



## General Assembly

Distr.  
GENERAL

A/HRC/WG.6/1/ECU/3  
6 March 2008

Original: ENGLISH

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HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
First session  
Geneva, 7-18 April 2008

SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\*

### Ecuador

The present report is a summary of nine stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

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

## I. BACKGROUND AND FRAMEWORK

### A. Constitutional and legislative framework

1. The Fundación Regional de Asesoría en Derechos Humanos (INREDH) stated that the catalogue of human rights contained in the current Constitution is supported by a system of safeguards, among which *amparo* (enforcement of constitutional rights), *habeas corpus* and *habeas data*. The application of these safeguards is described in the Law of Constitutional Control.<sup>2</sup> Judges and authors have given *amparo* mainly the character of a preventive measure, and not used it as a mean to repair the damages already caused, as defined in the Constitution.<sup>3</sup> Regarding *habeas corpus*, mayors often decide on the petition of *habeas corpus* using political criteria and not analyzing the illegality of the abuse of the arrest. In both cases, there is a lack of training by those applying the norms – judges, mayors and officials (*vocales*) of the Constitutional Tribunal. No specialization or knowledge of human rights is required to fill these positions.<sup>4</sup>

2. The Comisión Ecuémica de Derechos Humanos (CEDHU) said that, to date, the definition of the offence of torture in the Ecuadorian legislation has not fully been brought in line with the definition contained in the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Moreover, the legislation has not been adapted either to conform to the Statute of Rome, as per the recommendation of the Committee Against Torture.<sup>5</sup>

3. According to Cultural Survival- Harvard College Students (CS-HCS Advocates), Ecuador's 1998 Constitution recognizes many of the rights included in the 2007 Declaration on the Rights of Indigenous Peoples and in the International Labour Organization's Convention no. 169, including their right to the land, the natural resources, the development, the environment, health and education, participation, and consultation. The State ratified ILO Convention No. 169 in 1998, and the same year a new constitution, with significant inclusion of indigenous rights, was promulgated.<sup>6</sup>

4. The Center for Reproductive Rights (CRR) said that article 447 of the Ecuadorian Criminal Code permits therapeutic abortion if (1) the life or the health of the mother is in danger and if this danger cannot be avoided through other means, or (2) in the case of rape of a woman with a mental disability. According to reports from civil society organizations, the "Bill to Reform the Criminal Code (Repeal of article 447 on therapeutic abortion), No. 27-1358" was introduced in the Congress through irregular means and no information was made publicly available about it or related deliberations in the Congress.<sup>7</sup>

### B. Institutional and human rights structure

5. INREDH stated that there are five State institutions responsible for the promotion and protection of human rights in Ecuador, namely: (i) the civil and instance judges, who, in accordance with the Constitution are responsible for reviewing in the first instance, actions of *amparo* and *habeas data*; (ii) the majors, who in accordance with the Constitution are responsible for reviewing in the first instance, recourses of *habeas corpus*; (iii) the Constitutional Tribunal, with national jurisdiction, responsible for reviewing appeals of *habeas corpus*, *habeas data* and *amparo*; (iv) the National Human Rights Directorate of the Ministry of Government and Police that reviews complaints of human rights violations committed by the police forces, and; (v) the Office of the Ombudsman (*Defensoria del*

*Pueblo*'), an autonomous public institution established by the Political Constitution of Ecuador, with a function to promote and defend, within the scope of its competence, the observance of individual and collective human rights.<sup>8</sup> The resolutions of the *Defensoria* do not have the nature of a judicial sentence, being mere recommendations without a binding character or mandatory force.<sup>9</sup> In practice, the *Defensoria* issues many resolutions, which are not enforced by relevant state entities.<sup>10</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

6. Regarding the fulfilment of international obligations, INREDH stated that the decisions of the Inter-American Commission and the Inter-American Court of Human Rights have partially been implemented, especially through financial compensation, but not with regard to the investigation of those responsible for the violations. In one case relating to extrajudicial executions committed by the government of Leon Febres-Cordero, since the return to the democratic rule, the State has failed to implement the Inter-American Court's sentence on the case *Benavides Cevallos against Ecuador*, and those responsible for that crime, including high ranking military officials and the former president of the Republic, have not been sanctioned.<sup>11</sup>

