Universal Periodic Review

(27th session, April-May 2017)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

ECUADOR

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	State party to this Convention (ratification 19/04/1968)	*Reservations to this Convention shall not be permitted*		Right to education
Convention on Technical and Vocational Education 1989	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	16/06/1975 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	13/02/2008 Ratification			Right to take part in cultural life

Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	08/11/2006 Accession			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

1. The Constitution of Ecuador of 2008[1] grants the right to education mainly in its *Title II, Chapter Two, Section Five*.
2. **Article 26**. "Education is a right of persons throughout their lives and an unavoidable and mandatory duty of the State. It constitutes a priority area for public policymaking and state investment, the guarantee of equality and social inclusion and the indispensable condition for the good way of living. Persons, families and society have the right and responsibility to participate in education."
3. **Article 27**. "Education […] shall guarantee holistic human development, in the framework of respect for human rights, a sustainable environment, and democracy; education shall be participatory, compulsory, intercultural, democratic, inclusive and diverse, of high quality and humane; it shall promote gender equity, justice, solidarity and peace; it shall encourage critical faculties, art and sports, individual and community initiatives, and the development of competencies and capabilities to create and work.[…]"
4. **Article 28**. "Education shall be for general welfare of the public and shall not be at the service of individual and corporate interests. Universal access, permanence, mobility and graduation without any discrimination shall be guaranteed, as well **compulsory attendance of initial schooling, basic education and secondary education** or their equivalent.

[1] Available at: http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf and http://www.unesco.org/education/edurights/media/docs/aef88d9bd87dabab63f655c0f5f3f138314e56a9.pdf , for an unofficial English translation, see: http://pdba.georgetown.edu/Constitutions/Ecuador/english08.html

5. It is the right of every person and community to interact among cultures and to participate in a society that learns. The State shall promote intercultural dialogue in all of its many dimensions.

6. Learning shall take place with schooling systems and non-school modalities. **Public education shall be universal and secular at all levels and shall be free of charge up to and including the third level of higher education [post-secondary undergraduate schooling**]."

7. **Article 29**. "The State shall guarantee the freedom to teach, academic freedom in higher education, and the right of persons to learn in their own language and cultural environment."

8. Chapter Three on the Rights of priority persons and groups also guarantees provisions with regard to education**.** Section Four on pregnant women specifies in **Article 43** that "The State shall guarantee the rights of pregnant and breast-feeding women to: 1. Not be discriminated for their pregnancy in education, […]". With regard to persons with disabilities (Section Six) **Article 47** states that "Persons with disabilities are recognized the following rights: […] 7. An education that develops their potential and skills for their integration and participation in equal conditions. Their education in the regular education system shall be guaranteed. Regular establishments shall incorporate a differentiated treatment and those establishments for special care shall incorporate specialized education. Schools shall comply with standards of accessibility for persons with disabilities and shall implement a scholarship system that in line with the economic conditions of this group. 8. Specialized education for persons with intellectual disabilities and promoting their capabilities by the establishment of specific education centers and teaching programs." Section Eight on Imprisoned persons adds in **Article 51** that "Imprisoned persons are recognized the following rights: […] 5. Care for their education, labor, productive, cultural, food and recreational needs."

9. In *Title VII, Chapter One, Section One* deals with Education and various Articles are relevant:

i. Article 343. "The national education system shall be aimed at developing the population's individual and collective capabilities and potential, enabling learning and the generation and use of knowledge, techniques, wisdom, arts and culture. The system shall have as its core focus the learning subject and shall function flexibly and dynamically, with an inclusive, efficient and effective approach.

The national education system shall incorporate an intercultural vision in line with the country's geographical, cultural, and linguistic diversity and respect for the rights of the communities, peoples and nations."

ii. Article 344. "The national education system shall be comprised of the institutions, programs, policies, resources and players of the education process, as well as actions at the initial, basic, and

secondary levels of education and shall be articulated with the higher education system. The State shall exercise leadership of the system through the national education authority, which shall draw up the national policy for education, it shall also regulate and monitor activities involving education, as well as the functioning of the system's entities."

iii. Article 345. "Education as a public service shall be provided by means of public, mixed public and religious, and private school institutions. In the schools, social services and psychological support shall be provided free of charge, in the framework of the system of inclusion and social equity."

iv. Article 346. "There shall be one autonomous public institution for comprehensive internal and external evaluation aimed at promoting the quality of education."

v. Article 347. "The following shall be the responsibility of the State:

