

# National Plans of Action for the Promotion and Protection of Human Rights - Ecuador

## CONTENTS

### 1. INTRODUCTION

### 2. MISSION STATEMENT

### 3. STRATEGIC AXES

#### 3.1 Legislative development

National scope

International scope

#### 3.2 Civil and political rights

#### 3.3 Economic, Social, and Cultural rights

#### 3.4 Collective rights

Human Rights and the Environment

Human Rights and Communications

Rights of Indigenous nationalities

Rights of Black People

Rights of Children

Rights of Teenagers

Rights of Women

Rights of the Elderly

Rights of Sexual Minorities

Rights of Detainees

Rights of the Disabled

### 4. INSTITUTIONALITY

National Judiciary Council

The judiciary

The Constitutional Court

The Ombudsman

Law Enforcement Agencies

National Council of Social Rehabilitation

### 5. INTERNATIONAL POLICY

### 6. CITIZEN INVOLVEMENT

### 7. FUNDING

### 8. OPERATING PLAN

#### 1. INTRODUCTION

Human beings are the axes and purpose of public action, hence the importance of enforcing and respecting human rights in the daily life of all peoples.

The Ministry of Foreign Affairs has taken the initiative to work on the promulgation of a National Human Rights Program, with the involvement of civil society in the design and execution of actions proposed in this area.

This document is the final version of the draft National Human Rights Program developed by the civil society as a result of a collective effort involving a great number of social sectors that cooperated in the development of each of its components.

#### 2. MISSION STATEMENT

Ecuador should become a country that fosters and guarantees the overall development of all persons and populations in conditions of respect, defense and promotion of their human rights, ensuring the full exercise of civil, political, social, economic, cultural, and environmental rights deemed inseparable, interdependent, and equally essential.

This Program recognizes all human rights contained in international declarations and treaties, in the Political Constitution and even those being created, processed and regulated by international law or our internal legislation.

### **3. STRATEGIC AXES**

#### **3.1 LEGISLATIVE DEVELOPMENT**

##### **National Scope**

- To adapt the Constitution and national legislation to all human rights enshrined in international agreements.
- To adopt legal mechanisms and guarantees to ensure the enforcement of these principles and rights in the public and private domains.
- To incorporate scattered collective rights into our legal system in order to create effective protection mechanisms of individual and collective human rights confronted in the face of new violations arising from technological advances and private powers.
- To eliminate the statute of limitation for crimes of lese-humanity and to implement the laws required to grant social and economic compensation to the victims of human rights violations.

##### **International Scope**

- The State commits itself to ratify all international agreements related to human rights.
- The Ecuadorian State must abide, without possibility of appeal, revision or objection whatsoever, by the resolutions of the International Human Rights Courts and eliminate all obstacles and restrictions for their enforcement.

#### **3.2 CIVIL AND POLITICAL RIGHTS**

##### General Objectives

- To eradicate torture, physical and moral mistreatment as investigation and punishment mechanisms from detention, investigation and penitentiary systems.
- To enforce the "favor libertatis" principle, according to which the judge may prevent depriving a person of his or her liberty. The judge may however use preventive prison in exceptional cases when there is an imminent risk of escape of the accused or as long as it is necessary to clarify the truth of the facts and prevent the destruction of evidence.
- To ensure that the legal system observes due process in all matters, especially in criminal cases.
- To ensure the right of defense and the principle of presumption of innocence in criminal proceedings.

##### Strategic guidelines

- Reform the current detention, investigation and penitentiary systems through plans, programs and changes in the legal system.
- Promote reforms in the criminal law, aimed at typifying genocide, forced disappearance and discrimination as crimes.
- Promote the effective enforcement of constitutional resources with broad criteria in favor of fundamental rights.
- Introduce citizen participation mechanisms in agencies charged with defining policies and taking decisions in the economic and social fields.
- Ensure punishment of human rights violations and the commitment of the State to the eradication of impunity.

#### **3.3 ECONOMIC, SOCIAL, AND CULTURAL RIGHTS**

##### General Objective

- The Ecuadorian State will guarantee and develop actions and services aimed at complying with all economic, social and cultural rights, with special emphasis on socially and economically excluded sectors. Furthermore, the State will work on the establishment of a sustainable, sovereign and participatory development model that ensures work, food, housing, health, education and a pollution-free environment for all.

#### Strategic guidelines

- The Ecuadorian State is committed to implementing mechanisms in Ecuadorian legislation to enforce compliance with economic, social, and cultural rights through the enforcement of the principles of universality, complementarity, and interdependence of all human rights.
  - The Ecuadorian State will develop adequate policies to exploit the vast natural resources of the country so that they benefit the entire population, and to assure the care, preservation and respect of nature and the environment, taking into account all ecological processes, to ensure the future of new generations.
  - The Ecuadorian State will, with the involvement of civil society, develop labor and employment policies that respect the differences between genders, age, ethnicity, race, geographical location, and physical and mental conditions of all persons so as to foster their development as individuals and members of the community.
  - The State will respect and furthermore labor laws in the administration of justice, under social legislation principles. Furthermore, the State will sign and ratify ILO conventions pending ratification and will foster their enforcement in national legislation (Conventions 87, 98, and 169).
  - The State will establish a national health care system that will contribute to the defense and promotion of a policy guaranteeing basic services, primary care, and preventive medicine, applying universality, integrity, solidarity, and opportunity criteria.
  - The State will ensure that all Ecuadorians enjoy social security coverage.
  - The Ecuadorian State will guarantee equal opportunities for all persons to have permanent access to quality education, to culture and to the arts, by providing the budgets and resources required under the law.
  - By virtue of article 2 of the "International Covenant on Economic, Social, and Cultural Rights", which expressly states the obligation of all State parties to -independently from their level of national wealth- advance immediately and as fast as possible towards the global enforcement of economic, social, and cultural rights. Furthermore, taking into account the fundamental importance of the involvement of civil society, the Ecuadorian State will establish a committee to monitor the respect of economic, social, and cultural rights. This committee will be composed by an equal number of members from the government and civil society and by a representative of the National University Council (CONUEP). This committee will also constitute a space for dialogue among these sectors.
  - The committee will be responsible for the following tasks:
    1. Monitor compliance of international covenants, treaties and agreements and with the rules of international law in the social, economic, and cultural policies adopted by the national government.
    2. Follow up on the use of funds from international banks to verify if they comply with economic, social and cultural rights.
    3. Establish mechanisms to make the government and international banks accountable to civil society, through, for instance, quarterly reports and assessments.
    4. Participate in the development and evaluation of the State's general budget.
    5. Monitor international cooperation in the area of economic, social and cultural rights.
- The committee shall be composed of the ministers of the social sector, as government representatives; by members of the economic policy steering entities, and by representatives of civil society, delegates of human rights organizations related to economic, social and cultural rights.

