



General Assembly

Distr.: General
12 March 2012
English
Original: English/Spanish

Human Rights Council

Working Group on the Universal Periodic Review

Thirteenth session

Geneva, 21 May–4 June 2012

Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Ecuador*

The present report is a summary of 24 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations 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. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

N/A

B. Cooperation with human rights mechanisms

N/A

C. Implementation of international human rights obligations

1. In November 2011, the Public Defender Service carried out a study to verify to what extent Ecuador had implemented the 10 recommendations made to it in the first cycle of the universal periodic review.²

2. With regard to recommendation No. 1, the Service reported that the prison system had not been the State's top priority. It also indicated that conditions in social rehabilitation centres were poor owing to the deterioration in infrastructure and lack of maintenance. No distinction was made among persons deprived of their liberty between those on trial and facing charges, and those already serving a sentence. Nor was the danger they posed taken into account.³

3. With regard to recommendation No. 2, the Service reported that human rights programmes had been included in the strategic plan for the modernization of the national police and the curriculum (for 2010–2014) of the National Police Headquarters School. Nevertheless, the perception remained that police officials abused their position of authority and reports continued of police brutality.⁴

4. With regard to recommendation No. 3, the Service had received information on the State's efforts to eradicate child labour, especially in garbage dumps.⁵ The Service pointed out that the State worked through a series of institutions (the National Institute for Children and the Family, the Child Development Fund, the Child Rescue Operation programme and the Directorate of Comprehensive Care for Children and Adolescents) in coordination with NGOs. The Service added that minors continued to be employed in mines in northern and southern Ecuador and that nothing had been done to stamp out that practice.⁶

5. With regard to recommendation No. 4, the Service affirmed that overcrowding was a collateral effect of the sale of cell space by prisoner bosses. The Service had helped to reduce the prison population. The Service referred to other concerns regarding social rehabilitation centres, including prison violence and the absence of doctors to deal with emergencies.⁷

6. With regard to recommendation No. 5, the Service noted that the prison system was managed by the transitional management unit of the Ministry of Justice, Human Rights and Religion. The Service had taken on the role of national preventive mechanism in 2011.⁸

7. With regard to recommendation No. 6, the Service praised women's organizations for their work in demanding women's rights, which had thus become a more visible part of public policy in areas related to the universal periodic review. The National Council for

Gender Equality should be put in charge of monitoring the effective inclusion of a gender perspective in plans and programmes.⁹

8. With regard to recommendation No. 7, the Service took note of the development of constitutional safeguards for persons of different sexual orientation. The planned national equality councils should reinforce those initiatives. In July 2010, the Service made a statement and put forward recommendations with regard to discrimination against members of the gay, lesbian, bisexual, transsexual and transgender community.¹⁰

9. With regard to recommendation No. 8, the Service drew attention to the passing of the Act Prohibiting Violence against Women and the Family.¹¹ The transitional commission set up to pave the way for the Council on Women had led the 2010 campaign entitled “Ecuador react! Machismo means violence”.¹²

10. With regard to recommendation No. 9, the Service pointed out that, as a result of the referendum on constitutional reform held in May 2011, the Judicial Council had been dissolved and replaced by the Transitional Judicial Council, which had the task of reforming and improving the administration of justice and user services. An international monitoring unit had been created to supervise the process of reform in conjunction with a national monitoring unit.¹³

11. With regard to recommendation No. 10, the Service took note of constitutional progress and the drafting of inclusive public policy. Nevertheless, it had found that legislative reform was lagging behind constitutional and international standards and that the incidence of human trafficking continued to be high. There had been cases of indigenous children and adolescents being exploited for work or forced to beg.¹⁴

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

N/A

2. Constitutional and legislative framework

12. Joint Submission 2 (JS2) acknowledged the adoption of the Constitution of 2008, which recognized Ecuador as multinational and intercultural.¹⁵

13. Amnesty International (AI) stated that the 2008 Constitution recognized the right of indigenous peoples to be consulted. However, no mechanism had been adopted to ensure that right.¹⁶

14. The International Human Rights Clinic of the University of Oklahoma College of Law (IHRC) noted that the 2008 Constitution promoted a national health system that recognized social and cultural diversity¹⁷ and established bilingual education. It also noted the enactment, in 2011, of the “*Ley Orgánica de Educación Intercultural Bilingüe*”.¹⁸

