

ECUADOR

CESCR E/1991/23

130. The Committee considered the initial reports of Ecuador concerning the rights covered by articles 10 to 12 (E/1986/3/Add.14) and 13 to 15 (E/1988/5/Add.7) of the Covenant at its 37th to 39th and 42nd meetings, held from 4 to 6 December 1990 (E/C.12/1990/SR.37-39 and 42).

131. The representative of the State party introduced the reports, and drew attention to the fact that Ecuador was the most densely populated country in South America and had one of the most intensive internal migrations in the developing world, resulting from problems in rural areas related to the structure of agriculture. Economic growth, resulting from factors including the external debt problem, a trade imbalance, a drop in oil prices and decreased earnings from exports of cocoa, rice and bananas, had declined. Through a process of regional integration and trade liberalization, the Andean Group was co-operating on problems in the field of education, health and migration. UNDP, UNICEF and UNESCO had also provided valuable help. At a recent Latin American conference held in Quito a plan of action to combat poverty had been drawn up. More than 50 per cent of the population of Ecuador lived below the poverty-line. Full economic development could only be attained if the gap between North and South and between the various segments of society was eliminated.

General matters

132. As regards the general framework in which the Covenant was being implemented, members requested information about the amount and percentage that international co-operation constituted within the GNP; what limitations were imposed on the exercise of the rights established in articles 10 to 12 and the reasons therefore and whether violations of these rights had occurred; what programmes were being carried out for the promotion of the rights recognized in the Covenant using ODA or international co-operation; how aliens were guaranteed protection of the rights covered by articles 10 to 13 and how the indigenous population benefited from the rights established in articles 10 to 15.

133. The representative of ILO informed the Committee of the relevant ILO conventions that had been ratified by Ecuador as well as of the relevant conclusions and recommendations of the Committee of Experts on the Application of Conventions and Recommendations.

134. Members of the Committee also wished to know whether the Covenant was directly applicable and whether individuals could initiate legal proceedings to obtain the application of constitutional guarantees; what was the percentage of the indigenous population in Ecuador; what criteria were applied in determining whether a person belonged to an indigenous group; what the Government policy was with regard to the use of different indigenous languages; what measures had been taken to consult with the local populations; what internal mechanisms were designed to make use of ODA and international co-operation, and what was the development of the rate of inflation in recent years;

with regard to the internal peace of the country, information was requested regarding the movement “Alfaro Vive Carajo”.

135. In reply, the representative of the State party, drawing attention to the current reverse transfer of resources, the general instability of all commodity prices and rising inflation, said that it was impossible to regard international co-operations as constituting a substantial element of the GNP. At best, such co-operation had amounted to 0.5 per cent and at worst to 0.3 per cent of GNP and the development investment rate was now at 12 per cent. With regard to the protection of the rights of aliens, he said that Ecuadorian legislation did not discriminate between aliens and Ecuadorians. He said that although the problems of the indigenous people, who comprised 30 per cent of the Ecuadorian population, still persisted, there had been a change of attitude and their rights were now recognized. The President had set up a Commission of Indigenous Affairs which met weekly with indigenous organizations. Considerable resources had been allotted in rural areas to infrastructure, irrigation systems and flood control works, electrification, and the provision of drinking water. With regard to education, he drew the attention to the introduction of bilingual cultural programmes. The coverage of the social security system was also being constantly extended. Education and popular participation were essential in order to achieve integrated rural development. Responding to the question concerning the exercise and violations of the rights in articles 10 to 12 of the Covenant, the representative noted that current social conditions were such as to impose all sorts of limitations on human rights, particularly those of women and children, and that it was impossible to solve social problems through legislation. There was a need for improvement in the transfer of resources, as well as a need for a shift in emphasis from the mechanisms of the free market to a long-term economic strategy.

136. In reply to other questions, the representative explained that inflation was due mainly to the flow of petrodollars, which was causing financial instability, and to several natural disasters. A high rate of inflation was avoided through a resolute structural adjustment policy. However, the current policy of trade liberalization and the closing down of unprofitable industries had serious social consequences, such as increased unemployment and crime rates. With regard to the indigenous population, out of a total population of about 10 million inhabitants, about 1 million belonged to indigenous groups; the Government followed a policy of avoiding any discrimination but some discrimination did persist and efforts were being made to eliminate it. The focal point for co-ordinating international assistance was the Committee for the Co-ordination of International Assistance.