### **3.4 COLLECTIVE RIGHTS**

#### **HUMAN RIGHTS AND THE ENVIRONMENT**

##### General Objective

- Establish mechanisms to guarantee the protection of and the right of current and future generations to live in a sound and ecologically balanced environment in order to reach sustainable development goals.

##### Strategic guidelines

- To promote processes of reform of the national legal system in order to add to existing statements all the limitations, and mechanisms of control, decentralization, punishment and involvement by the civil society, so as to allow for the effective protection of these rights.

- To promote a nation-wide communication and information process to raise the awareness of the Ecuadorian population and develop in them cultural values based on the respect of human beings and nature as a basic condition for a new and sustainable way of life.
- To promote the insertion of environmental issues and management principles in the national formal and informal educational system at all levels, as part of a global human rights framework.
- To promote environmental training and education as a basic tool for the strengthening of institutions, unions and communities, to guarantee the development of productive and technical processes in optimum conditions for health and life.

## **HUMAN RIGHTS AND COMMUNICATION**

### General objectives

- To democratize communications, in order to guarantee citizen involvement.
- To guarantee the exercise of freedom of expression and speech.

### Strategic guidelines

- To establish clear State policies concerning communication as a fundamental right of the human being.
- To reform anti-trust regulations to allow an adequate exercise of the freedom of expression.

## **RIGHTS OF INDIGENOUS NATIONALITIES**

### General objectives

- To recognize the full force and exercise of individual and collective rights by indigenous nationalities, as a process to reaffirm and strengthen the inter-culturality of Ecuadorian society.
- To establish adequate and effective mechanisms to achieve global and sustainable development of the various indigenous populations and to raise the socioeconomic, cultural and political quality of life thereof.
- To have the Ecuadorian State recognize and guarantee the full enjoyment of the following collective rights of indigenous nationalities:

1. The right to develop and strengthen collective identities and affirm social and cultural values, that allow them to live in freedom, dignity, peace and security.
2. The right of autonomy, with the restrictions established by the Political Constitution and the laws of the Republic, in their respective territorial jurisdictions, through the exercise of their own forms of political, juridical, administrative, productive, economic, educational, religious, social, and cultural organization forms, as well as in health care and biodiversity management, and the right to be fully involved, through their representatives, in all State decision-taking bodies and institutions.
3. The right to be included in all State decision-taking levels and forms; the right to the autonomous development of their own bilingual inter-cultural education system.
4. The right to participate and to be consulted before initiating or authorizing any program or project related to the search for or exploitation of non-renewable resources in their lands and territories. Also, the right to participate in the distribution of the economic benefits arising therefrom and to be compensated for damages suffered by the population and the environment as a result of such activities.
5. The right to their own historical, cultural and spiritual patrimony.
6. The right to the unrestricted purchase of frequencies for different broadcasting purposes and the right to develop communication in their own languages so as to foster the inter-cultural nature of Ecuadorian society.
7. The right to the recognition, guarantee and legalization of ownership and possession of communal lands.
8. The right to have the State establish permanent policies aimed at the overall development of these populations.

### Strategic guidelines

- Acknowledgement in the Constitution of the collective rights of all indigenous nationalities.
- Ratification of International Labor Organization (ILO) Convention 169, and permanent follow-up of the effective enforcement of agreements, conventions, treaties and other instruments to be adopted by the United Nations and the Organization of American States for the benefit of the indigenous populations.
- To increase the budget earmarked for the development and strengthening of bilingual inter-cultural education in the entire country, and for the global reform of the current national educational system.

- Transformation of the current Ecuadorian House of Culture into the "Ecuadorian House of Cultures".
- Establishment of an Academy of Indigenous Languages.
- Legalization of indigenous land and territory tenure.
- Reform of regulations under the State's constitutional principle of pluri-culturality and multi-ethnicity.
- Provision of scholarships for the professionalization and graduate training of indigenous people in all fields of knowledge.

## **RIGHTS OF THE BLACK POPULATION**

### General objectives

- To improve the quality of life of the Afro-Ecuadorian people.
- To strengthen and consolidate the Afro-Ecuadorian movement.
- To secure the recognition and protection of the individual and collective rights of the black population.

### Strategic guidelines

- Establishment of social, economic, and cultural policies to allow the development of the Afro-Ecuadorian population and contribute to its advancement and preservation.
- Establishment of concrete actions to ensure the full protection of the rights of the Afro-Ecuadorian population.
- Ratification of ILO Convention 169.
- Involvement of Afro-Ecuadorians in top positions both in the public and the private sector, in a proportion of no less than 10%.
- Legal and effective recognition of the participation of the black population's individual and collective rights.
- Guaranteeing a real participation of black populations in the administrative area of COMPLADE-IN and other decision-taking agencies.
- Ethnic-oriented education, mainly in communities where most of the population is black.
- Guaranteeing the respect of the Afro-Ecuadorian population's own forms of organization in "comarcas" and "palenques".
- Establishment of sports learning and high-performance training centers and facilities where black populations have comparative advantages.
- Salvaging the elderly black population's contribution to the rest of society.

## **RIGHTS OF CHILDREN**

### General objectives

To establish and foster public policies based on the following principles:

- The best interests of children.
- Children have rights.
- Social citizenship of children and teenagers.
- Global development of children and teenagers as a national priority.
- Respect of ethnic, cultural and gender diversity.
- Family unity.
- Non-discrimination.