7. INREDH said that during the last three years, the Government has actively collaborated with international mechanisms for the protection of human rights, allowing and coordinating the visits of the United Nations Working Group on Arbitrary Detention and of the thematic Rapporteurs on the right to health, indigenous people and mercenaries. The Government's openness to accept visits by different United Nations mechanisms was not accompanied by a real commitment to implement their recommendations.<sup>12</sup>

### **B. Implementation of international human rights obligations**

#### **1. Right to life, liberty and security of the person**

8. In the opinion of CEDHU, the right to life, even if constitutionally protected, continues to be violated by law enforcement officials in a persistent manner. There are cases in which alleged delinquents have been killed during confrontations which later were proven not to have happened. Special judicial police units, such as the Unit of Operational Support (Group de Apoyo Operacional) have been established, and, according to CEDHU, their members have received special training to 'eliminate' alleged delinquents, without their actions being investigated.<sup>13</sup>

9. CEDHU also said that reports of deaths of detained persons while supposedly attempting to escape, or detainees found dead – with no apparent reason - in their cells or in police detention centres are frequent, without State authorities undertaking any serious investigation into such cases. In the same manner, military and police officials are responsible for deaths by gun shot or excessive use of tear gas against people participating in public demonstrations, without investigations in ordinary courts being carried out, but rather in police or military courts, which normally result in sentences that often exonerate law enforcement officials from all responsibilities.<sup>14</sup>

10. CEDHU stated that in practice, detainees in police custody are often physically or psychologically tortured by the police to obtain confessions or information, and in some

occasions to punish them. There have been cases of deaths in police custody or forced disappearances, which have not been adequately investigated. Persons denouncing torture or ill treatment are judged in military or police tribunals.<sup>15</sup>

11. In the view of the same organization, the police continues to infringe the right of persons to their liberty. Cases are reported of persons, including pregnant women, who are kept incommunicado in premises of the judicial or antinarcotics police for several days; domiciliary arrests and release orders are not implemented. CEDHU reports to have received, since 2004, 3,828 allegations of arbitrary detentions.<sup>16</sup>

12. CEDHU further noted that one of the common concerns raised during prisoners' protests, is the insufficient and bad quality of food. Persons deprived of their liberty are living in small cells without proper hygiene, no health care and insufficient food. Many do not have beds, mattresses or blankets to sleep, in violation of rule 20 of the Standard Minimum Rules for the Treatment of Prisoners. Conditions of detention were at the origin of the emergency declared in the penitentiary system, without having resulted in any improvement.<sup>17</sup>

13. CEDHU said that while the Constitution establishes the separation of prisoners - those being tried are to be held in Provisional Detention Centers and those serving a sentence should be held in Rehabilitation Centres – there is no differentiation and separation in practice. Most of the prisons in the country are mixed and have male directors, most custody and administrative officials in the women units/section are men and are not accompanied by female personnel, resulting in sexual harassment and the soliciting of sex, which goes against rule 53 of the Minimum Rules.<sup>18</sup>

14. Overpopulation of the prisons can generate violence and have grave consequences, the CEDHU added. To date there are reportedly 19,251 persons in detention, when the capacity of the prisons is 6,000. These numbers do not include those in detention centres under the jurisdiction of the judicial and antinarcotics police, in which an unknown number of persons are detained without judicial control for days, weeks and even months. These persons are vulnerable, especially to torture that could not be proved, because access to a physician is not authorized in the police detention centres.<sup>19</sup>

15. The Comité de América Latina y el Caribe para la Defensa de los Derechos Humanos (CLADEM) reported a high rate of violence affecting the personal integrity and sexual liberty of persons, in particular of women. Of concern are also cases of sexual harassment in the schools, which are not brought before the judicial mechanisms as school authorities usually prefer to investigate and solve such cases internally, without reporting to judicial authorities.<sup>20</sup>

16. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that in prisons, security regulations and policies to combat drugs have imposed the vaginal inspection 'cacheo vaginal' of women by female or male penitentiary officers, which is an assault to their personal integrity.<sup>21</sup>