1. To strengthen public education and co-education; ensure permanent improvement of quality, the enlargement of coverage, physical facilities and the equipment needed for public schooling institutions.
2. To guarantee that schools shall be democratic spaces for the exercise of rights and peaceful coexistence. Schools shall be opportunities for the early detection of special requirements.
3. To guarantee formal and non-formal modalities of education.
4. To ensure that all education institutions provide education in citizenship, sexuality and the environment, using a rights-based approach.
5. To guarantee respect for the psycho-evolutionary development of children and adolescents, in the entire education process.
6. To eliminate all forms of violence in the education system and to safeguard the bodily, psychological and sexual integrity of students.
7. To eliminate pure, functional and digital illiteracy and to support post-literacy processes and continuous education for adults and overcoming education lags.
8. To incorporate information and communication technologies in the education process and promote the linkage between teaching and productive and social activities.
9. To guarantee the intercultural bilingual education system, where the main language for educating shall be the language of the respective nation and Spanish as the language for intercultural relations, under the guidance of the State's public policies and with total respect for the rights of communities, peoples and nations.
10. To ensure that the teaching of at least one ancestral language be progressively included in the curriculum.
11. To guarantee the active participation of students, families and teachers in education processes.

12. To guarantee, on the basis of the principles of social, territorial and regional equity, that all persons shall have access to public education."[2]

1.2. Legislative Framework

10. The **Organic Law on Intercultural Education** of 31 March 2011[3] (*Ley organica de Education Intercultural (LOEI))* enshrines the right to public, secular and free education of quality in **Article 4** and sets that the State has the obligation to grant the right to education and its universal access to all the inhabitants to Ecuador by providing equal opportunities (**Article 5**). Education is compulsory at primary and secondary levels. This Law defines rights and obligations of students, teachers, parents and the community (**Title II, Chapter 3 to 6).** It promotes intercultural education with the inclusion of vernacular languages in the new curriculum (**Title IV**). It also states the need for special education (**Title III, Chapter VI**). The Law was revised on 25 August 2015 which intends to benefit teachers' career facilitating, for instance, upgrades in the professional categories[4].

11. It also establishes new teachers' pay scales. This Law promotes a modern, technical and inclusive vision of the education system in Ecuador with regard to the challenges of the 21st century.[5]

12. The **Law on Teacher profession and salary** (*Ley de Carrera Docente y Escalafón del Magisterio Nacional*)[6] adopted on 16 August 1990, establishes rights and duties of teachers, titles required to teach, salaries, etc. (**article 2**).

13. The **Code on Childhood and Adolescence of 2003** (*Código de la Niñez y Adolescencia*)[7] recognizes the right to education of quality in **Articles 26** and **37**. Article 37 grants that public education is secular, compulsory until the tenth level of basic education, free at all stages. This Article also takes into consideration children with disabilities and it promotes the respect of religious, moral and ethical convictions.

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[2] Unofficial translations from the Spanish official version

[3] Accessible at: http://www.educacion.gob.ec./_upload/Nueva_LOEI.pdf , http://www.unesco.org/education/edurights/media/docs/7ecc0174a1ff760e9ddd6397876e8d03e3fc1a43.pdf

[4] Accessible at: http://laradio.asambleanacional.gob.ec/system/files/registro_oficial_ndeg_572_ley_reformatoria_a_la_ley_organica_de_educacion_intercultural_0.pdf

[5] Accessible at: http://www.rtu.com.ec/nacionales/17318-ley-organica-de-educacion-intercultural-fue-publicada-en-el-registro-oficial

[6] Accessible at: http://www.oei.es/docentes/info_pais/ley_carrera_docente_ecuador.pdf , http://www.unesco.org/education/edurights/media/docs/8d9763dbd289523447df433d629cc48ac11c4e91.pdf

[7] Accessible at: http://www.oei.es/quipu/ecuador/Cod_ninez.pdf , http://www.unesco.org/education/edurights/media/docs/8800f010947ce847b679f11a7c2361cacc62f261.pdf

14. The **Law on Higher Education** of 12 October 2010 (*Ley de Educación Superior*)[8] replaced the previous **Law No. 16/RO77**[9] of 15 May 2000. The major changes of 2010 concerned the electoral process of the University Rectors. "The Law on Higher Education regulates the higher education system of the country. […] It determines the rights, duties and obligations of the natural and legal persons. It provides for the sanctions in case of non-fulfillment of the provisions contained in the Constitution and in this Law" (**Article 1**). "This Law aims to grant the right to higher education of quality and universal access to it without any form of discrimination" (**Article 2**).[10]

