuador declared the prevention of disabilities, and care for and the comprehensive rehabilitation of persons with disabilities to be State policy. To achieve this, the Ecuador without Barriers Programme is being coordinated by the Vice-President of Ecuador, Lenín Moreno, who is himself affected by disability, and carried out by public institutions with the aim of assisting the physical rehabilitation of persons with disabilities, promoting accessibility and rehabilitation, working with the municipalities, and encouraging early stimulation.

120. The country has carried out public-awareness campaigns on the rights of persons with disabilities, with a view to establishing mechanisms to ensure that such rights are complied with and respected, and encouraging persons with disabilities to take part in elections. It has also carried out labour integration and equal opportunity programmes in recruitment for the public sector.

121. Other projects are run by NGOs to bring children with special education needs into the regular school system, thus facilitating their full integration and participation.

122. Although Ecuador is considered to be one of the countries with the best practices in the region, it still aims to raise social awareness further in order to avoid discriminatory behaviour and to introduce public policies ensuring effective access to health services and education and coordinating plans and programmes among local authorities (provinces and municipalities).

### **II.3.6 Rights of migrants**

123. Ecuador is one of the countries that has made the greatest effort to protect and guarantee the rights of migrants, both as a sending and as a receiving State. Its Constitution refers to respect, without any discrimination, for the rights of migrants living in the country.

124. In response to these goals and the current outlook, the State has established an institutional structure to deal with migration from a human rights-based perspective. Thus, in March 2007 it set up the National Migration Department (SENAMI), with the status of Ministry of State, attached to the Office of the President of the Republic, whose mission is to devise, manage and implement migration policies, inside and outside the country, and to set up comprehensive care centres for migrants in coordination with the Ministry of Foreign Relations, Trade and Integration.

125. The main public policy relating to migration is the 2007-2010 National Human Development Plan for Migration, which is based on the principle that Ecuador rejects the premise that human beings can be illegal, and which supports the right to migrate, to free movement, to participate in an intercultural society, as well as the right to remain and to return. Every effort will be made to promote a migration policy based on respect for and the exercise of human rights, to strengthen links between migrants and their families and to foster their human development, to promote contact between cultures and to build a universal citizenship. This policy also includes training officials responsible for implementing migration laws, as well as raising social awareness of the problems encountered by foreign immigrants in Ecuador and by Ecuadorian emigrants in other countries.

126. In 2008, one of the components of the National Human Development Plan for Migration, the Welcome Home (“Bienvenido/a a Casa”) Return Plan, was presented as an example of best practices in the region. The Plan also establishes a system of sectoral projects linking the skills of Ecuadorians overseas with the country’s development needs.

127. Under this same policy, the National Forum on Migration is being set up as a democratic institution to permit civil society to take part in drawing up migration-related proposals for the Constituent Assembly. A Standing Committee has been established in the Forum for this purpose.

128. Ecuador is a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and in the framework of that instrument in 2006 presented its first national report, which was considered by the Committee on Migrant Workers in Geneva in November 2007. Further to the Committee’s recommendations, and in compliance with the decisions of the Andean Community intended to facilitate migration by workers at the regional level, the country has concluded bilateral agreements, in particular with the neighbouring countries of Colombia and Peru. With Peru, an agreement has been concluded to regularize the situation of migrant workers in the extended border integration zone, which has benefited 556 Peruvian nationals. Similarly, in 2004 and 2005 the Ministry of Labour issued 977 work permits for foreign citizens of various nationalities, and agreements have been concluded with Spain, establishing a technical unit to draw up policies and mechanisms for an orderly regularization of Ecuadorian migrant workers in that country.

129. Pursuant to the Committee's recommendations, in 2007, the Constitutional Court decided to eliminate the exit permit as a requirement for migrants who wanted to travel to other countries. Social security coverage of migrant workers is also under consideration.