Article 10: Protection of the family, mothers and children

137. Members of the Committee wished to know what was the percentage of the population protected by social security, both by age and sex, as well as the percentage of pregnant women receiving assistance through the social security scheme and from the Ministry of Public Health. It was also asked what measures of family protection were available, apart from cash benefits for pregnant women and allowances for minors. Members also wished to know how it was ensured that the benefits of mother and child care reached women working in the informal sector of the economy as well as women living in indigenous communities; what working regulations applied to domestic service and how they differ from the general régime; what laws and regulations governed abortion; what was the percentage of working minors below the minimum legal age; what special measures

had been taken to reduce the number of abandoned children and to protect minors from economic exploitation and ill-treatment; what penalties were imposed for violations of the provisions relating to the working conditions of women and minors; what special measures were taken for the care and education of handicapped children and juvenile delinquents; how serious was the problem of juvenile drug addiction; and whether Government programmes existed for the care of juvenile drug addicts. Members also requested statistical data concerning working children and teenagers and the type of work they did.

138. In addition, members of the Committee asked what courts existed for minors; whether divorce by mutual consent existed; what conditions governed the invalidity of marriages; what was the rate of divorce as compared to the number of marriages and what trends could be discerned in that field; what rules applied to the exercise of parental authority in case of divorce; whether birth control was encouraged or forbidden by civil and religious authorities; what kinds of contraceptives were available; whether the Ecuadorian Government was considering the authorization of abortions in the case of a risk of congenital birth defects; how many children were born without the help of a doctor or a midwife, how the exceptions to the prohibition of abortion could be reconciled with the rights of the child as laid down in the Ecuadorian Constitution as well as in several international instruments; what percentage of the expenses of a family with two or three children were covered by the minimum salary of \$50; whether it was planned to adopt legislation on maternity leave that was in accordance with international standards; what was the length of the maternity leave period and whether fathers could also benefit from such leave; whether civil servants enjoyed a special social security régime; what measures were taken to remedy the problem of abandoned children and minors; whether juvenile delinquents belonged to a particular ethnic or social group; what was the number of homeless persons; and whether information campaigns had been initiated in the context of family planning.

139. In reply, the representative of the State party recalled that a recent study by ELAC on poverty in Ecuador had remarked that social statistics were generally absent. This situation was being improved and work was proceeding on a population and housing census. In 1980, 21 per cent of the economically active population had had social security coverage, in 1989 that figure had been 22 per cent and it was estimated that the figure for 1990 would be 22.3 per cent. Measures to protect the family included action to provide school meals in primary schools and setting up day nurseries to facilitate the entry of women into the labour market. With respect to post-natal and ante-natal care for women, the representative stressed that a great disparity existed in the availability of services as between urban and rural areas. Approximately half of the female population did not receive such services and as a result the infant mortality was high. Frequently, the indigenous population, did not go to the local hospitals because they were not informed of what services they offered. A special chapter in the Labour Code defined domestic service and contained regulations on modalities and remuneration. Abortion, with some exceptions, was a criminal offence in Ecuador but clandestine abortions which led to an increase in mortality rates, were frequent. No statistics on the employment of minors were available but it was clear, notwithstanding legislation that prohibited minors from working, that in reality children did work. Universal primary education was the key measure to protect minors from economic exploitation and ill-treatment and had helped to lower the number of children who worked, particularly in rural areas. Sports facilities and creative facilities were provided for handicapped children and juvenile delinquents but the problem of juvenile delinquency was increasing with urbanization. Juvenile drug addiction was being tackled

by an information campaign in the schools and by medical help for juvenile drug addicts.

140. Replying to a query regarding special courts for juveniles, the representative explained that such courts could be found in all major cities and that judges on such court placed emphasis on social rehabilitation. The problem of abandoned children was extremely serious and traffic in such children for international adoption existed. Consequently, there was a need to improve legislation in that area. Divorce had long been legalized in Ecuador. Health centres currently offered family planning services and contraceptives were available in pharmacies and in medical distribution centres. Under article 61 of the Civil Code a judge could take steps *ex officio* to protect the life of an unborn child if he considered it to be in danger. No proposals had been made to allow abortion on the grounds of a child's deformity. On maternity and paternity leave, he said that while fathers had perhaps been overlooked, social attitudes would probably not support any changes in the Labour Code for the time being.

Article 11: Right to an adequate standard of living

141. Members of the Committee asked for a description as well as the results of food agreements concluded with international organizations and wished to know what percentage of the population benefited from national food programmes. Information was also sought on existing programmes and measures to control the population explosion and to guarantee adequate nutrition as well as information on legislation on communal and co-operative production and on credit facilities and technical assistance for peasants. They also wished to know what was the amount in dollars of the minimum living wage; what housing programmes were available for the poorer sectors; whether loans were available for the purchase of materials to enable people to build their own homes; whether there were any legal guarantees for the protection of tenants; and what percentage of the population lacked essential services such as drinking water, drainage and electricity.