17. GIEACPC stated that legal protection from violence and abuse is given by the Law on Violence against Women and the Family (1995), the Childhood and Adolescence Code (2003), the Criminal Code (1991, amended 2005) and the Constitution (1998). The Childhood and Adolescence Code prohibits ill-treatment of children, which is defined as "any conduct, any act of omission or commission, that causes or may cause harm to the integrity or physical, psychological or sexual health of a child or young person, by any persons, including their parents, other relatives, educators and persons responsible for their care, whatever means

used, whatever the consequences and whatever time is necessary for the victim to recover” (article 67).<sup>22</sup>

18. GIEACPC stated that, in the penal system, corporal punishment is unlawful as a sentence for crime under State legislation. However, the judicial system allows indigenous communities that are not served by police forces to apply vigilante justice as a form of “traditional” law, and public humiliation and beatings are reportedly a common form of punishment in isolated Andean villages. In November 2005, a draft law for indigenous justice was under discussion.<sup>23</sup>

19. Corporal punishment of children is unlawful in schools (under the Childhood and Adolescence Code, articles 40 and 41).<sup>24</sup> Article 76 of the Code states that abusive practices suffered by children cannot be justified on the grounds that they are educative methods or traditional cultural practices, but this is not interpreted as prohibiting all forms of corporal punishment of children, making corporal punishment lawful in the home.<sup>25</sup>

20. There is no explicit prohibition of corporal punishment as a “disciplinary” measure against children in detention.<sup>26</sup> In alternative care settings run by institutions, corporal punishment is prohibited under the Childhood and Adolescence Code (article 41), but there is no explicit prohibition in other alternative care settings.<sup>27</sup>

21. GIEACPC strongly recommended that Ecuador urgently introduce legislation to prohibit corporal punishment of children in all settings, including in the home.<sup>28</sup> This organization also recommends highlighting the importance of Ecuador responding to Treaty Bodies recommendations.<sup>29</sup>

## **2. Administration of justice and the Rule of Law**

22. INREDH stated that serious human rights violations continue in the context of the criminal justice system, such as inhumane prison conditions, existence of illegal police detention centres, lack of application of norms protecting pregnant women and elderly persons, excessive delays in the justice system, disproportionate and excessive sentences, indiscriminate application of preventive detention, lack of public defence, incommunicado detention and torture.<sup>30</sup>

23. CEDHU noted that the criminal justice system has not improved. Delays in the administration of justice result in accused persons being kept in detention pending a judicial decision, and nothing has been done to implement the sentences of the Inter-American Court in this regard. Only 30% of those in the prisons are serving a sentence, the rest are on trial, thus violating their right to be presumed innocent, as established in the Constitution.<sup>31</sup>

24. INREDH recommends to amend the legislation to effectively sanction penitentiary officials and civil employees that violate human rights in the country: to punish judicial officers and individuals that judicially harass social leaders and human rights defenders, to define torture within the penal code, to eliminate the police and military jurisdictions (‘fueros’), to dismiss civil employees who do not respect and implement the decisions of the Constitutional Court, the Inter-American Commission of Human rights, the Inter-American Court of Human rights.<sup>32</sup>

### **3. Freedom of expression, association and peaceful assembly, and the right to participate in public and political life**

25. In relation with press freedom, Reporters Without Borders affirmed that since the beginning of his term, President Rafael Correa has interfered several times with the work of the media and journalists. On 10 May 2007, Rafael Correa initiated a judicial action for disobedience ('desacato') against the director of the daily *La Hora*, Francisco Vivando, following the publication of an editorial that questioned him.<sup>33</sup>

26. INREDH noted that instead of opening a dialogue with non-governmental organizations, the current Government has suggested that regulations to control them be adopted. With regard to the activities of NGOs working on environmental issues, the Government has labelled those that openly lead the process of opposition to the massive extraction of natural resources (mining, hydrocarbons, wood, etc.) as "opponents". Specifically, the organization Ecological Action has been considered as opposing Government's and, according to information from their members, the Government is believed to be supporting an investigation process in order to find ground to close it down.<sup>34</sup>

27. INREDH stated that the State is using the army and the national police to repress social demonstrations by unarmed peasants and indigenous communities<sup>35</sup>, who call for better life conditions, better control over mining and petrol companies, and better environmental protection. The Government's response was the declaration of a state of emergency, marked by the violent repression by military forces. CEDHU further reports to have registered about 13,851 victims of violence by members of the public force during social demonstrations. Among the victims, there were women, children and elderly. Some persons have lost eyesight as a result of the use of tear gas.<sup>36</sup>