15. Joint Submission 4 (JS4) noted that the rights and safeguards established under the Constitution and international human rights instruments were directly and immediately applicable.¹⁹ However, the Coalición de Organizaciones de la Sociedad Civil en Ecuador (Coalition of Civil Society Organizations in Ecuador) (COSCE) stated that, in some cases, there was a legal vacuum as far as guaranteeing the enjoyment of rights was concerned.²⁰

16. COSCE indicated that the Constitution upheld children's rights and the principle of their best interest, protecting them against all forms of labour and economic exploitation, and prohibiting children of less than 15 years of age from working.²¹

17. Plan International (PI) acknowledged the progress made in terms of special protection incorporated in the Code of Children and Adolescents.²² It added that the criminal code was modified in 2010 to include the criminalization of violations of the child's sexual integrity — including violations committed by the military or police officers — and the recruitment of girls, boys and adolescents into the armed forces or armed groups.²³

18. Acción Ecológica (AE) drew attention to the fact that the Constitution recognized that nature, or Pachamama, had rights. However, it pointed out that there had been legislative setbacks, such as the Mining Act, passed without regard for the constitutional right of the indigenous peoples to be consulted, and the Food Sovereignty Act, which, according to AE, permitted the introduction of raw materials of transgenic origin, in breach of the Constitution.²⁴

3. Institutional and human rights infrastructure and policy measures

19. IHRC stated that the Government had taken steps to alleviate violence against women by establishing courts specialized in women's issues and family violence. IHRC made recommendations to prevent gender discrimination and gender-based violence, especially in the areas of education and employment. It also recommended the provision of trained advocates to assist women in the judicial system.²⁵

20. PI highlighted the adoption of the "*Plan Nacional del Buen Vivir*" (2009–2013), the National 10 Year Plan for the Integral Protection of Children and Adolescents, the 2008 Plan for the Eradication of Sexual Crimes in Education and the Plan for the Prevention of Teenage Pregnancies.²⁶

21. COSCE expressed concern about the transformation of the National Council for Children and Adolescents into the National Council for Equality before a law on equality had been passed. It recommended maintaining a differentiated approach to protection, allocating funds from the budget and establishing the national councils for equality.²⁷

22. JS2 welcomed the 2010 Government initiatives undertaken in collaboration with the "*Instituto Nacional para la Infancia y la Familia*" to promote a campaign against child labour and maltreatment.²⁸

23. AE acknowledged the work done by the Public Defender Service to promote the rights of nature and communities that were caught up in socio-environmental conflict through the provision of support, legal representation, advice and social integration activities by the Consultative Council, which had been set up in 2009.²⁹

24. The Coalición por las Migraciones y el Refugio (CMR) noted that thus far a gender perspective had not been built in to regulations, public policy or institutional actions regarding migration.³⁰

25. CMR added that, despite the creation of a police anti-trafficking unit, little had been done, including at an institutional level. CMR regretted that the Ministry of the Interior had failed in 2011 to adopt the national anti-trafficking plan, supposedly because of a lack of resources.³¹

B. Cooperation with human rights mechanisms

N/A

C. Implementation of international human rights obligations

1. Equality and non-discrimination

26. JS2 acknowledged the “*Plan nacional de Lucha Contra el Racismo y la Discriminación*” (2008–2009), aimed at strengthening the development of the communities, supporting their integration and improving the conditions of Afro-Ecuadorian women. However, JS2 remained concerned by the fact of racism and discrimination, especially against children.³² JS2 recommended the adoption of measures to guarantee all basic services and the adoption of policies and programmes of development that take into account cultural specificities.³³

27. CMR pointed out that the authorities and media tended to associate the presence of persons of different nationalities with rising crime and had adopted discriminatory measures, thereby infringing rights and fuelling xenophobia.³⁴ Some immigrant women involved in the sex industry faced exclusion and stigmatization, which were manifest in various types of discrimination on the basis of gender, ethnic origin, social class and their migrant status. Others were exploited as domestic servants.³⁵

28. JS4 pointed out that the 2008 Constitution enshrined the concept of equality for all³⁶ and expressly prohibited discrimination on the basis of sexual orientation or gender identity. Nevertheless, in spite of recommendations made during its first universal periodic review in 2008, the State still did not comply with its obligations to respect, protect and safeguard the rights of lesbians, who were subjected to discrimination, violence and inhuman and degrading treatment. The law allowed family members or legal representatives to send a person to a rehabilitation centre on the grounds that they had problems with addiction, thus making it possible to intern lesbians without their consent.³⁷

