



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: ohchr-registry@un.org

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Excellency,

In our capacity as Chair and co-Rapporteurs for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights, we have the honour to refer to the examination of the fourth periodic report of Ecuador at the Committee's sixty-sixth session, held in 2019. In the concluding observations (E/C.12/ECU/CO/4), the Committee requested Ecuador to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 6 (b), 6 (d), 18 (a) and 40 (a) of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/ECU/FCO/4) received in November 2021 under its follow-up procedure. The Committee examined the report at its seventy-first session, held from 14 February to 4 March 2022, and wishes to communicate the following assessment:

Paragraph 6 (b): Austerity measures – social spending in health care and education – Assessment: No progress.

The Committee notes the information provided by the State party on the investment in infrastructure and other development projects through a public-private partnership scheme. The Committee welcomes the launch of a process in partnership with the Inter-American Development Bank in search of State assets to generate additional income for the maintenance and expansion of social and production infrastructure. It also notes the State's duty, stipulated in the eighteenth and the twenty-second provisions of the Constitution respectively, to progressively allocate public resources for initial and basic education and secondary education with annual increments of at least 0.5 percent of gross domestic product (GDP) until the share amounts to 6 percent of GDP and to increase the funding for the national health system every year by a percentage not less than 0.5 percent of GDP until it accounts at least 4 percent of GDP. The Committee notes with appreciation the information provided by the State party on some measures taken and their impact in certain limited areas of the education and the health sectors.

His Excellency

Mr. Emilio Rafael Izquierdo Miño

Permanent Mission of the Republic of Ecuador to the

United Nations Office and other international organizations in Geneva

Email: onuginebra@cancilleria.gob.ec

While the budget allocated to those sectors through the annual investment plans has significantly increased, the overall budget allocated to those sectors has significantly decreased. According to the information from the Ministry of Economy and Finance, the budget allocated to the education and the health sectors has significantly decreased since 2018. In the education sector, the budget has constantly reduced from \$5,239.05 million (provided budget) or \$4,863.53 million (executed budget) in 2018 to 4,564.58 million (provided) or \$4,252.61 million (executed) in 2020 and 4,537.49 million (provided) in 2021. The Committee also notes the same trend in the health sector: from \$3,456.25 million (provided budget) and \$3,224.61 million (executed budget) in 2018 to \$3,078.62 million (provided) and \$2,738.79 million (executed) in 2020 and \$2,938.31 million (provided) in 2021.

The Committee notes with grave concern that there has been a retrogressive trend in allocation of budget in the education and the health sectors and thus assesses that there has been no progress in response to the recommendation. The Committee urges the State party to take immediate steps to reverse the retrogressive trends in allocating budget to the health and education sectors and requests it to provide in its next periodic report information on the measures taken to implement the recommendation and the progress made thereby.

Paragraph 6 (d): Austerity measures – Assessment: Lack of sufficient information to make an assessment.

The Committee notes the information provided by the State party that a new National Development Plan 2021–2025 was adopted by Decision No. 002-2021-CNP of 20 September 2021 with five thematic components. In addition, Executive Decree No. 371 of 19 April 2018 has also been put in place to ensure that the goals and targets of the 2030 Agenda for Sustainable Development are aligned with national planning and development, including the new National Development Plan. The new plan includes policies and targets for economic recovery and social protection, focusing on the most disadvantaged and marginalized groups as a priority, particularly for the universalization of health services, quality education, employment protection and economic recovery.

The Committee also notes the adoption of the Organic Act on Humanitarian Support to Combat the COVID-19 Health Crisis in June 2020. The Act provides for protection measures in a number of areas relating to economic, social and cultural rights. They include the reduction of school fees, temporary suspension of tenant evictions, a freeze or reduction in the cost of basic services, a ban on the termination or suspension of health insurance policies for non- or late-payment, the extension of coverage of the Ecuadorian Social Security Institute, introduction of commercial loans for economic recovery and flexibility relating to interest rates and credit repayment obligations. Some measures were also taken, through Ministerial Decisions No. MDT-2020-171, No. MDT-2020-172 and No. MDT-2020-173, to minimize the effects of the pandemic on the employment of workers in the public and the private sectors.

While appreciating the information provided by the State party, the Committee notes with regret that the State party has not provided concrete information in response to the recommendation. The recommendation was concerning the austerity measures taken by the State party under the Prosperity Plan in the context of loan arrangement under the Extended Fund Facility of the International Monetary Fund, prior to the coronavirus (COVID-19) pandemic. In the absence of any indication of the relevance of the measures taken, particularly those taken within the framework of the new national development plan (2021–2025), to the implementation of the recommendation and concrete information as to the implementation of the recommendation, the Committee assesses that there is a lack of sufficient information to

make an assessment. The State party is requested to provide, in its next periodic report, concrete information as to the implementation of the recommendation and the progress made thereby.