130. A number of plans and programmes address the protection and promotion of migrants' rights and are aimed at combating problems affecting the sector, especially those related to migrant child labour, sexual exploitation, and immigrants' access on the same footing as nationals to fundamental rights. These include: the National Human Rights Plan, through the Operational Plan for Migrants, Foreigners, Refugees, and Displaced and Stateless Persons; the National Plan to Combat Human Trafficking, Smuggling of Migrants and Related Offences; and the National Committee on the Gradual Elimination of Child Labour, which covers the eradication of migrant child labour. Also, a round table on labour migration, in which CONAMU incorporated the gender perspective, was set up and held workshops on "Migrant Women and Public Policy" in 2006.

131. Another activity undertaken is the National Registration Programme entitled "Give your name to Ecuador!", which has been promoted by the Office of the Vice-President of the Republic and which seeks to facilitate the registration of children born in Ecuador of foreign parents, so that they can enjoy the right to a nationality.

132. Ecuador is making efforts to meet numerous important challenges in this field, including: bringing domestic legislation into line with the standards of international law; strengthening and improving institutional coordination, which entails increasing the budgets of the institutions concerned; encouraging better training of public servants; increasing public awareness of the rights of foreign workers; and implementing more effective policies for the social integration of foreign workers and their families.

### **II.3.7 Rights of refugees**

133. Ecuador is a party to the main international and regional instruments on asylum. An Executive Decree issued in 1992 governs the way the State deals with asylum, and is in keeping with international principles and standards.

134. Ecuador has received an enormous influx of displaced people and asylum-seekers from Colombia, who have entered as a result of the political conflict in that country. Since 2000 there has been a massive presence of persons of Colombian origin requiring international protection in Ecuador, some of whom have been granted asylum.

135. Between 2000 and December 2007, 55,700 people applied for refugee status, of whom 14,104 obtained asylum following a strict procedure controlled at all stages. Some 97 per cent of asylum-seekers are of Colombian origin. Approximately 60,000 more people need international protection in the border region with Colombia.

136. The Refugee Department of the Ministry of Foreign Relations, Trade and Integration is the authority responsible for granting asylum in Ecuador. With its specialized staff, it has handled the subject of asylum in an exemplary manner, employing methods and procedures approved by the Office of the United Nations High Commissioner for Refugees (UNHCR). The High Commissioner, António Guterres, has said that Ecuador is among the countries in the world with the best practice when it comes to asylum.

137. Ecuador is working to fulfil the mandates of the 2004 Mexico City Declaration and Plan of Action on asylum, in order to show solidarity in managing its borders and cities. In the fields of health and education, there are clear guidelines stipulating that asylum-seekers are to be treated the

same as nationals, without discrimination, and persons recognized as refugees can work legally. Similarly, inter-institutional contingency plans have been in effect since 2007 making it possible to provide for all the emergency needs (food, health, education, housing) of Colombian displaced people who have entered the border area between the two countries in great numbers. In addition, social and community integration projects and other programmes are implemented to secure the assistance of public and private institutions and to ensure that refugees are admitted to productive employment.

### **II.3.8 Sexual diversity rights (GLBT group)**

138. The Constitution protects against discrimination based on sexual orientation. Thus, through the Operational Plan on Sexual Diversity under the National Human Rights Plan, various actions have been carried out in favour of sexual minorities. In addition, the Constitutional Court has issued a ruling overturning laws that discriminated against gays, lesbians, bisexuals and transgender people (GLBT).

139. In 2006, *Casa Trans* (Trans House) was set up in Quito, and training and education campaigns were launched in various provinces of the country. In December 2007, events were held to commemorate the tenth anniversary of the decriminalization of homosexuality, which included public awareness activities. Various social groups and institutions also took positions in support of GLBT rights. The same year, the Ecuadorian Lesbian Women's Organization carried out rights awareness workshops and presented the book *Mujeres Lesbianas* (Lesbian Women) in Quito.

