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Summary record of the 38th meeting

Held at the Palais Wilson, Geneva, on Thursday, 3 October 2019, at 3 p.m.

Chair: Mr. Zerbini Ribeiro Leão

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The meeting was called to order at 3 p.m.

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Fourth periodic report of Ecuador (E/C.12/ECU/4; E/C.12/ECU/Q/4 and E/C.12/ECU/Q/4/Add.1)

1. *At the invitation of the Chair, the delegation of Ecuador took places at the Committee table.*

2. **Ms. Chacón Castillo** (Ecuador) said that the Secretariat for Human Rights coordinated and implemented public policies on human rights in Ecuador; in 2019, its powers had been extended to cover the areas of plurinationality and multiculturalism, citizen participation and social actors, organizations and movements. The Government supported the progressive realization of economic, social and cultural rights through the National Development Plan 2017–2021, whose aims included ensuring a decent life with equal opportunities for all. The Plan envisaged a number of flagship programmes, known as “*misiones*” (missions), for the social protection of priority groups such as children, adolescents, women, older persons, migrants, indigenous peoples and nationalities and persons with disabilities. The programmes were designed to address structural inequality and poverty using a cross-sector approach.

3. In response to the complex economic situation, the Government had taken steps to reduce the fiscal deficit and to consolidate a sustainable and healthy economy. Its fiscal policy was designed to minimize the impact of the transition on the real economy and on living standards, while seeking to restore international competitiveness and boost growth. Accordingly, the economic component of the National Development Plan provided for a US\$ 400 million increase in social spending in 2019 and the maintenance of a welfare spending floor of 1 per cent of GDP for the duration of the Plan. Government spending on education, health and housing had held steady as a percentage of GDP. Between 2007 and 2018, rates of poverty and extreme poverty had fallen, although a slight annual increase in income poverty had been recorded in 2018. The unified basic wage had almost doubled over the previous decade. The Government remained committed to upholding workers’ rights, as illustrated by the efforts of the Ministry of Labour to prevent violations and register the statutes of labour organizations.

4. The Comprehensive Organic Act on the Prevention and Eradication of Violence against Women was passed in 2018, establishing a national system for the prevention and eradication of violence against women which involved 22 government institutions and the five branches of government, including the judiciary. Since the adoption of the Act, public servants, justice officials and members of the public had received training in urgent protection measures designed to save women’s lives. The Act also provided for the establishment of the National Observatory on Violence against Women and the creation of a single registry on violence against women, which would allow for the processing of information held by all branches of government for preventive purposes and to provide care and redress for women victims of violence. The Government had adopted several flagship measures to promote equality between women and men, notably by facilitating women’s access to credit and other financial products. The wage gap between women and men had narrowed during the previous decade and stood at 17.9 per cent in 2018. Meanwhile, the adoption in 2017 of the Organic Act on Labour Justice and Recognition of Work in the Home had led to the recognition of a number of benefits for the estimated 1.2 million domestic workers in Ecuador, including a minimum wage, a 40-hour working week and social security benefits. Despite those efforts, it was clear that the country still required long-term efforts to change the cultural patterns that gave rise to discrimination and violence.

5. The Government had been formulating a comprehensive policy for lesbian, gay, bisexual, transgender and intersex persons since 2014 and had involved more than 500 representatives of various organizations in that process. With the adoption of the Organic Act on Identity and Civil Data Management, identity cards now included a category of

gender, rather than sex, and de facto unions had been recognized as a civil status. The Organic Act on Labour Justice and Recognition of Work in the Home prohibited and punished dismissal on the basis of sexual orientation. The National Assembly had declared 27 November as the National Day of Sexual and Gender Diversity and, on 12 June 2019, the Constitutional Court had formally recognized same-sex marriage following its consideration of a lawsuit brought for the protection of human rights.

6. Ecuador continued to promote the right to education by making a priority of universal access, educational infrastructure and materials and accessibility. The Government acknowledged that school exclusion was connected to social aspects and the quality of education and it constantly sought to build the capacity of teaching staff so that education responded to the needs of the population. Campaigns had been carried out in schools to raise awareness of sexual violence and to strengthen the role of the education system in preventing and identifying sexual abuse against children and adolescents, and protecting and caring for victims. In 2018 and 2019, a national model for the education of children with disabilities and special educational needs had been implemented and disseminated among civil servants at the national level.