To establish and foster basic public policies to protect children in risk situations or whose human rights are being violated, in cases of:

- Mistreatment and sexual abuse
- Child labor
- Sexual exploitation
- Offenders
- Abandonment and institutionalization
- Natural disasters
- Armed conflicts
- Child trafficking
- Displacement and refugees
- Children living in jails with their parents

- Early motherhood
- Drug addiction and alcoholism

Establish and promote policies to guarantee the enforcement and respect of the rights of children and teenagers. These policies should provide for:

- A specialized, independent, swift, and impartial administration of justice, in order to fully guarantee the rights of children and teenagers.
- A specialized national police council for children and teenagers.
- Municipal ombudsmen for children
- Ombudsmen delegated by the population to defend children and teenagers.

Establish and promote involvement policies that guarantee the rights of children and teenagers to actively participate in their own development and in the development of the country, and to fully exercise their rights of free speech, assembly, thought, conscience, religion, and to be heard in all matters affecting their lives.

Strategic guidelines

- To design and foster a National Global Protection System for children and teenagers at 3 levels:

- A level of definition of public policies for the global promotion and protection of children and teenagers, headed by a national, democratic, egalitarian, and decentralized council.
- A level of execution, composed by local public and private organizations. Here, municipalities will assume relevant policies. Furthermore, local children rights councils would be installed to foster these policies, and their resources would be mainly aimed at programs for children and teenagers; and
- A level of accountability of rights, responsible for monitoring the enforcement and reestablishment of rights in cases of violations thereof. This entity will include members of Justice Administration bodies and from other networks and mechanisms having the same objective.

- To allocate resources for the implementation of child-oriented public policies.
- To establish accountability mechanisms (social audits).
- To promote the involvement of children and teenagers.
- The globalization of quality education and involvement of the educational system in the enforcement of the rights of children and teenagers.
- To develop a General Comprehensive Plan for the Protection of Children and Teenagers, with precise goals and adequate execution mechanisms, services and resources.
- To develop actions to strengthen those institutions working with children.
- To establish global service networks to assist and protect children and teenagers.
- To promote human resources training and education processes in the area of children's rights.

## **RIGHTS OF YOUNG PEOPLE**

General objectives

- To guarantee the enforcement of the rights of young people, to respect their freedom of thought as objects of conscience, as well as their freedoms of assembly, speech, belief, and sexual inclination, so they can become responsible social subjects in all developmental public and private development areas.
- To promote actions aimed at the global development of young people, guaranteeing adequate conditions for their incorporation into education, health, well-being, leisure and labor systems.
- To consolidate preventive actions in the face of several forms of mistreatment, violence and discrimination, promoting the recognition of youth cultures as part of the national culture.
- To include the teaching of values into the educational system.

Strategic guidelines

- To consolidate well-defined policies for young people, on education, health care, social security and labor issues, with the active involvement of young people and their organizations.
- To allocate institutional, human, technical and economic resources for the promotion of young people's rights and to strengthen youth organizations as accountability mechanisms.
- To adopt dignified and safe measures for the protection of teenage and young workers in Ecuador, preventing inadequate remuneration and other forms of exploitation.
- To establish awareness-raising programs concerning young peoples and their rights and responsibilities, taking into account the symbols used by various youth cultures.

- To mobilize public opinion, with the purpose of building a new cultural model that recognizes the rights of teenagers and young people as a way of addressing problems such as violence, mistreatment, prostitution, labor exploitation and drug abuse.

## **RIGHTS OF WOMEN**

### General objectives

- To guarantee the institutionalization of the gender approach in public policies and the enforcement of the National Equal Opportunities Plan 1996-2000.
- To guarantee the right of women to enjoy a better quality of life and to have access to economic resources in equal conditions as men.
- To guarantee the right of women to have a social and family life free of physical, psychological and sexual violence.

### Strategic guidelines

- To formulate labor, employment and resource access policies that take into account the differences in gender, age, ethnicity, geographical location, and the physical and mental state of women, with the involvement of the Ecuadorian society.
- To adopt measures to attend to, prevent, eliminate and punish physical, psychological, and sexual violence against women in social and family environments.
- To guarantee the administration of justice under a gender-specific approach, ensuring compliance with international agreements related to the rights of women, and fostering the reform of criminal and criminal procedure codes.
- To foster actions aimed at increasing the historical, social and cultural presence of women in mass media and to monitor broadcasts for discriminatory or violent content that threaten human development.
- To take steps towards the enforcement of sexual and reproductive rights, as well as to ensure a broad and timely access to education and health in these areas.
- To eliminate sexual stereotypes in private and public educational plans, programs and curricula, and to enforce equal access opportunities to education for men and women.
- To promote and guarantee the involvement of women in decision-taking activities in all forms of political processes, as well as the possibility for women to have access to public and private managerial positions.

## **RIGHTS OF THE ELDERLY**

### General objectives

- To guarantee and improve the right of the elderly to a dignified life.
- To take measures to disseminate and enforce the Law of the Elderly, and to punish any violation thereof.
- To determine special policies to grant priority treatment and assistance to the elderly in all public and private facilities.

### Strategic guidelines

- To guarantee free or low-cost quality care and extensive coverage for the elderly in ambulatory and hospital health services, with special emphasis on geriatric care.
- To guarantee social security coverage for the elderly.
- To establish and reinforce councils and organizations representing the elderly, stimulating their involvement in relevant government programs and projects.
- To guarantee a minimum level of adequate income for the elderly.
- To create and reinforce special social assistance programs for the elderly, with the support of the relevant organizations of civil society, in order to contribute to the active reinsertion of the elderly into society.
- To favor legal reforms that allow social security to give priority attention to services provided to retirees, such as pensions, health care, leisure activities, etc.

## **RIGHTS OF SEXUAL MINORITIES**

### General objective

- The Ecuadorian State will protect and guarantee the right for all persons not to be discriminated against for reasons of their sexual orientation. To that effect, non-discriminatory laws and procedures and other laws for their specific protection will be included in its legal framework, in order to give due course to their social, economic, political, cultural and labor requirements.