1.3. Policy Framework

i) General information

15. In 2006, the Ministry of Education proposed at the headquarters of the National Education Council ("NEC") drafting a **Ten Year Education Plan 2006-2015**.[11] NEC is a consulting body from the education sector made up of representatives from the National Educators Union, the Confederation of Catholic Education Schools, the Confederation of Private Lay Education Schools, the National Council of Higher Education and the National Secretariat for Planning and Development. At the request of NEC, President Alfredo Palacio called and informed citizens of a Referendum about the eight education policies:

a. Making early education from 0 to 5 years of age universal;
b. Making basic general education ("BGE") from first to tenth grades universal;
c. Increase registration in the high school diploma program until at least 75% of the population for that age group is reached;
d. Eradication of Illiteracy and Strengthening Alternative;
e. Improvement of Physical Infrastructure and Equipment for Educational Institutions;
f. Improvement of quality and fairness in education and implementation of the national evaluation system and social reporting of the education system;
g. Reevaluation of the teaching profession, professional development, working conditions and quality of life;

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[8] Accessible at: http://www.ucuenca.edu.ec/estatuto/images/stories/file/ley-organica-educacion-superior.pdf (Accessed 24/06/11)

[9] Accessible at: http://www.oei.es/quipu/ecuador/LEY_EDUCACION_SUPERIOR.pdf

[10] Accessible at: http://www.iesalc.unesco.org.ve/index.php?option=com_content&view=article&id=2463%3Amodificada-ley-de-educacion-superior-en-ecuador&catid=11%3Aiesalc&Itemid=466&lang=es

[11] Accessible at: http://www.unesco.org/education/edurights/media/docs/50b5835ae616111b97fc821c45c514bba038da6c.pdf

h. The 0.5% annual increase in education's portion of the GDP until it reaches at least 6%.[12]

16. Over the last decade, in particular after the adoption of a new Constitution in 2008 and the reform of laws for the education sector, Ecuador's education system is making important advances. The State recognition of its duty to ensure access to good quality education at all levels appears to have already resulted in notable achievements. For example, the public budget for education has expanded and access to both primary and secondary education has also increased. The adoption of new standards and measures to monitor the quality of education in public and private schools is also important for detecting problems and preventing abusive practices[13].

17. Nevertheless, challenges persist, including poor infrastructure, overall low quality of education, a lack of qualified human resources in the field of education and disparities in access to education. In particular, communities living in poverty, indigenous peoples and Afro-Ecuadorians remain underserved and do not benefit from full education opportunities. Further efforts are required to ensure full and equal opportunities in education[14].

18. The Decennial Education Plan 2006–2015 is the most important policy strategy document for the education sector. The eight main objectives of the Plan are: (a) universalizing early childhood education from 0 to 5 years of age; (b) universalizing general primary education from the first to the tenth grades; (c) increasing registration in the high school diploma programme, to attain at least 75 per cent of the population for that age; (d) eradicating illiteracy; (e) improving the infrastructure of educational institutions; (f) promoting quality and equity in education and implementing a national evaluation system with a social responsibility mechanism; (g) promoting the teaching profession, enhancing teachers' professional development and working conditions; and (h) increasing public education budget allocations by at least 0.5 per cent of the gross domestic product (GDP) every year, with a view of reaching 6 per cent by 2012[15].

19. Despite predating the recently adopted legal instruments for education, the Plan's emphasis on promoting better quality education and equality of educational opportunities is in general terms aligned to the more recently adopted norms for the right to education. The adoption of clear targets and priorities appears to have created a very important instrument for evaluating the achievements encountered in the execution of educational policies[16].

20. The overall education policies are also guided by the National Plan for Good Living, 2009–2013, which details the overall national strategies for development. The National Plan embraces a

[12] Ministry of Education Ecuador, Ten Year Education Plan 2006-2015, pp.5-6, accessible at: http://planipolis.iiep.unesco.org/upload/Ecuador/EcuadorTenYearEducationPlanEng.pdf

[13] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §5. http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/35/Add.2

[14] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §6

[15] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §23

[16] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §24

human rights-based approach to planning, and rightly underlines the need to pay attention to inequality and discrimination in all planning processes. Transforming the higher education system, given the overall strategic need to ensure better public investments in this sector as against previous years of underinvestment, is one of its 12 objectives.9 Among other things, the National Plan stresses the need to create better opportunities to ensure that social economic barriers do not impede the progression of students to higher levels of education, and the need to improve the overall quality of higher education[17].

21. In 2013, the Special Rapporteur on the Right to Education welcomed the constant reference to core human rights principles, with the emphasis on ensuring good coordination in policy planning. In the past, education policies and developments in Ecuador have been marked by limited continuity and fragmentation, due mostly to the recent history of political instability experienced by the country. This legacy has been reversed – both the National Plan and, most importantly, the Decennial Education Plan 2006–2015 continue to be taken as the guiding instruments for the formulation, execution and evaluation of State educational policies. Moreover, the reformed legal and policy instruments offer a good national framework for the promotion and protection of the right to education[18].