7. Adhering to the principle of the World Health Organization that health was “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”, the Government had established a network of essential mental health services. It had developed the Intersectoral Food and Nutrition Plan to promote optimal nutrition and development throughout people’s lives, while the National Sexual and Reproductive Health Plan guaranteed access to sexual and reproductive health services, including free emergency contraception. Moreover, given that access to water and pollution control were crucial for the health of the population, the Government had set up the Inter-Agency Committee on Water Quality and had developed the National Strategy for Water Quality to diagnose the quality of water resources and to prevent their deterioration.

8. Regarding the right of indigenous peoples to take informed decisions, prior consultation was enshrined in the Constitution so as to ensure citizen participation in decision-making. The State performed environmental and social impact assessments that took the views of indigenous communities, peoples and nationalities into account. It had also taken steps to ensure the protection of indigenous peoples in voluntary isolation in the context of hydrocarbon operations, such as updating the 2008 code of conduct governing operators subject to oversight in areas adjacent to the Tagaeri-Taromenane Protected Zone. The Protected Zone itself had been extended pursuant to an executive decree of June 2019 and now covered almost 820,000 hectares.

9. In a globalized world, interconnectivity and access to information were fundamental for growth and opportunity. For that reason, the Government was promoting the development of telecommunications and universal access to information and communications technology. In July 2018, with the goal of enhancing access to information, public innovation and accountability and citizen participation, Ecuador had joined the Open Government Partnership, establishing a core group of civil society, academic and governmental institutions that would monitor the executive branch and perform other advisory, support and oversight functions.

10. As a pluricultural State, Ecuador sought to preserve and promote its indigenous languages, both within communities and in the tourism industry, as a means of retaining the country’s characteristic diversity. Efforts to promote indigenous cultures and languages focused on recognizing the value of social memory and on developing public policy instruments for the reconceptualization of museums, libraries and historical archives as repositories of that memory.

11. **Mr. Mancisidor de la Fuente** (Country Rapporteur) said he wished to congratulate the State party on the recent Constitutional Court decision approving equal marriage. He asked whether any legal or administrative measures were required to give effect to that judgment.

12. Ecuador was a country whose human development index had gradually increased over the previous 20 years, accompanied by significant reductions in poverty and modest improvements in the Gini coefficient. While he welcomed the fact that care had been taken

to minimize the impact of the recently announced structural adjustment measures on social sectors, he wondered how those sectors, including education and health, would be protected from future spending cuts. How was it possible to reduce the size of the State, as proposed under the Prosperity Plan, while maintaining the same level of public services? In that connection, given that the loan arrangement under the Extended Fund Facility of the International Monetary Fund might be detrimental to the enjoyment of economic, social and cultural rights, he wished to draw attention to the Committee's statement of July 2016 entitled "Public Debt, Austerity Measures and the International Covenant on Economic and Social Rights" ([E/C.12/2016/1](#)), which highlighted the need to take international human rights obligations into account in the negotiation of such arrangements. Furthermore, the Committee would be grateful for clarification of the relationship between the Prosperity Plan and the National Development Plan, including in respect of whether the former had replaced the latter, whether their content was compatible, and if not, which plan would take priority.

13. The Committee was concerned that the Ecuadorian tax structure was skewed towards indirect taxes, and that consequently direct tax revenues and the overall tax take as a proportion of gross domestic product (GDP) were lower than the regional average. Consequently, he wished to know whether the planned tax reforms had been enacted and whether they would address imbalances so as to institute a more progressive tax policy that allowed for greater enjoyment of economic, social and cultural rights, utilizing the maximum of available resources. He would also be grateful if the delegation would comment on reports that communities living in the vicinity of the northern border had been abandoned by the State and faced high levels of violence.

14. Recalling that Ecuador had been one of the first countries to receive a decision of the Committee on an individual communication submitted under the Optional Protocol to the Covenant, he was interested to know how the State party had implemented the Committee's recommendations in that case. Was there a specific mechanism, aside from the Secretariat for Human Rights, for enforcing decisions issued in the framework of individual communications? Furthermore, noting that the replies to the list of issues ([E/C.12/ECU/Q/4/Add.1](#)) contained only one example of a case in which the Ecuadorian courts had referred to the Covenant, he asked the delegation to clarify whether the Covenant had been directly invoked in that case and to provide further specific examples of judgments in which the Covenant had been invoked.

