

ADVANCE QUESTIONS TO ECUADOR (FIRST BATCH)

GERMANY

- During the second UPR cycle in 2012, Ecuador supported the German recommendation to ensure that criminal provisions are not misused to curb the ability of human rights defenders or other protesters to exercise their rights of freedom of expression, assembly and association and that appropriate authorities reconsider the cases of those arrested and prosecuted. It was also recommended that Ecuador should ensure an effective, impartial and timely investigation of abuses committed by the national police, like torture, disappearances and illegal pre-trial detention in order to end the impunity and lack of accountability on police abuses.

Therefore, we are interested in strategies the Government of Ecuador has developed to take action against violations of human rights by state authorities and to thoroughly, independently and impartially investigate such violations and bring alleged perpetrators to justice.

- In addition, we identify great shortcomings in the separations of powers, especially in conjunction with the judicial reform in 2011, and deviations from international standards.

For this reason, Germany would like to ask the Government of Ecuador to what extent Ecuador guarantees the independence of judiciary according to its obligations under Article 14 para. 1 of the International Covenant on Civil and Political Rights and Article 18 No. 1 of the American Convention on Human Rights.

- Germany welcomes the standing invitation to special procedures issued by the Ecuadorian government. Notwithstanding numerous requests for visits, no visits have taken place since 2015.

For this reason, Germany would like to ask the Government of Ecuador why no visits have taken place and what the plans are for further visits, especially by the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on the rights of freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the rights for indigenous peoples.

SLOVENIA

- We would be interested to hear more about the enrolling rate and the education opportunities provided for the indigenous population, in particular for those communities that have difficult access to schools.
- We would be interested to hear what concrete steps Ecuador intends to take to enact the legislation prohibiting corporal punishment of children. What is the current state of play?

SWEDEN

- Sweden would like to ask the Government of Ecuador what measures the government is taking to promote and protect an independent media and the right to freedom of opinion and expression.
- Sweden would like to ask the Government of Ecuador what measures it is taking to prevent and investigate forced disappearances and violence against women.
- Sweden would like to ask the Government of Ecuador to elaborate on how it views the role of and the space for an independent civil society in the country.

SWITZERLAND

- What is Ecuador doing in favor of decriminalizing abortions, at least in cases of rape, incest, and severe fetal impairment, as recommended by the UN Committee on the Elimination of Discrimination Against Women in February 2015?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- How does the Ecuadorean government plan to guarantee freedom of expression and association?
- What is the Ecuadorean government doing to ensure that indigenous rights are respected during development of lands?

UNITED STATES OF AMERICA

- We remain concerned with the 2013 Organic Communications Law and the broad discretion that administrative bodies have used to apply sanctions on independent media and journalists. How does the government intend to amend the Communications Law or alter ambiguous sanctions to ensure respect for freedom of expression?
- We are concerned about the independence of the judiciary and separation of powers. Specifically, the removal of judges by the Judicial Council based on the broad definition and arbitrary application of “inexcusable error” is problematic. How does the government intend to improve judicial independence and ensure objective and merit-based criteria are used to sanction judges in the future?
- How will the government improve implementation of Decree 1247? Specifically, how will the government ensure that the right to free, prior and informed consultation are respected and the concerns of indigenous persons who will be affected by proposed projects are adequately addressed?
- We are concerned with Presidential Decrees 16 and 739, which enable the government to dissolve established organizations, such as the National Teachers Union, on broad and ambiguous grounds. Does the government intend to overturn or reform these decrees?

- We are encouraged by some of the efforts made by the government to improve equal treatment under the law for all citizens the rights of LGBTI persons. However, we remain concerned that LGBTI persons continue to experience higher levels of discrimination when seeking access to public services, as well as higher levels of violence. How will the government ensure equal protection and non-violence for LGBTI persons?