22. The Decennial Education Plan 2006–2015 includes as its third goal to increase the population reaching secondary level to at least 75 per cent of the youth at the respective age level. In this regard, the Government reported that the enrolment rate for high school education rose from 47.9 per cent in 2006 to 62.1 per cent in 2011. The Government also estimated that the 75 per cent enrolment goal fixed in the Decennial Education Plan can be reached in 2015 if the pace of progress is maintained. Despite these advances, further concerns emerge with regard to the high rates of student drop out at this education level: in 2009–2010, 5 per cent of the students enrolled in secondary level deserted the system. Within the bilingual education system, dropout rates reach 12 per cent of those enrolled[19].In recent years, Ecuador has made unprecedented efforts to combat poverty through the comprehensive social policies set out in the Sectoral Agenda for Social Development. From 2006 to 2011, the national poverty rate dropped from 37.6 per cent to 28.6 per cent, the rural poverty rate fell from 60.6 per cent to 50.9 per cent and the urban poverty rate fell from 25.9 per cent to 17.4 per cent[20].

23. The prevalence of poverty appears to be directly related to fewer years of schooling. **The Decennial Education Plan** recognized the need to eliminate economic barriers for the promotion of universal basic education. The Government is accelerating measures for converting temporary schools into good quality regular schools so that children in these schools have better educational opportunities.

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[17] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §25
[18] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §26
[19] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §29
[20] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §58

24. Moreover, investments in the expansion and consolidation of the *bono de desarollo humano* (a cash transfer programme for families living in poverty that has been implemented for over a decade) appear to have contributed to an increased schooling of those living in poverty. Additional strategies to promote local development and alleviate the financial burden of education for those living in poverty include an initiative to locally produce, purchase and distribute school uniforms ("Weaving Development" or *Hilando el Desarollo*) and the School Feeding Programme. Both strategies were progressively adapted for timely delivery of clothing and food of adequate quality. The UN Special Rapporteur on the Right to Education recognizes the importance of all such measures, given the deprivation experienced particularly by poor children living in rural settings.[21]The Special Rapporteur had the opportunity to visit a Unit and a Replica School, another initiative promoting high quality education in marginalized areas that consists of replicating the work of existing well-regarded Units in marginalized areas. In these visits, he was able to witness the impressive investments made in the creation of these new schools. The Special Rapporteur also cautions that due attention should be paid to ensure that these costly efforts do not end up exacerbating disparities in education, with a small group of students lucky to be enrolled in these new Units, while the large majority of Ecuadorians continue to attend other, under resourced schools. [22]

ii) Inclusive Education

- **Early Childhood**

25. Despite noting an increase in the absolute number of children receiving preschool education and in the number of teachers working in the sector, it was estimated that in 2012 only 27 per cent of 3- and 4-year-old children benefitted from preschool education.15 Another evaluation noted that the goal of universalization of preschool education by 2015 is unlikely to be met. The evaluation showed that only around 50 per cent of children under 5 years of age were covered by some sort of preschool education programme in 2010, while noting difficulties in measuring progress due to the lack of accurate information, particularly on private preschool and childcare entities. It was also noted that there is a need to further promote coherence among the multiple public and private childcare providers, as many of these have just recently been integrated into the education system. While noting advances, the Special Rapporteur considers that enhanced attention and investments to both the coverage and the quality of the preschool education system are needed. The role of the State in guaranteeing good quality early childhood education should never be underestimated, given its importance for a child's development[23].

- **Primary education**

[21] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §57
[22] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §59
[23] Consejo Sectorial De Conocimiento Y Talento Humano, *Informe De Rendición De Cuentas* (2011), p. 24. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §§35-36.

26. General Basic Education in Ecuador covers ten levels of study, from first grade to tenth. Those who complete this level , be able to continue high school studies and participate in political and social life, aware of its historical role as Ecuadorian citizens[24].

27. The constitution stipulates that all children attend school for 9 years and that this be free. Although the primary school enrolment rate exceeds 95%, 25% of children will have dropped out by the end of the 5th grade. Information is scanty, however there are believed to be approximately 1,088 primary schools where an average of 1.5 teachers per school educate an average of 63 pupils through 6 grades[25].