15. Although the Committee was grateful for the information provided on anti-corruption policies, he said it was difficult to understand those policies without knowing more about the context that framed them. The Committee would appreciate it if the delegation would share its assessment of the nature of the corruption problem and provide data, such as the number of complaints and convictions, which might illustrate its magnitude. Specifically, it would be interesting to learn whether corruption in Ecuador was due to a lack of adequate legislation, a lack of transparency in administrative procedures, or impunity in the judicial system. He was also interested to know whether the State party envisaged any steps to identify and address non-monetary forms of corruption, such as abuses of authority committed against women.

16. He would be interested to hear more about the State party's efforts to mitigate the adverse effects of climate change from the point of view of economic, social and cultural rights. In that connection, concerns had been raised that the State party's new mining policy might not be compatible with the nationally determined contributions that it had communicated under the Paris Agreement. There had been worrying reports of the extension of extraction permits for projects despite a failure to respect environmental regulations, and of cases in which the right of indigenous peoples to free, prior and informed consent had not been upheld, either because consent had been sought too late or because it had not been sought at all. In other cases, consultations with indigenous peoples had apparently been overly brief and formal, or their outcome had been ignored. The Committee would welcome an explanation of what was being done to give effect to the right of free, prior and informed consent, and what difficulties had been encountered in that regard.

17. The State party was to be commended for the exemplary solidarity that it had demonstrated in hosting Venezuelan migrants. Noting the recent introduction of a humanitarian visa whose conditions not all such migrants were able to meet, he asked whether a degree of flexibility would be afforded to vulnerable groups, such as unaccompanied minors and older persons. According to reports, there had been outbreaks of xenophobic violence directed at such migrants. He wished to know whether they were isolated events, and whether steps were being taken to prevent any recurrence.

The meeting was suspended at 3.45 p.m. and resumed at 3.50 p.m.

18. **Ms. Suárez** (Ecuador) said that the Constitutional Court rulings of 12 June 2019 by which the Court had legalized same-sex marriage were all the more significant insofar as they were binding and took precedence over domestic legislation. The Organic Act on Identity and Civil Data Management and the Civil Code had already been amended accordingly.

19. The Prosperity Plan was designed to address structural flaws in the economy, including by ensuring an appropriate balance between direct and indirect taxation. That Plan was entirely compatible with the National Development Plan 2017–2021 and, in its implementation, there was a prohibition on budget cuts to key areas such as health and education. One of the objectives of the Prosperity Plan was to combat corruption as part of a wider government policy to mainstream transparency in public administration management and thereby prevent impunity.

20. In accordance with domestic law, consultations were held with regard to the exploitation and management of natural resources. Such consultations could be geared towards obtaining the free, prior and informed consent of indigenous peoples, or could take the form of referendums or pre-legislative consultations. While it was true that, in certain cases, it had not been possible to comply fully with the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169), national and local government entities had promoted community participation in the development of environmental management plans.

21. By law, at least 60 per cent of mining royalties had to be paid to decentralized autonomous governments. Indeed, as much as 40 per cent of the budget of some governments came from mining concessions; some of those funds were then used to carry out human rights activities.

22. In July 2019, an immigration amnesty had been granted to Venezuelan citizens who had entered Ecuador regularly but found themselves in an irregular migration situation. Regarding the new humanitarian visa, consideration was being given to adopting more flexible arrangements for particularly at-risk groups.

23. **Ms. Salazar Suquilanda** (Ecuador) said that the Government was implementing intersectoral social welfare policies aimed at achieving equality, equity and social justice, including by eradicating poverty and promoting human mobility. Among the tools available under those policies, it was worth mentioning the introduction of Human Development Bond cash transfer programme, which had benefited some 960,000 individuals to date, the Joaquín Gallegos Lara voucher for persons with disabilities and a voucher for the children of victims of femicide. A range of care services were provided to vulnerable population groups, and there were special pension schemes for particularly vulnerable older persons.