#### Strategic guidelines

- To create legal instruments and structures to facilitate access by sexual minorities to mechanisms of defense and recognition of their fundamental human rights, promoting their active involvement therein.
- To investigate and eradicate violations of the human rights of sexual minorities, and to punish those responsible thereof.
- To establish and strengthen several forms of cooperation at inter-institutional level for the development of awareness campaigns on the rights of sexual minorities among the community and among law enforcement agencies.
- To encourage non-discriminatory provision of services by public and private health care, education, social welfare, and labor agencies and by the social rehabilitation system.
- To guarantee that the justice administration system and the police do not deny the exercise of all their human rights to sexual minorities because of their sexual orientation.
- The Ecuadorian State and civil society will foster social, family, labor and cultural reinsertion programs in order to improve the quality of life of sexual minorities.
- The State will ensure that the free exercise of their sexual orientation by certain persons and groups does not become a behavioral model that threatens the rights of other persons.

### **RIGHTS OF ALIENS**

#### General objectives

- To ensure the respect of the human rights and the dignity of immigrants and their families, of refugees, of persons displaced by violence and of stateless persons.
- To protect immigrant workers who are victims of discrimination and whose fundamental rights are violated.
- To grant forced immigrants the facilities needed to legalize their stay in the country.
- To ensure dignified treatment and access to fair trials, and the respect of the fundamental rights of all immigrants.
- To ensure the protection of all Ecuadorian men and women living abroad as irregular immigrants, fostering their return in a timely and dignified fashion, securing to that effect the economic support of the State.

#### Strategic guidelines

- To take steps for the protection of the human rights of foreigners in our country, respecting their own individualities, with special focus on the rights of refugees and displaced persons, keeping in mind the specific protection needs of men, women and children.
- To promote effective measures to regularize the status of illegal aliens permanently residing in Ecuador and who are not a burden for the State.
- To have the National Government ratify all the treaties benefiting immigrants, refugees and stateless persons.
- To enforce international agreements and treaties ratified by Ecuador (Cartagena Declaration on Refugees, etc.) on the rights of refugees. They should be considered as immigrants forced to flee by a violence that results in massive violations of human rights. Also, by a foreign aggression or by other acts that seriously alter public order; or by internal political or economic conflicts, or due to matters of race, religion, gender, language, or membership in a certain social group.
- To promote technical and economic assistance for the training of functionaries working in immigration agencies, as well as for the training of State security forces and functionaries of the judiciary.
- To reach agreements with national or foreign governmental and non-governmental agencies to improve the country's performance in immigration issues.
- To conform the Migration Law with the provisions of international treaties and agreements ratified by Ecuador on matters related to immigrants, refugees, persons displaced due to violence and stateless persons.
- To launch dissemination campaigns to raise the awareness of the population on the dangers implied by illegal immigration through the use of illegal channels.
- To have the National Government ratify the International Agreement on the Protection of the Rights of Immigrant Workers and their Families, approved by the General Assembly of the United Nations on December 18, 1990.



## **RIGHTS OF DETAINEES**

### General objective

- To design and implement a penitentiary policy under the responsibility of the Ecuadorian State that considers all detainees as persons with rights, by giving them the means to live in adequate conditions, optimizing resources so that their rights are respected and adequate social rehabilitation and reinsertion systems can be developed.

### Strategic guidelines

- To modify the penitentiary legislation in order to modernize social rehabilitation systems.
- To promote the use of alternative sentence-enforcing mechanisms.
- To incorporate a social reinsertion system in the penitentiary legislation, so that the State is bound to provide assistance to all detainees, even after their release from prison.
- To ensure that all detentions are constitutional and legal and to implement mechanisms to immediately release persons unduly arrested in detriment of their fundamental rights.
- To implement a classification and placement process for prosecuted and sentenced persons depending on the type of crime, without any preferential treatment.
- To improve prison structure so that detainees may live in sanitary conditions, and especially so that it may efficiently help implement the new rehabilitation model.
- To restructure the penitentiary system with the purpose of determining specific roles and procedures for both prison officials and detainees.
- To design and implement a permanent system for the selection, training, and advancement of prison officials.
- To create adequate mechanisms to investigate and penalize corruption in the penitentiary system.
- To transfer the administration of prisons controlled by the National Police to the National Social Rehabilitation Board.
- To foster a labor policy among prison officials to ensure adequate conditions for the execution of their activities.
- To plan prison activities based on the standard Minimum Rules for the Treatment of Prisoners and on the Code of Conduct for Law Enforcement Officials, as these are international instruments adopted by the United Nations.

## **RIGHTS OF THE DISABLED**

### General Objectives

- To ensure access by the disabled to the labor market and to professional careers, as fundamental elements of their right to a dignified life.
- To train the disabled towards ensuring their personal autonomy and a place in the workforce.

### Strategic guidelines

- To issue sector policies that will guide actions in the health, education, social welfare and labor sectors aimed at guaranteeing the economic development of the disabled. Furthermore, these policies should eliminate discrimination and marginalization and facilitate their social integration and participation, raising their quality of living and fostering the respect of their rights as persons.
- To expressly recognize the remedy of "amparo" (protection of constitutional rights) to demand conditions adequate for their mobility and access in public and private construction projects

## **4. INSTITUTIONS**

The Plan relies on qualified executing agencies established by the Constitution and the laws, especially committed to the respect and defense of human rights. For this reason and in order to be implemented, the Plan will need political support and the allocation of sufficient resources.

The Ecuadorian State is committed to institutionalize competitive examinations for employment in all State institutions, as well as the on-going training and evaluation of all employees.

These institutions are:

#### The National Council of the Judiciary

The Ecuadorian State commits itself to providing the resources necessary for this Council to carry out its functions as a body in charge of governing and administering the Judiciary.

The State commits itself providing the Council with a consensual, democratic and participatory law that contains the Council's faculties, which include the appointment of all judges, including police, military and juvenile judges.