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

29. COSCE mentioned human rights violations committed in the context of national policy and/or agreements on land management and control, as well as in connection with State-backed mining projects, especially in the provinces of Esmeraldas and Sucumbíos. It reported that there had been cases of enforced disappearances, extrajudicial executions, or murders, as well as crimes related to drug-trafficking and the smuggling of petrol. It had also found that the Ecuadorian army had committed abuses and rights violations in border communities.³⁸

30. IHRC stated that children on the streets were highly vulnerable to violence, sexual and economic exploitation, noting that Ecuador was a destination for human trafficking of children and commercial sex tourism.³⁹

31. COSCE noted that children and adolescents in Ecuador were especially vulnerable to trafficking, which was carried out to various ends.⁴⁰

32. JS2 noted that the majority of child labourers came from Afro-Ecuadorian families. JS2 observed the involvement of gangs in child labour and further noted that children were forced to work and gave a large portion of their earnings to exploiters, namely their relatives or those who control the work in the streets. Children who did not obey were subjected to violence and ill-treatment.⁴¹

33. IHRC added that child labour was the most significant problem facing Ecuadorian youth, especially indigenous youth. It added that children frequently worked at banana plantations, flower farms, garbage dumps or in the streets vending goods. IHRC recommended stiffening penalties for businesses employing children.⁴²

34. PI noted that violence against children within the family continued to be an unacknowledged reality that had not yet been adequately addressed by any public policy. It made recommendations to fight domestic violence and sexual abuse against children.⁴³

35. Global Initiative to end all Corporal Punishment of Children (GIEACPC) stated that no recommendation on corporal punishment was made during the past UPR review. Currently, as in 2008, children may lawfully be subjected to corporal punishment in the home as well as in institutions and as a sentence for crime in traditional justice systems. GIEACPC recalled relevant recommendations made by the Committee against Torture (2010) and the Human Rights Committee (2009).⁴⁴

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

36. Human Rights Watch (HRW) noted efforts to reform the justice system but considered that the language of the approved reforms could increase the Government's powers to influence the appointment and dismissal of judges. The UPR recommendation 9, which had urged for greater independence of the judiciary, was therefore not implemented. HRW recommended to ensure that the transitional Judicial Council appointed to overhaul the justice system operate with complete independence from the Government.⁴⁵

37. AE stated that the Ecuadorian justice system was going through a structural crisis that had a direct impact on the right to justice. It added that the plethora of jurisdictional rights protection mechanisms incorporated into the Constitution was ineffective in practice.⁴⁶ Joint Submission 5 (JS5) observed that the right to legal protection was not protected effectively. Decisions of the Constitutional Court were not sufficiently reasoned, giving rise to doubts about its unlimited powers.⁴⁷

38. According to JS4, many women victims of violence were badly treated by the justice system, meaning that few cases arrived in court and that the problem of impunity was exacerbated. It pointed out that no sentence was passed in the majority of cases that reached court and that the penalties imposed in others were inadequate. JS4 recommended that special mechanisms be established to facilitate women's access to justice.⁴⁸

39. COSCE, referring to cases of impunity and the difficulties in accessing justice in the province of Sucumbíos, recommended the creation of the legal mechanisms and institutions needed to ensure that the inhabitants of border areas had an effective system of justice.⁴⁹

40. HRW reported that in June 2010, a truth commission published a report documenting 68 extrajudicial executions and 17 "disappearances" between 1984 and 2008, and named 458 alleged perpetrators of abuses. It noted that, in October 2010, the Attorney General reopened investigations into cases but that, as of September 2011, no suspects had been charged. HRW recommended a thorough, impartial, and timely investigation into all allegations of police abuses, starting by, but not limited to, those documented by the truth commission.⁵⁰

41. COSCE expressed its concern about proposals to reduce the age of criminal responsibility to 16 years and recommended that the Criminal Code be reformed in line with international standards and the Constitution.⁵¹

42. PI reported that, despite the existence of alternative measures, detention of adolescents was widely used, having a great impact on their development. It recommended the implementation of socio-educational measures to ensure that detention was used as an exception.⁵²

4. Right to marriage and family life

43. COSCE expressed concern about violations of the right of children to an identity through the refusal to register the birth of children born to foreign parents unless proof was

provided that the mother had been resident in Ecuador at the time of conception. Such cases were most common in the northern border provinces.⁵³ PI added that the violation of the right to birth registration generated violations of the rights to education affecting indigenous, afro-descendant and migrants. Even though there were governmental programmes aimed at the universalization of birth registration, there were still administrative and geographic gaps to be filled.⁵⁴