28. INREDH also reported that in the course of 2006 and 2007 approximately 60 leaders of indigenous communities and farmers have appeared to be criminalized for their work defending human rights and promoting respect for the environment, at the instigation of National or Transnational Companies interested in exploiting the natural resources of the country and which consider social leaders as an obstacle. The executive power has a direct responsibility in these conflicts, because they reflect the opposition of communities to projects for the exploitation of natural resources under the authorization of the Government itself. Although the former Government made most of the concessions, no process was yet initiated to review the legality of awarding these concessions.<sup>37</sup>

29. CEDHU stated that in Ecuador, the creation of a social organization needs the authorization of the Executive. While in general the right to association is respected, in 2005 CEDHU reported to have registered one case in which an organization working on housing issues (Fundación Mariana de Jesús) was forcibly closed down, through a ministerial order, because it was alleged that it was illegally transferring funds abroad.<sup>38</sup>

30. According to CEDHU, social protest is criminalized through criminal proceedings initiated against leaders of social movements. Social leaders are accused of terrorist acts against property, sabotage, rebellion, intimidation, illicit association, attempt of murder and more. Human rights defenders have to ensure financial means for their defence, since the public defence system is non-existent.<sup>39</sup> Examples cited by CEDHU include the case of a member of a human rights organization, who in 2006 was detained and assaulted by military officials during a public demonstration. He was brought before a military tribunal, in violation of an order for his release following an habeas corpus action. In another case, a member of

the organization 'Comité Pro Agua sin Arsénico' was charged with rebellion following a public demonstration demanding the Municipality of Quito that clean water be provided to the population. In December 2006 in Zamora Chinchipe, the organization "Comité de defensa de la vida" organized a public demonstration to repeal the mining exploitation and in May 2007, an investigation on its leaders, for illegal association, has been initiated. In Cantón Chillanes of the province of Bolívar, the Engineers Corp of the Army is constructing the water dam Hidrotambo, without the population having been consulted. The leaders of social groups mobilized have been charged with the crime of sabotage.<sup>40</sup>

31. CEDHU highlighted that the Constitution, in its article 102, guarantees the right of women to participate in equal conditions as candidates in the electoral process, but that secondary norms violate this right. During the 2000 and 2004 elections, these norms were challenged (art. 40 of the Electoral law) for being in contradiction with the Constitution. On both occasions, the Constitutional Tribunal resolved in favour, but after the elections had taken place. Furthermore, to date, of the 31 Magistrates of the Supreme Court only one is a woman, and of the 9 Magistrates of the Constitutional Tribunal, two are women, reflecting how in practice the Constitution has not been respected.<sup>41</sup>

#### **4. Right to health and to an adequate standard of living**

32. The Observatorio Ciudadano de Servicios Públicos (OCSP) raised concerns about the lack of access of the population (in particular poor people) to clean water in the city of Guayaquil. A concession of the public services to provide clean water and sanitation in Guayaquil was made through a contract, signed on 11 April 2001, between the state institution ECAPAG (Empresa Cantonal de Agua Potable y Alcantarillado de Guayaquil) and a private company (International Water Services Interagua C. Ltda). Interagua has the monopoly of the services, but some areas of the city have been left out. In addition, the water is contaminated, as proven by preliminary analyses of the water done by the National Institute of Hygiene (Instituto Nacional de Higiene) and the Municipality of Guayaquil, a situation that has a negative impact on the health of the population, as reflected by several cases of related illnesses reported in the schools. The responsibility of the State in this regard is being raised by the reporting NGO.<sup>42</sup>

33. CEDHU said that the Constitution guarantees the right to take free and responsible decisions on sexual life, on sexual and reproductive health issues, and to decide on the number of children that persons can procreate, adopt, maintain and educate. In practice, this right is not respected. On 23 May 2006, by resolution of the Constitutional Tribunal (Amparo Constitucional N- 14-2005 RA), the sale of the anti-contraceptive emergency pill 'Postinor 2' was prohibited because the effects of the pill are considered as 'abortive' and impair the right to life from the moment of conception, a right considered to prevail over sexual and reproductive rights, the right to decide and the freedom of women. In addition, it defined the right to life as an unclear ('difuso') right.<sup>43</sup>