- **Technical and Vocational Education**

28. In order to ensure adherence to minimal quality standards for technical education, the Government has implemented a process of evaluation and accreditation of 407 technical institutes, having suspended 125 institutions considered inoperative. Currently, 282 institutions are accredited to function in the country.[26]

- **Higher Education**

29. The **Higher Education Act** and its regulations provide the legal framework for the post-secondary education system and institutions, establishing the rights and responsibilities of students, teachers and administrators. This Act underlines the academic, administrative, financial and organic autonomy of higher education institutions while emphasizing that these institutions must be guided by, inter alia, the principles of social responsibility, equality and accountability. It also establishes quality standards and accreditation procedures. While public universities are free until at least the first degree level, private universities may require fees, but must operate on a non-profit basis (article 89) [27]

30. The new legislation and the overall development strategy - **National Plan for Good Living** - emphasize the responsibility of the State in the promotion of higher education in Ecuador. Recent legal reforms are a positive step toward the recognition of the right to higher education, and contribute to protecting education as a public good and devising a system to ensure adherence to

[24] Ministry of Education of Ecuador, see the original in Spanish: The constitution stipulates that all children attend school for 9 years and that this be free. Although the primary school enrolment rate exceeds 95%, 25% of children will have dropped out by the end of the 5th grade. Information is scanty, however there are believed to be approximately 1,088 primary schools where an average of 1.5 teachers per school educate an average of 63 pupils through 6 grades.

[25] Data from 2012, available at: http://www.classbase.com/countries/Ecuador/Education-System

[26] Consejo Sectorial De Conocimiento Y Talento Humano, *Informe De Rendición De Cuentas* (2011), p. 24. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §38

[27] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §22

adequate quality standards in all higher education institutions. The **PROMETEO project** brings together scientists and researchers in research projects in strategic areas in public institutions and universities in Ecuador[28].

31. From 2006 to 2011, access to higher education increased from 9.5 per cent to 17.8 per cent among the Afro-Ecuadorian community, and from 6.5 per to 14 per cent among the indigenous population (A/HRC/WG.6/13/ECU/1, para. 47) [29].

32. Most students at the higher education level are enrolled in private institutions. As such, the Government is determined to expand the public higher education system in order to meet its commitments with regard to the expansion of the sector and the promotion of access to higher education free of charge[30].

33. Pursuant to the Intercultural Education Act, Ecuador established the General Unified Baccalaureate or high school curriculum, at the end of which a new single national entrance examination is mandatory to accede to higher education. This examination is intended to test skills and critical thinking similar to those achieved at the end of high school level.20 In September 2014, universities will receive the first group of students selected through the new entrance system. The adoption of a unified system seeks to ensure equal opportunities, a merit-based approach and increased transparency in access to higher education[31].

34. The lack of human and technical capacity is an obstacle for the further development of higher education in Ecuador[32].

- Literacy

35**. The Policy 4 "del Plan Decenal de Educación del Ecuador 2006 -2015",** called **Eradicating Illiteracy and Strengthening Adult Continuing Education**, its objective was to ensure through the National System of Adult Basic Education access, retention and effective completion of the studies of population with educational backwardness, through the national basic education programs for adults, considering literacy as its point starting in the context of inclusive education[33]. According to the results of implementing the **Basic Education Project Youth and Adult EBJA**, until December 2013 was achieved 324,894 literate youth and adults[34].

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[28] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §41

[29] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §42

[30] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §43

[31] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §45

[32] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §48

[33] National EFA Review, p. 33, accessible at: http://unesdoc.unesco.org/images/0023/002300/230027s.pdf

[34] National EFA Review,, p.33.

36. During the period 2011-2013 was alphabetized to 44,021 people and nationalities and Ecuador 's indigenous peoples in their native language (Kichwa), guaranteeing cultural identity and promotion of ancestral principles of this population, enabling them to participate as a community actively in social and productive processes. For example, in the province of Cotopaxi (Ecuador-Sierra in the Zumbahua industry participants literacy through basic knowledge obtained in the project , motivated to improve their work and living conditions, showed their interest to increase agricultural productivity, by technical advice of the Ministry of Agriculture[35].

iii) Quality education

- **Financing education**

37. The Ecuadorian government banned the collection of fees in public education in accordance with **the Ministerial Agreement No. 0054-10 of 29 January 2010**. The Ministry of Education is responsible for award a budget for fiscal schools in the country to provide free public education. This allocation is calculated rigorously taking into account the poverty level, coverage services basic, number of classrooms and equipment, among other variables , educational establishments always with the goal of a more equitable remuneration of state resources[36]. The Ecuador, through the Ministry of Education in recent years, has worked with different articulating public and private organizations with all sectors of the community to develop actions to ensure access, retention, participation, learning promotion and completion of processes educational, people with associated disability or special educational needs[37].

iv) Inclusive education

38. Inclusive programme wins 2014 UNESCO King Sejong Literacy Prize for Ecuador[38]

39. The Ministry of Education of Ecuador has reached close to 325,000 beneficiaries in 2012 and 2013 with its basic literacy education for youth and adults project. For 2014, the project has set itself the challenge of reaching out to 100,000 people. The initiative will be extended to 2015. Five literacy programmes, including the Ecuadorian Education Ministry's basic education for youth and adults project (EBJA) have been awarded the UNESCO 2014 International Literacy Prizes. The winners were announced by Irina Bokova, the Director-General of UNESCO, on 11 August, 2014.