140. There are still significant challenges to be met to ensure recognition of the rights of sexual minorities, in particular in respect of equal access to goods and services and equal opportunities with the rest of the population. Clearly, over and above raising awareness in Ecuadorian society, this will also mean integrating such groups into the labour market and including them in productive projects.

## **II.4 COLLECTIVE RIGHTS**

### **II.4.1 The rights of indigenous people**

141. Ecuador is a party to the 1989 International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. It also co-sponsored the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007, among other international instruments relating to the rights of indigenous peoples. For some years now it has been part of the working group responsible for adopting the Inter-American Convention on the Rights of Indigenous Peoples within the framework of the Organization of American States (OAS).

142. The Constitution establishes the principle that Ecuador is a multicultural, multi-ethnic entity that recognizes the collective rights of indigenous peoples in the following areas: cultural diversity, identity, land rights, justice, official use of languages, health, education, economic rights, cultural heritage, indigenous women and indigenous peoples in border areas.

143. The rights of indigenous people are further promoted in subsidiary legislation, including the Organizational Act for Public Institutions of Indigenous Peoples Defining Themselves as Ancestral Nationalities, which entered into force in September 2007, and the Regulations for Indigenous Human Rights Promoters. Both of these comply with the recommendation issued by the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

144. In February 2007 the Government established the Secretariat for Peoples, Social Movements and Citizen Participation to act as the lead body for public policies ensuring the right to citizen participation, in charge of designing and developing measures and actions to stimulate, channel and consolidate participation by peoples, social movements and citizens, such as indigenous people, in key decision-making that affects them. The institutions set up for this purpose include the Council for the Development of Ecuadorian Nationalities and Peoples (CODENPE), which was created in 1998 with a mandate to draw up policies and implement and propose comprehensive sustainable development programmes jointly administered by the State and indigenous nationalities and peoples.

145. Other institutions include in the Ministry of Education a National Indigenous People's Education Department and a Bilingual Intercultural Education System, covering the ancestral wisdom and world view of the indigenous peoples, in the Ministry of Health an Indigenous People's Health Department and in the Office of the Ombudsman the National Directorate of Indigenous Peoples. These institutions have produced programmes and projects that in some way address the social rights of indigenous people. It can be argued, however, that this effort has not been sufficient to address the historic demands and structural development needs of indigenous people.

146. When it assumed office in January 2007, the present Government stated that one of its priorities was to create an institutional framework for the effective management of indigenous people's development, observing the principle of respect for multiculturalism and diversity, in order to foster broad social participation in decision-making and the implementation of plans and projects. To that end, the right of indigenous people to be consulted on all aspects affecting their collective rights and quality of life will be guaranteed. The establishment of a new institutional framework governing indigenous people is part of the Ecuadorian State's profound political and administrative restructuring process that is being carried forward by the Constituent Assembly.

147. CODENPE is currently implementing a strategic plan for the economic, social and cultural development of indigenous people. The components of the plan include: the promotion of economic activities to eradicate poverty and create jobs; social aid for access to vital basic services; the promotion of culture; environmental development, with projects involving the rational and sustainable use of natural resources; and the strengthening of local governments in indigenous territories, with an emphasis on technical training, decentralization, programme and project implementation, appropriate motivation, participation, follow-up and citizen oversight by social and indigenous organizations. In addition, a project on Strengthening Forms of Government of Nationalities and Peoples and the Application of Techniques and Methodologies for Recovering and Conserving Natural Resources is currently being implemented.

#### **II.4.1.1 Indigenous groups in voluntary isolation**

148. In 2007 the Government declared the situation of indigenous peoples in voluntary isolation to be national policy, subject to observance of the principles of inviolability, self-determination, reparation, *pro homine*, cultural diversity, prevention, equality and respect for human dignity, which essentially entails respecting their fundamental rights and guaranteeing their rights to life, physical integrity, culture, land, and social and collective rights, while ensuring their right to self-determination and their desire to remain in isolation. The President of the Republic, Mr. Rafael Correa, has issued an order delimiting the reserved, inviolable area where such groups have settled, which stretches over 758,000 hectares, and has ordered the transfer of US\$ 740,000 to the Tagaeri-Taromenane people as part of preventive measures called for by the Inter-American Commission on Human Rights.