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

44. Joint Submission 1 (JS1) said that sweeping changes in laws, government policies, and new and proposed regulations had turned Ecuador into one of the region's most restrictive countries for the press. JS1 added that the Government had built an alarming record of official censorship and anti-press harassment that included the use of criminal and civil defamation suits to silence critics;⁵⁵ ballot measures with potentially far-reaching effects on news content and the diversity of media ownership, and a growing state media operation that served to broadcast government opinions and discredit critics.⁵⁶

45. Article 19 was concerned by the exercise of "*desacato*" laws, a class of legislation that criminalized expressions which offended, insulted, or threatened a public officer in the performance of his or her official duties.⁵⁷ Article 19 noted that the Government used its power as the country's largest advertiser to pressurize editors into adopting less critical positions.⁵⁸ It added that the most notorious example of Government control over private media took place on 30 September 2010, when revolting police officers barricaded the President into a hospital and five people died in the subsequent shootout. In response to the nationwide protests that this provoked, the Communication Secretary ordered broadcasters to halt their own news reports and carry only state news programming for six hours.⁵⁹

46. The Inter-American Commission on Human Rights reported that the Special Rapporteur for Freedom of Expression had expressed concern on several occasions about attacks on the media and journalists in Ecuador. One source of that concern was the existence and use of criminal contempt and denigration laws, as well as civil law, that could lead to disproportionately heavy punishment for persons who publicly criticized Ecuador's leaders.⁶⁰

47. The Asociación Ecuatoriana de Editores de Periódicos (AEDEP) reported that the private press generally was under systematic attack in Ecuador, and that certain media outlets were singled out.⁶¹ AEDEP referred in particular to the criminal lawsuit filed by President Correa in March 2011 against the newspaper *El Universo*, and its director and opinion editor, for defamation. The President had demanded compensation of US\$ 80 million and 3 years' imprisonment for the newspaper's directors and a writer.⁶² Several organizations referred to that lawsuit and other examples.⁶³

48. The Inter-American Press Association (SIP-IAPA) reported that, during a Saturday broadcast in April 2011, the President had rejected a statement by the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights regarding the *El Universo* case as interference in the country's internal affairs.⁶⁴

49. JS1 noted that on October 2011, César Ricaurte, Head of Fundamedios, gave a presentation about freedom of expression in Ecuador before the IACHR. President Correa responded to the presentation by holding a "*cadena*" to denounce Ricaurte and Fundamedios. Ricaurte subsequently received death threats. CPJ, Fundamedios, and PEN International condemned the attacks and called on the Government to ensure the safety of Mr. Ricaurte.⁶⁵

50. The Inter-American Press Association noted that, in the 2011 referendum on constitutional reform, the proposal that owners of "national" media outlets could have no

other business interests had been approved. That business restriction had been included in the draft organic law on market regulation and control, which remained only to be voted on by the executive.⁶⁶

51. HRW stated that a serious concern not addressed by the UPR recommendations in 2008 was the fact that Government had undermined free expression by arbitrarily forcing TV and radio stations to air presidential speeches, and by failing to adopt regulations to grant official advertisement. HRW added that between January 2007 and May 2011, there were 1,025 “*cadenas*” totalling 151 hours of broadcasting time, many of which included attacks on Government critics and only interrupted the programme of the journalist that the “*cadena*” was criticizing.⁶⁷

52. Association for Progressive Communications (APC) stated that the first UPR did not include reference to Internet although access to information was discussed.⁶⁸ APC recommended that the constitutional implementation makes clear that freedom of expression included Internet-related expression.⁶⁹

53. HRW noted that those involved in protests in which there were outbreaks of violence could be prosecuted on inflated and inappropriate terrorism charges. HRW added that Prosecutors had applied a “terrorism and sabotage” provision of the criminal code in cases involving protests against mining and oil projects and in other incidents that had ended in confrontations with police. HRW made recommendations regarding freedom of expression, misuse of terrorism charges and the protection of human rights defenders.⁷⁰

54. AE, while recognizing positive aspects of the State’s approach to the environment, drew attention to several setbacks, such as the criminalization of leading environmental rights defenders, the rejection of nature protection activists and denigration of their efforts in speeches by the President, and the promulgation of regulations tending to limit the right of association. AE cited its own case by way of example.⁷¹

55. HRW stated that a draft decree announced in December 2010, regulating domestic NGOs, could seriously compromise NGOs’ legitimate activities. HRW was concerned that another presidential decree adopted in July 2011 allowed the Government to monitor international NGOs and rescind their authorization if they engaged in activities different from those described in their application, or “attack public security and peace”.⁷²