142. Members of the Committee also wished to know what measures had been adopted at the national, regional and municipal levels to overcome the problems of housing, especially of marginal groups; whether persons wishing to buy a home could benefit from special credit facilities; and whether tenants could be expelled from their homes and, if so, how often this occurred and what possibilities for legal remedies existed.

143. In reply, the representative of the State party said that despite efforts such as the provision of school meals, malnutrition was still rife. As a result of the Government's population policy there had been a considerable drop in the birth rate. Co-operative efforts enabled Ecuador to regain its leading position as a banana exporter and there were many agricultural credit and technical assistance schemes under Ecuador's system of integrated rural development. The minimum wage in Ecuador had been halved as a result of inflation, and now stood at \$50 a month but very few people actually earned that amount. The growth of suburbs and slums composed of makeshift dwellings had resulted in serious health problems. The housing shortage in 1989 had been estimated at 572,000 units in urban areas and 468,000 units in rural areas. Safeguards for tenants included rules establishing rent ceilings and relating to the termination of leases. An average of 60 per cent of urban areas were now provided with drinking water and drainage. The electrification programmes had brought electricity to large portions of both urban and rural areas through small plants and innovative designs.

144. In reply to other questions, the representative said that the process of agricultural reform was being constantly reviewed in order to improve the living conditions of the peasants and to develop the countryside. The housing situation in suburban areas was far from satisfactory and public services there were inadequate. New construction was made difficult because tenants could normally not be evicted, unless they did not comply with the terms of the lease or systematically failed to pay the rent. Credits were only provided to those who were solvent. A large proportion of the population were therefore unable to obtain credit.

Article 12: Right to physical and mental health

145. Members of the Committee wished to know what percentage of the population received medical attention through the social security scheme and from the Ministry of Public Health; what was the number of medical centres in urban and rural areas; what initiatives and activities had been undertaken by the National Institute for the Child and the Family in the areas of health protection; what percentage of undernourished children received supplementary food; what was the life expectancy of Ecuadorians and how had these levels changed in recent years; what steps had been taken for the treatment and rehabilitation of drug addicts; what was the Government policy to facilitate the purchase of medicines for the underprivileged sectors; what ecological problems had been encountered by Ecuador; what measures had been taken to limit the effects of the deterioration of the environment; what actions were undertaken in the area of pollution control together with the countries of the Andean Group and what changes were reflected in the priority plans and programmes mentioned in the annex to the initial report on articles 10 to 12 of the Covenant.

146. In addition, members of the Committee wished to know how the rate of inflation had developed in recent years. Noting that 70 per cent of urban and rural housing was deemed inadequate and that the right to housing was guaranteed in the Constitution, they also asked what policies had been adopted to improve this situation.

147. In addition, members of the Committee wished to know whether traditional forms of medical care, through faith healers and clairvoyants, were allowed; what criteria were applied in determining who belonged to a high risk group mentioned in paragraph 110 of the report on articles 10 to 12; what was the scope of the problem of AIDS and what measures had been taken to arrest the spread of that disease; whether the Government had adopted measures to inform the population of the existence of health care centres; what was the geographical distribution of hospitals and health care centres, both in the public and private sector; and whether there was a system obliging doctors to work for a certain period in rural areas. Finally, members asked for information about the causes of infant mortality and action taken to combat childhood diseases.

148. The representative of WHO provided the Committee with statistical information on world standards for infant mortality. In reply to other questions, the representative of the State party said that medical coverage through the social security scheme affected only 2 out of 10 people. However, so many health centres had been established in recent years that some hospitals and clinics appeared to be underutilized. The number of school breakfasts was not sufficient to meet requirements. Life expectancy had risen thanks to preventive and therapeutic medical techniques and mass immunization campaigns, and such measures were now needed to address the problems of the older population groups. The encroachment of human populations and the establishment of

major industrial projects were leading to problems of soil degradation and erosion.

149. Replying to other questions, the representative said that improved information activities by the media concerning health facilities had reduced the latter's limited utilization. Public and private sectors of the health care system were co-ordinated. There were a number of suburban areas where health service coverage was inadequate because physicians and other medical personnel preferred to live in large cities. In 1988-1989, approximately 361 community health care centres had been established in various marginal areas of the country. The level of AIDS infection was still low; the Government was using the media to disseminate information about the disease and to recommend the use of condoms, although there was considerable prejudice against that practice. High-risk groups included people most affected by underdevelopment.