149. This comprehensive approach includes action strategies that ensure that the above principles are respected, through coordinated management by Government institutions and civil society.

150. Recent reports of the alleged deaths of indigenous persons who were not contacted within the inviolable area by persons involved in illegal lumbering were immediately investigated by the authorities and the police. Although the latter visited the place where the alleged murders took place, they have not, at the time of this report, found any supporting evidence.

#### **II.4.2 Rights of Afro-Ecuadorians**

151. Ecuador has made significant efforts to look upon the Afro-Ecuadorian population as an important sector to be included in the country's socio-economic development. In 2005 the Corporation for Afro-Ecuadorian Development, CODAE, was established as a body attached to the Office of the President of the Republic, in charge of defending and promoting the rights of the Afro-Ecuadorian people, advocating policies for their comprehensive development and combating racial discrimination. In addition the National Department for the Defence of Afro-Ecuadorian People's Rights operates under the Office of the Ombudsman. At the local level, the Quito metropolitan district municipality has established an Afro-Ecuadorian People's Development Unit and a Metropolitan Social Council for the Elimination of Racial Discrimination. While Ecuador has seen more participation by Afro-Ecuadorian people in national politics and in central, provincial and local government positions, progress has still not been sufficient.

152. Through the National Human Rights Plan, the State of Ecuador has made an effort to implement public policies, for which it has designed a sectoral operational plan on the rights of the Afro-Ecuadorian people. CODAE has also drawn up an institutional operational plan that introduces a hierarchy of economic, social and cultural rights of the Afro-Ecuadorian people and establishes policies for their integration in socio-economic, labour, education and health terms. For the 2007-2010 National Development Plan, which has a large component of policies in favour of the development of the Afro-Ecuadorian people, the main challenge has been securing sufficient budget resources for implementation.

153. Through the Act on the collective rights of Afro-Ecuadorian people that has been in force since 2006, efforts are being made to incorporate Afro-Ecuadorians in the country's economic and social development, to recognize their collective land ownership and the dissemination of their cultures, to respect their ancestral medicine and to ensure that their ethnic identity is taught in school.

154. As part of the Durban Plan of Action, whose degree of implementation will be assessed this year, Ecuador has facilitated the establishment of territorial units specifically for the Afro-Ecuadorian community in the northern part of the country. A system of indicators known as "Afro-Ecuadorians in Figures" is being set up to overcome the invisibility and historic exclusion in which this group has lived and to show current trends in the areas of health, education, social welfare, employment and international migration which will make an important contribution to the country and to the region.

155. While progress has been made in some respects, the State and civil society still have a long way to go in promoting the rights of the Afro-Ecuadorian people. The national Government is studying alternative ways of strengthening the bodies responsible for promoting the development of Afro-descendent people and for better implementing comprehensive public policies. The

Government's concern has been reflected in the allocation of substantial financial resources for social welfare, which will make it possible in the medium term to reduce the indices of unsatisfied basic needs (UBN) currently reflecting the situation of Afro-Ecuadorians.

#### **II.4.3 Right to a healthy environment**

156. The 1998 Constitution establishes the people's fundamental right to live in a healthy environment, compatible with sustainable development, while at the same time ensuring the right of every community to participate and to be informed, as well as to express opinions on the implementation of State decisions that may affect the environment. This concern for guarantees has inter alia been reflected since 1999 in the Environmental Management Act, and subsequently in the Unified Text on Subsidiary Legislation of the Ministry of the Environment, which entered into force in 2003, and in implementation strategies involving public development policies based on sustainable use of natural resources and the conservation of biodiversity, thanks to which Ecuador has become the leading mega-diverse country in the world.