56. The Inter-American Commission for Human Rights (IACHR) recognized the efforts of Ecuador to promote women’s political participation within the executive branch. IACHR reported that the Constitution also stipulated that parity was generally required in all political decision-making bodies. The Constitution was presented as an example for political party best practices to facilitate women’s participation.⁷³

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

57. Public Services International (PSI) stated that several retrograde legal reforms had been undertaken in the area of trade union and labour rights that had had an impact on the principle of freedom of association.⁷⁴ It highlighted situations in which protests had been met by harassment, criminalization and court cases, and eventually sackings. National, local, provincial and municipal governments had engaged in political retaliation through mass sackings of workers and criminal proceedings against leaders and other workers, which had led to a fall in trade union membership.⁷⁵

58. IHRC stated that women earned one third less than men. Indigenous women, in particular, were unemployed and underemployed.⁷⁶

59. CMR stated that the right to work was one of the rights that persons of different nationalities had the most difficulty in exercising. Asylum-seekers and migrants in an

irregular situation could not avail themselves of that right and many were obliged to work in the informal sector and fell victim to labour exploitation.⁷⁷

7. Right to health

60. Reporting that 10 per cent of maternal deaths occurred among adolescent mothers, PI recommended that the Government increase its efforts to ensure that sexual education was included in school curricula.⁷⁸

61. IHRC stated that the health status of the indigenous population was poorer than the rest of the population. It recommended that Ecuador continue the recent expansion of medical spending for rural areas.⁷⁹

8. Right to education

62. JS2 regretted that many children from poor families, predominantly Afro-Ecuadorian and indigenous, left school to work. With respect to girls, it noted that school dropout rates increased due to early pregnancies.⁸⁰

63. IHRC highlighted the significant discrepancy of access to education between the general population and the indigenous population, observing that schools are not always located in easily accessible areas, especially for those living in rural zones. IHRC also stressed that the cost and location of schools were particularly relevant for higher education. IHRC added that, while the Government had taken significant steps to promote native input in the education system, it had not been fully realized and appropriated resources were not available to implement bilingual education.⁸¹

64. COSCE stated that migrant children suffered discrimination with regard to the right to education and highlighted the Government's failure to act in that area and the absence of differentiated care. The State had invested a great deal of money in the construction of Millennium Education Units and COSCE recommended that it tune public policy to the needs of the most vulnerable social groups, especially in border areas.⁸²

9. Persons with disabilities

65. IHRC recognized that the Constitution provides for specialized attention for persons with disabilities and added that Ecuador had provisions for reserving jobs for persons with disabilities and had increased its budget for social services.⁸³

66. IHRC added that in Ecuador it was difficult for the disabled to navigate as there were neither ramps nor handrails. Also, there was not sufficient identification of indigenous disabled persons. IHRC recommended enforcing existing regulations and continuing the expansion and strengthening of social services for persons with disabilities, especially in the areas of employment, education and access.⁸⁴

10. Indigenous peoples

67. The Centro sobre Derecho y Sociedad (CIDES) stated that the collective rights of indigenous peoples were systematically violated and, by way of example, pointed to the failure to apply the provisions of international instruments in trials involving indigenous persons, the failure to consult them before passing laws and the lack of norms safeguarding territorial rights.⁸⁵

68. Regarding the environmental impact of projects for the extraction of natural resources in ancestral territories in the Ecuadorian Amazon, the IACHR indicated that the Ecuadorian State had the double duty of adopting measures aimed at preventing environmental contamination, and repairing the damages caused to natural resources by extractive and development activities.⁸⁶

69. AI stated that in September 2009, a demonstration in the town of Macas, Morona-Santiago Province, organized by the Confederation of Indigenous Nationalities of Ecuador (CONAIE) led to violent clashes between demonstrators and security forces, during which 40 people were injured and 1 indigenous leader was killed. AI said that the mining law that had sparked the protests was declared constitutional by the Constitutional Court in March 2010, even though the Court recognized that consultations with indigenous peoples were inadequate.⁸⁷

70. With regard to land title on indigenous territories, the Fundación Pachamama (FP), observed that the State was unable to enforce constitutional provisions designed to ensure that indigenous communities, peoples and nations were assigned land and ancestral territories free of charge.⁸⁸ State policy designed to protect the Tagaeri and Taromenane peoples in isolation was not reflected by the reality on the ground.⁸⁹ Given the failure of the State to do anything to protect indigenous peoples in isolation, the Confederation of Indigenous Nationalities of Ecuador had lodged petitions with the Inter-American Commission on Human Rights.⁹⁰