24. The Government was implementing a number of flagship programmes designed to enhance social protection. The “Less Poverty, More Development” programme sought to reduce extreme income poverty from 8.7 per cent to 3.5 per cent by 2021, and was targeted at households with an average monthly income per capita of under US\$ 47. Beneficiaries were offered technical support so that they could take an active role in meeting their needs. The programme had so far helped 111,811 families; bank accounts had been opened for 13,824 of those families so that they could receive welfare payments directly and conveniently. Such payments were contingent on cooperation with medical personnel and participation in education and training. To date, 40,837 vulnerable persons had received a health check-up, and 37,680 had enrolled in an education or training programme. A total of

4,326 individuals had enrolled at enterprise training centres, with 633 of them going on to set up a small business and thereby enter the labour market.

25. The “Homes for Everyone” programme had so far benefited 16,838 individuals, while the “Tender Loving Care” programme had provided support to 285,606 children under 5 years of age. Through the “My Best Years” programme, steps had been taken to improve the quality of life of 410,375 vulnerable persons over 65 years of age. Thanks to the “Youth Momentum” programme, 485,733 young persons aged 18 to 25 years and living in poverty had been helped to overcome structural barriers and gain access to education and training resources.

26. The Las Manueles programme, which was aimed at enhancing the inclusion of persons with disabilities through the identification of major causes of exclusion, had benefitted over 361,712 persons. Through the Las Joaquinas programme, support had been provided to 34,111 primary caregivers of persons with severe disabilities. In addition, there were laws, action plans, manuals and protocols to give effect to the rights of persons with disabilities, including their right of access to justice.

27. **Mr. Torres Machuca** (Ecuador) said that the Public Defender Service had signed an interinstitutional cooperation agreement with the United Nations High Commissioner for Refugees to facilitate the provision of legal assistance to asylum seekers, refugees, stateless persons and unaccompanied minors, among other vulnerable groups. Pursuant to the Organic Act on Human Mobility, which had been issued on 6 February 2017, free legal services were provided to such groups, including during the refugee status determination process.

28. **Ms. Chacón Castillo** (Ecuador) said that there was a clear distinction to be drawn between artisanal mining, which the Government supported through the enactment of legislation and the granting of concessions, and illegal mining, which it was making every effort to prevent and punish.

29. Concerning the objectives of the Prosperity Plan, she wished to draw the Committee’s attention to paragraph 17 of the replies to the list of issues. The main purpose of the Plan was to achieve development and build a stable economy while improving citizens’ quality of life. Consequently, the imposition of austerity measures had not and would not lead to core social services’ being reduced or otherwise undermined.

30. Through mechanisms of participation, citizens were able to engage in dialogue and reach consensus, and the Government was able to hear and respond to the concerns of civil society.

31. **Mr. Uprimny** said that he would like to know whether the State party had a comprehensive anti-discrimination law that addressed all the grounds of discrimination prohibited under the Covenant and, if not, whether it planned to adopt one.

32. He would appreciate further details on the expenditure guideline classifier for equality policies mentioned in paragraph 4 of the State party’s report (E/C.12/ECU/4), especially as the Ombudsman had claimed that the tool was ineffective.

33. Bearing in mind reports from non-governmental organizations that the right of indigenous peoples to free, prior and informed consent was not always respected, and two recent domestic court rulings in which the courts had found violations of that right, he asked what mechanisms were being developed to ensure that indigenous peoples were consulted prior to the commencement of all activities that might affect them.

34. **Mr. Mancisidor de la Fuente** said that he would appreciate comments from the delegation on the forthcoming reform of the tax system and replies to the questions raised concerning non-monetary forms of corruption, including extortion and sexual favours. He welcomed the existence of several types of consultation mechanisms in the State party, but wished to stress that the use of referendums or pre-legislative consultations should not be to the detriment of the free, prior informed consent of indigenous peoples, which was required to protect land rights.

35. He was curious to know whether the distinction drawn between artisanal mining and illegal mining meant that all artisanal mining was legal, and whether the activities of

multinational conglomerates, which had not been mentioned, were classified as artisanal, as they were clearly lawful. The fact that, in some regions, up to 40 per cent of the local authorities' resources were derived from mining royalties was a cause for concern; indeed, as had been seen in other countries, such situations posed a huge risk of corruption related to the issuance of mining permits and possible issues regarding the fulfilment of the Paris Agreement on climate change.