157. The Ministry of the Environment, as the national environmental authority and the body responsible for policy, legal and administrative coordination in this field, carries out and promotes the implementation of functional plans and programmes, such as the National Decentralized Environmental Management System, the National Protected Areas System and mechanisms for the decentralization and devolution of competencies to local governments.

158. The projects implemented with international support include the establishment in 1999 of the National Climate Committee, which set up basic institutions responsible for addressing climate change in Ecuador. Activities have included some 50 studies and research projects on ways of reducing greenhouse gases and adapting to climate change; the comprehensive PATRA project, which was the first environmental management project in Ecuador to implement basic environmental principles and policies in 2001; sustainable development programmes on the southern border; and programmes for the institutional strengthening of environmental administration and sustainable development in the Ecuadorian Amazon.

159. Similarly, pursuant to the Stockholm Convention, and with support from the United Nations Environment Programme (UNEP), Ecuador in 2002 carried out a national implementation plan for the management of persistent organic pollutants. Current projects include those addressing adaptation to climate change through effective water management in Ecuador, management to improve air quality, protection of the Cuyabeno-Yasuní Forests and a regional programme for the social management of Andean forest ecosystems (ECOBONA).

160. With regard to promoting rights and responsibilities for environmental protection and conservation, Ecuador's active participation in the relevant international conventions has made it possible to strengthen national policies and increase public awareness and involvement. Thus the Ministries of the Environment and Education launched the 2006-2016 National Environmental Education Plan for children and adolescents with the aim of training youngsters to feel solidarity with and protective towards their environment. Similarly, the Ecuadorian authorities are providing training to ensure that local authorities foster equity in the distribution of their localities' natural resources.

161. Ecuador is now facing the challenge of raising public awareness of third-generation rights and of establishing mechanisms to improve observance of the right to a healthy environment, in a context where society and the State share responsibility for effective enjoyment thereof.

### III. INTERNATIONAL COOPERATION REQUIREMENTS

162. Ecuador is making considerable efforts in the field of human rights but the stakes are so high that international cooperation is required to support the implementation of the country's policies and initiatives. The main area where assistance is required relates to the need to strengthen various key institutions for the implementation of public human rights policies. It is essential to create conditions for sharing information and experiences with other countries in the design and implementation of public policies for the promotion of human rights. The training of officials in human rights themes related to the activities of the institutions in which they work is another area where international cooperation can play an important role.

163. There is still a serious lack of effective and sustained public awareness strategies targeting specific groups and the public at large explaining the importance of respect for diversity and human rights of all members of society. International support, through the funding of specific programmes, can have an enormous impact in this regard. It is important that Ecuador should have access to strategies to foster public participation, decentralization and the involvement of local authorities in policies advocating and promoting human rights.

164. Ecuador's cooperation requirements in support of human rights and the government institutions concerned with its protection and promotion are many and varied. A non-exhaustive list of examples would include the following:

- *Drafting of the Constitution:* Technical assistance is required to support the Constituent Assembly's task of drawing up a Constitution consistent with international human rights standards, thus ensuring *inter alia* that State institutions are organized at central and decentralized levels in such a way that they serve the public and protect human rights, while ensuring the justiciability of economic, social and cultural rights.
- *Human rights planning and focus:* The National State Planning Secretariat, SENPLADES, requires technical assistance for the drafting of the State Planning Organizational Act, the aim of which is to establish institutions for rights-based planning, follow-up and assessment, as well as for the development of methodological tools for a national development and support strategy to evaluate and review the National Human Rights Plan, in line with the National Development Plan.
- *Reform of the State:* SENPLADES has raised the need for technical assistance to establish a legal and institutional framework ensuring the justiciability of economic, social and cultural rights, and for the implementation of the reforms of State institutions called for by the new Constitution, so as to ensure the realization of human rights. There is also interest in securing support for the development of educational modules to be introduced in the School of Government so as to ensure ongoing training of State officials in human rights.
- *Judicial reform and prison rehabilitation:* There is a major need for assistance in advancing the process of judicial reform and prison rehabilitation.
- *Participation by civil society:* It is important to identify and develop mechanisms to help members of civil society participate in policymaking, in defending their rights and in monitoring the work of State institutions.