[35] National EFA Review, p. 34.
[36] National EFA Review, page 16.
[37] National EFA Review, page 16.
[38] Accessible at: http://www.unesco.org/new/en/santiago/press-room/single-new/news/con_programa_inclusivo_ecuador_gana_la_edicion_2014_del_premio_unesco_rey_sejong_de_alfabetizacion_de_la_unesco/#.U_HBE6P1MvY

40. The winning Ecuadorian project has benefited close to 325,000 people in 2012 and 2013 and will be a continuing programme. The initiative not only teaches reading and writing, but also includes instruction on topics such as citizenship, health and nutrition.

41. The project offers education to indigenous communities in their mother tongue, with an approach that is sensitive to their worldview. This has allowed more than 44,000 people to learn how to read and write in the Kichwa language, as well as 29,000 people who belong to the Montubia group, and 6,287 people from Afro-Ecuadorian groups received instruction with an approach centred on rights and citizenship.

42. The Special Rapporteur notes that the concept of *sumak kawsay* – good living – is enshrined in the Constitution in order to reinstate the notion of the common good. Thus, the Constitution and the national development framework are marked by the innovative concept of a right to "good living" and the State goal to promote it. This concept has its roots in local indigenous tradition and refers to the promotion of a harmonious life among communities and between human beings and nature. In this regard, the promotion of the right to education is considered one of the most important requirements for the attainment of "good living", emphasizing its relevance for the promotion of an intercultural dialogue. The Special Rapporteur considers that the introduction of this innovative concept offers a perspective for consolidating a more holistic and inclusive approach to education and its aims, in line with international human rights standards[39].

43. The legal framework for preschool, primary and secondary education is established by the Intercultural Education Act of 2011[40] and accompanying regulations[41]. Tertiary (university) education is governed by the Higher Education Act of 2010.[42]

44. The Intercultural Education Act contains detailed provisions on the aims and functioning of all education levels in Ecuador (excepting the higher level) and the rights and responsibilities of teachers, students, parents and the community in order to achieve the goals set out in the Constitution. It establishes the National Education Authority (under the oversight of the Ministry of Education) as the national policymaking and standard-setting regulator for the sector as well as the manager of national education policies at the local and national levels. The law also establishes a National Institute for the Evaluation of Education, which is entrusted with the task of the evaluation of the entire education system. The law emphasizes the importance of an intercultural approach to the entire education system. It also provides the framework for the Bilingual and Intercultural Education system, including the direct participation of representatives of indigenous groups in the council which is responsible for designing, managing and evaluating bilingual

[39] Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §18
[40] Intercultural Education Act, Official Registry of Ecuador No. 417, 31 March 2011.
[41] Intercultural Education Act Regulations, Decree 1241, Official Registry of Ecuador No. 754, 26 July 2012.
[42] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §19

education. Finally, the law provides regulations for the teaching profession, including defining professional requirements, evaluation and promotion procedures[43].

45. The adoption of an intercultural perspective for the entire education system through the Intercultural Education Act is considered an advance in promoting the integration of indigenous groups and their knowledge into the education system. The emphasis of the law on the rights of stakeholders, including students, parents and communities, to actively participate in the education system is also considered important for the promotion of a human rights-based approach to education[44]

46. According to the Special Rapporteur (2013). The removal of economic barriers to education played an important role in the expansion of enrolment at the primary and secondary levels. For example, the expansion of secondary level enrolment created opportunities for students belonging to the lowest social strata to receive an education. On the other hand, overall concerns about the quality of education remain. Quality concerns appear to also be closely related to the persistence of overall unequal opportunities in education – those belonging to marginalized groups, in particular those living in rural and remote areas, appear to be disproportionally affected by lower quality education at primary and secondary levels[45].

- **Children with disabilities:**

47. A number of initiatives and projects have been undertaken by the Office of the Vice-President, in cooperation with the Ministry of Education, including the elaboration of manuals and guides for persons with disabilities. The Ministry of Education reported that there has been a nearly 50 per cent increase in the number of children with disabilities enrolled in schools from 2007 to 2012. Nevertheless, not all children with disabilities are yet able to attend schools or kindergarten due to the lack of human and technical capacity to promote their integration into the education system[46].