36. He would appreciate more information on the issue of poverty in respect of indigenous peoples, Afro-Ecuadorians and Montubio peoples. He would also welcome responses to the questions about direct references to the Covenant in court rulings and any procedures adopted for enforcement of the Committee's findings on individual communications.

37. **Ms. Chacón Castillo** (Ecuador) said that the expenditure guideline classifier had been useful, among other things, in highlighting challenges that local governments faced with regard to investment in certain areas; that being said, it was noteworthy that virtually all local governments complied with their legal obligation to allocate 10 per cent or more of their budget to projects involving priority groups.

38. The large mining companies, which did not qualify as being "artisanal", were covered by government regulations. The Government's intention in distinguishing between artisanal and illegal mining was to be able to target the latter more specifically; indeed, illegal mining had been linked to human trafficking, for instance of women and children and other persons from Venezuela.

39. **Ms. Suárez** (Ecuador) said that the Constitution prohibited discrimination, including on the basis of sexual orientation and gender; the principle of non-discrimination was translated into all legislation. Under the expenditure guideline classifier, public resources were allocated strictly according to priorities, which included combating gender violence.

40. The Prosperity Plan 2018–2021 reflected a dynamic, ongoing process, supported by the allocation of loans by the International Monetary Fund. National agreements, including on tax reform, were not imposed unilaterally; they were subject to the approval of the National Assembly and everyone could make their voice heard before a project was put before the legislature.

41. The State party applied the principle of prior informed consent through three different mechanisms: prior informed consultation, notably where the lands of indigenous communities were concerned; pre-legislative consultation on all environmental issues, for all citizens; and the popular consultation process on matters of interest raised by citizens or the authorities. All three mechanisms were used in situations such as that involving the San Carlos de Panantza mine; the relevant regulations were now laid out in the Mining Act.

42. Several corruption-related crimes, including influence peddling or sexual favours, were defined broadly in the legislation; the fact that public servants were specifically mentioned in such legislation had a strong dissuasive effect.

43. No local authorities were completely dependent on mining royalties for their budgets. Indeed, 60 per cent of the total income from mining must be distributed equally to all the prefectures throughout the country, as laid down in the Constitution.

44. **Ms. Salazar Suquilanda** (Ecuador) said that the needs of groups such as indigenous, Afro-Ecuadorian and Montubio peoples were taken into account in the services provided by government authorities. The education strategy introduced by the State party had helped keep children who self-identified as belonging to minority groups in school, and was thus helping to break the cycle of poverty. There were 21 educational districts in areas of large indigenous populations, and more than 1,700 centres in which bilingual education was provided, with nearly 9,000 qualified bilingual teachers. Minority students were thus better equipped than ever before to participate in the social and economic development of the country.

45. **The Chair**, speaking as a member of the Country Task Force, said that, while the Government clearly believed in the right to work with dignity, it seemed that farmworkers and Montubio peoples did not have access to inputs, credit or means of production, which

in turn had an impact on the market and labour justice. He would like to know more about safeguards for such persons, particularly those working on big estates. He would also welcome information on the labour rights and access to work of the large number of migrants and refugees from Venezuela and elsewhere.

46. It would be useful to receive information on government policies that specifically related to women, young people and indigenous, Afro-Ecuadorian or Montubio peoples. Further data on pay gaps within the population, particularly the gender pay gap, would be useful. The Committee would like to know how social security was ensured for farmworkers and Montubio people, and what was being done to improve their living standards.

47. In Latin America, the informal sector was expanding more quickly than the formal economic sector; he would like to know how the State party was dealing with the informal sector. He would like to hear whether the increase in household income, with family income now equal to over 100 per cent of the basic basket of goods, was a result of recent policy. He would be interested to know how the State party intended to ensure the sustainability of the social security system, which now covered 200 per cent more persons than in the past. Lastly, he would like to know how the freedom of association and the right to organize were protected.

The meeting was suspended at 5 p.m. and resumed at 5.10 p.m.