- *Vulnerable groups:* These groups have many needs, which may be summarized as follows: support is needed for the National Decentralized System for the Protection of Children and Adolescents and for the formulation of public policies to foster public awareness of rights. Regarding the situation of women, the country requires support to implement the Equal Opportunities Plan, to strengthen the capacities of the technical and administrative team of the National Council for Women and to strengthen women's social base and the necessary citizens' oversight to ensure observance of women's rights.
- Regarding persons with disabilities, support is needed to strengthen and democratize organizations working in this field and to carry out dissemination and awareness campaigns on the rights of this group and their need to successfully integrate in society.
- The country requires international financial assistance based on the principle of solidarity and shared responsibility to foster the productive social integration of the enormous number of refugees and foreigners (mainly of Colombian origin) currently in Ecuador who require international protection.
- *Collective rights:* Indigenous people need assistance to strengthen their social structures, to implement productive projects and to establish microenterprises with community participation, including marketing through community networks, to develop integrated rural communities and to foster the community's own education and culture. Support is also needed for the Afro-Ecuadorian people through the implementation of the Afro-Ecuadorian component of the National Development Plan.

*Notes*

<sup>2</sup> Ver en Anexo el listado de organizaciones invitadas a participar en el proceso de elaboración del Informe del Ecuador al mecanismo de Revisión Periódica Universal.

<sup>3</sup> Ídem.

<sup>4</sup> Ver [www.mmrree.gov.ec](http://www.mmrree.gov.ec).

<sup>5</sup> Artículo 16 Constitución Política vigente, 1998.

<sup>6</sup> Artículo 18, ídem.

<sup>7</sup> En el ámbito de los derechos humanos Ecuador colabora con el Consejo de Derechos Humanos de ONU, la Oficina del Alto Comisionado para los Derechos Humanos, los Relatores y Mecanismos Especiales, y la Asamblea General; en cuanto a la OEA, Ecuador está permanentemente interactuando con los órganos del Sistema Interamericano de Derechos Humanos, Comisión y Corte; y entre otros con la Comisión de Asuntos Jurídicos y Políticos y varios grupos de trabajo de OEA. En el orden regional Ecuador se inserta en el trabajo con la CAN y en el último lustro diseñó una propuesta de difusión de la Carta Andina de Derechos Humanos, a través de la Decisión 586; por otro lado colabora con el Grupo de Río en estudio de temas de derechos humanos diversos. Es importante resaltar que Ecuador ocupó el cargo del Primer Alto Comisionado para los Derechos Humanos, en la persona del Embajador José Ayala Lasso; fue el primer país en el continente americano que diseñó y adoptó el Plan Nacional de Derechos Humanos; mantiene desde el 2002, una invitación abierta a todos los mecanismos y procedimientos especiales de Naciones Unida; en el 2006 fue Miembro Fundador del Consejo de Derechos Humanos en Naciones Unidas; y, entre otros cargos ha ocupado algunas vacantes en los Comités de Naciones Unidas sobre Derechos Humanos, así Luis Valencia Rodríguez, Comité contra la Discriminación Racial; Francisco Carrión, Comité de los Derechos de los Trabajadores Migratorios; Edwin Jonson, Comité de Derechos Humanos; Julio Prado Vallejo y Luis Gallegos, Comité contra la Tortura; y, Jaime Marchán, Comité de Derechos Económicos, Sociales y Culturales.