#### The Judiciary

The Ecuadorian State commits itself to launching a profound transformation of the Justice sector in view of developing an autonomous and democratic judiciary power that may efficiently comply with the task of administering justice.

The Ecuadorian State recognizes the jurisdictional exclusivity of the Judiciary and therefore is committed to prevent any interference by the Executive on the judiciary, in order to ensure an effective separation of State powers.

The Ecuadorian State will request the enforcement of constitutional provisions related to common crimes committed by Law enforcement officers who must be tried in ordinary courts.

The Ecuadorian State commits itself to directing human, technical and economic resources to the on-going training of the Judiciary. To that effect, the State will maintain a permanent dialog with professional organizations, universities, grassroots organizations and non-governmental organizations linked to the defense of and education in human rights.

Alternative conflict settlement mechanisms will be fostered, such as arbitration and mediation, and jurisdiction will be given to peace judges.

#### The Constitutional Court

The State commits itself to respecting the autonomy of this High Court. In this sense, it will respect all decisions taken by it.

The State recognizes that the Constitutional Court is the highest interpreter of the State's Constitution.

#### The Ombudsman

The State commits itself to respect the autonomy of the Ombudsman.

The State will appoint the Ombudsman as soon as practicable under the conditions and terms established by the Constitution and the Law.

The State commits itself to providing material, technical and economic resources for the effective performance of the Ombudsman.

#### Law enforcement agencies

The State commits itself to preventing the Armed Forces from carrying out law enforcement activities that affect civil society, except in specific cases.

In order to ensure effective work by law enforcement officers, the State is committed to provide them with the required material and technical resources, as well as to provide training on the respect for human rights.

The State commits itself to modernizing and upgrading National Police equipment and investigation processes, in order to make them effective, adjusted to state-of-the-art methods, and to frame them within the principles of respect of the fundamental rights of all persons.

The State commits itself to institutionalizing the Judiciary Police as soon as practicable. This will act as an agency ascribed to the Judiciary.

The State commits itself to eliminating all illegal social repression groups and to require all activities by private security companies to be regulated.

The National Social Rehabilitation Council

The State commits itself to granting an independent and autonomous status to the National Social Rehabilitation Council, distinct and apart from any political agency or State Ministry.

The State commits itself to providing all the economic resources necessary to fully comply with the Council's objectives.

The National Social Rehabilitation Council will issue regulations that clearly delimit the responsibilities of each of its sections and allow adequate operation thereof.

The National Social Rehabilitation Council will issue the necessary regulations for the operation of social rehabilitation centers.

The National Social Rehabilitation Council will dictate rehabilitation and social reinsertion policies for all detainees, taking into consideration the views of civil society and encouraging its involvement in the fulfillment of its objectives.

## **5. INTERNATIONAL POLICY**

- To foster and support world, regional and subregional efforts aimed at achieving the broadest dissemination, promotion, and protection of human rights.
- The State will sign and ratify all international instruments related to human rights.
- Ecuador is committed to observing and enforcing the decisions taken by different international human right protection agencies.
- The international policy carried out by the State concerning human rights should be clear and transparent, and civil society should be kept informed of all proposals in order for it to provide timely feedback.
- International human rights reports submitted periodically by Ecuador to international agencies should be published in the local media so that the civil society may comment on them and to facilitate feedback by public institutions for the development of alternative reports by non-governmental organizations.
- The State will add all modifications to its internal legislation that are necessary to ensure compliance with international human rights regulations.

## **6. CITIZEN INVOLVEMENT**

The Ecuadorian State is committed to guaranteeing the involvement of civil society in public matters, especially through grassroots and non-governmental organizations. It is also committed to designing strategies to legalize the presence and the decisions, both in the central government and in local governments, of citizens in general, and to receive and handle proposals on economic, social, cultural and citizen security policies aimed at the defense of human rights.

The Ecuadorian State commits itself to channeling the opinions and demands for solution submitted by non-governmental and grassroots organizations in individual and collective cases of human rights violations.

## **7. FINANCING**

The National Human Rights Plan should start from the notion that enforcing it is not an expenditure but an investment. Therefore, financing sources should come from 4 areas:

1. Government
2. Civil society
3. NGOs related to human rights education and defense
4. International organizations

The sources and amounts of these resources should be determined by the Operating Plan.

## **8. OPERATING PLAN**

The Operating Plan, which is an integral part of the National Human Rights Plan, will be developed by several governmental agencies with the necessary assistance of the civil society and non-governmental organizations linked to the defense of and education on human rights

Generally speaking, this Operating Plan should include:

- Diagnosis
- Outline of actions
- Expected results of each action
- Specific beneficiaries
- Actors responsible for the execution of the plan
- Delimitation of competence among State bodies, the civil society and non-governmental organizations linked to the protection of and education on human rights
- Places where actions will be implemented
- Resources (human, economic, technical)
- Terms according to expected results
- Schedule of activities
- Preparatory cooperation agreements with other national and foreign governmental and non-governmental agencies to facilitate enforcement of the plan
- Determination of results indicators

To reach its goals, the Plan must also design and implement a follow-up and assessment system that allows the persons in charge of executing it to permanently monitor its progress.

A Standing Follow-up and Assessment Committee will be established for this purpose.

This Committee will also be composed of several government administrations, civil society, and non-governmental organizations linked to the defense of and education on human rights.

Its main tasks will be to ensure compliance of the Plan by its executing bodies and, if needed, to adjust its general guidelines so as to reach the proposed objectives.

Quito, March 29, 1998

**Official registry N° 1527**

**Fabián Alarcón Rivera**

**Acting constitutional President of the Republic,  
Ecuador**

**Whereas:**

The Political Constitution of Ecuador enshrines the respect, defense and promotion of human rights as the highest duty of the State;

The Fundamental Charter recognizes the international declarations and conventions on human rights; The international organizations have established legal mandates and mechanisms such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its optional Protocol, the Inter-American Convention on Human Rights, the Proclamation of Teheran and the Vienna Declaration and Program of Action of 1993.

Human rights do not refer only to the physical and emotional preservation of people, but to their natural environment and to social development and interpersonal relation processes related to the improvement of the quality of life and the development of human potential.