34. CRR urged the Human Rights Council to investigate legislative irregularities related to Bill to Reform the Criminal Code (Repeal of article 447 on therapeutic abortion), No. 27-1358, and to monitor its legislative progress in the coming weeks and months. The Bill, if passed, would outlaw therapeutic abortion thus gravely endanger the health of concerned women.<sup>44</sup>

## 5. Right to work and to just and favourable conditions of work

35. CLADEM noted that women receive lower salaries than men in different occupations, both in the public and private sector. Special concern has been expressed about the situation of women working as house employees under contractual conditions which are in general much lower than others. In addition, pressure exists for working women not to become pregnant, especially in the financial and banking sector and in the flower business. In the education system, in many cases, teachers have also had to cover the costs of their replacement.<sup>45</sup>

## 6. Right to education

36. CEDHU said that, notwithstanding the legislation guaranteeing the rights of children and adolescents, in practice these rights are often not respected. Among the most common violations are discrimination, expulsion and denial of registration, as disciplinary sanctions in schools, physical and psychological aggression, and disrespect of the right to freedom of expression, participation and due process. The majority of abuses registered take place in schools. Until now, no adequate measures to guarantee disciplinary measures compatible with the dignity of children have been established.<sup>46</sup> For instance, a 17-year-old young girl who was expelled from school because she was living with her partner and in other cases, female students have been expelled, or their registration denied, because they were pregnant.<sup>47</sup>

37. In the view of CEDHU, established mechanisms for the protection of the rights of children are still weak. Legal mechanisms such as the *amparo* are often not used, and existing appeal mechanisms within the Ministry of Education are not effective. Administrative or judicial decisions in favour of children are not implemented by schools. As an example, the CEDHU cites the case of a student to whom the Municipal School of Benalcazar in Quito denied registration. In 2005, the Supreme Court of Justice decided in his case that the disciplinary action was excessive and also ordered the school to establish a training programme on children's rights, but until now this order has not been fulfilled.<sup>48</sup>

## 7. Minorities and Indigenous Peoples

38. Ecuador's indigenous population is calculated at between 25 and 37 percent of a total population of approximately 13 million. Ecuadorian indigenous people, who are among the most well organized and politically active in Latin America, divide themselves into "nationalities", of which 12 million are in the Andean region (pop.ca. 3 million), 7 in the Amazon (pop.ca. 110,000) and 3 in the Pacific lowlands (pop.ca. 10,000). Oil development, which accounts for about 50 percent of the national budget, is the most significant source of dispute between the Government and indigenous people. Since the 1970s, oil development has often been undertaken without the agreement of the indigenous communities. Likewise, there has never been adequate remuneration for the harm caused by oil development. Oil development has damaged the environment and produced health hazards, remnant explosives, and violent conflicts. In general, oil development remains a source of discontent, often as a result of inadequate or unclear statutes. In some cases, dissatisfaction is the result of the State failure to respond satisfactorily to complaints. In 2007, the new government turned its attention to these cases and to earlier calls made by the Inter-American Commission of Human Rights as well as 'provisional measures' ordered by the Inter-American Court of Human Rights to guarantee the life and personal integrity of communities and their defenders. Its response has the potential to provide remedies for those directly affected, as well as to set precedents for all indigenous peoples.<sup>49</sup>

39. Cultural Survival – HCS Advocates (CS-HCS Advocates) stated that conducting environmental impact studies and obtaining prior informed consent by affected indigenous communities regarding national development projects on their land is a Government's responsibility. A 2002 Government's decree require oil companies to carry out environmental impact studies on lands they propose to develop prior to obtaining a contract. In 2002, the Government also adopted the 'Consultation and Participation Act' as a supplement to the constitutional articles that require prior and informed consent. As the preparation of formal decrees on indigenous participation requires the informed participation of indigenous peoples, and Ecuador's indigenous peoples were not consulted during the process leading to the adoption of the decree, they have called for its repeal. The Government needs to respond to these concerns, and ensure that indigenous peoples fully participate in law making on issues that affect them.<sup>50</sup>

40. According to the same organization, the Plan Colombia to combat drug trafficking includes blank crop spraying of coca plants with glyphosate, a powerful herbicide, which is said to cause skin cancer and other diseases as well as water pollution, illnesses in children, nausea and headaches three months after spraying, and possible genetic damage. Numerous indigenous groups along the northern border of Ecuador have been affected, including the Awa, the Quechua in the highlands, and the Coffin, the Siena, the Sequoya and the Quechua in Amazonia. Through water and air, the herbicide moves from Colombia into Ecuador, affecting both people and crops. The pernicious effects of the spraying have also caused southward migrations of people—including drug traffickers, guerrillas, and paramilitaries—from Colombia into Ecuador, causing displacement and unrest.