71. While noting progress on the removal of explosives and equipment from the land of the indigenous people of Sarayaku, IHRC stressed that the Government of Ecuador had yet to provide reparations or restore the ecosystem after oil exploration on the indigenous land. The exploration for oil on the land of the indigenous people of Sarayaku highlighted the lack of proper consultation by the Ecuadorian Government when making decisions.⁹¹

11. Migrants, refugees and asylum-seekers

72. CMR stated that the 2008 Constitution conferred certain rights on migrants and established norms designed to uphold broad rights. However, the State had continued to apply the Migration Act, the Aliens Act and other security-focused measures that violated the rights of immigrants, refugees and victims of human trafficking and smuggling.⁹² Those laws had made persons in an irregular situation vulnerable. Not having visas, they had been denied access to certain services and rights and they risked detention and deportation. The deportation process violated human rights because, for example, of the absence of appeal remedies and the lack of a legally stipulated period of time in which deportation could take place, meaning that a person could be deprived of their liberty for months.⁹³

73. COSCE expressed the view that Decree No. 1635 of 2009, on procedures for acquiring refugee status, was unconstitutional and did not comply with international standards. Examples of such non-compliance included the procedures and criteria for admissibility of requests and the violation of due process arising from the fact that there could be no appeal against decisions.⁹⁴ COSCE was concerned about the review of visas for refugees and recommended amending regulations on the protection of refugees that did not comply with constitutional and international principles and establishing migration procedures in line with those safeguards.⁹⁵

74. Asylum Access Ecuador (AAE) noted that the State had not achieved the articulation of laws and protocols to offer effective protection to refugees and asylum-seekers.⁹⁶ AAE added that there was not a reliable system of registration, particularly for unaccompanied minors, in relation to the refugee-seeking process, and various deportations of persons in need of international protection were undertaken violating the principle of non-refoulement.⁹⁷ AAE stated that it had verified a persistent culture of sexual violence against refugee women in Ecuador, with insufficient responses from the State.⁹⁸

12. Internally displaced persons

75. CMR stated that there were still no regulations, policy or institutions to safeguard the rights of persons facing internal displacement. Over the past year, there had been major

incidents at locations for which huge construction and mining projects were planned, and which would lead to displacement. CMR recommended reviewing mining policies and projects that had a major impact on the environment and, through enforced displacement, on inhabitants.⁹⁹

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status.)

Civil Society

AAE	Asylum Access Ecuador
AE	Accion Ecologica, Ecuador, Ecuador
AEDEP	Asociación Ecuatoriana de Editores de Periódicos
AI	Amnesty International
APC	Association for Progressive Communications
Article 19	Article 19, UK
CMR	Coalicion por las Migraciones y el Refugio
COSCE	Coalición de Organizaciones de la Sociedad Civil en Ecuador para el EPU-Joint Submission 3 by Save the Children, Clínica Ambiental, Parroquia San Pedro y San Pablo- Centro Claretiano de Justicia y Paz- Thalatta Limones
CIDES	Centro sobre Derecho y Sociedad
FP	Pachamama Foundation
GIEACPC	Global Initiative to End All Corporal Punishment of Children,UK
HRW	Human Rights Watch
ISP	Internacional Servicios Publicos, Quito, Ecuador
JS1	Joint Submission 1 by Committee to Protect Journalists, Fundamedios, and PEN International
JS2	Joint Submission 5 by IIMA - Istituto Internazionale Maria Ausiliatrice, Association Points-Cœur, VIDES International - International Volunteerism Organization for Women, Education, Development; Geneva
JS4	Joint Submission 6 by Taller Comunicación Mujer and the Sexual Rights Initiative
JS5	Joint Submission 7 by HRCCUE - Human Rights Center of the Catholic University of- Fundacion INREDH y la Cooperacion Participacion Ciudadana
PI	Plan International
SIP	Sociedad Interamericana de Prensa, USA
IHRC	University of Oklahoma College of Law, International Human Rights Clinic, Oklahoma

National Institution:

DPE	Defensoría del Pueblo, Ecuador
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Regional mechanism:

CIDH -IACHR	Comision Interamericana de Derechos Humanos – Inter-American Commission of Human Rights
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- ² DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – pp. 1–6. The recommendations mentioned by the DPE can be found in document A/HRC/8/20.
- ³ DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – paras. 1–5, pp. 1–2.
- ⁴ DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – paras. 6–7, p. 2.
- ⁵ See COSCE paras. 2–3, pp. 2–3.
- ⁶ DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – paras. 8–10, p. 3.
- ⁷ DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – paras. 11–21, pp. 3–4.