The International Community currently establishes the universality, interdependency and integrality of all human, civil, political, economic, social, and cultural rights and the rights of all peoples.

It has been universally declared that the promotion and protection of human rights is a primary obligation of the States and that the International Community has a legitimate interest and responsibility thereon.

The human rights situation in Ecuador concerning civil, political, economic, social, and cultural rights has deteriorated, without the Ecuadorian State being able to create adequate conditions for their full implementation.

The Ecuadorian state has recognized the need to develop concrete plans and programs to disseminate, promote and guarantee the full enforcement and respect of human rights, especially as we celebrate the 50th anniversary of the Universal Declaration of 1948.

The exercise of democracy under a State of law, requires the involvement of civil society in the organization and development of all actions that allow the full effectiveness of all fundamental rights and guarantee their enforcement; and

Exercising the faculties vested by the Constitution and the Law:

## **Decrees:**

Article 1. The establishment of a National Human Rights Plan in Ecuador to prevent, eradicate and punish the violation of human rights in the country, with the purpose of institutionalizing priority policies through State bodies and the civil society to:

- a) Identify the causes preventing the full exercise of these rights and implement concrete legal, political, administrative, economic, social, cultural and environmental proposals to facilitate compliance with the Plan.
- b) Promote and disseminate human rights principles in their universality, integrality and interdependence through all available means.

Article 2. - This Plan is universal, obligatory and comprehensive. The public powers and civil society will be responsible for its enforcement and execution.

Article 3. - The objectives and goals to enforce article 1 refer especially to:

## **CIVIL AND POLITICAL RIGHTS**

Article 4. - To establish as general objectives:

1. That the detention, investigation and penal systems eliminate torture, moral and physical mistreatment as methods of investigation and punishment.
2. The enforcement of the "Favor Libertatis principle", according to which the judge may prevent the imprisonment of a person. She may use preventive prison, exceptionally, when there is an imminent risk of escape of the accused or as long as it is necessary to clarify the truth of the facts and to avoid the destruction of evidence.
3. To compel the legal system to observe due process, particularly in the criminal area. To ensure the right of defense and the principle of presumption of innocence in criminal proceedings.
4. To develop specific actions with State entities and civil society for the modernization of the legal system, the eradication of corruption and the improvement of the Human Rights protection system.

Article 5. - In order to comply with the general objectives provided for in the preceding article, the Government is committed to foster:

1. A reform of the current detention, investigation and penitentiary systems through plans, programs, and changes in the legal systems.
2. Reforms of the Criminal Law aimed at defining genocide, forced disappearance and discrimination as crimes.
3. Effective enforcement of constitutional recourses with a broad criterion favorable to fundamental rights.
4. Introduction of citizen participatory mechanisms in political, economic and social policy-making and decision bodies.
5. The introduction of mechanisms and instruments of participation and control of the National Police by civil society.
6. Punishment of human rights violations and commitment by the State to eradicate impunity.
7. Introduction of prevention, detection and research policies and mechanisms to fight corruption, and the civil and penal punishment of all responsible.
8. Constitutional and legal reforms favoring a swift, free, effective and prompt administration of justice, accessible by all sectors of society, especially the poorest ones.
9. The proposal of initiatives to the Judiciary, leading to the enforcement of criminal rules subject to the principles contained in international instruments on human rights.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Article 6. - To establish the following general objectives:

1. Creation of an adequate model for sustainable, equitable, integrated, permanent, solidary and participatory development, ensuring social justice, employment, food, housing, health, education and a healthy environment for the entire population.
2. Establish adequate policies to utilize the country's huge natural resources so as to benefit the entire population and ensure the enjoyment, care, preservation and respect of nature and the environment, taking into account ecological processes, to ensure the well being of current and future generations.

3. Include courses of study in the national formal and informal educational system at all levels, on human rights, their principles and foundations, on the need to protect, disseminate and develop mechanisms of civil society to demand their indiscriminate, global, and universal enforcement.
4. Establish a single national health care system to ensure a healthy life for all our citizens, notwithstanding their age, gender, race, ethnicity, or sexual inclination, by virtue of open access to health prevention, provision and care.

Article 7. - In order to fulfill the general objectives provided for in the preceding article, the Government is committed to:

1. Foster the inclusion in the Ecuadorian legislation of mechanisms to demand compliance with economic, social and cultural rights through the enforcement of the principles of universality, complementarity and interdependency of all human rights.
2. Formulate, with the involvement of the civil society, labor and employment policies that respect gender, age, race, ethnicity, sexual inclination, geographical location and the physical and mental conditions of all persons, so as to foster their individual and community development.
3. Observe and enforce the labor law in the administration of justice, under the principles of the social legislation. Additionally, to analyze the convenience of signing and ratifying ILO conventions not already signed or ratified by Ecuador.
4. Ensure that all Ecuadorian men and women have dignified housing, through economic incentives and mechanisms that include the public and private sectors with a view to overcome the housing deficit and to promote new housing financing and building systems.
5. Seek that all Ecuadorian men and women have and benefit from a solidary, integrated and co-financed social security system.
6. Guarantee equal opportunities for persons to have permanent access to quality education, culture and art, providing the budgets allocated by the law and creating and implementing the resources required therefor.
7. Promote, in partnership with the civil society, the establishment of learning facilities, scholarships and other awards granted to entities or persons with outstanding performances in the defense of human rights.
8. Stimulate the establishment and utilization of channels for the population to have direct access to information and the means for the protection of human rights. To promote equal access to human rights educational means and systems, insisting on the need to have complete and free information thereon and citizen guarantees for the protection of the dignity and integrity of all persons.
9. Establish labor policies aimed at consolidating the respect of the freedom of assembly, within legal rules and precepts, of the right of collective negotiation and of the right to the dignity of all workers. Also, to eliminate forced labor and child labor, to recognize informal workers and agricultural workers and condemn forced evictions and sudden dismissals.