- **Gender Equality:**

48. The CEDAW Committee is alarmed by reports of sexual violence and harassment of girls in schools in the State party, contributing to a high rate of teenage pregnancy and dropout from school. […] The Committee therefore encourages the State party to design and implement a

[43] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §20
[44] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §21
[45] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §32
[46] Higher Education Act, Official Registry of Ecuador No. 298, 12 October 2010. Report of the Special Rapporteur on the Right to Education, A/HRC/23/35/Add.2, 13 May 2013, §53

nationwide campaign to eliminate sexual violence against girls in the education system without delay and to expedite judicial proceedings that have already been initiated against alleged perpetrators of sexual violence in schools and expedite ex officio investigations as agreed by the Ministry of Education and the Office of the Attorney General, and adopt mechanisms for granting reparations, including economic compensation for victims and their families[47]

2. COOPERATION

49. Ecuador **is a party** to the 1960 UNESCO Convention against Discrimination in Education since 05/03/1979.

50. Ecuador **reported** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the **Seventh Consultation** of Member States (covering the period 2000-2005).

51. However, Ecuador **did not report** to UNESCO within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999),
- **Eighth Consultation** of Member States (covering the period 2006-2011).

52. Ecuador **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008),
- **Fifth Consultation** of Member States (covering the period 2009-2012).

53. Ecuador **reported** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:

- the **First Consultation** of Member States (1993)
- the **Second Consultation** of Member States (2011).

54. Ecuador is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

[47] CEDAW, Concluding Observations, CEDAW/C/ECU/CO/8-9, March 2015, para.26-27, accessible at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fECU%2fCO%2f8-9&Lang=en

1. Constitutional and Legislative Framework:

55. The Constitution protects the right to freedom of expression for young people in Article 39[48] and for children in Article 46[49] and related to the "social communication system" in Article 384. Press freedom is not explicitly mentioned, though the Articles 16-20[50] address the right to communication and information, highlighting plurality and diversity and the right to seek, receive and impart "truthful" information.

56. The Transparency and Access to Information Law of 2004 declares that the right of access to information is guaranteed by the State.

57. As of 2014, the Penal Code no longer refers to the word "defamation", however calumny still remains a punishable crime[51]. The OAS Special Rapporteur on Freedom of Expression has highlighted the excessive fines applied against media workers[52].

58. Art. 384 of the Constitution and the Communication Law[53] of 2013 regulate print and electronic media with no differentiation between the different forms of media. The UN Special Rapporteur on the Right to Freedom of Opinion and Expression has assessed that Communication Law is not in line international standards[54].

59. Art 55 of the Communication Law establishes a regulatory body (Superintendencia de la Información y Comunicación). This body is part of the executive branch of the Government. According to the comments the OAS Special Rapporteur sent to the Government of Ecuador, assessing key elements of the law, including the regulator, this body is not in line with international standards[55]

60. Communication Law Art. 42 rules that only "professional journalists" can apply for specific posts within media companies[56].

61. The Constitution does guarantee legal protection for confidentiality of journalistic sources under Article 20, but the Communications Law states a journalist's right to protect his sources does not exempt him or her from ultimate responsibility to disclose under certain circumstances.

2. Media Self-Regulation

48 https://www.constituteproject.org/constitution/Ecuador_2015?lang=en
49 https://www.constituteproject.org/constitution/Ecuador_2015?lang=en
50 https://www.constituteproject.org/constitution/Ecuador_2015?lang=en
51 http://www.wipo.int/wipolex/en/text.jsp?file_id=195753
52 http://www.oas.org/es/cidh/expresion/showarticle.asp?artID=857&lID=2
http://www.oas.org/es/cidh/expresion/docs/informes/anuales/Informe%20Anual%202014.pdf
53 http://www.presidencia.gob.ec/wp-content/uploads/downloads/2013/08/LeyDeComunicacion-espaniol.pdf
54 http://lahora.com.ec/frontEnd/images/objetos/relatoria.pdf
55 http://www.oas.org/es/cidh/expresion/docs/2013_06_28_CARTA_ECUADOR(VP)_ESPANOL.PDF
56 http://www.presidencia.gob.ec/wp-content/uploads/downloads/2013/08/LeyDeComunicacion-espaniol.pdf

62. There is no Press Council in Ecuador. The Journalists Union[57] is the only body which provides for some elements of self-regulation in the country.

3. Safety of journalists:

63. UNESCO has recorded the killing of three journalists in Ecuador since 2006[58]. Government has responded to requests of the UNESCO's Director General regarding the killings.