48. **Ms. Suárez** (Ecuador) said that the farmworkers' social security scheme guaranteed rural workers' rights. The Land and Agrarian Reform Department oversaw the regularization of land titles, land use policy and redistribution, the aim being to safeguard the ownership rights of indigenous peoples. As for workers' rights, there was no difference between those of Ecuadorian nationals and others, including Venezuelan migrants, in terms of minimum pay and working conditions. It was an offence not to have registered a worker of any nationality with the social security system. A national employment survey had shown that the informal sector had decreased in importance over the previous decade, and that the numbers of women and persons from minority groups in the labour force had increased, as a result of new norms that had introduced gender parity in decision-making positions.

49. The police enforced strict controls on illegal trading and entry of goods. There were still challenges to clamping down on the informal sector, as the purchasing power of all citizens needed to be increased.

50. **Ms. Salazar Suquilanda** (Ecuador) said that the Constitution contained clear definitions of the country's vulnerable populations for which special measures had been adopted. All public institutions were required to ensure that at least 4 per cent of their workforce consisted of persons with disabilities. Inspections were conducted to ensure that the employees concerned enjoyed reasonable working conditions. To promote the employment of persons from indigenous groups in public services, a newly adopted affirmative action strategy provided for the awarding of additional points in civil service competitive examinations and the establishment of a proportional employment system.

51. The minimum wage had evolved over the previous decade, resulting in an improved situation for the lowest paid. Higher minimum wages had a positive impact on the economy by increasing consumption. The unified basic salary had risen by 8 per cent each year over the previous decade and the decent wage, which corresponded to the basic basket of goods and the size of the household, had risen by 3 per cent each year. Data from the national employment survey showed that the informal sector had grown from over 2.5 million persons in 2008 to around 3.5 million in 2018. The proportion of the formal to informal sectors was similar in urban and rural areas, and most workers in the informal sector were men.

52. **Mr. Torres Machuca** (Ecuador) said that equal and non-discriminatory access to social services was guaranteed under the Constitution. No government-issued identification was required in order to gain access to services provided by the State. The newly introduced humanitarian visa regime provided that migrants, including Venezuelan citizens, had access to services on an equal footing with Ecuadorian citizens.

53. **Ms. Chacón Castillo** (Ecuador) said that, while the overall labour force participation rate for women had been 25 percentage points lower than the rate for men in 2018, the gender gap had narrowed since 2014. In 2018, the unemployment rate had been 3.7 per cent, the lowest level since 2014.

54. The share of the State budget to be allocated to the various levels of government was defined under the Organic Code on Land Management, Autonomy and Decentralization. As the State's budget was based in part on its tax revenue, the system for allocating tax revenue was effectively the same as the system for allocating the budget.

55. The mining industry was considered to be of strategic importance to the State, and none of the other levels of government had authority over it. Therefore, all income from the industry, in the form of environmental licence fees or taxes, went directly to the State and was then distributed through the general State budget to the other levels of government.

56. **Ms. Lemus de Vásquez** (Country Task Force) said that the Committee wished to know what progress had been made in establishing the national observatory and the single registry on violence against women provided for under the Comprehensive Organic Act to Prevent and Eradicate Violence against Women. She wondered whether any efforts were under way or planned to gather data on the various types of violence enumerated in that law. The Committee would welcome information on the budget allocated to the National System for the Prevention and Eradication of Violence against Women, especially as it had reportedly been reduced, and on steps taken to bolster the shelters and care centres that were part of that system.

57. According to information received, the State party provided little care for minors whose mothers were victims of femicide. In addition to the programmes introduced to provide monetary assistance to such children, the Committee wished to know whether any measures were in place to support family members who took on the responsibility of caring for the children or to provide psychosocial support to the children. She wondered how many such children were already receiving assistance through the recently instituted voucher scheme.

58. Information, including allocated budget amounts, would be appreciated on any policies, programmes or educational campaigns that were being developed to prevent or raise awareness of violence against children, especially in family and school settings, with a view to bringing about a cultural change. Details should also be provided on any steps being taken by the State party to monitor and supervise the efforts of public and private schools to combat all forms of violence against children.

59. There had reportedly been an increase in child marriages in recent years. The Committee would appreciate recent data on the issue, as the latest information that it had dated from 2016. In light of the increase, she wondered whether a strategy was in place to raise awareness among children, adolescents and the general public of the minimum age for marriage and the potential negative effects of early marriage, such as child pregnancy, gender-based violence and poverty.

