

Annex 1. UPR of Ecuador (2nd Cycle – 13th session) - Thematic list of recommendations pertaining civic space

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
<p>135.13. Accept the request of the Special Rapporteur on freedom of expression to visit the country which had been requested in 2004 (Belgium); Accept the request made by the Special Rapporteur on freedom of opinion and expression, which has been awaiting a response since 2004 (Latvia)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>3.2 Cooperation with special procedures</p> <p>14.3 Freedom of opinion and expression</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general 	<p>Status: Unclear</p> <p>In their response to recommendation 136.2 (noted) the government of Ecuador states that it maintains standing invitations for all special rapporteurs.</p> <p>Source: 4.1 & 6.5</p>
<p>135.29. Ensure that cases of excessive use of force and violence by security forces and prison authorities are immediately stopped and investigated by an independent and impartial authority (Austria)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>13.1 Liberty and security - general</p> <p>16 Right to an effective remedy, impunity</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general - persons deprived of their liberty 	<p>Status: Not implemented</p> <p>Source: see paragraph 5.6</p>
<p>135.36. Continue making efforts to guarantee all Ecuadorians the right to free intercultural, diverse and participative communication in all environments and media and the right to search, receive, exchange produce and circulate truthful, verified, timely, contextualized and plural information (Peru)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>14.3 Freedom of opinion and expression</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general 	<p>Status: Partially implemented</p> <p>Source: see paragraph 4.6</p>
<p>135.37. Ensure that community activists and indigenous leaders can exercise their right to peaceful assembly and protest and that anti-terrorist legislation is not misused to inappropriately censure such activities (Canada)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>14.4 Right to peaceful assembly</p> <p>36 Human rights defenders</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders - general - indigenous 	<p>Status: Not implemented</p> <p>Source: see paragraphs 5.3, 5.4 & 5.5.</p>

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
<p>135.38. Undertake a review of existing and proposed legislation relating to freedom of expression and media freedom to ensure its alignment with international standards, and more specifically, eliminate any existing criminal defamation provisions, also known as desacato laws (Canada); Decriminalize defamation and make the necessary amendments in this regard, in line with Inter-American and international standards (Norway); Repeal all legal provisions that contravene international norms on freedom of expression, especially all insult laws and all norms that criminalize defamation of public officials and institutions (Latvia); Align criminal legislation on insult and defamation with international standards governing freedom of expression. It hoped that these important elements would be taken into account in the on-going reform of the Penal Code (Belgium); Guarantee in all circumstances the independence of the media and take the necessary measures in order that domestic legislation on the offense against honour and defamation does not undermine the freedom of expression (France); Respect the right to freedom of expression and peaceful demonstration, and restrict to the absolute minimum the use of criminal prosecutions against people who exercise these rights (Belgium); Consider taking measures to guarantee freedom of expression, particularly the freedom of the press and to harmonize national legislation in this area with international norms (Costa Rica); Stick to its international commitments, particularly to article 19 of the International Covenant on Civil and Political Rights (Estonia)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>14.3 Freedom of opinion and expression</p> <p>5.1 Constitutional and legislative framework</p> <p>10 Discrimination against women</p> <p>14.4 Right to peaceful assembly</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general - media 	<p>Status: Not implemented</p> <p>Source: see paragraph 4.5</p>

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
<p>135.39. Create an enabling legal environment for civil society organizations to contribute to democratic governance by creating entry points for dialogue and refraining from restricting their freedom to operate independently and freely (Canada); Ensure that criminal provisions are not misused to curb the ability of human rights defenders or other protesters to exercise their rights to freedom of expression, assembly and association and that appropriate authorities reconsider the cases of those arrested and prosecuted (Germany); Facilitate that different civil society actors express their views and opinions with responsibility and objectivity (Holy See)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>14.3 Freedom of opinion and expression 13.1 Liberty and security - general 14.4 Right to peaceful assembly 14.5 Freedom of association 36 Human rights defenders</p> <p>Affected persons: - human rights defenders</p>	<p>Status: Not implemented Source: see paragraphs 5.3, 5.4 & 5.5.</p>
<p>135.40. Protect human rights defenders and journalists against harassment and attacks and to fully ensure freedom of assembly (Latvia); Guarantee to everyone, including journalists and human rights defenders, enjoyment of freedom of expression (Luxembourg); Protect the right to freedom of expression for journalists (Australia); Develop mechanisms to improve the safety of journalists and ensure that all cases of attacks are investigated by independent and impartial bodies (Austria)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>36 Human rights defenders 13.1 Liberty and security - general 14.3 Freedom of opinion and expression 14.4 Right to peaceful assembly</p> <p>Affected persons: - human rights defenders - general - media</p>	<p>Status: Not implemented Source: see paragraphs 4.3 to 4.6, 5.4 to 5.6</p>

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
<p>135.41. Continue incorporating effective forms of participation of its citizens in the process of decision-making, specially through the mechanisms of a representative, direct and community democracy aiming at the development of the country in all issues of public interest with a special emphasis on the needs of persons that require priority attention (Nicaragua)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>36 Human rights defenders</p> <p>18 Right to participation in public affairs and right to vote</p> <p>Affected persons:</p> <p>- general</p>	<p>Status: Implemented</p> <p>Source: N/A</p>
<p>135.42. Allow national and international human rights organizations the space to undertake their non-violent advocacy, campaigning, reporting and investigative work and that the Government of Ecuador engage constructively with human rights defenders in seeking solutions to address Ecuador's human rights challenges (Norway)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>36 Human rights defenders</p> <p>14.3 Freedom of opinion and expression</p> <p>14.4 Right to peaceful assembly</p> <p>14.5 Freedom of association</p> <p>Affected persons:</p> <p>- human rights defenders</p>	<p>Status: Not implemented</p> <p>Source: see paragraphs 2.5 & 2.6</p>
<p>135.43. Continue its efforts to promote diversity in the society by using mass media (Pakistan)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>8 Equality & non-discrimination</p> <p>14.3 Freedom of opinion and expression</p> <p>Affected persons:</p> <p>- media</p>	<p>Status: Implemented</p> <p>Source: see paragraph 4.6</p>