Article 13 and 14: Right to education

150. Members of the Committee wished to know what was the illiteracy rate among adults; what was the rate of enrolment in primary schools in urban and rural areas and its percentage relative to the population; what percentage of children completed sixth grade and what was the drop-out rate at other levels of education; whether textbooks for primary education were subsidized; and what measures had been taken to remedy the lack of schools in marginal urban areas. An explanation was also sought of such programmes as the expansion of primary level education, remedial primary education and inter-cultural bilingual education and of the proportion of the population that benefited from them. Members also wished to know what was the salary, in United States dollars, of a primary schoolteacher in the public sector and its relationship to the minimum living wage; whether secondary education of three years was considered as pre-university education; what was the enrolment and coverage at the secondary and higher levels; what the ratio was between those in public and in private education, what the proportion was between public and private universities, whether university education was subsidized or free and whether scholarships and educational loans were available at the various educational levels, including the university level.

151. In addition, members of the Committee wished to know what circumstances prompted students to drop out of school; what was the unemployment rate among persons with a secondary or university education; whether the Government was able to sustain education expenses at the level provided for in article 71 of its Constitution; what were the conditions for scholarships; what was the dimension of the brain-drain problem; what was the level of literacy among men and women; what measures had been adopted to allow working children to go to school; and what special schools existed for disabled children.

152. In reply, the representative of the State party said that the illiteracy rate was 13.9 per cent of the adult population. Provisional data on enrolment in primary and secondary schools for 1989 indicated that 1,950,000 students had been enrolled in primary schools and 759,000 in secondary schools. The drop-out rate in 1989 in primary schools had been 16.8 per cent in urban areas and 33.8 per cent in rural areas, 25.3 per cent being the overall figure. The number of students at the university level had undergone an exponential growth with a consequential danger of a reduction in the quality of education. The high drop-out rate at all educational levels resulted from the fact that many students, especially in rural areas, were obliged to work. A programme had now been established to enable them to combine work and studies. Textbooks for primary education were

either subsidized or provided free of charge, but they were only available at a limited number of distribution centres. The Government had been working together with local communities to remedy the lack of schools in marginal rural areas but serious problems for the transport of students were being encountered because of the rugged terrain. The earnings of primary schoolteachers were \$20 to \$30 above the monthly minimum wage of \$50. Secondary education was considered pre-university education and enrolment at that level as well as at higher levels was on the rise. In accordance with the Constitution, universities were predominantly public. In 1989, 70 per cent of all students were enrolled in public universities and 30 per cent in private institutions. University education was heavily subsidized by the Government. Many Ecuadorian students were enrolled in universities abroad, which very often resulted in a brain drain.

153. Replying to other questions, the representative stated that the illiteracy rate in the country remained high. At the primary education level, the school attendance in 1988 had been 65.4 per cent. An intensive campaign to improve linguistic education had been initiated in 1988 and a National Directorate for the Inter-cultural and Linguistic Education of Indigenous Peoples had been set up within the Ministry of Education. Bilingual education was offered at 1,866 adult education centres and 1,523 schools. The Ecuadorian Educational Credit and Fellowships Institute gave credit to needy Ecuadorians to enable them to pursue their studies. With regard to the brain drain, a growing number of qualified persons were leaving the country. Many of them went to Venezuela.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

154. Members of the Committee asked what measures had been taken by the Government to preserve indigenous cultures and how international co-operation in scientific and cultural matters had affected economic, social and cultural rights and the life of indigenous minorities; whether measures had been adopted to increase the general knowledge of indigenous and other cultures; to what extent there was an interaction and integration of the various cultures; whether the museum for pre-Colombian art benefited from grants from UNESCO; and whether there were any restrictions on scientific or technical activities. A number of activities had been undertaken in connection with the Decade for Artists and a variety of cultural and scientific programmes had been carried out in co-operation with UNESCO, UNIDO, UNDP, and the World Bank.

Concluding observations

155. Members of the Committee indicated their satisfaction to the Government of Ecuador at the contents of the reports presented and praised the frankness, sincerity and objectivity with which the representative of that country described the conditions in which the Covenant was implemented.

156. While taking note of the difficulties indicated, notably the foreign debt burden, the Committee wished to draw attention to the obligation devolving upon States parties under the Covenant, whatever their level of development. Despite the difficulties noted by the representative, the Committee nevertheless noted that progress had been achieved by the country, in the light of the information contained in the reports.

157. Members of the Committee regretted, however, that the extremely useful explanations given

by the representative and the relevant information contained in the reports had not been backed up by statistics which would have enabled the Committee to form a better understanding and to measure the progress achieved by the Government of Ecuador. The Committee wished to draw attention to the necessity of harmonizing the Labour Code with standards set in international instruments, especially with regard to maternity leave. Taking note of the fact that the representative had had very little time to provide detailed answers to the questions relating to articles 13 to 15 of the Covenant, the Committee expressed the wish to receive additional information to be provided in writing.

158. Concern was also expressed about the situation of abandoned children in Ecuador and about the need for more to be done to ensure that the right to an adequate standard of living was enjoyed, as enshrined in the Ecuadorian Constitution as well as in the Covenant.