60. Further details should be provided on the steps being taken by the State party to achieve its goal of reducing the child labour rate from 4.9 per cent to 2.7 per cent by 2021 and on any progress that it had already made towards reaching that goal. The Committee would also appreciate information on the steps taken by the State party to eliminate child labour, including the recent work of the National Committee for the Progressive Elimination of Child Labour.

61. The Committee regretted that, despite its request for disaggregated data relating to the right to adequate food, the data furnished by the State party was disaggregated only by area, related only to malnutrition, and dated from 2014. Furthermore, it would appreciate data on obesity, in the form requested in the list of issues. It would be useful to know whether the Government had promoted any policies aimed at curbing unhealthy eating habits. Information on the outcomes of any such policies would also be welcome.

62. The Committee was concerned by the State party's reference to areas "allegedly" affected by polluting economic activities in its replies to the list of issues ([E/C.12/ECU/Q/4/Add.1](#), para. 81). The State party should clarify whether it had meant that

it did not recognize that the areas were affected or that it did not have any evidence of effects on those areas. Further information should be provided on the outcomes of the State party's intervention plans and efforts to identify the health risks and needs of the local population.

63. It was regrettable that the State party's replies did not specifically answer the question on steps taken to prevent the forced sale of land in rural and indigenous areas. Information should be provided on any measures that had been taken, particularly in connection with the Fruta del Norte, Mirador and San Carlos de Panantza mining megaprojects.

64. The high rate of teenage pregnancy was cause for concern. She wondered what measures were being implemented to promote sex education, access to contraception and the empowerment of girls and teenage girls. Given that termination of pregnancy remained a crime under the Comprehensive Organic Criminal Code, she would like to know what measures were planned to bring the Code into line with the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health, particularly the obligation not to criminalize women who underwent abortions. She would appreciate information on any efforts aimed at overcoming the prejudices of health-care providers regarding the access of children and adolescents to sexual and reproductive health counselling and ensuring access to sexual and reproductive health, including emergency contraception. Recent, detailed data should be provided on access to emergency contraception. Further information on the "Door-to-door" and "Local doctors" strategies mentioned in the State party's report would be appreciated.

65. It was reported that members of the lesbian, gay, bisexual, transgender and intersex community were subjected to discriminatory and invasive practices, such as sexual reorientation therapy, in health-care facilities. The Committee wished to know what the State party was doing to stop such practices and to cultivate respect among sexual and reproductive health-care providers with regard to issues of gender, age, disability and sexual diversity.

66. As suicide was reportedly the leading cause of violent death among adolescents, she wished to know whether any steps were being taken to provide specialized mental health services to children and adolescents or to expand existing services.

67. **Mr. Uprimny** (Country Task Force) said that he wished to know if the State party had a mechanism for implementing the Views issued by the Committee in *Trujillo Calero v. Ecuador* (E/C.12/63/D/10/2015). He wondered what the legal status was of those Views and whether any measures had been taken by the State party in response to the general recommendations set out in them.

68. Contrary to the information provided by the head of delegation which suggested a rising labour force participation rate for women, the data provided in the common core document (HRI/CORE/ECU/2018, p. 9) indicated that the rate had been stagnant. Were specific measures being taken to increase women's rate of participation, such as those aimed at fostering the care economy?

69. **Mr. Windfuhr** said that the State party's replies to the list of issues indicated both that the elderly had a high rate of employment in the informal sector (E/C.12/ECU/Q/4/Add.1, table 6), which suggested that the pension system was inadequate, and that the percentage of the elderly living in extreme poverty was very low (E/C.12/ECU/Q/4/Add.1, figure 2). He would appreciate clarification on the data, which seemed contradictory.

70. He wished to know how the State party's workplace inspection system was organized and how it ensured that those companies that were likely to have the most egregious violations were inspected often enough. Did the State party collect data, by sector, on conflicts involving trade unions? What steps did the State party take to ensure that trade unions could operate freely?

71. **Mr. Mancisidor de la Fuente** said that, on 18 February 2019, severe labour and human rights violations had been reported in Ecuador by the Office of the Ombudsman regarding workers' living conditions at facilities run by the firm Furukawa. What measures

had been adopted to protect the victims, to punish those responsible and to monitor conditions at other facilities owned by the firm and at other sites where similar violations were suspected?

The meeting rose at 6 p.m.