## **COLLECTIVE RIGHTS**

### **Rights of Indigenous Peoples**

Article 8. - To establish as general objectives:

1. The development and strengthening of individual and collective indigenous identities, the confirmation of their social cultural values so that they may live in freedom, peace and security.
2. The recognition of the autonomy, with the limitations established in the Constitution and the Laws of the Republic, of adequate administrative, health care, productive, economic, educational, and religious organizations.
3. Guaranteeing access to all levels and forms of education and to allow the maintenance of adequate intercultural education systems.
4. Fostering consultations among indigenous peoples before authorizing projects to prospect and exploit renewable and non renewable resources located in their land and ancestral territories. Also, to analyze the possibility for indigenous peoples to be equitably involved in the benefits arising from resource exploitation activities, as well as compensated for damages.
5. To propose laws and rules for the regulation of ownership and possession of ancestral community land.
6. To foster special programs for the eradication of all forms of discrimination and violence against all indigenous peoples and their cultures.

Article 9. - In order to comply with the general objectives provided for in the preceding article, the Government is committed to:

1. Propose the constitutional recognition of the collective rights of indigenous peoples;
2. Strengthen a bilingual intercultural education system and the overall reform of the current education system in the entire country.
3. Foster the acceptance in the Ecuadorian House of Culture and its various centers, of ancestral cultural manifestations of indigenous peoples.
4. Foster the establishment of an Academy of Indigenous Languages.
5. Establish special scholarship programs and other types of educational assistance for the professional training of indigenous peoples.

### **Rights of the Afro-Ecuadorian population**

Article 10.- To establish as general objectives:

1. Improving the quality of life of the Afro-Ecuadorian population.
2. Strengthening and consolidating the Afro-Ecuadorian movement.
3. Achieving the recognition and effective protection of the individual and collective rights of Afro-Ecuadorian populations.

Article 11.- To comply with the general objectives provided for in the preceding article, the Government is committed to:

1. Generate social, economic and cultural policies that foster the development of the Afro-Ecuadorian people and contribute to its preservation and advancement.
2. Devise concrete actions for the protection of the Afro-Ecuadorian population.
3. Ensure the involvement of Afro-Ecuadorians in decision-taking positions in the private and public sectors, in adequate proportion to their number among the general Ecuadorian population.
4. Establish special education programs in communities where most of the population is Afro-Ecuadorian, particularly the establishment of sports training and high-performance centers and institutes.
5. Promote the respect of the Afro-Ecuadorian population's own form of organization, such as "palenques" and "comarcas".
6. Foster the recognition of the right of ownership of Afro-Ecuadorian populations on lands occupied since ancient times.

### **Human Rights and the Environment**

Article 12.- To establish as a general objective, the determination of mechanisms to ensure the protection and the right of current and future generations to live in a healthy and environmentally balanced environment in order to achieve specific sustainable development goals.

Article 13.- In order to comply with the general objective provided for in the foregoing article, the Government is committed to:

1. Set concrete actions to accomplish the interrelation between human rights and sustainable development, seeking a balance between overall development programs and the need to preserve a healthy and contamination-free environment.
2. Promote studies and analysis of possibilities for natural and legal persons to have access to justice mechanisms and claim their rights within society in the case of environmentally harmful activities.
3. Establish a nationwide dissemination process for those activities that may be environmentally harmful, guaranteeing the right to information and the involvement of those sectors eventually affected and of the population in general, in decisive stages concerning the execution of those activities.
4. Promote legal reform processes to set limits, decentralization needs, control mechanisms, penalties and to secure the involvement of the civil society in tasks related to the protection of its rights regarding the environment.
5. Promote the insertion in the national educational system at both formal and informal levels of the environmental dimension and also of environmental management principles as an integral part of the human rights approach.
6. Promote environmental education and training as a basic tool to strengthen institutions, unions and the community, in order to ensure the development of productive and technical processes in optimal conditions for health and life.
7. Promote training, as a basic element of the strengthening of institutions, through international cooperation agreements that guarantee the development of technical productive processes in optimal conditions for health and life.

### **Human Rights and Social Communication**

Article 14.- To establish as general objectives:

1. The promotion of close ties between the State's communication media and the civil society mass media with the purpose of implementing human rights projects and programs.
2. To make State and civil society mass media available to individuals and groups who consider that their fundamental human rights have been affected.
3. To establish links between State and civil society communication media with similar media in the Americas and around the world, with the purpose of benefiting from advances and developments in areas related to the dissemination of human rights principles and instruments.

Article 15.- In order to comply with the general objectives provided for in the preceding article, the Government is committed to:

1. Establish programs, by mutual agreement with social mass media, which reinforce activities undertaken by the civil society for the purpose of creating a culture of human rights based on the principles of tolerance and solidarity.

Furthermore, the State is committed to fostering a partnership between the State, international bodies and civil society organizations specialized in social communication, to launch campaigns related to specific chapters of the National Human Rights Plan, with a view to obtaining the broadest dissemination at the national and international levels.

2. Organize national campaigns, in coordination with civil society, to raise the awareness of Ecuadorian society concerning the value and inviolability of human life, to promote human rights education, to keep the community informed of current issues such as the fight against AIDS, to foster the development of cultural, educational and research programs on human rights, to strengthen educational mechanisms, especially the so-called "distance education", and to foster knowledge about various national cultures and traditions.

## **HUMAN RIGHTS BY POPULATION GROUP**

### **Rights of the family, children and teenagers**

Article 16.- To adopt measures for family care, especially concerning responsible parenthood, regulation and future elimination of child labor and protection of working children and teenagers.

Article 17.- To sponsor the production and publication of documents that contribute to the dissemination about the rights of family, women, children and teenagers.

Article 18.- To promote concrete actions aimed at mobilizing public opinion in order to set the basis for a cultural model favorable to the rights of children and teenagers in Ecuador. This will help prevent the illegal trafficking of minors, organ traffic, illegal adoptions, child prostitution, child labor exploitation and drug abuse.

Article 19.- To promote and enable the training of social groups that foster communication between parents, teachers and teenagers, in order to strengthen their identity and their ethical and social orientation.