Paragraph 18 (a): Right to be consulted and to free, prior and informed consent – Assessment: Partial progress.

The Committee welcomes some new measures taken by the State party in addition to the existing ones. The new measures include the ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement), the launch of a platform to access the National System of Environmental and Sustainability Indicators and other publications, and the Agenda for the Equal Rights of Indigenous Nationalities and Peoples, Afro-Ecuadorian People and Montubio People for 2019–2021. It also notes that the Agenda has been prepared based on input provided by civil society and other representatives linked to indigenous peoples and nationalities and that the Agenda addresses the challenge of ensuring the permanent ownership of community lands and control over the management of territories.

The Committee, however, notes with regret that there are still a number of important draft laws pending adoption. They include a draft organic act on the collective rights of indigenous communes, communities, peoples and nationalities (2014); a draft organic act for the protection of the genocultural heritage of indigenous and ancestral communes, communities and nationalities, Afro-Ecuadorian people and the Montubio people and other groups (2017); a draft organic act on the collective rights of Afro-Ecuadorian people (2019) and a draft organic act on the pre-legislative consultation of indigenous communes, communities, peoples and nationalities (2012).

The Committee thus assesses that there has been partial progress in response to the recommendation and requests the State party to provide in its next periodic report on the measures further taken to implement the recommendation and the progress made thereby.

Paragraph 40 (a): Protection of the family and children – Assessment: Partial progress.

The Committee notes with appreciation the measures taken to implement the Comprehensive Organic Act on the Prevention and Eradication of Violence against Women. They include the designation of the Office of the Undersecretary for the Prevention and Eradication of Violence against Women, Children and Adolescents as an implementing body and the development of tools and protocols to strengthen capacity of relevant actors for the institutional prevention and eradication of violence against children and adolescents. The State party has also carried out training and capacity-building activities, including virtual ones during the pandemic, organized for political and civil society organizations on the rights of women and lesbian, gay, bisexual, transgender and intersex persons to political participation and on the prevention of gender-based violence during political participation. Efforts have also been made to disseminate research outcomes on gender-based violence.

The State party has also indicated that, in 2020, a budget of \$2,190,344.80 was allocated to the Office of the Undersecretary, 99 percent of which was earmarked to the agreements with the service providers and that a budget of \$631,797.38 was set aside to recruit 33 civil servants to provide psychological, legal and social counselling. However, the Committee notes with regret that the budget allocated for the implementation of the Law has constantly decreased since 2018 – from \$8,466.44 million (provided budget) or \$8,150.92 million (executed budget) in 2018 to \$8,265.76 million (provided) or \$7,719.63 million (executed) in 2020.

The Committee welcomes the establishment of the Special Statistical Commission on Security, Justice, Crime and Transparency (the Commission) and the formation of a Statistical Strengthening Group for the establishment of a single register of femicides. The Committee notes with appreciation the launch of a computer system (known as “Alexandra”) for reporting and consolidating data on specialized care provided to victims of violence and rights violations and the development of a Tableau system for periodic reporting of management and performance indicators, in line with main components of the National Plan for the Prevention and Eradication of Violence against Women. The State party has also indicated the development of indicators on femicide, linked to SDG Goal 5. The Statistical Strengthening Group provides weekly updates on the number of femicide victims and the status of prosecutions, which inform decision-making on the prevention and eradication of gender-based violence. Sexual orientation and gender identity have been defined as variables in the Integrated System of Prosecutorial Actions. In addition, the Gender Equality Observatory of the Economic Commission for Latin America and the Caribbean maintains statistics on femicide, allowing the comparison of Ecuador with the other countries of the region.

While appreciating detailed information provided and some significant steps taken to implement the recommendation, the Committee is of the view that the recommendation has not been fully implemented, particularly as regards the financial and human resources and data collection and analysis on violence against women in a comprehensive manner beyond femicide. Thus, the Committee assesses that there has been partial progress and requests the State party to provide in its next periodic report information on the measures further taken to fully implement the recommendation and the progress made thereby.

The Committee looks forward to continuing its constructive dialogue with the State party, with a view to providing it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurances of our highest consideration.



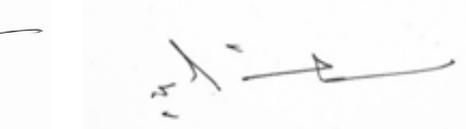
Asraf Caunhye

Co-Rapporteurs for follow-up

Committee on Economic, Social and Cultural Rights



Mikel Mancisidor



Mohamed Ezzeldin Abdel-Moneim

Chair

Committee on Economic, Social and Cultural Rights