III. RECOMMENDATIONS

64. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx

65. Latest observations reported on July 2012 – view :

134. The recommendations formulated during the interactive dialogue and listed below have been examined and enjoy the support of Ecuador:

135.5. Continue increasing the public budget on health, education and social well-being

135.14. […] Continue efforts to tackle gender discrimination, particularly in the areas of education and employment (Myanmar); Increase public awareness about the prohibition of gender discrimination, in particular in the areas of education and employment (Slovenia);

135.23 […] Continue its efforts aimed at eliminating child labour and ensuring an education with dignity and of quality for Ecuadorian children and adolescents (Venezuela);

135 .48. Continue its efforts in combating poverty, and in improving the levels of education and health of its people (Singapore)

135.53. Strengthen measures to address teenage pregnancy, promoting access to reproductive health services including sexual and reproductive health education, as well as counselling services and health care adapted to young people

135.55. Take further steps to improve the quality of education and take all measures to ensure that children complete primary and secondary school by addressing the reasons behind the non-completion of schooling; Ensure continuous progress in addressing the right to education ;Continue adopting measures to strength intercultural education and human rights education

[57] http://unpecuador.com/

[58] http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/ecuador/

;Pursue its efforts reforming the education system as it is an important element in minimizing poverty ; Develop a mechanism to gather statistics on education of indigenous groups ; Further elaborate and integrate a gender perspective in the national education system

135.56. Continue to work on the implementation of policies that guarantee respect of the rights of persons with disabilities (Venezuela); Keep on efforts, both on legal and procedural grounds, to ensure full respect and protection for the rights of persons with disabilities, including access to education and providing resources in that regard.

66. Analysis:

Ecuador has, to the extent of our knowledge, taken specific measures to ensure the right to education. The Intercultural Education Act, Ecuador seeks to ensure equal opportunities, a merit-based approach and increased transparency in access to higher education and adopts a more intercultural perspective as well as the Inclusive Programme. Ecuador has nevertheless, as far as we know, not taken additional measures toward improving sexual and reproductive health education, addressing teenage pregnancy, as well as eliminating discrimination based on gender. In addition, to the extent of our knowledge, Ecuador has not yet taken concrete additional measures towards inclusive education for disabled people and people with special needs. Furthermore, according to available information, the educational system still suffers from, lack of adequate infrastructure and a lack of qualified human resources.

67. Specific Recommendations:

1. Ecuador should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

2. Ecuador could be encouraged to further adopt and implement measures towards people with disabilities and people with special needs.

3. Ecuador could be encouraged to continue addressing discrimination based on gender through sexual and reproductive health education.

4. Ecuador should pursue its efforts to provide quality education, qualified teachers and adequate infrastructure accessible to all.

Cultural Rights

68. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)[59], the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)[60], and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)[61], Ecuador is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Ecuador is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of Opinion and Expression

69. The Government is encouraged to act on the recommendation of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression[62] requesting the Government to revise the the Communication Law of 2013.

70. Ecuador is recommended to decriminalize defamation and place it within a Civil Code that is in accordance with international standards.[63]

71. Ecuador is recommended to further facilitate the introduction of self-regulatory mechanisms among media professions.

72. The Government is urged to continue to investigate the cases of killed journalists until judicial resolution is reached. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

Freedom of scientific research and the right to benefit from scientific progress and its applications

73. Ecuador, in the framework of the 2015-2017 consultations related to the revision of the Recommendation on the Status of Scientific Researchers, as well as to its 2013-2016 monitoring exercise (November 2016 - April 2017) is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. Ecuador is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have

[59] Periodic Report available at: http://whc.unesco.org/document/123037
[60] Periodic Report available at: http://www.unesco.org/culture/ich/en/state/ecuador-EC?info=periodic-reporting
[61] Periodic Report available at: http://en.unesco.org/creativity/monitoring-report/quadrennial-reports/available-reports/periodic-report-ecuador
[62] http://lahora.com.ec/frontEnd/images/objetos/relatoria.pdf
[63] See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation. Ecuador is invited to complete the online questionnaire which has been prepared by UNESCO to guide and assist Member States with their reporting. It aims to collect, in a simplified manner, information on the extent to which Member States have mainstreamed the principles of the 1974 Recommendation in their STI and other relevant systems, focusing on issues of the promotion of respect for autonomy and independence of scientific researchers and respect for their human rights and fundamental freedoms. Responses to this questionnaire will be considered as the official national report for each Member State. The questionnaire can be completed and submitted online through the link which will be indicated in due course on the web page: http://en.unesco.org/themes/ethics-science-and-technology.