- ⁸ DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – paras. 22–23, p.5.
- ⁹ DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – para. 24, p.5.
- ¹⁰ DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – paras. 25–26, p.5.
- ¹¹ See also PI para. 5, p. 2.
- ¹² DPE, contribution to the Universal Periodic Review, Ecuador 2012 – Second cycle – para. 27, pp. 5–6.
- ¹³ DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – para. 28, p. 6. See also HRW p. 1.
- ¹⁴ DPE, contribución al Examen Periódico Universal, Ecuador 2012 – Segundo ciclo – paras. 29–31, p. 6.
- ¹⁵ JS2, para. 6, p. 2. See also AI, p. 1 and IHRC p. 2.
- ¹⁶ AI, p. 1. See also IHRC p.2, COSCE p. 2, CIDES para. 4, AE para. 7, p. 3.
- ¹⁷ IHRC p. 5.
- ¹⁸ IHRC p. 1. See also PI, para. 4, p. 2.
- ¹⁹ JS4, para. 1. See also CIDES para. 2, CMR, para. 4, p. 3.
- ²⁰ COSCE, p. 2
- ²¹ COSCE, para. 1 p. 2. See also PI para. 3, p. 1 and IHRC p. 4.
- ²² PI para. 4, p. 2. Also see IHRC p. 1.
- ²³ PI para. 4, p. 2.
- ²⁴ AE, para. 7, p. 3.
- ²⁵ IHRC, pp. 3 and 4.
- ²⁶ PI, para. 5, p. 2. See also APC, p. 3 and IHRC, p. 4.
- ²⁷ COSCE, paras. 6–8. See also PI, para. 28. p. 7.
- ²⁸ JS2 para. 32, p. 7.
- ²⁹ AE, para. 5, p. 3.
- ³⁰ CMR para. 23, p. 8.
- ³¹ CMR para. 24, p. 8. See also COSCE, para. 25, p. 8.
- ³² JS2 paras 6–14. See also FP, para. 25.
- ³³ JS2 paras.7, 9 and 14, pp. 3–4.
- ³⁴ CMR para. 14, p. 5.
- ³⁵ CMR para. 23, p. 8.
- ³⁶ JS4 para. 1. See also IHRC p. 3.
- ³⁷ JS4 paras. 3 and 4 and para. 10.
- ³⁸ COSCE paras. 26–37, pp. 9–11.
- ³⁹ IHRC, p. 4.
- ⁴⁰ COSCE para. 24 y 25, p. 8.
- ⁴¹ JS2 paras. 34 and 35, p. 8.
- ⁴² IHRC p. 4.
- ⁴³ PI, para. 15, pp. 4 and 5.
- ⁴⁴ GIEACPC, para. 1.1, 3.2–3.3, pp. 2–3.
- ⁴⁵ HRW pp. 1 and 3.
- ⁴⁶ AE, para. 8, p. 3.
- ⁴⁷ JS5. para. 16, p. 4.
- ⁴⁸ JS4, paras. 13–20.
- ⁴⁹ COSCE, paras. 38–40, pp. 11 and 12.
- ⁵⁰ HRW, pp. 3 and 4.
- ⁵¹ COSCE paras. 8 y 9, p.4. See also PI, para. 25, p. 6.
- ⁵² PI, paras. 26–27, p. 7.
- ⁵³ COSCE, para. 17, p.6. See also CMR para. 15, p. 5.
- ⁵⁴ PI, paras. 22 and 24. P.6. See also JS2, para. 15, p. 4 and COSCE, para. 17, p. 6.
- ⁵⁵ JS1, para. 2, p. 1. See also SIP, paras. 9–12, p. 3, Article 19, para. 4 and HRW p. 1.
- ⁵⁶ JS1, para. 2, p. 1.
- ⁵⁷ Article 19, para. 16. See also HRW pp. 1–2.
- ⁵⁸ Article 19, para. 15. See also HRW, p. 2 and AEDEP, para. 10.