41. This movement, in turn, has led Ecuador to increase its military presence along the Ecuador-Colombia border. Incidents of armed conflict and violence in the area have increased. The violence, along with unsanitary schools, has led to a 50 percent decrease in school attendance. The presence of soldiers, guerrillas and drug traffickers has also led to violence and harassment against women, as well as sexual exploitation and trafficking. Yet, there has been no decrease in small-scale coca production. Meanwhile, the quality of life for indigenous peoples' living along the border continues to deteriorate.<sup>51</sup>

42. CS – HCS Advocates noted that illegal logging in the Amazon region is a problem for environmentalists and for indigenous people. In January 2007, areas occupied by the Taromenane and Tagaeri peoples were designated by the Government as *zonas intangibles*.<sup>52</sup> There is however little information about illicit logging, because small mobile operators, which are difficult to monitor, undertake this kind of activities. Moreover, the Tagaeri and Taromenane peoples remain voluntarily isolated, and thus do not plea their own case to the Government. Illegal loggers are known to trespass on their territory. Pressure from logging is alleged to cause violent clashes with and between the Tagaeri and Taromenane peoples. State intervention, enabled by the new *zonas intangibles* measures, is essential to control illicit logging and the violence that is caused by it.<sup>53</sup>

43. CS – HCS Advocates recommended that, as Ecuador rewrites its Constitution, it must ensure that guarantees (contained in the 1998 Constitution) with regard to indigenous peoples, including rights to lands, natural resources, development, environment, health and education, participation and consultation, remain intact.<sup>54</sup> Cultural Survival also notes that Ecuador needs to respond to indigenous concerns and ensure that indigenous peoples fully participate in law making on issues that affect them.<sup>55</sup>

44. CS – HCS Advocates also recommended that the Government’s promises to comply with the precautionary measures ordered by the Inter-American Court of Human Rights regarding the Sarayaku community be monitored for compliance.<sup>56</sup>

45. CS – HCS Advocates further recommended that Ecuador be encouraged to: 1) prevent illegal logging and otherwise secure the areas occupied by the Taromenane and Tagareí peoples "*zonas intangibles*"; 2) provide greater financial benefits to indigenous Amazonians for oil drawn from their lands; advance, with indigenous organizations and communities, formal procedures to ensure indigenous participation and consultation in national development and governance; 3) reduce the negative social, economic, and health impacts of Plan Colombia on indigenous communities located along the Ecuador-Colombia border.<sup>57</sup>

46. INREDH recommended the establishment of participatory consultation mechanisms to duly inform the communities about the environmental impact of projects of exploitation of natural resources, and to respect their decisions.<sup>58</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

47. INREDH highlighted as an achievement the declarations, made by the Government, about social emergencies in areas such as education, health and the penitentiary systems. These calls have allowed the flow of funds to extend the coverage of the health care system, education, penitentiary attention, etc. Regrettably, these advances were thereafter hindered by the Congress through the annulment of the declarations of social emergency.<sup>59</sup>

48. The same NGO also emphasized as an achievement the decision of the previous Government to pay a ‘solidarity bonus’, known as human development bonus, to mothers with several children, elderly persons, persons with disabilities, etc. In addition to having extended the coverage to other categories, the current Government also increased the amount of the bonus from 15 to 30 dollars.<sup>60</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

49. CS – HCS Advocates noted that Ecuador’s new Government has pledged significant advances in the protection of indigenous peoples’ human rights, but it must follow through with implementation of its commitments.<sup>61</sup>

### **V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE**

50. INREDH stated that international cooperation should focus on providing human rights training to local communities that can be affected by activities for the exploitation of natural resources, the establishment of observatories (*'veedurias'*) on the actions by the criminal system and the national police, demilitarization campaigns, establishment of a Truth Commission to investigate crimes committed during the government of León Febres-Cordero, and the creation and maintenance of local human rights committees.<sup>62</sup>