Article 20.- To promote psychological, cultural and professional counseling programs for teenagers, with their participation, aimed at fostering greater respect from parents, teachers and adults in general for the individual interests of teenagers, their aspirations to develop their own identity and their preferences, as well as for the way they express their social, cultural, religious, political, and economic needs.

### **Women's rights**

Article 21.- To institutionalize public policies that guarantee the exercise of human rights by women, especially in health care, education, employment provision and access, income, political involvement, social security, culture, and communication under equal opportunity plans.

Article 22.- To guarantee the rights of women to a life free of physical, psychological or sexual violence within the family and society.



Article 23.- To foster legal reforms required to comply with international agreements, treaties and conventions related to women's rights; these reforms will include all required juridical-administrative procedural and support means.

### **Rights of the Elderly**

Article 24.- To establish policies and concrete actions aimed at:

1. Disseminating and enforcing the Law of the Elderly, which includes penalties for violations thereof.
2. Developing special policies to give priority treatment and assistance to elderly people in all public and private facilities, including facilitating their movements, and allowing them access to public events.
3. Creating and reinforcing councils and organizations that represent the elderly, in order to encourage their involvement in government programs and projects.
4. Committing the Ecuadorian Social Security System with providing coverage services to all elderly citizens and to guarantee the existence of professional medical teams specialized in gerontology and geriatrics in all public and private health care facilities, for the benefit of the elderly.
5. Creating and reinforcing special programs with the support of civil society organizations, in order to contribute to the integration of the elderly into society.

### **Rights of sexual minorities**

Article 25.- To guarantee the right of persons not to be discriminated against due to their sexual inclination, through non-discriminatory laws and regulations to facilitate the social, economic, and cultural requirements of these persons.

Article 26.- To ensure that State mechanisms and security agents do not prosecute or harass anyone for reasons of their sexual inclination.

### **Rights of Aliens and Immigrants**

Article 27.- To establish concrete actions to protect the human rights of aliens residing in the country, especially concerning the rights of refugees. Furthermore, in compliance with international rules on this matter, to establish policies to protect the civil rights of Ecuadorian nationals abroad, while promoting laws to regularize the status of aliens permanently residing in the national territory.

### **Rights of the disabled**

Article 28.- To formulate special education and training programs for disabled persons, in order to encourage their involvement in society and in the workforce, and to defend their need to be useful to society.

Article 29.- To promote public assistance policies for disabled persons related to rules concerning access by such persons to the labor market and to professional careers in the public and private sectors.

### **Rights of Detainees**

Article 30.- To design and implement a penitentiary policy that considers all detainees as subjects of law, granting them the required attention so that they may live in adequate conditions. Resources should be optimized in order to enforce the observance of their rights and the development of adequate rehabilitation and social integration systems.

### **Citizen and individual safety**

Article 31.- The Ecuadorian State will ensure that its Armed Forces do not carry out police activities, except as the President of the Republic may, pursuant to the law, order the deployment of law enforcement officers through the relevant agencies when so required by public safety and service.

Article 32.- To enhance and update the selection, recruitment and qualification parameters for members of the Armed Forces and the National Police, within the framework of their respective laws and regulations.

Article 33.- To encourage attendance by members of the Armed Forces and the National Police of courses on human rights, pursuant to study programs contained in the relevant agreements signed by Law Enforcement Steering Bodies and specialized entities.

Article 34.- Law enforcement officers who violate or threaten human rights will be subjected to prosecution and punishment as provided by the Constitution of the Republic, as well as by criminal, military and police laws and disciplinary regulations governing law enforcement agencies.

## **INTERNATIONAL POLICY**

Article 35.- To establish as basic objectives:

1. Encouraging and supporting international, regional and subregional efforts aimed at achieving the broadest dissemination, promotion and protection of human rights.
2. Signing and ratifying all international instruments related to human rights.
3. Observing and enforcing decisions taken by various international human right protection agencies.
4. Implementing clear and transparent international human rights policy and informing civil society of its proposals in order to obtain timely feedback.
5. Consulting civil society on international human rights reports periodically submitted by Ecuador to international organizations.

## **GENERAL PROVISIONS**

Article 36.- The State is committed to develop, together with civil society, an Operating Plan under the guidelines contained in the National Plan annexed hereto and which is an integral part of this Executive Decree, within sixty days of its publication in the Official Registry.

Article 37.- A decentralized permanent commission for the evaluation, follow-up and adjustment of human rights operating plans will be established and composed in equal parts by representatives of the State and of civil society.

Article 38.- The State will seek financing for human rights plans and will provide support for all programs and projects submitted by civil society.

Article 39.- The Ministers of State will be charged with the execution of this Decree, which will enter into effect on the date of its publication in the Official Registry.

Done at the National Palace, in Quito, on June 18, 1998

(signed) Fabián Alarcón Rivera, Acting Constitutional President of the Republic.  
(signed) Edgar Rivadeneira Orcés, Minister of Government and Police  
(signed) José Ayala Lasso, Minister of Foreign Affairs  
(signed) Ramiro Ricaurte Yáñez, Minister of National Defense  
(signed) Marco A. Flores T., Minister of Finance and Public Credit  
(signed) Mario Jaramillo Paredes, Minister of Education and Culture  
(signed) ro Torres Andrade, Minister of Public Works and Communications  
(signed) José Guerrero Bermúdez, Minister of Labor and Human Resources  
(signed) Alfredo Saltos Guale, Minister of Agriculture and Animal Husbandry  
(signed) Benigno Sotomayor, Minister of Foreign Trade, Industrialization and Fisheries  
(signed) Alvaro Bermeo Correa, Minister of Energy and Mining  
(signed) Asdrúbal de la Torre, Minister of Public Health  
(signed) Edith García de Frías, Minister of Social Welfare  
(signed) Diego Ponce Bermeo, Minister of Urban Development and Housing  
(signed) Juana Vallejo de Navarro, Minister of Tourism  
(signed) Flor de María Valverde B., Minister of the Environment  
(signed) José Luis Castillo, Minister of Communication

This is a true copy of the original. I certify.

(signed) Dr. Wilson Merino M., Secretary General of the Public Administration.