- ⁵⁹ Article 19, paras. 9 and 10. See also IIPJHR, p.1.
- ⁶⁰ See: R72/09 – Office of the Special Rapporteur for Freedom of Expression Expresses Concern over Wave of Attacks against Journalists in Ecuador. Washington, D.C., October 1, 2009 (Available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=765&IID=1>); R 51/09 – Office of the Special Rapporteur for Freedom of Expression Concerned About Prison Sentence for Journalist in Ecuador. Washington, D.C., July 21, 2009 (Available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=756&IID=1>); R72/09 – Office of the Special Rapporteur for Freedom of Expression Expresses Concern over Wave of Attacks against Journalists in Ecuador. Washington, D.C., October 1, 2009 (Available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=765&IID=1>); R40/10 – Special Rapporteurship Concerned about Prison Sentence for Journalist in Ecuador. Washington, D.C., March 31, 2010 (Available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=792&IID=1>); R32/11 – Office of the Special Rapporteur for Freedom of Expression Expresses Concern Regarding the Existence and Application of Criminal Laws Against Persons who have Criticized Public Officials in Ecuador. Washington, D.C., April 15, 2011 (available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=837&IID=1>); R72/11 – Office of the Special Rapporteur Expresses Profound Concern Regarding Conviction of Journalist, Directors and Media Outlet in Ecuador. Washington, D.C., July 21, 2011 (<http://www.cidh.org/relatoria/showarticle.asp?artID=857&IID=1>); R104/11 – Office of the Special Rapporteur Expresses Concern Regarding Confirmation of Conviction Against Journalist, Directors and Media Outlet in Ecuador. Washington, D.C., September 21, 2011 (Available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=870&IID=1>).
- ⁶¹ AEDEP, para. 4, p. 1.
- ⁶² AEDEP paras. 5 and 6.
- ⁶³ See article 19, para. 13, SIP, paras. 13–17, pp. 4–4, AEDEP paras. 6–10, p. 2, HRW, p. 2 and JS1 paras. 6–7.
- ⁶⁴ SIP, para. 16, p. 2.
- ⁶⁵ JS1, para. 30, p. 6.
- ⁶⁶ SIP, para. 9.
- ⁶⁷ HRW, p.1 and pp. 3 and 4.
- ⁶⁸ APC, p. 2.
- ⁶⁹ APC, p. 4.
- ⁷⁰ HRW pp. 2–3. See also Article 19 para.19, IIPJHR p. 1, AI p. 3, CIDES para. 5, and ISP para. 2.4.
- ⁷¹ AE, paras. 2–9. See also Amnesty International p. 3.
- ⁷² HRW, p. 3. See also AI, p. 2 and AR, para. 9, p. 4.
- ⁷³ IACHR, The road to substantive democracy: women’s political participation in the Americas, paras. 69, 140 and 153.
- ⁷⁴ PSI, p. 5.
- ⁷⁵ PSI, pp. 1, 5 and 6.
- ⁷⁶ IHRC, p. 3.
- ⁷⁷ CMR, para. 21.
- ⁷⁸ PI, paras. 20 and 21.
- ⁷⁹ IHRC, p. 5.
- ⁸⁰ JS2, paras. 23 and 24.
- ⁸¹ IHRC, pp. 1 and 2. See also JS2, paras. 10, 25–26 and 17–22, PI para. 6.
- ⁸² COSCE, para. 19–24.
- ⁸³ IHRC, p. 4.
- ⁸⁴ IHRC, p. 4.
- ⁸⁵ CIDES, para. 4.
- ⁸⁶ IACHR, Indigenous and Tribal Peoples’ Rights Over Their Ancestral Lands and Natural Resources Norms and Jurisprudence of the Inter-American Human Rights System, p. 85.
- ⁸⁷ AI, pp. 1–2.
- ⁸⁸ FP, para. 8.
- ⁸⁹ FP, paras. 25–36.
- ⁹⁰ FP, para. 3.
- ⁹¹ IHRC, p. 2. See also AI, p. 2 and IACHR, <http://www.cidh.oas.org/demandas/12.465%20Sarayu%20Ecuador%2026abr2010%20ENG.pdf>.

⁹² CMR, para. 3, p. 2. See also COSCE, para. 11, p. 5.

⁹³ CMR, para. 5 y 7, p. 3.

⁹⁴ COSCE, paras. 9–16, pp. 5–6.

⁹⁵ COSCE, paras. 10–18, p. 7. See also CMR paras. 16–19, pp. 6–7.

⁹⁶ AAE, p. 6.

⁹⁷ AAE, pp. 1–3. See also COSCE para. 16, p. 6 CMR para. 22, p. 7.

⁹⁸ AAE, p. 4. See also CMR para. 23, p. 8.

⁹⁹ CMR, paras. 25 y 33, pp. 8 and 10.