*Notes*

<sup>1</sup> The following stakeholders made a submission (all original submission are available in full text on : [www.ohchr.org](http://www.ohchr.org)):

Civil Society:

CEDHU:	Comisión Ecuémica de Derechos Humanos, Quito (Ecuador);
CRR:	Center for Reproductive Rights, New York (USA);
CLADEM :	Comité de América Latina y el Caribe para la Defensa de los Derechos Humanos, Quito Ecuador*;
CS-HCS Advocates:	Cultural Survival* (in collaboration with researchers from Harvard College Student for Human Rights (HC- Advocates), Massachusetts (USA);
GIEACPC:	Global Initiative to End All Corporal Punishment of Children;
INREDH:	Fundación Regional de Asesoría en Derechos Humanos, Quito (Ecuador);
OCSPP:	Observatorio Ciudadano de Servicios Públicos, Guayaquil (Ecuador);
RWB:	Reporters Without Borders, Paris (France)*;
STP:	Society for Threatened Peoples*, Gottingen, Germany.

NOTE: \* NGO with ECOSOC status

<sup>2</sup> INREDH, pp.1-2

<sup>3</sup> INREDH, p.3

<sup>4</sup> INREDH, p.3

<sup>5</sup> CEDHU, p.4

<sup>6</sup> CS, pp.1-2

<sup>7</sup> CRR, p.1

<sup>8</sup> INREDH, p.3

<sup>9</sup> INREDH, p.3

<sup>10</sup> INREDH, p.4

<sup>11</sup> INREDH, p.4

<sup>12</sup> INREDH, p.5

<sup>13</sup> CEDHU, p.1 and 2

<sup>14</sup> CEDHU, p.2

<sup>15</sup> CEDHU, p.3

<sup>16</sup> CEDHU, p.2

<sup>17</sup> CEDHU, p.4

<sup>18</sup> CEDHU, p.4

<sup>19</sup> CEDHU, p.4

<sup>20</sup> CLADEM, page 1

<sup>21</sup> GIEACPC, p.3

<sup>22</sup> GIEACPC, p.2

<sup>23</sup> GIEACPC, p.2

<sup>24</sup> GIEACPC, p.2

<sup>25</sup> GIEACPC, p.2

<sup>26</sup> GIEACPC, p.2

<sup>27</sup> GIEACPC, p.2

<sup>28</sup> GIEACPC, p.1

- <sup>29</sup> GIEACPC, p.1
- <sup>30</sup> INREDH, p.5
- <sup>31</sup> CEDHU, pp.2- 3
- <sup>32</sup> INREDH, p.6
- <sup>33</sup> RWB , p.1
- <sup>34</sup> INREDH, pp.4 - 5
- <sup>35</sup> INREDH, p.6
- <sup>36</sup> CEDHU, p.3
- <sup>37</sup> INREDH, p. 5
- <sup>38</sup> CEDHU, p.4
- <sup>39</sup> CEDHU, p.5
- <sup>40</sup> CEDHU, p.4
- <sup>41</sup> CEDHU, p.6
- <sup>42</sup> OOSP, p.1
- <sup>43</sup> CEDHU, p.6
- <sup>44</sup> CRR, p.1
- <sup>45</sup> CLADEM, p.2
- <sup>46</sup> CEDHU, p.5
- <sup>47</sup> CEDHU, p.5
- <sup>48</sup> CEDHU, p.5
- <sup>49</sup> CS, p.2. See also Society for Threatened Peoples.
- <sup>50</sup> CS, p.4
- <sup>51</sup> CS, p.5
- <sup>52</sup> CS, p.4. See Convention for the Safeguarding of the Intangible Cultural Heritage, Paris, 17 October 2003.
- <sup>53</sup> CS, p.4
- <sup>54</sup> CS, p.1
- <sup>55</sup> CS, p.4
- <sup>56</sup> CS, p.1
- <sup>57</sup> CS, p.1
- <sup>58</sup> INREDH, p.6
- <sup>59</sup> INREDH, p.5
- <sup>60</sup> INREDH, p.5
- <sup>61</sup> CS, p.2
- <sup>62</sup> INREDH, p.6

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