<sup>8</sup> El artículo 4 de la CPE ha recogido estos mandatos de la Carta, así: “*Art. 4. El Ecuador en sus relaciones con la comunidad internacional: 1. Proclama la paz y la cooperación como sistema de convivencia y la igualdad jurídica de los estados. 2. Condena el uso o la amenaza de la fuerza como medio de solución de los conflictos, y desconoce el despojo bélico como fuente de derecho; 3. Declara que el derecho internacional es norma de conducta de los estados*

*en sus relaciones recíprocas y promueve la solución de las controversias por métodos jurídicos y pacíficos; 4. Propicia el desarrollo de la comunidad internacional, la estabilidad y el fortalecimiento de sus organismos; 5. Propugna la integración, de manera específica la andina y latinoamericana; y, 6. Rechaza toda forma de colonialismo, de neocolonialismo, de discriminación o segregación, reconoce el derecho de los pueblos a su autodeterminación y a liberarse de los sistemas opresivos.”*

<sup>9</sup> Ver Anexo listado de Instrumentos internacionales de los que Ecuador es Parte.

<sup>10</sup> Creada mediante Decreto No. 3493, publicado en el Registro Oficial No. 735 de 31 de diciembre de 2002.

<sup>11</sup> Ver Anexo cuadro de presentación de informes periódicos a los Comités de DDHH-ONU.

<sup>12</sup> En el 2006 Ecuador como miembro del CDH copatrocino la adopción de la Declaración Universal de los Derechos de los Pueblos Indígenas, la Convención Internacional para la Protección de todas las personas con discapacidad y su Protocolo Facultativo y la Convención Internacional para la protección de todas las personas contra las Desapariciones Forzadas.

<sup>13</sup> Ver Anexo estado de casos solicitados por Relatores Especiales a Ecuador.

<sup>14</sup> Este proceso conlleva la participación del nuevo Ministerio de Justicia y Derechos Humanos, la Secretaría Nacional de Planificación, la Comisión Permanente de Seguimiento, Evaluación y Ajuste a los Planes Operativos de Derechos Humanos, y la Cancillería como Secretaría General de dicha Comisión.

<sup>15</sup> Ver anexos: listado de instrumentos internacionales de los Ecuador es Parte.

<sup>16</sup> Creada mediante Decreto Ejecutivo No.

<sup>17</sup> Artículo 23, numeral 2 Constitución Política del Estado, 1998.

<sup>18</sup> Artículo 187 del Código Penal.

<sup>19</sup> Decretos Ejecutivos No. 1330-A, RO 258 de 26 de abril de 2006 y No 441 de 26 de junio de 2007, RO 121 de 6 de julio de 2008.

<sup>20</sup> Resolución del Tribunal Constitucional de 26 de septiembre, publicada en el RO No. 382 de 23 de octubre de 2006.

<sup>21</sup> Creada mediante Decreto Ejecutivo 563d, publicado en el RO 158 de 29 de agosto de 2008.

<sup>22</sup> Cuenca es la tercera ciudad en importancia y población del país.

<sup>23</sup> Ver Anexo Instrumentos Internacionales de los que Ecuador es Parte.

<sup>24</sup> Ecuador es Parte de la Convención sobre la Eliminación de todas las Formas de Discriminación contra la Mujer - CEDAW - y Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer - Belem Do Pará-. Además, ha suscrito la Declaración de los Objetivos de Desarrollo Milenario. Ver anexos Instrumentos Internacionales.

<sup>25</sup> En el 2004 se emitieron decretos ejecutivos a favor su promoción.

<sup>26</sup> Ver Anexos Instrumentos Internacionales de los que Ecuador es Parte.

<sup>27</sup> Reforma al Código Penal (2005): se tipifican los delitos de trata de personas, explotación sexual, pornografía infantil y turismo sexual. Reforma al Código del Trabajo (2005), se incluye la protección de los derechos laborales de los adolescentes y se establece 15 años como edad mínima para trabajar. Reforma a la Ley de Maternidad Gratuita y Atención a la Infancia vigente desde 1994. Ley Orgánica de Salud (2006), se garantiza el acceso de las y los adolescentes a los programas de salud sexual y salud reproductiva.