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
<p>135.44. Promote, protect and respect the right to freedom of expression, assembly and association in compliance with country's international HR obligations (Slovakia); Ensure that all human rights activists operating in the country, including individuals cooperating with United Nations human rights mechanisms, are spared from any criminalization, harassment or intimidation and can perform freely their legitimate duties (Slovakia); Examine recent restrictive legislation on NGOs with a view to prevent that legitimate demonstrations and protests by civil society can be taken to Court or criminalized under the penal definition of "terrorism" or "sabotage" (Spain); Engage in a constructive dialogue with the media, NGOs and international bodies to promote freedom of expression in Ecuador (United Kingdom of Great Britain and Northern Ireland); Promote and protect the right to freedom of opinion and expression, in accordance with what is stated in article 19 of the Universal Declaration of Human Rights (Sweden); Ensure that Decrees No. 982 and No. 812, with regard to the freedom of association, freedom of assembly and freedom of expression, are not applied to block the legitimate work of NGOs (Switzerland); Make sure that the Presidential Decree No. 982 is not applied as a way to impede the work of human rights defenders (Austria)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>14.3 Freedom of opinion and expression 13.1 Liberty and security - general 14.4 Right to peaceful assembly 14.5 Freedom of association</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders - general 	<p>Status: Not implemented Source: see paragraphs 3.3 to 3.6, 5.4 & 5.5</p>

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
<p>135.57. Adopt special measures for the realization of collective rights of indigenous peoples and the adoption of mechanisms to ensure their right to be consulted (Hungary); Undertake effective measures to further strengthen the existing mechanisms for consultation with the indigenous population on issues which have an impact on the economic and social aspects of the indigenous population (Malaysia); Continue to improve the promotion and protection of the rights of indigenous peoples, in particular the respect of their cultural and linguistic diversity, and further think about programmes and policies for indigenous peoples, particularly focusing on women and children (Morocco); Institutionalize the right to consultation of the indigenous population and involve civil society and indigenous groups in the elaboration of a functioning consultation mechanism in line with Ecuador's commitments under ILO-Convention 169 (Norway)</p> <p>Source of position: A/HRC/21/4 - Para. 135</p>	Supported	<p>33 Indigenous peoples 18 Right to participation in public affairs and right to vote</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children - indigenous - women 	<p>Status: Not implemented Source: see paragraphs 3.3 & 3.4</p>

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
<p>136.1. Reform legislation regarding freedom of expression with a view to bringing it in conformity with international standards and those of the Inter-American Commission on Human Rights (Switzerland)</p> <p>Source of position: A/HRC/21/4 - Para. 136</p> <p>Comments: A/HRC/21/14 states: The Ecuadorian State has signed and ratified the American Convention on Human Rights (Pact of San José), which clearly establishes the mandatory compliance of the Inter-American Court of Human Rights' decisions, granting the latter the possibility to interpret and apply the norms of the previously mentioned Convention. For that reason, respectful as we are of our international obligations, we cannot accept to reform our legal framework in accordance with standards from the Inter-American Commission of Human Rights, when it is the Court, not the Commission, which has judicial competency over this matter.</p>	Noted	<p>14.3 Freedom of opinion and expression</p> <p>5.1 Constitutional and legislative framework</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general 	Status: Not implemented (with justification)
<p>136.2. Eliminate laws that criminalize opinion and accept visit requests from the OAS and the United Nations Special Rapporteurs on Freedom of Expression (United States of America)</p> <p>Source of position: A/HRC/21/4 - Para. 136</p> <p>Comments: A/HRC/21/4 states: In Ecuador, there are no laws that “criminalize opinion”. As a consequence, we cannot eliminate inexistent laws. It is important to mention that no requests from Special Rapporteurs have been denied, both from the UN and the OAS. On the contrary, Ecuador maintains standing invitations for all Special Rapporteurs.</p>	Noted	<p>14.3 Freedom of opinion and expression</p> <p>5.1 Constitutional and legislative framework</p> <p>3.2 Cooperation with special procedures</p> <p>5.2 Institutions & policies - General</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - human rights defenders - general 	Status: Not implemented (with justification)

Recommendation	Position	Full list of themes	Assessment/Comments on level of implementation
<p>136.3. Establish clear consultation procedures in order to implement the right to free, prior and informed consent of indigenous peoples as contained in the Constitution (Germany)</p> <p>Source of position: A/HRC/21/4 - Para. 136</p> <p>Comments: A/HRC/21/4 states: The Constitution of the Ecuadorian State establishes consultation as a right of all Ecuadorians, but particularly for communities, peoples and nationalities, a previous, free and informed consultation, but not their consent. Additionally, it is necessary to indicate that Ecuador recognizes the existence of indigenous peoples living in voluntary isolation, with the consequent obligation of guaranteeing their lives, of respecting and making others respect their self-determination and will to remain in isolation, and defend the validity of their rights, which turns unviable obtaining their consent.</p>	Noted	<p>18 Right to participation in public affairs and right to vote</p> <p>33 Indigenous peoples</p> <p>Affected persons:</p> <p>- indigenous</p>	Status: Not implemented (with justification)

Total number of civic space recommendations	Supported/Noted (%)	Assessment on level of implementation		
		Fully implemented (%)	Partially implemented (%)	Not implemented (%)
15	80/20	20	7	73